



MINISTERIAL CODE

A Code of Ethics and Procedural Guidance for Ministers

CABINET OFFICE
JULY 2005

MINISTERIAL CODE

A Code of Ethics and Procedural Guidance for Ministers

Foreword by

The Prime Minister

In issuing this Code, I should like to confirm my strong personal commitment to the bond of trust between the British people and their Government. We are all here to serve and we must serve honestly and in the interests of those who gave us our positions of trust.

I will expect all Ministers to work within the letter and spirit of the Code. For the first time, the Code is split into two parts: a Ministerial Code of Ethics, and Procedural Guidance for Ministers. This takes account of a recommendation made by the Committee on Standards in Public Life. Ministers will find it a useful source of guidance and reference as they undertake their official duties in a way that upholds the highest standards of propriety.

I believe we should be absolutely clear about how Ministers should account, and be held to account, by Parliament and the public. The first section of the Code of Ethics sets out these responsibilities clearly, including Ministers' responsibilities under the Freedom of Information Act 2000.

I commend the Ministerial Code to all of my Ministerial colleagues.

TONY BLAIR

MINISTERIAL CODE INDEX

PART I - MINISTERIAL CODE OF ETHICS

Section	Page
1 MINISTERS OF THE CROWN	1 – 2
2 MINISTERS AND APPOINTMENTS	3 – 6
Appointments by Ministers	3 – 4
Parliamentary Private Secretaries	4 – 5
Special Advisers	5 – 6
Unpaid Advisers	6
3 MINISTERS AND CIVIL SERVANTS	7 – 8
The role of the Accounting Officer	7
Civil servants and Party Conferences	7 – 8
4 MINISTERS' CONSTITUENCY AND PARTY INTERESTS	9 – 10
Parliamentary Commissioner for Administration cases	9
Deputations	9 – 10
Lottery Bids	10
Co-ordination of Government Policy	10
5 MINISTERS' PRIVATE INTERESTS	11 – 17
General Principle	11
Responsibility for avoiding a conflict	11
Procedure	11 – 12
Public Appointments	12
Non-Public Bodies	12
Trade Unions	12 – 13
Financial interests	13
Financial interests: alternatives to disposal	13
Steps to be taken where financial interests are retained	14 – 15
Partnerships	15
Directorships	15
Membership of Lloyds	15
Nomination for prizes and awards	15 – 16
Acceptance of gifts and hospitality	16
Annual List of gifts	16 – 17
Acceptance of appointments after leaving ministerial office	17
ANNEX A: THE SEVEN PRINCIPLES OF PUBLIC LIFE	18

PART II - PROCEDURAL GUIDANCE FOR MINISTERS

Section		Page
6	MINISTERS AND THE GOVERNMENT	19 – 25
	Attendance at meetings of the Privy Council	19
	Cabinet and Ministerial Committee business	19
	Ministerial Committees	19 – 20
	The priority of Cabinet meetings	20
	Preparation of business for Cabinet and Ministerial Committees	20 – 21
	Cabinet Conclusions and Ministerial Committee minutes	21 – 22
	Collective responsibility	22
	Cabinet documents	22 -23
	The Law Officers	23 – 24
	Legal Proceedings involving Ministers	24 – 25
7	MINISTERS AND PARLIAMENT	26 – 28
	Parliamentary statements and other Government announcements	26 – 28
	Supply of Parliamentary publications	28
	Money Resolutions	28
	Select Committee Reports	28
	Membership of Select Committee/All Party Parliamentary Groups	28
8	MINISTERS AND THEIR DEPARTMENTS	29 – 32
	Changes in Ministerial responsibilities	29 – 30
	Ministers outside the Cabinet	30
	Arrangements during absence from London	30 – 31
	Royal Commissions, Committees of Inquiry	31
	Contacts with outside interest groups, including Lobbyists	31
	References for constituents	31 – 32
9	MINISTERS AND THEIR PRESENTATION OF POLICY	33 – 37
	Co-ordination of Government Policy	33
	Press conferences	33
	Publication of White and Consultation Papers	33 – 34
	Speeches	34 – 35
	Broadcasts	35 – 36
	Press articles	36
	Books	36 – 37
	Party and other publications	37
	Complaints	37
	Royal Commissions	37

Section	Page	
10	MINISTERS' VISITS	38 – 41
	Ministers' visits overseas	38 – 39
	Annual PQ on Ministerial Travel	39
	Relations with other governments	39
	Visits by Commonwealth or foreign Ministers	39
	Entertainment overseas	39 – 40
	Ministers recalled from abroad	40
	Ministers' visits in the United Kingdom	40
	Expenses on travel and hospitality	40 – 41
	Air Miles	41
	Travelling expenses of spouses/partners	41
	Travelling expenses of Special Advisers	41
	Offers of hospitality, gifts etc	41
	Foreign decorations	41
11	MINISTERIAL PENSIONS	42 – 43
	Participation in the Parliamentary Contributory Pension Fund	42
	Participation in other pension schemes	42 – 43

PART I - MINISTERIAL CODE OF ETHICS

1 MINISTERS OF THE CROWN

1.1 Ministers of the Crown are expected to behave according to the highest standards of constitutional and personal conduct in the performance of their duties.

1.2 This Code provides guidance to Ministers on how they should act and arrange their affairs in order to uphold these standards. It lists the principles which may apply in particular situations drawing on past precedent. It applies to all members of the Government (and covers Parliamentary Private Secretaries in section 2).

1.3 Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Code and for justifying their actions and conduct in Parliament. The Code is not a rulebook, and it is not the role of the Secretary of the Cabinet or other officials to enforce it or to investigate Ministers although they may provide Ministers with private advice on matters which it covers.

1.4 Ministers only remain in office for so long as they retain the confidence of the Prime Minister. He is the ultimate judge of the standards of behaviour expected of a Minister and the appropriate consequences of a breach of those standards, although he will not expect to comment on every allegation that is brought to his attention.

1.5 The Code should be read against the background of the overarching duty on Ministers to comply with the law, including international law and treaty obligations, to uphold the administration of justice and to protect the integrity of public life. They are expected to observe the Seven Principles of Public Life set out in the first report of the Committee on Standards in Public Life, repeated in annex A, and the following principles of Ministerial conduct:

- a. Ministers must uphold the principle of collective responsibility;
- b. Ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of their departments and agencies;
- c. it is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister;
- d. Ministers should be as open as possible with Parliament and the public, refusing to provide information only when disclosure would not be in the public interest which should be decided in accordance with the relevant statutes and the Freedom of Information Act 2000;

e. Ministers should similarly require civil servants who give evidence before Parliamentary Committees on their behalf and under their direction to be as helpful as possible in providing accurate, truthful and full information in accordance with the duties and responsibilities of civil servants as set out in the Civil Service Code;

f. Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests;

g. Ministers should avoid accepting any gift or hospitality which might, or might reasonably appear to, compromise their judgement or place them under an improper obligation;

h. Ministers in the House of Commons must keep separate their roles as Minister and constituency Member;

i. Ministers must not use government resources for Party political purposes. They must uphold the political impartiality of the Civil Service and not ask civil servants to act in any way which would conflict with the Civil Service Code.

1.6 Ministers must also comply at all times with the requirements which Parliament itself has laid down, including in particular the Codes of Conduct for their respective Houses. For Ministers in the Commons, these are set by the Resolution carried on 19 March 1997 (Official Report columns 1046-47), and for Ministers in the Lords the Resolution can be found in the Official Report of 20 March 1997 column 1057.

2 MINISTERS AND APPOINTMENTS

Appointments by Ministers

2.1 The Prime Minister should be consulted in good time about the appointment or re-appointment of:

- a. the Chair and other Members of Royal Commissions;
- b. the Chair of and, as required, the Members of
 - i. Public Corporations;
 - ii. the most important Non-Departmental Public Bodies (both executive and advisory) and Executive Agencies;
 - iii. the more important Departmental committees, including those at 8.14(b);
- c. Heads of Non-Ministerial Departments;
- d. cases where the appointment is likely to have political significance. Ministers should take a wide view of what constitutes political significance. Even local or regional appointments may from time to time excite an unusual amount of public interest because of the circumstances surrounding the appointment or the background of the candidate. In all cases involving political considerations submissions to the Prime Minister by an appointing Minister should be copied to the Chief Whip. The Chief Whip should invariably be consulted before a Member of the House of Commons is approached about appointment to an office which would result in the vacation of a Parliamentary seat.

2.2 In all such cases, the Prime Minister will need to be informed about the particular requirements of the post, the attributes essential for a candidate and the extent to which candidates meet such requirements. In addition, the Prime Minister should be informed of other factors bearing upon the appointment of particular candidates (e.g. conflicts of interest) and all other relevant information.

2.3 A current list of individual public appointments on which the Prime Minister would expect to be consulted is held by the Public Appointments Unit in the Cabinet Office. This list has been agreed between Departments and No 10. Departments may also choose to consult the Prime Minister in other cases, depending on circumstances and bearing in mind sub-paragraph d. above. In all cases, the submission should make clear why the Prime Minister is being consulted.

2.4 In all cases falling within paragraphs 2.1 and 8.14-15 the submission which is to be put to the Prime Minister should be cleared with the Head of the Home Civil Service in advance and should indicate that any remuneration proposals have been agreed with the Treasury if necessary. No commitment should be made to any

individual before the Prime Minister has been consulted. In the case of Royal Commissions, the Private Secretary to the Prime Minister as well as the Lord Chancellor (see paragraph 8.14-15) should be consulted before any informal soundings are undertaken. In other cases, any informal soundings should be made in such a way as to preserve freedom of action and avoid any appearance of commitment.

2.5 Where there is doubt about the need for consultation with the Prime Minister, the Public Appointments Unit should be consulted.

2.6 Subject to the above paragraphs and to the constitution of the body to which the appointment is made, public (non-Civil Service) appointments are the responsibility of the Minister concerned, who should appoint the person(s) he or she considers to be best qualified for the position. In doing so, the Minister should have regard to public accountability, the requirements of the law and to *The Commissioner for Public Appointments' Code of Practice for Ministerial Appointments to Public Bodies*. The process by which such appointments are made should conform to the principles in the Code - Ministerial responsibility, merit, independent scrutiny, equal opportunities, probity, openness and transparency, and proportionality - and to the procedures set out in detail in the Code.

**Parliamentary
Private
Secretaries**

2.7 Parliamentary Private Secretaries are not members of the Government, and should be careful to avoid being spoken of as such. They are Private Members, and should therefore be afforded as great a liberty of action as possible; but their close and confidential association with Ministers imposes certain obligations on them. Official information given to them should generally be limited to what is necessary for the discharge of their Parliamentary and political duties. This need not preclude them from being brought into Departmental discussions or conferences where appropriate, but they should not have access to secret establishments, or information graded secret or above, except on the personal authority of the Prime Minister. While, as Private Members, they need not adhere to the rules on private interests which apply to Ministers, they should, as a general rule, seek to avoid a real or perceived conflict of interest between their role as a Parliamentary Private Secretary and their private interests.

2.8 Ministers choose and appoint their own Parliamentary Private Secretaries with the written approval of the Prime Minister. The Chief Whip should, however, be consulted about the choice of a Parliamentary Private Secretary; and in view of the special position which Parliamentary Private Secretaries occupy in relation to the Government, the Prime Minister's approval must also be sought before any such appointment is offered and announced.

2.9 Ministers should ensure that their Parliamentary Private Secretaries are aware of certain principles which should govern the behaviour of Parliamentary Private Secretaries in the House of Commons. Like other Private Members, Parliamentary Private Secretaries are expected to support the Government in all important divisions. However, their special position in relation to the Government imposes an additional obligation which means that no Parliamentary

Private Secretary who votes against the Government may retain his or her position. Parliamentary Private Secretaries should not make statements in the House or put Questions on matters affecting the Department with which they are connected. Parliamentary Private Secretaries are not precluded from serving on Select Committees but they should not do so in the case of inquiries into their own Minister's Departments and they should avoid associating themselves with recommendations critical of or embarrassing to the Government. They should also exercise discretion in any speeches or broadcasts which they may make outside the House, taking care not to make statements which appear to be made in an official or semi-official capacity, and bearing in mind at the same time that, however careful they may be to make it clear that they are speaking only as Private Members, they are nevertheless liable to be regarded as speaking with some of the authority which is attached to a member of the Government. Generally they must act with a sense of responsibility and with discretion; and they must not associate themselves with particular groups advocating special policies.

2.10 Parliamentary Private Secretaries making official visits in the United Kingdom may receive the normal Civil Service travelling and subsistence allowances in respect of absences on official (or Departmental) business, as would other MPs undertaking work for Government Departments. It is for the Minister concerned to decide whether or not the Parliamentary Private Secretary, when accompanying the Minister, is engaged on Departmental business. It may occasionally be useful for a Parliamentary Private Secretary to accompany the Minister on an official visit abroad but no such arrangements should be made without the prior written approval of the Prime Minister. Where a Minister has to pull out of an event (United Kingdom or overseas) at the last minute and no other Minister is available to represent the Government, a Parliamentary Private Secretary may stand in for the Minister. However, such attendance should be exceptional and very much a last resort. It is for the Minister in charge of the relevant Department to justify the use of a Parliamentary Private Secretary in individual cases. The Prime Minister's approval will be required where this involves attendance at an overseas event.

**Special
Advisers**

2.11 The employment of Special Advisers on the one hand adds a political dimension to the advice available to Ministers, and on the other provides Ministers with the direct advice of distinguished "experts" in their professional field, while reinforcing the political impartiality of the permanent Civil Service by distinguishing the source of political advice and support. With the exception of the Prime Minister, Cabinet Ministers may each appoint up to two Special Advisers. The Prime Minister may also authorise the appointment of one or two Special Advisers by Ministers who regularly attend Cabinet. The Government expects the appointment of experts normally to be made to permanent or temporary Civil Service posts in accordance with the rules of the Civil Service Commissioners. Where, however, an individual has outstanding skills or experience of a non-political kind which a Minister wishes to have available while in a particular post, the Prime Minister may exceptionally permit their appointment as an expert adviser within the usual limit of two advisers per Cabinet Minister. All appointments require the prior

written approval of the Prime Minister, and no commitments to make such appointments should be entered into in the absence of such approval. Any departures from the rule of two Special Advisers per Cabinet Minister will need to be explained publicly. All such appointments should be made, and all Special Advisers should operate, in accordance with the terms and conditions of the Model Contract for Special Advisers and the Code of Conduct for Special Advisers. The Model Contract and Code of Conduct for Special Advisers will also apply to expert advisers except for those aspects which relate to political commitment.

2.12 The responsibility for the management and conduct of Special Advisers, including discipline, rests with the Minister who made the appointment. Individual Ministers will be accountable to the Prime Minister, Parliament and the public for their actions and decisions in respect of their Special Advisers. It is, of course, also open to the Prime Minister to terminate employment by withdrawing his consent to an individual appointment.

2.13 The Government is committed to making an annual statement to Parliament setting out the numbers, names and paybands of Special Advisers, the appointing Minister and the overall salary cost. This statement will also include similar details in respect of expert and Unpaid Advisers. Where an adviser has a particular expertise or works mainly in a particular area of the department's work, this will also be indicated.

Unpaid Advisers

2.14 The appointment of an Unpaid Adviser is to provide advice to a Minister in their ministerial capacity. Such appointments are exceptional, and the prior written approval of the Prime Minister should be sought for any such appointment before a commitment is entered into. These appointments carry no remuneration or reimbursement from public funds. The appointment of an Unpaid Adviser is a personal appointment by the Minister concerned and there is no contractual relationship between such an adviser and the Department. In making an appointment Ministers must ensure that there is no conflict of interest between the matters on which the Unpaid Adviser will be advising and their private concerns. A letter of appointment must be issued by the employing Minister making this clear. Where an adviser is acting on similar terms to a Special Adviser but on an unpaid basis then they should conduct themselves as if they were a Special Adviser. As with Special Advisers, Unpaid Advisers are required to uphold the political impartiality of the Civil Service. The letter should indicate the subjects with which an Unpaid Adviser may (or may not) deal and their access to papers. The normal rules of confidentiality also apply. Unpaid Advisers are subject to the Official Secrets Act and Business Appointment Rules. Aside from the provision of a furnished office, use of a telephone, and access to typing facilities, a personal computer and internal departmental messenger system, an Unpaid Adviser should constitute no cost to the public purse. Ministers are responsible for the management and conduct of Unpaid Advisers.

3 MINISTERS AND CIVIL SERVANTS

3.1 Ministers have a duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice, in reaching policy decisions; a duty to uphold the political impartiality of the Civil Service, and not to ask civil servants to act in any way which would conflict with the Civil Service Code; a duty to ensure that influence over appointments is not abused for partisan purposes; and a duty to observe the obligations of a good employer with regard to terms and conditions of those who serve them. Civil servants should not be asked to engage in activities likely to call in question their political impartiality, or to give rise to the criticism that people paid from public funds are being used for Party political purposes.

The role of the Accounting Officer

3.2 Heads of Departments and the chief executives of executive agencies are appointed as Accounting Officers. The essence of the role is a personal responsibility for the propriety and regularity of the public finances for which he or she is responsible; for keeping proper accounts; for the avoidance of waste and extravagance; and for the efficient and effective use of resources. Accounting Officers answer personally to the Committee of Public Accounts on these matters, within the framework of Ministerial accountability to Parliament for the policies, actions and conduct of their Departments.

3.3 Accounting Officers have a particular responsibility to see that appropriate advice is tendered to Ministers on all matters of financial propriety and regularity and more broadly as to all considerations of prudent and economical administration, efficiency and effectiveness and value for money. If a Minister in charge of a Department is contemplating a course of action which would involve a transaction which the Accounting Officer considers would breach the requirements of propriety or regularity, the Accounting Officer will set out in writing his or her objection to the proposal, the reasons for the objection and the duty to inform the Comptroller and Auditor General should the advice be overruled. If the Minister decides nonetheless to proceed, the Accounting Officer will seek a written instruction to take the action in question. The Accounting Officer is obliged to comply with the instructions, send relevant papers to the Comptroller and Auditor General, and inform the Treasury of what has occurred. A similar procedure applies where the Accounting Officer has concerns as regards the value for money of a proposed course of action. The procedure enables the Committee of Public Accounts to see that the Accounting Officer does not bear personal responsibility for the actions concerned.

3.4 The role of Accounting Officers is described in detail in the Treasury memorandum, *The Responsibilities of an Accounting Officer*. There is also a Treasury handbook, *Regularity, Propriety and Value for Money*.

Civil servants and Party Conferences

3.5 Ministers should not ask civil servants to attend, or take part in, Party Conferences or meetings of policy or subject groups of any of the Parliamentary parties. In their official capacity, civil servants

should not accept invitations to conferences convened by party political organisations except when their presence is required for carrying through essential Departmental business unconnected with the conference. An exception to this rule is made for Special Advisers who, under the terms of their contracts, may attend Party functions, including the annual Party conference (but they may not speak publicly at the conference) and maintain contact with Party members. Further guidance is available in the *Directory of Civil Service Guidance, Volume 2* (www.cabinet-office.gov.uk/guidance). If a Minister wishes to have a factual brief for a party political occasion to explain Departmental policies or actions, there is no reason why this should not be provided.

4 MINISTERS' CONSTITUENCY AND PARTY INTERESTS

4.1 It is wrong in principle for Ministers to use for Party or constituency work facilities provided at Government expense to enable them to carry out their official duties. This point of principle is reflected in the entitlement of Ministers to a Parliamentary salary in recognition of the time spent in attending to the interests of their constituents, and to the reimbursement of their secretarial expenses and the expenses of living away from home when attending to constituency business, within the limits prescribed by the relevant Resolutions of the House of Commons. Ministers should thus have their constituency work done at their own expense, as they would if they were private Members of Parliament.

4.2 Government property should not generally be used for constituency work or party activities. A particular exception is recognised in the case of Nos. 10 and 11 Downing Street, Carlton Gardens and other official residences where senior Ministers are required to live for the purposes of the job. Where Ministers host Party events in these residences or other Government property, it should be at their own or Party expense with no cost falling to the public purse.

4.3 Where Ministers have to take decisions within their Departments which might have an impact on their own constituencies, they should, of course, take particular care to avoid any possible conflict of interest, see paragraph 4.6.

Parliamentary Commissioner for Administration cases

4.4 Ministers in the Commons who are asked by members of the public to submit cases to the Parliamentary Commissioner for Administration (PCA) should, where possible, act no differently from other MPs. Ministers should accordingly consider requests on their merits in deciding whether to refer complaints to the PCA, to take them up with the Minister of the Department concerned, to refer the case to another MP (where the complaint is not from a constituent of the Minister) or to decline to take action. Any Minister who has in mind the reference of a case to the PCA would naturally wish to inform in advance the Minister of the Department concerned.

4.5 Where a complaint from a constituent is against the Minister's own Department the Minister will generally wish to investigate it personally unless he or she, or one of the other Ministers in the Department, has already been directly involved in the case. Where a Minister has been so involved, the PCA should be asked to investigate if the case is within his jurisdiction; and there may be other circumstances in which a Minister will prefer to refer a case to the PCA straight away.

Deputations

4.6 Ministers are free to make their views about constituency matters known to the responsible Minister by correspondence, leading deputations or by personal interview provided they make clear that they are acting as their constituents' representative and not as a Minister. Particular problems arise over views expressed on planning applications and certain other cases involving exercise of

discretion by Ministers (e.g. on school or hospital closures, highway or power station inquiries) in which representations intended to be taken into account in reaching a decision may have to be made available to other parties and thus may well receive publicity. Ministers are advised to take particular care in such cases to represent the views of their constituents rather than express a view themselves; but when they find it unavoidable to express a view they should ensure that their comments are made available to the other parties, avoid criticism of Government policies, confine themselves to comments which could reasonably be made by those who are not Ministers, and make clear that the views they are putting forward are ones expressed in their capacity as constituency MPs. Once a decision has been announced, it should be accepted without question or criticism. It is important, in expressing such views, that Ministers do so in a way that does not create difficulty for Ministers who have to take the decision and that they bear in mind the Government's collective responsibility for the outcome. Ministers should also take account of any potential implications which their comments could have on their own Departmental responsibilities. Particular care needs to be taken over cases in which a Minister may have a personal interest or connection, for example because they concern family, friends or employees. If, exceptionally, a Minister wishes to raise questions about the handling of such a case they should write to the Minister responsible, as with constituency cases, but they should make clear their personal connection or interest. The responsible Minister should ensure that any inquiry is dealt with rigorously and without special treatment.

4.7 Parliamentary Private Secretaries, particularly those in Departments with planning responsibilities should take special care when making representations to Ministers about planning issues. In particular, they should not discuss planning cases with interested parties or imply that they have any influence over planning decisions. In representing their constituency interests they should abide by the guidance in paragraph 4.6.

Lottery Bids

4.8 In order to avoid the impression that Ministers are seeking to influence decisions on awards of Lottery money, Ministers should not normally give specific public support for individual applications for Lottery funding. Where a Minister is the constituency MP for a potential Lottery application he or she should be guided by the principles set out in paragraph 4.6. Ministers lending support to a specific project should do so on the very clear understanding that it is in a constituency capacity.

Co-ordination of Government Policy

4.9 Official facilities financed out of public funds can be used for Government publicity and advertising, but may not be used for the dissemination of material which is essentially party political. The conventions governing the work of the Government Communication Network are set out in *Guidance on Government Communications*.

5 MINISTERS' PRIVATE INTERESTS

General principle

5.1 Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests, financial or otherwise.

Responsibility for avoiding a conflict

5.2 It is the personal responsibility of each Minister to decide whether and what action is needed to avoid a conflict or the perception of a conflict, and to defend that decision, if necessary by accounting for it in Parliament. The role of the Permanent Secretary is to ensure that advice is available when it is sought by the Minister, either by providing it personally, drawing on precedent and if need be other parts of government including the Secretary of the Cabinet, or to arrange for expert or professional advice from inside or outside Government. In cases of serious difficulty or doubt the matter may be referred to the Prime Minister for a view. But ultimately it is the responsibility of Ministers individually to order their own private lives in such a way as to avoid criticism, and the final decision about what action to take to achieve that is theirs.

Procedure

5.3 On appointment to each new office, Ministers are advised to provide their Permanent Secretary with a full list in writing of all interests which might be thought to give rise to a conflict. The list should cover not only the Minister's personal interests but those of a spouse or partner, of children who are minors, of trusts of which the Minister or a spouse or partner is a trustee or beneficiary, or of closely associated persons. The list should cover all kinds of interest including financial instruments and partnerships, financial interests such as unincorporated businesses and real estate, as well as relevant non-financial private interests such as links with outside organisations, and previous relevant employment.

5.4 On receipt of the written list the Permanent Secretary will arrange a meeting with the Minister to discuss it and to consider what advice is necessary and from what source, and what further written information is needed. The Permanent Secretary will stand ready either to give a considered view on the issues which the Minister raises, drawing on precedent and the help of the Cabinet Office as necessary, or to arrange for expert or professional advice also to be made available to the Minister from inside or outside government. At the end of the exercise Ministers are advised to record in writing what action has been considered and taken, and to provide the Permanent Secretary with a copy of that record.

5.5 Where it is proper for a Minister to retain a private interest it is the rule that he or she should declare that interest to Ministerial colleagues if they have to discuss public business which in any way affects it and that the Minister should remain entirely detached from the consideration of that business. Similar steps may be necessary if a matter under consideration in the Department relates in some way to a Minister's previous or existing private interests such that there is or may be thought to be a conflict of interest. Particular care needs to be taken where financial interests are involved: see paragraphs 5.11 to 5.18 below.

5.6 The personal information which Ministers disclose to those who advise them is treated in confidence. Should the Department receive a request for this information it will take account of a range of factors including the confidentiality of the information. The relevant Minister will also be consulted and his or her views taken into account before a decision would be made on disclosure. If an allegation is made that a particular Minister has a conflict of interest it must be for that Minister to explain their position and justify what has been done. In doing so, they may wish to make public the list of their private interests (required under paragraph 5.3) and the steps taken to avoid an actual or perceived conflict. It is open to them if they wish to confirm (if it is the case) that they have consulted their Permanent Secretary in accordance with the Code. The Minister should however consult the Permanent Secretary about the content of any such statement before making it to ensure that there is agreement about the content, and any disagreement should be referred to the Prime Minister.

5.7 The intention of these procedures is not to inhibit the holding of Ministerial office by individuals with wide experience, whether of industry, a profession or some other walk of life, but to ensure that systemic steps are taken to avoid the danger of an actual or perceived conflict of interest. The following paragraphs set out in more detail particular measures which should be taken based on experience over successive governments.

Public appointments

5.8 When they take up office Ministers should give up any other public appointment they may hold. Where it is proposed that such an appointment should be retained, the Prime Minister must be consulted.

Non-Public Bodies

5.9 Ministers should take care to ensure that they do not become associated with non-public organisations whose objectives may in any degree conflict with Government policy and thus give rise to a conflict of interest. Hence Ministers should not normally accept invitations to act as patrons of or otherwise offer support to pressure groups, or organisations dependent in whole or in part on Government funding. There is normally less objection to a Minister associating him or herself with a charity (subject to the points above) but Ministers should take care to ensure that in participating in any fund-raising activity, they do not place, or appear to place, themselves under an obligation as Ministers to those to whom appeals are directed (and for this reason they should not normally approach individuals or companies personally for this purpose). In any case of doubt, the Prime Minister should be consulted before a Minister accepts an association with such bodies. Ministers should also exercise care in giving public support for petitions, open letters etc.

Trade Unions

5.10 There is, of course, no objection to a Minister holding trade union membership but care must be taken to avoid any actual or perceived conflict of interest. Accordingly, Ministers should arrange their affairs so as to avoid any suggestion that a union of which they are a member has any undue influence; they should take no active

part in the conduct of union affairs, should give up any office they may hold in a union and should receive no remuneration from a union (a nominal payment purely for the purpose of protecting a Minister's future pension rights is acceptable).

Financial interests

5.11 Ministers must scrupulously avoid any danger of an actual or apparent conflict of interest between their Ministerial position and their private financial interests. In order to avoid such a danger, they should be guided by the general principle that they should either dispose of any financial interest giving rise to the actual or apparent conflict or take alternative steps to prevent it. It is particularly important that the procedure described in paragraphs 5.3 and 5.4 is followed in the case of financial interests. The Permanent Secretary as Accounting Officer has a personal responsibility for financial propriety and regularity across the Department's business, and his or her advice must be given particular weight where such issues arise.

5.12 Two particular ways in which a conflict of financial interest, or the perception of it, can arise are as follows:

- a. from the exercise of powers or other influence in a way that does or could be considered to affect the value of interests held; or
- b. from using special knowledge acquired in the course of their Ministerial activities in ways which bring benefit or avoid loss (or could arouse reasonable suspicion of this) in relation to their private financial interests.

5.13 Apart from the risk to the Minister's reputation, two legal obligations must be born in mind:

- a. any exercise or non-exercise by a Minister (including a Law Officer) of a legal power or discretion or other influence on a matter in which the Minister has a pecuniary interest could be challenged in the courts and, if the challenge is upheld, could be declared invalid. The courts interpret conflict of interest increasingly tightly;
- b. Ministers are bound by the provisions of Part V of the Criminal Justice Act 1993 in relation to the use or transmission of unpublished price-sensitive information obtained by virtue of their Ministerial office.

Financial interests: alternatives to disposal

5.14 If for any reason the Minister is unable or unwilling to dispose of a relevant interest, he or she should consider, with the advice of the Permanent Secretary of the Department and, where necessary, an external adviser what alternative measures would sufficiently remove the risk of conflict. These fall into two types: those relating to the interests themselves, and those relating to the handling of the decisions to be taken or influenced by the Minister.

Steps to be taken where financial interests are retained

5.15 As regards steps other than disposal which might be taken in relation to interests, the Minister might consider placing all investments (including derivatives) into a 'blind' trust, i.e. one in which the Minister is not informed of changes in investments or of the state of the portfolio, but is still fully entitled to receive regular reports on the performance of the trust, and to receive both the capital and income generated. A blind trust is only blind in the case of a widely-spread portfolio of interests, managed by external advisers. Once a blind trust has been established the Minister should not be involved or advised of decisions on acquisition or disposal relating to the portfolio, although he can advise on the overall structure of the portfolio to be acquired. Ministers should remember that Part VI of the Companies Act 1985 allows companies to require information as to the true owners of its shares, which could result in the fact of a Minister's interest becoming public knowledge despite the existence of a trust. It should also be remembered that even with a trust the Minister could be assumed to know the contents of the portfolio for at least a period after its creation, so the protection a trust offers against conflict of interest is not complete. Alternatively a power of attorney may be suitable. However, this is a complex area and the Minister should seek professional advice because, among other things there may be tax consequences in establishing this kind of arrangement.

5.16 Another step which (perhaps in conjunction with other steps) might provide a degree of protection would be for the Minister to accept an obligation to refrain from dealing in the relevant shareholdings etc for a period.

5.17 Unless adequate steps can be taken in relation to the financial interests themselves, the Minister and the Department must put processes in place to prohibit access to certain papers and ensure that the Minister is not involved in certain decisions and discussions. The extent to which this can be done depends on the specific powers under which the Minister would be required to take decisions. For example:

- a. in the case of a junior Minister, it should be possible for the Ministerial head of the Department to take the decision or for the case to be handled by another junior Minister in the Department;
- b. in the case of the Ministerial head of Department or the holder of a specific office in whom powers are vested, it will normally be possible without risk of legal challenge to pass the handling of the matter to a junior Minister or appropriate official in the Department, or, exceptionally, to another Secretary of State. In such cases, legal advice should always be sought to ensure that the relevant powers can be exercised in this way.

5.18 In some cases, it may not be possible to devise such a mechanism to avoid actual or perceived conflict of interest, for example because of the nature or size of the investment or the nature of the Department's work. In such a case, or in any case where, after taking legal advice and the advice of the Permanent

Secretary, the Minister is in doubt whether adequate steps have been or can be taken, he or she should consult the Prime Minister. In such a case it may be necessary for the Minister to cease to hold the office in question.

Partnerships 5.19 Ministers who are partners, whether in professional firms, for example solicitors, accountants etc, or in other businesses, should, on taking up office, cease to practise or to play any part in the day-to-day management of the firm's affairs. They are not necessarily required, however, to dissolve their partnership or to allow, for example, their annual practising certificate to lapse. Beyond this it is not possible to lay down precise rules applicable to every case; but any continuing financial interest in the firm would make it necessary for the Minister to take steps to avoid involvement in relevant decisions, as described in paragraph 5.17 above. Ministers in doubt about their personal position should consult the Prime Minister.

Directorships 5.20 Ministers must resign any directorships they hold when they take up office. This applies whether the directorship is in a public or private company and whether it carries remuneration or is honorary. The only exception to this rule is that directorships in private companies established in connection with private family estates or in a company formed for the management of flats of which the Minister is a tenant may be retained subject to the condition that if at any time the Minister feels that conflict is likely to arise between this private interest and public duty, the Minister should even in those cases resign the directorship. Directorships or offices held in connection with charitable undertakings should also be resigned if there is any risk of conflict arising between the interests of the undertakings and the Government.

Membership of Lloyds 5.21 A Minister holding office as Prime Minister, Chancellor of the Exchequer or Secretary of State for Trade and Industry, or a Minister holding office as a Minister in the Treasury who is responsible under the Chancellor of the Exchequer for taxation matters relating specifically to Lloyd's, or as a Minister in the Department of Trade and Industry responsible under the Secretary of State for Trade and Industry for insurance matters relating specifically to Lloyd's, should not become an underwriting member of Lloyd's. Such a Minister, if already a member of Lloyd's on appointment, should cease underwriting during tenure of office.

5.22 Other Ministers who are underwriting members of Lloyd's should not take an active part in the management of the affairs of syndicates of which he/she is a member, and should on appointment as a Minister withdraw from any such active participation in its management. Ministers with underwriting connections to Lloyd's (whether past or present) should seek the advice of their Permanent Secretary as there can be implications for handling Departmental or collective discussions or decisions which are not always obvious.

Nomination for prizes and awards 5.23 From time to time, the personal support of Ministers is requested for nominations being made for international prizes and awards, e.g. the annual Nobel prizes. Ministers should not sponsor individual nominations for any awards, since it would be inevitable

that some people would assume that the Government was itself thereby giving its sponsorship.

Acceptance of gifts and hospitality

5.24 It is a well established and recognised rule that no Minister or public servant should accept gifts, hospitality or services from anyone which would, or might appear to, place him or her under an obligation. The same principle applies if gifts etc are offered to a member of their family.

5.25 This is primarily a matter which must be left to the good sense of Ministers. But any Minister in doubt or difficulty over this should seek the Prime Minister's guidance. The same rules apply to the acceptance of gifts from donors with whom a Minister has official dealings in this country as to those from overseas (paragraph 10.19), that is:

- a. Receipt of gifts should be reported to the Permanent Secretary;
- b. Gifts of small value (currently this is set at up to £140) may be retained by the recipient;
- c. Gifts of a higher value should be handed over to the Department for disposal, except that:
 - i. the recipient may purchase the gift at its cash value (abated by £140);
 - ii. if the Department judges that it would be of interest, the gift may be displayed or used in the Department;
 - iii. if the disposal of the gift would cause offence or if it might be appropriate for the recipient to use or display the gift on some future occasion as a mark of politeness, then the gift should be retained in the Department for this purpose for a period of up to five years;
- d. Gifts received overseas worth more than the normal travellers' allowances should be declared at importation to Customs and Excise who will advise on any duty and tax liability. In general, if a Minister wishes to retain a gift he or she will be liable for any tax or duty it may attract.

5.26 Gifts given to Ministers in their Ministerial capacity become the property of the Government and do not need to be declared in the Register of Members' or Peers' Interests. Gifts given to Ministers as constituency MPs or members of a political Party fall within the rules relating to the Registers of Members' and Peers' Interests.

Annual List of Gifts

5.27 The Government publishes an annual list of gifts received by Ministers valued at more than £140. The list provides details of the value of the gifts and whether they were retained by the department or purchased by the Minister. Departments must ensure that they

maintain records of gifts received in such a way as to be able to provide this information on an annual basis to the Cabinet Office.

5.28 In the event of a Minister accepting hospitality on a scale or from a source which might reasonably be thought likely to influence Ministerial action, it should be declared in Register of Members' or Peers' Interests. Registration of hospitality would normally be required for hospitality over £550¹ in value for the Commons and £1000¹ for the Lords.

Acceptance of appointments after leaving ministerial office

5.29 On leaving office, Ministers should seek advice from the independent Advisory Committee on Business Appointments about any appointments they wish to take up within two years of leaving office. This is not necessary for unpaid appointments in non-commercial organisations or appointments in the gift of the Government, such as Prime Ministerial appointments to international organisations. Although it is in the public interest that former Ministers should be able to move into business or other areas of public life, it is equally important that there should be no cause for any suspicion of impropriety about a particular appointment. The Advisory Committee may recommend a delay of up to two years before the appointment is taken up if:

- a. an appointment could lead to public concern that the statements and decisions of the Minister, when in Government, have been influenced by the hope or expectation of future employment with the firm or organisation concerned;
- b. an employer could make improper use of official information to which a former Minister has had access.

¹ These figures will be updated from time to time by the Houses.

The Seven Principles of Public Life

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

PART II - PROCEDURAL GUIDANCE FOR MINISTERS

6 MINISTERS AND THE GOVERNMENT

Attendance at meetings of the Privy Council

6.1 Once a Minister has accepted a Summons to a meeting of the Privy Council this should take precedence over all other engagements. If a Minister is subsequently unable to attend because of illness, or an inescapable public duty, the Clerk of the Council must be informed immediately. If a Minister has a meeting immediately before a Council, the agenda should be arranged to leave ample time to reach the Palace. In no circumstances is it permissible for a Minister not to attend because an earlier meeting has overrun its time. The failure of a Minister to attend a Council after a summons has been accepted is not only discourteous to The Queen but could result in no quorum being present to transact essential Government business.

Cabinet and Ministerial Committee business

6.2 The business of the Cabinet and Ministerial Committees consists in the main of:

- a. questions which significantly engage the collective responsibility of the Government because they raise major issues of policy or because they are of critical importance to the public;
- b. questions on which there is an unresolved argument between Departments.

6.3 Matters wholly within the responsibility of a single Minister and which do not significantly engage collective responsibility as defined above need not be brought to the Cabinet or to a Ministerial Committee unless the Minister wishes to inform his colleagues or to have their advice. A precise definition of such matters cannot be given: in borderline cases a Minister is advised to seek collective consideration. Questions involving more than one Department should be examined interdepartmentally, before submission to a Ministerial Committee, so that the decisions required may be clearly defined.

Ministerial Committees

6.4 The Cabinet is supported by Ministerial Committees which have a two-fold purpose. First, they relieve the pressure on the Cabinet itself by settling as much business as possible at a lower level or, failing that, by clarifying the issues and defining the points of disagreement. Second, they support the principle of collective responsibility by ensuring that, even though an important question may never reach the Cabinet itself, the decision will be fully considered and the final judgement will be sufficiently authoritative to ensure that the Government as a whole can be properly expected to accept responsibility for it. When there is a difference between Departments, it should not be referred to the Cabinet until other means of resolving it have been exhausted, including personal correspondence or discussions between the Ministers concerned.

6.5 If the Ministerial Committee system is to function effectively, appeals to the Cabinet must be infrequent. Those who chair Committees are required to exercise their discretion in advising the

Prime Minister whether to allow them. The only automatic right of appeal is if Treasury Ministers are unwilling to accept expenditure as a charge on the reserve; otherwise the Prime Minister will entertain appeals to the Cabinet only after consultation with the Minister who chairs the Committee concerned. Departmental Ministers should normally attend in person meetings of Committees of which they are members or to which they are invited. Unless they make it possible for their colleagues to discuss with them personally issues which they consider to be important, they cannot - except where their absence is due to factors outside their control - expect the Prime Minister to allow an appeal against an adverse decision taken in their absence.

The priority of Cabinet meetings

6.6 Cabinet meetings take precedence over all other business except meetings of the Privy Council, although it is understood that Ministers may occasionally have to be absent for reasons of Parliamentary business. Requests by Cabinet Ministers for permission to be absent should be made only in the most exceptional circumstances, and should be made at the earliest opportunity and in writing to the Prime Minister, copied to the Secretary of the Cabinet. A minute is not necessary when the reason for absence from Cabinet is an overseas visit for which the Prime Minister's approval has already been obtained. As is indicated in paragraph 10.2(a), a copy of the letter seeking the Prime Minister's approval for the overseas visit or absence for any other reason should be sent to the Secretary of the Cabinet. (See paragraph 6.5 above for attendance at Cabinet Committees.)

6.7 In order not to disturb the proceedings of the Cabinet and Ministerial Committees, Ministers should see that messages are not sent to them during meetings unless this is absolutely essential. A Minister invited to attend for a particular item will be called into the meeting by the Prime Minister's Private Secretary (or the Secretary of the Committee) as soon as the item for which he or she is required has been reached.

Preparation of business for Cabinet and Ministerial Committees

6.8 Guidelines on the conduct of Cabinet and Ministerial Committee business are set out in *Cabinet Committee Business* published by the Cabinet Office. This is expected to be replaced by Autumn 2005 with a website on the Cabinet Secretariat and Cabinet Committees. In all cases the Secretary should be given at least seven full working days' notice of any business likely to require substantive policy discussion (including business to be raised orally) which a Minister wishes to bring before the Cabinet or a Committee. Papers should be circulated in sufficient time to enable Ministers to read and digest them, and to be properly briefed. Papers for Cabinet and Ministerial Committees should be circulated at least four full working days in advance of the meeting at which they are to be discussed. Where a Minister wishes to advise Cabinet of an issue on which no substantive policy discussion is expected, the Private Office should alert the Secretary of the Cabinet in the morning of the day before Cabinet.

6.9 Ministers' Private Secretaries can help the Secretary by indicating where Ministers other than members of the Cabinet are likely to be concerned with a subject, so that arrangements may be made for their attendance.

6.10 It is the responsibility of the initiating Department to ensure that proposals have been discussed with other interested Departments and the results of these discussions reflected in the memorandum submitted to Cabinet or a Ministerial Committee. Proposals involving expenditure or affecting general financial policy should be discussed with the Treasury before being submitted to the Cabinet or a Ministerial Committee. The result of the discussion together with an estimate of the cost to the Exchequer (or estimates, including the Treasury's estimate, if the Department and the Treasury disagree) should be included, along with an indication of how the cost would be met (e.g. by offsetting savings). The estimate of the cost should identify any impact on other Departments. The list of other Departments to be consulted will depend on the proposal but, as a general guide, proposals involving legal implications, especially if there is a risk of successful legal challenge, should be cleared with the Law Officers. The Scotland Office, Northern Ireland Office and Wales Office must be consulted where proposals have implications for their areas of responsibility. Papers should also include a Regulatory Impact Assessment; confirmation that the European Law Checklist has been followed if European requirements are being implemented; any significant costs or benefits to the environment; any change in local government responsibilities; consequences for European Union, European Court of Human Rights and other international obligations; and presentational aspects including, where appropriate, a draft statement or announcement. If, exceptionally, papers are circulated as minutes addressed to the Prime Minister, they are subject to the same requirements.

6.11 These rules do not limit the right of Ministers to submit to the Cabinet memoranda setting out their views on general issues of policy.

6.12 Papers for the Cabinet and Committees of the Cabinet should be as clear and as brief as possible. They should not normally exceed three pages at most, and the Cabinet Office may not accept an over-long paper for circulation. Time spent in making a paper short and clear is saved many times over in reading and in discussion; and it is the duty of Ministers to ensure that this is done and that, where necessary, papers submitted to them are revised accordingly. The model paper explains at the outset what the problem is, indicates briefly the relevant considerations, and concludes with a precise statement of the decisions sought. Paragraphs should be numbered for ease of reference. Detailed analysis and argument, together with supplementary detail, should be dealt with, where necessary, in annexes.

**Cabinet
Conclusions
and Ministerial
Committee
minutes**

6.13 The record of Cabinet and Committee proceedings is limited to the conclusions reached and such summary of the discussion as is necessary for the guidance of those who have to take action. The Cabinet Office is instructed to avoid, so far as practicable, recording the opinions expressed by particular Ministers. Matters of special secrecy or political sensitivity may be recorded in a limited circulation annex.

6.14 Any suggestions for amendment of Cabinet Conclusions or

Committee minutes must reach the Secretary not later than 24 hours after the circulation of the minutes.

6.15 Ministers are responsible for instructing their Departments to give effect to the conclusions of the Cabinet or of one of its Committees, and for telling subordinate Departments or branches about decisions affecting them. When immediate action is required by a Department not represented at the meeting, the Secretary will ensure that the Department concerned is notified forthwith. Where urgent action has to be taken by a Department, the Department may ask the Secretary for an advance copy of the relevant conclusions.

**Collective
responsibility**

6.16 The internal process through which a decision has been made, or the level of Committee by which it was taken, should not be disclosed. Decisions reached by the Cabinet or Ministerial Committees are binding on all members of the Government. They are, however, normally announced and explained as the decision of the Minister concerned. On occasions it may be desirable to emphasise the importance of a decision by stating specially that it is the decision of Her Majesty's Government. This, however, is the exception rather than the rule.

6.17 Collective responsibility requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy of opinions expressed in Cabinet and Ministerial Committees should be maintained. Moreover Cabinet and Committee documents will often contain information which needs to be protected in the public interest. It is therefore essential that, subject to the requirements on the disclosure of information set out in the Freedom of Information Act 2000, Ministers take the necessary steps to ensure that they and their staff preserve the privacy of Cabinet business and protect the security of Government documents.

6.18 The principle of collective responsibility and the need to safeguard national security, relations with other countries and the confidential nature of discussions between Ministers and their civil servants impose certain obligations on former Ministers who are contemplating the publication of material based upon their recollection of the conduct of Government business in which they took part. They are required to submit their draft manuscript to the Secretary of the Cabinet for comment and approval and to conform to the principles set out in the Radcliffe Report of 1976 (Cmnd 6386) (see also paragraph 9.17).

**Cabinet
documents**

6.19 Ministers relinquishing office without a change of Government should hand over to their successors those Cabinet documents required for current administration and should ensure that all others have been destroyed. Former Ministers may at any time, and subject to undertakings to observe the conventions governing Ministerial memoirs, have access in the Cabinet Office to copies of Cabinet or Ministerial Committee papers issued to them while in office.

6.20 On a change of Government, the outgoing Prime Minister

issues special instructions about the disposal of the Cabinet papers of the outgoing Administration.

6.21 Some Ministers have thought it wise to make provision in their wills against the improper disposal of any official or Government documents which they might have retained in their possession by oversight.

**The Law
Officers**

6.22 The Law Officers¹ must be consulted in good time before the Government is committed to critical decisions involving legal considerations. It will normally be appropriate to consult the Law Officers in cases where:

- a. the legal consequences of action by the Government might have important repercussions in the foreign, European Union or domestic field;
- b. a Departmental Legal Adviser is in doubt concerning:
 - i. the legality or constitutional propriety of proposed primary or subordinate legislation which Government proposes to introduce; or
 - ii. the vires of proposed subordinate legislation; or
 - iii. the legality of proposed administrative action, particularly where that action might be subject to challenge in the courts;
- c. Ministers, or their officials, wish to have the advice of the Law Officers on questions involving legal considerations, which are likely to come before the Cabinet or Cabinet Committee;
- d. there is a particular legal difficulty (including one which arises in the context of litigation) which may raise sensitive policy issues;
- e. two or more Departments disagree on legal questions and wish to seek the view of the Law Officers.

6.23 By convention, written opinions of the Law Officers, unlike other Ministerial papers, are generally made available to succeeding Administrations.

6.24 When advice from the Law Officers is included in correspondence between Ministers, or in papers for the Cabinet or Ministerial Committees, the conclusions may if necessary be summarised but, if this is done, the complete text of the advice should be attached.

6.25 The fact that the Law Officers have advised (or have not advised) and the content of their advice must not be disclosed outside

¹ The Attorney General, Solicitor General and Advocate General for Scotland.

Government without their authority.

**Legal
proceedings
involving
Ministers**

6.26 Where Ministers become involved in legal proceedings, there may be implications for them in their official positions. Defamation is an example of an area where proceedings will invariably raise issues for the Minister's official as well as his or her private position. But almost any type of legal proceedings in which a serving Minister becomes involved – for example, an action to recover a debt – may turn out to have wider ramifications and is always capable of attracting considerable publicity as a consequence of the Minister's position. In all such cases, Ministers should consult the Law Officers so that they may offer guidance on the potential implications and handling of the proceedings. As regards the timing of an approach to the Law Officers, the following should be applied:

a. a Minister should consult the Law Officers as soon as he or she is minded to threaten legal proceedings or to take any action – for example, writing a hostile letter – which might be perceived as being the first step towards litigation. He or she should certainly consult the Law Officers before instructing solicitors to commence legal proceedings, and ideally before making any approach to solicitors;

b. similarly, when a Minister is a defendant in an action, he or she should notify the Law Officers as soon as possible. Preferably, this should be before he or she has instructed his own solicitors in the matter but, in any event, the Law Officers should be notified as soon as the Minister is aware that legal proceedings are threatened;

c. it is not necessary for the Law Officers to be consulted before a Minister seeks legal advice on a matter, provided that the Minister at that time has no intention to commence proceedings and there is no indication that proceedings are to be commenced against him;

d. a Minister may become involved in proceedings other than as a party – for example, if he or she is a witness in proceedings. A Minister who agrees to volunteer a statement for one side rather than another in such a case may, for example, inadvertently give the appearance that the Crown is backing one side in private litigation. More seriously, acting as witness may carry a risk that the Minister is asked to disclose sensitive information or documents for which public interest immunity should be claimed, and in those circumstances the Law Officers need to be alerted to that possibility from the outset. In these circumstances, the Minister should inform the Law Officers as soon as he or she is aware of his or her potential involvement in the proceedings.

6.27 In criminal proceedings the Law Officers act wholly independently of the Government. In civil proceedings a distinction is to be drawn between proceedings in which the Law Officers are involved in a representative capacity on behalf of the Government, and

action undertaken by them in the general interest, for example, to enforce the law on behalf of the general community.

7 MINISTERS AND PARLIAMENT

Parliamentary statements and other Government announcements

7.1 When Parliament is in session, the most important announcements of Government policy should be made, in the first instance, in Parliament. Even when Government announcements are not of major importance their timing may require careful consideration in order to avoid clashes with other Government publications, statements or announcements or with the planned Parliamentary business. The Leader of the House of Commons, the Chief Whip and the No 10 Press Office should be given as long an opportunity as possible, and wherever possible at least two working days, to comment on the content and timing of all important Government announcements, whether in the form of a Written Ministerial Statement or an oral statement in Parliament, White Paper or press conference. Whenever possible they should also be shown the draft announcement in advance.

7.2 If too many announcements are made by oral statement at the end of Questions, Parliamentary business could be hindered. Nevertheless, careful consideration should be given in the case of important or particularly sensitive issues to the desirability of making an oral statement rather than an announcement by Written Ministerial Statement. Ministers proposing to make a statement after Questions (whether or not it is related to a Question on the order paper) or to answer a Question by leave at the end of Questions or to make an important announcement by means of a Written Ministerial Statement are therefore asked to conform with the following procedure:

a. as much notice as possible of the intention to make an announcement should be given to (i) the Prime Minister's Private Secretary; (ii) the Private Secretary to the Leader of the House of Commons; (iii) the Private Secretary to the Chief Whip; (iv) the No 10 Press Office. This notification should indicate the broad content of the proposed announcement; if necessary, why an oral statement is thought to be appropriate; and an indication whether the policy with which it is concerned has been approved by Ministers, including references to relevant discussions in Cabinet or Cabinet Committees. If agreement in principle is given, a draft of the oral statement or Written Ministerial Statement should be circulated to the same recipients as soon as possible, having been approved in broad terms, though not necessarily in detail, by the Minister in charge of the Department. Draft statements or answers should be accompanied by background notes which identify the likely points of attack and suggest how these can best be met;

b. in the case of announcements by Written Ministerial Statement, particular care must be taken to avoid making a press announcement before the Written Ministerial Statement has been made available to the House. Written Ministerial Statements can be made after 9.30am each day. On a Monday where there is an accompanying document

which needs to be laid before both Houses, the Written Ministerial Statement can be made after 11.30am. When making an announcement Written Ministerial Statements should be issued in both Houses.

7.3 Ministers should not give undertakings, either in or outside the House of Commons, that an oral statement will be made to the House on any subject at a specific time or within a particular period until agreement has been given by the Private Secretaries to the Prime Minister, the Leader of the House of Commons and the Chief Whip, to the proposed timing and by the Ministers concerned to the terms of the statement.

7.4 Ministers will be conscious of the pressures of other Parliamentary business when deciding on the timing of statements. For example, on Thursdays a considerable amount of Parliamentary time after Questions is already pre-empted by discussion of the following week's business. It is also desirable, except in special circumstances, to avoid oral statements on Fridays:

- a. copies of the final version of such announcements should be sent to the Private Secretaries to the Prime Minister, the Leader of the House and the Chief Whip and to the No 10 Press Office as soon as they are available;
- b. a copy of the text of any oral statement to be made at the end of Questions should usually be shown to the Opposition Parties shortly before it is made. For this purpose fifteen extra copies of the final text must reach the office of the Chief Whip in the House of Commons as early as possible and in any case not later than 2.45 pm (Monday and Tuesday), 11.45 am (Wednesday), 10.45 am (Thursday) or 10.15 am (Friday) on the day on which the statement is to be made;
- c. a copy of the final text of an oral statement should in all cases be sent in advance to the Speaker;
- d. the texts of oral statements should be made available in the Vote Office as soon as the Minister responsible for making the statement stands up. However, there may be occasions when this will not be possible, for example, for reasons of market confidentiality (e.g. the Budget). All advance copies will be released on the assumption that Ministers can and will make changes to the statements up to and including the point when they are at the Despatch Box;
- e. every effort must be made to ensure that where a former Minister or a Ministerial colleagues and/or a fellow MP is mentioned in a statement or report which prompts a Ministerial statement, he or she is given as much notice as is reasonably possible. The current practice is that those concerned should be given a copy of the report on the morning of the announcement;

f. both the Leader and the Chief Whip of the House of Lords should be informed of a forthcoming oral statement in the House of Commons and consulted about the desirability of repeating it in the Lords;

g. a copy of any important Ministerial statement as actually delivered should be placed as quickly as possible in the Library of the House. This gives Members an opportunity of studying it in advance of publication in the Official Report.

7.5 Every effort should be made to avoid leaving significant announcements to the last day before a Recess.

**Supply of
Parliamentary
publications**

7.6 A Minister in charge of an item of business in the House of Commons must ensure that reasonable numbers of copies of any documents published during the last two Sessions which may be needed for the debate are placed in the Vote Office and is responsible for supplying the House of Commons Library in advance with a list of all those older papers which the Minister considers relevant to the item. When any document is out of print the Minister should decide whether or not a reprint is required. Where any doubt exists about the need for any document to be available for a debate the Minister's Private Secretary should consult the Chief Whip's Private Secretary. Similar arrangements should be made with the Chief Whip's or the Leader's offices for debates in the House of Lords.

**Money
Resolutions**

7.7 All Money Resolutions are placed on the order paper in the name of the Financial Secretary, Treasury. But he or she is not responsible for seeing a Resolution through the House of Commons. It has always been the practice (as for Civil Estimates) that, although Resolutions appear in the name of the Financial Secretary, the Minister having Departmental responsibility for the relevant Bill is also responsible for the Money Resolution in the House of Commons.

**Select
Committee
Reports**

7.8 Any Minister or Parliamentary Private Secretary who receives a copy of a Select Committee Report in advance of publication [excluding copies sent to Departments at the Confidential Final Revise (CFR) stage] should make no use of them and should return them without delay to the Clerk of the Committee. Civil servants, including Special Advisers, are also covered by this ruling.

**Membership of
Select
Committee/All
Party
Parliamentary
Groups**

7.9 In order to avoid any conflict of interest, Ministers on taking up office, should give up membership or chairmanship of a Select Committee or All Party Parliamentary Groups. This is to avoid any risk of criticism that a Minister is seeking to influence the Parliamentary process. Ministers must also avoid being drawn into a situation whereby their membership of a Committee could result in the belief that Ministerial support is being given to a particular policy or funding proposal.

8 MINISTERS AND THEIR DEPARTMENTS

Changes in Ministerial responsibilities

8.1 The Prime Minister is responsible for the overall organisation of the Executive and the allocation of functions between Ministers in charge of Departments. His approval should therefore be sought where changes are proposed that affect this allocation and the responsibilities for the discharge of Ministerial functions. This applies whether the functions in question are derived from statute or from the exercise of the Royal prerogative, or are general administrative responsibilities.

8.2 The Prime Minister's written approval should be sought where it is proposed to transfer functions:

- a. between Ministers in charge of Departments (unless the changes are de minimis, can be made administratively and do not justify public announcement – but see paragraph 8.7 below);
- b. within the field of responsibility of one Minister – where the change is likely to be politically sensitive or to raise wider issues of policy or organisation, for instance by "hiving off" the discharge of some functions to a Non-Departmental Public Body;
- c. between junior Ministers within a Department when a change in Ministerial titles is involved (see also paragraph 8.8 below).

8.3 In addition, the Prime Minister's written approval should be sought for proposals to allocate new functions to a particular Minister where the function does not fall wholly within the field of responsibilities of one Minister, or where there is disagreement about who should be responsible.

8.4 The Prime Minister will also determine questions where there is disagreement, for instance because one Minister has proposed a transfer of functions that is not accepted by the other(s) affected.

8.5 In giving approval or in determining disputed issues, the Prime Minister may want to take the advice of the Head of the Home Civil Service. The Minister responsible should therefore ensure that the Head of the Home Civil Service is consulted directly by the Permanent Secretary of the Department concerned, or that the officials in Economic and Domestic Secretariat are approached so that they can bring the proposals to his or her attention, before proposals for a transfer or allocation of functions are submitted to the Prime Minister. The submission to the Prime Minister should be copied to the Head of the Home Civil Service.

8.6 Responsibility for making a submission to the Prime Minister should normally lie with the ceding Minister in the case of transfers of existing functions, and the principal receiving Minister in the case of allocation of new functions.

8.7 Unresolved disputed issues concerning the allocation of functions should preferably be referred to the Head of the Home Civil Service before a submission is made to the Prime Minister; and it may be appropriate for him or her to make the submission on behalf of the Minister concerned. All proposals for a transfer of functions, including those not considered to require the Prime Minister's approval, should be notified to the Economic and Domestic Secretariat in the Cabinet Office before they are implemented.

**Ministers
outside the
Cabinet**

8.8 The Minister in charge of a Department is alone answerable to Parliament for the exercise of the powers on which the administration of that Department depends. The Minister's authority may, however, be delegated to a Minister of State, a Parliamentary Secretary or to an official; and it is desirable that Ministers should devolve to their junior Ministers responsibility for a defined range of Departmental work, particularly in connection with Parliament. A Minister's proposal for the assignment of duties to junior Ministers, together with any proposed "courtesy titles" descriptive of their duties should be agreed in writing with the Prime Minister, copied to the Secretary of the Cabinet. Secretaries of State also need to consider the governance structures in their departments, together with the role played by junior Ministers in these arrangements.

8.9 Ministers of State and Parliamentary Secretaries will be authorised to supervise the day-to-day administration of a defined range of subjects. This arrangement does not relieve the Permanent Secretary of general responsibility for the organisation and discipline of the Department or of the duty to advise on matters of policy. The authority of Ministers outside the Cabinet is delegated from the Minister in charge of the Department; the Permanent Secretary is not subject to the directions of junior Ministers. Equally, junior Ministers are not subject to the directions of the Permanent Secretary. Any conflict of view between the two can be resolved only by reference to the Minister in charge of the Department or, if the latter is absent and a decision cannot be postponed, by reference to the Prime Minister or to a Minister whom he has nominated for the purpose.

**Arrangements
during absence
from London**

8.10 The Secretary of the Cabinet should be informed of Ministers' out-of-town engagements, and also of their weekend and holiday arrangements, so that, if a sudden emergency arises, he or she can inform the Prime Minister which Ministers are immediately available.

8.11 When a Minister in charge of a Department will be unable to be contacted for a considerable period because of absence or illness a Minister of State will normally take Ministerial charge of the Department. On some occasions, it may be desirable that arrangements should be made for another member of the Cabinet to be available to oversee the Department and to represent the Department's interests in discussions in Cabinet or Cabinet Committees. The Prime Minister's prior approval should be sought for the arrangements for superintending the work of a Department when the Minister in charge will be absent.

8.12 When one member of the Cabinet is acting in this way on behalf of another, special care must be taken over the exercise of statutory powers. Powers vested formally in "the Secretary of State", as distinct from a specific Secretary of State, can be exercised by any Secretary of State in the absence of another. Otherwise the statutory powers of one Minister cannot formally be exercised in the Minister's absence by a colleague in charge of another Department, and a Minister who is acting for an absent colleague should be careful to avoid appearing formally to exercise powers which are expressed by statute as exercisable by that colleague. The powers of a Board or Council may, however, be exercisable in the absence of its principal member. There may also be statutory authority for formal documents to be signed on behalf of an absent Minister by junior Ministers or officials. Ministers should seek legal advice in cases of doubt.

8.13 There is no similar difficulty about submissions to Her Majesty. Submissions made in the absence of a Minister can however be made only by a junior Minister who is a Privy Counsellor or by another member of the Cabinet. Submissions on behalf of an absent Secretary of State must be made by another Secretary of State.

Royal Commissions, Committees of Inquiry

8.14 The Prime Minister should be consulted in good time about any proposal to set up:

- a. Royal Commissions: these can only be set up with the sanction of the Cabinet and after The Queen's approval has been sought by the Prime Minister;
- b. independent Committees of Inquiry into any aspect of public policy.

8.15 Submissions proposing either of the above should contain details of the proposed size and structure of the body. This requirement is separate from the provisions concerning appointments set out in paragraph 2.1. The Lord Chancellor should also be consulted where there is a proposal to appoint a judge or legal officer (e.g. a Law Commissioner) to any of the above inquiries. Indeed it may be preferable for the individuals concerned to be approached by the Lord Chancellor, rather than the Department concerned.

Contacts with outside interest groups, including Lobbyists

8.16 Ministers receive deputations from many outside interest groups which Ministers will wish to consider as part of the formulation of Government policy. The basic facts of formal meetings between Ministers and outside interest groups should be recorded, setting out the reasons for the meeting, and the names of those attending and the interests represented.

References for constituents

8.17 On occasions, Ministers are asked to provide personal or job references for constituents. Ministers can of course do this provided they make clear that they are doing so as a constituency MP and not a Minister. However, particular care needs to be taken to avoid any conflicts of interests and in some cases it may not be appropriate for

a Minister to do this, even as an MP. For example, Ministers should not provide references for jobs in the public sector for which their department is responsible.

9 MINISTERS AND THE PRESENTATION OF POLICY

Co-ordination of Government Policy

9.1 Official facilities financed out of public funds can be used for Government publicity and advertising, but may not be used for the dissemination of material which is essentially party political. The conventions governing the work of the Government Communication Network are set out in *Guidance on Government Communications*.

9.2 In order to ensure the effective presentation of government policy, all major interviews and media appearances, both print and broadcast, should be agreed with the No 10 Press Office before any commitments are entered into. The policy content of all major speeches, press releases and new policy initiatives should be cleared in good time with the No 10 Private Office. The timing and form of announcements should be cleared with the No 10 Strategic Communications Unit.

Press conferences

9.3 In order to explain policies or to announce new policies a Minister may decide to hold a press conference. This will be convened by the Department's Communications Directorate. All press conferences are on the record and open to any representative of the home and overseas media. It is often the practice of Ministers to give separate radio and TV interviews afterwards in order to secure the most effective presentation of their views or announcement. Where a Minister wishes to address the Lobby the No 10 Press Office should be consulted both about the desirability of such a briefing and the method of organising it. This paragraph applies to overseas as well as to the home media.

Publication of White and Consultation Papers

9.4 Before publishing a White or a Consultation Paper, Departments should consider whether it raises issues which require full collective Ministerial consideration, and, after consulting the Cabinet Office as necessary, seek clearance through the appropriate Cabinet Committee. Any Command Paper containing a major statement of Government policy should be circulated to the Cabinet before publication. This is usually done at the Confidential Final Revise (CFR) stage and should be done under cover of a letter from the Minister's Private Secretary. This rule applies to Papers containing major statements even when no issue requiring collective consideration is required.

9.5 Except where such Papers are of a routine character or of minor importance, the timing of their publication is governed by similar considerations to those applying to announcements made in Parliament. Ministers are therefore asked to apply to White Papers the procedure laid down in paragraph 7.2(a). From time to time, White Papers are laid before Parliament in the name of the Prime Minister. In all such cases, the lead Department on the policy issues concerned takes responsibility for the processing and distribution of the White Paper. This should be handled in close consultation with the Parliamentary Clerk at No 10.

9.6 Care should be taken to avoid infringing Parliamentary privilege when publicity is being arranged for White Papers and similar documents. A procedure is available whereby Confidential Final Revise proof copies (CFRs) of White Papers can be made available under embargo to the Lobby and Upper Gallery, and with discretion to members of other organised groups of correspondents, a short time

before copies are laid in the Vote Office (i.e. before publication). In some cases (for instance, where commercially sensitive information is involved, or where the disadvantages of any breach of an embargo are thought to outweigh the benefits of making advance copies available to the media) no copies should be made available to the media before publication. Where it is considered that the balance of advantage favours the issue of advance copies to the media under embargo, so as to enable their representatives to digest the contents of a White Paper before general publication, the interval between issue of CFRs under embargo and publication should not normally exceed a few hours: for instance, where a White Paper is to be published in the afternoon, CFRs should be issued under embargo during the morning of the same day. Only in special circumstances - for instance, if a White Paper is particularly long or technical - should CFRs be issued under embargo overnight. Any proposal to issue CFRs under an embargo of longer than 24 hours must be cleared with the No 10 Press Office. CFRs may be given only to representatives of the media and then only under strict embargo. Any breach of an embargo is a serious matter and should be reported immediately by the Department's Communications Directorate to the Minister in charge of the Department and to No 10.

Speeches

9.7 Ministers cannot speak on public affairs for themselves alone. In all cases other than those described in paragraph 4.6 they speak as Ministers; and the principle of collective responsibility applies. They should ensure that their statements are consistent with collective Government policy and should not anticipate decisions not yet made public. Ministers should exercise special care in referring to subjects which are the responsibility of other Ministers. Any Minister who intends to make a speech which deals with, or makes observations which bear upon, matters which fall within another Minister's responsibilities should consult that Minister.

9.8 The Prime Minister should always be consulted before any mention is made of matters which either affect the conduct of the Government as a whole or are of a constitutional character. The Foreign and Commonwealth Secretary should always be consulted before any mention is made of matters affecting foreign and Commonwealth affairs, relations with foreign and Commonwealth countries and the political aspects of the affairs of dependent territories. Ministers wishing to refer in a speech or any other public statement to economic policy or to proposals involving additional public expenditure or revenue costs should in all cases consult the Chancellor of the Exchequer or the Chief Secretary. Ministers wishing to refer to defence policy should in all cases first consult the Secretary of State for Defence. Ministers wishing to discuss or refer to Northern Ireland should in all cases first consult the Secretary of State for Northern Ireland.

9.9 Ministers should use official machinery for distributing texts of Ministerial speeches only when such speeches are made on official occasions and deal with Government as distinct from Party policy. Speeches made in a party political context should be distributed through the Party machinery.

9.10 Ministers should not accept payment for speeches of an official nature or which directly draw on their responsibilities or experience as

Ministers, either on their own or their Department's account, or with a view to donating the fee to charity. If the organisation receiving the Minister insists on making a donation to a charity then it should be a charity of the organisation's choice. This is to avoid any criticism that a Minister is using his or her official position to influence or take the credit for donations to charity.

Broadcasts

9.11 The provisions of paragraphs 9.1-9.3 apply to Ministerial broadcasts as well.

9.12 Radio and television broadcasts by ministers are of four types: party political; Budget; special broadcasts by Ministers; and interviews with Ministers for news and feature programmes:

a. Party political broadcasts on radio and television within the Government's quota are arranged through the Chief Whip acting on behalf of the Prime Minister;

b. Budget broadcasts (by the Chancellor of the Exchequer and a member of the main Opposition Parties in reply) constitute a special series of party political broadcasts. These are arranged through Parliamentary channels and agreed by the Chancellor of the Exchequer;

c. the broadcasting authorities may provide opportunities within the regular framework of their programmes for Ministers to give factual explanations of legislation or policies approved by Parliament, or to seek the co-operation of the public on matters where there is a general consensus of opinion. The Opposition have no automatic right of reply. The British Broadcasting Corporation (BBC) may also provide the Prime Minister or a senior Cabinet Minister designated by him with an opportunity to broadcast to the nation to explain events of prime national or international importance or to seek public co-operation over such events. These are traditionally known as "Ministerial" broadcasts. The Opposition have the right to make an equivalent broadcast in reply. In this event the BBC will arrange as soon as possible for a broadcast discussion of the issues involved. A member of the Cabinet, a senior member of the opposition, and, if they so desire, representatives of third parties with appreciable electoral support would be invited to participate. The Independent Television Commission (ITC) is not obliged to relay either type of special broadcast, but if they transmit a "Ministerial" broadcast they must also take any Opposition reply and arrange a third stage, the discussion programme. Proposals for a special broadcast of either type should be referred as soon as possible to the Press Office at No 10. The Leader of the House of Commons and the Chief Whip should also be consulted. No approach should be made to the BBC or to the ITC for a broadcast of either type without the approval of the Prime Minister.

9.13 Ministers invited to broadcast on radio and television in a private and not a Ministerial capacity will wish to consider if such a broadcast would have a bearing on another Department's responsibility in which

case they should clear the matter with the colleague concerned before agreeing to the invitation. Ministers invited to take part in programmes to be broadcast outside the United Kingdom should consult the Foreign and Commonwealth Secretary and any other Minister who may be concerned with the subject of the broadcast. Ministers invited to broadcast while on a visit to another country should seek the advice of Her Majesty's Representative in that country. Ministers will wish to use their discretion as to whether the nature of any such invitation at home or abroad is such that they should consult the Prime Minister before agreeing to broadcast.

9.14 Ministers should not accept payment for official broadcasts on radio or television, either on their own or on their Department's account or with a view to donating the fee to charity. If the organisation receiving the Minister insists on making a donation to a charity then it should be a charity of the organisation's choice. This is to avoid any criticism that a Minister is using his or her official position to influence or take the credit for donations to charity.

Press articles

9.15 Ministers may contribute occasionally to a book, journal or newspaper (including a local newspaper in their constituency) for the purpose of supplementing other means of informing the public about the work of their Department provided that publication will not be at variance with their obligations to Parliament and their duty to observe the principle of collective Ministerial responsibility. Any Minister wishing to practice regular journalism, including the contribution of weekly or fortnightly articles to local newspapers in their constituencies, must have the prior approval of the Prime Minister. In cases of doubt, and in all cases where a Minister is contemplating the contribution of an article going beyond the strict confines of his or her Departmental responsibility, the Prime Minister should be consulted, before work has begun and in any case before any commitment to publish is entered into. In all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted. Ministers should not accept payment for writings, either on their own or on their Department's account, or with a view to donating the fee to charity. If the organisation receiving the Minister's written contribution insists on making a donation to a charity then it should be a charity of the organisation's choice. This is to avoid any criticism that a Minister is using his or her official position to influence or take the credit for donations to charity.

9.16 Ministers are advised not to engage in controversy in the correspondence columns of either the home or the overseas press. Ministers may however see advantage in correcting serious errors or misstatements of fact which lead to false conclusions. Such letters should be brief and confined to the exposition of facts.

Books

9.17 Ministers may not, while in office, write and publish a book on their Ministerial experience. Nor, while serving as a Minister, may they enter into any agreement to publish their memoirs on leaving their Ministerial position, without the agreement of the Prime Minister. Former Ministers are required to submit their manuscript to the Secretary of the Cabinet and to conform to the principles set out in the Radcliffe Report of 1976 (Cmnd 6386) (see paragraphs 6.18 and 6.19). Ministers may not

receive payment for a book written before becoming a Minister if the decision to publish was taken afterwards.

Party and other publications

9.18 The rule in paragraph 9.15 does not debar Ministers from contributing to the publications of the political organisations with which they are associated. However, in all cases where an article contains material which falls within the Departmental responsibility of another Minister, that Minister must be consulted. Payment should not be accepted for articles which draw on Ministerial experience or which have been prepared with any assistance from public resources.

9.19 The prohibition of the practice of journalism by Ministers above, does not extend to writings of a literary, sporting, artistic, musical, historical, scientific, philosophical or fictional character which do not draw on their Ministerial experience. While payment for the occasional piece is acceptable, regular payments are not.

9.20 Ministers are sometimes asked to give interviews to historians or to other persons engaged in academic research or in market opinion surveys, or to fill in questionnaires at the request of such people or organisations. Ministers should bear in mind the possibility that their views may be reported in a manner incompatible with their responsibilities and duties as members of the Government. Careful consideration should therefore be given to such invitations before they are accepted; in cases of doubt, the Prime Minister should be consulted.

Complaints

9.21 Ministers who wish to make a complaint against a journalist or a particular section of the media either to the Press Complaints Commission or to the Broadcasting Complaints Commission must have the authority of the Prime Minister. The nature of the complaint and the case for referring it to the appropriate body should be set out in a letter to the Chief Press Secretary at No 10, copied to the Secretary of the Cabinet. Paragraph 6.26 of the Ministerial Code is also relevant in relation to defamation proceedings.

Royal Commissions

9.22 The Prime Minister should be consulted if any Minister is invited to address a Royal Commission or Committee of Inquiry.

10 MINISTERS' VISITS

Ministers' visits overseas

10.1 Overseas visits should not normally be made while Parliament is in session. Ministers should arrange such visits only in the Recess or, where appropriate, at weekends, except where the visit is in connection with the business of the European Union or there are other compelling reasons of Government business. In particular, overseas visits which are largely of a fact-finding kind should be reserved for the Parliamentary Recess. Moreover, in planning overseas visits Ministers should take account of paragraph 6.7, i.e. that Cabinet meetings take precedence over all other business (other than meetings of the Privy Council). Sufficient Ministers must also be available during Recesses to ensure effective conduct of Government business, and it may be necessary for this reason to restrict or reconsider absences abroad.

10.2 Any member of the Cabinet who wishes to be absent from the United Kingdom for any reason, except for visits to European Union countries on official business, or visits to member countries for NATO business should:

a. seek the Prime Minister's written approval. This must be done before any commitment, even of an informal nature, is made. The reasons for the visit and a list of the countries to be visited should be given; where it is considered to be clearly in the public interest that a Minister be accompanied by his or her spouse/partner at public expense the Prime Minister's permission should be sought. Copies of the letter should be sent to the Foreign and Commonwealth Secretary and to the Chief Whip: their views will be taken into account by the Prime Minister before reaching a decision. A copy should also be sent to the Secretary of the Cabinet;

b. after the Prime Minister's approval has been obtained the Minister should, for all visits abroad other than visits to European Union or NATO countries on official business, seek The Queen's permission to leave the country. At the same time Her Majesty should be informed of the arrangements made for the administration of the Minister's Department during his or her absence.

10.3 Other Ministers who propose to leave the United Kingdom whether on duty or on holiday must seek the approval of the Ministerial head of the Department concerned, the Foreign and Commonwealth Secretary and the Chief Whip. They need not obtain the Prime Minister's or The Queen's permission but the Prime Minister's written approval must be sought for official visits overseas by Ministers' spouses or partners, Special Advisers, Unpaid Advisers and Parliamentary Private Secretaries (paragraphs 2.10, 2.14, 10.17 and 10.18).

10.4 Ministers' Private Secretaries should not themselves approach diplomatic posts direct nor should they make tentative preparations for overseas visits (other than those to EU countries on

official business) before telling the Foreign and Commonwealth Office: arrangements for official Ministerial visits should invariably be put in the hands of the diplomatic post concerned.

10.5 Ministers should make it their personal responsibility to approve the size and composition of any Ministerial delegation for which their Department is responsible. (Where a delegation includes a Foreign and Commonwealth Office Minister the agreement of the Foreign and Commonwealth Secretary in the size and composition of the delegation should also be obtained.) Each Minister in charge of a Department should ensure that the Department draws up and maintains a comprehensive and central record of travel by Ministers in the Department. This record should contain details of the numbers and costs of all Ministerial delegations whose travel has been at public expense, including visits to EU countries for the purpose of attending meetings of EU Councils. Ministers should give a lead in keeping down the size of parties of visitors, by keeping their own parties as small as possible.

Annual PQ on Ministerial Travel

10.6 The Government publishes an annual list of all travel overseas by Cabinet Ministers costing over £500 together with the total cost of all Ministerial travel overseas. Departments must ensure that they maintain records of visits in such a way as to provide this information on an annual basis to the Cabinet Office.

Relations with other governments

10.7 Ministers should remember the importance of sending to the Foreign and Commonwealth Secretary a note of the salient points of any discussions which they may have with representatives of foreign or Commonwealth countries. This applies to informal discussions as well as those held in the course of official business.

Visits by Commonwealth or foreign Ministers

10.8 Ministers should inform the Foreign and Commonwealth Secretary before extending invitations to Ministers in other governments to pay official visits to this country; and in any case of doubt or difficulty, they should consult him. Departments should also inform the Foreign and Commonwealth Office about all visits which become known to them, whether private or official, by Ministers in other governments or by any other person of equivalent status potentially at risk, so that the security implications can be considered at the earliest possible stage.

Entertainment overseas

10.9 Ministers should not overlook the possible foreign policy implications of such day-to-day matters as offering hospitality to prominent political figures visiting this country, accepting social commitments of a similar kind, giving public support for petitions, open letters, etc. Such actions may be construed as significant by foreign observers of the United Kingdom. In any case of doubt Ministers should consult the Foreign and Commonwealth Secretary before making commitments. In addition the Foreign and Commonwealth Secretary should be consulted whenever a Minister intends to make a speech touching on matters affecting foreign and Commonwealth affairs.

10.10 If it is thought that a Minister may need to provide

entertainment while overseas, the advice of the Foreign and Commonwealth Office should be sought both on the desirability and on the form of such entertainment.

Ministers recalled from abroad

10.11 If a Minister is abroad with permission and is called home for Ministerial or Parliamentary reasons - including to vote - the cost of the extra journey back and forth may be met by public funds.

Ministers' visits in the United Kingdom

10.12 Ministers who are planning official visits to Scotland, Wales and Northern Ireland should inform the Secretary of State concerned and the Chief Whip. It is also customary to inform the Lord Chancellor of prospective visits to the Channel Islands and the Isle of Man. In addition Ministers wishing to visit a Government establishment not sponsored by the Department in which they are a Minister (e.g. the barracks of a unit of the Armed Forces) should advise the sponsor Department in advance.

10.13 It is the custom for a Minister when preparing to make a visit within the United Kingdom to inform the Members for the constituencies to be included within his itinerary. Special care should be taken not to overlook this courtesy. Ministers cannot, of course, invite Members to accompany them to functions organised by a third party, but adequate notice to the relevant constituency MP will enable them to ensure that they have an opportunity to request invitations from local organisers to functions of an official nature, should they wish to attend. It will also enable them to make suggestions to the Minister about the inclusion in the itinerary of places which it would be helpful to visit. Similar information should be provided when United Kingdom Ministers are visiting the constituency of Members of the Scottish Parliament and The National Assembly for Wales.

Expenses on travel and hospitality

10.14 In using official cars and travelling by rail or air, Ministers must always make efficient and cost-effective travel arrangements. Detailed guidance is set out in Travel by Ministers. When Ministers travel on official business, their travel expenses should normally be borne by the Departmental Vote. When any expenses are not met in this way, Ministers will wish to ensure that no undue obligation is involved.

10.15 Accepting offers of free travel can be misinterpreted. However, an offer to a Minister on official business to accompany a representative of a host foreign government may be acceptable, provided it creates no undue obligation, and if it offers a saving of official time or provides an opportunity to conduct official business. Offers of transport from other organisations should not normally be accepted, except where provided as an integral part of a tour of inspection. In exceptional cases such an offer may be accepted if this would represent a saving of official time and there is no risk of an undue obligation being created. In these cases, if the journey is of any significant distance, the organisation concerned should be reimbursed from the public purse to the value of a scheduled business class ticket. In any cases of doubt, the Prime Minister should be consulted.

Air Miles	10.16 Air Miles and other benefits earned through travel paid for from public funds, other than where they are de minimis (for example, access to special departure lounges or booking arrangements which go with membership of regular flier clubs), should be used only for official purposes or else foregone. However, if it is impracticable to use the benefits for Government travel, there is no objection to Ministers donating them to charity if this is permissible under the terms of the airline's scheme and the charity is one chosen by the airline.
Travelling expenses of spouses/partners	10.17 The expense of a Minister's spouse/partner when accompanying the Minister on the latter's official duties may occasionally be paid from public funds, provided that it is clearly in the public interest that he or she should accompany the Minister. In the case of official visits overseas, the Prime Minister's prior assent should be obtained on each occasion (see paragraph 10.3). For official visits within the United Kingdom, this is at the discretion of the Minister in charge of the Department concerned who should consult the Permanent Secretary. The Prime Minister's prior written approval is however required for any arrangement whereby a Minister's spouse/partner may regularly travel at public expense within the United Kingdom.
Travelling expenses of Special Advisers	10.18 If necessary, a Minister may take a Special Adviser on an overseas visit at the public expense, but when an Unpaid Adviser whose salary is not met from public funds accompanies a Minister on Government business, any additional expenditure which may be incurred should not normally fall on public funds. The written approval of the Prime Minister should be obtained before a Special Adviser or an Unpaid Adviser accompanies a Minister overseas.
Offers of hospitality, gifts, etc.	10.19 Detailed rules on the acceptance of gifts, services and hospitality can be found at paragraphs 5.24-5.28. While these paragraphs make clear that no Minister or member of their family should accept a gift from anyone which would, or might appear to, place him or her under an obligation (see paragraph 5.24), there may be difficulty in refusing a gift from another government (or governmental organisation) without the risk of apparent discourtesy. On the other hand the acceptance of a gift or the knowledge that one will be offered may in some countries and in some circumstances entail the offer of a gift in exchange. As a general rule Ministers should not offer gifts or initiate an exchange. In deciding whether to accept gifts from or offer gifts to members of other governments (or governmental organisations) Ministers should wherever possible consult their Permanent Secretaries who will be able to advise them of the rules applicable in such circumstances.
Foreign decorations	10.20 It is a well-established convention that Ministers should not normally, while holding office, accept decorations from foreign countries.

11 MINISTERIAL PENSIONS

Participation in the Parliamentary Contributory Pension Fund

11.1 Ministers in both the Commons and the Lords have the option of participating in the Parliamentary Contributory Pension Fund (PCPF) in respect of their Ministerial salary. The House of Commons Pensions Unit will provide details of the pension benefits and the contributions payable. Ministers who have accrued pension rights in another pension scheme may, if they elect to participate in the PCPF in respect of their Ministerial salary, and if the rules of the other scheme permit, opt to have the value of those accrued rights transferred to the Fund. The Pensions Unit will advise on the additional benefits which would be secured by such a transfer payment. Ministers interested in pursuing this option should note that time limits may apply and an early discussion with the Pensions Unit is recommended.

Participation in other pension schemes

11.2 Ministers with accrued pension rights in another pension scheme who do not (or cannot) elect for a transfer payment may leave these as "frozen" rights in the other scheme, with no further contributions being payable during their tenure of office. Alternatively, if the rights are secured by an insurance policy (and assuming that the rules of the other scheme and the policy itself so permit) the policy could be transferred to them, either on a paid-up basis or with the right to continue payment of the premiums themselves (subject to Inland Revenue limits). Similarly, a Minister may wish to continue contributing to an existing retirement annuity contract or personal pension scheme. Ministers must be aware, though, that under no circumstances can they participate in the PCPF if they wish to continue as a contributing member of another pension arrangement (of whatever type) in respect of their Ministerial salary.

11.3 Ministers who expect to resume their former employment on ceasing to hold Ministerial office and who elect not to participate in the Parliamentary Fund in respect of their Ministerial salary may remain in active membership (that is, with continued payments of contributions, and with their period of office counting as continued pensionable employment) of any pension scheme relating to that employment provided that this can be done under the rules of the scheme. In these circumstances the continued contributions may be paid by the Ministers alone, or by the former employer alone, or jointly, depending on the rules of the other scheme. As noted in paragraph 11.2 Ministers would not, in these circumstances, be able to participate in the PCPF in respect of their Ministerial salary.

11.4 It must be emphasised that any arrangements made under paragraph 11.3 must not go outside the terms of the particular pension scheme. There would be no objection to a general alteration of the rules of a scheme when this is necessary to permit such arrangements; but approval could not be given for the addition to the scheme of a special provision relating only to the tenure of a Ministerial Office. If Ministers have any doubts about the propriety of any arrangements they intend making, the Prime Minister's Private Secretary may be consulted.

11.5 Ministers who elect not to participate in the Parliamentary scheme in respect of their Ministerial salary, and who make no arrangements of the kind set out in paragraph 11.2, may wish to pay premiums to a personal pension or stakeholder pension scheme to provide additional pension etc, benefits for themselves or provision for their families in the event of death. Such contracts are issued subject to the limitations and conditions laid down in the Tax Acts. Tax relief on premiums is limited to a percentage of the Ministerial salary. This percentage is age-related, being 17.5 per cent for individuals up to 35, rising to 40 per cent for those aged 61 and over.

11.6 The taxation effects of arrangements such as are mentioned in the paragraphs above may vary according to the Minister's particular circumstances. Furthermore, from 6 April 2006, the existing Inland Revenue restrictions on contributions will be removed and replaced by an overall limit on tax-relieved pension saving. The Deputy Director, Inland Revenue Audit and Pensions Schemes Services, 2 Yorke House Castle Meadow Road, Nottingham, NG2 1BG, will be willing to explain the effects for tax purposes of any proposed arrangements under paragraph 11.5; he will also give, on request, further information on the legislation and reliefs available in respect of retirement annuity contracts or personal pension schemes.