

Ministerial Code

A Code of Conduct and Guidance on Procedures for Ministers
Cabinet Office (July 1997)

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Ministerial Code

A Code Of Conduct And Guidance On Procedures For Ministers

Foreword By *The Prime Minister*

In issuing this Code, I should like to reaffirm my strong personal commitment to restoring the bond of trust between the British people and their Government. We are all here to serve and we must all 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. Ministers will find the Code a useful source of guidance and reference as they undertake their official duties in a way that upholds the highest standards of propriety.

I have decided to publish this document because openness is a vital ingredient of good, accountable Government. And we will extend openness further through a Freedom of Information Act.

I believe we should be absolutely clear about how Ministers should account, and be held to account, by Parliament and the public. The first paragraph of the Code sets out these responsibilities clearly, following the terms of the House of Commons Resolution on Ministerial Accountability carried last March.

I commend the Code to all of my Ministerial colleagues.

TONY BLAIR

1. Ministers of the Crown

Foreword

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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. In particular, they must observe the following principles of Ministerial conduct:

- i. Ministers must uphold the principle of collective responsibility;
- ii. Ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of their Departments and Next Steps Agencies;
- iii. 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;
- iv. 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 relevant statute and the Government's Code of Practice and Access to Government Information (Second Edition, January 1997);
- v. Similarly, Ministers should require civil servants who give evidence before Parliamentary Committees on their behalf and under their directions 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 (January 1996).
- vi. Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests;
- vii. 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;
- viii. Ministers in the House of Commons must keep separate their role as Minister and constituency Member;
- ix. Ministers must not use 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.

These notes detail the arrangements for the conduct of affairs by Ministers. They are intended to give guidance by listing the principles and the precedents which may apply. They apply to all Members of the Government (the position of Parliamentary Private Secretaries is described separately in Section 4.) The notes should be read against the background of the duty of Ministers to comply with the law, including international law and treaty obligations, and to uphold the administration of justice, the general obligations listed above; and in the context of protecting the integrity of public life. Ministers must also, of course, adhere at all times to the requirements Parliament has itself laid down. For Ministers in the Commons, these are set by the Resolution carried on 19 March 1997 (Official Report, Columns 1946-47): the terms of the Resolution are repeated at ii to v above. For Ministers in the Lords, Official Report Col 1057. It will be for individual Ministers to judge how best to act in order to uphold the highest standards. They are responsible for justifying their conduct to Parliament. And they can only remain in office for so long as they retain the Prime Minister's confidence.



2. Ministers and the Government

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Attendance at meetings of the Privy Council

2. 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

3. Cabinet and Ministerial Committee business 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.

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 have the advice of colleagues. 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

4. The Cabinet is supported by Ministerial Committees (both standing and ad hoc) 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.

5. If the Ministerial Committee system is to function effectively, appeals to the Cabinet must clearly be

infrequent. Chairmen of 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 Chairman of 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. 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. 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 69(a) below, 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 5 above for attendance at Cabinet Committees.)

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

8. Guidelines on the conduct of Cabinet and Ministerial Committee business is set out in *Cabinet Committee Business* published by the Cabinet Office. In all cases the Secretary should be given at least seven 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. Memoranda should be circulated in sufficient time to enable Ministers to read and digest them, and to be properly briefed. Memoranda for Cabinet and Ministerial Committees should be circulated at least two full working days and a weekend in advance of the meeting at which they are to be discussed. If decisions are urgently required, and an interval including a weekend is not possible, memoranda should be circulated as long before a meeting as possible, and at least two full working days before 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.

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.

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 (eg 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 Scottish Office, Northern Ireland Office and Welsh Office must be consulted where proposals have implications for their areas of responsibility. Memoranda should also include a regulatory appraisal where proposals affect business, charities or voluntary organisations; 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.

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.

12. Memoranda for the Cabinet and Committees of the Cabinet should be as clear and as brief as possible. They should not normally exceed four pages at most, and the Cabinet Office may not accept an over-long memorandum 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 memorandum 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

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 are 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.

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.

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

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.

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 guidelines on the disclosure of information set out in the Code of Practice on Access to Government Information, 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.

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 manuscript to the Secretary of the Cabinet and to conform to the principles set out in the Radcliffe Report of 1976 (Cmnd 6386) (see also paragraph 103).

Cabinet documents

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.

20. On a change of Government, the outgoing Prime Minister issues special instructions about the disposal of the Cabinet papers of the outgoing Administration.

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

22. The Law Officers 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 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 by means of application for judicial review;

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 which may raise political aspects of policy;

e. Two or more Departments disagree on legal questions and wish to seek the view of the Law Officers.

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

23. 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.

24. The fact and content of opinions or advice given by the Law Officers, including the Scottish Law Officers, either individually or collectively, must not be disclosed outside Government without their authority.

25. Ministers occasionally become engaged in legal proceedings primarily in their personal capacities but in circumstances which may have 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 private position. In all such cases they should consult the Law Officers before consulting their own solicitors, in order to allow the Law Officers to express a view on the handling of the case so far as the public interest is concerned or, if necessary, to take charge of the proceedings from the outset.

26. 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 on behalf of the general community to enforce the law as an end in itself.

3. Ministers And Parliament

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Parliamentary statements and other Government announcements

27. When Parliament is in session, Ministers will want to bear in mind the desire of Parliament that 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 Answer or oral statement in Parliament, White Paper or press conference. Whenever possible they should also be shown the draft announcement in advance.

28. 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 Answer. 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 Answer 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 statement or answer 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. Particular attention should be paid to the timing of Written Answers in this context. From Monday to Thursday an

Answer to a Written Question may not be released before 3.30 pm (12 noon on Fridays) on the day before which the Question stands on the Order paper for reply. Where earlier release is required the Question may be tabled, by agreement with the Business Managers, one day earlier, the Answer being held back until the following morning;

b. In the case of announcements by Written Answer, particular care must be taken to avoid making a press announcement before the Written Answer has been delivered to the MP who tabled the Question;

c. 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;

d. 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;

e. 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;

f. 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-Thursday) on the day on which the statement is to be made and not later than 10.15 am in the case of statements made on a Friday;

g. A copy of the final text of an oral statement should in all cases be sent in advance to the Speaker;

h. The Leader 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;

i. A copy of any important Ministerial statement as actually delivered should be placed as quickly as possible in the Library of the House. This affords Members an opportunity of studying it in advance of publication in the Official Report. Depending on the importance of the statement, Departments should also consider making copies available in the Vote Office;

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

Supply of Parliamentary publications

29. 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 Lord Privy Seal's office for debates in the House of Lords

Money Resolutions

30. 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.

4. Ministers and their Departments

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Changes in Ministerial responsibilities

31. 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 where the functions in question are derived from statute or from the exercise of the Royal prerogative, or are general administrative responsibilities.

32. 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 37](#) below);
- b. within the field of responsibility of one Minister - eg by "hiving off" the discharge of some functions to a Non-Departmental Public Body where the change is likely to be politically sensitive or to raise wider issues of policy or organisation;
- c. between junior Ministers within a Department when a change in Ministerial titles is involved (see also [paragraph 38](#) below).

33. In addition, his 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.

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

35. 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 of the Machinery of Government Group in the Office of Public Service

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.

36. 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.

37. 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 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 Machinery of Government Group in the Office of Public Service before they are implemented.

Ministers outside the Cabinet

38. 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 on 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.

39. 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 responsibilities 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

40. 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 can inform the Prime Minister which Ministers are immediately available.

41. When a Minister 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.

42. 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.

43. 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.

Parliamentary Private Secretaries

44. 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 to 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.

45. 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.

46. 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.

47. 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.

Special Advisers

48. 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. Cabinet Ministers may each appoint up to two Special Advisers ("political" or "expert"). 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. All such appointments should be made, and all Special Advisers should operate, in accordance with the terms and conditions of the Model Contract promulgated by the Prime Minister on 19 May 1997.

Unpaid advisers

49. 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. Such appointments carry no remuneration or reimbursement from public funds. 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. The normal rules of confidentiality also apply. The prior written approval of the Prime Minister should be sought for all such appointments before commitments are entered into.

Royal Commissions, Committees of Inquiry

50. 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.

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 51 below. The Lord Chancellor should also be consulted where there is a proposal to appoint a judge or legal officer (eg 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 Departments.

Appointments by Ministers

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

- a. The Chairman and other Members of Royal Commissions;
- b. The Chairman of
 - i. Public Corporations
 - ii. Nationalised Industry Boards
 - iii. The most important Non-Departmental Public Bodies (both Executive and Advisory)
 - iv. The more important Departmental committees, including those at 50(b);
- c. Heads of Non-Ministerial Departments.

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 proposed candidates meet such requirements.

- 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.

A current list of individual public appointments on which the Prime Minister would expect to be consulted is held by the Public Appointments Unit (PAU) in the Office of Public Service. Departments may also choose to consult the Prime Minister in other cases, depending on circumstances.

52. In all cases falling within paragraphs 50 and 51 on which a submission is to be put to the Prime Minister, Ministers should arrange for their Department to consult the PAU beforehand; and the submission to the Prime Minister should be cleared with the Head of the Home Civil Service in advance and should indicate that the PAU has been consulted and that any salary 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 50) 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.

53. Where there is doubt about the need for consultation with the Prime Minister, the PAU should be consulted.

54. 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 (especially in the case of appointments to executive Non-Departmental Public Bodies or National Health Service (NHS) bodies to the Code of Practice for Public Appointments procedures set out by the Commissioner for Public Appointments. 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 in the Commissioner's *Guidance on Appointments to Executive Non-Departmental Public Bodies and NHS Bodies*.

55. In considering candidates for public appointments, Ministers should pay particular attention to securing, on merit, proper representation of women and members of ethnic minorities on public bodies. A Minister in each Department should be responsible for setting objectives to achieve this. All Ministers are asked to ensure, when shortlists of proposed candidates are submitted to them, that if no women candidates are proposed an explanation for this is given. Where the work of a body or committee will have a particular impact on ethnic minority communities or the disabled, the same procedure may be appropriate for ethnic minority or disability representation respectively.

5. Ministers and Civil Servants

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The role of the Accounting Officer

56. 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.

57. 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.

58. 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 and send the relevant papers to the Comptroller and Auditor General. 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.

59. The role of Accounting Officers is described in detail in the Treasury memorandum, *The Responsibilities of an Accounting Officer*. There is also a

Civil servants and Party Conferences

60. Ministers should not ask civil servants to attend, still less take part in, Party Conferences or meetings of policy or subject groups of any of the Parliamentary parties. It is an established principle in the public service that civil servants in their official capacity should not accept invitations to conferences convened by, or under the aegis of, party political organisations. The situation is, of course, different when Ministers require officials to be in attendance at party political events in order to enable the Minister to carry out urgent Departmental business.

61. If a Minister wishes to have a brief for a party political occasion to explain Departmental policies or actions, there is no reason why this should not be provided.



6. Ministers' Constituency and Party Interests

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62. 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.

63. 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 House Terrace 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.

64. 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.

Parliamentary Commissioner for Administration cases

65. 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.

66. 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

67. 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 (eg 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.

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7. Ministers' Visits

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Ministers' visits overseas

68. 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 exclusively for the Parliamentary Recess. Moreover, in planning overseas visits Ministers should take account of [paragraph 6](#), ie 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.

69. 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 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 or WEU 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.

70. 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, special advisers and by Parliamentary Private Secretaries (paragraphs 47, 83 and 84).

71. 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.

72. 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 concurrence 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. The record should be maintained in such a way that an up-to-date list of visits and costs of such visits can be made available by Departments at short notice in the event of Departmental Ministers being asked to account for travel undertaken by Ministers in their Departments. Ministers should give a lead in keeping down the size of parties of visitors, by keeping their own parties as small as possible.

Relations with other governments

73. 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

74. 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.

75. 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.

Entertainment overseas

76. 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

77. 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

78. 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 Home Secretary 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 (eg the barracks of a unit of the Armed Forces) should advise the sponsor Department in advance.

79. 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.

Expenses on travel and hospitality

80. In using official cars and travelling by rail or air, Ministers must always make efficient and cost-effective travel arrangements. 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.

81. 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

82. 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

83. The expense of a Minister's spouse 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 70). 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 may regularly travel at public expense within the United Kingdom; Ministers should arrange for the Treasury to be consulted about such arrangements before submitting them to the Prime Minister.

Travelling expenses of Special Advisers

84. 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.

85. Detailed rules on the acceptance of gifts, services and hospitality can be found at paragraphs 126-128. 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 126), 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

86. It is a well-established convention that Ministers should not, while holding office, accept decorations from foreign countries.

8. Ministers and the Presentation of Policy

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87. 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 Information Service are set out in a guidance note issued simultaneously with the Code and placed in the Library of the House.

Co-ordination of Government Policy

88. 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 Press Office. Each Department should keep a record of media contacts by both Ministers and officials.

Press conferences

89. 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 Chief Information Officer of the Department. 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 seek an invitation 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 the overseas as well as to the home media.

Publication of White and Green Papers

90. Before publishing a White or Green 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.

91. 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 28(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.

92. 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 Revised 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 (ie 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 Chief Press Secretary at No 10. 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 Chief Information Officer of the Department to the Minister in charge of the Department and to No 10.

Speeches

93. Ministers cannot speak on public affairs for themselves alone. In all cases other than those described in paragraph 67 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.

94. 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.

95. 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.

96. 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.

Broadcasts

97. The provisions of paragraphs 87-89 apply to Ministerial broadcasts as well.

98. 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 Chief Press Secretary 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.

99. 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.

100. 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.

Press articles

101. 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.

102. 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

103. Ministers may not, while in office, write and publish a book on their Ministerial experience. 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 paragraph 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

104. The rule in paragraph 101 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.

105. 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.

106. 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

107. 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.

Royal Commissions

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

9. Ministers' Private Interests

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109. Ministers will want to order their affairs so that no conflict arises or is thought to arise between their private interests (financial or otherwise) and their public duties. They should normally make their own decisions on how best to proceed but in many cases, as is shown below, there are established precedents. Where there is a doubt it will almost always be better to relinquish or dispose of the interest but Ministers should submit any such case to the Prime Minister for his decision.

110. Where it is proper for a Minister to retain any private interest, it is the rule that he or she should declare that interest to Ministerial colleagues if they have to discuss public business in any way affecting it, and that the Minister should remain entirely detached from the consideration of that business. Similar steps may be necessary should the matter under consideration in the Department relate in some way to a Minister's previous private interests such that there is or may be thought to be a conflict of interest.

Public appointments

111. 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

112. 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 no 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

113. 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

114. Ministers must scrupulously avoid any danger of an actual or apparent conflict of interest between their Ministerial position and their private financial interests. Such a conflict, or the perception of it, can arise:

- a. from 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.

115. 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.

116. These risks attach not only to the Minister's personal interests, but to those of a spouse or partner, of who are 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. They relate to all kinds of financial interests, including not only all kinds of financial instrument but also such interests as partnerships, unincorporated businesses, real estate etc.

117. It is not intended to inhibit the holding of Ministerial office by individuals with wide experience, whether of industry, a profession or some other walk of life. In

order to avoid the danger of an actual or perceived conflict of interest, Ministers should be guided in relation to their financial interests by the general principle that they should either dispose of any financial interest giving rise to the actual or perceived conflict or take alternative steps to prevent it.

118. 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, of external advisers, 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.

119. 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 bare trust, ie 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 both the capital and income generated. This course would normally be useful only in the case of a widely-spread portfolio of interests. 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. 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. 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.

120. Unless adequate steps can be taken in relation to the financial interests themselves, the Minister must seek to avoid involvement in relevant decisions. 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.

121. 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.

122. In addition to this general guidance:

a. Partnerships. 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 120 above. Ministers in doubt about their personal position should consult the Prime Minister;

b. Directorships. 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.

123. In all cases concerning financial interests and conflict of interest Ministers may wish to consult financial advisers as to the implication for their (or their families) affairs of any action which they are considering to avoid any actual or potential conflict of interest. They should also consult the Permanent Secretary in charge of their Department, who is the Minister's principal adviser and who also, as Accounting Officer, has a personal responsibility for financial propriety and regularity. It is in the end for Ministers to judge (subject to the Prime Minister's decision in cases of doubt) what action they need to take; but they should record, in a minute to the Permanent Secretary, whether or not they consider any action necessary, and the nature of any such action taken then or subsequently to avoid actual or perceived conflict of interest.

124. Any Minister who is a member of Lloyd's should abide by the guidance set out in the Annex to this document.

Nominations for international awards, etc.

125. From time to time, the personal support of Ministers is requested for nominations being made for international prizes and awards, eg, 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 services

126. 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.

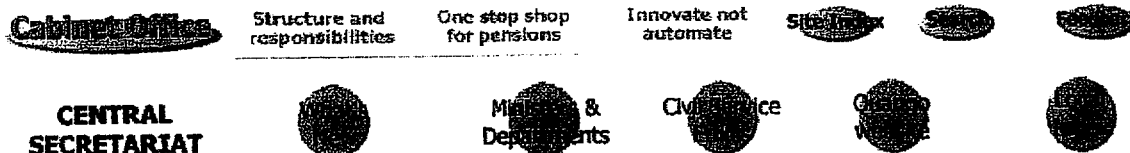
127. This is primarily a matter which must be left to the good sense of Ministers. But any Minister in doubt or difficulty over this should seek the Prime Minister's guidance. The same rules apply to the acceptance of gifts from donors with whom a Minister has official dealings in this country as to those from overseas (paragraph 85 above), that is:

- a. Receipt of gifts should, in all cases, be reported to the Permanent Secretary;
- b. Gifts of small value (currently this should be put at up to 40) 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 40)
 - (ii) If the recipient wishes to reciprocate with, and pay for, a gift of equivalent value, the gift received may be retained
 - (iii) If the Department judges that it would be of interest, the gift may be displayed or used in the Department
 - (iv) 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.

128. 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 the House of Commons Register of Members' Interests (or Register of Lords' Interests in the case of Ministers in the House of Lords).

Outgoing Ministers: acceptance of appointments outside Government

129. 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, other than 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. If therefore the Advisory Committee considers that 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, or that an employer could make improper use of official information to which a former Minister has had access, it may recommend a delay of up to two years before the appointment is taken up, or that for a similar period the former Minister should stand aside from certain activities of the employer.



10. Ministerial Pensions

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Participation in the Parliamentary Contributory Pension Fund

130. Ministers who have accrued pension rights in another pension scheme may, if they elect to participate in the Fund in respect of their Ministerial salary, and if the rules of the other scheme permit, also to have the value of those accrued rights transferred to the Fund. The Fees Office will advise on the additional benefits which will be secured by such a transfer payment.

Participation in other pension schemes

131. 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.

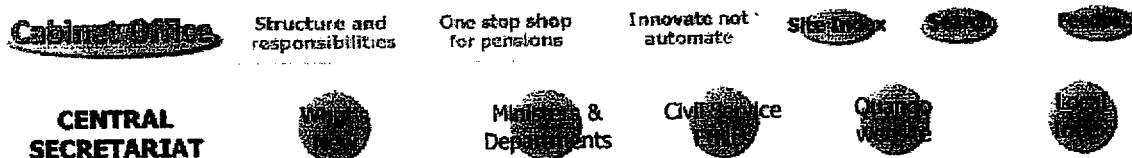
132. Ministers who expect to resume their former employment on ceasing to hold Ministerial office and who elect not to participate in the Parliamentary Fund in respect of their Ministerial salary may remain in active membership (that is, with continued payments of contributions, and with their period 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.

133. It must be emphasised that any arrangements made under [paragraph 131](#) 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.

134. 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 131, may be entitled to claim tax relief on premiums paid under a "retirement annuity contract" or "personal 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. Relief is normally limited to 17.5 per cent of the Ministerial salary excluding, for a Minister in the Commons, the difference between a Minister's reduced salary as a Member and a Member's pensionable salary. Higher limits apply to those aged over 50 (in the case of retirement annuity contracts) or aged over 35 (with personal pension schemes).

135. The taxation effects of arrangements such as are mentioned in the paragraphs above may vary according to the Minister's particular circumstances. The Controller, Inland Revenue Pension Schemes Office, PO Box 62, Yorke House, Castle Meadow Road, Nottingham, NG2 1BG, will be willing to explain the effects for tax purposes of any proposed arrangements under paragraph 131; he will also give, on request, further information on the legislation and reliefs available in respect of retirement annuity contracts or personal pension schemes.



Annex

Membership of Lloyd's

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1. A Minister holding office as Prime Minister, Chancellor of the Exchequer or as President of the Board of Trade (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 that office.

2. Apart from those Ministers covered by the specific requirements of paragraph 1 above, any Minister who is an underwriting member 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 management. Ministers who are underwriting members of Lloyd's should arrange their syndicate participation solely through a Members Agent Pooling Arrangement (MAPA). This requirement will operate from the 1995 year of account, or from the first year of account after appointment for newly appointed Ministers, subject to time being available for the procedures for joining a MAPA.

3. No Minister who is a current underwriting member of Lloyd's should take part in any Departmental or collective discussions or decision affecting Lloyd's whether directly or indirectly (eg the Secretary of State for Transport in relation to questions concerning marine, aviation and transport insurance, the Secretary of State for Employment on questions concerning employers' liability insurance, Treasury Ministers on tax issues affecting Lloyd's).

4. Some Ministers may have ceased underwriting but still have open syndicate commitments in respect of past membership. Such Ministers should take no part in those Departmental or collective discussions or decisions affecting Lloyd's (whether directly or indirectly) if their continuing benefits or liabilities in respect of the period before cessation might thereby be affected, and might therefore make them vulnerable to reasonable suspicion of exerting or being in a position of undue influence.

5. A Law Officer who is an underwriting member of Lloyd's, or who still has open syndicate commitments in respect of past membership, should not tender advice on the formulation, application or enforcement of legislation relating to Lloyd's, or take

part in any collective discussion or decision on any matters affecting Lloyd's and should, as far as is practicable, avoid taking enforcement decisions relating to Lloyd's.

6. Where a Minister is contemplating investing in a corporate entity at Lloyd's, or has made such an investment prior to Ministerial appointment, the provisions of paragraphs 109-123 apply.

7. A Minister in whom powers under legislation relating to Lloyd's are vested should not delegate the exercise of those powers to any other Minister who is an underwriting member of Lloyd's or who still has open syndicate commitments in respect of past underwriting.

8. Every Minister is required, on first appointment to Ministerial office, to obtain the Prime Minister's written permission before continuing a connection with Lloyd's, however nominal. Any Minister wishing to establish or re-establish any such connection during his term of appointment should likewise obtain the Prime Minister's permission to do so. Before granting permission, the Prime Minister will need to be satisfied that the conditions indicated above will be met.

9. In addition, the Secretary of the Cabinet is required to keep a list of Ministers who are members of Lloyd's. He will ask all Ministers on appointment for the first time to Ministerial office whether they are a member of Lloyd's and if so whether they propose to continue or to suspend underwriting while they hold that office. He will also ask those Ministers who are members of Lloyd's and who are appointed to a subsequent Ministerial office whether they propose to continue or suspend underwriting while they hold that office.

10. Where a Minister has a shareholding in an investment trust or any other entity which holds a corporate membership of Lloyd's, that shareholding should be treated on the same basis as any other by a Minister (see paragraphs 109-123).