

APPENDIX 18

(Referred to in para J913)

GUIDANCE TO COMMANDING OFFICERS CONSIDERING REQUESTS FROM SERVICE PERSONNEL WHO ARE SEEKING AN APPOINTMENT OR EMPLOYMENT COVERED BY THE BUSINESS APPOINTMENT RULES AFTER LEAVING THE SERVICES

1. Defence Business Services (DBS) Civilian HR advise and administer the Business Appointments application policy and process on behalf of the Services. Before accepting any new appointment or employment (including unpaid appointments in the voluntary/charity sectors) whether in the UK or overseas, after leaving the Services, all serving/former Military Officers (including Warrant Officers) must consider whether an application is required under the Business Appointment Rules. If it is, they must not accept a new paid or unpaid job offer before their application has been approved. This policy applies for two years after their last day of paid service including the Terminal leave period. An application must be submitted under the Business Appointment Rules if the serving/former Military Officer is at or above the rank of Major General, Rear Admiral, or Air Vice Marshal. All serving/former Military Officers at or below the rank of Brigadier, Commodore or Air Commodore must submit an application if their circumstances match one or more of the following criteria:
 - (a) Have been involved in developing policy affecting the prospective employer, or have had access to unannounced Government policy or other privileged information affecting the prospective employer at any time in their last two years in the Services;
 - (b) Have been responsible for regulatory or any other decisions; affecting their prospective employer, at any time in their last two years of service;
 - (c) Have had any official dealings with their prospective employer at any time in the last two years of service in the Armed Forces;
 - (d) Have had official dealings of a continued or repeated nature with their prospective employer at any time during their service career;
 - (e) Have had access to commercially sensitive information of competitors of their prospective employer in the course of their official duties;
 - (f) The proposed appointment or employment would involve them making representations to, or lobbying the Government on behalf of their new employer;
 - (g) The proposed appointment or employment is consultancy work, either self-employed or as a member of a firm, and they have had official dealings with outside bodies or organisations in their last two years of service that are involved in the proposed area of consultancy work.
2. Applications may be approved unconditionally, or approved subject to conditions which may apply up to a maximum two years from the last day of **paid** service (which includes the Terminal Leave period). Such conditions may include:
 - (a) A waiting period before taking up the appointment or employment and/or;
 - (b) A behavioural condition that for a specified period the former Military Officer (including Warrant Officer) should stand aside from involvement in certain activities, for example, commercial dealings with the MOD, or involvement in particular areas of the new employer's business.
3. A default lobbying ban of 12 months will be imposed on all applications. This may be reduced or extended up to 2 years. Lobbying in this context means that the former Military Officer (including Warrant Officer) should not engage in communications with Government (including Ministers; special

advisors and officials) with a view to influencing a Government decision or policy in relation to their interests or the organisation by which they are employed or to whom they are contracted.

4. Any condition, including a waiting period, imposed on the proposed appointment will run from the last day of **paid** service, i.e. at the end of Terminal Leave.