

IN THE SUPREME COURT OF THE UNITED KINGDOM

**R (on the application of Miller) (Appellant) v
The Prime Minister (Respondent)
Cherry and others (Respondents) v Advocate
General for Scotland (Appellant) (Scotland)**

EXHIBIT UKSC/JFB/11 OF JULIAN BRENNAN, RE CONTEMPT OF COURT

21/11/2020

Gmail - Letter for the urgent attention of the Prime Minister and the Cabinet Secretary



Julian Brennan <julianfraserbrennan@gmail.com>

Letter for the urgent attention of the Prime Minister and the Cabinet Secretary

1 message

Julian Brennan <julianfraserbrennan@gmail.com>

21 November 2020 at 10:18

To: psamandamilling@cabinetoffice.gov.uk

Cc: chairman@conservatives.com

Dear Minister

Please will you ensure that the attached correspondence is passed to or forwarded to both the Prime Minister and the Cabinet Secretary for their most urgent personal attention.

Yours sincerely

Julian Brennan



E-mail attachment - Letter to the Prime Minister, 20 November 2020 (with appendices).pdf
4149K

Borisgate Ltd

3 Byland Road, Skelton TS12 2NJ
borisgate@email.com
(Company Number 12308841)

My Ref: CI/BM58/ch16.am

20 November 2020

The Rt Hon Boris Johnson MP
The Flat
10 Downing Street
London SW1A 2AA

Via e-mail for urgent and personal attention

Dear Mr Johnson

YOUR RESIGNATION OVER FRAUD

Yesterday I sent a letter to Amanda Milling about your acceptance, on 14 November, that your public reputation correctly includes the reality of you being a "**fraudster**" (in fact and law), and that that has applied since 24 September 2019 (Case Exhibit JFB/ABdPJ/4). You have committed criminal offences under section 1 of the Fraud Act 2006. If you have not already seen the letter to which I refer you can access and download it at <https://thefraudster.uk/>. The letter was later sent to an APS in the Minister's Private Office, meaning she has received the information in her both legal capacities (Chairman of the Conservative Party and Minister without Portfolio).

You must resign tomorrow. It is simply not possible for the Prime Minister of the United Kingdom and the Head of the UK Government to be a "**fraudster**", a "**crook**" and "**corrupt**" (due him having acted criminally on a number of occasions). You were unable to issue defamation proceedings against me because what I state is true. By acting you would have committed further offences. I refer to my letter of 21 September 2019 to you which is at **Appendix 1** (also Case Exhibit JFB/ABdPJ/2).

I suggest that the handover of authority and power is effected smoothly, with everything done and announced publicly at least 12 hours before the opening of the New Zealand Stock Exchange at 10.00am on Monday (NZDT), ie 9.00am on Sunday (GMT). The following Ministers must be sacked: Gavin Williamson, Jacob Rees-Mogg, Suella Braverman and James Cleverly (for acting illegally, but departing from Government without any severance pay); and Michael Jenrick, Brandon Lewis and Priti Patel (for acting in breach of the Ministerial Code). I suggest it would be appropriate and prudent for the traditional exchange of letters to be dispensed with. Dominic Cummings must be sacked without notice for his acts in breach of his contractual duty of loyalty to The Crown. You should take account of my letter of 2 September 2020 to Mr Cummings. See **Appendix 2**.

As far as you are concerned personally I have considered what you might be able to say so that you do not fail to disclose information in accordance with your legal duties (and thereby act in breach of section 3 of the 2006); yet at the same time sensibly rely on your right to non self-incrimination. Please re-read the document at **Appendix 3**. I suggest that you simply inform the

Cabinet that you are resigning as Prime Minister because you "*have not always spoken and acted honestly as Prime Minister*"; "*have not complied with all your legal duties*", as you should have done; and "*have not in fact got Brexit done*" as you have claimed. You are aware that I am able to prove (according to UK Constitutional Law and EU Law) that the "treaty" you signed on 24 January 2020 is Null. I suggest that the essential fact you must disclose to the First Secretary of State is that the "withdrawal agreement" was *void ab initio* (not voidable) immediately after you signed it on 24 January, meaning that an emergency Bill must be introduced into the House of Commons so that all necessary legislative amendments can be made in order that section 39(5) of the European Union (Withdrawal Agreement) Act 2020 (and all related statutory provisions and possible future amendments) can be amended so **"IP completion day means 30 September 2021 at 11.00 p.m."**. In relation to Gibraltar (as well as the UK) I refer you to **Appendix 4**. I will inform the next Prime Minister about the position regarding legal liability and how the interests of The Crown (and to a degree those of other European nation states) have been protected. I refer to my letter of 13 October 2020 which is at **Appendix 5**.

The European Council must be informed about the Nullity (either under Article 4(3) or Article 13(2) TEU). It must address the issues of President von der Leyen failing to act correctly on 29-31 January 2020 and on 13-16 October 2020, and acting wrongly on 1 October 2020. She should have reported on her very significant and costly errors to the Heads of State and Heads of Government who constitute the European Council. She did not ensure the Commission acted as required under Articles 17(1) or 13(2) TEU. From 29 to 31 January President von der Leyen acted in a way that was in breach of legally enforceable rights of all European Citizens. As far as I am aware no other Commissioner has been involved. The same applies to Michel Barnier; nothing relates to his roles or to the work of his teams. The issues I have raised are simply about the Commission President failing to accept the responsibilities of her job and act in accordance with her duties under the Treaties. President von der Leyen not only failed to disclose to the European Council, but it is clear from the Joint Statement of the Members of the EEA Council / EU Council of the 18th that she also failed to do so with the EEA Council. By seeking to "cover-up" her lack of competence she is creating new chains of liability.

I raise the above as you may think it relevant to consider that the UK's interests might be best served by you being a "domino" that falls on Ursula von der Leyen, rather than her being the domino that falls on you. The direct consequential effects of the latter happening would mean Counsel acting for you in the future would be deprived of something to use as part of their mitigation pleas; plus it would increase the likelihood of someone other than Dominic Cummings turning Queen's Evidence. Sooner or later someone on this side of the Channel will realise that it's "every man for himself".

This correspondence will be provided to others in addition to the individuals to whom it will be copied.

Yours sincerely



Julian Brennan

cc: The Rt Hon Amanda Milling MP
Chairman of the Conservative Party / Minister without Portfolio
Alex Burghart MP, PPS and Trudy Harrion MP, PPS

Appendix 1
to letter of 20/11/2020 to the Prime Minister

Julian Brennan

3 Byland Road, Skelton, Saltburn-by-the-Sea TS12 2NJ

21 September 2019

The Rt Hon Boris Johnson MP
The Flat
10 Downing Street
Westminster
London SW1A 2AA

Personal and Urgent Correspondence sent by Royal Mail Special Delivery

Dear Sir

YOUR RESIGNATION AS PRIME MINISTER ON MONDAY

Given the facts and the law, you now have two options open to you:-

- (1) You can resign as Prime Minister on Monday, by informing Her Majesty the Queen that you cannot honourably continue in post; or
- (2) You can decide not to resign, and instead: (a) swear an Affidavit in your legal capacity of Prime Minister - doing so on pain of perjury - and in that document state that you have at no time since you were declared elected as Leader of the Conservative & Unionist Party on 23 July 2019 intentionally misled the Queen, and then provide 12 copies to the Supreme Court of the United Kingdom, and (b) issue proceedings in the High Court of Justice against me for alleged defamation for stating publicly that **you are a fraudster and a liar** and that **you have misled Parliament and The Queen** by not revealing important matters in accordance with your legal duty, the Ministerial Code and the terms of the oaths you have sworn.

In the public interest I will communicate the contents of this letter at some time before Monday lunchtime. You are no doubt aware that the burden of proof in any defamation proceedings would be entirely mine, and that you would not even have to give any evidence. I would defend any claim you issue very robustly and without delay. One of my defences would be that **what I state is true**. You must take into account my certain belief that you cannot do the two things set out in the paragraph number (2) above, as they would involve you committing the offence of perjury (under S. 1(3) of the Perjury Act 1911) and the offence of fraud (under S.1 of the Fraud Act 2006). On my successful defence of any claim I would report you to the Metropolitan Police for committing a serious criminal offence.

Yours faithfully



Julian F. Brennan

Appendix 2
to letter of 20/11/2020 to the Prime Minister

Julian Brennan

3 Byland Road, Skelton, Saltburn-by-the-Sea TS12 2NJ

My Ref: CI/BM58/ch2.am

2 September 2020

Dominic Cummings
Chief Adviser to the Prime Minister
Cabinet Office
70 Whitehall
London SW1A 2AS

For the personal and urgent attention of Dominic Cummings, sent via:

dmc2.cummings@gmail.com
ideasfornumber10@gmail.com
publiccorrespondence@cabinetoffice.gov.uk

Dear Mr Cummings

Re Legal Claims and Reports to the Police

Tomorrow three months will have passed since it was possible for you to issue a Letter Before Claim or a High Court Claim against me if you believed any statement I had published was defamatory of you. There can be no doubt that what I stated about you would be defamatory - but for it being factually correct - and likely to cause damage to the reputation you claim. Given your failures to act you should resign your position. Your criminal conduct means you are not fit to remain in post.

Also in relation to fraud and lies, would you please inform the Prime Minister that from tomorrow he has exactly three weeks in which to issue a High Court Claim against me before the relevant expiry date. From 24 September he will be unable to act, and I will have immunity from suit.

You should not alter, dispose of, or destroy any document (including computerised documents/files) or other relevant property (such as hard drives, SIM cards). They will be needed by the Metropolitan Police and/or Durham Constabulary as evidence for legal proceedings.

If either you or Mr Johnson are in any doubt about your respective positions in law and/or the effects and consequences of your criminal acts and omissions you should seek professional legal advice.

Yours sincerely

A handwritten signature in blue ink that reads "Julian Brennan". The signature is written in a cursive style with a large, stylized 'J' at the beginning.

Julian Brennan

Appendix 3
to letter of 20/11/2020 to the Prime Minister

FRAUD ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3: Fraud by failing to disclose information

18. **Section 3** makes it an offence to commit fraud by failing to disclose information to another person where there is a legal duty to disclose the information. A legal duty to disclose information may include duties under oral contracts as well as written contracts. The concept of “legal duty” is explained in the Law Commission’s Report on *Fraud*, which said at paragraphs 7.28 and 7.29:

“7.28 ... Such a duty may derive from statute (such as the provisions governing company prospectuses), from the fact that the transaction in question is one of the utmost good faith (such as a contract of insurance), from the express or implied terms of a contract, from the custom of a particular trade or market, or from the existence of a fiduciary relationship between the parties (such as that of agent and principal).

- 7.29. For this purpose there is a legal duty to disclose information not only if the defendant’s failure to disclose it gives the victim a cause of action for damages, but also if the law gives the victim a right to set aside any change in his or her legal position to which he or she may consent as a result of the non-disclosure. For example, a person in a fiduciary position has a duty to disclose material information when entering into a contract with his or her beneficiary, in the sense that a failure to make such disclosure will entitle the beneficiary to rescind the contract and to reclaim any property transferred under it.”
19. For example, the failure of a solicitor to share vital information with a client within the context of their work relationship, in order to perpetrate a fraud upon that client, would be covered by this section. Similarly, an offence could be committed under this section if a person intentionally failed to disclose information relating to his heart condition when making an application for life insurance.

Appendix 4
to letter of 20/11/2020 to the Prime Minister

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, Cross Heading: European Economic Area Act 1993. (See end of Document for details)

SCHEDULES

SCHEDULE 5

CONSEQUENTIAL AND TRANSITIONAL PROVISION ETC.

PART 2

SPECIFIC CONSEQUENTIAL PROVISION ETC.

PROSPECTIVE

European Economic Area Act 1993

- | | |
|----|--|
| 13 | The European Economic Area Act 1993 is amended as follows. |
| 14 | In section 2 (consistent application of law to the whole of the EEA), in subsections (3)(a) and (3A), for “exit day” substitute “ IP completion day ”. |
| 15 | In section 3 (general implementation of the EEA agreement), in subsections (3) (a) and (4A), for “exit day” substitute “ IP completion day ”. |
| 16 | In section 6(1) (interpretation), in the definition of “the 1972 Act”, for “its repeal by section 1” substitute “ it ceases to have effect by virtue of section 1A(5) ”. |

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the European Union (Withdrawal Agreement) Act 2020, Cross Heading: European Economic Area Act 1993.

Appendix 5
to letter of 20/11/2020 to the Prime Minister

Borisgate Ltd

3 Byland Road, Skelton TS12 2NJ

borisgate@email.com

(Company Number 12308841)

13 October 2020

Ursula von der Leyen
President of the European Commission
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgique/België

Dear President von der Leyen

Re Information for the European Council meeting on 15 October 2020

I write in response to the reply to my letter of 18 September 2020 to you, sent to me in the early evening of 1 October. The reply was far from adequate as the correspondence sent to you up to that time referred to the need for you personally to consider your position. It seems to me that, if you do not accept responsibility, the scale and effects of your personal failings in relation to Brexit are such that the European Parliament could decide to pass a motion of censure under Article 234 TFEU and require the entire Commission to resign under Article 17(8) TEU. The last time that happened was in 1994 when the Santer Commission had to resign. The proxy reply saying that "*the European Commission has acted in accordance with its obligations under the Treaties throughout the Brexit process*" may be satisfactory for you personally, but it does not change the fact that the European Union acted in breach of law on 30 January 2020 when it concluded the EU-UK Withdrawal Agreement. That happened after you had been informed of Boris Johnson's illegality and could have acted to halt his fraud having very serious effects. I bent over backwards to avoid the calamity that was foreseeable.

The legal effects and liabilities of what you have allowed to occur are distasteful for people and all types of businesses across the whole of the continent of Europe. Your personal acts and failures to act following information provided to and for you mean the UK is able to invoke Article 47 of the Vienna Convention on the Law of Treaties in relation to Boris Johnson's fraudulent acts and omissions during the evening of 24 January 2020. The information I provided between 24 and 31 January allowed you to avoid the "Treaty" from being concluded. Acting under Article 17(1) TEU the Commission could have invoked Article 49 of the Vienna Convention on the morning of 1 October 2020. However, the media statement you made instead of doing that effectively expressed on behalf of the Union the view that the Withdrawal Agreement is valid, remains in force and continues in operation. That means the European Union has lost any legal right it might have had to invoke any ground for invalidating, terminating or withdrawing from the Treaty (or suspending its operation) under Articles 46 to 50 or Articles 60 and 62 of the Vienna Convention. See Article 45 VC. I highlight that that was in the context of the European Commission having been warned (during the day of 24 January) about the effects and the very serious and costly consequences for EU Member States (due to Article 216(2) TFEU) if the Commission allowed the UK's withdrawal to go ahead on 31 January. You allowed the 27 EU Member States to be exposed to financial loss due to your inaction. You compounded that earlier failing by making your announcement on 1 October.

What was put to me later on 1 October about the Commission complying with its obligations under the Treaties is not at all correct in relation to your failure to inform the European Council about the problems over Brexit. For example, the European Commission has not complied with the terms of the Declaration on Article 17 of the Treaty on European Union set out in the Consolidated version of the Treaty on the Functioning of the European Union. That has applied since the resignation of Commissioner Hogan on 26 August, and will continue until the European Council confirms First Vice-President of the European Parliament, Mairead McGuinness, (or another) as a Commissioner. The Declaration reads as follows:-

"The Conference considers that when the Commission no longer includes nationals of all Member States, the Commission should pay particular attention to the need to ensure full transparency in relations with all Member States. Accordingly, the Commission should liaise closely with all Member States, whether or not they have a national serving as member of the Commission, and in this context pay special attention to the need to share information and consult with all Member States.

"The Conference also considers that the Commission should take all the necessary measures to ensure that political, social and economic realities in all Member States, including those which have no national serving as member of the Commission, are fully taken into account. These measures should include ensuring that the position of those Member States is addressed by appropriate organisational arrangements."

The relevance and importance of the information concerning Boris Johnson's frauds being disclosed has been quite obvious since 9 September 2020. And the case for the Commission to have acted with full transparency towards the Republic of Ireland is incontrovertible. I reason that essential information was not provided because it is inconceivable that Mairead McGuinness would have answered the question regarding Brexit put to her by the European Parliament in the way she did if she had known about the nullity and the resulting legal claims which the EU will face. That you triggered the infringement process without informing the EU Member States of the nullity constitutes a breach of legal obligations under the Treaties. (Rules and legal obligations aside, personally I think it was irresponsible and unconscionable for the Heads of State and of Government who sit on the European Council not to have been informed about the nullity of Brexit and its various legal and financial consequences ahead of EU's Multiannual Financial Framework 2021-2027 being determined and approved.)

Due to him not acting against me, on or before the 24 September 2020, by issuing proceedings in the High Court of Justice in England Boris Johnson accepted as a matter of fact and law that he is a **fraudster** and is **corrupt**. In my personal capacity I have legal immunity from any action by him for defamation or malicious falsehood. You did not take account of the fact that Mr Johnson had lost the normal legal presumption that attaches to a person's public reputation *before* you made your 1 October announcement.

There is a simple way for the truth to be determined absolutely. You will have noted from the paragraph above that I refer to legal immunity in my "personal capacity". Under the prescriptive period referred to in section 4A of the Limitation Act 1980 Boris Johnson still has one calendar month to sue Borisgate Ltd for publishing potentially defamatory words and statements about him (express and implied) and to sue me in my capacity as the company's Director (ie the person coming within section 1 of the Defamation Act 1996 who was/is responsible for the content of the potentially defamatory statements and for the decisions to publish them). In all the circumstances, it is simply not tenable for Boris Johnson to continue as the Prime Minister and Head of Government of the United Kingdom with an indelible stain of criminality on his reputation. He should be required to issue defamation proceedings against me or be forced to resign from the public offices he holds.

With so much at stake I suggest it was a major error for the European Commission to disregard a position established in fact and law about Mr Johnson's fraud and to decide to place before the Court of Justice of the European Union that there have been breaches of Article 5 of the Withdrawal Agreement (ie failures of good faith) when the President of the European Commission was aware that the supposed Treaty was *void ab initio* (not voidable) at the very moment Boris Johnson signed it. It speaks for itself that it is impossible in law for the Commission to claim a breach of a clause in a treaty that did not come into existence in the first place. I am able to prove the fraud and the nullity according to both UK and EU law.

As I have pointed out previously, it is important to have regard to the fact that Boris Johnson knows he cannot issue civil proceedings. What has been stated and published about him by Borisgate Ltd is true in fact and law. If he were to act he would commit a further criminal offence under section 1 of the Fraud Act 2006 (due to him acting in breach of S. 2). He is aware that in such circumstances he would face detailed fraud pleadings in a counter-claim and that, following my successful defence in civil proceedings in the High Court, he would be reported to the Commissioner of the Metropolitan Police; with all evidence being submitted and explained so he could be charged and prosecuted in the criminal courts. One piece of evidence in all proceedings would be the page of the EU-UK Treaty bearing his signature as it constitutes an "article" (*per* S. 7 of the 2006 Act) which he adapted and supplied illegally.

In relation to the above I refer you to the Appendices to this letter:-

- A. Statement made by Commission President on 1 October 2020.
- B. Related European Commission press release of the same day.
- C. Article 45 of the Vienna Convention.
- D. Section 7 "article" adapted and supplied on 24 January 2020 by Boris Johnson.
- E. E-mail sent to HM Attorney General on 23 September 2020 (copied simulatenously to the office of Commission President).

I refer you also to my document titled ***Boris Johnson's Fraud and Corruption*** which should be provided with this letter to each of the Sherpas of the 27 Members of the European Council. It should be considered an "enclosure" to this letter; though the size limitation of your e-mail box means it has been placed online for you to access and download via the QR Code below. The document consists of four sections, as follows:-

- Part One - Documents relating to legal liability and resignations (pp 1-19).
- Part Two - Documents relating to nullity of Withdrawal Agreement (pp 20-68).
- Part Three - Documents relating to unlawful and invalid Brexit (pp 69-99).
- Part Four - Documents relating to non-compliance with Articles 13 & 17 (pp 100-118).

Yours sincerely



Julian Brennan
Director



cc: Mairead McGuinness MEP, European Commissioner Designate



Press statement by President von der Leyen on the implementation of the Withdrawal Agreement between the EU and the UK

Brussels, 1 October 2020

Good morning,

As you know, we had invited our British friends to remove the problematic parts of their draft Internal Market Bill by the end of September.

This draft Bill is – by its very nature – a breach of the obligation of good faith laid down in the Withdrawal Agreement (Article 5).

Moreover, if adopted as is, it will be in full contradiction to the Protocol on Ireland / Northern Ireland.

The deadline lapsed yesterday.

The problematic provisions have not been removed.

Therefore, this morning, the Commission has decided to send a letter of formal notice to the UK government.

This is the first step in an infringement procedure.

The letter invites the UK government to send its observations within a month.

The Commission will continue to work hard towards a full and timely implementation of the Withdrawal Agreement.

We stand by our commitments.

STATEMENT/20/1800

Related media



[Press statement by European Commission President Ursula von der LEYEN, on the implementation of the Withdrawal Agreement between the EU and the UK](#)



Withdrawal Agreement: European Commission sends letter of formal notice to the United Kingdom for breach of its obligations

Brussels, 1 October 2020

The European Commission has today sent the United Kingdom a letter of formal notice for breaching its obligations under the Withdrawal Agreement. This marks the beginning of a formal infringement process against the United Kingdom. It has one month to reply to today's letter.

Article 5 of the Withdrawal Agreement states that the European Union and the United Kingdom must take all appropriate measures to ensure the fulfilment of the obligations arising from the Withdrawal Agreement, and that they must refrain from any measures which could jeopardise the attainment of those objectives. Both parties are bound by the obligation to cooperate in good faith in carrying out the tasks stemming from the Withdrawal Agreement.

On 9 September 2020, the UK government tabled a Bill ('United Kingdom Internal Market Bill') that, if adopted, would flagrantly violate the Protocol on Ireland / Northern Ireland, as it would allow the UK authorities to disregard the legal effect of the Protocol's substantive provisions under the Withdrawal Agreement. Representatives of the UK government have acknowledged this violation, stating that its purpose was to allow it to depart in a permanent way from the obligations stemming from the Protocol. The UK government has failed to withdraw the contentious parts of the Bill, despite requests by the European Union.

By doing so, the UK has breached its obligation to act in good faith, as set out in Article 5 of the Withdrawal Agreement. Furthermore, it has launched a process, which – if the Bill is adopted – would impede the implementation of the Withdrawal Agreement. As a result, the Commission has launched infringement proceedings today in line with the provisions of the Withdrawal Agreement.

Next steps

The UK has until the end of this month to submit its observations to the letter of formal notice. After examining these observations, or if no observations have been submitted, the Commission may, if appropriate, decide to issue a Reasoned Opinion.

Background

The Withdrawal Agreement was ratified by both the EU and the UK. It entered into force on 1 February 2020 and has legal effects under international law.

Following the publication by the UK government of the draft 'United Kingdom Internal Market Bill' on 9 September 2020, Vice-President Maroš **Šefčovič** called for an extraordinary meeting of the EU-UK Joint Committee to request the UK government to elaborate on its intentions and to respond to the EU's serious concerns. The meeting took place in London on 10 September between Michael Gove, Chancellor of the Duchy of Lancaster, and Vice-President Maroš **Šefčovič**.

At the meeting, Vice-President Maroš **Šefčovič** stated that if the Bill were to be adopted, it would constitute an extremely serious violation of the Withdrawal Agreement and of international law. He called on the UK government to withdraw these measures from the draft Bill in the shortest time possible and in any case by the end of the month of September.

At the third ordinary meeting of the Joint Committee on 28 September 2020, Vice-President Maroš **Šefčovič** again called on the UK government to withdraw the contentious measures from the bill. The UK government on this occasion confirmed its intention to go ahead with the draft legislation.

The Withdrawal Agreement provides that during the transition period, the Court of Justice of the European Union has jurisdiction and the Commission has the powers conferred upon it by Union law in relation to the United Kingdom, also as regards the interpretation and application of that Agreement.

For more information

[Statement by the European Commission and letter by Vice-President Maroš Šefčovič following the extraordinary meeting of the EU-UK Joint Committee](#)

[Press statement by Vice-President Maroš Šefčovič following the third ordinary meeting of the EU-UK Joint Committee](#)

[More information on infringement proceedings](#)

President **von der Leyen**'s press statement is available [here](#)

IP/20/1798

Press contacts:

[Daniel FERRIE](#) (+32 2 298 65 00)

General public inquiries: [Europe Direct](#) by phone [00 800 67 89 10 11](#) or by [email](#)

(c) continued performance of the remainder of the treaty would not be unjust. 223

4. In cases falling under articles 49 and 50 the State entitled to invoke the fraud or corruption may do so with respect either to the whole treaty or, subject to paragraph 3, to the particular clauses alone. 224

5. In cases falling under articles 51, 52 and 53, no separation of the provisions of the treaty is permitted. 225

Article 45 - Loss of a right to invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty 226

A State may no longer invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty under articles 46 to 50 or articles 60 and 62 if, after becoming aware of the facts: 227

(a) it shall have expressly agreed that the treaty is valid or remains in force or continues in operation, as the case may be; or 228

(b) it must by reason of its conduct be considered as having acquiesced in the validity of the treaty or in its maintenance in force or in operation, as the case may be. 229

Section 2. - Invalidity of Treaties 230

Article 46 - Provisions of internal law regarding competence to conclude treaties 231

1. A State may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance. 232

2. A violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in good faith. 233

Article 47 - Specific restrictions on authority to express the consent of a State 234

If the authority of a representative to express the consent of a State to be bound by a particular treaty has been made subject to a specific restriction, his omission to observe that restriction may not be invoked as invalidating the consent expressed by him unless the restriction was notified to the other negotiating States prior to his expressing such consent. 235

За Обединеното кралство Великобритания и Северна Ирландия
 Por el Reino Unido de Gran Bretaña e Irlanda del Norte
 Za Spojené království Velké Británie a Severního Írska
 For Det Forenede Kongerige Storbritannien og Nordirland
 Für das Vereinigte Königreich Großbritannien und Nordirland
 Suurbritannia ja Põhja-Iiri Ühendkuningriigi nimel
 Για το Ηνωμένο Βασίλειο της Μεγάλης Βρετανίας και της Βόρειας Ιρλανδίας
 For the United Kingdom of Great Britain and Northern Ireland
 Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
 Thar ceann Ríocht Aontaithe na Breataine Móire agus Thuaisceart Éireann
 Za Ujedinjenu Kraljevinu Velike Britanije i Sjeverne Irske
 Per il Regno Unito di Gran Bretagna e Irlanda del Nord
 Lielbritānijas un Ziemeļīrijas Apvienotās Karalistes vārdā –
 Jungtinės Didžiosios Britanijos ir Šiaurės Airijos Karalystės vardu
 Nagy-Britannia és Észak-Írország Egyesült Királysága részéről
 Ghar-Renju Unit tal-Gran Brittanja u l-Irlanda ta' Fuq
 Voor het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland
 W imieniu Zjednoczonego Królestwa Wielkiej Brytanii i Irlandii Północnej
 Pelo Reino Unido da Grã-Bretanha e da Irlanda do Norte
 Pentru Regatul Unit al Marii Britanii și Irlandei de Nord
 Za Spojené kráľovstvo Veľkej Británie a Severného Írska
 Za Združeno kraljestvo Velika Britanija in Severna Írska
 Ison-Britannian ja Pohjois-Irlannin yhdistyneen kuningaskunnan puolesta
 För Förenade konungariket Storbritannien och Nordirland





Julian Brennan <julianfraserbrennan@gmail.com>

Information for HM Attorney General and the Minister for the Cabinet Office

1 message

Julian Brennan <julianfraserbrennan@gmail.com>

23 September 2020 at 08:13

To: ago.privateoffice@attorneygeneral.gov.uk, psmichaelgove@cabinetoffice.gov.uk

Cc: Bjoern.SEIBERT@ec.europa.eu, Stephanie.Riso@ec.europa.eu

Dear Madam Attorney

I write further to my e-mail of the 18th September by which I sent you a copy of my Witness Statement concerning the fraud committed by the Prime Minister. A further Witness Statement is in the attached zipped file for your personal consideration. You will see from both documents that you will need to: (a) review your Legal Advice about the source of law regarding the "overarching duty" of Ministers of the Crown to comply with the law; and (b) withdraw your Advice concerning the UK Internal Market Bill. The EU-UK Withdrawal Agreement was void the moment the Prime Minister signed it in London on 24 January. He needs to inform the Cabinet and the House of Commons of the facts.

I am sending copies of this communication to the Head and Deputy Head of Cabinet of European Commission President von der Leyen as she needs to consider her personal position regarding this matter.

Yours sincerely

Julian Brennan

**Witness Statement.zip**

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