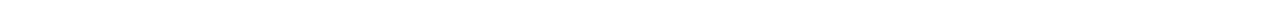


TAB A

**Witness Statement of 17 December 2020
with Exhibits UKSC/JFB/1-8 attached**



**IN THE SUPREME COURT OF THE UNITED KINGDOM
ON APPEAL FROM: THE HIGH COURT OF JUSTICE,
QUEEN'S BENCH DIVISION; AND THE INNER HOUSE
OF THE COURT OF SESSION**

BETWEEN:

THE QUEEN
on the applications of

(1) GINA MILLER
(2) JOANNA CHERRY QC, MP & 78 OTHERS

Claimant/Appellant
Petitioners/Reclaimers/Respondents

– and –

THE PRIME MINISTER

Defendant/Respondent

– and –

THE ADVOCATE GENERAL FOR SCOTLAND

Respondent/Appellant

– and –

(1) THE LORD ADVOCATE
(2) RAYMOND MCCORD
(3) THE COUNSEL GENERAL FOR WALES
(4) THE RT HON SIR JOHN MAJOR KG, CH
(5) BARONESS CHAKRABARTI CBE, PC
(6) PUBLIC LAW PROJECT

Original Interveners

(7) JULIAN FRASER BRENNAN

Intervener Re Contempt

– and –

(1) DOMINIC MCKENZIE CUMMINGS
(2) CHAIRMAN OF THE CONSERVATIVE PARTY
(3) URSULA VON DE LEYEN

Interested Parties

WITNESS STATEMENT OF JULIAN BRENNAN RE CONTEMPT OF COURT

I **JULIAN FRASER BRENNAN** of 3 Byland Road, Skelton, Saltburn-by-the-Sea TS12 2NJ, born on 14 September 1956 in Epping in the County of Essex, will say as follows:

Introduction

- 1 I act in accordance with my duty of Allegiance to Her Majesty the Queen and, in writing this Witness Statement, act in the public and national interests; doing so with regard to Peelian Principles and to my duties and obligations under the Military Covenant. My Convention rights coming within Articles 9 and 10 (in support of the Rule of Law and the Sovereignty of Parliament) are recognised as “engaged”. For 14 years I acted as a Human Rights Defender.
- 2 The purpose of this Statement is to bring to the attention of the Supreme Court an issue of Contempt of Court by the Prime Minister which occurred throughout the period he was a party in the original proceedings and appeal in this matter. The Prime Minister wilfully did not comply with the duty of candour and wilfully refused to provide an Affidavit setting out all relevant facts which the Court would need to consider. He did not act in good faith.

Background Facts

- 3 On 23 September 2019 I sent an e-mail to Boris Johnson (in his personal capacity). Attached to it was a scan of a letter, dated 21 September 2020, that had been sent to him by Royal Mail Special Delivery. The e-mail and letter are attached as **Exhibit SCUK/JFB/1**. The proof of posting and proof of receipt of the Special Delivery are attached as **Exhibit SCUK/JFB/2**.
- 4 The following day I e-mailed a letter to the (then) Chairman of the Conservative Party and Minister without Portfolio, The Rt Hon James Cleverly MP. In that letter I re-stated the potentially defamatory statements contained in my letter to Mr Johnson. If what I put in my letter to Mr Cleverly was not true (or substantially true) it would have been defamatory within the meaning of S. 1 of the Defamation Act 2013. The words were not defamatory of Mr Johnson, however. At the time of me first writing the word “*fraudster*”, I was able to prove in fact and law (with credible evidence) that he was “guilty” of fraud (within the meaning of S. 1 of the Fraud Act 2006). Boris Johnson’s fraud related to matters coming within the scope of the original proceedings and to issues relating to Brexit.

- 5 The first full paragraph on the last page of my letter was as below [*with original emphasis*]:-
- “The inescapable logic of the situation is as follows: If I’m correct in what I say, the Prime Minister will have acted dishonestly with Members of the Cabinet and with Conservative MPs, as well as with Her Majesty the Queen. This is not an accusation/ assertion that Boris Johnson can simply deny. If am right Boris Johnson cannot be trusted to tell the truth, so a simple denial has to be considered insufficient. I refer back to my letter regarding defamation [ie the letter at Exhibit SCUK/JFB/1], and to the second of the two options put to him. Any denial should be backed up with a proper defence against my potentially defamatory statements. He can (a) swear an Affidavit in his legal capacity of Prime Minister – doing so on pain of perjury – and in that document state that he has at no time since he was declared elected as Leader of the Conservative & Unionist Party on 23 July 2019 intentionally misled the Queen, and (b) issue proceedings in the High Court of Justice against me for alleged defamation for me stating publicly that **he is a fraudster (ie a person who has committed the offence of fraud) and a liar, and that he has misled Parliament and the Queen.**”.
- 6 I refer now to Exhibit SCUK/JFB/3 attached. That is an e-mail sent to Mr Cleverly during the morning of 19 September 2019 with documents for the Supreme Court. In the first paragraph of the e-mail I said [*with original emphasis*]: “There are other documents which the Prime Minister knows about which (together with this e-mail and the attached) should be provided to the parties and the interveners – and to the Court – in accordance with **the ongoing duty of candour.**”.
- 7 One such document is attached as Exhibit SCUK/JFB/4. As can be seen from that correspondence I referred to a letter I had sent to Boris Johnson on 11 July 2019 and to an Affidavit enclosed with it. I refer to Exhibit SCUK/JFB/5 attached (which is the Exhibit marked JFB/4 of that Affidavit) and to Exhibit SCUK/JFB/6 (also attached here) which is my e-mail of 30 August 2019 to the Director General of the Conservative Party.
- 8 The key issue that the Prime Minister wilfully did not disclose was that his principal reason for wanting Parliament to be prorogued was to bring an end to the Confidence and Supply Agreement between the Conservative Party and the Democratic Unionist Party. Ending the Parliamentary Session was the only way that could be done. Without him bringing it to an end as Prime Minister he could not possibly implement his stated policy [as a leadership candidate] for the UK to leave the European Union by 31 October 2019 “*come what may*”.

- 9 Before he became Prime Minister Boris Johnson knew he could not count on the votes of DUP MPs for his Brexit policy; as he knew he could not implement his Brexit policy whilst the Confidence and Supply Agreement was in force (due to the basis on which the Agreement was reached, and the related £1 billion of additional funding was allocated by HM Treasury). A change of Prime Minister and a change to the majority in Cabinet in the last week of July 2019 was not enough for a change in Government policy over Brexit. I refer to the documents attached as Exhibits SCUK/JFB/7 and SCUK/JFB/8 which are, respectively, the Confidence and Supply Agreement signed on 26 June 2017 and the e-mail string of 16-19 September 2019.
- 10 There is a curious paradox that becomes apparent when the above documents are looked at together: Boris Johnson knew before he was appointed First Lord of the Treasury by Her Majesty the Queen that he needed the Confidence and Supply Agreement to be brought to an end, and knew that that could only happen through the Prorogation of Parliament and an end to the [then existing] Parliamentary Session; meaning that at the time he “kissed hands” (so to speak) Mr Johnson knew he would not have the necessary majority in the House of Commons to form a Government in Her Majesty’s name and implement his “flagship” policy. I refer to the precise wording of sub-paragraph (2) of my letter of 21 September 2019 (see second page of Exhibit SCUK/JFB/2); to the last sentence of my letter of 24 July 2019 (see second page of Exhibit SCUK/JFB/4); and to the final paragraph of the Confidence and Supply Agreement (see third page of Exhibit SCUK/JFB/7). **Boris Johnson acted dishonestly with Her Majesty the Queen on 24 July 2019.**
- 11 I refer to the section sub-titled “*The run-up to this prorogation*” on pages 4-6 in the Court’s Judgment handed down on 24 September 2019. The Prime Minister knew that information set out in that section was incorrect because he had not acted in accordance with his legal duties to produce and provide information as required by the duty of candour. What Mr Johnson keeps from people is that, in relation to the United Kingdom’s withdrawal from the European Union and the terms of the (then) Government’s European Union (Notification of Withdrawal) Bill, passed on 13 March 2017, The Rt Hon Boris Johnson MP, as Foreign Secretary, failed to raise in Cabinet or with the Prime Minister an important issue concerning Gibraltar which came within his Ministerial responsibilities. The result of his failure to do his job properly led to a fatal flaw in the entire Article 50 process. My Written Submission to the Court will explain in detail. In my Submission I will refer to legal provisions contained in a separate document marked Exhibit SCUK/JFB/9, titled *UK Constitutional Law – Non-compliance with Article 50 of the Treaty on European Union*.

12 My Legal Submission will show that the Prime Minister acted in breach of law by not providing to the Government Legal Department all information that was relevant to Ms Gina Miller’s Claim, and that on 25 September 2019 the Prime Minister knowingly acted in breach of the Resolution of the House of Commons of 19 March 1997 on Ministerial Accountability (*Hansard* Cols. 1046-47) when he made a Statement to the Commons about the Court’s Judgment in his “leap-frog” appeal from the High Court of Justice. Other documents of evidence which will be referred to are marked as Exhibits SCUK/JFB/10 to SCUK/JFB/12.

I believe the facts stated above are true.

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

Julian Brennan
17 December 2020

EXHIBIT UKSC/JFB/1 REFERRED TO IN PARAGRAPH 3

Post Office Ltd.
www.postoffice.co.uk

21/09/2019 12:28 TP:06 BP:04 SU: AA
Skelton In Cleveland FAD: 2563274
129-131 High Street
Skelton In Cleveland
Saltburn-By-The-Sea
North Yorkshire
TS12 2DY

Session Id: 2-710098
Txn Id: 1

Horizon Certificate of Posting
Special Delivery by 1pm

An item addressed as follows:-

Building Name or No: 10
PostCode/Zip Code: SW1A2AA

Barcode Number: BH235554915GB

Has been accepted here today.

Total Cost Of Services = £6.60

It is important that you retain this
receipt as it is your Proof Of Posting.

Please refer to Separate Terms and
Conditions.

Special Delivery is an express next
day service for the UK, offering a
money back guarantee for delay and
compensation for loss and damage to
your item. Check delivery at
www.royalmail.com or call
03457 001200 quoting your ref number

For information regarding Royal Mail
products and services visit our web site
at www.postoffice.co.uk

Withdraw cash over the counter
from your bank account
at any of our branches(selected banks)
It's free and easy

www.postoffice.co.uk/banking

* * * * *
* We'd love your feedback. *
* Share your opinion and you could win *
* a One4all Gift Card worth £100. Visit *
* postoffice.co.uk/feedback or call *
* us free on 0800 047 2322. *
* * * * *

This is not a VAT receipt



Royal Mail

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[Find a postcode](#)

[Get a price](#)

[Redelivery](#)

[Pay a fee](#)

[Sending mail](#)

[Receiving mail](#)

[Shop](#)

[Help & support](#)

[Business services](#)

[Home](#) [Track and Trace - Track your Item](#)

Track and Trace - Track your Item

Check the progress of your deliveries

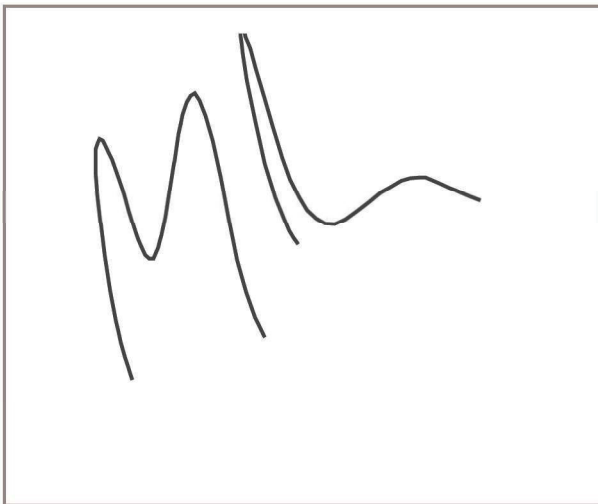
Delivered

Tracking no. **BH235554915GB**

Your item was delivered on **24-09-2019**.

Service used:

Royal Mail Special Delivery Guaranteed 1pm™



Signed for by: DEASY

Delivered: 6:55am

[Print](#)

EXHIBIT UKSC/JFB/2 REFERRED TO IN PARAGRAPH 3



Julian Brennan <julianfraserbrennan@gmail.com>

High Priority: Important and Urgent Letter for Boris Johnson

1 message

Julian Brennan <julianfraserbrennan@gmail.com>

23 September 2019 at 13:30

To: boris.johnson.mp@parliament.uk, publiccorrespondence@cabinetoffice.gov.uk

Please ensure the attached letter is forwarded/passed on to Boris Johnson personally as a matter of the utmost urgency. It was posted on Saturday by Royal Mail Special Delivery. He should consult his personal Solicitor. Thank you. Julian Brennan

 **Scan of letter to Boris Johnson, 21 September 2019.pdf**
2136K

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

EXHIBIT UKSC/JFB/3 REFERRED TO IN PARAGRAPH 6

High Priority & Urgent - Documents for the Supreme Court (to be read and acted on by all recipients)

1 message

Julian Brennan <julian@britishconstitution.org>

19 September 2019 at 10:35

To: "psjamescleverly@cabinetoffice.gov.uk" <psjamescleverly@cabinetoffice.gov.uk>

Cc: "privateoffice@attorneygeneral.gsi.gov.uk" <privateoffice@attorneygeneral.gsi.gov.uk>,

"privateoffice@advocategeneral.gsi.gov.uk" <privateoffice@advocategeneral.gsi.gov.uk>, Julian Brennan <julianfraserbrennan@gmail.com>

Dear Mr Cleverly

Please ensure the attached documents are provided to the Prime Minister and to the Lord President of the Council personally as a matter of the **utmost urgency**. The documents, as you know, are highly relevant to the current appeals before the Supreme Court. There are other documents which the Prime Minister knows about which (together with this e-mail and the attached) should be provided to the parties and the interveners - and to the Court - in accordance with **the ongoing duty of candour**. You already appreciate the importance of the issues; please ensure proper action is taken without delay.

You are aware that, in respect of the Rule of Law and the Sovereignty of Parliament, my Convention rights coming within the ambit of Articles 9 and 10 have been formally recognised as "engaged" and that I act in accordance with my duty of Allegiance. As a "public authority" you have a legal duty to act in a way which is compatible with my rights, and with the Articles 6 and 10 rights of the parties.

I am copying this correspondence for the personal attention of the Attorney General, as the Government's most senior Law Officer, and for the attention of the Advocate General's Private Secretary.

This document will be an Exhibit to an Affidavit I am currently drafting and will swear for the Supreme Court.

Yours sincerely

Julian Brennan
In Defence of Rights Ltd

(My Ref: A/915/49/Gpp)

3 attachments**Copy of e-mail to Conservative Party Chairman's Office, 19 September 2019.pdf**

159K

**Tab B, Pages 1-15.pdf**

5896K

**Tab G, Pages 1-15.pdf**

3592K

EXHIBIT UKSC/JFB/4 REFERRED TO IN PARAGRAPH 7



Julian Brennan <julianfraserbrennan@gmail.com>

URGENT LETTER FOR THE PERSONAL ATTENTION OF BORIS JOHNSON

1 message

Julian Brennan <julianfraserbrennan@gmail.com>

24 July 2019 at 14:43

To: boris.johnson.mp@parliament.uk

Please ensure the attached letter is passed on to Boris Johnson for his personal and most urgent attention. He should read it before going to Buckingham Palace. Thank you. J. Brennan



Letter to Boris Johnson, 24 July 2019 (with Appendix).pdf

332K

Julian Brennan

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

24 July 2019

The Rt Hon Boris Johnson MP
House of Commons
London SW1A 0AA

For the personal and urgent attention of Boris Johnson

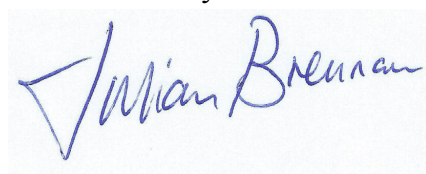
Dear Mr Johnson

UNCONSTITUTIONAL CONDUCT, ILLEGALITY AND MISFEASANCE

I refer to previous correspondence regarding the position of First Lord of the Treasury, and most particularly to my letter of 11 July 2019 and the contents of the Affidavit which I enclosed with my letter to you. You should have read that document very carefully.

On the basis of various statements made by yourself and others it seems to me that you are unable to command a majority in the House of Commons for the passage of legislation that is needed before the United Kingdom can leave the European Union on 31 October 2019. Attached is a copy of a draft *Withdrawal from the EU Bill* that would, if enacted, allow for withdrawal. Having regard to the facts of the matter, you cannot deliver on the promise you first made public on 3 June 2019 through your campaign video. It is simply not possible to do so lawfully. I put it to you that if you attend an audience with the Queen and leave as Prime Minister of the United Kingdom you will have acted in breach of law and will be exposing The Crown to the risk of financial loss.

Yours sincerely



Julian Brennan

Withdrawal from the EU Bill

EUROPEAN CONVENTION ON HUMAN RIGHTS

The Prime Minister has made the following statement under sections 19(1)(b) and 19(2) of the Human Rights Act 1998:

Although I am unable to make a statement of compatibility in accordance with section 19(1)(a) of the Human Rights Act 1998, most particularly because of the terms of Articles XIX of the Acts of Union (and related laws affecting legal proceedings in Scotland), and the terms of The Constitution of Gibraltar, the Government nevertheless wishes the House to proceed with the Bill.

Withdrawal from the EU Bill

CONTENTS

- 1 Confirmation of referendum result
 - 2 Withdrawal from the European Union
 - 3 Notice to leave the European Economic Area
 - 4 Legal liabilities
 - 5 Suspension of laws
 - 6 Unlawful interferences
 - 7 Commencement, Extent and Short title
-

Withdrawal from the EU Bill

A
B I L L
TO

Ensure that the United Kingdom implements the result of the referendum held on 23 June 2016 and leaves the European Union on 31 October 2019.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Confirmation of referendum result

- (1) The result of the referendum held on 23 June 2016 is confirmed.
- (2) The result referred to in subsection (1) constitutes a decision within the meaning of Article 50(1) of the Treaty on European Union.
- (3) The decision referred to in subsection (2) has legal effect.

2 Withdrawal from the European Union

The United Kingdom will cease to be a Member State of the European Union on 31 October 2019 at 11.00 pm GMT.

3 Notice to leave the European Economic Area

On 30 September 2019 the Prime Minister will, under Article 127 of the Agreement on the European Economic Area, give to the Agreement's other contracting parties 15 calendar months notice of the United Kingdom's withdrawal from the European Economic Area on 31 December 2020.

4 Legal liabilities

The United Kingdom will meet all its financial liabilities in accordance with its legal obligations under the Vienna Convention on the Law of Treaties.

5 Suspension of laws

- (1) With the exception of Article 1 of the Bill of Rights 1689, all law which limits or adversely affects Her Majesty's Government is suspended in relation to this Act and in relation to its consequences and effects.
- (2) No civil proceedings may be issued against The Crown or any public authority or public officer for acting under the terms of this Act.
- (3) No public officer may be sent for trial for the Common Law offence of Misconduct in Public Office for any act or omission under this Act.

6 Unlawful interferences

- (1) Nothing permits the European Union, or any EU Member State, or any party acting with or on behalf of the EU or a Member State, to do anything which breaches any of the Acts of Union; the Northern Ireland Act 1998; or any other enactment of Constitutional importance.
- (2) Any act or omission which is contrary to subsection (1) or which harms or penalises the United Kingdom, or any UK-related territory which, prior to 31 October 2019, came within the scope of the Treaty on European Union or the Treaty on the Functioning of the European Union, or any public authority or public officer acting under the terms of this Act, is actionable at law in all legal jurisdictions coming within the scope of this Act for a period of six years from 23 November 2018, and without any limit applying to damages for harm and/or loss.
- (3) The final court of appeal in any civil proceedings referred to in subsection (2) shall be either the Supreme Court of the United Kingdom or the Judicial Committee of the Privy Council.

7 Commencement, Extent and Short title

- (1) This Act comes into force on Royal Assent.
- (2) This Act extends to the whole of the United Kingdom of Great Britain and Northern Ireland and to all Crown Dependencies and British Overseas Territories.
- (3) The provisions of this Act will apply from 16 December 2015.
- (4) This Act may be cited as the Withdrawal from the EU Act 2019.

Withdrawal from the EU Bill

A
B I L L
TO

Ensure that the United Kingdom implements the result of the referendum held on 23 June 2016 and leaves the European Union on 31 October 2019.

*Presented by The First Lord of the Treasury
supported by
The Chancellor of the Exchequer,
The Foreign and Commonwealth Secretary
and
The Lord Chancellor and Secretary of State for Justice*

EXHIBIT UKSC/JFB/5 REFERRED TO IN PARAGRAPH 7

**This is the Exhibit marked JFB/4 of the Affidavit
of Julian Fraser Brennan sworn before me**



WAYNE S FRASER
SOLICITOR
81 HIGH STREET
SKELTON-IN-CLEVELAND TS12 2DY
TEL: GUISBOROUGH (01287) 650675

10/7/2019



Julian Brennan <julianfraserbrennan@gmail.com>

Urgent letter


1 message

Julian Brennan <julianfraserbrennan@gmail.com>

9 July 2019 at 07:30

To: boris.johnson.mp@parliament.uk

Please print out and pass on to Boris Johnson a copy of this e-mail, together with the attached letter to him. The letter requires Mr Johnson's most urgent and personal attention. He will need to speak with Alan Mabbutt about the correspondence at some point later today. The information, and the information contained in the documents sent to him on 24 June 2019, relate to his duties as a Member of Parliament and as a member of the Privy Council in respect of the current leadership election. Thank you. Julian Brennan

 **Letter to Boris Johnson, 8 July 2019 (with Appendices).pdf**
1632K

Julian Brennan

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

8 July 2019

The Rt Hon Boris Johnson MP
House of Commons
London SW1A 0AA

For the personal and urgent attention of Boris Johnson

Dear Mr Johnson

LEGAL DUTIES REGARDING THE UK CONSTITUTION

I am writing to you regarding the Conservative Party leadership election and your legal duties as a Member of Parliament and as a member of the Privy Council.

If elected as Leader of the Conservative and Unionist Party as expected, you will not be able to command the confidence of the House of Commons during the current Parliamentary Session. In correspondence I am sending to the Director General of the Conservative Party, Alan Mabbutt, I explain why this is so and set out the steps that would be necessary to avoid a number of legal and Constitutional problems arising. I am suggesting that he and Brandon Lewis go through these issues with both you and Jeremy Hunt as a matter of urgency.

As things stand, I calculate that fewer than 300 Members of Parliament are willing or able to support your flagship policy of the United Kingdom leaving the European Union on 31 October 2019 “*come what may*”. Also, there may be other Conservative Party MPs who will have serious concerns about other issues and could decide to withhold their support from you as a result. If you inform Her Majesty the Queen that you are able to form a Government you would convey a misleading impression. I remind you that the legal duties of the Oaths you have sworn do not permit any such act. Further, you will not be able to go to the country in order to seek a mandate and a governing majority. Labour Members of Parliament will not vote for a motion, as set out in section 2(2) of the Fixed-terms Parliament Act 2011, allowing a general election to be held.

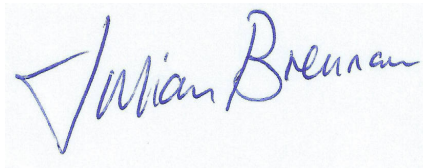
In the Chamber of the House of Commons on 14 June 2017 you swore the Oath of Allegiance as required by law. As you know, without taking that Oath a Member of Parliament is unable to take and keep the seat to which s/he has been elected; sit in the Chamber of the House of Commons during any debate after the Speaker of the House of Commons has been elected; vote during any Division; and draw his salary as a Member of Parliament. A condition of the payment of the salary of a Member of Parliament and a Minister of the Crown is dependent on the swearing of Oaths.

The appointment as First Lord of the Treasury by the Queen is dependant on the person appointed being a Member of Parliament. Upon appointment the person is required by law to swear the Oath of Allegiance (in that other capacity) and the Official Oath before s/he can take up the post. The person who does so subsequent to appointment will become Prime Minister; Head of the UK Government; Minister for the Civil Service; and Chair of the National Security Council. As a Minister of the Crown the person would be required to serve Her Majesty the Queen in accordance with the terms of Article IV of the Act of Succession 1700.

By virtue of your Oath of Allegiance you are required to be “faithful” to Her Majesty the Queen; by virtue of your Oath as a Member of the Privy Councillor you are required to do, generally in all things, “as a faithful and true Servant ought to do to Her Majesty”. The oaths you have sworn are legally binding. You will readily understand that it would be unlawful for a Member of Parliament to fail to comply with the duties of their sworn oaths and to make false representations in order to gain appointment to the position of First Lord of the Treasury, and then to take up that position on the basis of swearing terms of an Oath which the person will shortly beforehand have broken in breach of law.

You should read the appended documents. You need to have full regard to the duties set out at paragraphs 4 to 7 of the Code of Conduct for Members of Parliament and have regard to the fact that paragraph 2 states that the Code applies to MPs “**in all aspects of their public life**”. See Appendix B. You will be particularly mindful of the Duties of Members, set out in the Code, in relation to the information I provided to you on 24 June 2019. Proof of receipt is at Appendix J to this letter.

Yours sincerely

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

Julian Brennan

Appendix A

Extract from Commons *Hansard*, 14 June 2019

That meeting can be attended by colleagues gravely concerned about this matter, and no doubt questions can be put to the Minister and answers, such as he or she is able to give, can be provided. It will not be a proceeding of Parliament, and that would not be possible under our Standing Orders. Nor is it possible, after I have spoken, for anybody else to say anything. I just want, I am sure on behalf of each and every one of you in this Chamber, to offer our condolences to the families and friends of the victims of this unimaginable and horrific disaster. I want also, I am sure with your concurrence, to offer the warmest and most effusive thanks to our magnificent emergency services for coping as best they can in this horrendous situation. I hope colleagues will understand that we have to leave it there for now. Thank you.

Let us now begin, and we do so, appropriately, with the Father of the House, the right hon. and learned Member for Rushcliffe.

The following Members took and subscribed the Oath, or made and subscribed the Affirmation required by law:

Right honourable Kenneth Harry Clarke, *for* Rushcliffe

Right honourable Theresa Mary May, Maidenhead

Right honourable Damian Howard Green, Ashford

Right honourable Philip Hammond, Runnymede and Weybridge

Right honourable Amber Rudd, Hastings and Rye

Right honourable Justine Greening, Putney

Right honourable Jeremy Richard Streynsham Hunt, South West Surrey

Right honourable David Roy Lidington, Aylesbury

Right honourable Andrea Jacqueline Leadsom, South Northamptonshire

Right honourable Gavin Alexander Williamson, South Staffordshire

Right honourable Sajid Javid, Bromsgrove

Right honourable Priti Sushil Patel, Witham

Right honourable Christopher Stephen Grayling, Epsom and Ewell

Right honourable Gregory David Clark, Tunbridge Wells

Right honourable Sir Patrick Allen McLoughlin, Derbyshire Dales

Right honourable Elizabeth Mary Truss, South West Norfolk

Right honourable Alexander Boris de Pfeffel Johnson, Uxbridge and South Ruislip

Right honourable James Peter Brokenshire, Old Bexley and Sidcup

Right honourable Brandon Kenneth Lewis, Great Yarmouth

Right honourable Michael Andrew Gove, Surrey Heath

Right honourable David Michael Davis, Haltemprice and Howden

Right honourable David Gordon Mundell, Dumfriesshire, Clydesdale and Tweeddale

Right honourable Alun Hugh Cairns, Vale of Glamorgan

Right honourable David Michael Gauke, South West Hertfordshire

Right honourable Karen Anne Bradley, Staffordshire Moorlands

Right honourable Jeremy Paul Wright, Kenilworth and Southam

Right honourable Jeremy Bernard Corbyn, Islington North

Right honourable Nicholas Hugh Brown, Newcastle upon Tyne East

Right honourable Emily Thornberry, Islington South and Finsbury

Right honourable John Martin McDonnell, Hayes and Harlington

Right honourable Diane Julie Abbott, Hackney North and Stoke Newington

Valerie Carol Marian Vaz, Walsall South

Right honourable John Healey, Wentworth and Dearne

Andrew John Gwynne, Denton and Reddish

Ian Lavery, Wansbeck

Barry Strachan Gardiner, Brent North

Richard Burgon, Leeds East

Angela Rayner, Ashton-under-Lyne

Jon Hedley Trickett, Hemsworth

Andrew Joseph McDonald, Middlesbrough

Jonathan Michael Graham Ashworth, Leicester South

Catherine Jane Smith, Lancaster and Fleetwood

Kate Ofunne Osamor, Edmonton

Rebecca Long Bailey, Salford and Eccles

Barbara Mary Keeley, Worsley and Eccles South

Susan Mary Hayman, Workington

Deborah Angela Elspeth Marie Abrahams, Oldham East and Saddleworth

Christina Elizabeth Rees, Neath

Nia Rhiannon Griffith, Llanelli

Keir Starmer, Holborn and St Pancras

Peter Christopher Dowd, Bootle

Right honourable Margaret Mary Beckett, Derby South

Right honourable Frank Field, Birkenhead

Right honourable Cheryl Elise Kendall Gillan, Chesham and Amersham

Right honourable Sir Alan James Carter Duncan, Rutland and Melton

Right honourable David Anthony Evennett, Bexleyheath and Crayford

Right honourable John Alan Redwood, Wokingham

Paul Phillip Flynn, Newport West

Right honourable Matthew John David Hancock, West Suffolk

Right honourable Sir Desmond Angus Swayne, New Forest West

Right honourable Dame Caroline Alice Spelman, Meriden

Right honourable Anne Frances Milton, Guildford

Right honourable Sir Oliver Heald, North East Hertfordshire

Right honourable Dame Margaret Eve Hodge, Barking

Right honourable Sir Kevin John Barron, Rother Valley

Right honourable Robert Henry Halfon, Harlow

Right honourable John Francis Spellar, Warley

Right honourable Nigel Alexander Dodds, Belfast North

Appendix B

Page 3 of the Code of Conduct for Members of Parliament

The Code of Conduct for Members of Parliament

Prepared pursuant to the Resolution of the House of 19 July 1995

I. Purpose of the Code

1. The purpose of this Code of Conduct is to assist all Members in the discharge of their obligations to the House, their constituents and the public at large by:
 - a) establishing the standards and principles of conduct expected of all Members in undertaking their duties;
 - b) setting the rules of conduct which underpin these standards and principles and to which all Members must adhere; and in so doing
 - c) ensuring public confidence in the standards expected of all Members and in the commitment of the House to upholding these rules.

II. Scope of the Code

2. The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives.
3. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the House and the rulings of the Chair, and to those which apply to Members falling within the scope of the Ministerial Code.

III. Duties of Members

4. By virtue of the oath, or affirmation, of allegiance taken by all Members when they are elected to the House, Members have a duty to be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law.
5. Members have a duty to uphold the law, including the general law against discrimination.
6. Members have a general duty to act in the interests of the nation as a whole; and a special duty to their constituents.
7. Members should act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity, including in their use of public resources.

IV. General Principles of Conduct

8. In carrying out their parliamentary and public duties, Members will be expected to observe the following general principles of conduct identified by the Committee on

Appendix C

Minute of Appointment to the Privy Council, 15 July 2016



At the Court at Buckingham Palace

THE 15th DAY OF JULY 2016

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

This day Boris Johnson was, by Her Majesty's command, sworn of Her Majesty's Most Honourable Privy Council and took his place at the Board accordingly.

Richard Tilbrook

Appendix D

Section 4 of the Oaths Act 1978



Oaths Act 1978

1978 CHAPTER 19

PART II

UNITED KINGDOM

Oaths

4 Validity of oaths.

- (1) In any case in which an oath may lawfully be and has been administered to any person, if it has been administered in a form and manner other than that prescribed by law, he is bound by it if it has been administered in such form and with such ceremonies as he may have declared to be binding.
- (2) Where an oath has been duly administered and taken, the fact that the person to whom it was administered had, at the time of taking it, no religious belief, shall not for any purpose affect the validity of the oath.

Modifications etc. (not altering text)

- C1** S. 3-6 applied (with modifications) (31.10.2009) by [The Court Martial Appeal Court Rules 2009 \(S.I. 2009/2657\)](#), **rule 15**, Sch. 1
- C2** S. 3-6 applied (with modifications) (31.10.2009) by [The Armed Forces \(Court Martial\) Rules 2009 \(S.I. 2009/2041\)](#), **rule 21**
- C3** S. 3-6 applied (with modifications) (31.10.2009) by [The Armed Forces \(Summary Hearing and Activation of Suspended Sentences of Service Detention\) Rules 2009 \(S.I. 2009/1216\)](#), **rule 14**
- C4** S. 3-6 applied (with modifications) (31.10.2009) by [The Armed Forces \(Summary Appeal Court\) Rules 2009 \(S.I. 2009/1211\)](#), **rule 28**
- C5** S. 3-6 applied (with modifications) (31.10.2009) by [The Armed Forces \(Service Civilian Court\) Rules 2009 \(S.I. 2009/1209\)](#), **rule 20**
- C6** S. 3-6 applied (with modifications) (31.10.2009) by [The Armed Forces \(Warrants of Arrest for Service Offences\) Rules 2009 \(S.I. 2009/1110\)](#), **rule 16**

Appendix E

The Oath of a Member of the Privy Council

The Oath of a Privy Counsellor

You do swear by Almighty God to be a true and faithful Servant unto The Queen's Majesty as one of Her Majesty's Privy Council. You will not know or understand of any manner of thing to be attempted, done or spoken against Her Majesty's Person, Honour, Crown or Dignity Royal, but you will lett and withstand the same to the uttermost of your power, and either cause it to be revealed to Her Majesty Herself, or to such of Her Privy Council as shall advertise Her Majesty of the same. You will in all things to be moved, treated and debated in Council, faithfully and truly declare your Mind and Opinion, according to your Heart and Conscience; and will keep secret all matters committed and revealed unto you, or that shall be treated of secretly in Council. And if any of the said Treaties or Counsels shall touch any of the Counsellors you will not reveal it unto him but will keep the same until such time as, by the consent of Her Majesty or of the Council, Publication shall be made thereof. You will to your uttermost bear Faith and Allegiance to the Queen's Majesty; and will assist and defend all civil and temporal Jurisdictions, Pre-eminences, and Authorities, granted to Her Majesty and annexed to the Crown by Acts of Parliament, or otherwise, against all Foreign Princes, Persons, Prelates, States, or Potentates. And generally in all things you will do as a faithful and true Servant ought to do to Her Majesty

SO HELP YOU GOD

Appendix F

Section 2 of the Fraud Act 2006



Fraud Act 2006

2006 CHAPTER 35

Fraud

2 Fraud by false representation

- (1) A person is in breach of this section if he—
 - (a) dishonestly makes a false representation, and
 - (b) intends, by making the representation—
 - (i) to make a gain for himself or another, or
 - (ii) to cause loss to another or to expose another to a risk of loss.
- (2) A representation is false if—
 - (a) it is untrue or misleading, and
 - (b) the person making it knows that it is, or might be, untrue or misleading.
- (3) “Representation” means any representation as to fact or law, including a representation as to the state of mind of—
 - (a) the person making the representation, or
 - (b) any other person.
- (4) A representation may be express or implied.
- (5) For the purposes of this section a representation may be regarded as made if it (or anything implying it) is submitted in any form to any system or device designed to receive, convey or respond to communications (with or without human intervention).

Appendix G

Section 4 of the Fraud Act 2006



Fraud Act 2006

2006 CHAPTER 35

Fraud

4 Fraud by abuse of position

- (1) A person is in breach of this section if he—
- (a) occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person,
 - (b) dishonestly abuses that position, and
 - (c) intends, by means of the abuse of that position—
 - (i) to make a gain for himself or another, or
 - (ii) to cause loss to another or to expose another to a risk of loss.
- (2) A person may be regarded as having abused his position even though his conduct consisted of an omission rather than an act.

Appendix H

Section 5 of the Fraud Act 2006



Fraud Act 2006

2006 CHAPTER 35

Fraud

5 “Gain” and “loss”

- (1) The references to gain and loss in sections 2 to 4 are to be read in accordance with this section.
- (2) “Gain” and “loss”—
 - (a) extend only to gain or loss in money or other property;
 - (b) include any such gain or loss whether temporary or permanent;and “property” means any property whether real or personal (including things in action and other intangible property).
- (3) “Gain” includes a gain by keeping what one has, as well as a gain by getting what one does not have.
- (4) “Loss” includes a loss by not getting what one might get, as well as a loss by parting with what one has.

Appendix I

Page 1 of Schedule 1 to the Ministerial and other Salaries Act 1975

Changes to legislation: There are currently no known outstanding effects for the Ministerial and other Salaries Act 1975, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

MINISTERIAL SALARIES

[^{F1}PART I

Annotations:

Amendments (Textual)

- F1** Sch. 1 Pts. I-IV substituted (14.7.2011) by [The Ministerial and other Salaries Act 1975 \(Amendment\) Order 2011 \(S.I. 2011/1689\)](#), arts. 1, 5, **Sch. 1**

<i>Office</i>	<i>Salary</i>	
	<i>£</i>	
Prime Minister and First Lord of the Treasury	76,762	
Chancellor of the Exchequer	68,827	
	<i>Salary if the holder is a member of the House of Commons</i>	<i>Salary if the holder is not a member of the House of Commons</i>
	<i>£</i>	<i>£</i>
Secretary of State Any of the following offices for so long as the holder is a member of the Cabinet— (a) Lord President of the Council (b) Lord Privy Seal (c) Chancellor of the Duchy of Lancaster (d) Paymaster General (e) Chief Secretary to the Treasury (f) Parliamentary Secretary to the Treasury (g) Minister of State	68,827	101,038

Appendix J

E-mail of 24 June 2019 to Boris Johnson



Julian Brennan <julianfraserbrennan@gmail.com>

Gavin Williamson MP - Metropolitan Police

1 message

Julian Brennan <julianfraserbrennan@gmail.com>

24 June 2019 at 17:01

To: boris.johnson.mp@parliament.uk

Dear Mr Johnson

Please see the attached letter and document which have been sent to Gavin Williamson MP. The correspondence relates to your position as a candidate to become the Leader of the Conservative Party. The correspondence has been e-mailed to the Officers and Executive Members of The 1922 Committee, and to the Chairman and Director General of the Conservative Party.

Yours sincerely

Julian Brennan

2 attachments



Letter to Gavin Williamson MP, 24 June 2019 (with Appendices).pdf

4563K



Document re Gavin Williamson, 23 June 2019.pdf

7911K

EXHIBIT UKSC/JFB/6 REFERRED TO IN PARAGRAPH 7



Julian Brennan <julianfraserbrennan@gmail.com>

Urgent - Legal Duties of Privy Councillors

1 message

Julian Brennan <julianfraserbrennan@gmail.com>

30 August 2019 at 08:25

To: alan.mabbutt@conservatives.com, chairman@conservatives.com, cheryl.gillan.mp@parliament.uk

Cc: jeremy.corbyn.mp@parliament.uk, leader <leader@labour.org.uk>, julian <julian@britishconstitution.org>

To be read by all recipients

Dear Mr Mabbutt

I am waiting for a reply from the Conservative Party about the legal and Constitutional issues I have raised. Please read the attached e-mail and correspondence.

You and others, most particularly James Cleverly MP, will surely appreciate the importance of the current review of the confidence and supply agreement between the Conservative and Unionist Party and the Democratic Unionist Party in relation to the prorogation of Parliament and to the Queen's Speech which will open the next Parliamentary session. The effect of the Government's unlawful stance over Brexit, and its continuing refusal to "come clean" over the former Prime Minister's errors regarding the UK's Article 50 notification, have serious legal implications for the purported agreement with the DUP and any "renewal". I refer to my letter of 27 June 2017 to Theresa May, a copy of which was provided last year to Brandon Lewis MP in his capacity as Party Chairman. The oath of a member of the Privy Councillor means relevant facts ought to have been - and ought to be - revealed to Her Majesty the Queen.

This correspondence is being copied to the Leader of the Opposition for him to circulate to other party leaders as it relates very specifically to Prorogation and to the Outlawies Bill.

Yours sincerely

Julian Brennan

----- Forwarded message -----

From: **Julian Brennan** <julianfraserbrennan@gmail.com>

Date: Thursday, 25 July 2019

Subject: Gavin Williamson - Fraud Act

To: alan.mabbutt@conservatives.com, chairman@conservatives.com, cheryl.gillan.mp@parliament.uk

Cc: gavin.williamson.mp@parliament.uk

Dear Mr Mabbutt

A short while ago I wrote to Conservative Party Chairman, James Cleverly MP, to inform him about legal and Constitutional problems concerning the duty of Ministers of the Crown and Members of the Privy Council to act honestly and in accordance with law towards Her Majesty the Queen. Please see the attached correspondence which I sent to Mr Cleverly. As I stated in my e-mail to him, the issues will need to be raised as a matter of urgency with both the Prime Minister and with the Board of the Conservative Party.

I am copying this correspondence to Gavin Williamson MP.

Yours sincerely

Julian Brennan

 **Correspondence sent for Boris Johnson, 24 July 2019.pdf**
273K

EXHIBIT UKSC/JFB/7 REFERRED TO IN PARAGRAPH 9

AGREEMENT BETWEEN THE CONSERVATIVE AND UNIONIST PARTY AND THE DEMOCRATIC UNIONIST PARTY ON SUPPORT FOR THE GOVERNMENT IN PARLIAMENT

In accordance with our shared objectives for strengthening and enhancing the Union, security, prosperity and an exit from the European Union that benefits all parts of the United Kingdom, this letter sets out how the confidence and supply agreement reached between the Conservative Party and Democratic Unionist Party (DUP) will operate to deliver a stable government in the United Kingdom's national interest for the duration of this Parliament.

Confidence and supply agreement in the UK Parliament

The DUP agrees to support the Government on all motions of confidence; and on the Queen's speech; the Budget; finance bills; money bills, supply and appropriation legislation and Estimates.

In line with the parties' shared priorities for negotiating a successful exit from the European Union and protecting the country in the light of recent terrorist attacks, the DUP also agrees to support the Government on legislation pertaining to the United Kingdom's exit from the European Union; and legislation pertaining to national security.

Support on other matters will be agreed on a case by case basis.

The DUP agrees to support the Government in votes in the UK Parliament, in line with this agreement.

Working arrangements

In furtherance of these arrangements, the Government and the DUP will work together to ensure the necessary support can be established by both parties to fulfil these arrangements. A co-ordination committee will be convened for this purpose, chaired by the Government. The parties will agree the modus operandi of this committee. The Northern Ireland Secretary will not sit on this committee.

Policy Agreement

Both parties have agreed that there will be no change to the Pensions Triple Lock and the universal nature of the Winter Fuel Payment.

The parties agree to meet the NATO commitment of spending 2 per cent of GDP on the armed forces. Both parties are committed to the Armed Forces Covenant and to its implementation throughout the United Kingdom.

Both parties agree to work together to consider options to support the highly successful reserve forces in Northern Ireland.

The parties recognise the importance of the agriculture sector to Northern Ireland and the opportunities for growth that exist. Agriculture will be a critical policy area during the EU exit negotiations.

The parties agree to continue to commit the same cash total in funds for farm support until the end of the Parliament. Further discussions will take place on the future framework for farming support.

Devolved government in Northern Ireland

As set out in its General Election manifesto the Conservative Party will never be neutral in expressing its support for the Union. As the UK Government we believe that Northern Ireland's future is best served within a stronger United Kingdom. We will always uphold the consent principle and the democratic wishes of the people of Northern Ireland. The Conservative Party will never countenance any constitutional arrangements that are incompatible with the consent principle.

Both parties will adhere fully to their respective commitments set out in the Belfast Agreement and its successors. The Conservative Party reiterates its steadfast support for the Belfast Agreement and its successors and, as the UK Government, will continue to govern in the interests of all parts of the community in Northern Ireland. The UK Government will continue to support close co-operation with the Irish Government, and work with them in accordance with the Belfast Agreement and subsequent agreements, while recognising that ultimate responsibility for political stability in Northern Ireland rests with the UK Government.

The DUP recognises the need for early restoration of inclusive and stable devolved government in Northern Ireland and affirms its commitment to agreeing the formation of an Executive. The UK Government will continue to work with the Northern Ireland parties and the Irish Government towards this objective, in full accordance with the three-stranded approach.

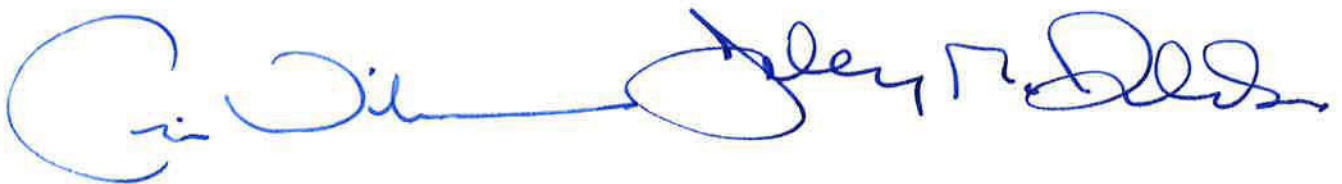
Both parties agree on the need to recognise the unique circumstances of Northern Ireland's history and the effect this has had on the economy and people from all parts of the community. Both parties agree the need for additional support for Northern Ireland as set out in the annex to this agreement.

It is the joint desire of both parties that the elements and provisions of this agreement will play a positive role in the efforts to re-establish devolved government for the benefit of all the people of Northern Ireland.

The DUP will have no involvement in the UK Government's role in political talks in Northern Ireland. It will continue to participate as a party entitled to form part of an Executive following the last Assembly election, as the other parties do.

Duration of agreement

The agreement reached will remain in place for the length of the Parliament, and can be reviewed by the mutual consent of both parties. After each Parliamentary session both parties will review the aims, principles and implementation of this agreement.



THE RT HON GAVIN WILLIAMSON CBE MP
CONSERVATIVE AND UNIONIST PARTY

THE RT HON SIR JEFFREY DONALDSON MP
DEMOCRATIC UNIONIST PARTY

EXHIBIT UKSC/JFB/8 REFERRED TO IN PARAGRAPH 9

Re: Supreme Court - duty of candour / Gibraltar

Julian Brennan

Thu 19/09/2019 10:02

To: Chairman <chairman@conservatives.com>

Cc: Mabbutt, Alan <alan.mabbutt@conservatives.com>; psjamescleverly@cabinetoffice.gov.uk
<psjamescleverly@cabinetoffice.gov.uk>

Dear Sir/Madam

I write in response to the e-mail you sent at 17.21 on Tuesday afternoon and close the correspondence with the following comments:-

(1) It will have been noted that my letter was specifically addressed to Mr Cleverly in both his legal capacities and was simultaneously e-mailed to his Private Secretary in the Cabinet Office. He will have been able to act on the information in my letter and, as a Member of the Cabinet ensure the Government provided relevant information to the parties.

(2) However Mr Cleverly receives information makes no difference to the duties related to his respective positions. It is for him to distinguish between his legal capacities and duties. I merely point out that as a Member of Parliament he will know that the House of Commons' Code of Conduct applies to Members "***in all aspects of their public life***" and that they should "***act on all occasions in accordance with the public trust placed in them***". The Code also says that "***Members have a duty to uphold the law***". Very importantly the Code refers to the Oath of Allegiance which Mr Cleverly has sworn and his legally binding duty to "***be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law***".

(3) I note the Conservative Party's confirmation that the issues I have raised relate to "*either the Government or Parliamentary proceedings*", though I doubt very much whether the relevant authorities will take the same view about certain matters (eg the interpretation of the Conservative Party's values as set out in its own Code of Conduct or the fiduciary duties of the party's Registered Treasurer in respect of financial loss due to breaches of contract).

(4) In light of what Mr Mabbutt has stated I have disaggregated and re-organised various documents, reduced the pages in number and re-assembled everything so the issues which Government Ministers need to address are clear. Of course, what the e-mailing of documents has done in relation to Gavin Williamson is create an electronic trail that will allow the Metropolitan Police to establish who knew what and when, and to gather and assemble evidence for the apprehension of an offender. Of course, the Director General's and the Party Chairman's paper and electronic "documents" will have been safeguarded, as legal proceedings have been known about for some considerable time. Nothing must be destroyed.

(5) I will ensure that all future correspondence to Mr Cleverly is directed to him at the Cabinet Office.

Yours faithfully

Julian Brennan.

From: Chairman <chairman@conservatives.com>
Sent: 17 September 2019 17:21
To: Julian Brennan <julian@britishconstitution.org>
Cc: Mabbutt, Alan <Alan.Mabbutt@Conservatives.com>
Subject: RE: Supreme Court - duty of candour / Gibraltar

Dear Mr Brennan,

Thank you for your correspondence to the Chairman. As previously outlined by Alan Mabbutt in his earlier emails to you, this is not within the orbit of the political party's responsibilities. The issues you refer to in your correspondence relate to either the Government or Parliamentary proceedings. Therefore we cannot comment nor get involved. While we appreciate you taking the time to share your concerns with us, we now consider this matter closed from our side and will not respond to any further correspondence in relation to these points.

Yours sincerely,

Correspondence Officer

Office of the Chairman of the Conservative Party
Conservative Campaign Headquarters

From: Julian Brennan <julian@britishconstitution.org>
Sent: 16 September 2019 02:43
To: Chairman <chairman@conservatives.com>
Cc: psjamescleverly@cabinetoffice.gov.uk; Mabbutt, Alan <Alan.Mabbutt@Conservatives.com>
Subject: Supreme Court - duty of candour / Gibraltar

Dear Mr Cleverly

More than seven weeks have passed since I wrote to you on 25 July, but I have yet to receive a single response from you. I refer you to the e-mail I sent to Alan Mabbutt on 30 August 2019 due to your lack of response, and to the e-mail I sent you on 6 September. The copies of both are attached. As a Member of the Cabinet you should have taken action so the information provided to you, and to your predecessor, was provided to the parties in the legal proceedings regarding the Prime Minister's advice on the proroguing of Parliament. You are no doubt aware that the appeals to the Supreme Court will commence on Tuesday.

In addition to the above e-mails I have attached a letter to you regarding the Prime Minister's failures and lack of candour over Gibraltar, Brexit and the legal issues surrounding the former confidence and supply agreement with the DUP. You will see that in my letter I have listed the Cabinet members who have responsibilities that would be affected by the substantive issue, but you will appreciate that the matter also has to go to the Chancellor of the Exchequer due to the third party rights of HM Treasury in respect of public money. You will appreciate that in

your position as Conservative Party Chair disclosure to the DUP is a legal duty.

Yours sincerely

Julian Brennan

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Promoted by Alan Mabbutt on behalf of the Conservative Party, both at 4 Matthew Parker Street, London, SW1H 9HQ