



Urgent and important letter for the Prime Minister (for action by all recipients)

1 message

Julian Brennan

7 June 2022 at 13:05

To: tom.bacon@no10.gov.uk, hgordon@no10.gov.uk, obrook@no10.gov.uk, akere@no10.gov.uk, psstevebarclay@no10.gov.uk, ministerial.correspondence@cabinetoffice.gov.uk
Cc: chairman@conservatives.com, psoliverdowdenmwp@cabinetoffice.gov.uk

Dear Mr Barclay

I write to you in your legal capacities as No. 10 Chief of Staff and a Minister of the Crown.

Attached is a two-page letter for the personal and most urgent attention of the Prime Minister. It is self-explanatory. Please ensure the letter (together with a copy of this e-mail) is provided to him ASAP. Mr Johnson will need to consider his position very carefully and make a public statement later this afternoon. He must deal with the matter personally; either by speaking over the phone to Her Majesty the Queen and resigning, or alternatively - if he honestly believes I have defamed him - by him deciding to issue High Court proceedings against me for defamation.

I am in no doubt whatsoever that I can defend any Claim he might issue which comes within the broad boundaries of my waiver of immunity from suit. That includes me writing and publishing that Boris Johnson is a "**fraudster**". In any proceedings I will plead his frauds distinctly and in detail and, with credible evidence, will prove them in Court subsequently.

Also attached is a document setting out sections 44 to 49 of the Serious Crime Act 2007. It is important that that too is passed on to the Prime Minister so that he identifies the very serious problems which he and/or others could face if he encourages another or others to do anything to assist him to dishonestly keep his job, or if another or others assist him to act dishonestly or in breach of law so that he can keep his job.

It is important that Mr Johnson notes that all Civil Servants and Special Advisers are required under their contracts of employment as Crown Servants to act with Honesty and Integrity, and that if anyone does not do so in relation to the issues I raise he personally, as the Minister for the Civil Service, could be held to account in Parliament. I suggest that to be "on the safe side" no-one acts to assist Mr Johnson by briefing the media or gaining support from MPs.

In closing, I formally request that all S. 6 "public authorities" who receive or view this material have full regard to: (a) the fact that I act in accordance with my duty of Allegiance and my duties under Peelian Principles; and (b) the fact that my Convention rights coming within Articles 9 and 10 are engaged in relation to upholding the Rule of Law. In relation to this I refer you to what is stated in the last paragraph of my letter of 29 January 2022 to Commissioner Dick. That letter is [Exhibit HC/R/2](#) attached to my Affidavit sworn on 31 May 2022 (which was copied to you late yesterday morning and is accessible via the first web link of the appendix).

Please note that this e-mail and its attachments will be an Exhibit for civil proceedings and will also be provided to the Metropolitan Police.

Yours sincerely

Julian Brennan

Cc: Oliver Dowden (for action in relation to both the Conservative & Unionist Party and the Cabinet)

2 attachments



Letter of 7 June 2022 to the Prime Minister (with appendix).pdf
2407K



Sections 44-49 of the Serious Crime Act 2007.pdf
270K

Julian Brennan

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

7 June 2022

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

Via e-mail to the No. 10 Chief of Staff

Dear Prime Minister


Your resignation as First Lord of the Treasury

I refer to the Affidavit I swore on 31 May 2022 and e-mailed to you yesterday. You should have announced your intentions regarding my waiver of legal immunity before yesterday's vote of the 1922 Committee. Your failure to state that you will issue proceedings in the High Court means that you continue to accept, as a matter of fact and law, that your reputation as a "fraudster" is valid. That is because you have acted fraudulently and have committed the offence of fraud (*per* section 1 of the Fraud Act 2006). You are aware that what I state is correct – and that I can prove it to be so – and that the presumption of truth resides with me. You surrendered the natural presumption of truth on the evening of 13 November 2020.

The effect of your dishonest failures to act in accordance with your legal duties and disclose to Conservative MPs information about your frauds, so that you could keep your position, changed the outcome of yesterday's vote. You would not have secured support above relatively low double digits if the truth was known. The problem you face today, however, is that your breaches of section 3 and 4 of the 2006 Act mean that the result of the ballot was/is *void ab initio*. The only way to avoid that conclusion is by suing me for defamation and stating publicly today that that is what you will do. Anything short of that will require your resignation. If you do not resign you will face a barrage of calls from Conservative MPs for the ballot to be re-run this evening.

I am completely ready for legal proceedings and will defeat you in Court should you act. You must realise that what changed yesterday, is that I will also plead and prove your frauds and deceit towards Conservative MP's before the ballot. Attached is an appendix with web links to documents for you. So that you know: the first fraud I will prove against you is that which you committed against Lord Brownlow of Shurlock Row. A pivotal piece of related information (which you kept from Lord Geidt) has already been provided to the Metropolitan Police. You must now decide what to do.

Yours sincerely



Julian Brennan

Links to documents for legal proceedings by the Prime Minister re Defamation

Affidavit sworn by Julian Brennan on 31 May 2022

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_e81680027347471bbf9743ffea59cbe.pdf

Letter of 5 June 2022 to Boris Johnson (with Appendices)

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_0f95978fa5f34472bae1daaf51f3878d.pdf

Constitutional Series, Vol. 1 – The Rule of Law and Constitutional Rights

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_e900a13f35534046b947e414afb22fe7.pdf

Constitutional Series, Vol. 2 – The Overarching Duty to Comply with the Law

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_1ff6c079aef74b6db76be1c44e34f671.pdf

Constitutional Series, Vol. 3 – The PM Must Sue or Resign

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_1c9d5ee359684634b837ccbdeb7f9ace.pdf

Constitutional Series, Vol. 4 – Respective Laws and Customs

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_9b08d06140f94c9584630b0c8a3c0def.pdf

Exhibits HC/R/4-12

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_6da5f299f3c84c0792fcac0232014461.pdf

E-mail sent to CCHQ and Cabinet Offices at 8.55pm on 6 June 2022 (and Attachment)

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_9a82fd85631b4656baf3e4dfa1c50239.pdf

Defamation Act 2013

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_6ed4f1e1ceaa43a38ecd6ee9981f4212.pdf

Defamation Act 1996

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_124af2d55a3541a0b8e08fd68b502f6f.pdf

Part II of the Administration of Justice Act 1969

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_ef057fc6bbe140daa7181302dfdaee93.pdf

Fraud Act 2006

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_62cd96b4ad9c421fbccdc6bec8729a7.pdf

Judgment of the Supreme Court in Prest v. Petrodel Resources Ltd & Ors [2014] UKSC 34

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_c04882502f954e8e8ce56ce000733e9d.pdf

Judgment of the Supreme Court in Ivey v. Genting Casinos [2017] UKSC 67

https://ebcd23bc-6583-4f14-8549-5b0f4243f380.filesusr.com/ugd/939c2f_23e27ff9cde94fd1bcb2c82dc28dcd98.pdf



Serious Crime Act 2007

2007 CHAPTER 27

PART 2

ENCOURAGING OR ASSISTING CRIME

Inchoate offences

44 Intentionally encouraging or assisting an offence

- (1) A person commits an offence if—
- (a) he does an act capable of encouraging or assisting the commission of an offence; and
 - (b) he intends to encourage or assist its commission.
- (2) But he is not to be taken to have intended to encourage or assist the commission of an offence merely because such encouragement or assistance was a foreseeable consequence of his act.

Modifications etc. (not altering text)

- C1 Pt. 2 restricted by 2007 c. 19, s. 18(1A) (as inserted (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), [ss. 62, 94\(1\)](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), [art. 2\(a\)](#))

Commencement Information

- I1 [S. 44](#) in force at 1.10.2008 by [S.I. 2008/2504](#), [art. 2\(a\)](#)

45 Encouraging or assisting an offence believing it will be committed

- A person commits an offence if—
- (a) he does an act capable of encouraging or assisting the commission of an offence; and
 - (b) he believes—

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Cross Heading: Inchoate offences. (See end of Document for details)

- (i) that the offence will be committed; and
- (ii) that his act will encourage or assist its commission.

Commencement Information

I2 S. 45 in force at 1.10.2008 by S.I. 2008/2504, art. 2(a)

46 Encouraging or assisting offences believing one or more will be committed

- (1) A person commits an offence if—
 - (a) he does an act capable of encouraging or assisting the commission of one or more of a number of offences; and
 - (b) he believes—
 - (i) that one or more of those offences will be committed (but has no belief as to which); and
 - (ii) that his act will encourage or assist the commission of one or more of them.
- (2) It is immaterial for the purposes of subsection (1)(b)(ii) whether the person has any belief as to which offence will be encouraged or assisted.
- (3) If a person is charged with an offence under subsection (1)—
 - (a) the indictment must specify the offences alleged to be the “number of offences” mentioned in paragraph (a) of that subsection; but
 - (b) nothing in paragraph (a) requires all the offences potentially comprised in that number to be specified.
- (4) In relation to an offence under this section, reference in this Part to the offences specified in the indictment is to the offences specified by virtue of subsection (3)(a).

Commencement Information

I3 S. 46 in force at 1.10.2008 by S.I. 2008/2504, art. 2(a)

47 Proving an offence under this Part

- (1) Sections 44, 45 and 46 are to be read in accordance with this section.
- (2) If it is alleged under section 44(1)(b) that a person (D) intended to encourage or assist the commission of an offence, it is sufficient to prove that he intended to encourage or assist the doing of an act which would amount to the commission of that offence.
- (3) If it is alleged under section 45(b) that a person (D) believed that an offence would be committed and that his act would encourage or assist its commission, it is sufficient to prove that he believed—
 - (a) that an act would be done which would amount to the commission of that offence; and
 - (b) that his act would encourage or assist the doing of that act.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Cross Heading: Inchoate offences. (See end of Document for details)

- (4) If it is alleged under section 46(1)(b) that a person (D) believed that one or more of a number of offences would be committed and that his act would encourage or assist the commission of one or more of them, it is sufficient to prove that he believed—
 - (a) that one or more of a number of acts would be done which would amount to the commission of one or more of those offences; and
 - (b) that his act would encourage or assist the doing of one or more of those acts.
- (5) In proving for the purposes of this section whether an act is one which, if done, would amount to the commission of an offence—
 - (a) if the offence is one requiring proof of fault, it must be proved that—
 - (i) D believed that, were the act to be done, it would be done with that fault;
 - (ii) D was reckless as to whether or not it would be done with that fault; or
 - (iii) D's state of mind was such that, were he to do it, it would be done with that fault; and
 - (b) if the offence is one requiring proof of particular circumstances or consequences (or both), it must be proved that—
 - (i) D believed that, were the act to be done, it would be done in those circumstances or with those consequences; or
 - (ii) D was reckless as to whether or not it would be done in those circumstances or with those consequences.
- (6) For the purposes of subsection (5)(a)(iii), D is to be assumed to be able to do the act in question.
- (7) In the case of an offence under section 44—
 - (a) subsection (5)(b)(i) is to be read as if the reference to “D believed” were a reference to “D intended or believed”; but
 - (b) D is not to be taken to have intended that an act would be done in particular circumstances or with particular consequences merely because its being done in those circumstances or with those consequences was a foreseeable consequence of his act of encouragement or assistance.
- (8) Reference in this section to the doing of an act includes reference to—
 - (a) a failure to act;
 - (b) the continuation of an act that has already begun;
 - (c) an attempt to do an act (except an act amounting to the commission of the offence of attempting to commit another offence).
- (9) In the remaining provisions of this Part (unless otherwise provided) a reference to the anticipated offence is—
 - (a) in relation to an offence under section 44, a reference to the offence mentioned in subsection (2); and
 - (b) in relation to an offence under section 45, a reference to the offence mentioned in subsection (3).

Commencement Information

I4 [S. 47](#) in force at 1.10.2008 by [S.I. 2008/2504](#), [art. 2\(a\)](#)

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Cross Heading: Inchoate offences. (See end of Document for details)

48 Proving an offence under section 46

- (1) This section makes further provision about the application of section 47 to an offence under section 46.
- (2) It is sufficient to prove the matters mentioned in section 47(5) by reference to one offence only.
- (3) The offence or offences by reference to which those matters are proved must be one of the offences specified in the indictment.
- (4) Subsection (3) does not affect any enactment or rule of law under which a person charged with one offence may be convicted of another and is subject to section 57.

Commencement Information

I5 [S. 48](#) in force at 1.10.2008 by [S.I. 2008/2504](#), [art. 2\(a\)](#)

49 Supplemental provisions

- (1) A person may commit an offence under this Part whether or not any offence capable of being encouraged or assisted by his act is committed.
 - (2) If a person's act is capable of encouraging or assisting the commission of a number of offences—
 - (a) section 44 applies separately in relation to each offence that he intends to encourage or assist to be committed; and
 - (b) section 45 applies separately in relation to each offence that he believes will be encouraged or assisted to be committed.
 - (3) A person may, in relation to the same act, commit an offence under more than one provision of this Part.
 - (4) In reckoning whether—
 - (a) for the purposes of section 45, an act is capable of encouraging or assisting the commission of an offence; or
 - (b) for the purposes of section 46, an act is capable of encouraging or assisting the commission of one or more of a number of offences;
 offences under this Part and listed offences are to be disregarded.
 - (5) “Listed offence” means—
 - (a) in England and Wales, an offence listed in Part 1, 2 or 3 of Schedule 3; and
 - (b) in Northern Ireland, an offence listed in Part 1, 4 or 5 of that Schedule.
 - (6) The Secretary of State may by order amend Schedule 3.
- [^{F1}(6A) The power to make an order under subsection (6) for the purposes of subsection (5) (b) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) so far as the power may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).]

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Cross Heading: Inchoate offences. (See end of Document for details)

- (7) For the purposes of sections 45(b)(i) and 46(1)(b)(i) it is sufficient for the person concerned to believe that the offence (or one or more of the offences) will be committed if certain conditions are met.

Textual Amendments

- F1** S. 49(6A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), **Sch. 10 para. 8(2)** (with arts. 28-31)

Commencement Information

- I6** S. 49 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2007, Cross
Heading: Inchoate offences.