

**IN THE MATTER OF THE INQUIRIES ACT 2005**

**AND IN THE MATTER OF THE INQUIRY RULES 2006**

**THE GRENFELL TOWER INQUIRY**

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**OBSERVATIONS ON THE APPLICATION IN RESPECT OF AN UNDERTAKING  
FROM THE ATTORNEY GENERAL TOUCHING UPON SELF INCRIMINATION  
ON BEHALF OF THE BRITISH BOARD OF AGRÉMENT**

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1. The Chairman of the Inquiry has indicated to Core Participants for an indication as to (a) whether they intend to be heard, and (b) what their position is, regarding the application in respect of an undertaking from the Attorney General touching upon self incrimination (**‘the Application’**).
2. The British Board of Agrément (**‘the BBA’**) does not intend to attend the application hearing on 30 January 2020 to make oral submissions unless requested to do so. In this document, the BBA sets out its position on the Application, insofar as it is able to do so in the time available to consider it.
3. By way of background, the BBA has been assisting the Metropolitan Police in its criminal investigation by providing witness and other evidence.
4. It is conceivable that the concerns raised in the Application could affect individuals and organisations who are not the subject of an investigation at this time, but who might be investigated as part of the Metropolitan Police investigation in the future. Depending on (a) how lines of questioning in the Inquiry develop; and (b) how any police investigation proceeds, it is therefore within contemplation that oral evidence could give rise to circumstances in which the privilege against self-incrimination could be asserted.

5. If the undertaking sought in the Application is not given, then the witness would be entitled to assert a privilege against self-incrimination if such circumstances arise. This echoes what is stated in paragraph 20 of the Application (“*counsel concerned will be duty bound to advise the witnesses which they represent, or assist, to consider exercising their privilege against self-incrimination in relation to any question, the answer to which may incriminate them.*”)
6. The BBA does agree that, by the Terms of Reference of the Public Inquiry, the Inquiry should conduct as full an investigation as possible. If the Application is not granted, the BBA also invites the Inquiry to clarify how the question of self-incrimination can be dealt with as a matter of procedure.
7. At this time, the BBA has not been appraised of the stance of any other parties, or, indeed, of the Attorney General in respect of this Application.
8. The BBA therefore asks the Inquiry to invite the Attorney General to respond to the Application accordingly, and if considered appropriate, to give the undertaking sought.

**DAVID SAWTELL**

**Lamb Chambers**

**29<sup>th</sup> January 2020**