



**Attorney  
General's  
Office**

Attorney General's Office  
102 Petty France  
London  
SW1H 9EA

Ms Caroline Featherstone  
Solicitor to the Grenfell Tower Inquiry

[www.gov.uk/ago](http://www.gov.uk/ago)

By email only to [solicitor@grenfelltowerinquiry.org.uk](mailto:solicitor@grenfelltowerinquiry.org.uk)

18 February 2020

Dear Caroline

**Re.: Grenfell Tower Inquiry – Request for Attorney General's undertaking**

I write further to the request made by the Chairman to the Inquiry in his letter of 7 February 2020 for an undertaking from the Attorney General.

The undertaking is sought in the following terms (with emphasis added):

1. No oral evidence given by a natural or legal person before the Grenfell Tower Inquiry in Modules 1, 2 and 3 of Phase 2 will be used in evidence against that person in any criminal proceedings or for the purpose of deciding whether to bring such proceedings save as provided in paragraph 2 herein.
2. Paragraph 1 does not apply to:
  - (a) a prosecution in which that person is charged with having given false evidence in the course of the Inquiry or with having conspired with or procured others to do so, or
  - (b) a prosecution in which that person is charged with any offence under section 35 of the Inquiries Act 2005 or with having conspired with or procured others to commit such an offence.

As you will appreciate, this is an extension of the undertaking that was suggested when the Inquiry was invited to request one from the Attorney General. While the reasons for the Inquiry's decision to extend the proposed undertaking to evidence given by a natural or legal person are set out to some extent in paragraphs 22 and 23 of the Inquiry's ruling and the Chairman's letter, we will require a more detailed explanation in order to advise the Attorney General on the request for an undertaking in these specific terms.

In particular, we would be grateful if a more detailed explanation of the following issues could be provided:

1. Why, and for that matter how, would the witnesses giving oral evidence to the Inquiry do so in anything other than their capacity as a natural person as part of a fact-finding exercise?
2. On what basis would the Inquiry receive evidence from a corporate entity with core participant status, rather than submissions from them or on their behalf, and why should they be afforded the same protection as individuals?

3. How could a witness give oral evidence to the Inquiry in a corporate capacity, rather than in their individual capacity, and why does the Inquiry consider it is necessary to receive evidence in that form?

In our view, uncertainty over these issues has the potential to create real practical challenges for the investigation and potential prosecution of any criminal offences arising out of the events which the Inquiry is considering in the modules which the requested undertaking would cover. Accordingly, we would be grateful for your assistance in providing the further explanation described above.

In addition, we would be grateful for a list of the witnesses to be called in modules 1 to 3 of the current phase to the Inquiry giving their job title and role as well as a short description of the nature and size of the corporate entity for which they work.

Yours sincerely

A large black rectangular redaction box covering the signature of the legal adviser.

Legal Adviser