

Grenfell Tower Inquiry

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

By email only

23 April 2020

Dear Sirs,

Grenfell Tower Inquiry – Extension of Undertaking

I am writing further on the matter of the Panel's request for an extension of the undertaking to include legal as well as natural persons. I am concerned that in your letter to core participants inviting comments on the proposal you may have inadvertently failed to explain clearly what the Panel is asking the Attorney General to do and as a result have asked them to respond on an incorrect basis.

As the Chairman explained in his letter of 22 April 2020, the Panel is asking the Attorney General to extend the undertaking to include legal persons (for this purpose companies) generally. That would ensure that, *if* an answer given by a witness were to be viewed in law as an answer given by a company, it could not be used to further a prosecution of *that* company. That would reflect the privilege against self-incrimination and would avoid protracted disputes about whether the witness in question did in fact embody a company when answering a particular question. A general extension of that kind would be most conducive to the efficient progress of the inquiry and would be achieved by adding the words "or legal" before the word "persons" in the existing undertaking. It would not be appropriate to identify any person or witness who might give such evidence, both because the necessary relationship between the witness and the company can be established only at the time of answering the question and because the only effect of the change would be to make the undertaking apply to companies in general.

Grenfell Tower Inquiry

Although the Panel considers it necessary for the undertaking to apply to companies generally, it considers that it is essential in any event for it to extend to the companies identified in my earlier letter, namely, Osborne Berry Installations Ltd, Harley Facades Ltd, Arconic Architectural Products SAS and C S Stokes and Associates Ltd. That could be achieved either by adding their names to the existing text of the undertaking or by an additional sentence naming them. Again, it would not be appropriate to identify any person or witness who might embody the company for the purpose of answering any particular question.

In the second paragraph of your letter to the core participants you give the impression that the expression “legal persons” in the proposed undertaking would apply to **people who cannot be distinguished from their company**, for example sole traders, partners or senior directors.” but that is not correct. The undertaking would apply to the **company itself**, not to the person whose answer to a question was to be regarded in law as an answer by the company itself. Similarly, in the final paragraph of your letter you invite core participants to “identify all **witnesses** who should be considered as part of the undertaking”. That could give the impression that you are asking core participants to identify individuals whose answers to questions might, in appropriate circumstances, have to be regarded as answers given by a company, but the Panel is not asking for the undertaking to be extended to individuals. It is asking for it to be extended to companies.

For these reasons I respectfully ask you to send a further letter to the core participants clarifying your invitation to comment and making it clear that when you refer to witnesses you are referring to the companies which they consider ought to be brought within the scope of the undertaking.

Yours faithfully

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