

Grenfell Tower Inquiry

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

By email only

24 February 2020

Dear Sirs,

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

Thank you for your letter dated today with further questions. Our answers are as follows:

1. The Panel does not propose to investigate the nature of the relationship between the witness and a company for the purposes of ascertaining whether an answer would or would not be that of the company for several reasons:
 - (i) because to do so would involve it in potentially complicated and time-consuming investigations into matters that are not relevant to its work;
 - (ii) because there would be little point in doing so unless it were to make a decision on the question;
 - (iii) because the Panel is not well equipped to reach a decision on a difficult issue of fact and law of that kind, particularly without the benefit of full evidence and argument; and

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- (iv) because to do so would be of no value in any event, since the Panel's decision would not bind the witness, the company or the prosecutor in relation to any future proceedings.

2. & 3. In those circumstances these questions do not arise.

It may help if I explain how the Panel sees this working in practice. Whether the undertaking applies to companies or not, it will be for the prosecutor in the first place to decide whether he wishes to make use of any answer given by a witness in support of a prosecution of a company. If the undertaking applies to companies and a company wishes to claim the benefit of it on the grounds that the answer is attributable to it because of the relationship between it and the witness, it will be for the company to object to the use of the answer by the prosecutor and to persuade the prosecutor or a judge that it is covered by the undertaking. That is not a matter that can be affected by any decision that the Panel may have made.

No investigation by the Panel into the relationship between a witness and a company will arise unless a witness chooses to claim privilege against self-incrimination on the basis that he *is* the company for the purposes of the answer to a particular question. We want to avoid getting into a time-consuming and potentially uncertain debate about the position, which is why we have asked for the undertaking to include companies. If the prosecutor later wants to use the answer to further a prosecution against the company it will remain open to him to contend that the answer was not that of the company but of the individual alone.

Yours faithfully

Cathy Kennedy

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Deputy Solicitor

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