

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

BETWEEN: -

**THE QUEEN
on the application of**

SUSAN WILSON & OTHERS

Claimants

-and-

THE PRIME MINISTER

Defendant

-and-

THE ELECTORAL COMMISSION

Interested Party

CLAIMANTS' REQUEST FOR FURTHER INFORMATION

Introduction

1. The Defendant has declined requests set out in the letter from Fair Vote UK ('FairVote') dated 5 July 2018 [HB/354-355], namely "*to reconsider whether in light of what you know now, you would have triggered Article 50...*" FairVote also asked the Prime Minister to consider taking steps to seek an extension of time in relation to the Article 50 process from the EU 27 in order to do one or more of the following: "*(a) hold another vote, possibly under more strictly controlled conditions; or (b) order an independent speedy investigation into what happened, which would bring together all the different strands of illegality mentioned above and consider how best to conduct another referendum.*" Again, that request was declined.

2. Further, by decision dated 1 August 2018 the Government decided that it would continue to give effect to the Referendum result notwithstanding any illegality or corrupt practices during the Referendum campaign. Finally, the Secretary of State on 5 September 2018 stated that he did not believe that, despite the seriousness of the illegalities or corrupt practices, the decision of the British people was open to doubt.
3. The Defendant's decisions in paragraphs 1 and 2 above are hereafter referred to as 'the Recent Decisions'.
4. In the light of the foregoing, the Claimants make the following requests for information pursuant to CPR Part 18 and requests an answer by 17 September 2018.

REQUESTS

The Decision and Notification

Under: paragraphs 44 and 45 of the Summary Grounds of Resistance, which aver that the Defendant was aware of the allegations of corrupt and illegal practices at the date of the Decision and Notification

Of: the Prime Minister's knowledge, on the date of the Decision and Notification

Request (1) Did the Prime Minister make the Decision knowing that the following conduct had in fact taken place in relation to the Referendum or on the basis that it had taken place?

- (a) the misconduct found by the Electoral Commission in its report of 11 May 2018;
- (b) the misconduct found by the Electoral Commission in its report of 17 July 2018;
- (c) the other conduct relied upon in Section E of the Grounds.

- Request (2)** If so, what scrutiny (if any) did the Defendant give to the same in taking the Decision?
- Request (3)** Was the Defendant aware of the 'joint working' between Vote Leave and Darren Grimes and the significant over-spend by Vote Leave and Leave.EU?
- Request (4)** If so, please state the basis for that knowledge and, in particular, please state whether the Prime Minister was made aware of the position by any of her advisers in No 10, including Stephen Parkinson or Victoria Woodcock, both of whom were at the heart of Vote Leave and (according to the whistle-blower Shahmir Sanni) fully aware of and involved in the relevant illegalities.
- Request (5)** Save as in so far as answered above, how did the Prime Minister become aware of the position?
- Request (6)** In respect of the information of which the Defendant was aware, did she (or to her knowledge, the Government) pass that information to the Electoral Commission, as the relevant regulator, having regard in particular to the fact that the relevant conduct potentially involves serious crime?
- Request (7)** If not, why not?
- Request (8)** Was the Defendant, or (to the Defendant's knowledge) any other Minister, aware of the conduct in relation to which the Electoral Commission launched its investigations into Leave.EU's spending on 21 April 2017 and into Arron Banks on 1 November 2017?
- Request (9)** If so, how and what action was taken on that information?
- Request (10)** Why, if (as suggested) the Prime Minister was aware of the relevant illegalities and their potential significance she thought fit not to make that information public but instead to take the Decision to take the

United Kingdom out of the EU without the public being aware that the Referendum had involved corrupt and illegal practices?

Request (11) On what basis did the Prime Minister take the view that, despite her knowledge of the fact or possibility of the corrupt and illegal practices, she could nevertheless be sure that the Referendum result properly and fairly reflected the '*will of the people*'?

Request (12) Had the Prime Minister been aware that the corrupt and illegal practices were such that they rendered the result of the Referendum open to doubt, would she have nevertheless decided to take the United Kingdom out of the EU in any event?

Request (13) If so, why?

The Recent Decisions

Under: paragraphs 41 and 42 of the Summary Grounds of Resistance, which aver that the Prime Minister was under no obligation to consider the implications of the relevant illegal and corrupt practices, or the findings in the ICO or DCMS Report, in deciding whether or not to re-consider her earlier decision to take the United Kingdom out of the EU and/or not to hold another referendum

Of: the Prime Minister's knowledge and enquiries leading to the Recent Decisions and consideration of the conduct relied upon in the Grounds in relation thereto

Request (14) Prior to the Recent Decisions, what steps did the Defendant or any other Minister of State take to inform themselves of the factual position?

Request (15) In particular, was any consideration given to the following:

- (a) the substance of the illegalities and corrupt practices and their potential for undermining the reliability of the Referendum result and popular acceptance of the result as legitimate and/or in accordance with law?
- (b) the substance of the findings of the ICO and DCMS report in

relation to data breaches and the possibility of further findings and their potential for undermining the reliability of the Referendum result and popular acceptance of the result as legitimate?

(c) any other matters and, if so, which matters?

Request (16) Having regard to the above, please provide the reasons for the Recent Decisions.

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PAVLOS ELEFThERiADiS
ADAM WAGNER
REANNE MACKENZIE

Dated 7 September 2018