

Your ref: Z1815600/OKG/B6  
Our ref: RLC/EH/EXP001/0003  
Date: 6 November 2018

Government Legal Department  
One Kemble Street  
London  
WC2B 4TS

By email:

Dear Sirs

**In the matter of an application for Judicial Review  
R (on the application of Susan Wilson & Others) -v- The Prime Minister  
CO ref: CO/3214/2018**

We write to invite the Prime Minister to reconsider her position following recent developments and, in particular, to ask that, in the light of what she now knows, she reconsiders her refusal to take any action in relation to what has been discovered, including considering seeking an extension of time for the Article 50 process and/or considering holding another referendum, to be carried out lawfully.

You will be aware that the Electoral Commission published on 1 November 2018 the report on their investigation into payments made to Better for the Country and Leave.EU and have handed their evidence to the National Crime Agency (“NCA”) to allow them to investigate and take any appropriate law enforcement action.

We enclose a copy of the relevant Electoral Commission’s report. Their summary of the report is as follows:

*“A total of £8m in funding was provided to BFTC and Leave.EU to be available for paying expenses incurred by one or other of them in the EU Referendum. This included £6m provided to Leave.EU (paid on its behalf to BFTC to use for Leave.EU’s referendum spending), and £2m provided to BFTC.*

*BFTC used this money to spend at least £2.9m in the regulated campaign period for the 2016 EU Referendum, either by making donations to other campaigners, or by other spending.*

*Leave.EU told us that Arron Banks was the only other party to the £6m loans, and that the moneys were loans from him. BFTC told us it was funded by Mr Banks and his group of insurance companies and that Mr Banks was the source for the other £2m.*

*Following an investigation we launched on 1 November 2017, we have reasonable grounds to suspect that:*

- Mr Banks was not the true source of the £8m reported as loans*
- The parties to the financial transactions that led to the £8m being paid into BFTC's bank account included a non-qualifying or impermissible company, Rock Holding Limited, which was incorporated in the Isle of Man*
- Leave.EU, Elizabeth Bilney (the responsible person for Leave.EU), BFTC, Mr Banks, and possibly others, concealed the true details of these financial transactions, including from us, and also did so by knowingly making statutory returns/reports which were incomplete and inaccurate, or false*
- Various criminal offences may have been committed*

*Accordingly, we have referred this matter to the NCA, for it to take forward. We will liaise with the NCA to provide whatever assistance it may require.*

*This report outlines the basis for the Commission's referral to the NCA. As this is now a criminal investigation, only limited information can at this stage be made public about the evidence we hold, our analysis and the potential offences that may have been committed".*

The NCA announced on 1 November 2018 that, following their acceptance of the referral of material from the Electoral Commission, they had initiated an investigation concerning the entities Better for the Country and Leave.EU, Mr Arron Banks, Ms Elizabeth Bilney and other individuals.

The NCA said that their investigation relates to suspected electoral law offences covered by the Electoral Commission's referral, as well as any associated offences. We attach a copy of their announcement.

The Electoral Commission's investigation and report dated 1 November 2018 follows their previous reports dated 11 May and 17 July 2018 finding, to the criminal standard of proof, that significant overspending had occurred during the EU Referendum by both Leave.EU and the designated Leave campaign, Vote Leave, and connected entities. Their most recent investigation and report cast yet further doubt

on the contention that the result of the EU Referendum in fact represented the will of the people, which the Prime Minister (and other members of her Government) have repeatedly stated formed the sole basis for her decision to notify the UK's withdrawal from the EU under Article 50.

Our clients suggest that, on the evidence now available, it cannot be said with any degree of certainty that, if the electoral rules had been complied with, the result of the Referendum would have been the same. The Prime Minister can no longer be sure what the will of the people was.

The Electoral Commission's recent report reinforces our clients' contention that the factual basis on which the Prime Minister appears to have taken her decision to notify under Article 50 – namely, that she was satisfied to a reasonable degree of certainty that the will of the people was in fact represented in the result of the Referendum – now appears to have been wrong.

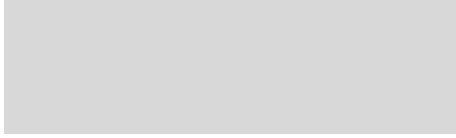
It is not clear to what extent the Prime Minister knew, at the time of her decision to trigger Article 50, of the significant breaches of electoral rules. We have asked for clarification on this in our Request for Further Information. However, even if she was not so aware, the position has now materially changed.

Our clients therefore repeat their request that the Prime Minister reconsiders whether, in light of what she now knows, she would have decided to notify under Article 50. They also ask again that, in the light of the new evidence, the Prime Minister reconsiders her refusal to take any action in relation to what has been discovered and, in particular, that she considers taking steps to seek an extension from the EU27 in order to do one or both of the following:

1. Hold another referendum, possibly under more strictly controlled conditions.
2. Order an independent and speedy investigation into what happened during the EU Referendum campaign, which would bring together all the different strands of illegality referred to in the Electoral Commission, DCMS Select Committee and Information Commissioner's Office reports, and consider how best to conduct another referendum lawfully.

We look forward to hearing from you as a matter of urgency and no later than 14 November 2018 in any event.

Yours faithfully



**Croft Solicitors**

