


Your ref: Z1815600/OKG/B6
Our ref: RLC/EH/EXP001/0003
Date: 19 February 2019

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 / Court of Appeal case no: C1/2018/3034**

We write once again 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.

On 1 February 2019, the Information Commissioner's Office (ICO) announced that, having considered representations from Leave.EU and Eldon Insurance, they had issued fines totalling £120,000 against those two companies, as intended in their report dated 6 November 2018. The ICO also announced that it had issued assessment notices to Leave.EU and Eldon Insurance informing them that they will be audited by the ICO.

Yesterday, 18 February 2019, the DCMS Committee published the final report of its inquiry, *Disinformation and 'fake news'*. Much of the contents of the DCMS's final report relates to, and casts further doubt upon the legitimacy of, the EU Referendum.

In our letter of 6 November 2018, we referred you to the fact that the Electoral Commission had published on 1 November 2018 the report on their investigation into payments made to Better for the Country and Leave.EU and had handed their evidence to the National Crime Agency ("NCA") to allow them to investigate criminal

activity for which it had reasonable evidence and take any appropriate criminal enforcement action. The NCA announced the same day that they had initiated an investigation into suspected electoral offences regarding the EU Referendum, as well as any associated offences.

The Electoral Commission's investigation and report dated 1 November 2018 had followed 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.

As we said in our letter of 6 November 2018, the Electoral Commission's most recent investigation and report cast yet further doubt on the contention that the result of the EU Referendum represented the 'democratic 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. The ICO's announcement on 1 February 2019 and yesterday's DCMS Committee final report further call into question the legitimacy of the EU Referendum.

The additional further evidence reinforces our clients' view that the legitimacy of the referendum is open to serious doubt. People are understandably concerned that the relevant breaches of the law involved serious manipulation of our electoral system, including potentially by foreign interests that may be hostile to the United Kingdom and the EU.

We asked in our letter of 6 November 2018 that the Prime Minister reconsider her position in view of the new evidence. Regrettably, you did not engage properly with that letter.

Our clients therefore repeat again their request that the Prime Minister reconsiders her refusal to take any action in relation to what has been discovered and indeed may yet be discovered, notably by the NCA and Metropolitan Police investigations - 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.

Yours faithfully



Croft Solicitors

