



## **NOTICE**

1. The Cabinet Office was sent a copy of the Chair's [Ruling](#) on its [section 21\(4\) application](#) on the day that the Ruling was given, Monday 22 May 2023. The Ruling set 4pm on Tuesday 30 May 2023 as the new deadline for compliance with the [section 21 Notice](#).
2. Shortly after close of business on Friday 26 May, the Inquiry received correspondence from the Government Legal Department on behalf of the Cabinet Office, raising two matters for the first time.
3. First, an extension was requested for compliance with the Ruling until Monday 5 June 2023. Second, the Inquiry was informed that the Cabinet Office does not have in its possession either Mr Johnson's WhatsApp messages or Mr Johnson's notebooks, as sought in the original section 21 Notice.
4. The Chair rejected the request for an extension of time to 5 June 2023, but granted a short extension to 4pm on Thursday 1 June 2023. The section 21 Notice has been varied accordingly.
5. Regarding the second matter, the section 21 Notice has been varied so that if the Cabinet Office maintains its position that it does not hold specified materials, it must provide in substitute a witness statement from a senior civil servant, verified by a statement of truth, setting out the following:
  1. With regard to paragraph 2 of Annex A(i) to the Notice:
    - a. A statement that the Cabinet Office does not have in its custody or under its control the specified WhatsApp materials, or any copies thereof, and a record of searches that have been made.
    - b. A chronology of correspondence with Mr Johnson, or his office, regarding the identification of potentially relevant WhatsApp materials held by him. This chronology should include clear reference to all requests made to Mr Johnson for disclosure of that material (dating from receipt of the Rule 9 request of 3 February 2023, or earlier as appropriate), responses received and action taken by the Cabinet Office to obtain the potentially relevant material.
    - c. Whether at any time since receipt of the Rule 9 request on 3 February 2023 the Cabinet Office has had within its possession or under its

control the materials identified in paragraph 2 of Annex A(i) to the Notice (and if it has, what happened to them); and

- d. Whether it is understood that the potentially relevant messages held by Mr Johnson are on a personal, or Cabinet Office/No.10 device.

2. With regard to paragraph 1 of Annex A(ii) to the Notice:

- a. A statement that the Cabinet Office does not have in its custody or under its control any of the specified notebooks or any copies thereof.
- b. A chronology of correspondence with Mr Johnson, or his office, regarding the identification of the specified notebooks held by him. This chronology should include clear reference to all requests made to Mr Johnson for disclosure of the notebooks (dating from receipt of the Rule 9 request of 3 February 2023, or earlier as appropriate), responses received and action taken by HMG (construed broadly to include Cabinet Office, instructed Counsel and HMG national security teams) to review or obtain the notebooks, or copies of the notebooks.
- c. Whether at any time since 3 February 2023 the Cabinet Office has had within its possession or under its control the notebooks. If the Cabinet Office has had the notebooks within its possession or under its control at any point, the statement must set out the basis on which they are now said not to be within its possession or under its control.

6. Any such statement must be provided by the amended date for compliance with the Notice - that is 4pm on Thursday 1 June 2023.

**30 May 2023**