

Message

From: Parsons, Andrew [GRO]
Sent: 31/10/2014 13:51:08
To: Patrick Bourke [GRO]
Subject: Issue for meeting with SS next week [BD-4A.FID20472253]
Attachments: M031_Draft_CRR[1].pdf

Patrick

In recent CRRs, I've noticed SS using language such as "POL has failed to disprove the Applicant's assertion" – see para 4.2 attached for an example. This is building in a presumption that the Applicant is correct and that POL has to disprove the position, even where the Applicant has put forward no corroborating evidence. This will lead to POL losing a lot of battles. I think this may be a point to raise with SS on our next call as its not within their gift to apply an evidential presumption in favour of the Applicants. If anything, the presumption should go in POL's favour given that (i) we are notionally the defendant and (ii) no one has yet proved a flaw in Horizon.

Kind regards
Andy

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