

**IN THE COURT OF APPEAL CRIMINAL DIVISION**

**On referral by the Criminal Cases Review Commission**

202001568-B3  
202001569-B3  
202001575-B3  
202001576-B3  
202002979-B3

**Scott Darlington**

**Stanley Fell**

**Peter Holmes (deceased)**

**Rubina Shaheen**

**Pamela Lock**

**v**

**Post Office Limited**

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**REASONS IN SUPPORT OF ORDER OF 10.3.2021 REGARDING DISCLOURE  
APPLICATIONS**

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**REASONS:**

**Application for disclosure**

1. There appear to be two principal aspects to the disclosure application. First, it is said that the relevant period for the purposes of disclosure should not be limited to 1999/2000 to 2013 but should be extended to include post-2013 material provided that it is relevant to the issues in the appeals. Secondly, it is submitted that there are “missing areas of disclosure” in relation to knowledge of Horizon errors at management level within the Post Office, and in relation to the reason that Jenkins did not give evidence in the trial before Fraser J.
2. The parameters of disclosure, including the relevant period, have been known to the Appellants since the Respondent served its Disclosure Management Document in or around August 2020. The court considered questions of disclosure at a directions hearing on 18

November 2020. There was a further hearing on other issues on 17 December 2020. In these circumstances, the Appellants have had ample opportunity to raise the relevant period with the court before this late stage. The Appellants seem to accept that, if the court were to sanction this late change, the date for the hearing of the appeals – which is imminent - would be imperilled. In our view, the interests of justice would not be served by delay to these appeals, which affect a great many people besides the Appellants who are making the current application. In any event, we are not persuaded that the abandonment of the 2013 cut-off point would make a material difference to the questions which the court will determine.

3. Nor do we accept that there are any “missing areas of disclosure” that have not been adequately explained by the Respondent’s lawyers. The suggestion that the Respondent is using the concept of proportionality as a “smokescreen” is misplaced and not helpful. There is no justification for the suggestion that the Respondent’s large and experienced legal team (which includes a substantial number of barristers led by two Queen’s Counsel) have failed to ensure that proper disclosure has been provided to the Appellants. On the contrary, it appears that the review has been thoroughly and professionally conducted.
4. We agree with the Respondent that the disclosure process should not become open-ended. The approach adopted by the Respondent and sanctioned by the court remains proportionate and just.

**Application to inspect documents**

5. The court will not make directions to permit the Appellants’ or Respondent’s solicitors to inspect documents. It is neither necessary nor proportionate for such a step to be taken.

10 March 2021