

Message

From: Belinda Crowe [IMCEAEX-
_O=MMS_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29_CN=RECIPIENTS_CN=BELINDA+20CROV
569F-4526-A078-F5B4958A8917220@C72A47.ingest.local]
on behalf of Belinda Crowe <IMCEAEX-
_O=MMS_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29_CN=RECIPIENTS_CN=BELINDA+20CROV
569F-4526-A078-F5B4958A8917220@C72A47.ingest.local> [IMCEAEX-
_O=MMS_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29_CN=RECIPIENTS_CN=BELINDA+20CROV
569F-4526-A078-F5B4958A8917220@C72A47.ingest.local]

Sent: 20/03/2014 08:31:01

To: Rodric Williams [GRO]

CC: Belinda Crowe [GRO]; David Oliver [GRO]; Chris Aujard [GRO]

Subject: FW: Draft report

Attachments: Post Office Limited_Report_Legal AnalysisCCA commnets.docx

Sorry Rod, I should have sent the report with Chris' comments.

Could we grab a word when you come in please – as well as answering the questions it would be good if you could have a scan to see if there are any howling errors of fact.

Could you also look at what they have said in 4.13 and 5.47 about the fact that PO may make discretionary decisions not to recover where it becomes known that there may be problem (e.g. a scam) until it has been investigated and, where appropriate revised guidance has been issued. This was the point we discussed a couple of days ago and I suggested LL discussed with you. I just want to check whether this accords with what you discussed with them.

A perhaps minor, but nevertheless important point I plan to raise with Christa is the comment in 5.33 about the working relationship with JFSA and Post Office. I do not think it is that SS have a good working relationship with JFSA and not the Post office, I think it is more the slant of their report in terms of acknowledging the input from JFSA rather than Post Office and the paragraph cited, as written suggests that their work was aimed at addressing issues raised through JFSA rather than the fundamental question about Horizon. Or put another way, JFSA fed in accusations and concerns about which SS then challenged Post Office.

Best wishes
Belinda

Belinda Crowe

148 Old Street, LONDON, EC1V 9HQ

GRO Postline: [GRO]
[GRO]

From: Chris Aujard
Sent: 20 March 2014 00:19
To: Swil, Jonathan
Cc: Band, Christa; David Oliver [GRO]; Belinda Crowe
Subject: RE: Draft report

Hi Jonathan – my detailed comments are set out in the attached. Two big points, though:

- 1) The intro section needs to be re-worked a bit to make it clear that this report focuses mainly on the legal liability point, and that you will be working with us in relation to alternative structures (and may be not even producing a report). The reason for this is that some board members think that the task of coming up with alternatives to the scheme should be an internally driven bit of work, not something that is outsourced to a law firm.
- 2) The executive summary is still pretty long, and doesn't hit the reader between the eyes with what I understand to be your main conclusion – namely: Unless there is something wrong with the system, we are entitled to rely on the accounts produced by Horizon as the basis of claiming sums of money from SPMRs. Further that there can be no question of a claim for consequential losses based simply on the recovery by the Post Office of losses if the losses were properly payable and the Post Office was entitled to the money.

These 2 statements together are quite powerful, and need to be brought out clearly, and it also needs to be said that in consequence the amounts that could be successfully claimed in court are a fraction of the aggregate amounts (c£100m) that has been claimed under the scheme.

I would be most grateful if you could turn this round asap in the morning.

Cheers

Chirs

From: Swil, Jonathan [[mailto:](#) 
Sent: 19 March 2014 21:58
To: Chris Aujard
Cc: Band, Christa; David Oliver  Belinda Crowe
Subject: Draft report
Importance: High

Chris

As discussed, I attach our draft report on the legal issues.

There is a factual question that we would like you to confirm in paragraph 5.22 (and a related question in 5.37), but otherwise please provide any comments you may have in the time available and we will send through a finalised version as soon as possible in the morning.

In the interests of time, I have left in the outline of "Part B" of the report in this document so that, as requested, you can see where that part is headed. I will remove it (i.e. everything from section 6 onwards) in the final version for the Board we send through tomorrow.

Kind regards

Jonathan Swil
Managing Associate (Solicitor, New South Wales)
Linklaters LLP, London

Tel: 
Fax:


<http://www.linklaters.com>

Any business communication, sent by or on behalf of Linklaters LLP or one of its affiliated firms or other entities (together "Linklaters"), is confidential and may be privileged or otherwise protected. If you receive it in error please inform us and then delete it from your system. You should not copy it or disclose its contents to anyone. Messages sent to and from Linklaters may be monitored to ensure compliance with internal policies and to protect our business. Emails are not secure and cannot be guaranteed to be error free. Anyone who

communicates with us by email is taken to accept these risks. Linklaters LLP is a limited liability partnership registered in England and Wales with registered number OC326345. It is a law firm authorised and regulated by the Solicitors Regulation Authority (www.sra.org.uk). The term partner in relation to Linklaters LLP is used to refer to a member of Linklaters LLP or an employee or consultant of Linklaters LLP or any of its affiliated firms or entities with equivalent standing and qualifications. Please refer to www.linklaters.com/regulation for important information on our regulatory position. A list of Linklaters LLP members together with a list of those non-members who are designated as partners and their professional qualifications, may be inspected at our registered office, One Silk Street, London EC2Y 8HQ and such persons are either solicitors, registered foreign lawyers or European lawyers.