



Ms Jane MacLeod
Post Office Limited
148 Old Street
London
EC1V 9QH

Your ref:
Our ref:

12 February 2015

Dear Ms MacLeod

Horizon Computer System

Thank you for your letter dated 11 February 2015, the contents of which are noted.

In your letter you ask for clarification in relation to the following points:

- i) The precise function or functions which the Commission is seeking to exercise pursuant to S.17(1) CAA; and
- ii) How and why the Commission considers it is "reasonable" to require Post Office Limited (POL) to produce the documents or material requested in the exercise of that function or functions pursuant to S.17(2) CAA.

In order to address these points, it would perhaps be helpful to provide some background.

The primary function of the Criminal Cases Review Commission (the Commission) is to review possible miscarriages of justice in the criminal courts of England, Wales and Northern Ireland and refer appropriate cases to the appeal courts.

The power to do this lies in statute, specifically the Criminal Appeal Act 1995 (CAA 1995) Sections 9 – 12.

As I am sure you are aware, the vast majority of the cases that come to the attention of the Commission do so as the result of an application by the convicted person.

However, such an application is not a pre requisite for an investigation by the Commission.

A recent example of where the Commission has acted without the initial input of an applicant includes the review of convictions which were based on evidence obtained by the Metropolitan Police Special Demonstration Squad. These convictions were drawn to our attention by, and subsequently examined with the full cooperation of the Crown Prosecution Service and the Police.

Recently, the Commission has been made aware of potential miscarriages of justice arising out of convictions where information produced by the Horizon software was used in evidence.

Therefore the Commission would be looking to the information provided by the Post Office to identify the individuals that may be affected by the Horizon issues and assess the safety of any convictions.

The Commission can then consider whether to refer the convictions to the appropriate appeal court, undertake further investigations itself or make use of its statutory powers under section 19 of the CAA 1995 to require the police to undertake further investigations as appropriate.

With respect, the judgement as to what is a reasonable request is one for the Commission. Our assessment of the case thus far suggests that the report of Mr Altman QC would be of assistance to us in resolving one or more of the issues arising in this matter.

The Commission anticipates that this report would include the steps taken by the Post Office in relation to these convictions, and the Horizon system, which would be pertinent to the Commission's investigations. This would provide a starting point for the Commission in determining what steps, if any, it is appropriate to take.

For the avoidance of any doubt, and in order to offer some reassurance, the CAA 1995 does place restrictions on the way the Commission handles material and information it obtains during the exercise of any of its functions.

Sections 23, 24 and 25 of the Act are enclosed with this letter.

Section 23 creates a statutory bar on disclosure of materials by the Commission, and imposes criminal sanctions for any contravention of this section.

Section 24 contains various exemptions to this bar. These exemptions allow the Commission to the material under its control when compiling a Statement of Reasons at the conclusion of a review.

Section 25 places specific restriction in cases where the material has come to the Commission by way of a Section 17 request.

A copy of the Commission's published Formal Memorandum on disclosure which addresses these points in greater detail is enclosed.

I trust that this letter addresses the concerns that you have regarding the disclosure of material to the Commission

If for any reason I can be of any more assistance, please contact me immediately.

~~Yours sincerely~~

GRO

~~Frazer Stuart~~

Legal advisor to the Criminal Cases Review Commission