

BBC Programme Legal Advice
British Broadcasting Corporation
Room WC 2251
White City
London
W12 7TS

**URGENT
NOT FOR BROADCAST**

**Your ref
Our ref**

SCB/SCB/MIT/111850.00038

Dear Sirs

The One Show – Post Office Limited

We act for Post Office Limited and have been consulted in connection with a proposed broadcast for the One Show which we understand is due to be broadcast on Wednesday 10 December 2014, featuring our client and its Horizon computer system.

Our client is still unclear as to the allegations which are to be made against it in the programme, despite various exchanges of correspondence. As you are well aware, under your own Editorial Guidelines and the Ofcom Broadcasting Code, if there are any allegations of wrongdoing or incompetence, or other significant allegations, our client should normally be given an appropriate and timely opportunity (or, under the BBC Guidelines, a “fair” opportunity) to respond. There can be no reason why our client should not be given such an opportunity in this case. Until our client has been notified of any and all allegations which are proposed to be made, our client reserves its right to submit further statement(s) by way of response. Please ensure that, should the programme go ahead featuring our client, our client’s position in relation to any such allegations is properly and fairly represented.

The mediation process which has been ongoing which was agreed between our client and the other parties, including the various individual subpostmasters, is subject to confidentiality obligations on all sides. As has been made clear to the BBC, our client takes these obligations very seriously and, notwithstanding any information which may have been imparted to the BBC by other parties to the mediation process, is therefore unable to comment on any individual cases. There are, however,

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important issues which need to be taken into account and which should be properly reflected in any broadcast in order that our client's position is fairly represented.

Any reference to the Horizon system clearly needs to be seen in the context of some 6 million different transactions conducted through the system every day, and the tens of thousands of people in the different subpostoffices who carry on their businesses using the system with no difficulty and with no such issues arising. This important issue should be made clear in the event of the programme featuring our client.

Our client, of course, understands the emotional and financial effect of the various prosecutions on the individual subpostmasters. However, our client had a clear duty to investigate the various shortfalls at the individual post offices, a number of which were substantial. Any broadcast should make clear that our client had such a duty. Nevertheless, it was partly with a view to addressing the personal impact of these matters on the individuals and to address the concerns which had been raised by the Justice for Subpostmasters Alliance and MPs representing subpostmasters, that our client set up its Complaints and Mediation Scheme, with a former High Court Judge as the independent Chair. Our client also commissioned an independent review of the Horizon system, which has found no systemic faults with the system and, indeed, this review has found no evidence at all of faults within the system that have resulted in the issues which have been alleged by the very small number of subpostmasters involved.

In relation to [all but one] of the various prosecutions, the individuals pleaded guilty to criminal charges. In the [one case] in which a not guilty plea was entered, the judge and jury heard evidence from the individual subpostmaster concerned and expert opinion, from Charles McLachlan, one of the so-called experts who we understand is intended to be feature in the programme. Having heard and considered all the evidence, the jury found the defendant to be guilty. Our client is also clearly not responsible for any sentence passed in relation to subpostmasters or former subpostmasters – any sentence will have been passed by the relevant judge.

Any broadcast which does not fully reflect these issues is likely to cause serious harm to our client, and is likely to result in serious financial loss. In this respect, there can be no doubt that the individual subpostmasters are not neutral, independent sources, but will clearly each have an axe to grind. As such, their stories should be treated with real caution.

All of our client's rights are reserved.

Yours faithfully

CMS Cameron McKenna LLP