

**Claim No. HQ16X01238, HQ17X02637 & HQ17X04248**

**THE POST OFFICE GROUP LITIGATION**

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

**BEFORE THE HONOURABLE MR. JUSTICE FRASER**

**BETWEEN:**

**ALAN BATES & OTHERS**

**Claimants**

**AND**

**POST OFFICE LIMITED**

**Defendant**

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**POST OFFICE'S PROPOSED APPROACH TO FINDINGS OF FACT  
FOLLOWING THE COMMON ISSUES TRIAL**

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1. Post Office's position is that the Court should refrain from making any findings of fact on matters going to issues outside the scope of the Common Issues trial, specifically matters going to issues of breach and causation. It follows, for example, that no findings should be made on whether various Claimants were guilty of false accounting. Nor, by parity of reasoning, should findings be made as to how Post Office investigated losses or issues associated with false accounting.
2. Conversely, findings of fact will need to be made on matters going, or arguably going, to the Common Issues; in particular, on whether various Claimants did, or did not, receive various documents (together with other matters going to issues of incorporation). Those findings will necessarily require the Court to take a view as to the credibility of Claimant and Post Office witnesses in their evidence on those matters.
3. Post Office's position is that in making those findings, and taking that view on credibility, the Court should:
  - (a) Take account of evidence given by witnesses on matters within the scope of the Common Issues trial. So, for example, the Court's findings on whether Mr Bates

received a copy of the SPMC will presumably take into account the evidence he gave on that issue, and on associated issues raised in cross-examination (for example, whether he is careful generally, whether he had a copy of the SPMC when writing to Post Office in August 1999, and so on).

- (b) Take account of evidence on matters which go to the witnesses' credibility, but do not risk trespassing on any future trial, because they do not go to issues of breach or causation. For example, Mr Abdulla's evidence on whether Christine Adams and Christine Stephens were the same person can be taken into account in assessing his credibility.
  - (c) Not take account of evidence which, while it may go to the witness's credibility, risks trespassing on a future trial or trials. For example, the Court should not make any findings on whether Mr Abdulla falsely accounted, even though such matters might be relevant to his credibility. Nor (staying with this example) should the Court base any findings on Mr Abdulla's credibility which are necessary to decide the Common Issues on his evidence as to the allegations of false accounting made against him.
4. In order to facilitate drawing that line as cleanly as possible in the circumstances, Post Office withdraws the submissions made in the seventh and eighth sentences of paragraph 592 of its Closing Submissions: [A/8/210].