
From: Gavin Matthews [GRO]
Sent: Thur 03/01/2019 11:34:36 AM (UTC)
To: Rodric Williams [GRO]; Andrew Parsons [GRO]
Subject: RE: Post Office Limited [WBDUK-AC.FID26610170]

Hi Rod

As promised yesterday I have now looked at this for you and the short answer is that I agree that s17 compels POL to disclose the reports to the CCRC.

The CCRC's power under s17 is very wide and under s17(4) makes it clear that the duty on POL is not affected "*by any obligation of secrecy, or other limitation on disclosure (including any such obligation or limitation imposed by or by virtue of an enactment) which would otherwise prevent the production of the document or other material to the Commission or the giving of access to the Commission*". This therefore overrides the usual rule that the expert reports should not be disclosed for any purpose outside the Group Litigation.

The reports also clearly fall within s17(3)(b) as you have highlighted as there is a clear connection between the Group Litigation and the individual cases the CCRC are investigating.

The only other hurdle that the CCRC has to get over is that their power under s17 can only be exercised when it is "*reasonable to do so*". As a matter of principle, the CCRC's guidance states that "*the fact that material held by a public body relates directly or indirectly to a case under review by the CCRC will generally satisfy the requirement of reasonableness*". Again the expert reports directly or indirectly relate to the cases under review by the CCRC so this hurdle will be cleared.

When disclosing the reports to the CCRC you should ensure that you notify it that the reports are not to be disclosed by the Commission without POL's prior written consent under s25 Criminal Appeal Act 1995.

I hope this helps. If you have any further queries, do let me know.

Kind regards

Gavin

Gavin Matthews

Partner

Womble Bond Dickinson (UK) LLP

d: [GRO]
m: [GRO]
t: [GRO]
e: [GRO]

Stay informed: sign up to our e-alerts



womblebond Dickinson.com



From: Rodric Williams [mailto:[GRO]]
Sent: 02 January 2019 11:27
To: Andrew Parsons; Gavin Matthews
Subject: FW: Post Office Limited

Andy, Gavin,

Happy new year to you both – I suspect 2019 will be challenging on many fronts....

Can you please see the email trail below and attachment from the CCRC, in which they have sent to us notices under s.17 Criminal Appeal Act 1995 seeking disclosure of the expert reports filed for the Horizon Issues trial in the Post Office Group Litigation.

I have looked at s.17, and think that it compels us to disclose the reports (see s.17(3)(b) in particular). I would however like a second opinion, given that providing the reports to the CCRC creates the risk that it will form views, and possibly even make decisions, on their content, potentially usurping the specific purpose for which they were prepared, i.e. to assist the Managing Judge determine the "Horizon Issues" in the Group Litigation.

Can you please therefore advise if we are (as the CCRC's 13 December 2018 letter states) legally obliged to provide the reports in response to the s.17 notice?

Thanks in advance, Rod

From: TrentM [mailto:[GRO](#)]
Sent: 13 December 2018 13:15
To: Rodric Williams [mailto:[GRO](#)]
Subject: FW: Post Office Limited

Hi Rodric,

As requested last week, please find attached a S17 notice regarding the expert reports of Jason Coyne and Robert Worden. We look forward to receiving these at your earliest convenience.

Many thanks for your help with this.

Miles

Miles Trent
Case Review Manager
Criminal Cases Review Commission
Tel: [GRO](#)

From: Rodric Williams [mailto:[GRO](#)]
Sent: 06 December 2018 09:36
To: TrentM
Subject: RE: Post Office Limited

Trent,

My apologies, but we have been having very long days dealing with the Post Office Group Litigation Common Issues trial (the hearing of which concludes today), while also progressing matters for that litigation's Horizon Issues trial, most notably the delivery of Post Office Limited's expert's report. As you rightly note, that report was due to be filed and served on 30 November 2018, but will now by agreed extension be filed and served on Friday 7 December 2018.

We appreciate the interest that the CCRC has in the expert reports filed for the Horizon Issues trial. We are also conscious that those reports have been prepared pursuant to orders made by the Managing Judge in the Group Litigation, for the specific purpose of assisting him to determine at a trial in March 2019 issues concerning the Horizon system, as part of the overall resolution of the Group Litigation. We trust you will understand that we do not wish to do anything improper which might conflict with the Court's processes.

So that we can proceed appropriately, could I please ask you send to Post Office Limited (marked for my attention) a Section 17 Notice for the expert reports filed in the Post Office Group Litigation (*Bates & Others v. Post Office Limited*, Claim No. HQ16X01238, HQ17X02637 and HQ17X04248) by:

- Jason Coyne, for the Claimants, filed on 16 October 2018; and
- Dr Robert Worden, for the Defendant, to be filed on 7 December 2018.

These can be sent to me by email if that is easier. I hope that is clear, but please let me know if you require or wish to discuss anything further.

Kind regards, Rodric



2017 Winner of the Global
Postal Award for Customer
Experience

Rodric Williams

Head of Legal - Dispute Resolution & Brand
20 Finsbury Street
London EC2Y 9AQ

T: **GRO**

E: **GRO**

From: TrentM [mailto:**GRO**]

Sent: 03 December 2018 11:55

To: Rodric Williams: **GRO**

Subject: RE: Post Office Limited

Importance: High

Morning Rodric,

Can I ask whether there is any progress on the below matters please? In your last email you indicated that you were about to send something, but I don't think I received?

I am conscious that both expert reports for the Horizon trial will now have been served. Our Commissioners are meeting to consider the criminal cases soon, so it would be useful if we could consider the reports as soon as possible.

Kind regards,

Miles

Miles Trent
Case Review Manager
Criminal Cases Review Commission
Tel: **GRO**

From: Rodric Williams [mailto:**GRO**]

Sent: 20 November 2018 10:28

To: TrentM

Subject: Post Office Limited

Miles,

I am conscious I owe you a reply on three matters (TC information retention; outstanding applicant disclosure; Group Litigation Horizon expert reports).

I have been tied up in court with the Group Litigation Common Issues Trial, but aim to send you something this evening.

I hope that's OK. I apologise for any inconvenience.

Kind regards, Rodric

Get [Outlook for Android](#)

This email and any attachments are confidential and intended for the addressee only. If you are not the named recipient, you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender by reply email and then delete this email from your system. Any views or opinions expressed within this email are solely those of the sender, unless otherwise specifically stated.

POST OFFICE LIMITED is registered in England and Wales no 2154540. Registered Office: Finsbury Dials, 20 Finsbury Street, London EC2Y 9AQ.

“Post Office Limited is committed to protecting your privacy. Information about how we do this can be found on our website at www.postoffice.co.uk/privacy”

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

The Criminal Cases Review Commission
5 St Philip's Place
Birmingham
B3 2PW
Telephone: GRO
Fax: GRO

The information contained in this e-mail and any files transmitted with it is confidential and is intended for the use of the person(s) or entity named above. If you are not the intended recipient of this communication, any disclosure, copying, distribution, or any action taken in reliance on it is prohibited and may be unlawful. If you have received this communication in error, please return it immediately to the sender by replying to it and then delete the message from your computer.

We may monitor the content of e-mails sent and received via our network for the purposes of ensuring compliance with policies and procedures.

Viruses: Although we have taken steps to ensure that this e-mail and attachments are free from any virus we advise that in keeping with good computing practice the recipient should ensure they are actually virus free.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

The Criminal Cases Review Commission

5 St Philip's Place
Birmingham
B3 2PW

Telephone: [GRO]
Fax: [GRO]

The information contained in this e-mail and any files transmitted with it is confidential and is intended for the use of the person(s) or entity named above. If you are not the intended recipient of this communication, any disclosure, copying, distribution, or any action taken in reliance on it is prohibited and may be unlawful. If you have received this communication in error, please return it immediately to the sender by replying to it and then delete the message from your computer.

We may monitor the content of e-mails sent and received via our network for the purposes of ensuring compliance with policies and procedures.

Viruses: Although we have taken steps to ensure that this e-mail and attachments are free from any virus we advise that in keeping with good computing practice the recipient should ensure they are actually virus free.

Please consider the environment! Do you need to print this email?

The information in this e-mail and any attachments is confidential and may be legally privileged and protected by law. rodric.williams [GRO] only is authorised to access this e-mail and any attachments. If you are not rodric.williams [GRO], please notify [gavin.matthews \[GRO\]](#) as soon as possible and delete any copies. Unauthorised use, dissemination, distribution, publication or copying of this communication or attachments is prohibited and may be unlawful. Information about how we use personal data is in our [Privacy Policy](#) on our website.

Any files attached to this e-mail will have been checked by us with virus detection software before transmission. Womble Bond Dickinson (UK) LLP accepts no liability for any loss or damage which may be caused by software viruses and you should carry out your own virus checks before opening any attachment.

Content of this email which does not relate to the official business of Womble Bond Dickinson (UK) LLP, is neither given nor endorsed by it.

This email is sent by Womble Bond Dickinson (UK) LLP which is a limited liability partnership registered in England and Wales under number OC317661. Our registered office is 4 More London Riverside, London, SE1 2AU, where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Our VAT registration number is GB123393627.

Womble Bond Dickinson (UK) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see www.womblebond dickinson.com/legal notices for further details.

Womble Bond Dickinson (UK) LLP is authorised and regulated by the Solicitors Regulation Authority.