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16 December 2014

By Fax -

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

**URGENT
NOT FOR BROADCAST**

Our ref SCB/SCB/MIT/111850.00038

Dear Sirs

Post Office Limited – The One Show

We write further to our letter of 15 December 2014 and, in particular, in relation to yesterday evening's and today's correspondence between Mr Mark Davies of Post Office Limited and Jane French and Nick Wallis of the BBC.

We note that you are proposing to include an opinion from Mr Sandip Patel QC in your broadcast. Our client has been provided with extremely limited information about the comments that Mr Patel QC will be making. Based on the little detail which has been provided, it would appear that Mr Patel QC's comments are largely speculative. Indeed, as stated in Mr Davies' email of 19:42 on 15 December 2014, the comments from Mr Patel QC would appear to lack any evidence to support them.

Our client has repeatedly asked to be furnished with any evidence to support the allegations of any miscarriage of justice and, more particularly, to support Mr Patel QC's conclusion that there "may" be grounds for arguing that the Horizon system is unreliable and that some of the convictions of Postmasters in the mediation scheme "might" be unsafe. We refer in particular to Mr Davies' emails of 19:42 on 15 December 2014 and 11:48 and 12:19 on 16 December 2014. In addition, we would draw your attention to the letter dated 5 December 2014 from Mr Rodric Williams of Post Office Limited to Mr Nick Wallis of the BBC. Despite these repeated requests, you have failed to set out in any detail the evidence upon which you and Mr Patel QC bases your respective statements. Our client is not aware of Mr Patel QC being involved in any relevant case which would give him a basis for an opinion.

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If you are in possession of any evidence to support any allegation of a miscarriage of justice, then we would ask that this material be disclosed as soon as possible, such that our client is given a fair opportunity to respond to the allegations. The BBC Editorial Guidelines stipulate that our client should be “*given enough information and detail about the arguments and allegations to understand them and give an informed response*”. In our view, you have fallen short of this standard. If you intend to persist with including the seemingly unsubstantiated comments of Mr Patel QC and the allegations of miscarriages of justice, then you should include a statement in the programme explaining that our client has repeatedly asked to be provided with details of the evidence relied upon but that the BBC has refused to provide this evidence.

We also note that by email of 13:55 on 16 December 2014 to Mr Davies, Mr Wallis of the BBC has raised a number of additional questions. As stated in correspondence, our client is struggling to understand what your central allegation is. That you are making new lines of enquiry of our client with little more than 24 hours until the broadcast of the programme in question is very concerning. Please can you explain why these further enquiries are only now being raised at this very late stage. As stated in our previous letter, our client has not been given a fair opportunity to respond to the allegations.

Despite, this lack of clarity, what is evident is that the allegations which you are proposing to make in your programme are extremely serious and there is a significant risk of your programme misrepresenting the facts and causing serious harm to our client. Our client delivers products and services for a wide variety of third party organisations using the Horizon system and, furthermore, has major franchise partnerships with several big retailers which use the Horizon system. There is therefore a significant risk that your allegations will cause or are likely to cause serious financial loss to our client.

All of our client’s rights remain reserved.

Yours faithfully

A handwritten signature in black ink that reads 'CMS Cameron McKenna LLP'.

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