

Message

From: Parsons, Andrew [/O=BOND PEARCE/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=AP6]
Sent: 21/07/2015 13:09:23
To: Rodric Williams; [REDACTED] GRO
CC: Matthews, Gavin [/O=BOND PEARCE/OU=First Administrative Group/cn=Recipients/cn=grm1]
BCC: 364065_01279 CCRC Support E_Mails [{F26610170}.4A-LIVE@bond-dickinson.com]; [REDACTED] GRO
Subject: Balancing Transactions [BD-4A.FID26610170]

Rodric

As discussed before your holiday, we've pushed forward the balancing transaction disclosure issue and, if you agree with the below, I think we have reached a conclusion.

We sent the FJ note on BTs on Old Horizon to CK for their thoughts on how to proceed. Martin's view was that as Brian had already advised on this question, it was for Brian to advise on next steps.

We therefore sent the FJ note to Brian along with some commentary around how difficult it would be to search for BTs. Gavin and I then spoke to Brian and his clear and unequivocal advice was:

- There is currently no need to give any further disclosure to SPMRs about BTs.
- In relation to New Horizon, we know that the only BT was in a branch not touched by any prosecution so there is no disclosure to give in this regard.
- In relation to Old Horizon, POL does not have an obligation to go on a fishing expedition, particularly one that would be extremely onerous and costly.
 - If POL knew that a prosecuted branch operating Old Horizon had been subject to a BT, that specific fact may trigger a disclosure in that specific case. At present, POL is not aware of any affected branch and does not need to go searching for this information.
 - If the CCRC were to make enquiries around this topic (given that the existence of BTs has been disclosed to the CCRC in Second Sight's reports), POL may then need to consider doing some form of investigation. However, such investigation would likely be limited to those cases before the CCRC ie. a fairly limited exercise.
 - Brian did not think that the general complaints by Applicants about "remote access" or "mysterious transactions" was sufficient to trigger a general disclosure around BTs. If a SPMR raises a focussed complaint targeted at particular transactions or events, POL may then need to make disclosures in those circumstances. However, it does not need to go looking for those circumstances.

I haven't yet updated CK on Brian's advice as I want your confirmation first that you are happy with this approach.

Kind regards
Andy

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