

Anne-Marie Trevelyan MP



HOUSE OF COMMONS

LONDON SW1A 0AA



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The Rt Hon Greg Clark MP  
Secretary of State for Business, Energy and  
Industrial Strategy  
Department for Business, Energy and Industrial  
Strategy  
1 Victoria Street  
London  
SW1H 0ET

25 March 2019

Our Ref: ZA13100

Dear Greg

I am writing on behalf of a constituent, Peter Holloway,   
 who recently contacted me regarding the subpostmasters court case.

I would be grateful if you could look into my constituent's concerns and outline the Government's position on this matter.

I look forward to hearing from you.

Yours sincerely

**GRO**

Encl.

**Member of Parliament for Berwick-upon-Tweed**

Telephone:  Email:

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25/03/2019

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Peter Holloway

GRO

19 March 2019 21:19

To: TREVELYAN, Anne-Marie

GRO

Sub Postmasters High Court Case against Post Office

[Briefing Note to Claimants - Common Issues Trial Judgment.pdf](#)

Dear Mrs Trevelyan,

We had an email correspondence prior to the start of the trial a while ago, when I introduced myself as one of the claimants living in Ellington. I requested your support should the need arise although with the impending trial at the time it was inappropriate.

I am sure you are aware that Judgement on the first part of the trial came down very strongly for the Sub Post Masters, with strong criticism of the Management of the Post Office. We are currently in the second phase of the trial looking at the Horizon system operated by the Post Office. We are confident of a similar outcome.

The Post Office are fighting the case vigorously and are already considering appealing the first Judgement. However, two of their Senior Managers have been found lying under oath in the court whilst giving their evidence with severe adverse comments by the Judge.

I respectfully request that you to raise questions with the Minister responsible for Post Offices, as to whether they have seen the Judgement of the court and what is the Minister proposing to do about it. The Government is the single shareholder of Post Office and that Government, in its own words 'has an arm's length' approach to managing Post Office, and it is this very 'arm's length' approach that has created this position whereby Post Office is in the middle of a train crash and refuses to see it. Mean while people like me have been fighting for "Justice" for over ten years having lost many hundreds of thousands of Pounds at the hands of The Post Office. There are 550 of in this Joint Action many have been forced into Bankruptcy, some sent to prison, all severely financial disadvantaged. AND The Post Office has been, and is still, spending millions of pounds of public money to defend its entrenched position and the reputations of an incompetent executive and a Board that either doesn't care or doesn't understand what is going on. Over the last ten years there have been three enquiries all of which the Post refused to accept their findings, an attempt at mediation, at which The Post Office refused to mediate, its time for the Post office to accept the true position and agree to settle with us who have been so badly treated. Ten years is too long and if they continue to refuse to see the inevitable it could take over two more years before any settlements are made.

I have included some links for you that might be helpful to understand the position and the briefing notes sent to us by our solicitors. I am sorry if this reads like a rant but after Ten years of suffering and fighting, I can see the end in sight, but it seems so very far away, and I am getting older (I am almost 71) and want this settled.

The Judgment will be available to view in full online at: [www.judiciary.uk](http://www.judiciary.uk) <http://www.judiciary.uk> and [www.bailii.org](http://www.bailii.org) <http://www.bailii.org>

Regards

Peter Holloway

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## The Post Office Group Litigation

# FREETHS

## BRIEFING NOTE TO CLAIMANTS | 15 March 2019

This briefing note gives an update on the Judgment in the Common Issues Trial.

### Major Victory for Postmasters in legal battle against the Post Office

#### Today's High Court Judgment

Mr Justice Fraser has today handed down a landmark judgment in favour of over 550 Postmasters in their Group Action against the Post Office.

As well as deciding very important legal points about the relationship between The Post Office and Postmasters, Mr Justice Fraser made very clear findings about how The Post Office had treated six individual Postmasters who gave evidence at a trial in November / December 2018 and its wider approach to pursuing supposed debts shown on the Horizon computer system.

#### The case

The postmasters, who ran Post Office branches across the UK, have brought this claim seeking redress for the problems they experienced with Post Office's IT system, known as Horizon, and for the way in which Post Office suspended or terminated many of their appointments.

The first trial was heard over 4 weeks in November 2018 in the High Court in London (Rolls Building), when evidence was given by 20 witnesses and was to determine key issues about the legal relationship between the postmasters and Post Office Limited.

#### Emphatic win for the postmaster Claimants

This High Court judgment is an emphatic win for the postmasters.

It is an exceptionally important case, involving serious allegations against the Post Office, a state owned organisation.

A second trial in the case is continuing at the moment in the High Court. Questions of breach of contract and compensation will be decided at subsequent trials.

#### What this means for the Post Office

The judgment binds the Post Office with a raft of important obligations to postmasters. These include good faith, fair dealing, transparency and cooperation in its dealings with them.

The claimant postmasters' case is that it has breached its legal duties for many years, by wrongly holding them responsible for unexplained shortfalls showing on Horizon, resulting in some cases in financial ruin and criminal convictions.

The judgment also finds that some important aspects of Post Office's contracts can't be enforced against them. These include clauses which Post Office has relied on for years to demand purported debts and terminate postmaster contracts.

It is now clear Post Office is required to investigate unexplained shortfalls properly. It must treat postmasters openly and fairly when doing so.

This is a dark day for state owned Post Office Limited.

### **Post Office's conduct**

The Court has found that there seemed to be a "culture of secrecy and excessive confidentiality generally within the Post Office, but particularly focussed on Horizon."

It has made findings about the how Post Office has conducted itself, including that it engaged in "oppressive behaviour" demanding sums in a way that suggested there was no option but to pay them.

The Judgment also criticises the evidence given by certain Post Office witnesses at trial, including senior managers.

### **National Federation of Subpostmasters not independent from Post Office**

Part of the Judgment dealt with Post Office's claim that the National Federation of Sub Postmasters (NFSP) is independent.

The Judgment found that the NFSP is not independent of Post Office. The Court questioned Post Office's transparency about it. This confirms what some postmasters have believed for many years. They say this explains why, when they have turned to the Federation for help when faced with oppressive behaviour by Post Office, they have been seriously let down.

### **Reaction to the judgment**

Alan Bates, one of the Lead Claimants and representative of Justice for Sub-postmasters Alliance (JFSA) commented:

"This is a major step forward to achieving justice and getting to the truth of the matter."

" This judgment is consistent with the incredibly serious miscarriage of justice that we believe has taken place"

"The judge has found in the claimants' favour on all the important issues in this trial. This goes to the heart of the relationship between Post Office and the postmasters. In particular, the Judge has found that Post Office owes duties of good faith, transparency and fair dealing, which is significant because we maintain that Post Office has breached those duties for many years."

"This exposes the dismissive and uncooperative attitude of Post Office, which has damaged the lives of so many postmasters."

"Whatever happens from now on, this is the victory we've been fighting for; postmasters have won and Post Office will never again be able to behave as they have in the past with impunity."

### **Reaction from the lawyers**

James Hartley, Freeths LLP, acting for the Claimant Group, said:

"This is a substantial and complex case and we shall continue to drive it forward to a final conclusion in the interests of the claimant group – this case is of profound importance to them. This case also has considerable importance in terms of the corporate culture being exposed and the business being held accountable for incredibly serious matters affecting peoples' lives. As with all the heavy-weight commercial litigation we handle, strategic and evidential insight are essential to ensure a just outcome based on the true facts."