UKGI00009208

From: Watson, Richard - UKGI[/O=HMT/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8568E9D213F4097A7A65F3DA4F63CC1-WATSON, RICHARD (RWA]

Sent: Fri 15/03/2019 7:16:25 PM (UTC)

To: Cooper, Tom - UKGI[GRO]

Cc: Russell, Mark - UKGI[GRO]

Subject: FW: Post Office judgement

Tom

To see the view of the BEIS Legal Director in the below email on your role.

Perhaps I can get your thoughts on Monday before I email Jane as we discussed earlier. I have already explained to her that the shareholder should not be involved in the decision and indicated that I was considering with you the extent to which you should be involved. I think Patrick's view is a sensible one i.e. flag the things the board need to be cognisant of but not to be part of the formal board decision.

You have my numbers if you want to discuss over the weekend.

Kind regards

Richard

Richard Watson|General Counsel
UK Government Investments

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-----Original Message-----
From: Kilgarriff, Patrick (Legal) [mailto[GRO]
Sent: 15 March 2019 17:47
To: Watson, Richard - UKGI <[GRO]; Evans, Gareth (BEIS) <[GRO]>
Subject: RE: Post Office judgement

Richard, Gareth

I don't think I would want to say Government NEVER consider a bias challenge - but in the sense of never say never.

I would have thought the function of the UKGI director might be to ensure the Board fully realised the seriousness of what was proposed including the impact on the shareholder (and the difficulties of distinguishing between strategic direction and operational matters in Parliament and the media) as well as the wider litigation strategy on Horizon, that the Board had taken and properly considered legal advice - not a step to take on finely based merits, and finally had reflected properly on whether there was bias or (painful as it is) inferences drawn ultimately properly from hearing the evidence expressed in pithy and robust language. If the UKGI director has done that, I would agree s/he may stand back from the decision to take the challenge or not

Patrick

Patrick Kilgarriff
BEIS Legal Director (Business & Industrial Strategy) Government Legal Department

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UKGI00009208

GRO

PA to BEIS Legal Directors:
Angelina Willis – Tel: GRO
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– our online legal service

-----Original Message-----
From: Watson, Richard - UKGI <GRO>
Sent: 15 March 2019 16:31
To: Evans, Gareth (BEIS) <GRO>
Cc: Kilgarriff, Patrick (Legal) GRO
Subject: RE: Post Office judgement

Gareth, Patrick,

Would you agree that the UKGI Director on POL's board should not be involved in any decision by the company about a recusal application?

While I'm not convinced that there is a conflict of interest I think that given the concern, rightly, that HMG should not be seen as questioning the independence and integrity of the judiciary it feels presentationally difficult for a director appointed by the shareholder to be involved in the decision. Put another way it seems preferable that the UKGI Director is not involved.

Kind regards

Richard

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-----Original Message-----
From: Watson, Richard - UKGI
Sent: 15 March 2019 15:59
To: Cooper, Tom - UKGI
Cc: Russell, Mark - UKG GRO ; 'Kilgarriff, Patrick (Legal)' GRO ;
'Evans, Gareth (BEIS)' <
Subject: RE: Post Office judgement

Tom

Not including Alex or Gavin in this email but copying in Patrick and Gareth from BEIS legal with whom I have raised the issue about a possible recusal application on the grounds of bias. I shared with them Jane's email and the accompanying note from Lord Neuberger and they have engaged on this issue at a high level in the Government Legal Department.

The particular concern here is anything that could be seen as HMG not upholding the independence and integrity of the judiciary.

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While we think it is OK for Alex to be informed we don't not consider the shareholder should be involved in a decision whether or not to make a recusal application. That is properly a matter for the POL board. I am, of course, happy to assist you as a Director on the board in carrying out your role.

Kind regards

Richard

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-----Original Message-----
From: Cooper, Tom - UKGI
Sent: 15 March 2019 14:04
To: Alex Chisholm <GRO>
Cc: Gavin Lambert <GRO>; Watson, Richard - UKGI <GRO>; Russell, Mark - UKGI <GRO>
Subject: Post Office judgement

Alex

The judgement in the first trial is out and it is adverse to POL. You'll get the briefing by 3pm.

There are a couple of things that I need to brief you on and on which POL is asking for a quick decision. It's a high profile decision to do with handling the case with significant implications for BEIS.

Do you have time for a call later today or over the weekend?

Tom

Sent from my iPhon