
From: Watson, Richard - UKGI[/O=HMT/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8568E9D213F4097A7A65F3DA4F63CC1-WATSON, RICHARD (RWA)]
Sent: Fri 15/03/2019 9:45:48 PM (UTC)
To: Cooper, Tom - UKGI
Cc: Russell, Mark - UKGI
Subject: Fw: Post Office judgement

GRO

Forwarding Gareth's view as well.

kind regards

Richard

Sent from my BlackBerry — the most secure mobile device

From: Gareth.Evans
Sent: 15 March 2019 9:25 pm
To: patrick.kilgariff; Richard.Watson
Subject: Re: Post Office judgement

GRO

GRO

GRO

I agree. Government has to give PO the wider context of any application. That could come from Alex or it could come from Tom. Tom would be best to deliver that view but having delivered it he should withdraw. Crucially, It would be painful if Tom was the casting vote either way. And that suggests he should not participate in the decision

Gareth

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From: Kilgariff, Patrick (Legal) < >
Sent: Friday, March 15, 2019 5:46 PM
To: Watson, Richard - UKGI; Evans, Gareth (BEIS)
Subject: RE: Post Office judgement

GRO

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

Lower Ground Floor, Orchard 3
1 Victoria Street, London SW1H 0ET

Tel: **GRO**
GRO

PA to BEIS Legal Directors:

Angelina Willis – Tel: **GRO**
Angelina.willis@**GRO**

– 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

Richard Watson|General Counsel
UK Government Investments

1 Victoria Street | London | SW1H 0ET

T: **GRO**
E:
W:

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-----Original Message-----

From: Watson, Richard - UKGI

Sent: 15 March 2019 15:59

To: Cooper, Tom - UKGI <[REDACTED]>

Cc: Russell, Mark - UKGI <[REDACTED]>; 'Kilgarriff, Patrick (Legal)'

<[REDACTED]> Evans, Gareth (BEIS)' <[REDACTED]>

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.

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

Richard Watson|General Counsel
UK Government Investments

1 Victoria Street | London | SW1H 0ET

T: [REDACTED]
E: [REDACTED]

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-----Original Message-----

From: Cooper, Tom - UKGI

Sent: 15 March 2019 14:04

To: Alex Chisholm <[REDACTED]>

Cc: Gavin Lambert <[REDACTED]>; Watson, Richard - UKGI <[REDACTED]>;

Russell, Mark - UKGI <[REDACTED]>

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

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