

---

**From:** Mark R Davies[/O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MARK R DAVIESA80D7269-659B-41D0-9C80-68D9DE4FA7C5D38]  
**Sent:** Mon 15/12/2014 2:53:28 PM (UTC)  
**To:** Reid, Tom [GRO]  
**Cc:** BARTY, Susan [GRO]; Helmer, Stuart [GRO]; [GRO]; Rodric Williams [GRO]; Melanie Corfield [GRO]; Ruth X Barker [GRO] Tom Wechsler [GRO]; Patrick Bourke [GRO]  
**Subject:** Re: Post Office interview

Thanks Tom.

In short the BBC are effectively accusing us of:

- breaching PACE
- wilfully allowing miscarriages of justice

Surely this falls into defamation territory? It smacks of the worst kind of journalism: get a taking head to say something with no evidence, we reject it, they broadcast both sides and yet the damage to us as a party is significant.

Grateful for urgent advice.

Mark

Mark Davies  
Communications and Corporate Affairs Director  
Mobile: [GRO]

Sent from my iPhone

On 15 Dec 2014, at 14:31, "Reid, Tom" [GRO] wrote:

Dear Mark

We had no further amendments, so we have sent the letter out. I attach a copy for your records. We will also consider the point on the allegation of failure to follow legal procedures and come back to you.

Kind regards

Tom

**Tom Reid  
Associate**

T [GRO]  
F [GRO]  
E [GRO]

<image001.jpg>

CMS Cameron McKenna LLP | Mitre House, 160 Aldersgate Street | London EC1A 4DD | United Kingdom

[www.cms-cmck.com](http://www.cms-cmck.com)  
[www.law-now.com](http://www.law-now.com)

---

**From:** Mark R Davies [GRO]  
**Sent:** 15 December 2014 13:49  
**To:** Reid, Tom  
**Cc:** BARTY, Susan; Helmer, Stuart; Rodric Williams; Melanie Corfield; Ruth X Barker  
**Subject:** RE: Post Office interview

Hi Tom

Thanks for this.

I have made a few changes in the attached. If you and copied colleagues are content, I am and would like it to go asap.

On the wider defamation point: my concern is that the BBC suggests in its programme, without evidence, that we do not follow legal procedures correctly. This strikes me as a very serious allegation, which would have the potential to lower our reputation with third parties, unfairly. I am not, however, up to date with media law developments.

Perhaps it is an issue for a separate communication to the BBC as a warning shot?

M

Mark Davies | Communications and Corporate Affairs Director

<image002.png>

1<sup>st</sup> Floor, Banner Wing, 148 Old Street, London, EC1V 9HQ

[GRO] Postline [GRO]

[GRO] Mobex [GRO]

[GRO]

<image003.jpg>

---

**From:** Reid, Tom [GRO]  
**Sent:** 15 December 2014 13:34  
**To:** Mark R Davies  
**Cc:** BARTY, Susan; Helmer, Stuart; Rodric Williams  
**Subject:** FW: Post Office interview

Dear Mark

Susan is away from the office today so she has asked me to send this out. However we have been in close touch with her by phone and email this morning and had her input on this letter.

With regard to the implications of the BBC making these allegations, the recent change in law has made it much more challenging for a business to succeed in a defamation action. In particular, it can be difficult to show the serious financial harm that is required. This letter therefore does not refer expressly to defamation, and instead emphasises concepts from the BBC editorial guidelines such as the right to reply and a fair and appropriate deadline for a response. However, do let us know if you would like us to consider this further.

Kind regards

Tom

**Tom Reid**  
**Associate**

T [GRO]  
F [GRO]  
E [GRO]

<image001.jpg>

CMS Cameron McKenna LLP | Mitre House, 160 Aldersgate Street | London EC1A 4DD | United Kingdom

[www.cms-cmck.com](http://www.cms-cmck.com)  
[www.law-now.com](http://www.law-now.com)

---

**From:** Mark R Davies  
**Sent:** 15 December 2014 10:30  
**To:** Susan.BARTY [GRO]  
**Cc:** Rodric Williams; Melanie Corfield; Ruth X Barker; Chris Aujard  
**Subject:** Fwd: Post Office interview

Hi Susan

I'm sending you below the long email chain I have had with the BBC over the weekend. As discussed we would now like to send a legal letter citing Ofcom guidelines. I think we are in a very reasonable position.

Given the questions posed by the BBC (which are at the end of this letter) I would very much welcome your view also as to the implications of the BBC making these allegations - my own media law view is that they are stepping into dangerous territory if some of these allegations are made.

Mark

Mark Davies  
Communications and Corporate Affairs Director  
Mobile: [GRO]

Sent from my iPad  
Begin forwarded message:

**From:** Mark R Davies [GRO]  
**Date:** 15 December 2014 10:27:11 GMT  
**To:** Ingrid Kelly [GRO]  
**Cc:** Nick Wallis [GRO], Jane French [GRO],  
Melanie Corfield [GRO], Ruth X Barker  
[GRO]  
**Subject:** Re: Post Office interview

Hi Ingrid

I am aware of the complexities of making a programme. I remain perplexed, however, as to why you require a further 2.5 days after today to do so and are not prepared to incorporate a Post Office interview in that time.

Our spokesperson, as I have said, is involved in Mediation Scheme work all day today and tomorrow. I am not prepared to jeopardise that work to accommodate your unreasonable schedule.

Best wishes

Mark

Mark Davies  
Communications and Corporate Affairs Director  
Mobile: [GRO]

Sent from my iPad  
On 15 Dec 2014, at 09:34, "Ingrid Kelly" [GRO] wrote:

Dear Mark,

I am sure you are aware that making a programme involves far more than merely filming. As I have said it is not practically possible for the team to accommodate an interview after today.

As you maintain your designated interviewee cannot possibly accommodate an interview at any point today – despite our offer to be available either before or after their normal working day (though the former is clearly now redundant) then we too are in a difficult position.

If this person is the only person within the Post Office who is appropriate for interview, then I'd be grateful if you could ask them to consider being interviewed at the end of their working day today.

Failing that, then as I've said, we will fairly reflect the post office's position within the film whether or not you are on the sofa.

Regards

Ingrid

---

**From:** Mark R Davies [GRO]  
**Sent:** 15 December 2014 08:58  
**To:** Ingrid Kelly  
**Cc:** Nick Wallis; Jane French; Melanie Corfield; Ruth X Barker  
**Subject:** Re: Post Office interview

Dear Ingrid

You have singularly failed to set out why you need two full days to prepare your film and why the interview you requested must happen today. This is not reasonable.

We stand ready to take part yet you refuse to budge from a self imposed deadline and are unable to explain why you require more than 48 hours to prepare a film, having presumably shot most of it, including several interviews designed to traduce the Post Office's position. I note from his Twitter feed that Nick was filming for 10 hours on Thursday.

While we would like to appear in your film we reserve the right to ensure that, given the range of issues you are raising, we make the most suitable person available. She is not available today due to work on the Scheme. I am therefore stuck - do I place the Scheme and the interests of applicants ahead of your request? The answer here is obvious.

We will send you a statement and a very full document setting out the answers to the questions posed by Mr Wallis. I would request that given your refusal to accommodate a full and proper Post Office interview the statement is used in full.

We did indeed suggest that we have a slot on your sofa. I didn't imagine for a moment this would mean a scenario where our points would not be reflected through interview in your film. It provides no real opportunity for the Post Office to respond to the serious and unfounded allegations you plan to make.

Best wishes

Mark  
Mark Davies  
Communications and Corporate Affairs Director  
Mobile: [REDACTED] GRO

Sent from my iPhone

On 14 Dec 2014, at 22:38, "Ingrid Kelly" [REDACTED] GRO  
wrote:

As i have said unfortunately the team cannot accommodate a filmed interview beyond monday. Far from asking you to prioritise us over the scheme, we've said we can accommodate the interview as early or late tomorrow as necessary to suit your allotted person so as not to interfere with their working day. If neither you nor any other spokesperson can be available then, as ever, we can accept a written response. Appearing live in the studio on the sofa after the film was your suggestion which we were happy to accommodate. Should you no longer wish to do that then while it is disappointing, it is your decision. The offer remains open.

Regards

Ingrid

On 14 Dec 2014, at 21:19, "Mark R Davies"

GRO

wrote:

Hi Ingrid

Thanks for this. I am struggling to understand why it "needs" to be on Monday, particularly as, for the reasons set out in my earlier emails, we are unable to provide a suitable spokesperson on Monday due to competing business priorities related to the Scheme and applicants. It would be ironic indeed if we were to relegate these responsibilities.

As I've also said, and as Nick has acknowledged, your sofa slot will not provide a suitable forum for the Post Office to respond to the very serious and unfounded allegations you plan to make in what will now inevitably be a film which does not present a full and rounded picture. It would be extremely unfair to suggest as you do now that a minute or two in the studio will provide suitable opportunity for the Post Office's position to be fairly reflected.

Given the circumstances therefore we could not appear in the studio.

I ask you again to please reconsider your refusal to accept a Post Office spokesperson for your film on a more reasonable deadline.

Many thanks

Mark  
Mark Davies  
Communications and Corporate Affairs  
Director  
Mobile: GRO

Sent from my iPhone

On 14 Dec 2014, at 17:53, "Ingrid Kelly"

GRO

wrote:

Dear Mark,

As I've said if you or a colleague wish to be interviewed for the film then it needs to be on Monday. You may feel late Tuesday is

reasonable but as i've made plain from the outset, beyond Monday is not possible for us. As i've also said any monday interview can be as early or as late as you wish.

Should neither you nor your colleague be available for a filmed interview tomorrow then we are content with a statement for the film as we had last week. As things stand, you yourself will be on the sofa on wednesday and able to reflect the Post Office's position.

Regards

Ingrid

On 14 Dec 2014, at 10:28, "Mark R Davies"

GRO

wrote:

Hi Ingrid

It isn't about your schedule disappointing us at all, it is about our reasonable offer, repeated again here, to provide an interview for your programme and your reluctance to accommodate us in a reasonable timescale.

It is a little baffling that you are not prepared to allow us reasonable time to respond with an interview. While I appreciate the demands of filming, editing and clearing at your end, we are able to offer an interview for your programme a full 24 hours before

you broadcast. That seems eminently reasonable to me and I am sure it is logistically achievable.

Without Post Office input by interview into the film and the opportunity to respond to the detailed points and allegations made it will clearly be impossible, as Nick has accepted, to respond fully in the studio in a two or three minute slot. I do not think in those circumstances we could appear in the studio: the film will be very skewed without our voice in it.

Given the work my colleague must undertake on behalf of the Scheme and applicants this week, I will have to check with her, but I think it might be possible to conduct an interview in the late afternoon on Tuesday.

I think she will be out of London but I am sure this can be overcome. Do let me know what time would be suitable and I will confirm a location.

Best wishes

Mark  
Mark Davies  
Communications and  
Corporate Affairs  
Director  
Mobile: GRO  
GRO

Sent from my iPhone  
On 13 Dec 2014, at  
17:40, "Ingrid Kelly"

GRO  
GRO wrote:

Hi Mark,

I'm sorry  
if our  
schedule  
disappoints  
and  
inconveniences  
you  
or the  
post  
office but  
we won't  
be  
postponing.  
You  
have the  
allegations  
and our  
schedule.  
You can  
respond  
within the  
film by a  
statement  
if no one  
appropriate  
is  
available  
for  
interview  
on  
Monday -  
and of  
course  
you  
yourself  
will be

respondin  
g on the  
sofa after  
the item  
airs.

Regards

Ingrid  
On 13  
Dec  
2014, at  
17:07,  
"Mark R  
Davies"



wrote:

Hi Ingrid

That is very disappointing. To stress we would like to offer a spokesperson for your programme's pre-recorded film and are able to but not in the timetable you suggest.

Our position is very reasonable. I assume the programme will return after Christmas. What is the urgent reason for being unable to give us the time we need?

You plan to make a series of complex and very serious allegations about Post Office Ltd, all of which can be answered in detail. I do not understand why your timescales are such that you cannot accommodate an interview for a film 24 hours before broadcast. You are asking for 48 hours for your own internal processes.

Nick has himself suggested that a sofa slot would not really give us the opportunity to answer the very complex range of allegations he is making. We agree and clearly would be unable to take part in the studio if our position is not reflected in the pre-recorded film.

It cannot be fair to feature a series of other interviews in the film, all of which were presumably filmed last week in good time for your deadlines, without giving Post Office, which is very firm in its position, the opportunity to respond. There are two sides to every story, as you know.

I would like to ask you to reconsider your position please.

Best wishes  
Mark  
Mark Davies  
Communications and Corporate Affairs Director  
Mobile: [GRO]

Sent from my iPhone  
On 13 Dec 2014, at 12:24, "Ingrid Kelly"  
[GRO] wrote:

I'm afraid not. The programme is off air for a fortnight and will run on weds. If you really can't do an pre recorded interview on monday then as you'll be on the sofa on weds, you'll be able to respond then.

Regards

Ingrid  
On 13 Dec 2014, at 12:15, "Mark R Davies"  
[GRO] wrote:

Hi Ingrid

Many thanks for this.

In that case please can I formally request that the item is held until it is possible for the Post Office to respond on film? There is no urgency or need to broadcast this item on Wednesday, especially as the Mediation Scheme is continuing. Due to pressing and competing business priorities related to the mediation scheme and involving applicants to it, we cannot provide suitable representation until late Tuesday afternoon at the earliest.

I appreciate your own legal and other processes - you will appreciate our own.

I am formally offering you this interview with a senior manager who leads on the issues you are discussing and think it is reasonable for the Post Office to have the opportunity to put forward its position in a reasonable timescale.

We also stand ready to put a spokesperson up live in the studio.

Best wishes

Mark

Mark Davies  
Communications and Corporate Affairs  
Director  
Mobile: [REDACTED] GRO

Sent from my iPhone  
On 13 Dec 2014, at 09:48, "Ingrid Kelly"  
[REDACTED] GRO wrote:

Hi Mark,  
I'm afraid the practicalities mean a filmed interview wd need to be done on monday to be incorporated into the piece. The lawyers and editorial advisory teams all need to take their time checking the Item so it's a rather cumbersome process. The interview can be as early or as late as suits but it does need to be monday i'm afraid.

best

ingrid  
On 13 Dec 2014, at 09:29, "Mark R Davies"  
[REDACTED] GRO wrote:

Hi Nick

Many thanks for your email.

As you will appreciate you have raised a broad range of issues which range across legal, IT and network support. We are very keen to be able to respond to all these issues in detail, particularly as

there are some really  
fundamental points raised in  
your questions.

To that end we are working  
to ensure that we can provide  
you with the best possible  
response. As mentioned in my  
previous email, as well as  
input from the suppliers of  
our IT system and a legal  
view on the serious points  
you raise, we need (and I  
think this is reasonable) to  
provide you with a  
spokesperson who can speak  
across this range of issues.

We are dealing however on  
Monday and Tuesday with  
mediation scheme matters  
which relate to applicants. So  
we can absolutely be available  
later on Tuesday or on  
Wednesday morning.

I do appreciate the challenges  
you have around filming and  
editing of course but I am  
sure you will appreciate the  
challenges from our side as  
well.

I suggest we speak first thing  
Monday morning and  
hopefully you will be able to  
come back to me on the  
timescale above and I will be  
able to update you too on  
where we are - please be  
assured we will do everything  
we can to ensure we give you  
the opportunity to interview  
the Post Office on these  
important matters.

Best wishes

Mark

Mark Davies  
Communications and

Corporate Affairs Director  
Mobile: [REDACTED] GRO

Sent from my iPhone  
On 12 Dec 2014, at 20:43,  
"Nick Wallis"

[REDACTED] GRO  
wrote:

Hi Mark

Thanks for your email. I am delighted you are inclined to offer studio live *and* pre-recorded filmed interviews.

As Ingrid (cc'd) has confirmed the planned transmission date for both would be Wed 17 Dec, to coincide with the planned Westminster Hall adjournment debate on the Post Office called by James Arbuthnot MP.

As Jane (cc'd) explained to you on the phone and as I am sure you understand, we need to set a time for the pre-recorded interview well in advance of the planned transmission date as the interview will have to be edited and go through all the usual processes before being delivered to the One Show for broadcast. It is in no one's interest to rush this.

As Ingrid may have mentioned (and I defer to her on exactly how things may be happening on Wednesday), any studio guest you nominate will most likely be allotted around three minutes interview time, but with Victoria Wood, Michael Ball, a children's choir already booked on Wednesday and the unpredictability of a live

studio environment, the interview might get curtailed, or the discussion itself might veer off topic, despite everyone's best efforts.

Could I therefore urge you to fix up a date and time as soon as possible to film a pre-recorded interview where we can ask you, and give you the opportunity to answer, a series of questions on the subjects raised below in a calm and controlled environment.

The interview will, of course, be edited, but we will be scrupulous in our duty of fairness towards the interviewee and the answers they give. Furthermore, whether either, both or no proposed interviews end up being broadcast, we will be taking all reasonable steps to ensure the Post Office's perspective on the serious matters below is properly represented.

I hope all that makes sense. Just to ensure you are clear on the internal division of labour surrounding the two proposed interview opportunities, Ingrid will deal with you re the arrangements re the possible live interview on the One Show sofa, whilst Jane and I can work with you to arrange a pre-recorded interview at a location of your convenience.

I hope to hear from you soon re a proposed pre-recorded interview location/date/time and interviewee. I am happy

to liaise with you over  
the weekend to book it in  
in good time.

Yours,

Nick

---

**From:** Mark R Davies

**GRO**

**Sent:** 12 December 2014  
18:47

**To:** Ingrid Kelly

**Cc:** Jane French; Nick  
Wallis; Melanie Corfield;  
Ruth X Barker

**Subject:** Re: Post Office  
interview

Ah - thanks Ingrid.  
That does give us more  
time. Many thanks for  
clarifying.

Best wishes

Mark

Mark Davies

Communications and  
Corporate Affairs

Director

Mobile: **GRO**

Sent from my iPhone

On 12 Dec 2014, at  
18:34, "Ingrid Kelly"

<**GRO**>

**GRO** wrote:

No Mark that's  
my mistake in the  
voicemail. as per  
my text - it is  
weds! Apologies  
all. Ingrid

On 12 Dec 2014,  
at 18:32, "Mark  
R Davies"

**GRO**

wrote:

Dear Jane,

Thank you  
for your  
time today.  
Just to  
follow up  
my  
previous  
email, I  
can  
confirm  
that the  
Post Office  
would  
welcome  
the  
opportunit  
y to  
respond in  
your film  
and in the  
studio to  
the very  
serious and  
detailed  
allegations  
being  
made in  
the email  
we  
received  
from Nick  
Wallis  
(copied  
below for  
ease of  
reference).

I  
understand  
from  
Ingrid  
Kelly that  
you are  
now  
planning to  
air this  
item on  
Monday  
evening.  
This  
comes as a  
surprise as

you  
indicated  
Tuesday or  
Wednesda  
y when we  
spoke  
earlier.

Either  
way, given  
the very  
serious  
nature of  
the  
allegations  
being  
made, and  
the  
requiremen  
t to give us  
reasonable  
time to  
respond,  
we do not  
believe we  
can meet  
your  
deadline  
of noon on  
Monday  
for an  
interview  
to be  
conducted.

We are  
inclined to  
offer an  
interview  
but our  
spokespers  
on, who is  
leading the  
investigati  
ons  
process on  
the matters  
you  
reference,  
is involved  
in  
mediation

scheme  
work on  
Monday  
and  
Tuesday.  
I am sure  
you will  
recognise  
that this  
work,  
which invo  
lves  
scheme  
applicants,  
is very  
important.

She could  
be  
available  
later in the  
week and  
as she is  
best placed  
to speak  
for the  
business  
on the  
complex  
range of  
issues you  
have  
raised, I  
believe it is  
reasonable  
to ask you  
to hold off  
on  
broadcasti  
ng your  
item until  
such time  
as we are  
able to  
respond  
properly.

Moreover,  
our  
spokespers  
on is able  
to respond

to the  
specific  
issues you  
raise in a  
way no  
other  
colleague in  
our  
business  
can given  
her role  
and first  
hand  
knowledge  
of the  
specifics N  
ick has  
referred  
to. I would  
also stress  
again,  
however,  
that Post  
Office  
cannot  
comment  
on  
individual  
cases.

The  
Ofcom  
guidelines  
on matters  
like this  
make clear  
that we  
should be  
given  
reasonable  
time to  
consider  
and make  
our  
response  
to requests  
such as  
this. What  
constitutes  
a  
reasonable  
time must

surely take  
the  
urgency of  
a situation  
into  
account.  
There is no  
urgency  
here,  
especially  
in the light  
of your  
broadcast  
last week  
and the  
ongoing  
nature of  
the  
mediation  
scheme,  
not to  
mention  
the point I  
raised on  
the phone  
about  
potential  
compromis  
e of cases  
going  
through  
the  
scheme.  
Given that  
the  
programm  
e is  
broadcast  
every  
evening it  
seems  
reasonable  
to me to  
ask for the  
timescales  
to be  
extended  
so that we  
can  
respond  
properly.

I look forward to hearing from you. I am also copying this to Ingrid Kelly who kindly left me a voicemail this afternoon confirming that we could indeed have a slot in the studio to answer questions on your film. I also copy Nick Wallis, and Mel Corfield and Ruth Barker from the Post Office press office.

I am happy to discuss this over the weekend.

Best wishes

Mark

Mark  
Davies  
Communications and  
Corporate

Affairs  
Director  
Mobile:

**GRO**

From:  
Nick  
Wallis

**GRO**

Sent: 12  
December  
2014

11:53

To:  
Melanie  
Corfield  
Subject:  
Interview  
request

Dear  
Melanie,

1) Thank  
you for  
your help  
with The  
One Show  
item  
transmitted  
on  
Tuesday  
9th Decem  
ber. We  
are now  
preparing a  
second  
film which  
is due to  
go out on  
The One  
Show on  
BBC1 at  
around the  
same time  
next week.  
We would  
be most

grateful if  
the Post  
Office  
would be  
prepared  
to offer an  
interview  
expressing  
its point of  
view in the  
continuing  
dispute  
with some  
Subpostma  
sters over  
Horizon  
and  
associated  
issues.

This would  
need to be  
recorded  
by noon on  
Monday b  
ut we  
would be  
able to  
meet you  
at your  
location of  
choice and  
we can do  
it over the  
weekend if  
that is the  
only  
option.

2) The film  
we are  
broadcasti  
ng once  
again  
refers to  
concerns  
over  
Horizon.  
This time  
it features  
the story  
of Steve  
Phillips

from  
Nelson in  
South  
Wales who  
is having  
problems  
with the  
system, as  
well as  
interviews  
from a  
group of  
former  
subpostma  
sters  
including  
Noel  
Thomas,  
Jo  
Hamilton,  
Julian  
Wilson,  
who say  
they felt  
under  
pressure to  
sign off  
incorrect  
accounts  
even  
though  
they did  
not  
understand  
how sums  
could be  
missing.

Mr Phillips  
says he  
and other  
Subpostma  
sters live in  
fear of  
being told  
to pay  
back losses  
neither you  
or they can  
explain,  
and he  
adds that

he and other Subpostmasters do not trust Horizon. This latter point of trust in Horizon by Subpostmasters is one which has come up many times with other former Subpostmasters we have spoken to.

3) In our film former Postmasters say it is difficult to investigate the causes of shortfalls for which they are held liable, because of the way Horizon and associated POL processes and policy function. They say in order to open for business the day after the close of a trading period they

had to  
agree to  
pay back  
alleged  
shortfalls  
(either by  
settling to  
cash or  
settling  
centrally,  
which  
implies  
payment  
later).  
They say  
this put  
them in a  
very  
difficult  
position.

4) We ask  
one former  
Subpostma  
ster why  
she  
pleaded  
guilty to  
false  
accounting  
in court  
when she  
believed  
herself to  
be  
innocent.  
She tell us  
she felt she  
couldn't  
defend  
herself  
because  
she didn't  
have  
proper  
records,  
that the  
Post Office  
had taken  
some  
potentially  
useful

items and  
paperwork  
away  
during  
their  
investigati  
on and she  
felt she  
would be  
prosecuted  
for theft as  
well as  
false  
accounting  
if she had  
not  
pleaded  
guilty to  
the latter.

5) We  
understand  
from the  
Subpostma  
ster  
contract  
and from  
speaking  
to former  
Subpostma  
sters who  
have been  
through  
the process  
that  
Subpostma  
sters are  
not  
allowed a  
legal  
representat  
ive when  
they are  
interviewe  
d under  
caution by  
Post Office  
investigato  
rs. Instead  
they are  
allowed  
one

companion  
who must  
be a Post  
Office  
employee,  
who is not  
allowed to  
speak.  
Does this  
still  
happen? If  
so, why  
does the  
Post Office  
think it is  
fair? Also,  
we are  
aware that  
Post Office  
conducts  
PACE  
interviews  
at which  
Subpostma  
sters are  
allowed  
legal  
representat  
ion. Could  
you  
explain in  
what  
circumstan  
ces you  
think it  
appropriat  
e to  
interview  
someone  
under  
caution but  
with legal  
representat  
ion, and  
why this is  
not  
available  
to  
Subpostma  
sters in the  
interviews  
which

usually  
precede  
them?

6) We would also like to put to you some opinion about the Post Office's approach to investigating and prosecuting subpostmasters. We are in possession of expert opinion from a professor in criminal justice which implies the Post Office's dual function as investigator and prosecutor, and its 300 year cultural history of using it against its agents is unique. That's not to say he thinks you are the only organisatio

n with  
prosecutin  
g powers,  
but that  
you have a  
unique  
culture of  
prosecutin  
g your  
agents. He  
implies this  
approach  
lacks the  
checks and  
balances of  
a typical  
prosecutio  
n by the  
CPS. In his  
opinion  
this creates  
a situation  
where  
miscarriag  
es of  
justice are  
more likely  
to occur.

The Post  
Office has  
assured us  
in a  
Freedom  
of  
Informatio  
n Act  
request  
that it uses  
the Crown  
Code for  
Prosecutor  
s. Can you  
please  
explain  
how this  
code was  
applied in  
the  
following  
cases:  
Jackie

McDonald,  
Damian  
Owen and  
Tom  
Brown. In  
these cases  
the Post  
Office  
pursued its  
own  
prosecutio  
n despite  
no  
prosecutio  
n having  
been  
brought by  
the CPS  
after police  
investigati  
ons. If you  
are unable  
to unable  
to  
comment  
on  
individual  
cases,  
please  
comment  
on cases  
like this in  
general.

7) There is  
also a  
point  
raised by  
Geoffrey  
Sturgess, a  
business  
contract  
expert. He  
believes  
Subpostma  
sters  
should be  
told about  
the history  
of known  
problems  
with

Horizon  
(such as  
the  
Calender  
Square  
issue and  
others  
raised in  
Second  
Sight's  
Interim  
Report)  
which have  
led to  
shortfalls  
in  
Subpostma  
ster  
accounts  
and the  
history of  
other  
allegations  
against  
Horizon  
before they  
are  
allowed to  
sign the  
Subpostma  
ster  
contract.

8) We will  
also  
include  
opinion  
from  
Sandip  
Patel QC  
who  
specialises  
in areas  
including  
business  
fraud and  
cyber  
crime. He  
will say he  
believes  
that  
innocent

people might have been wrongly convicted. He will also say there may be grounds for arguing that the Horizon system (incorporating the business processes around it) is not as reliable as the Post Office believed it to be. He goes on to say that if the PO had failed to carry out a proper inquiry in circumstances when they should have, then some of the convictions of some of the Postmasters in the mediation scheme might be unsafe.

9) With more than a hundred MPs now

saying they have no confidence in the mediation scheme we would like to ask the Post Office what it thinks is the correct way to move forward and find an equitable resolution to the concerns of subPostmasters up and down the country.

10) In summary, we have found a number of experts in their field who have concerns about the Horizon system, the PO's investigations and prosecutions function and the fairness of the Subpostmaster contract. It suggests there is the

possibility  
that the  
way the  
Post Office  
goes about  
its business  
or did go  
about its  
business  
needs  
some  
proper  
explanatio  
n. One MP  
described  
the nature  
of the  
relationshi  
p between  
the Post  
Office and  
SPMRs as  
“feudal”,  
yet you  
call them  
your “life  
blood”.

The  
content of  
the  
proposed  
programm  
e is not set  
in stone.  
This is an  
opportunit  
y for the  
Post Office  
to respond  
to the  
widesprea  
d criticism  
it is  
currently  
facing. I  
am seeking  
a senior  
member of  
staff from  
the Post  
Office who

can explain everything from the Post Office's perspective so that we can get to the bottom of what has happened to these people. If you will not appear on camera then we ask that you provide a substantive response to the issues raised above by noon this coming Monday 15 Dec.

Thank you

---

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

This email and any attachments are confidential and intended for the addressee only. If you are not the named recipient, you must not use,

disclose,  
reproduce,  
copy or  
distribute  
the  
contents of  
this  
communica  
tion. If you  
have  
received  
this in error,  
please  
contact the  
sender by  
reply email  
and then  
delete this  
email from  
your  
system.  
Any views  
or opinions  
expressed  
within this  
email are  
solely those  
of the  
sender,  
unless  
otherwise  
specifically  
stated.

POST  
OFFICE  
LIMITED is  
registered  
in England  
and Wales  
no  
2154540.  
Registered  
Office: 148  
OLD  
STREET,  
LONDON  
EC1V 9HQ.

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

---

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

This email and any  
attachments are  
confidential and intended

for the addressee only. If you are not the named recipient, you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender by reply email and then delete this email from your system. Any views or opinions expressed within this email are solely those of the sender, unless otherwise specifically stated.

POST OFFICE LIMITED is registered in England and Wales no 2154540. Registered Office: 148 OLD STREET, LONDON EC1V 9HQ.

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

---

\*\*\*\*\*  
\*\*\*\*\*

This email and any attachments are confidential and intended for the addressee only. If you are not the named recipient, you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender by reply email and then delete this email from your system. Any views or opinions expressed within this email are solely those of the sender, unless otherwise specifically stated.

POST OFFICE LIMITED is registered in England and Wales no 2154540. Registered Office: 148 OLD STREET, LONDON EC1V 9HQ.

\*\*\*\*\*  
\*\*\*\*\*

---

\*\*\*\*\*  
\*\*\*\*\*

This email and any attachments are confidential and intended for the addressee only. If you are not the named recipient, you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender by reply email and then delete this email from your system. Any views or opinions expressed within this email are solely those of the sender, unless otherwise specifically stated.

POST OFFICE LIMITED is registered in England and Wales no 2154540. Registered Office: 148 OLD STREET, LONDON EC1V 9HQ.

\*\*\*\*\*  
\*\*\*\*\*

---

\*\*\*\*\*

\*\*

This email and any attachments are confidential and intended for the addressee only. If you are not the named recipient, you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender by reply email and then delete this email from your system. Any views or opinions expressed within this email are solely those of the sender, unless otherwise specifically stated.

POST OFFICE LIMITED is registered in England and Wales no 2154540. Registered Office: 148 OLD STREET, LONDON EC1V 9HQ.

\*\*\*\*\*  
\*\*

---

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

This email and any attachments are confidential and intended for the addressee only. If you are not the named recipient, you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender by reply email and then delete this email from your system. Any views or opinions expressed

within this email are  
solely those of the  
sender, unless  
otherwise specifically  
stated.

POST OFFICE  
LIMITED is registered in  
England and Wales no  
2154540. Registered  
Office: 148 OLD  
STREET, LONDON  
EC1V 9HQ.

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

\*\*\*\*\*  
\*\*\*\*\*

This email and any attachments are confidential  
and intended for the addressee only. If you are not  
the named recipient, you must not use, disclose,  
reproduce, copy or distribute the contents of this  
communication. If you have received this in error,  
please contact the sender by reply email and then  
delete this email from your system. Any views or  
opinions expressed within this email are solely  
those of the sender, unless otherwise specifically  
stated.

POST OFFICE LIMITED is registered in England  
and Wales no 2154540. Registered Office: 148  
OLD STREET, LONDON EC1V 9HQ.

\*\*\*\*\*  
\*\*\*\*\*

\*\*\*\*\*

This email and any attachments are confidential and intended for the  
addressee only. If you are not the named recipient, you must not use,  
disclose, reproduce, copy or distribute the contents of this communication. If  
you have received this in error, please contact the sender by reply email and  
then delete this email from your system. Any views or opinions expressed  
within this email are solely those of the sender, unless otherwise specifically  
stated.

POST OFFICE LIMITED is registered in England and Wales no 2154540.  
Registered Office: 148 OLD STREET, LONDON EC1V 9HQ.

\*\*\*\*\*

\*\*\*\*\*

This email and any attachments are confidential and intended for the addressee only. If you are not the  
named recipient, you must not use, disclose, reproduce, copy or distribute the contents of this  
communication. If you have received this in error, please contact the sender by reply email and then  
delete this email from your system. Any views or opinions expressed within this email are solely those of  
the sender, unless otherwise specifically stated.

POST OFFICE LIMITED is registered in England and Wales no 2154540. Registered Office: 148 OLD STREET, LONDON EC1V 9HQ.

\*\*\*\*\*

\*\*\*\*\*

CMS has 59 offices around the world, located in Aberdeen, Algiers, Amsterdam, Antwerp, Barcelona, Beijing, Belgrade, Berlin, Bratislava, Bristol, Brussels, Bucharest, Budapest, Casablanca, Cologne, Dubai, Duesseldorf, Edinburgh, Frankfurt, Geneva, Glasgow, Hamburg, Istanbul, Kyiv, Leipzig, Lisbon, Ljubljana, London, Luxembourg, Lyon, Madrid, Mexico City, Milan, Moscow, Munich, Muscat, Paris, Podgorica, Prague, Rio de Janeiro, Rome, Sarajevo, Seville, Shanghai, Sofia, Strasbourg, Stuttgart, Tirana, Utrecht, Vienna, Warsaw, Zagreb and Zurich.

CMS Cameron McKenna LLP is a member of CMS Legal Services EEIG (CMS EEIG), a European Economic Interest Grouping that coordinates an organisation of independent law firms. CMS EEIG provides no client services. Such services are solely provided by CMS EEIG's member firms in their respective jurisdictions. CMS EEIG and each of its member firms are separate and legally distinct entities, and no such entity has any authority to bind any other. CMS EEIG and each member firm are liable only for their own acts or omissions and not those of each other. The brand name "CMS" and the term "firm" are used to refer to some or all of the member firms or their offices. Further information can be found at [www.cmslegal.com](http://www.cmslegal.com)

CMS Cameron McKenna LLP is a limited liability partnership registered in England and Wales with registration number OC310335. It is a body corporate which uses the word "partner" to refer to a member, or an employee or consultant with equivalent standing and qualifications. It is authorised and regulated by the Solicitors Regulation Authority of England and Wales with SRA number 423370 and by the Law Society of Scotland with registered number 47313. A list of members and their professional qualifications is open to inspection at the registered office, Mitre House, 160 Aldersgate Street, London EC1A 4DD. Members are either solicitors or registered foreign lawyers. VAT registration number: 974 899 925. Further information about the firm can be found at [www.cms-cmck.com](http://www.cms-cmck.com)

The contents of this e-mail (including any attachments) are confidential and may be legally privileged. If you are not the intended recipient of this e-mail, any disclosure, copying, distribution or use of its contents is strictly prohibited, and you should please notify the sender immediately and then delete it (including any attachments) from your system. Notice: the firm does not accept service by e-mail of court proceedings, other processes or formal notices of any kind without specific prior written agreement.

\*\*\*\*\*

---

\*\*\*\*\*

This email and any attachments are confidential and intended for the addressee only. If you are not the named recipient, you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender by reply email and then delete this email from your system. Any views or opinions expressed within this email are solely those of the sender, unless otherwise specifically stated.

POST OFFICE LIMITED is registered in England and Wales no 2154540. Registered Office: 148 OLD STREET, LONDON EC1V 9HQ.

\*\*\*\*\*

<ScanToEmail.pdf>