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THE POST OFFICE

REGISTRY

THE SOLICITOR'S OFFICE IMPACT HOUSE 2 EDRIDGE ROAD CROYDON CR9 1PJ


Criminal Law Team
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LONDON WC1N 2BQ

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Our Ref PD/12411/MJH
Your Ref

Date 31st July 1995

Solicitor and Group Legal Services Director

CATHERINE CHURCHARD LLB

Dear Madam

EVIDENCE IN CRIMINAL PROCEEDINGS
HEARSAY AND RELATED TOPICS
(LAW COMMISSION CONSULTATION PAPER NO. 138)

Thank you for your letter and enclosure of 10th July 1995.

After considering this matter, I take the view that Option 2 is to be preferred.

In practice, the operation of Section 69 of the 1984 Act is somewhat onerous from a prosecution viewpoint. I consider that computer evidence is, in principal, no different from any other sort of evidence and it should, in general terms, be admissible, so that any argument in Court would relate to its weight rather than its admissibility. I therefore consider that there should be a presumption that the machine is in working order etc. and if the Defence wish to argue otherwise, then clearly, they should be able to do so. At present, I therefore consider the evidential requirements to be far too strict and can hamper prosecutions.

Yours faithfully



HEAD OF CRIMINAL LAW DIVISION

THE POST OFFICE

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Our Ref
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PD/12500/TB

Date

26 October 1995

Solicitor and Group Legal Services Director

Dear Madam

LAW COMMISSION CONSULTATION PAPER NO. 138
"CRIMINAL LAW" EVIDENCE IN CRIMINAL PROCEEDINGS: HEARSAY AND
RELATED TOPICS

This Office inter alia prosecutes offenders who have committed offences against the Post Office. The offenders can be employees, Sub-Postmasters or members of the public. Typical offences prosecuted by this office include theft of money from the till or false accounting by counter clerks or Sub-Postmasters and wilful delay and/or theft of mail by Royal Mail staff. This list of offences is not exhaustive.

A senior lawyer in this office has reviewed the above mentioned Consultation Paper.

This Office welcomes your proposals especially in relation to repealing Section 69 of the Police and Criminal Evidence Act 1984 and repealing the discretionary provisions of Sections 25 and 26 of the Criminal Evidence Act 1988.

With regard to the present potential evidential problems caused by Section 69 of the Police and Criminal Evidence Act 1984, a large number of Sub-Postmasters now complete their cash accounts and other accounting records by using a computer. The Sub-Postmaster is often the only person working in the Sub-Post Office or the only person who uses the computer. In the event of the Sub-Postmaster being prosecuted for theft or false accounting, the Post Office may need to rely upon the computerised accounting records. The Sub-Postmaster is frequently the only person who can give the evidence required by Section 69 of the Police and Criminal Evidence Act 1984. In the absence of admissions or other direct evidence the Post Office may not be able to prove the case solely on the ground of being unable to satisfy the technical requirements of Section 69 of the Police and Criminal Evidence Act 1984.



Computers are now being used within Branch Post Offices, Parcelforce Depots and Royal Mail Sorting Offices.

I hope that my comments are of some assistance.

Yours faithfully

