



IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

BUSINESS LIST (ChD)

DEPUTY MASTER LINWOOD

16<sup>th</sup> February 2022

BL-2022-000201

IN THE MATTER OF THE SOLICITORS ACT 1974

B E T W E E N:

SOLICITORS REGULATION AUTHORITY LIMITED

Claimant

-and-

POST OFFICE LIMITED

Defendant

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ORDER

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**UPON** the Claimant's Part 8 Claim dated 2 February 2022

**AND UPON READING** the witness statement of Nathan Cook dated 1 February 2022

**IT IS ORDERED that:**

1. The Defendant shall, by no later than 14 days of the date of this Order, provide or produce or deliver to the Claimant, electronic copies of the Case Specific Disclosure disclosed to the 39 appellants whose convictions were quashed by the Court of Appeal in the case of Hamilton & Others v Post Office Limited [2021] EWCA Crim 577 on 23 April 2021 ("**the Hamilton Appellants**") and the Generic Disclosure Review Material disclosed to all appellants and potential future appellants by the Defendant as at the date of this Order.



2. The documents referred to at paragraph 1 of the Order shall be provided without redactions made on the basis of legal professional privilege or GDPR, with the parties agreeing that:
  - a. Any documents which are subject to legal professional privilege are provided solely to enable the Claimant to undertake its regulatory duty (which for the avoidance of any doubt may include using such documents in any disciplinary proceedings issued in the Solicitors Disciplinary Tribunal) and does not amount to a waiver by the Defendant of legal professional privilege;
  - b. The Claimant will take reasonable steps to keep any documents which would be subject to legal professional privilege confidential when undertaking any regulatory investigation; and
  - c. The Claimant's intention is that it will not use the documents which are covered by legal professional privilege other than for the purposes of undertaking its regulatory duties (as referred to at paragraph 2a, above). However, if a situation arises that means the Claimant needs to use the documents for a purpose other than its regulatory duties the Claimant will offer the Defendant a further opportunity to make representations as to the proposed use of the material.
3. The information and documents referred to at paragraph 1 of this Order, insofar as not already provided, shall be provided, produced or delivered to the Claimant using a secure file sharing link to the following email address:  
[REDACTED]@sra.org.uk.
4. The Order shall be served by the Claimant on the Defendant.
5. No order as to costs

#### **Service of the order**

The Court has provided a sealed copy of this Order to the serving party, Capsticks Solicitors LLP, at:

Capsticks Solicitors LLP  
35 Newhall Street  
Birmingham  
B3 3PU  
DX: 13003 - Birmingham



## **DEFINITIONS**

In this Order the following terms have the following meanings:

*“Case Specific Disclosure”*: refers to material disclosed in accordance with paragraphs 25 to 28 of the Disclosure Management Document, comprising of:

- i. The disclosure made by Post Office Limited to the Hamilton Appellants as part of the post-conviction disclosure exercise on a voluntary basis of the material that it could reasonably be assumed that each of those appellants would have been in possession of at the time of the relevant criminal trial; and
- ii. The disclosure made by Post Office Limited to each of the Hamilton Appellants as part of the post-conviction disclosure exercise of case specific material that might reasonably have been considered capable of undermining the safety of each appellant’s conviction(s) or assisting that Appellant in advancing a ground or grounds of appeal.

*“Disclosure Management Document”*: refers to the Disclosure Management Document dated 19 August 2020 (as clarified by the Addendum Disclosure Management Document dated 13 January 2021).

*“Generic Disclosure Review Material”*: refers to the material disclosed by Post Office Limited to appellants and potential future appellants (in accordance with paragraphs 31 to 74 of the Disclosure Management Document) as at the date of this order and includes documents that might cast doubt on the safety of any historical convictions.

*“the Hamilton Appellants”* refers to the following individuals:

- i. Josephine Hamilton,
- ii. Hughie Thomas,
- iii. Allison Henderson,
- iv. Alison Hall,
- v. Gail Ward,
- vi. Julian Wilson (deceased),
- vii. Jacqueline McDonald,
- viii. Tracy Felstead,



- ix. Janet Skinner,
- x. Scott Darlington,
- xi. Seema Misra,
- xii. Della Robinson,
- xiii. Khayyam Ishaq,
- xiv. David Hedges,
- xv. Peter Holmes (deceased),
- xvi. Rubina Shaheen,
- xvii. Damien Owen,
- xviii. Mohammed Rasul,
- xix. Wendy Buffrey,
- xx. Kashmir Gill,
- xxi. Barry Capon,
- xxii. Vijay Parekh,
- xxiii. Lynette Hutchings,
- xxiv. Dawn O'Connell (deceased),
- xxv. Carl Page,
- xxvi. Lisa Brennan,
- xxvii. William Graham,
- xxviii. Siobhan Sayer,
- xxix. Tim Burgess,
- xxx. Pauline Thomson,
- xxxi. Nicholas Clark,
- xxxii. Margery Williams,
- xxxiii. Tahir Mahmood,
- xxxiv. Ian Warren,
- xxxv. David Yates,
- xxxvi. Harjinder Butoy,
- xxxvii. Gillian Howard,
- xxxviii. David Blakey, and
- xxxix. Pamela Lock