

Prime Minister - The Rt Hon Boris Johnson MP
10 Downing Street
London SW1A 2AA
By email and recorded delivery

Our ref: DE/JFSA/PM

22 February 2021

Dear Prime Minister

Re-establishment of the Post Office Horizon IT Inquiry on a statutory footing

We write further to our letter of 3 February 2021 (copy enclosed) raising our clients' concern at the lack of acknowledgement of that important letter. We also write to highlight troubling new evidence that has a direct bearing on our clients' request that you:

1. pause the current non statutory Post Office Horizon IT Inquiry;
2. re-establish that Inquiry as a Statutory Inquiry; and
3. hold a short public consultation on the Terms of Reference.

New evidence indicating a conspiracy to pervert the course of justice

Our clients have been passed evidence that alleges that Fujitsu were fully aware of profound flaws in the Horizon system over twenty years ago, and that the flaws in the system were widely known of at a senior managerial level at that time and thereafter. If true, this may provide evidence of a concerted conspiracy (within senior management at Fujitsu and possibly also the Post Office) to pervert the course of justice on an extraordinary scale.

This evidence has been reported on 19 February 2021 by Computer Weekly, the highly-regarded technical journal, which has been reporting on the Post Office Horizon IT scandal for many years. A link to the article can be found [here](#). The source material for that article has been provided to the Commissioner of the Metropolitan Police by our clients. Computer Weekly states, in its article, that it has provided that evidence to Sir Wyn Williams (Chair of the Post Office Horizon IT Inquiry).

Tel: 020 8840 4688
Fax: 020 8840 7209
Email: law@howe.co.uk
DX 315004 Brentford 5

1010 Great West Road, Brentford, TW8 9BA

Partners:
M.J. Howe BA (Hons)
K.P. O'Rourke LL.B (Hons)
D. Enright LL.B (Hons)

However, the Terms of Reference of the Post Office Horizon IT Inquiry prevent Sir Wyn from considering, investigating or making findings on this evidence.

The Terms of Reference specifically exclude consideration of the “...*Post Office Ltd’s prosecution function, matters of criminal law, the Horizon group damages settlement, the conduct of current or future litigation relating to Horizon and/or the engagement or findings of any other supervisory or complaints mechanisms, including in the public sector...*”.

The Computer Weekly article reports that

“The Department for Business, Energy and Industrial Strategy (BEIS), which holds government responsibility for the Post Office, said it had “established an independent, judge-led inquiry to ensure that lessons are learned, and that concrete changes take place at Post Office Ltd. If anyone has relevant information, we would encourage them to provide it to the Post Office Horizon IT inquiry.”

Our clients consider this statement to be disingenuous.

First the Department for Business, Energy and Industrial Strategy is aware that the Inquiry is prevented, by its Terms of Reference, from considering, investigating and making findings on this evidence.

Second BEIS are also aware that the deadline for submission of evidence to the Inquiry is 25 February 2021. As such, even if the Inquiry could consider this evidence, it will be unable to receive and consider any further evidence that may arise, for example, from the police investigation.

Third, and as previously set out, the Department for Business, Energy & Industrial Strategy has a direct, financial and controlling interest in Post Office Ltd, which renders it inappropriate and incapable of acting as the sponsoring department for the Inquiry or commenting on evidence before the Inquiry. The only role for BEIS in an inquiry is to provide evidence, under oath, as to its state of knowledge and actions in relation to the Horizon IT system and the prosecutions and financial penalties imposed on subpostmasters by its wholly owned company (Post Office Ltd).

Conclusion

As set out in our clients’ letter of 3 February, there appears to be significant and mounting evidence that hundreds of hard-working small businesspeople were prosecuted by a Government owned company on the basis of flawed and potentially perjured evidence. It now appears that there may be evidence that could amount to a widespread conspiracy to pervert the course of justice. The responsibility for investigating this lies with you and your Government.

The current non-statutory Inquiry is not commensurate with the seriousness, breadth and public importance of the matters involved. The current Inquiry as it is constituted is incapable of (for example) compelling evidence and hearing evidence under oath, which is a fundamental requirement given the central issues involving extensive criminal prosecutions, flawed and

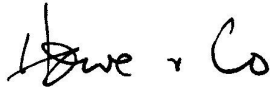
potentially perjured evidence and a potential widespread conspiracy to pervert the course of justice.

Our clients therefore call on you to immediately:

1. pause the current non statutory Post Office Horizon IT Inquiry;
2. re-establish that Inquiry as a Statutory Inquiry; and
3. hold a short public consultation on the Terms of Reference.

Please contact me at my offices or at partners@howe.co.uk to provide your now overdue response to the serious matters set out in our clients' correspondence.

Yours sincerely



DAVID ENRIGHT JP

PARTNER

HOWE & CO SOLICITORS

- CC. Sir Wyn Williams (Chair – Post Office Horizon IT Inquiry)
Darren Jones MP (Chair - Business Energy and Industrial Strategy Select Committee)
Sir Robert Neill MP (Chair - Justice Select Committee)
Rt. Hon. Yvette Cooper MP (Chair - Home Affairs Select Committee)