

# Justice For Subpostmasters Alliance

Paul Scully MP  
Minister for Postal Affairs  
The Department for Business, Energy & Industrial Strategy  
1 Victoria St.  
LONDON, SW1H 0ET

1 April 2020

Reference: Alan Bates & Others and Post Office Limited, Repayment for Court Case Costs

Dear Minister

The fact that your 30 March 2020 correspondence refuses to recognise your department's responsibilities, to me is symptomatic of that department's failure to undertake its statutory duties over the years to engage as it was meant to with Post Office. Undoubtedly it was the mismanagement and lack of oversight by BEIS which allowed a situation to develop where we had little choice but to pursue Post Office through the courts.

It does seem, having received copies of your letters to a number of MPs sent on to me by the claimants they are representing, that your only message about these issues is what Post Office is planning to do going forward having reviewed its management and operation in light of the findings from our case. However, what Post Office does from now on is of no interest to me, the claimant group or the MPs who represent them, many of whom are irate at the way the group is being treated. Surely you must appreciate that after numerous years of uphill campaigning and all the in-depth media coverage planned for the rest of this and next year, we will not be letting the matter drop until we have recovered the costs to the group.

In your 30 March 2020 letter you state that the Settlement Agreement with Post Office '*included all legal and other costs*'. That statement is not true. Do you not realise that that the costs for funding this case and the uplifts involved were not covered by the Settlement Agreement. In fact I am reliably informed that such costs are not reclaimable under English Law, either in a court or in a settlement, and that is why they are still outstanding.

Regardless of the now, significant benefits and lessons learnt by Post Office and BEIS from our bringing the case in the first place, it still required the group to undertake the oversight exercise in the courts that BEIS had failed to do. The Government has also benefitted by paying Post Office a far smaller grant over the last 20 years because of the money kept in suspense by Post Office and

then taken into its Profit & Loss accounts from Subpostmasters, which in my view is a charge of unjust enrichment that should be addressed by the courts.

You may recall in my last letter to you, I had pointed out that in correspondence from your predecessor to an MP, she had stated that *'this long-running dispute resulted in nearly 1000 pages of judgment that provided exhaustive insight into what happened at the Post Office'*. There is little doubt that the judgments have exposed, amongst many other failings, a scandalous abuse of the legal system, and as such are of great use to BEIS, however there still remains the matter of paying for them. To that end I have enclosed a statement of the outstanding monies owed to the group, which now includes the 8% interest presently calculated to the end of March 2020, in order to repay the costs the group incurred to provide the *'exhaustive insight into what happened at the Post Office'* in lieu of BEIS's failure to do so.

At such time as you want to discuss the mechanism for the repayment of the costs incurred by the group I would be delighted to confer further with you.

Sincerely

Alan Bates

Encl.: - Statement 31 March 2020