

OPUS 2

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Horizons Issues - Alan Bates & Others v Post Office Limited

Day 4

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Phone: 0203 008 6619

Email: transcripts@opus2.com

Website: <https://www.opus2.com>

1 Thursday, 14 March 2019
2 (10.30 am)
3 MR JUSTICE FRASER: I am not going to deal with this now but
4 just to ask you both to remind me, at the end of the day
5 can you remind me to deal with 8 and 9 May.
6 MR DE GARR ROBINSON: My Lord, yes.
7 MR JUSTICE FRASER: I have written a note for myself so
8 I should --
9 MR DE GARR ROBINSON: Between us I'm sure we will ...
10 MR RICHARD ROLL (continued)
11 Cross-examination by MR DE GARR ROBINSON (continued)
12 MR DE GARR ROBINSON: Mr Roll, just a brief recap on what we
13 were discussing yesterday. In your various witness
14 statements you use the phrase "software errors" and just
15 so that I can confirm my own understanding, when you say
16 "software errors" you don't mean coding errors, you mean
17 a much wider category of errors, including data
18 problems, yes?
19 A. Generally, yes, including coding errors as well though.
20 Q. But sometimes you use the phrase -- perhaps it is unfair
21 of me to ask it, but sometimes when you say "software
22 errors" you actually mean data problems in the context
23 in which you use it?
24 A. Yes.
25 Q. But given that I'm not putting anything to you, I will

1

1 take that as read.
2 And when you say data errors or data problems you
3 generally mean operational type data, don't you? You
4 don't mean things like configuration data, things like
5 that?
6 A. I generally mean the data that's been written to the
7 message store, so transaction data.
8 Q. Well, you say -- if I may say so, generally speaking
9 transaction data -- well, let me ask you actually.
10 Let's agree some terminology so that we don't get
11 confused going forward. Could I go to the defendant's
12 witness statement bundles to tab 14 please {E2/14}.
13 Paragraph 3, Mr Roll, perhaps you could briefly read it.
14 I'm not interested in the first sentence, it is the rest
15 of the paragraph.
16 A. This is Mr Godeseth's statement, yes.
17 MR JUSTICE FRASER: Which paragraph, sorry?
18 MR DE GARR ROBINSON: Paragraph 3, my Lord.
19 When you get to the end perhaps we could ask and
20 then the page can be turned for you.
21 (Pause).
22 A. Can you turn the page please, yes. {E2/14/2}.
23 (Pause).
24 So, sorry, what was your question again?
25 Q. So if you go back to page 1 you see that Mr Godeseth is

2

1 drawing a distinction between transaction data on the
2 one hand and data in the background, operational parts
3 of Horizon on the other. Are you aware of that
4 distinction, does that have any resonance for you?
5 A. It does. I was -- in my mind it is very similar. The
6 data that postmasters -- that's going into the message
7 store when you are doing a transaction, how it is
8 replicated up to the server and then how it is
9 processed, that's the sort of information I was talking
10 about.
11 Q. But when you talk about data corruption often you're
12 talking about things like for example a bit being a zero
13 instead of a 1 --
14 A. Yes.
15 Q. -- you described that in your witness statement. That's
16 not transaction data of that sort, is it, it's different
17 kinds of data?
18 A. It could be transaction data that's been corrupted.
19 Q. I will take you to the relevant passage of your witness
20 statement later but for present purposes can we please
21 agree that when I say transaction data I mean a record
22 of a transaction undertaken in a branch, or a branch
23 activity that causes a change in the branch's cash or
24 stock, I don't mean the wider collection of data, for
25 example all sorts of data have fields that are allocated

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1 to all sorts of tables throughout the database, correct?
2 A. Right, yes.
3 Q. That kind of data, even if it is attached, if it's
4 relevant to a transaction, that kind of data isn't seen
5 by the subpostmaster, is it?
6 A. No.
7 Q. And it won't affect his branch accounts at all, will it?
8 A. I don't know.
9 Q. Well, often it won't. Do you know that often it won't?
10 A. Often it won't.
11 Q. It is to do with things like harvesting. That data will
12 be harvested by the system for other purposes?
13 A. Yes.
14 Q. For example to monitor what transactions are being done,
15 what products are being sold by Post Office, that kind
16 of -- and many many other things. You do recognise
17 that?
18 A. Yes.
19 Q. So that kind of data, which I think you may previously
20 have been referring to as transaction data, that's not
21 what I mean when I say transaction data, I mean data
22 relating to transactions that actually has an impact
23 that the postmaster sees in his branch accounts?
24 A. Right.
25 Q. Okay, thank you.

4

1 MR JUSTICE FRASER: And are you going to adopt a similarly
 2 precise term for the other sort of --
 3 MR DE GARR ROBINSON: Yes, I'm going to call that
 4 operational data.
 5 MR JUSTICE FRASER: So, Mr Roll, just so we're all using the
 6 same terms and we all understand --
 7 A. I will try and stick to --
 8 MR JUSTICE FRASER: Do you now understand the
 9 differentiation as far as today is concerned?
 10 A. Yes.
 11 MR JUSTICE FRASER: There's transaction data and operational
 12 data, is that --
 13 MR DE GARR ROBINSON: My Lord, yes. I'm sure there are
 14 better terms but those are the terms I'm going to use.
 15 MR JUSTICE FRASER: All right.
 16 MR DE GARR ROBINSON: Now, having established points of
 17 nomenclature, could I ask you, Mr Roll, to go to your
 18 second witness statement. It is E1, tab 10 and it is
 19 paragraph 14 of that witness statement which starts at
 20 page 9 {E1/10/9}. You have it in hard copy I think with
 21 you. It may be more easy to use that.
 22 Now, what I'm interested in is some -- I will let
 23 you find it. You will see that it is under the heading
 24 "Transaction corrections and patterns of software
 25 errors", so in this section you are talking about TCs

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1 and software errors and paragraph 14 you then start
 2 talking about software errors and what I'm interested in
 3 is the text that's in red over the page at page 10
 4 {E1/10/10}.
 5 MR JUSTICE FRASER: Which I don't think will come up on the
 6 common screen but it doesn't matter because you are
 7 using the hard copy. Have you got your amended one,
 8 Mr Roll? Have you got your amended one with the red
 9 text?
 10 A. Yes I have mine.
 11 MR DE GARR ROBINSON: Now, I only saw this shortly before
 12 you started giving evidence yesterday -- well, I saw it
 13 shortly before court sat at 10.30 yesterday morning.
 14 The first thing I would like to ask you is why was this
 15 text added to your witness statement here?
 16 A. I was trying to clarify something that had come to mind
 17 after re-reading this a few days ago. It is possible
 18 that if a postmaster is doing a transaction and as he --
 19 between pressing "enter" and the data being written
 20 there could be a corruption or an error that would cause
 21 that data to change.
 22 Q. And why did you include it in this particular paragraph?
 23 A. I had specifically said "bugs" before that, in the line
 24 above it, and I wanted to clarify that there were other
 25 things that could have caused problems.

6

1 Q. Oh, so you're not talking about bugs here, you're
 2 talking about other causes?
 3 A. Yes.
 4 Q. And you say:
 5 "As well as being caused by bugs, software errors
 6 could also be caused by data corruption."
 7 Stopping there, when you say "software errors" --
 8 A. Transaction data errors.
 9 Q. -- you mean data errors?
 10 A. Yes.
 11 Q. So when you say "data errors could also be caused by
 12 data corruption", is that circular, or are you -- could
 13 you explain what you mean? It looks like you are saying
 14 data corruption could be caused by data corruption --
 15 A. Sorry, I see what you mean.
 16 Q. -- and I would like to give you the opportunity to
 17 explain what you mean?
 18 A. There could be some corruption of data at that point
 19 that might cause the postmaster to -- for the account to
 20 say he has a certain amount of money perhaps that he may
 21 not have.
 22 Q. You are talking about hardware errors causing data
 23 corruption, aren't you?
 24 A. It needn't necessarily be the hardware that caused the
 25 problem, it could be the software that's become corrupt,

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1 the transaction --
 2 Q. Well you have just told me you weren't talking about
 3 software bugs, you were talking about --
 4 A. No, sorry, the transaction data could be corrupt at that
 5 point. Just one of those spurious things that happens.
 6 MR JUSTICE FRASER: Just pausing there, you said software
 7 bugs, I think yesterday we worked out that's coding.
 8 MR DE GARR ROBINSON: Coding.
 9 MR JUSTICE FRASER: Can we keep to that.
 10 MR DE GARR ROBINSON: So you're not saying these kind of
 11 things are caused by coding?
 12 A. Sometimes it is caused by coding bug, or it could be
 13 a potential bug, other times it could have been
 14 something else. It could just be data corruption that
 15 just happened at the moment.
 16 Q. I'm struggling to understand this, Mr Roll, because you
 17 say "as well as being caused by bugs" and you just told
 18 me about a minute ago that you put this in here because
 19 you were distinguishing between issues that are caused
 20 by bugs and issues that are caused by other things. Now
 21 you are saying these things are caused by bugs after
 22 all. Which is it?
 23 A. Sorry, what I'm trying to say in this added bit is it's
 24 not caused by bugs, it's data that has become corrupted
 25 at a specific moment in time just because it has become

8

1 corrupted.
 2 Q. And I'm suggesting to you, Mr Roll, that in that
 3 scenario it will generally be because of some hardware
 4 error in the counter in which the transaction is being
 5 entered. Would you accept that?
 6 A. No.
 7 Q. Well, let's proceed. You then say:
 8 "If the corruption happened just as a transaction
 9 was being written to disc, it could have altered the
 10 value of a transaction and the subpostmaster may not
 11 have realised."
 12 So what you are suggesting is the subpostmaster
 13 types in a number on the screen and actually the number
 14 that comes up is different from the number that he or
 15 she has typed?
 16 A. No, the number that he or she has typed would be
 17 correct, but in-between pressing the "enter" key and it
 18 going off you've got milliseconds between it going
 19 between there and being written to the disc. If the
 20 data corruption occurs in that instant ...
 21 Q. I see.
 22 You then say:
 23 "This would not be detected by the system as there
 24 would not be a mismatch in the figures."
 25 Is that your evidence?

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1 A. That's what I'm suggesting there, yes.
 2 Q. Well, could I suggest to you, Mr Roll, that where that
 3 happens there are cyclic redundancy checks being
 4 constantly done which check to see whether the amount
 5 typed in is the same as the amount that goes into the
 6 system. It is something that's continually done within
 7 the Horizon system, isn't it?
 8 A. You are probably right there.
 9 Q. It is done at both levels. We're talking about
 10 Legacy Horizon. It is done at the Riposte level which
 11 operates the message store, as it were, and it is done
 12 at the operating system level, the NT which operates --
 13 sorry, the NT, the Windows that operates the counter
 14 itself. There are cyclic redundancy checks that are
 15 applied as these processes are being done at both of
 16 those levels, aren't there?
 17 A. I don't remember that precise detail.
 18 Q. But I suggest to you that that is the case and are you
 19 in a position to dispute that?
 20 A. I'm not in a position to dispute that, no.
 21 MR JUSTICE FRASER: Are you saying six on Legacy Horizon?
 22 MR DE GARR ROBINSON: I'm talking about Legacy Horizon, the
 23 counters that were used in branch at that time and
 24 your Lordship will remember that --
 25 MR JUSTICE FRASER: No, you don't need to go into any more

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1 explanation, I just wanted to check.
 2 MR DE GARR ROBINSON: And those checks will automatically
 3 and immediately tell if there is a difference between
 4 what the application is attempting to write, what's
 5 actually being typed in, and what is actually being
 6 written into the system; that's right, isn't it?
 7 A. Usually, yes.
 8 Q. I would suggest to you, Mr Roll, it always happens, it's
 9 a constant feature of the Legacy Horizon system. It's
 10 one of the fundamental consistency checks that is always
 11 applied in the operation of the system. Do you accept
 12 that?
 13 A. I accept that's how it is supposed to work, yes. I'm
 14 still not sure that it would be 100%, but --
 15 Q. Well, let me ask you about your experience. In your
 16 44 months at the SSC did you ever encounter a situation
 17 where a cyclic redundancy check missed an error of this
 18 sort?
 19 A. I can't remember that.
 20 Q. I suggest to you didn't, Mr Roll.
 21 Could I also ask you whether you were ever aware of
 22 this -- in your experience you ever actually saw this
 23 problem happening with a subpostmaster?
 24 A. I don't think I did, no.
 25 Q. You said --

11

1 A. I don't think I did.
 2 Q. You don't think you did?
 3 A. No.
 4 Q. So what you're saying in red text here in paragraph 14,
 5 it's really largely a -- and I don't mean to be rude
 6 when I say this -- it's an armchair theoretical exercise
 7 that you are discussing, it's not something that
 8 actually reflected your experience when working at the
 9 SSC, is it?
 10 A. No, it was something I was thinking of hypothetically.
 11 Q. I'm grateful.
 12 Then just to complete this point -- and this may be
 13 beyond your experience because it appears that you
 14 didn't actually see any of this happening while you were
 15 there, but just to complete, would you accept that if
 16 and when the cyclic redundancy check spotted there was
 17 the mismatch of figures being typed in and figures going
 18 into the system, as well as sending an event straight
 19 away to the SSC which would be picked up by the SSC's
 20 automatic systems, it would also prevent the counter
 21 actually undertaking the transaction. Do you accept
 22 that?
 23 A. Yes.
 24 Q. I'm grateful. Now, I would like to go to paragraph 8 of
 25 your first witness statement please and that's at

12

1 {E1/7/2}. I would like to pick it up at the third
 2 sentence where you say:
 3 "Any errors made by subpostmasters would be
 4 relatively easy to identify, and would normally be
 5 picked up by 1st or 2nd line support. If an error was
 6 referred to us then it was extremely unlikely to be due
 7 to a mistake made by a postmaster ..."

8 Do you see that?

9 A. Yes.

10 Q. Having read that could we then move please to what
 11 Mr Parker says about this and I would like to go to
 12 bundle E2, tab 11 and it is at page 6 {E2/11/6} and it
 13 is the text just underneath the numbered
 14 paragraph 26.1.3. Mr Parker says:

15 "If a branch required assistance to attempt to
 16 determine the cause of a discrepancy they would contact
 17 NBSC in the first instance. Discrepancies are not
 18 unusual in a retail system."

19 I imagine you would accept that, Mr Roll.

20 "They indicate a difference between the operator's
 21 declaration of cash and stock on hand and the system's
 22 calculation and as such are a business operation issue.
 23 However ..."

24 He says and this is the point I'm going to ask you
 25 about:

13

1 "... it was not always possible for NBSC to identify
 2 the cause of a discrepancy. For example, a user may
 3 enter a deposit of £100 into a customer's bank account
 4 on Horizon but rather than taking £100 from the
 5 customer, they may make a mistake and give the customer
 6 £100 as if it had been a withdrawal. In that scenario,
 7 NBSC would not have been able to identify the cause of
 8 a discrepancy. Clearly, NBSC is also unable to assist
 9 when losses have been caused by theft."

10 Now, do you accept what Mr Parker says in the
 11 paragraph I have just read out?

12 A. Yes.

13 MR JUSTICE FRASER: NBSC is the helpline, isn't it?

14 MR DE GARR ROBINSON: My Lord, yes. It's the first line
 15 of support.

16 MR JUSTICE FRASER: And is that Fujitsu or Post Office?

17 MR DE GARR ROBINSON: The NBSC is run by Post Office. It
 18 then goes through to the second line.

19 MR JUSTICE FRASER: Mr De Garr Robinson, I just wanted to
 20 check that.

21 MR DE GARR ROBINSON: Yes.

22 MR JUSTICE FRASER: Because in other statements it is
 23 referred to as the helpline. I just wanted --

24 MR DE GARR ROBINSON: My Lord, it is sometimes referred to
 25 as the helpline. It is confusing because there is the

14

1 HSD as well as the NBSC and they are both elements of
 2 the first line of support.

3 So where you say, Mr Roll, in paragraph 8 of your
 4 statement that any errors made by subpostmasters would
 5 be easy to identify and would normally be picked up,
 6 that's not right, is it? There are all sorts of errors
 7 that are made by the postmaster that will not be picked
 8 up. Would you accept that?

9 A. From my memory of when we were working there, no, but
 10 from reading this ... yes.

11 Q. You would accept that. So, for example, if an irate
 12 subpostmaster phones into the NBSC and says "These
 13 figures aren't right, there's a glitch in the system,
 14 there's a glitch in the system", keeps insisting there's
 15 a glitch, it would not be easy -- in fact in many cases
 16 it would be impossible for the first or the second line
 17 of support to say categorically "That's definitely
 18 a user error" and close the matter down. In that kind
 19 of situation wouldn't what would happen be that the
 20 second line of support would refer on to SSC for
 21 investigation; do you accept that?

22 A. Yes.

23 Q. Then I would like to go back to your witness
 24 statement -- it is quicker to do it in hard copy,
 25 Mr Roll -- paragraph 10 of your first witness statement

15

1 {E1/7/2} you must have in front of you. You say, second
 2 sentence -- so we have a problem like that, it gets
 3 passed to the SSC and I think you would accept that the
 4 SSC would always investigate to see if it could be
 5 attributed to a bug or other fault within Horizon --

6 A. Yes.

7 Q. -- yes? So you then say:

8 "If we were unable to find the cause of the
 9 discrepancy then this was reported up the chain and it
 10 was assumed that the postmaster was to blame."

11 That's your claim. I would like now to compare it
 12 to what Mr Parker says about this. It is in his first
 13 witness statement again, this time at page 13
 14 {E2/11/13}. Paragraph 46, Mr Parker says:

15 "In paragraph 14 Mr Roll states, 'I would reiterate
 16 that the main recurring issues were software issues'.
 17 It is a symptom of working within a software support
 18 team that the majority of issues that come in have been
 19 attributed to a software issue by, for example, a lower
 20 line of support. This can lead to a mindset of 'look at
 21 all these Horizon errors' but what this indicates to me
 22 is that the previous levels of support are functioning
 23 correctly, removing the majority of other causes
 24 (user/hardware problems). It does not indicate that the
 25 majority of Horizon errors could be attributed to

16

1 software.”
 2 By "software" he means coding. Would you accept
 3 that, Mr Roll?
 4 A. Yes.
 5 Q. Thank you. And then if we could move on over the page
 6 to page 14, paragraph 49 {E2/11/14}, he says:
 7 "Mr Roll further states that if SSC was 'unable to
 8 find the cause of the discrepancy then this was reported
 9 up the chain and it was assumed that the postmaster was
 10 to blame' (paragraph 10). That is not my experience: it
 11 is a simple truth of support that the majority of issues
 12 reported in the system are attributable to user action
 13 or user misunderstanding much system functionality."
 14 Stopping there, Mr Roll, would you accept that?
 15 A. I would accept that -- and as he says, those issues
 16 would have been picked up at first or second line
 17 support. The way I remember it is that we were dealing
 18 with issues not necessarily the majority of issues
 19 caused by the user, but that's how I remember it.
 20 Q. I think I'm seeking to suggest to you, Mr Roll, that as
 21 a matter of just common sense the majority of issues
 22 reported in a system, whether it goes to first, second
 23 or third line of support, the majority of issues
 24 reported in the system are attributable to user action
 25 or user misunderstanding of system functionality?

17

1 A. Yes.
 2 Q. As a matter of common sense you would accept that?
 3 A. Yes.
 4 Q. So "Hence", Mr Parker says:
 5 "... someone working in a support environment
 6 analysing a new issue would examine the possibilities of
 7 user error as a first hypothesis but any final
 8 conclusion is only generated based on the evidence.
 9 Where the evidence does not support a conclusion that
 10 there's a problem with Horizon, the SSC feeds the
 11 existent factual data back to Post Office and might say
 12 something along the lines of 'all indications are that
 13 the branch has made a mistake' but Fujitsu neither
 14 attributes 'blame' or agrees the final conclusion ..."
 15 What I would like to suggest to you, Mr Roll, is
 16 that when a problem was, when you were there, reported
 17 into the third line of support and the problem would
 18 then be allocated to a member of the SSC, that SSC
 19 member would look for ways in which the symptom that's
 20 complained about could be attributed to a coding error
 21 or other problem within Horizon; that's right, isn't it?
 22 A. Yes.
 23 Q. And they worked quite hard to try and figure -- they
 24 would look at all the data, the system log, the event
 25 log, transaction data; all the data, vast array of data

18

1 that's available to Fujitsu, and they would work very
 2 carefully through to try and see whether there's
 3 a credible explanation that's based upon a coding bug or
 4 some other systemic problem with Horizon, yes?
 5 A. Usually.
 6 Q. Usually.
 7 A. There were instances which I can't remember but I know
 8 that at the time I felt uncomfortable with what was
 9 going on because of the pressure that was put on us to
 10 find -- to either find a problem or to say that we
 11 couldn't find a problem. So there were time constraints
 12 and we weren't given -- this is my recollection, but
 13 I can't give you specific details. And this is why --
 14 Q. So --
 15 MR JUSTICE FRASER: Can you just let him finish.
 16 A. This is why I first spoke to people about this, because
 17 there are instances that I remember being unhappy with
 18 it.
 19 MR DE GARR ROBINSON: But you can't give any specifics --
 20 A. No.
 21 Q. -- and we can't look at the documents to see what you
 22 are talking about?
 23 A. No.
 24 Q. And it's not that -- I think we discussed this
 25 yesterday. You are not suggesting that there was any

19

1 pressure put upon you to put it down to human error,
 2 it's simply that you are saying that not enough time was
 3 given to do the job to your satisfaction, is that right?
 4 A. Yes.
 5 Q. I challenge that, Mr Roll. I formally suggest to you
 6 that that didn't happen.
 7 A. All I can say is that is how I remember feeling, but it
 8 was a long time ago.
 9 Q. But from the SSC's perspective your job was to
 10 investigate a problem as thoroughly as it needed to be
 11 investigated?
 12 A. Our job in the team; it wasn't always me who was doing
 13 the work that I was worried about.
 14 Q. Well, quite often it was -- looking for these kind of
 15 problems, quite often it was someone more senior in the
 16 team that was looking at these kinds of problems --
 17 A. Yes.
 18 Q. -- isn't it? And you can't speak to the amount of
 19 pressure that they were under, can you?
 20 A. Not from direct memory, no. It's just, as I said, the
 21 impression I took away with me.
 22 Q. So you would accept, wouldn't you, that everyone in the
 23 SSC including you did a professional, rigorous and
 24 thorough job?
 25 A. We tried to, yes.

20

1 Q. If we could go to your second witness statement please
 2 now which is at E1, tab 10 and I would like to ask you
 3 about paragraph 14 [E1/10/4]. You say:
 4 "I do not believe that it is realistic to say that
 5 all software errors would have been picked up by the
 6 processes which were in place, or that the likelihood of
 7 software errors staying disguised as human errors was
 8 very small ... I believe there were likely many cases
 9 where subpostmasters would have been held responsible
 10 for problems which had not at the time been identified
 11 as software errors, either because they could not
 12 identify the problem and did not pursue these with
 13 Post Office or Fujitsu, or because when they were raised
 14 we ... were ultimately unable to identify the problem at
 15 the time."
 16 Now, I would like to ask you about your belief that
 17 there were "likely many cases". Mr Roll, that's
 18 speculation, isn't it, that's not a statement of fact?
 19 A. That is how I felt, yes, that's --
 20 Q. You felt it? What was the basis of your feeling?
 21 A. Going back to what I have said a moment ago about
 22 feeling that at times we were under pressure and we
 23 couldn't do the job properly.
 24 Q. How often -- do you have a recollection as to how often
 25 you were under pressure?

21

1 A. No.
 2 Q. My sense of the evidence you have given -- and I want to
 3 tell you this so that you can tell me whether you agree
 4 or not -- is that it didn't happen very often?
 5 A. Not very often, no.
 6 Q. Okay. So can you say how many times --
 7 A. No.
 8 Q. -- you had a sense when faced with a problem that it was
 9 likely to be a bug but you hadn't --
 10 A. I wouldn't be able to say.
 11 Q. You couldn't say how many times --
 12 MR JUSTICE FRASER: Keep your voice up, Mr Roll.
 13 A. Sorry. I have no idea.
 14 MR DE GARR ROBINSON: It is just your language. You say
 15 "I believe" -- that's your present state of mind --
 16 "there were likely many cases where subpostmasters would
 17 have been held responsible for problems which had not at
 18 the time been identified". How can you say "many"?
 19 When I ask you about the problem you say it is because
 20 "Sometimes I was busy and wasn't given enough time to
 21 investigate". You very fairly say -- although you
 22 cannot be categorical, you can't identify particular
 23 incidences but you don't believe that happened very
 24 often.
 25 A. First of all --

22

1 Q. On that basis how can you say that you believe there
 2 were likely many cases where it happened?
 3 A. First of all, it wasn't necessarily me that was busy, it
 4 was comments from other people in the team about how
 5 busy they were trying to find a solution and I heard
 6 that infrequently, but that led me to the belief --
 7 that's the way I think I feel it, that if I was aware of
 8 a few then there must have been more. So it's
 9 speculation, yes.
 10 Q. You accept that it is speculation. You are talking
 11 about something that happened between 15 and --
 12 A. 19 years ago.
 13 Q. -- 18 years ago. It would be fair to say, wouldn't it,
 14 that your recollection is very hazy about these kind of
 15 things?
 16 A. Certainly some of it, yes.
 17 Q. Would you accept that your recollection of this kind of
 18 thing is hazy?
 19 A. It is quite hazy, but the feeling persists that
 20 sometimes things could have slipped through.
 21 Q. Sometimes things could have slipped through. One last
 22 question before I move on. When you were under time
 23 pressure and you didn't feel that you were being given
 24 as long as you needed to do your job, is it that you
 25 were given ten minutes and told to do something else, or

23

1 is it that you needed four hours and that you were only
 2 given three? I would like a sense of what you mean when
 3 you say that you didn't have the time that you wanted?
 4 A. You might have had eight or ten hours. From my
 5 recollection -- I may be getting different things mixed
 6 up here, but we had so many days to come to
 7 a resolution, to resolve a problem, so if we didn't get
 8 the problem for a couple of days then our window had
 9 closed. It was shorter than it should have been.
 10 Q. And did you communicate concerns about this to anyone
 11 else -- to Mr Peach, your superior?
 12 A. I believe that was -- it was mentioned at times, yes.
 13 Q. You mentioned it to Mr Peach. And did you mention it to
 14 Mr Parker?
 15 A. I don't think so, no. Mr Peach was the manager.
 16 Q. But Mr Parker was your deputy manager, wasn't he? He
 17 had authority over you, didn't he?
 18 A. I never saw it as that, no.
 19 Q. So it's not something you discussed with Mr Parker, it's
 20 just something you discussed with Mr Peach who isn't
 21 giving evidence, is that right?
 22 A. Yes.
 23 Q. I see.
 24 Then there's one phrase I would like to ask you
 25 about. It is where you say:

24

1 "I believe there were likely many cases where
 2 subpostmasters would have been held responsible for
 3 problems which ... we (Fujitsu) were ultimately unable
 4 to identify the problem at the time."
 5 Are you suggesting that problems reported to the SSC
 6 would not be resolved at that time, but then at some
 7 later time when a further problem arose it would then be
 8 identified? Are you suggesting --
 9 A. I wasn't trying to suggest that, no.
 10 Q. It is just your use of the words "at the time"?
 11 A. I'm sorry, that is misleading, yes.
 12 MR JUSTICE FRASER: I'm sorry, Mr De Garr Robinson, I have
 13 lost where -- the passage you were asking about.
 14 MR DE GARR ROBINSON: It is the sentence beginning
 15 "I believe there were likely many cases".
 16 MR JUSTICE FRASER: Can you maybe give me a paragraph and
 17 page number?
 18 MR DE GARR ROBINSON: Paragraph 14 of Mr Roll's second
 19 statement.
 20 MR JUSTICE FRASER: It is just the screen had moved, that
 21 was all. So we are still on paragraph 14.
 22 MR DE GARR ROBINSON: Well, the sentence starts on page 4
 23 and then goes over to page 5.
 24 So you are not suggesting that you are aware of
 25 a problem that was identified at some later stage but

25

1 manifested itself at some earlier stage and was not
 2 corrected at that stage and therefore was left there,
 3 you're not suggesting that that happened in your
 4 knowledge?
 5 A. Sorry, could you say that again.
 6 Q. I'm not being very clear, I'm so sorry.
 7 I'm trying to investigate with you whether you are
 8 seeking to allude to the following scenario and
 9 I suspect that you are not, so I will be quick. At time
 10 T zero someone phones in with a problem, gets through
 11 the two lines of support, gets through to the SSC, it is
 12 investigated. The investigator tries very hard to find
 13 a coding problem or some other problem in Horizon that's
 14 responsible for it, can't, puts it to one side, closes
 15 it down and then the problem reappears through some
 16 other postmaster at some later stage, gets through the
 17 first and second lines of support, gets to the SSC and
 18 a coding problem is then identified, but that leaves the
 19 poor first subpostmaster in the cold. I was just
 20 seeking to investigate with you whether you are seeking
 21 to suggest in that sentence that that ever happened?
 22 A. No.
 23 Q. I'm grateful. Because the truth is that in that kind of
 24 scenario, when the second problem is identified and the
 25 root cause determined then all occasions on which this

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1 problem has manifested itself in the past would then be
 2 investigated and identified, would they not?
 3 A. Yes.
 4 Q. So in that scenario information would be provided to
 5 Post Office to allow the earlier subpostmaster to be
 6 made whole -- I don't know if I'm allowed to use that
 7 expression, my Lord.
 8 A. Yes, I would --
 9 Q. Thank you. Then I would like to go to Mr Parker's
 10 second witness statement now please, which is [E2/12/5].
 11 I would like to ask you about paragraph 15 of
 12 Mr Parker's witness statement which is about recovery
 13 processes. He says:
 14 "Mr Roll states that 'Fujitsu's stance was generally
 15 that if there was a problem with transactions following
 16 a recovery process and if SSC could not identify the
 17 cause, then the problem must have been caused by the
 18 subpostmaster not following the recovery process
 19 properly."
 20 And then Mr Parker says:
 21 "I agree that if Fujitsu was unable to identify the
 22 cause of a discrepancy that was said to relate to
 23 a recovery issue, having investigated the matter, the
 24 likely conclusion would be that the discrepancy
 25 (if there was one following the recovery process) was

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1 probably the result of human error. The key point
 2 here ..."
 3 And this is what I'm seeking to discuss with you,
 4 Mr Roll:
 5 "The key point here is that the SSC would thoroughly
 6 review all of the available evidence. I am confident
 7 that if there had been a software issue in relation to
 8 the recovery process, the SSC would have identified it
 9 or in the very unlikely case that we could not determine
 10 root cause, would have at least documented its
 11 symptoms."
 12 Full stop. Would you accept that, Mr Roll?
 13 A. Yes, if we couldn't determine the root cause then it
 14 would have been documented. But I should say, if we
 15 couldn't determine the root cause then that would have
 16 been passed on to the Post Office and the assumption
 17 would have been that the postmaster had made a mistake.
 18 Q. I would like to suggest to you that Mr Parker here is
 19 saying that if there had been a software issue -- he
 20 means coding issue --
 21 MR JUSTICE FRASER: That means coding, does it, there?
 22 MR DE GARR ROBINSON: My Lord, I believe so.
 23 "... if there had been a [coding issue] in relation
 24 to the recovery process, the SSC would have identified
 25 it ..."

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1 Stopping there, do you accept that?
 2 A. No.
 3 Q. And why do you not accept that?
 4 A. We may have passed it -- if we may have suspected --
 5 sometimes it would have been identified as a coding
 6 issue. Sometimes if we couldn't identify it and
 7 suspected it as a potential one, it would have gone to
 8 development. But we may not have detected the software
 9 issue -- the coding issues ourselves.
 10 Q. He goes on to say:
 11 "... in the very unlikely case that we could not
 12 determine root cause ..."
 13 Would you accept that the situation you have just
 14 described would be a very unlikely one?
 15 A. Terminology I suppose. Unlikely.
 16 Q. Very unlikely, Mr Roll.
 17 A. I wouldn't agree with that.
 18 Q. But you would agree unlikely?
 19 A. Unlikely, yes.
 20 Q. Then he says:
 21 "... [we] would have at least documented its
 22 symptoms."
 23 Would you agree with that?
 24 A. They would have been recorded.
 25 Q. They would be recorded in a what, in a KEL?

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1 A. I don't know.
 2 Q. In a PEAK?
 3 A. I can't remember.
 4 Q. The system would maintain knowledge of the symptoms and
 5 would be aware of or would be looking out for any
 6 recurrences?
 7 A. Yes.
 8 Q. And you said I think that this would then be passed on
 9 to the fourth line of support, is that right?
 10 A. From my recollection of it, yes.
 11 Q. And what would the fourth line support then do with it?
 12 A. I think they would look at the code and see if they
 13 could find a problem with it.
 14 Q. So in most cases, save in the unlikely case, the third
 15 line of support would have spotted the problem. If they
 16 didn't spot the problem they would document the symptoms
 17 so that the system would be alive to the possibility of
 18 recurrences and at the same time they would pass the
 19 problem over to fourth line support who would give the
 20 problem an even more thorough investigation, is that
 21 right?
 22 A. Usually, except if we were under pressure, as I said
 23 before --
 24 Q. Well, if you were under pressure, Mr --
 25 A. -- to provide an answer to our manager who was probably

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1 under pressure himself to provide an answer to --
 2 Q. It is very hard to discuss the pressure you were under,
 3 Mr Roll, because you are talking in such generalities .
 4 A. I'm sorry.
 5 Q. I don't criticise you for that because it is a long time
 6 ago, you are doing what you can do. But can I suggest
 7 to you that in circumstances where there's a problem
 8 that's been encountered and it is suspected that it may
 9 be the result of some kind of bug or other problem in
 10 Horizon, the matter is not going to be closed by anyone
 11 at the SSC. One way or another, either at third line or
 12 at fourth line, the people are going to keep going until
 13 the suspicion has been fully exhausted; would you accept
 14 that?
 15 A. No. If we couldn't find a problem, then it may have
 16 been closed. The information could have been passed
 17 back to Post Office saying "We can't find any problems"
 18 and from then on it would have been -- I assume it would
 19 have been put down as a postmaster's error or whatever.
 20 Q. So you don't know what it would have been put down as in
 21 relation to the postmaster?
 22 A. No.
 23 Q. What I'm asking you is not just about the situation
 24 where you haven't been able to attribute a problem to
 25 a coding issue or some other problem in Horizon. You

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1 try and attribute and you fail. If you had been given
 2 proper time, which I think you say happened in most
 3 cases, then you would be satisfied that it wouldn't be
 4 the result of a coding problem or some other problem in
 5 Horizon, is that right?
 6 A. Yes.
 7 Q. But you say sometimes -- not very often, but sometimes
 8 you didn't get the chance to spend as much time on it as
 9 you would have liked; is that what you are saying?
 10 A. Yes.
 11 Q. I have already challenged you on that evidence. But
 12 here is my suggestion to you, Mr Roll. In circumstances
 13 where having got as far as you've got you actually
 14 suspect that a coding issue or some other problem in
 15 Horizon is responsible, you would not stop, you would
 16 not close down the PEAK --
 17 A. No, you would pass it on.
 18 Q. You would, wouldn't you?
 19 A. Yes.
 20 Q. So in any case where you have a lingering suspicion that
 21 there's a problem in Horizon of some sort causing this
 22 symptom, you would never close it down but you would
 23 always pass it on for further investigation?
 24 A. If you thought it was a coding issue, yes.
 25 Q. If you suspected it was a coding issue?

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1 A. Yes.
 2 Q. Or other problem in Horizon?
 3 A. I'm not sure whether we would have closed some of them
 4 down or not at that point.
 5 Q. What, with other problems? Why would other problems in
 6 Horizon be dealt with differently?
 7 A. Some of the areas we had a lot of control over --
 8 I don't really know how to explain this, I can't really
 9 remember much about it, but there were times when we
 10 couldn't find a problem with the message store and the
 11 data -- it was passed back to the Post Office as closed
 12 because we couldn't find any supporting evidence for
 13 what the postmaster was saying.
 14 Q. Yes. But how does that answer my question?
 15 A. I think I'm getting side-tracked here, I'm sorry.
 16 Q. My suggestion to you is that on any occasion when you or
 17 anyone else at the SSC had a lingering suspicion that
 18 a problem that had been identified --
 19 A. Yes.
 20 Q. -- was the result of the Horizon system --
 21 A. If we had a suspicion then it would be passed on.
 22 Q. -- it would absolutely not be closed down and blamed on
 23 the subpostmaster, would it?
 24 A. No.
 25 Q. Thank you. But however, if having done your

1 investigation and having formed the view that you don't
 2 have a suspicion of a problem in Horizon, does the last
 3 sentence of paragraph 15 of Mr Parker's statement
 4 {E2/12/6} apply? He says:
 5 "Having conducted a careful investigation which did
 6 not reveal any software issues, human error would be by
 7 far the most likely explanation."
 8 Would you accept that as a matter of common sense?
 9 A. I need to backtrack a bit here because sometimes, going
 10 back to the pressure, we would not suspect a software
 11 coding issue, a bug, a coding bug, there might be
 12 something else, but if we were under pressure then we
 13 wouldn't necessarily have the time to fully look at that
 14 to understand what was going on, so then we would close
 15 the KEL.
 16 Q. Are you suggesting to me that in your situation as
 17 an SSC team member there would be checks that would need
 18 to be done in order to answer the question whether there
 19 was a problem in Horizon causing this situation and you
 20 would deliberately close a PEAK and close down the
 21 problem even though the check had not been done?
 22 A. As far as I can remember, on occasion that did happen.
 23 Q. Mr Roll, I suggest that's extraordinary and it's
 24 unprofessional and it's not what any member of the SSC
 25 should ever have done?

1 A. I know.
 2 Q. Are you saying it's what you did?
 3 A. On occasion I was instructed to close a particular call
 4 which was not software related or anything, basically to
 5 quieten it down.
 6 Q. Well, that's quite remarkable, Mr Roll. Why is none of
 7 that in your witness statement?
 8 A. It is.
 9 Q. You are telling me there was a specific occasion when
 10 someone with authority over you told you to close down
 11 a call when you hadn't finished your investigation,
 12 are you?
 13 A. I'm not putting that very well, but yes.
 14 Q. Who was the person who told you that?
 15 A. Mik Peach.
 16 Q. So Mr Peach told you -- what was the nature of the
 17 problem?
 18 A. The nature of the problem was that a postmaster was
 19 reporting that a system was rebooting unexpectedly. We
 20 looked -- or I looked at it and I found that the -- she
 21 was actually powering the system off and she insisted
 22 she wasn't. It was a mobile system and she was -- as
 23 I said, we could see from the message store that the
 24 system was being rebooted and she insisted she wasn't
 25 rebooting it. So I did some tests on the test rigs in

1 the testing area at the end of floor 6 where we were and
 2 I found that on one of the test rigs I could simulate
 3 the same problem. If I turned the screen off, it
 4 actually turned the whole computer off. And when
 5 I dismantled the equipment I found that the screen
 6 button had been miswired and it had been wired into the
 7 motherboard so that it actually cut the power off and
 8 not the power to the screen, so it rebooted the system.
 9 That's documented in the PINICLs.
 10 I asked for the base unit to be brought back but in
 11 the meantime -- we then found out that this was a known
 12 build error but somebody in the hardware department had
 13 built a batch of computers and wired them up
 14 incorrectly. They had sent them out to the estate but
 15 they -- they had realised they had done it and they knew
 16 about it but they hadn't informed anyone else.
 17 So I pinpointed the problem, spoke to Mik Peach.
 18 Mik Peach got back to me later and said "Yeah they know
 19 about this". When the system came back and I confirmed
 20 it, I was asked not to put any more information on this
 21 on the PINICL and it was being dealt with internally.
 22 Q. Let's talk about -- I was going to ask you about that
 23 later. So that's not an occasion where Mr Peach told
 24 you to stop investigating something that needed to be
 25 investigated?

1 A. Not to stop investigating , no, he told me --
 2 MR JUSTICE FRASER: Both of you, if you talk over each other
 3 we can't transcribe it . So you wait for
 4 Mr De Garr Robinson to finish . He will, I can assure
 5 you, wait for you to finish .
 6 A. Sorry, your Honour.
 7 MR JUSTICE FRASER: Right, Mr De Garr Robinson.
 8 MR DE GARR ROBINSON: The answer you have just given me was
 9 the result of a question which I asked which is are you
 10 seriously -- I now can't reformulate my question.
 11 My question was based upon a claim that you have
 12 just made to the effect that there was a problem which
 13 required further investigation . You said this didn't
 14 happen with coding bugs but sometimes with other issues
 15 that were less the SSC's purview, sometimes it did,
 16 where more investigation was needed and you said
 17 Mr Peach told you not to do that investigation but to
 18 close it down. Now, do you remember giving that
 19 evidence?
 20 A. That's ...
 21 Q. We could go back to the transcript , if you like ,
 22 Mr Roll.
 23 A. What was it you said exactly before that part?
 24 Q. Page 35 of the transcript .
 25 MR JUSTICE FRASER: Line 17 I think. Well, the passage goes

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1 from line 3 to about line 13.
 2 Can we go higher on the common screen -- that's it ,
 3 just stop there. Page 35.
 4 MR DE GARR ROBINSON: You say:
 5 "Answer: On occasion I was instructed to close
 6 a particular call which was not software related or
 7 anything, basically to quieten it down."
 8 And if we could go actually further up, it is at
 9 line 16 on page 34:
 10 "Question: Are you suggesting to me that in your
 11 situation as an SSC team member there would be checks
 12 that would need to be done in order to answer the
 13 question whether there was a problem in Horizon causing
 14 this situation and you would deliberately close a PEAK
 15 and close down the problem even though the check had not
 16 been done?"
 17 That was my question to you. So I was asking you
 18 whether there were occasions when you needed to do
 19 further sessions and you were told not to. And you
 20 said:
 21 "Answer: As far as I can remember, on occasion that
 22 did happen."
 23 So that's quite a bold claim. And then I say:
 24 "Question: ... I suggest that's extraordinary and
 25 it's unprofessional and it's not what any member of the

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1 SSC should ever have done?"
 2 And you say "I know" and I say:
 3 "Question: Are you saying it's what you did?"
 4 And you say:
 5 "Answer: On occasion I was instructed to close
 6 a particular call which was not software related or
 7 anything, basically to quieten it down."
 8 Now, I took you, Mr Roll, to be saying "Yes, I was
 9 told not to perform investigations that I felt I needed
 10 to perform", but the example you have just given, which
 11 I will be coming to, is not an example of that at all ,
 12 is it?
 13 A. No, it's not. The line on 16 and my response at 22,
 14 I -- the way I remember that happening in the SSC is
 15 that not myself but other people were under a lot of
 16 pressure to come up with a "can you find anything, we
 17 have to know by lunchtime if you can find anything in
 18 this message store" and then they would come back and
 19 say "No, we can't find anything".
 20 Q. Mr Roll, first of all that's not addressing the point
 21 that I'm suggesting to you. You are not suggesting,
 22 are you, that people in the SSC were told not to perform
 23 checks that they felt they needed to perform in order to
 24 do their job properly?
 25 A. Oh, I see. No.

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1 Q. And can I suggest to you that no one in authority at the
 2 SSC would ever have wanted a team member not to perform
 3 a check that needed to be done in order to satisfy that
 4 team member whether there was or wasn't a problem in
 5 Horizon?
 6 A. The feeling I still have is that on occasion we could
 7 have done more if we had had more time but that
 8 occasionally due to time pressures we didn't have the
 9 time. That's -- it's just my feeling from 19 years ago.
 10 Q. Your feeling from 19 years ago and could I suggest to
 11 you, Mr Roll -- it may be wrong, but my understanding of
 12 your evidence is that that feeling is that it only
 13 happened on relatively rare occasions, it wasn't
 14 something that was frequent.
 15 A. Rare occasions, but that was the feeling I had then and
 16 it has persisted.
 17 Q. Very good.
 18 If we could move to page 6 of Mr Parker's second
 19 statement {E2/12/6} and look at paragraph 19 at the
 20 bottom of the page. He says:
 21 "Fujitsu has mechanisms in place for detecting
 22 potential issues. In ... my first statement I briefly
 23 explained that the system management centre monitors
 24 system events and I briefly described the work of the
 25 communications management team in paragraph 26.1.2.

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1 Each of these teams would generate support actions based
 2 on system generated event information.”
 3 That’s true, isn’t it?
 4 A. Horizon was an evolving system, it probably still is .
 5 In the early days a lot of the processes weren’t in
 6 place and we had to find them, we had to find the
 7 problems and develop the processes to -- so that by the
 8 end of by the time I left then yes, this was true.
 9 Q. I suggest to you that this sentence is true of the
 10 entire time that you were working at SSC, Mr Roll.
 11 A. My recollection is that we improved the systems
 12 tremendously over the years.
 13 Q. But from the word go these teams did exist and they
 14 would generate support actions based on systems
 15 generated event information from the first day that you
 16 were there?
 17 A. Yes, if the system was able to generate the event.
 18 Q. But you’re not, I presume, in a position to tell me what
 19 events it was able to generate when you arrived --
 20 A. No.
 21 Q. -- and what events it was able to generate when you
 22 left?
 23 A. No, but as we put more processes in, the system is much
 24 more able to detect errors.
 25 Q. Well, it’s difficult for me to ask you questions about

1 that kind of claim.
 2 Then he says:
 3 “It is also the case that the sheer number of
 4 subpostmasters using the service and reporting issues
 5 via the help desks make it very unlikely that there is
 6 any significant number of hidden errors.”
 7 Would you accept that?
 8 A. A significant number, yes. There may have been the
 9 occasional one.
 10 Q. Yes, but can we say the vast majority of problems that
 11 were caused by the system would have manifested
 12 themselves in some kind of reporting --
 13 A. Yes.
 14 Q. Thank you. And he says:
 15 “These mechanisms are so effective at identifying
 16 when bugs are a cause of problems that it would be very
 17 rare for a bug to not be detected.”
 18 Would you accept that?
 19 A. If it was a known bug, yes.
 20 Q. What do you mean by that?
 21 MR JUSTICE FRASER: We are talking coding, yes? Coding.
 22 A. Coding, yes.
 23 MR DE GARR ROBINSON: Yes.
 24 A. If a coding bug was detected then we could put in place
 25 mechanisms to detect when that was -- when that bug had

1 had an effect .
 2 Q. I think Mr -- I’m grateful for that answer, but I think
 3 Mr Parker is making a slightly different point. He has
 4 described the mechanisms in place and you generally
 5 agreed them.
 6 A. Right.
 7 Q. And he says:
 8 “These mechanisms are so effective at identifying
 9 when bugs are a cause of problems that it would be very
 10 rare for a bug to not be detected.”
 11 That’s true, isn’t it? Sometimes the bug could get
 12 through --
 13 A. Yes.
 14 Q. -- but it would be very rare for that to happen, would
 15 you accept that?
 16 A. Yes.
 17 Q. Thank you. Then on to paragraph 20 {E2/12/7}:
 18 “Once an issue has been raised, Fujitsu is
 19 experienced in providing support and will go to great
 20 lengths to investigate the root cause.”
 21 Stopping there, would you accept that? That that
 22 was true of your time when you were at the SSC?
 23 A. Yes.
 24 Q. “In paragraph 61 of my first statement I explained that
 25 Fujitsu use a custom solution, developed and

1 administered by the SSC, which allows us to record
 2 support knowledge into a known error log ... KELs record
 3 support knowledge which is intended to assist staff in
 4 the support and understanding of the Horizon system.”
 5 I apprehend you won’t disagree with any of that?
 6 A. No.
 7 Q. He then says:
 8 “Mr Roll’s statement that ‘subpostmasters would have
 9 been held responsible for problems which had not at any
 10 time been identified as software errors ... because when
 11 they were raised we (Fujitsu) were ultimately unable to
 12 identify the problem at the time’ assumes that if
 13 Fujitsu was not able to get to the root cause of an
 14 issue, it must have been a software error rather than
 15 a human error. But as I explain ... above, if Fujitsu
 16 was unable to identify any software issues after
 17 carrying out a careful investigation, human error would
 18 be by far the most likely explanation.”
 19 Now, would you accept that, Mr Roll?
 20 A. I would accept that it is the most likely explanation,
 21 yes.
 22 Q. Thank you.
 23 Then if we can move on to paragraph 23 {E2/12/7} --
 24 I’m reading this to you to give you an opportunity to
 25 disclaim any intention of what Parker thinks you might

1 be doing. He says:
 2 "I think that Mr Roll may be trying to suggest that
 3 Fujitsu were quite happy to assume that issues were the
 4 responsibility of subpostmasters. That is not the case.
 5 We investigated matters thoroughly and if we identified
 6 an error in Horizon, we dealt with it appropriately.
 7 Our investigative and analytical procedures have always
 8 been thorough in my view and while I obviously cannot
 9 say that in each and every case our diagnosis was
 10 correct, I am confident that that was the case in the
 11 overwhelming majority of cases."
 12 Now, Mr Roll, a couple of questions, perhaps three
 13 or four. Given the discussion we have just had, could
 14 I invite you to indicate whether you are or are not
 15 trying to suggest that Fujitsu were quite happy to
 16 assume that issues were the responsibility of
 17 subpostmasters?
 18 A. I don't know what the management's position was on how
 19 protective they were of their system, the directors
 20 et cetera at that level. At our level certainly we
 21 would -- I would certainly agree with what Mr Parker has
 22 put in the second part there --
 23 Q. What, you mean "we investigated matters" --
 24 A. -- "in the overwhelming majority of cases".
 25 MR JUSTICE FRASER: You said the second part, which part do

1 you mean?
 2 A. Sorry --
 3 MR DE GARR ROBINSON: Do you agree then that "We
 4 investigated matters thoroughly and if we identified an
 5 error in Horizon we dealt with it appropriately"?
 6 A. Yes.
 7 Q. You agree with that. Do you agree that:
 8 "Our investigative and analytical procedures have
 9 always been thorough in my view ..."
 10 Do you agree with that? Is that your view too?
 11 A. Generally speaking, yes.
 12 Q. "... and while I obviously cannot say that in each and
 13 every case our diagnosis was correct, I am confident
 14 that that was the case in the overwhelming majority of
 15 cases."
 16 Is that your view?
 17 A. In the majority of cases, yes.
 18 Q. Thank you.
 19 A. I wouldn't want to suggest that Fujitsu were happy to
 20 assume.
 21 Q. Very good. I'm very grateful for that, Mr Roll, and
 22 that means I don't need to ask you any more questions.
 23 Could we now move on to your second witness
 24 statement please. I would like to ask you about
 25 paragraph 9, it is {E1/10/3}. It is under the heading

1 "Transactional integrity", and here you are taking
 2 Dr Worden to task about something he said in his expert
 3 report and you say:
 4 "At paragraph 156, Dr Worden describes zero sum
 5 baskets, other branch actions being zero sum, and
 6 transactional integrity. I agree that the system was
 7 designed with these intentions in mind but there were
 8 limitations and errors in the system. Data corruption
 9 and glitches sometimes meant that transactions were not
 10 zero sum. I recall on more than one occasion where
 11 subpostmasters had problems with a deficit showing in
 12 their accounts, and then as a result of working through
 13 a process to try to resolve it, the deficit doubled."
 14 Let's just break that down, if we can. You refer in
 15 that paragraph to three concepts. Transaction baskets
 16 and accounts. I think you will accept, won't you, that
 17 when you are doing business at a counter, several
 18 transactions can go into a basket, yes?
 19 A. Yes.
 20 Q. And then many baskets, once they are entered into the
 21 accounts, make up the accounts, yes?
 22 A. Yes.
 23 Q. The zero sum point only relates to baskets, doesn't it?
 24 A. I can't remember. I'm not sure.
 25 Q. So I'm just trying to understand what you mean when you

1 say:
 2 "Data corruption and glitches sometimes meant that
 3 transactions were not zero sum."
 4 A transaction is never zero sum, is it, it's the
 5 basket that's zero sum having summed up all the
 6 transactions that are in the basket?
 7 A. I think you're correct there, yes.
 8 Q. Then if I could ask you to go to what Dr Worden says
 9 about transactional integrity. That's at {D3/1/39}.
 10 Could I ask you to read -- it is quite long so I won't
 11 read it out, you will be pleased to know. Could I ask
 12 you to read paragraph 156.3. This is the paragraph that
 13 you take issue with.
 14 (Pause).
 15 A. Okay, I have read that now, yes.
 16 Q. Now, you say -- we have just read the relevant paragraph
 17 from your witness statement. You said you agree that
 18 the system was designed with these intentions in mind
 19 but you say there were limitations and you go on to say
 20 that data corruption and glitches sometimes meant the
 21 transactions were not zero sum and we have discussed the
 22 difficulty I have with your use of the phrase
 23 "transactions".
 24 You then go on to give an example. You say in
 25 paragraph 9 of your witness statement {E1/10/3):

1 "I recall on more than one occasion where
 2 subpostmasters had problems with a deficit showing in
 3 their accounts, and then as a result of working through
 4 a process to try to resolve it, the deficit doubled.
 5 Sometimes we found the source of the problem as a known
 6 bug ... and we could resolve the problem, but we were
 7 not always able to find or understand the cause."
 8 Mr Roll, I'm slightly bemused by that because the
 9 example you have just given there is not an example of
 10 a limitation or error in transactional integrity, is it?
 11 A. No, it's not, I ... I must have misunderstood or misread
 12 what Dr Worden was saying in paragraph 156.3.
 13 Q. Well, could I suggest to you, Mr Roll, that what
 14 Dr Worden is saying in paragraph 156.3 is true and that
 15 you don't have any contrary examples to offer to suggest
 16 that it didn't always happen?
 17 A. No, I misunderstood his -- what he put.
 18 Q. Were you asked to -- did someone invite you to disagree
 19 with this paragraph?
 20 A. No.
 21 Q. That's not what happened?
 22 A. No.
 23 Q. I see.
 24 Then the example you give is discussed by Mr Parker
 25 at paragraph 8 of his second witness statement, which is

1 {E2/12/4}. If I could ask you to read paragraphs 8 and
 2 9, is that the example that you have in mind?
 3 A. I can't remember exactly.
 4 Q. Have you looked at the KEL that Mr Parker refers to in
 5 paragraph 8?
 6 A. No.
 7 Q. So you haven't looked at any of the underlying
 8 documents?
 9 A. No.
 10 Q. Or the PEAKS?
 11 A. No.
 12 Q. Mr Parker says at paragraph 10:
 13 "I am not aware of any case in which baskets were
 14 not zero sum (ie any case in which a non-zero sum basket
 15 was accepted into Horizon), although given the lack of
 16 detail in Mr Roll's statement on this point it is
 17 difficult for me to state definitively that such an
 18 issue never arose."
 19 Would I be right in thinking that you can't think of
 20 an example of that happening either?
 21 A. Yes, I think I got my terminology wrong in the zero sum
 22 basket.
 23 Q. So would the answer to my question be right: you can't
 24 think of an example of that happening --
 25 A. No. You are right, yes.

1 MR JUSTICE FRASER: So what terminology should I read it as
 2 saying?
 3 A. I'm afraid I can't remember the full terminology that
 4 I should be using for the Horizon system, my Lord.
 5 MR JUSTICE FRASER: I'm not asking about that. Is there any
 6 other word that I should change to reflect what your
 7 evidence is on this, or not?
 8 A. No, your Honour. I was trying to point out in this that
 9 due to errors sometimes when a postmaster tried to
 10 correct it actually doubled the error.
 11 MR JUSTICE FRASER: All right.
 12 Back to you, Mr De Garr Robinson.
 13 MR DE GARR ROBINSON: Then if we could continue with
 14 paragraph 10 of Mr Parker's statement, halfway down he
 15 says:
 16 "I would expect any such issue ..."
 17 This is a true transaction integrity issue:
 18 "I would expect any such issue to result in
 19 a receipts and payments mismatch which would be (1)
 20 picked up by Fujitsu's reconciliation reporting ..."
 21 Stopping there, that's right, isn't it?
 22 A. Yes.
 23 Q. And secondly be:
 24 "... visible to the branch when they balanced at the
 25 end of the trading period."

1 That's true also, isn't it?
 2 A. I don't know.
 3 Q. Fair enough, Mr Roll. But you accept, do you, that when
 4 you were there it would have been picked up in
 5 reconciliation reporting?
 6 A. I believe so, yes.
 7 Q. And it would have resulted, as he says in the last
 8 sentence, in investigation and resolution by the SSC?
 9 A. We would investigate it, yes.
 10 Q. I'm very grateful, thank you.
 11 Then if we could go back to your second statement,
 12 paragraph 10 {E1/10/3}. It's a very long paragraph and
 13 I'm not going as quickly as I expected. If I could ask
 14 you just to have a quick look at paragraph 10 so you can
 15 remind yourself what you're talking about.
 16 Have you --
 17 A. Yes.
 18 Q. Now, I would like to ask you, Mr Roll, how good is your
 19 recollection of this particular instance?
 20 A. It's a bit hazy but I can remember the sort of basics.
 21 Q. And I'm interested in your suggestion that it was
 22 "impossible to fix". Was it really impossible to fix?
 23 A. From my understanding of the problem, yes. To fix the
 24 software, to recode the amount of software that would
 25 have needed to be recoded would have meant, from my

1 understanding, a basic rebuild, so it would have taken
 2 too much effort.
 3 Q. You refer to your understanding; was this a problem that
 4 you yourself worked on?
 5 A. I can't remember. It's certainly one I was aware of,
 6 because we discussed it.
 7 Q. So it might have been something that you picked up in
 8 discussions with other people?
 9 A. Yes.
 10 Q. And you say you have a recollection of something you
 11 can't actually remember -- it is not clear enough for
 12 you to know whether you actually worked on it or not, it
 13 might just be what other people told you, is that right?
 14 A. It was a fairly common problem this.
 15 Q. A fairly common problem?
 16 A. From what I remember.
 17 Q. So this is a problem that you suggest happened a lot of
 18 times, did it?
 19 A. Periodically. We were aware -- we kept an eye out for
 20 it because we knew it would happen.
 21 Q. And then you refer to a workaround. You say at the top
 22 of page 4 {E1/10/4}:
 23 "Eventually the problem would be escalated to SSC
 24 and a workaround established."
 25 Again, are you speaking from your experience, or are

1 you speaking from your recollection of what people may
 2 have said when you were at work?
 3 A. I can't remember if I worked on that or not. It was
 4 something we all kept an eye out for.
 5 Q. So it is something you kept an eye out for. Is it
 6 something you ever actually saw in your own experience?
 7 A. I think so but I can't be certain.
 8 Q. Very good. And you say a workaround established. What
 9 was the workaround?
 10 A. You basically had -- the net result of this would be
 11 that because the system wasn't able to differentiate
 12 which organisation the money would go to, it could have
 13 gone to the wrong one. So we could monitor the systems
 14 processing this data, pick it up and then by examining
 15 the actual reference data we could see which
 16 organisation it should go to and then we could make sure
 17 it went to the right one.
 18 Q. So is that what happened, the SSC set up a system --
 19 A. Yes.
 20 Q. -- to monitor where these problems might be occurring?
 21 A. Yes.
 22 Q. And fix them when they did?
 23 A. Yes.
 24 Q. I'm grateful. And presumably you would go back and look
 25 in the past to see if it happened in the past, to deal

1 with it in that situation as well?
 2 A. Yes.
 3 Q. But even before that had happened though, this wouldn't
 4 have an effect on any branch accounts, would it? It
 5 wouldn't affect the net position on any branch accounts?
 6 A. No.
 7 MR DE GARR ROBINSON: My Lord, I see the time.
 8 MR JUSTICE FRASER: Do you want a break?
 9 MR DE GARR ROBINSON: I'm not going as quickly as I expected
 10 and I need to tighten up.
 11 MR JUSTICE FRASER: Sure. So we will come back at 5 to.
 12 Are you going to go into the afternoon with Mr Roll?
 13 MR DE GARR ROBINSON: Most certainly.
 14 MR JUSTICE FRASER: And then you have just got Mr Henderson.
 15 MR DE GARR ROBINSON: Yes, and we are not allowed more than
 16 an hour with him anyway.
 17 MR JUSTICE FRASER: No, I rechecked my transcript of that.
 18 I said that I was imposing that limit to make it clear
 19 you didn't need to put everything to him but you could
 20 have longer than that if you wanted.
 21 MR DE GARR ROBINSON: I wish I hadn't said it, my Lord,
 22 because you are quite right and I really ought to be
 23 careful about my mouth.
 24 MR JUSTICE FRASER: No -- I have just been asked for the
 25 short break for the shorthand writers but we were

1 I think 30 seconds ahead of that.
 2 Same form as yesterday: don't chat to anyone about
 3 your evidence.
 4 (11.46 am)
 5 (Short Break)
 6 (11.58 am)
 7 MR DE GARR ROBINSON: Mr Roll, I'm going to try to deal with
 8 some evidence that you give about the recovery process
 9 as quickly as I can. If I could ask you to go to
 10 paragraph 11 of your second statement {E1/10/4}. We are
 11 in the same section of your witness statement that we
 12 were in before, so this is all under the heading
 13 "Transactional integrity" and you say:
 14 "I do recall that problems sometimes arose after
 15 subpostmasters used the recovery process and that this
 16 was a not uncommon problem which affected even
 17 experienced subpostmasters. This might suggest that
 18 there was a problem with the recovery process itself, or
 19 at least that it was not as straightforward as it should
 20 have been."
 21 "Might suggest": I don't mean to be discourteous,
 22 Mr Roll, but that's a mealy-mouthed phrase. Are you
 23 positively claiming that in your judgment there was
 24 a problem with the recovery process?
 25 A. No. There was a possibility but that's all. It's

1 a long time ago and I can't remember what the process
 2 was now.
 3 Q. So you are not suggesting there was a coding bug in the
 4 software dealing with recovery --
 5 A. No.
 6 Q. -- which affected branch accounts, are you?
 7 A. No.
 8 Q. So would it be fair to say -- I use this term
 9 advisedly -- that in that sentence what you are doing is
 10 speculating as to the possibility of a problem, you're
 11 not suggesting that there is likely to be one?
 12 A. Yes.
 13 Q. Are you suggesting that there were investigations that
 14 should have been undertaken by the SSC that weren't
 15 undertaken?
 16 A. No, I'm not suggesting that.
 17 Q. So why are you even mentioning it, Mr Roll? I'm
 18 slightly puzzled.
 19 A. It sticks in my memory that there were problems with the
 20 recovery process that we got involved with that we had
 21 to try and fix. At times there were the -- I suppose it
 22 was either the number that came in or something that
 23 stuck in my mind about this that made me feel there was
 24 something that could have been not quite right with it.
 25 Q. Are you suggesting -- let me take it in stages. First

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1 of all, you are saying problems were reported to the SSC
 2 by subpostmasters in relation to the recovery process,
 3 is that right?
 4 A. Yes.
 5 Q. And you will accept, would you, that whenever those
 6 problems came in they were investigated?
 7 A. Yes.
 8 Q. And you will accept, would you, that when they were
 9 investigating they were investigated thoroughly?
 10 A. Yes.
 11 Q. And that thorough process, I think you have already
 12 accepted very helpfully in a prior discussion with me
 13 that generally speaking, when there is a thorough
 14 investigation of that sort if there is a problem it's
 15 likely to be identified?
 16 A. Yes.
 17 Q. And I infer that it is your evidence that all of those
 18 investigations you are referring to were unable to find
 19 any problem with Horizon itself, is that right?
 20 A. I don't know if it was ever considered there was
 21 a problem with Horizon itself.
 22 Q. But, Mr Roll, let's just be clear. When an investigate
 23 is carried out -- it's a bit like philosophers trying to
 24 test a theory, you try and find something that disproves
 25 the theory that you're trying to establish. In the same

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1 way, your job at the SSC, when you get a problem in is
 2 you are looking for something in Horizon that could have
 3 caused it; that's where you are starting, is that right?
 4 A. Yes.
 5 Q. Thank you. And that process was followed whenever there
 6 were these problems reported into the SSC about the
 7 reconciliation process, yes?
 8 A. Yes.
 9 Q. And on each occasion when these investigations were done
 10 the investigators were unable to find a problem with
 11 Horizon that was responsible for it, yes?
 12 A. Yes.
 13 Q. So why do you now suggest that despite all of that,
 14 there could have been a problem with the recovery
 15 process in Horizon when you worked there?
 16 A. I'm not sure what it is, but I was not happy with the
 17 way that some of these were dealt with. But I can't --
 18 I can't remember why, but I know that at the time there
 19 was something that made me uneasy about it.
 20 Q. So are you suggesting that on every occasion that
 21 a problem came in, something was reported in in relation
 22 to reconciliation, you were the one that investigated
 23 them all?
 24 A. Oh, no, I wasn't -- everybody -- it would have been
 25 farmed out.

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1 Q. So are you saying that you knew enough about everybody
 2 else's investigations to be uncomfortable about the
 3 investigations your colleagues were doing?
 4 A. No.
 5 Q. Right, so are you saying that you were uncomfortable
 6 with the investigations that you did?
 7 A. No.
 8 Q. So what were you uncomfortable with?
 9 A. Sometimes the pressure we were under, the timescales.
 10 I think that's what it must have been. Again --
 11 Q. So are you suggesting that there was a particular
 12 timescale issue with respect to reconciliation processes
 13 that had a particular application to reconciliation
 14 problems that didn't apply to other problems that you
 15 were investigating in Horizon?
 16 A. All I can remember is that I felt uneasy about
 17 something, about this process, but I can't tell you why,
 18 so ...
 19 Q. My attention has been drawn to the fact that on a number
 20 of occasions I have talked about reconciliation when
 21 I should have been talking about recovery, I do
 22 apologise, but I think we have understood what I'm
 23 talking about.
 24 A. Yes.
 25 Q. I apologise.

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1 Well, let's just go quickly. In principle, when
 2 a system goes down when a transaction is being done at
 3 the counter, either because the system itself has gone
 4 down or there is a power outage at the branch or
 5 whatever the reason might be, there's always going to be
 6 a possibility that some transactions being undertaken at
 7 the counter may not have reached the Horizon accounts of
 8 that branch when the system goes down, is that right?
 9 A. Yes.
 10 Q. Because, for example, there's an outage before the stack
 11 has actually been settled by pressing the button that
 12 enters the stack into the branch's accounts, yes?
 13 A. Yes.
 14 Q. And that's inevitable. You can't design a system which
 15 doesn't have that problem, it's an inevitable part of
 16 a system design where there's a possibility that crashes
 17 may happen mid-transaction, yes?
 18 A. Yes.
 19 Q. So in that situation what do you do to build resilience
 20 into the system? Could I suggest to you, Mr Roll, that
 21 what you do is you build into the system a facility
 22 which identifies the transactions that were mid-way but
 23 that didn't actually reach the accounts, that have not
 24 recovered, yes?
 25 A. Yes.

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1 Q. And that is the recovery process that we're discussing?
 2 A. There is -- I seem to remember there being far more to
 3 it than that, but ...
 4 Q. If you want to elucidate then I don't want to stop you,
 5 Mr Roll, but I really don't know what you mean.
 6 A. I ... I would have included -- there was a lady giving
 7 evidence yesterday about having to go and find --
 8 a transaction hadn't gone through, it hadn't been
 9 recovered. She was able to find the customer. I don't
 10 remember the full story about it. But she went to the
 11 bank and she found that -- she was able to find the
 12 money or to find a paperwork trail to get the money put
 13 back into her account. That's all part of the recovery
 14 process for me, it's not just ... I'm not making myself
 15 very clear, I'm sorry about this.
 16 Q. Well, you are talking about Mrs Burke and in Mrs Burke's
 17 case what happened, in short, was that the system went
 18 down before she had entered the transaction into her
 19 accounts, then when the system came back up again the
 20 system identified the transactions in relation to which
 21 there was a problem. Later on the system identified the
 22 transactions that had gone through, so there was
 23 a physical piece of paper identifying the transaction
 24 that hadn't gone through and she was able to look at
 25 that physical paper and look at her transaction log and

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1 see that indeed it had not gone through.
 2 Now, I would suggest -- I will be suggesting to the
 3 judge in due course that that's an example of the
 4 Horizon system doing what it is supposed to do, namely
 5 to produce some evidence identifying the transaction
 6 that hasn't actually reached the Horizon accounts.
 7 Isn't that what the recovery process is designed to do?
 8 A. That's I think what it is designed to do, but I think
 9 what she was trying to point out was that the
 10 paperwork -- some of the paperwork that she had wasn't
 11 produced by the Horizon system and --
 12 Q. Well, I'm not sure that this is very helpful.
 13 MR JUSTICE FRASER: That's just what I was about to say
 14 actually. Whatever the Mrs Burke situation was or
 15 wasn't --
 16 A. Sorry.
 17 MR JUSTICE FRASER: -- I'm not sure you are necessarily
 18 going to be able to help me with and I'm not sure,
 19 Mr De Garr Robinson, that it's necessarily a correct
 20 question for this witness, other than to say: when you
 21 were asked about the recovery process and you said that
 22 you thought there was more to it than that -- do you
 23 remember that?
 24 A. Yes, your Honour.
 25 MR JUSTICE FRASER: And then there was a phrase I think

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1 where you said "I would have included ..." and then it
 2 appeared to me, if I may say so, that you then got
 3 distracted talking about Mrs Burke.
 4 So far as your recollection is when you worked for
 5 Fujitsu, Mr De Garr Robinson is now going to suggest to
 6 you I think again, or repeat the question, about what the
 7 recovery process involved and if you think there are
 8 other steps or other examples of what the recovery
 9 process either did or ought to have included then you
 10 can tell me what they are.
 11 A. Right.
 12 MR JUSTICE FRASER: So, Mr De Garr Robinson, do you want to
 13 do that.
 14 MR DE GARR ROBINSON: I rather think you have actually asked
 15 the question already --
 16 MR JUSTICE FRASER: I would rather you put it, if that's all
 17 right.
 18 MR DE GARR ROBINSON: Mr Roll, as I have explained, the
 19 recovery process is a form of resilience designed into
 20 the system to ensure that if a transaction doesn't reach
 21 the system, which is always possible because of timing
 22 issues in the nanoseconds before you press "enter" to
 23 push the stack into your accounts and so on, the purpose
 24 of the system is to ensure that the missing transaction,
 25 the transaction that hasn't reached the branch accounts,

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1 has been identified , both to the postmaster and indeed
 2 to Fujitsu , because Fujitsu can see this material in
 3 their own log.

4 Are you saying from your own experience that there
 5 were any occasions where that did not happen?

6 A. I can't remember.

7 Q. Thank you.

8 Then going back to paragraph 11 of your witness
 9 statement {E1/10/4}, this is a sentence we have already
 10 been discussing the first part. You say:

11 "This might suggest that there was a problem with
 12 the recovery process itself ..."

13 Then you say:

14 "... or at least that it was not as straightforward
 15 as it should have been."

16 Let me repeat my question. Are you saying from your
 17 own experience you can recall examples of where the
 18 recovery process was not as straightforward as it should
 19 have been?

20 A. No. My understanding of the recovery process is that it
 21 should have been -- it should have been able to be dealt
 22 with at first or second line and if we got involved then
 23 there was a problem with it.

24 Q. So it's simply the fact that if a subpostmaster was
 25 insisting there was a glitch or something and in

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1 circumstances where the first and second line couldn't
 2 categorically say that it wasn't the result of a glitch ,
 3 it would go to the SSC and you're saying the mere fact
 4 that that would on occasion go to the SSC is a basis for
 5 suggesting there's something wrong with the system, is
 6 that right?

7 A. No. What I'm saying there is that some of them came
 8 through to us and then my recollection is that the
 9 majority of them we would have dealt with and we would
 10 have found a problem, but that on some times we couldn't
 11 find a problem and we couldn't identify where there had
 12 been a problem.

13 Q. Well, could I suggest that another way of putting that
 14 is that you looked at the symptoms that were complained
 15 about and you checked -- there was a very thorough
 16 investigation as to whether Horizon might be responsible
 17 and as a result of that thorough investigation you
 18 couldn't figure out a way in which Horizon could have
 19 been responsible; would that be another way of putting
 20 what you have just said?

21 A. Yes.

22 Q. Thank you. Then let's move on to paragraph 12 of your
 23 statement {E1/10/4}. You refer to paragraph 167 of
 24 Dr Worden's report {D3/1/43} where he deals with what he
 25 calls TCs, that's transaction corrections, that "Post

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1 Office would soon suspect a software error" and so on
 2 and you then say:

3 "I do not recall Fujitsu carrying out any analysis
 4 of transaction corrections to try to identify if there
 5 may be an underlying software error."

6 Now, I only want to ask you a couple of questions
 7 about this, Mr Roll, but why are you talking about
 8 transaction corrections? When you worked at Fujitsu
 9 there was no such thing as a transaction correction, was
 10 there?

11 A. I don't know, wasn't there? I ...

12 Q. Do you honestly not remember?

13 (Pause).

14 A. No I don't. There were corrections made ... we made
 15 corrections to transactions.

16 Q. "Transaction corrections" is a term which refers to
 17 a message that's sent by Post Office to
 18 a subpostmaster's branch suggesting that there ought to
 19 be a change, a transaction entered into their branch to
 20 change the accounts in some way, that the subpostmaster
 21 then gets to accept or if he disputes it not to accept
 22 into his branch accounts. It's an electronic message
 23 that goes from Post Office to the branch and it is
 24 generated usually as a result of quite sophisticated
 25 reconciliation processes undertaken both by Post Office

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1 and Fujitsu .

2 At the time that you worked for Fujitsu TCs didn't
 3 exist . What they had instead were what were called
 4 error notices and error notices would be sent from
 5 Post Office to the branch but a similar practice was
 6 followed. That's what Dr Worden is talking about.

7 A. Right.

8 Q. Were you not aware of that?

9 A. I wasn't aware that he was talking about those.

10 Q. So you thought he was talking about something different?

11 A. Something completely different.

12 Q. Did you not -- I don't wish to probe into privileged
 13 matters, but was it not explained to you what he was --
 14 perhaps I am probing into privileged matters.

15 MR JUSTICE FRASER: Well, you are if you put the question
 16 that way.

17 MR DE GARR ROBINSON: Yes.

18 MR JUSTICE FRASER: You could say "Did you know 'transaction
 19 corrections' was a specific term that had a specific
 20 meaning in Horizon?"

21 A. I didn't know they had that specific term -- meaning.

22 MR DE GARR ROBINSON: Well, here Dr Worden is talking about
 23 TCs. Was it not necessary for you to be told what TCs
 24 were?

25 A. I misinterpreted the term "transaction corrections".

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1 Q. TCs were actually identified, they were defined in
 2 Dr Worden's report. Did you read the definition?
 3 A. No.
 4 Q. It does look as if you are making quite a convenient
 5 claim on the basis of -- well, I don't understand the
 6 basis upon which you are making it. What did you think
 7 Dr Worden was talking about when he talked about TCs?
 8 A. We corrected transactions -- it was part of our job, if
 9 you like -- on the message stores at times.
 10 Q. Oh, you are talking about transaction insertions that
 11 were undertaken by -- that's what you thought --
 12 A. That's what I --
 13 Q. -- Dr Worden was talking about?
 14 A. That's what I misinterpreted there, yes.
 15 MR JUSTICE FRASER: I wonder if you could possibly finish
 16 your sentences. Mr De Garr Robinson isn't interrupting
 17 you but you will often start a sentence, stop it, and
 18 then start another one. If you could just answer in
 19 complete sentences it would help enormously.
 20 Right, Mr De Garr Robinson.
 21 MR DE GARR ROBINSON: I'm sorry, would your Lordship give me
 22 a moment.
 23 (Pause).
 24 My Lord, I will move on. I don't think this is
 25 going to be a productive line of cross-examination

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1 bearing in mind I hadn't prepared for it in that way.
 2 Let's stay with your second statement, Mr Roll, and
 3 go to paragraph 19 (E1/10/6). Perhaps I could ask you
 4 to simply read the paragraph to save time.
 5 (Pause).
 6 A. Yes.
 7 Q. You say at the end of the paragraph:
 8 "... generally this was a developing area, so
 9 generally if the SSC found something that should have
 10 been picked up by the system we notified the developers
 11 so they could fix the software, so it did incrementally
 12 improve over time. However, sometimes the decision was
 13 taken that the chances of the unexpected error happening
 14 again were too remote to merit a development/fix. In
 15 this case the developers would be instructed not to work
 16 on a fix."
 17 Were you involved in these cases? So do you have
 18 personal experience of these cases?
 19 A. I think I had experience in one or two where we found
 20 a problem but it was deemed -- it was one that could be
 21 easily monitored and checked out for by writing a small
 22 bit of code and that was -- it was easier to do the
 23 workaround than it was to do the software fix, so that's
 24 what we did. There is a bit of a syntax error where it
 25 should have read instead of "instructed not to" it would

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1 be "not be instructed" to work on the fix. They
 2 wouldn't be told not to do it.
 3 Q. I see. First of all, you are not talking about
 4 a decision not to do a software fix or a coding fix for
 5 bugs causing an impact in branch accounts; we're not
 6 talking about that kind of problem at all, are we?
 7 A. It would be a ... no, it's not an error that the
 8 postmaster would have been aware of. It wouldn't have
 9 affected his accounts.
 10 Q. So you are talking about problems that didn't affect
 11 branch accounts. You have said one or two cases. Could
 12 you describe either of them or both of them?
 13 A. No, I couldn't, just the recollection --
 14 Q. Could you give some indication of the nature of the
 15 problem?
 16 A. I can't even give you that, I'm afraid.
 17 Q. Well, could you give some indication of the process that
 18 was gone through to decide what the appropriate response
 19 was, whether there should be a workaround or a fix?
 20 A. Well, the -- we would find out what the problem was,
 21 what the impact was, how easy it was to find the problem
 22 and then that information would be passed on up the
 23 management chain for them to decide whether it warranted
 24 a software fix to be developed and released, or whether
 25 it would be faster and as reliable to put a workaround

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1 in place rather than a fix.
 2 Q. And what's the nature of the workaround you're talking
 3 about? You're talking about some facility built into
 4 the system which would pick up when this thing
 5 happened --
 6 A. Yes.
 7 Q. -- and made sure it was made good?
 8 A. Yes, it could be corrected at -- when it was picked up
 9 rather than writing software to make sure it didn't
 10 happen in the first place.
 11 Q. But you're talking about something within the system, so
 12 the system would automatically monitor for these
 13 occasions --
 14 A. Yes.
 15 Q. -- and make sure that they were fixed more or less
 16 automatically, is that what you mean?
 17 A. Yes.
 18 Q. Thank you. So really what you're talking about is
 19 a debate between how best to fix a problem, do you do it
 20 by way of some kind of change of coding so that the
 21 problem never arises, or do you do it by way of change
 22 of coding to ensure that when the problem does arise it
 23 is immediately fixed; would that be fair?
 24 A. Yes.
 25 Q. Thank you.

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1 MR JUSTICE FRASER: And in either situation is the code
2 changed?
3 A. The underlying code -- in the first situation where you
4 directly change the code so that the problem doesn't
5 arise, that is when the code would be changed for -- on
6 the Horizon system, but in the second scenario then no,
7 the code for the Horizon system need not necessarily be
8 changed, but something running on one of the servers --
9 you could write a small batch programme that would be
10 supplementary to the code.
11 MR JUSTICE FRASER: All right.
12 Mr De Garr Robinson.
13 MR DE GARR ROBINSON: Thank you.
14 I would like to move on to paragraph 16 of your
15 statement {E1/10/5}. You say:
16 "In my first statement, I refer to the pressure that
17 the SSC team and Fujitsu were under generally due to an
18 awareness of the financial penalties imposed by the
19 service level agreements between Post Office and
20 Fujitsu ... I believe that although individual penalties
21 were quite modest, when applied across multiple
22 counters/post offices the cumulative figures involved
23 were very high, potentially amounting to tens of
24 millions or more. I disagree with Stephen Parker's
25 statement that these potential financial penalties were

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1 not a factor for the SSC ... as we were aware of them
2 and often commented on them, eg "That's saved Fujitsu
3 another 25 million ."
4 So I'm now going to ask you some questions about
5 this general issue. Could we first of all go to
6 Mr Parker's first witness statement, that's at
7 {E2/11/12}. He starts by saying in paragraph 43:
8 "Mr Roll refers to a 'perception ... that the Service
9 Level Agreements between Post Office Ltd and Fujitsu
10 involved financial penalties payable by Fujitsu to Post
11 Office' (paragraph 12). I am aware that there were
12 Service Level Agreements for issues such as stuck
13 transactions (Fujitsu had 10 days to retrieve
14 transactions that had not replicated from a counter)."
15 Stopping there, Mr Roll, did you know that?
16 A. I couldn't remember the timescale for that. But I knew
17 there was a timescale to get them off and sent across.
18 Q. He then says:
19 "It is quite normal for contracts such as the one
20 between Fujitsu and Post Office relating to Horizon to
21 have such agreements."
22 A. Yes.
23 Q. Would you agree with that?
24 A. Yes.
25 Q. "The same level of diligence was (and is) applied to all

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1 incidents, whether an SLA was relevant or not."
2 That's Mr Parker's evidence. Do you disagree with
3 it?
4 A. No.
5 Q. And then he says:
6 "The possibility of financial penalties was never
7 a factor for the SSC."
8 Would you accept that?
9 A. I don't see that as a yes or no answer I'm afraid.
10 There were SLAs for the harvesting of batch transactions
11 from the correspondence servers which I think it was
12 supposed to get from the correspondence server to the
13 bank within three days or something. Now, we were aware
14 that if the harvesters failed for a couple of nights in
15 a row then you would have a huge backlog of transactions
16 which you were then -- we were aware that Fujitsu was
17 facing or could potentially have faced penalties for not
18 getting those transactions through in time.
19 Q. Right.
20 A. So there was perhaps -- we were aware -- I wasn't
21 involved in the work of getting those transactions
22 through, that was not my area of technical ability, or
23 whatever. So -- but there was the awareness that
24 certainly if we managed to get them through in time then
25 we would save Fujitsu a lot of money.

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1 Q. So that's the £25 million reference --
2 A. That was an example, yes.
3 Q. -- that you give.
4 So let me get this straight, because there's
5 a danger of a false impression being given by your
6 evidence, both in paragraph 12 of your first statement
7 {E1/7/2} and indeed in the paragraph of your second
8 statement we have just read out. You are not talking,
9 are you, about pressures on the process by which
10 problems being reported in to the third line of support
11 would be investigated, that could affect branch
12 accounts; you're not talking about those things at all?
13 A. They -- they were also -- we were aware of the penalties
14 for those but not to -- the pressure wasn't as great for
15 those.
16 Q. What penalties were you aware of in relation to problems
17 coming into the SSC?
18 A. The problems regarding the counters coming into the SSC
19 you're thinking of now, or ...? Because these other
20 problems for the servers, the harvesters, they would
21 come into the SSC as well.
22 Q. But those problems won't have any impact -- I'm sorry,
23 I'm being slightly unfair to you, Mr Roll. This entire
24 extraordinary trial process that we're engaging in --
25 A. Sorry, yes.

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1 Q. -- is about whether branch accounts generated by Horizon
 2 were accurate or not, or reliable or not.
 3 MR JUSTICE FRASER: Why is it an extraordinary trial
 4 process?
 5 MR DE GARR ROBINSON: Because it's so large and I don't mean
 6 that in any critical way. I probably shouldn't have
 7 used that word.
 8 MR JUSTICE FRASER: The group litigation.
 9 MR DE GARR ROBINSON: Yes. In my experience it is unusual.
 10 This is my first GLO, your Lordship may have noticed.
 11 So my concern is the process by which the work that
 12 was done in the SSC to investigate problems with Horizon
 13 that might have had an impact on branch accounts.
 14 A. Mm-hm.
 15 Q. And it's fair to say that's the concern of most of the
 16 people sitting in this court today. And so when one
 17 reads your witness statement, one's natural reaction --
 18 and I don't mean this as a criticism, but one's natural
 19 reaction is to think that that's what you are talking
 20 about. The impression that I'm getting from what you
 21 are saying now though is that you are not saying that
 22 the service level agreements, which may have had targets
 23 for harvesting data for banks and so on and so forth,
 24 you're not saying that those service level agreements
 25 created a perception within the SSC which caused people

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1 in the SSC to think that when they were investigating
 2 problems that might have an impact on branch accounts,
 3 they would have to do a quick job and not do a proper
 4 job?
 5 That's an extraordinarily long question and if you
 6 would like me to make it shorter I'm happy to do so but
 7 if you've got my point then I would invite you to answer
 8 it.
 9 A. From my recollection there was pressure if you
 10 weren't -- if you couldn't pinpoint the fault in the
 11 counter, the problem with the data, whatever, then there
 12 was -- you know, there was the -- there was pressure put
 13 on you, you were asked "How was it going? We need
 14 an answer", which was a degree of pressure.
 15 Q. Well, you use the phrase "there was a perception", you
 16 use the impersonal. One often sees that phrase used.
 17 Are you saying that you, Mr Roll, physically were aware
 18 that there was an SLA that had the effect that the SSC
 19 couldn't or shouldn't properly investigate any bugs that
 20 might affect branch accounts?
 21 A. We were aware that there was an SLA and that we had to
 22 investigate within the timescale.
 23 Q. And was there a perception -- because I'm going to
 24 suggest to you that there wasn't, Mr Roll -- was there
 25 a perception that this SLA of which you were aware meant

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1 that you couldn't do your job properly?
 2 A. I felt that that might be the case in some areas.
 3 Q. You felt that it might -- this is -- how strong and
 4 accurate is your recollection of all of this?
 5 A. Vague.
 6 Q. I see. Well, let's --
 7 A. And this is another -- sorry.
 8 Q. No, I think it was me talking over you, Mr Roll.
 9 A. This is another one of those things where I had
 10 a feeling that things weren't right, but --
 11 Q. But it's difficult at this remove in time to put your
 12 finger on it?
 13 A. Yes.
 14 Q. Well, let me continue with paragraph 44 of Mr Parker's
 15 statement {E2/11/12}:
 16 "I do not understand what Mr Roll means when he says
 17 that 'any discrepancy in the Post Office accounts had to
 18 be resolved speedily' ... there was (and is) a process
 19 run by the management support unit ..."
 20 Do you remember the MSU?
 21 A. Now you mention the term, I do remember the term.
 22 Q. But nothing else?
 23 A. No.
 24 Q. "... which involves examination of various system
 25 reporting and may result in business incident management

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1 service ... entries going to Post Office."
 2 Was that true? Is that in your recollection?
 3 A. I don't remember.
 4 Q. "An incident may also be raised by MSU with the SSC to
 5 provide support to the MSU in resolution of the BIMS."
 6 But you probably can't comment on that either.
 7 What he is talking about here is various systems
 8 reporting. It may be consistent with what you were
 9 talking about before about harvesting. He is not
 10 talking though about the identification and fixing of
 11 coding issues in Horizon that might impact on branch
 12 accounts.
 13 A. Mm-hm.
 14 Q. Are you aware of any case where there was a contractual
 15 pressure on Fujitsu to speed up that process or to deal
 16 with that process in a given space of time?
 17 A. I don't remember any specific details, no. I don't, no.
 18 Q. Then he says:
 19 "These are subject to service level agreements and
 20 Mr Roll may be referring to this process. However, if
 21 Mr Roll is suggesting that Fujitsu routinely rushed out
 22 fixes or work-arounds due to SLA time pressure, that is
 23 not the case."
 24 Mr Roll, I would like to give you an opportunity to
 25 say that you are not suggesting that.

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1 A. Which paragraph are we looking at now?
 2 Q. Paragraph 44, last three sentences. It's the sentence
 3 beginning:
 4 "However, if Mr Roll is suggesting that Fujitsu
 5 routinely rushed out fixes or work-arounds due to SLA
 6 time pressure, that is not the case."
 7 I'm inviting to you say that you are not suggesting
 8 that this is the case.
 9 A. I would agree with what Mr Parker has put here, yes, and
 10 it is wrong to suggest that they were not done properly
 11 because of SLAs.
 12 Q. Thank you.
 13 Then would you also agree with what he says in the
 14 next sentence, "fixes would be expedited based on
 15 service impact"?
 16 A. Yes.
 17 Q. And would you agree that "it would be quite wrong to
 18 suggest that they were not done properly because of any
 19 SLAs"?
 20 A. No, the fixes would be done properly.
 21 Q. Thank you.
 22 Then if we could go back to your second statement,
 23 paragraph 15, it's {E1/10/5}. To save time could I ask
 24 you simply to read paragraph 15 please.
 25 (Pause).

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1 A. Yes.
 2 Q. First of all, you say:
 3 "The test team felt they were under enormous
 4 pressure to complete the testing within certain
 5 timescales which negatively affected the test regime."
 6 That's quite a bold claim. The testing wasn't your
 7 team, was it?
 8 A. No, they were on the same floor as us, some of them.
 9 Q. So you're talking about your recollection of -- would it
 10 be fair to say office gossip?
 11 A. Yes.
 12 Q. From 15 or 19 years ago?
 13 A. Yes.
 14 Q. How many conversations of this sort did you have during
 15 your time at Fujitsu?
 16 A. I don't recall.
 17 Q. Was it a view that was expressed by the entire test team
 18 on a regular basis, or was it something that was said to
 19 you by one or two people a couple of times?
 20 A. My recollection is that the majority of the team felt
 21 pressured.
 22 Q. The majority of the team felt pressure. What did they
 23 say about this pressure? What did it make them do?
 24 A. I can't remember.
 25 Q. Budget restrictions, you refer to them in paragraph 15.

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1 What did you know about Fujitsu's budgets, Mr Roll?
 2 A. ICL were bought out or taken over by Fujitsu and at the
 3 same time an American company was taken over as well.
 4 ICL were not, from my recollection, were not very
 5 profitable at the time and nor were the American
 6 company, so shortly afterwards when Fujitsu couldn't
 7 turn them around they were merged into Fujitsu. There
 8 were lots of redundancies. My recollection is that the
 9 Horizon project, which I seem to remember had originally
 10 been a joint DSS project but they had backed out, the
 11 Post Office went with it on their own, my recollection
 12 is that Horizon was the only profitable part of Fujitsu
 13 at the time.
 14 Q. And consistently with Horizon being profitable, there
 15 were no redundancies in the SSC when the takeover
 16 happened, were there?
 17 A. No. I think one or two people were a bit worried there
 18 might have been, but there weren't. There were
 19 redundancies in the test team from what I remember.
 20 Q. There were redundancies in the test team? I'm not in
 21 a position to deal with that point now.
 22 MR JUSTICE FRASER: What year are we talking?
 23 A. 2002 maybe.
 24 MR DE GARR ROBINSON: Could I just advance some general
 25 propositions and see if you will agree with me.

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1 Isn't it the case that Fujitsu had every incentive
 2 to make the support operation work, to minimise the
 3 problems requiring changes and to minimise the problems
 4 requiring fixes down the line; wouldn't that be right?
 5 A. Yes.
 6 Q. It would be more expensive in the long-run for a company
 7 such as Fujitsu to do the support work badly than it
 8 would be to do it properly, wouldn't it?
 9 A. Yes.
 10 Q. That's a statement of the obvious.
 11 And the £25 million that you referred to, that
 12 was -- bearing in mind the focus that this trial has,
 13 that has no bearing on the kind of transactions that
 14 we're talking about, does it?
 15 A. No, that was the servers and the batch transactions.
 16 Q. Okay. If we could just move on to Mr Parker's second
 17 witness statement at paragraph 24 at page 7 {E2/12/7}.
 18 I would like to suggest to you -- I'm going to read out
 19 passages and invite you to agree or disagree, Mr Roll.
 20 At paragraph 25 {E2/12/8} he refers to paragraph 16
 21 {E1/10/5} which we have been looking at from your
 22 statement:
 23 "At paragraph 43 of my first witness statement
 24 I explained that the possibility of financial penalties
 25 or service level agreement breach was never a factor

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1 which affected the diligence with which SSC would
 2 investigate an issue.”
 3 I have already put that to you:
 4 “By way of further explanation ...”
 5 Then he talks about schedule 15 to the service level
 6 targets for Horizon services and perhaps I could invite
 7 you to read paragraph 25.1 to yourself.
 8 (Pause).
 9 A. Yes.
 10 Q. At the time had you ever seen this document?
 11 A. No.
 12 Q. Were you aware of what was in it?
 13 A. Not directly, no.
 14 Q. Then he says:
 15 “There were no specific financial penalties relating
 16 to the SSC processing of incidents.”
 17 And then he quotes some text from the service
 18 description.
 19 Did you know that at the time?
 20 A. No. This is the 2005 version, is it, 30 November 2005.
 21 Is this -- was this -- is this the same as when I was
 22 there in 2004?
 23 Q. I believe so, yes. Mr Parker is nodding at me.
 24 A. Right. My recollection is that incident processing,
 25 some incidents weren't subject to SLAs but the ones

1 I have already mentioned, the harvesters, were, and that
 2 some of the financial data from the counters --
 3 Q. But not incidents of the sort that this trial is
 4 concerned with, perhaps I could ask you that. You
 5 weren't aware that there were any --
 6 A. No.
 7 Q. -- SLA targets which related to the incidents with which
 8 we are concerned in this trial?
 9 A. No.
 10 Q. Thank you. Then I can skip over paragraph 25. Let me
 11 finish with 25.4 {E2/12/9}:
 12 “The SSC had operational targets to turn incidents
 13 around based on an order of priority. As explained in
 14 paragraph 22 above, if an issue was causing a financial
 15 impact in a branch's accounts, it would be treated as
 16 high priority ...”
 17 Stopping there, Mr Roll, would you agree with that?
 18 A. Yes.
 19 Q. “... and high impact by SSC.”
 20 Would you agree with that, it would be treated as
 21 high impact?
 22 A. Yes.
 23 Q. “However, any increase in priority would not adversely
 24 impact the diligence with which work was done.”
 25 Do you agree with that?

1 A. I still feel that some work was rushed. I can't tell
 2 you why, but I feel that.
 3 Q. Very good and I won't -- I don't wish to discuss your
 4 feelings on the point any more than we have already.
 5 Let's just talk briefly about getting fixes out.
 6 If I could go to paragraph 13 of your first statement
 7 please {E1/7/2} and again to save time let me just ask
 8 you to read that paragraph.
 9 A. Sorry, which paragraph is that?
 10 Q. Paragraph 13 at the bottom of the page.
 11 A. 13, thank you very much.
 12 (Pause).
 13 Yes.
 14 Q. First of all, the need for multiple upgrades, that's
 15 normal in any IT infrastructure of this sort, isn't it?
 16 A. Yes.
 17 Q. The fact that there were a limited number of time
 18 windows, that's also normal for any large IT
 19 infrastructure of this sort?
 20 A. Yes.
 21 Q. These things are unavoidable given the scale of the
 22 Horizon system, aren't they?
 23 A. Yes.
 24 Q. Then you say:
 25 “... there could be six weeks delay before a fix

1 could go out, and during that period Post Office
 2 branches could continue to be affected by the coding
 3 issue.”
 4 But you would accept, wouldn't you, that if there
 5 was an urgent fix dealing with a high priority, high
 6 impact problem, that would generally be treated as an
 7 urgent matter requiring a hot fix; would you agree with
 8 that?
 9 A. Yes.
 10 Q. Urgent fixes were expedited, weren't they?
 11 A. Probably within two or three days from what I remember.
 12 Q. And that's just normal -- what you are describing
 13 here -- the impression might not be coming through from
 14 paragraph 13, but actually what you are describing is
 15 the normal operation of proper risk management process
 16 in a commercial business, isn't it?
 17 A. Yes.
 18 Q. Thank you. And then you say:
 19 “... there could be six weeks delay before a fix
 20 could go out, and during that period Post Office
 21 branches could continue to be affected by the coding
 22 issue.”
 23 Let me just make it clear, Mr Roll, if you had
 24 identified a coding issue that was affecting branches
 25 and if there was a period of time between identifying

1 the problem and getting it fixed, however long that time
 2 was, Fujitsu had in place a mechanism by which all the
 3 branches that would pop up being affected by that
 4 problem would be identified; that's right, isn't it?
 5 A. Over time, yes.
 6 Q. So the fact that there was a gulf in time, however big
 7 or small the gulf might be, between spotting the problem
 8 and getting a fix released onto the entire network,
 9 regardless of how long that period of time was, the
 10 postmasters that would be affected by the problem in the
 11 meantime would be identified so that they could be
 12 sorted out; would you agree with that?
 13 A. Yes.
 14 Q. Thank you. Then you say:
 15 "I also recall situations where software developers
 16 worked on a coding fix which was then sent out, however
 17 the bug reappeared several weeks later because, it
 18 seemed, the IT team responsible for developing upgrades
 19 had been working on an older version of the
 20 software ..."
 21 Mr Roll, I don't know what you are referring to.
 22 Are you seriously suggesting that there were times when
 23 the development team would actually be looking at
 24 a historical version of the Horizon software?
 25 A. Yes.

1 Q. Really?
 2 A. Yes.
 3 Q. How is it that happened, can you explain?
 4 A. My understanding of this was that the development team
 5 had the current version of software and they were
 6 working on that, a bug -- a coding bug was then
 7 identified, a hot fix was written and sent out, but it
 8 wasn't implemented onto the code that the developers
 9 were using, so six months later when this new batch of
 10 code went out it overwrote the hot fix that had been
 11 sent out, so then the hot fix had to be re-applied.
 12 Q. Oh, I see, so you are not suggesting that the team would
 13 be working on an already historical version of Horizon,
 14 what you're talking about is regression, you're talking
 15 about a later update undoing the good things that was
 16 done by an earlier update?
 17 A. Yes.
 18 Q. I see, thank you. That did happen but it was very rare,
 19 wasn't it?
 20 A. It was rare but it did happen.
 21 Q. Very good.
 22 I would like to ask you now about hardware failures.
 23 Could we go back to your first witness statement please,
 24 paragraph 14 {E1/7/3}. I'm sorry, you haven't got there
 25 yet.

1 A. Paragraph?
 2 Q. Paragraph 14, page 3. It is only a sentence:
 3 "As well as software issues, I can also recall that
 4 there were regular IT hardware issues at branch level."
 5 What kind of issues are we talking about, Mr Roll?
 6 A. I'm sorry, I still haven't found the page.
 7 Paragraph 14?
 8 Q. Paragraph 14.
 9 MR JUSTICE FRASER: You are in the wrong statement. We're
 10 in your first statement.
 11 MR DE GARR ROBINSON: It is your first witness statement,
 12 Mr Roll.
 13 MR JUSTICE FRASER: It doesn't have any red on it.
 14 A. I'm sorry.
 15 (Pause).
 16 Yes.
 17 MR DE GARR ROBINSON: What kind of issues are you talking
 18 about?
 19 A. Hardware issues could have been keyboard failure, or
 20 a hard drive failure. "Software" here I mean --
 21 Q. I don't need to ask you about that otherwise we will be
 22 here forever and it is not your fault, I just ...
 23 So you're talking about those kind of issues and you
 24 say "regular". Later on in your second statement you
 25 say that you personally received one of these about once

1 a month, yes?
 2 A. That's what I was thinking, yes, when I ...
 3 Q. And would that be reflective of what other people at
 4 your level of seniority in the SSC team were also
 5 receiving?
 6 A. I don't know.
 7 Q. You don't know. I was going to take you to numbers, but
 8 I won't. Let me move on instead to your second witness
 9 statement, the one with red in it. It is E1, tab 10 and
 10 I would like to ask you a couple of questions about
 11 paragraph 6 {E1/10/2}. This is all under the heading
 12 "Hardware failure". It is on page 7.
 13 You talk about hardware failures in paragraph 5 and
 14 you say:
 15 "I would estimate that I was involved with
 16 a hardware failure on average at least once a month.
 17 These problems could and did affect branch accounts."
 18 How would they affect branch accounts?
 19 A. I can't remember.
 20 Q. Then you give an example:
 21 "The most extreme case that I can recall was
 22 a complete failure of a counter to communicate with the
 23 server, which required the server to be removed to the
 24 SSC so that the data could be recovered, and
 25 a replacement counter installed in the sub-post office .

1 Prior to the problem being identified , data could be
 2 accumulating on the counter without it being replicated
 3 to other counters or the correspondence server.”
 4 This is something you experienced personally, is it?
 5 A. Yes.
 6 Q. And do I infer from your use of language that this
 7 happened to you once?
 8 A. I remember one specific instance fairly clearly when it
 9 happened.
 10 Q. Do you remember any other instances? Can you say for
 11 sure that there were any other instances?
 12 A. No.
 13 Q. So it may well be that this happened only once in your
 14 four years at the SSC, is that right?
 15 A. For me, yes.
 16 Q. You are talking about stuck transactions , aren't you,
 17 what we saw on a PEAK yesterday, marooned transactions,
 18 yes?
 19 A. In this instance because the counter couldn't
 20 communicate at all, well, yes, they were marooned
 21 transactions . It was just very difficult to get them
 22 off.
 23 Q. And the way to get them out was to move the machine from
 24 the branch to the SSC so that it could be downloaded, is
 25 that right?

1 A. Very briefly , yes.
 2 Q. You say -- it is a phrase in paragraph 6 I would just
 3 like to ask about. You say:
 4 "Prior to the problem being identified , data could
 5 be accumulating ..."
 6 Why do you say could be rather than was? Was it not
 7 clear whether that was happening or not?
 8 A. Sometimes you may not have been aware -- if the counter
 9 hadn't been switched on for a while then data might not
 10 be actually accumulating, there might not be any stuck
 11 transactions on it .
 12 Q. When there is a stuck transaction on a machine, that is
 13 something that's going to get identified as night
 14 follows day, isn't it , and spotted?
 15 A. Eventually, yes.
 16 Q. It's not something that's going to be missed and just
 17 allowed to lie there? Fujitsu itself --
 18 A. It would be spotted.
 19 Q. Fujitsu itself would spot that this was happening?
 20 A. Eventually, yes.
 21 Q. From its own monitoring, yes?
 22 A. Yes.
 23 Q. So that's one example of a hardware failure that could
 24 affect branch accounts because a transaction is stuck on
 25 a machine and isn't getting through to the system and

1 the truth of the matter is that was in an extreme case
 2 that was very rare, yes?
 3 A. Yes.
 4 Q. And when it did happen it would be spotted and it would
 5 be fixed in the way that you described, yes?
 6 A. Yes.
 7 Q. Then in paragraph 7 you say:
 8 "I recall there were also PIN pad problems which
 9 caused issues in branches, and problems with other
 10 peripheral devices such as keyboards which only occurred
 11 intermittently , although I cannot recall the specific
 12 detail of these now."
 13 Can I just get this out of the way quickly now.
 14 PIN pad problems, those are not problems which could
 15 affect branch accounts, are they?
 16 A. I don't recall what the problems were with them or how
 17 they affected the system.
 18 Q. And problems with other peripheral devices such as
 19 keyboards, they wouldn't affect the branch accounts,
 20 would they?
 21 A. Probably not, no.
 22 Q. And then you come to paragraph 8 which I think is the
 23 example that you tried to give earlier when we were
 24 discussing -- and let's see if we can finish this off
 25 before lunchtime. Could I ask you to read paragraph 8

1 please, Mr Roll.
 2 (Pause).
 3 A. Yes.
 4 Q. So you are describing there a problem that was
 5 spotted -- it's the kind of problem that's always
 6 ultimately going to be spotted, isn't it?
 7 A. This particular problem, no, it -- I don't think any of
 8 the other counters that were affected had the problem,
 9 because most postmasters don't bother turning the screen
 10 off, to save the screen, it's ... so ...
 11 Q. So you're saying it's very rare?
 12 A. It's very rare that it would have been spotted.
 13 Q. And it's to do with a mobile post office which makes it
 14 even rarer --
 15 A. Yes.
 16 Q. -- because they are a tiny proportion of the branch
 17 network, yes?
 18 A. Yes.
 19 Q. So we're talking about a tiny, tiny incidence, a tiny
 20 problem, but my question wasn't about how frequent it
 21 was, my question was it's a problem when it does arise
 22 that's always going to be spotted?
 23 A. I don't know if it would always be spotted. If it
 24 was -- caused a problem at one point then it might be
 25 that it would be 24 hours before the system fixed

1 itself , in which case it might not actually --
 2 Q. I see. So if the problem caused a persistent failure to
 3 replicate , that is a problem that --
 4 A. Yes.
 5 Q. -- was always going to be spotted?
 6 A. Yes.
 7 Q. So when you say it wouldn't necessarily be spotted,
 8 that's because the system itself might deal with it
 9 appropriately?
 10 A. Yes.
 11 Q. But if it didn't, it was always going to be spotted?
 12 A. Yes.
 13 Q. Very good. And in this particular case the problem was
 14 spotted and the data was replicated , yes?
 15 A. Yes.
 16 Q. And again, that would always be the position,
 17 wouldn't it: once the problem is spotted this is very
 18 easy to deal with?
 19 A. In this case, yes.
 20 Q. Well, in all cases of this sort, yes?
 21 A. Yes.
 22 Q. Thank you.
 23 Then Mr Parker deals with that in paragraph 7 of his
 24 second statement, that's {E2/12/3}. Could I ask you to
 25 read paragraph 7 to yourself. It is quite long.

1 (Pause).
 2 A. Yes.
 3 Q. Have you read that paragraph before?
 4 A. Yes.
 5 Q. And have you looked at the PEAKs that Mr Parker refers
 6 to?
 7 A. Yes.
 8 Q. And are those the PEAKs that actually describe the case
 9 that you are talking about?
 10 A. Yes.
 11 Q. Very good. The well, let's have a quick look at those
 12 PEAKs. The first one is at {F/197}. So this is
 13 PC0100174. It happened on 4 March 2014 and the summary
 14 says "Kit rebooting itself for no apparent ..."
 15 And I think it must mean "reason". And you will see
 16 from the bottom of the first large paragraph:
 17 "Information: contacted SSC and spoke to
 18 Richard Roll."
 19 So you are the contact man for this and later on
 20 down the page, three boxes up from the bottom,
 21 1 March 2014 at 16.56 and 40 seconds, Barbara Longley
 22 assigns this to you.
 23 If we go over the page {F/197/2} there's
 24 a description of the problem. Perhaps we can pick it up
 25 at 5 March at 10.50, about nearly halfway down the page:

1 "Evidence (from event logs) shows that the power is
 2 being switched off every morning shortly (ie 5 or 6
 3 minutes) before the [postmaster] logs on."
 4 So that was the problem?
 5 A. Yes.
 6 Q. Then if we go three boxes down, 5 March at 12.09, this
 7 is you:
 8 "After carrying out tests on our rigs ..."
 9 Stopping there, what rigs are you talking about?
 10 A. I think we had three mobile test rigs in the -- on our
 11 floor.
 12 Q. So you are not testing the postmaster's equipment, you
 13 are testing your own equipment, the sample equipment?
 14 A. Yes, this was in Scotland I think.
 15 Q. So very properly you go and look at the rigs and you
 16 test them, and you say:
 17 "I have been able to duplicate the problem here on
 18 one of our rigs."
 19 So did you say there were three --
 20 A. I tested all three and it only happened on one.
 21 Q. "It seems that the screen power button is incorrectly
 22 connected to the motherboard, operating the power switch
 23 turns off power to the entire unit, not just the screen.
 24 We have now identified two instances of this, one in
 25 live. This is a hardware build quality issue."

1 So you clearly flag this as a hardware issue.
 2 A. Yes.
 3 Q. And then in the next box it says:
 4 "Responded to call type L as category 70 - Avoidance
 5 Action Supplied."
 6 What did that mean?
 7 A. I don't know.
 8 Q. Then you say a little further down:
 9 "Defect cause updated to 42:Gen - Outside Pathway
 10 Control."
 11 A. I don't know.
 12 Q. Doesn't it mean that it's a hardware issue that's the
 13 responsibility of another --
 14 A. Probably, yes.
 15 Q. -- institution that deals with hardware?
 16 A. Probably, yes.
 17 Q. If we could then move on there's a second associated
 18 PEAK, Mr Roll, that's at {F/201/1} --
 19 MR JUSTICE FRASER: Is this just a two-page document, this
 20 one?
 21 MR DE GARR ROBINSON: It is four pages. The last one was
 22 a two-page document, my Lord, yes.
 23 MR JUSTICE FRASER: The last one was.
 24 MR DE GARR ROBINSON: I'm so sorry, I didn't understand your
 25 question.

1 Right, this is PC0100899. This one is dated
 2 21 March. The summary refers to the branch and it is
 3 the same -- you can take it from me, it's the same
 4 branch number, FAD number.
 5 The first big box, about four lines down,
 6 17 March 2004, so that's 12 days after you had spotted
 7 the problem on one of your three test rigs:
 8 "SSC request base unit is removed and sent to
 9 Bracknell for investigation."
 10 So you asked for the postmaster's mobile laptop to
 11 be physically removed and brought to you?
 12 A. Yes.
 13 Q. Then if we move down to the next box, 18 March, 15.55,
 14 about four lines down:
 15 "Recommend: base unit (node 1) to be swapped for
 16 investigation purposes."
 17 What did that mean?
 18 A. Bring it back to Bracknell so we could look at it.
 19 Q. Very good. And about halfway down that same box, if you
 20 could look at the screen, it says "Recommend" and in
 21 capitals:
 22 "PLEASE SWAP MOBILE UNIT AND RETURN TO SANDIE
 23 BOTHICK FOR PROGRESSION TO SSC."
 24 Who was Sandie Bothick?
 25 A. I can't remember.

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1 Q. Then over the page {F/201/2}, on the first big box it
 2 says, you can take it from me, that the engineer has
 3 arrived at the site and the unit will not arrive in
 4 Bracknell until later in the week. Towards the bottom
 5 of the page, page 2, 18 March 16.04 Barbara Longley
 6 assigned it to you.
 7 Then on page 3 {F/201/3}, 24 March at 2.15 and
 8 25 seconds it is recorded that you record that the base
 9 unit is received, do you see that? It is the
 10 penultimate box, Mr Roll?
 11 A. Yes.
 12 Q. And then I would like to then go to the last box on that
 13 page:
 14 "Tests carried out on screen power switch - working
 15 correctly, no further action required."
 16 So does that -- I mean the impression I get from
 17 reading this is that although you had found this problem
 18 on a test rig, in fact it wasn't a problem that was
 19 affecting the laptop that was used in the
 20 subpostmaster's branch. Would that be right or wrong?
 21 A. No, it was affecting it. You didn't necessarily put
 22 these in, enter the data as it happened, if you like.
 23 So the base unit would have arrived, I worked on it and
 24 then I went and -- so I changed the switchover so it
 25 worked properly and then we put it back into stock and

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1 then I filled the data in on that.
 2 Q. I see. So we have a batch of faulty laptops and then if
 3 we go back to paragraph 8 of your witness statement, at
 4 the bottom of page 7 that's E1, tab 10, page 7, you say:
 5 "When I raised this with my manager, Mik Peach, he
 6 initially told me not to do anything until he had spoken
 7 to someone about this."
 8 Who would he have spoken to about it?
 9 A. I don't know.
 10 Q. It would have been the people who were responsible for
 11 hardware issues, wouldn't it?
 12 A. Probably.
 13 Q. So you raised the problem with him and he said "Hang on,
 14 I will just speak to the responsible people", would that
 15 be a fair way of describing what you are saying?
 16 A. Yes.
 17 Q. And then you say:
 18 "Mick did subsequently talk to the hardware team.
 19 They were responsible for ensuring that ..."
 20 A. I'm certain it was them that he spoke to.
 21 Q. And then you say:
 22 "At which point I found out that this was a known
 23 problem."
 24 Is that what Mr Peach told you?
 25 A. At some point I found out that there were several units

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1 out there that had been changed. I'm not sure if it was
 2 Mik Peach that told me or if somebody else told me from
 3 the hardware team, I can't remember.
 4 Q. Well, it is quite important, bearing in mind the
 5 impression given at the end of this witness statement.
 6 Can you really not remember whether Mr Peach was aware
 7 of this?
 8 A. Mr Peach was aware of it at some point, that he knew.
 9 Q. And would it be fair to infer that he probably knew
 10 because he had spoken -- if this is true he would have
 11 spoken to the hardware team about it?
 12 A. Yes.
 13 Q. And then you say:
 14 "No one outside the team responsible for building
 15 the laptops had been informed of this, which meant that
 16 I had spent several days investigating the problem."
 17 Is this why you remember, because you were cross?
 18 A. Yes.
 19 Q. "Whereas the subpostmistress in this case was provided
 20 with a replacement laptop, knowledge of this problem was
 21 kept within the departments concerned and the batch of
 22 faulty laptops was not recalled."
 23 Are you saying that there was prior knowledge in the
 24 hardware team of the problem and the hardware team had
 25 not recalled the faulty laptops?

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1 A. Yes.
 2 Q. Is that what you are saying? And what was your source
 3 of knowledge for that?
 4 A. I was told there were several laptops that had the
 5 problem on them that had actually gone out into live --
 6 into the estate.
 7 Q. How did the hardware team know that the laptops had
 8 problems with them given that they had already been
 9 distributed out? You're not suggesting that the
 10 hardware team identified a problem with a laptop and
 11 then sent it out to branches, are you?
 12 A. No, I think what happened is that they suddenly realised
 13 they made a mistake at some point but by that time
 14 several had already gone out, so then they were able to
 15 fix the ones they had ...
 16 Q. And you're saying they didn't recall the others. And do
 17 you know how many we're talking about?
 18 A. No.
 19 Q. Could it be two, could it be one?
 20 A. It could have been two, it could have been half a dozen.
 21 Q. So that's the period leading up to the point when the
 22 SSC gets involved and you write two PEAKs saying "There
 23 is faulty hardware here". Are you in a position to
 24 say -- or are you claiming that once Mr Peach had spoken
 25 to the hardware team, that remained the position, that

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1 the hardware team continued to not recall these units?
 2 A. I don't know what happened after that.
 3 Q. Isn't it fairly obvious that once someone quite senior
 4 like Mr Peach from the SSC had spoken to the hardware
 5 team, the people involved would very quickly have
 6 thought "Good gracious me, I had better recall these
 7 outstanding laptops"; would that not be a fair inference
 8 as to what happened?
 9 A. My inference from this was that it was kept in-house and
 10 as a favour and that: okay, we know it happened, it's
 11 not going to happen again, it was very limited impact,
 12 it's having probably no impact on the estate, so it's
 13 not worth recalling the laptops.
 14 Q. You say "inference" and that's a fair word to use
 15 because it's a word I think I put to you, but you are
 16 not saying, are you, that you were told by anyone that
 17 after Mr Peach had told the hardware team of the problem
 18 that was being encountered, you're not saying that you
 19 know that the hardware team continued to sit on their
 20 hands and not call the laptops back?
 21 A. Something at the time made me certain that was what was
 22 going on.
 23 Q. Something at the time made you certain?
 24 A. Yes. I don't know why I've got that certainty in my
 25 mind, but -- and then I was told to put minimal details

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1 on that last -- the last PINICL.
 2 MR DE GARR ROBINSON: My Lord, two more minutes and then we
 3 break, would your Lordship give me some indulgence?
 4 MR JUSTICE FRASER: I will on this occasion give you the two
 5 minutes.
 6 MR DE GARR ROBINSON: I'm grateful.
 7 This looks as if it might be quite a serious
 8 allegation. It is one you have just made by this
 9 amendment that I received at 10.30 yesterday morning.
 10 A. Yes.
 11 Q. You say:
 12 "I was told by Mik Peach not to include any details
 13 of this when I closed the PINICL."
 14 Which is the predecessor of PEAKs. That's
 15 an extraordinary -- are you suggesting, Mr Roll, that
 16 the manager of the SSC -- which that's a senior
 17 position, isn't it?
 18 A. Yes.
 19 Q. It's a senior management position?
 20 A. Yes.
 21 Q. That he took the view that the hardware team having done
 22 this thing that was bad, having allowed bad laptops to
 23 remain in circulation, he also took the view that the
 24 hardware team should be protected from any criticism and
 25 they should be allowed to continue the process under

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1 which those laptops remained in circulation?
 2 A. I've got no idea what view he took, but I was asked --
 3 or told rather not to put -- not to include too much
 4 detail in that PINICL.
 5 Q. Why? Did he tell you why?
 6 A. I can't remember.
 7 Q. What conceivable motive would someone like Mr Peach have
 8 to affect the record in this extraordinary way?
 9 A. The only motive I can think is that if he was friends --
 10 close friends with another manager on the same level and
 11 that manager had covered up something in his department
 12 then Mik Peach out of friendship and as a favour might
 13 have decided that it wasn't worth -- having passed the
 14 information on to his manager -- the other manager, it
 15 was then his responsibility what to do with it. I got
 16 the impression nothing was going to be done with it
 17 because of what I was told, but I might be wrong.
 18 Q. Well, Mr Roll, I had thought that when I asked you
 19 questions about this you would rather retreat from the
 20 allegation that Mr Peach -- who obviously isn't here to
 21 defend himself -- did this thing. Are you saying that
 22 it is within your knowledge that Mr Peach was a friend
 23 of the person who was in charge of the hardware team?
 24 A. No.
 25 Q. So that's speculation?

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1 A. That's speculation.
 2 MR JUSTICE FRASER: But to be fair to the witness,
 3 Mr De Garr Robinson, you did put the question what
 4 conceivable motive might Mr Peach have, which is in any
 5 case inviting speculation I think.
 6 MR DE GARR ROBINSON: That's true.
 7 But that's all you have, you have no basis for --
 8 A. No.
 9 Q. No other basis for thinking that Mr Peach would --
 10 A. No.
 11 Q. The extraordinary thing about this, Mr Roll, is you
 12 accept, don't you -- and these are my last questions --
 13 you accept, don't you, that it is not in anyone's
 14 interests, it's not in the SSC's interests for these
 15 faulty laptops to remain in circulation; you accept
 16 that, don't you?
 17 A. The only people who would have an interest in this would
 18 be the person who might be sacked for trying to cover it
 19 up in the first place.
 20 Q. So it is not in the interests of the SSC team that they
 21 remain in circulation?
 22 A. No.
 23 Q. It's not in the interests of Fujitsu that they remain in
 24 circulation?
 25 A. No.

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1 Q. You say it could be in the interests of the person who
 2 was responsible for not having pulled them back, but if
 3 the machines remain out there in circulation, that just
 4 increases the likelihood of that person ending up being
 5 sacked, doesn't it? Isn't it in that person's interests
 6 to get these damn machines back as quickly as he or she
 7 can?
 8 A. Yes, then that would -- yes, it would be.
 9 Q. But you do maintain, do you, that you think that person,
 10 whoever it was, didn't do that?
 11 A. That was the impression I got at the time, yes.
 12 Q. The impression from whom?
 13 A. I can't remember, but that is how I -- that is what
 14 I think happened. You might be right though, you could
 15 be right there that -- I was I suppose basing my
 16 presumption, which is what it was basically, on the
 17 thought that to have to recall the laptops would expose
 18 the person to, you know, "Why were you recalling them?",
 19 but as you have just pointed out it would probably have
 20 been better to recall them and then not have to worry
 21 about them sitting out there and potentially causing
 22 a problem later.
 23 MR JUSTICE FRASER: Right. If you are going to pursue this
 24 any further you can do it at 2.15. We really have to
 25 try and finish at 1 for the shorthand writers, really.

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1 It's not for any personal convenience.
 2 Right, we are going to come back at quarter past 2.
 3 You are still in the witness box. You mustn't talk to
 4 anyone about your evidence. And I will see everyone at
 5 2.15.
 6 (1.15 pm)
 7 (The luncheon adjournment)
 8 (2.15 pm)
 9 MR DE GARR ROBINSON: My Lord, good afternoon.
 10 MR JUSTICE FRASER: We have to stop at 4.30.
 11 MR DE GARR ROBINSON: I'm conscious of the need to speed.
 12 I'm going to move on to remote access now, Mr Roll.
 13 Could I ask you to go to paragraph 15 of your first
 14 statement which is at {E1/7/3}. You said:
 15 "During the course of resolving software issues ..."
 16 And I asked about software issues. You said:
 17 "... we would frequently access a Post Office
 18 counter IT system remotely. An example of a relatively
 19 common problem that arose was when a binary bit would
 20 'flip' thus a '1' became a '0'.
 21 I want to ask you what you are talking about when
 22 you describe that phenomenon and I want to ask you
 23 whether you are talking about what Mr Parker talks about
 24 in paragraph 55 of his witness statement, so could we go
 25 to bundle E2 behind divider 11 please. It is at page 15

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1 {E2/11/15} and perhaps I could ask you to read
 2 paragraph 55 through and stop at the end of 55.4.
 3 (Pause).
 4 A. I have read that page.
 5 Q. Very good. When you are describing what you describe in
 6 paragraph 15 are you referring to the condition known as
 7 CRC errors?
 8 A. This problem would probably cause -- would cause a CRC
 9 error.
 10 Q. And would Mr Parker be right when he says at the end of
 11 paragraph 55.1:
 12 "To clarify, this process did not involve changing
 13 any transaction data."
 14 In accordance with the definition we have discussed.
 15 A. This error would occur in a line of transaction data.
 16 Now, every digit, every character in that transaction
 17 data is made up of bits, binary bits. So an A --
 18 I don't remember the full binary code for it, but it
 19 might be 101010 for instance. Now, times that could
 20 flip so it would become 110 or whatever, one of the
 21 digits would change. That character would then cease
 22 becoming an A and might become a non-principal character
 23 or an ampersand or something. That would then cause
 24 a CRC fail because the data wouldn't be -- it wouldn't
 25 add up.

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1 To correct that when we detected that what would
 2 happen at that point is that that message store would
 3 then stop replicating. So transactions would then start
 4 accumulating on the message store after that point.
 5 We could copy the data that had been -- we could
 6 copy the message store off that counter intact, from
 7 what I remember, so we would get all of it off.
 8 Q. Yes.
 9 A. You could then identify the line that was broken, for
 10 want after better word, and by looking at it, it was
 11 quite obvious then which character was wrong, if it
 12 was -- if it should have been an angle bracket, it was
 13 something else, so you could then correct that in a text
 14 editor. And basically you could then put that
 15 transaction back in to the message store and then copy
 16 the rest of the data back on top of it that you had
 17 taken off, so you have corrected that particular line of
 18 code. So in this instance we have rewritten a line of
 19 code into the message store to correct it.
 20 Q. Mr Roll, I want to distinguish now between inserting
 21 individual transactions into a message store -- which
 22 you could do and you have read the witness statement so
 23 you know it is accepted that you could do that. I want
 24 to talk though about the process that you appear to have
 25 describing here. It's not possible, is it -- if there's

1 data on the message store, it's not possible for you to
 2 gain access to the message store in Riposte and alter
 3 any line of transaction data? It's physically
 4 impossible to do that, isn't it?
 5 A. The way I understand it and what I believe is that if
 6 that data hadn't been replicated, if it was on a single
 7 server -- sorry, a single counter, if we took that data
 8 off and deleted some of it, we could possibly then have
 9 created something else and put it on and then by
 10 importing it into Riposte it would then have rewritten
 11 the cyclic redundancy check correctly so it wouldn't
 12 have flagged an error.
 13 Q. Mr Roll, you started by explaining a situation where
 14 transactions are stuck on a particular counter and they
 15 are not replicating.
 16 A. Yes.
 17 Q. The moving of the bit from 1 to 0 is what you could do
 18 remotely in order to unlock the counter so that the
 19 replication process would occur as normal?
 20 A. Yes, but to do that we would have to delete -- from what
 21 I remember, we would have to delete the existing data,
 22 including the broken line of data, and then import the
 23 data back into the counter, so we were writing code into
 24 the message store remotely.
 25 Q. Mr Roll, I'm asking you about the process by which you

1 unlock a counter so that it is able to replicate onto
 2 other counters.
 3 A. Yes.
 4 Q. And what I'm suggesting to you is that the process of
 5 doing that does not involve changing/editing any actual
 6 transaction data, any -- as we have discussed -- data
 7 that shows up in the accounts. That doesn't involve in
 8 he changing of transaction data at all, does it?
 9 A. I'm sorry, I'm -- I think we're talking -- I'm obviously
 10 not understanding what you're getting at because to me
 11 what I'm discussing is changing the transaction data.
 12 I'm at a bit of a loss here.
 13 MR JUSTICE FRASER: Well, you are explaining that that's the
 14 change which happens.
 15 A. Yes.
 16 MR JUSTICE FRASER: Mr De Garr Robinson is either putting to
 17 you that that physically can't happen, which I think is
 18 one of the questions he put, or he is putting questions
 19 in relation to something else. So he is just going to
 20 explore that with you.
 21 MR DE GARR ROBINSON: Could you go please to Mr Godeseth's
 22 witness statement which is in E2 behind divider 1 and
 23 I would like to go to page 11 please {E2/1/11}. Perhaps
 24 we could pick it up at paragraph 35, Mr Roll. Could you
 25 read paragraph 35 very quickly and then indicate whether

1 you agree with it or not.
 2 (Pause).
 3 A. Yes.
 4 Q. And you agree with it?
 5 A. Normally that's what was happening, yes, unless
 6 something had broken.
 7 Q. Then if we go to paragraph 37:
 8 "All accounting at the counter was carried out based
 9 on the data held in the message store."
 10 That's right, isn't it?
 11 A. I'm just reading it.
 12 MR JUSTICE FRASER: Mr De Garr Robinson, I know that you
 13 have slightly run out of time but you can't really rush
 14 him too much.
 15 MR DE GARR ROBINSON: You are right.
 16 MR JUSTICE FRASER: You are putting 12 or 14 lines of text.
 17 Right, have you read it now?
 18 A. Yes.
 19 MR DE GARR ROBINSON: So the first sentence is right,
 20 isn't it?
 21 A. I believe so, yes.
 22 Q. And the second sentence:
 23 "The Riposte product managed the message store and
 24 it did not allow any message to be updated or deleted,
 25 although it did allow for data to be archived once it

1 had reached a sufficient age ..."
 2 A. Yes.
 3 Q. It is correct, isn't it, that Riposte didn't allow any
 4 transaction line in the message store to be individually
 5 deleted or changed or edited in any way?
 6 A. You couldn't do it through Riposte, no. You had to hack
 7 the system to do it.
 8 Q. So would this be right then, that it wouldn't be
 9 possible to remotely access a counter and change the
 10 data on the message store of that counter remotely?
 11 A. I believe that theoretically it would.
 12 Q. How would that be possible? Riposte wouldn't allow you
 13 to do it, would it?
 14 A. By doing the system that I have just said. If you
 15 could -- without the message store replicating, so
 16 there's no other copies of it, if you could get that
 17 message store off, alter the data in some of the lines
 18 of code, to do that you would need to strip out all of
 19 the preamble and the post-amble, so you're just then
 20 left with the basic data as if it had been on the stack
 21 or whatever -- forgive me, I'm very rusty on this -- but
 22 then by -- I think it was the Riposte import but it
 23 might have been something else, you could then reinject
 24 that data which is the process we would have used to
 25 rebuild a counter. But if you had changed some of that

1 data, I think that it would then have rewritten the CRC
 2 when it imported it so that then when it replicated, the
 3 data could theoretically have been changed.
 4 Q. I'm finding it difficult to follow you and it may be my
 5 fault.
 6 MR JUSTICE FRASER: I follow what the witness is saying but
 7 keep exploring it.
 8 MR DE GARR ROBINSON: I would like to distinguish though
 9 between transactions insertions -- the process of
 10 injecting particular transactions into the message
 11 store, which could be done, with the process of actually
 12 manually changing a transaction line that is in the
 13 message store and you could insert new transactions,
 14 couldn't you, but what you couldn't do is you couldn't
 15 edit or indeed individually delete lines that were in
 16 the message store itself?
 17 A. You would have to delete all of the message -- from what
 18 I remember, delete all of the messages down to a certain
 19 point to the one you wanted to amend and then inject
 20 a load more text, or insert more transactions in to make
 21 the message store and Riposte think that it had been put
 22 in by Riposte and by the postmaster.
 23 MR JUSTICE FRASER: I think you can probably explore this
 24 with the experts.
 25 MR DE GARR ROBINSON: I think I probably should.

1 So if we go back to Mr Parker's witness statement
 2 {E2/11/16}, the process that's described in
 3 paragraph 55.4, would you agree that -- you have already
 4 read this paragraph, would you agree with what Mr Parker
 5 says in --
 6 MR JUSTICE FRASER: Wait, it is not on the screen yet.
 7 MR DE GARR ROBINSON: E2/11/16.
 8 MR JUSTICE FRASER: Page 1 is up but 16 isn't.
 9 (Pause).
 10 MR DE GARR ROBINSON: Paragraph 55.4, you have read this
 11 already. Is what Mr Parker says there true?
 12 A. In that case, yes, no new data is added, what we have
 13 done is correct data and put it back in.
 14 Q. And paragraph 55, Mr Parker -- you will recall how 55 is
 15 structured. Mr Parker is trying to figure out what you
 16 are talking about and he suggests first of all you might
 17 be talking about the process that's described in
 18 paragraphs 55.1 to 55.4 and then he says:
 19 "Alternatively, Mr Roll's reference to a binary code
 20 flipping may relate to a configuration item ..."
 21 And then he goes on, he gives an example of:
 22 "... a stock unit lock which, in the wrong state,
 23 would prevent updates to stock units within a branch.
 24 This issue was corrected by a member of the SSC
 25 accessing Horizon remotely, but it did not involve

1 accessing or editing transaction data in any way or
 2 re-creating databases."
 3 Is that true?
 4 A. I can't remember that. I was not referring to that
 5 process.
 6 Q. Very good. And then Mr Parker says:
 7 "I cannot think of any other examples of incidents
 8 that Mr Roll may be referring to in paragraph 15."
 9 And you are suggesting there is another way, the one
 10 that you have just described, are you?
 11 A. That's the way I remember doing it.
 12 Q. Okay. And you continue -- if we go back to paragraph 15
 13 of your original statement {E1/7/3} -- would you excuse
 14 me a moment.
 15 It is suggested to me that you may be describing
 16 a process that Mr Parker describes in his second witness
 17 statement; let me go to that very briefly just to see if
 18 you are. {E2/12/12} paragraph 38.2. Let's read the
 19 whole of 38 together. He says:
 20 "For completeness, in the rare circumstances where
 21 it was necessary for Fujitsu to rebuild transaction data
 22 in Legacy Horizon, there were three possible scenarios:
 23 "[1] when a counter failed and there was a complete
 24 replication of that counter's transactions elsewhere,
 25 Fujitsu simply deleted the message (transaction) store

1 on the faulty counter and used the standard facilities
 2 of the Riposte software to rebuild the data from the
 3 replicated copy. In this scenario, the branch would be
 4 unable to use the counter while this process was carried
 5 out ..."
 6 Is that correct?
 7 A. I think so.
 8 Q. You don't have a clear recollection?
 9 A. I don't have a clear recollection of that.
 10 Q. 38.2:
 11 "Where no replicated copies of the transactions
 12 existed on the network, Fujitsu would physically
 13 retrieve the disc from the faulty counter. The disc
 14 should hold all of the transactions that had taken place
 15 on the counter. At its own office, the SSC would
 16 extract the transaction data and deliver it to the
 17 replacement counter without amending that data."
 18 Stopping there, is that true?
 19 A. In some instances, yes.
 20 Q. "The SSC would need the subpostmaster's memory card ...
 21 to decrypt the data. This was a physical card
 22 (a subpostmaster had two) and Fujitsu would have to
 23 borrow one - so the subpostmaster would know what was
 24 happening."
 25 Is that true?

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1 A. I don't remember the memory cards. I don't remember
 2 that process of it.
 3 MR JUSTICE FRASER: You might be able to save time by
 4 jumping to the penultimate sentence of that paragraph.
 5 MR DE GARR ROBINSON: If I could do the intermediate ones.
 6 Next sentence:
 7 "If Fujitsu were to change anything, it would be to
 8 remove the envelope around the transaction data. The
 9 envelope contains the system admin data ie the sequence
 10 number of the data and its ID."
 11 A. That's what I remember doing, yes.
 12 Q. That's what you are talking about?
 13 A. That's one of -- yes.
 14 Q. And just now when you were describing the process that
 15 I'm afraid rather confused me, that's what you are
 16 talking about here?
 17 A. Yes, that was one of the steps in it.
 18 Q. Thank you. And then it says:
 19 "Fujitsu would not change the transaction data
 20 itself and in removing the envelope data, they would
 21 simply be allowing the system to automatically renumber
 22 the transactions when they were reinserted."
 23 Is that what you are talking about?
 24 A. Effectively, yes, but this is where -- if it was that
 25 transaction data that had the corruption in it then all

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1 we would do is correct it to put it back to what it
 2 should have been, so in that instance -- in that effect
 3 we're not changing the data, we're merely correcting it.
 4 Q. Well, my suggestion to you will be that you never and
 5 would never manually change a transaction line of data
 6 that a postmaster had keyed in. That's just not
 7 something SSC would ever do.
 8 A. The process I have just described is something we did,
 9 as far as I remember it.
 10 The process of actually changing a line of code to
 11 change it from £100 to £10, we would never have done
 12 that.
 13 Q. So -- I mean Mr Parker says -- let's go back to this
 14 sentence:
 15 "Fujitsu would not change the transaction data
 16 itself and in removing the envelope data, they would
 17 simply be allowing the system to automatically renumber
 18 the transactions when they were reinserted."
 19 I'm suggesting to you, Mr Roll, that that's the most
 20 that anyone at the SSC would ever do in terms of
 21 changing transaction data?
 22 A. That's not my recollection of it. It was a long time
 23 ago though.
 24 Q. And then he says:
 25 "Ultimately, when the counter was replaced at the

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1 branch the subpostmaster would be able to see what
 2 Fujitsu had done."
 3 Is that true?
 4 A. Again, my understanding is that in certain circumstances
 5 the data would be indistig ... sorry.
 6 MR JUSTICE FRASER: Indistinguishable, is that what you are
 7 trying to say?
 8 A. Yes. Yes, my Lord.
 9 MR JUSTICE FRASER: You couldn't tell the difference?
 10 A. You couldn't tell the difference. The postmaster
 11 wouldn't be able to tell the difference from data that
 12 he had entered as he was scanning a stamp or whatever
 13 and to what we had put in. That's my understanding --
 14 my recollection.
 15 MR DE GARR ROBINSON: Well, I suggest to you, Mr Roll, that
 16 no one at SSC would ever manually change a line of
 17 transaction data and then reinsert that transaction data
 18 into the message store of any branch. There might be
 19 occasions when new transactions were inserted, but it
 20 was more than the job of an SSC member was worth to
 21 actually start mucking about with lines of existing
 22 transaction data.
 23 A. Can I say that we were not "mucking about" with lines of
 24 transaction data. We were trying to rebuild counters.
 25 If I can take the instance after single-counter

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1 post office where one of the lines of data had been
 2 corrupted. Without correcting that corruption and then
 3 reinserting it, if the corruption remained then that
 4 line of data would have continued to cause problems.
 5 Q. Well, you have heard the case I have put to you. Could
 6 I ask you this -- well, actually, can I please ask you
 7 to go to E2/13/4, which is the third witness statement
 8 of Mr Godeseth. Page 4, paragraph 17. Perhaps I could
 9 ask you to read that.
 10 A. Sorry, paragraph 17 was this?
 11 Q. This is where Mr Godeseth is referring -- I don't have
 12 time to take you to the underlying PEAKs --
 13 MR JUSTICE FRASER: We are in Parker 3.
 14 MR DE GARR ROBINSON: We should be in Godeseth 3, E2,
 15 tab 13. I'm so sorry, it should be {E2/14/5}. Could
 16 I ask you to read paragraph 17 please.
 17 (Pause).
 18 A. I have read that, yes.
 19 Q. Might that be what you are talking about?
 20 A. No, I don't recognise this.
 21 Q. So are you in a position to confirm what Mr Godeseth
 22 says or not?
 23 A. No, because the data that -- I'm unsure what BRDB refers
 24 to --
 25 Q. I'm so sorry, that's Horizon Online.

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1 A. -- but the data would have been transaction data that we
 2 could have been changing, from my recollection of it.
 3 Q. Then the process you are describing in your witness
 4 statement -- you say that you would -- I'm looking now
 5 at paragraph 15 of your first statement {E1/7/3}, you
 6 say that you would contact the branch and arrange for
 7 them to stop using the computer for a limited period of
 8 time. You would then log on to the branch's system,
 9 download all the data from the relevant computer. Now,
 10 stopping there, when you say "log on to the branch's
 11 system", which system are you logging on to?
 12 A. Sorry, we would log into the counter that was faulty.
 13 Q. When you say log into it, you wouldn't physically log
 14 into the counters, you wouldn't be in control of the
 15 counters, would you?
 16 A. The counter had to be switched on -- my recollection is
 17 that if the postmaster hadn't logged on then we could
 18 log on with our ID to access the message store and the
 19 Riposte system. In that instance there would be an
 20 audit trail because our user ID would be in the message
 21 store not the postmaster's.
 22 In certain circumstances we could do that. In other
 23 instances, the way I remember it is that for the system
 24 to operate correctly for the accounting, it had to be
 25 the same user ID logged on, so that postmaster, or that

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1 clerk or whatever would have to be logged in with their
 2 ID and password so that any data we changed, or put back
 3 on, would then go in with their ID, which is why they
 4 couldn't use it, then that data would then be picked up
 5 correctly by Riposte, Riposte would assume that the
 6 postmaster had been operating as normal and would accept
 7 the data into the message store and process it
 8 correctly.
 9 Q. Could you tell me what were the circumstances in which
 10 you had to use the same user ID as the original user?
 11 A. I can't remember what the differences were for the
 12 different errors, but it depended on what error was
 13 coming up and what bit of data was corrupt -- where the
 14 corruption lay in the message store.
 15 Q. So you can't think of a specific reason why it would
 16 have to be the same person, but you're saying that it
 17 did sometimes?
 18 A. Yes, it -- sorry.
 19 Q. I didn't let you finish.
 20 A. I have lost my train of thought now, sorry. It often
 21 made it much cleaner for accounting reasons, from what
 22 I remember, if it was the same user ID. All of this --
 23 all of these actions would be detailed in the PINICL and
 24 if -- from what I remember, if you were accessing
 25 a counter in this way, two people had to be there, one

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1 as an independent witness to make sure that everything
 2 was going correctly.
 3 Q. So there would have to be what we now call PEAKs and
 4 there would have to be two pairs of eyes --
 5 A. That was what --
 6 Q. -- it would never be left to one particular member of
 7 the SSC team to do it on his own?
 8 A. It was never supposed to be and I don't think it ever
 9 was but I'm not sure.
 10 Q. So this is a formal process then, is it --
 11 A. Yes.
 12 Q. -- which the SSC took very seriously?
 13 A. It was developed and taken very seriously, yes.
 14 Q. And is it also the case that Post Office consent was
 15 always needed for this kind of process?
 16 A. When I was there we were supposed to speak to the
 17 postmaster to get his consent. So from Post Office
 18 consent, that's what I believe you mean by that. Formal
 19 consent from the Post Office itself, maybe not.
 20 Q. Do you remember the phrase OCPs? The operational change
 21 process --
 22 A. No.
 23 Q. -- does that ring a bell? Do you remember that a form
 24 needed to be filled in in which Post Office consent was
 25 obtained for alterations to data that could affect

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1 branch accounts?
 2 A. No.
 3 Q. You don't remember? Can I suggest to you that that was
 4 the process and that did have to be complied with.
 5 A. Right. It may have been, yes.
 6 Q. And you are also saying that it was also required that
 7 postmaster consent had to be obtained for this kind of
 8 change, yes?
 9 A. That was my understanding of the consent that was
 10 obtained. It was just one of those things that if you
 11 were going to log on to a counter remotely for whatever
 12 reason then you spoke to the -- you should speak to the
 13 postmaster first and get his consent.
 14 Q. And it stands to reason, doesn't it, that if you
 15 started -- forgive me for the loose form of language,
 16 but if you start fiddling with data on his machines that
 17 could have an impact on his branch accounts, he or she
 18 could hit the roof, couldn't he? He or she would need
 19 to know what was happening so as to avoid any upset?
 20 A. Yes.
 21 Q. And is it the case that when you engaged in this process
 22 you ensured that proper protocols were followed that you
 23 have just described?
 24 A. Yes.
 25 Excuse me, I have just got cramp in my leg, sorry

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1 about that.
 2 Q. Mr Roll, we have discussed what you say you could do and
 3 I have put my case to you. The controls, the permission
 4 controls, the change controls that we have just
 5 discussed, that is having another colleague in the SSC
 6 review what changes you are making, obtaining
 7 Post Office consent and obtaining subpostmaster consent
 8 to anything that could have an impact on branch
 9 accounts, you followed those processes both for the
 10 process that you're describing, with which I have
 11 certain reservations, but also with the process of
 12 transaction insertions that we're coming to in a few
 13 minutes, yes?
 14 A. Yes, as far as I'm aware.
 15 Q. If you did anything that could have an impact on branch
 16 accounts, those processes had to be followed,
 17 didn't they?
 18 A. Yes.
 19 Q. Thank you. So in paragraph 16 of your first witness
 20 statement {E1/7/3}, you say:
 21 "Still on the subject of remote access to branch
 22 systems, as I recall some errors were corrected remotely
 23 without the subpostmaster being aware."
 24 Those errors are not errors -- or rather those
 25 corrections were not corrections which changed branch

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1 accounts in the way that we discussed?
 2 A. No.
 3 Q. You're talking about other errors, aren't you?
 4 A. Yes.
 5 Q. Could you give some examples of the kind of errors you
 6 are talking about?
 7 A. I can't remember I'm afraid.
 8 Q. But would it be things like changing configuration
 9 items?
 10 A. Probably, yes.
 11 Q. That sort of thing, which would not have an impact on
 12 the branch accounts in the way that we have previously
 13 discussed?
 14 A. I think so, yes.
 15 Q. Now, the process that you describe in paragraph 15, you
 16 say "We would frequently access a post office counter IT
 17 system remotely". The occasions on which you would
 18 access a post office counter remotely in order to change
 19 lines of transaction data, whether by inserting
 20 something or engaging in the other process that we have
 21 discussed and I have queried, these changes would only
 22 arise in circumstances where the cyclic redundancy check
 23 had been triggered where there had been some problem
 24 which the CRC system had identified as requiring
 25 attention, would that be right?

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1 A. I'm not sure. I think so.
 2 Q. Very good. Then could I ask you just to look back to
 3 Mr Parker's first witness statement at paragraph 55.3
 4 {E2/11/15} and the top of page 16. He is talking about
 5 the CRC process and he says:
 6 "If one of the sets of data on a branch counter
 7 became corrupted it would generate an event that would
 8 be picked up by the SMC and/or reported to HSD by the
 9 branch (an incident reporting a 'CRC error'). There
 10 were a total of 629 CRC errors over the life of
 11 Legacy Horizon ..."
 12 Would you be in a position to challenge that
 13 calculation?
 14 A. That's not my recollection of it. My recollection is
 15 that some of these errors that I'm describing we would
 16 detect because a counter perhaps hadn't replicated for
 17 two or three days, so we would then look to see why it
 18 had not replicated and that's when we would find out
 19 that the postmaster was still using it, transactions
 20 were accumulating on the counter and a corruption at
 21 some level had stopped the counter replicating after
 22 that point, so we would -- from my recollection it
 23 wasn't an error that we were receiving, it was something
 24 we were monitoring on an ongoing basis.
 25 Q. Could I just ask you about that, Mr Roll. It's always

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1 dangerous to ask a question to which you don't think you
 2 know the answer, but I can understand that something may
 3 happen to a counter which means it stops replicating to
 4 its fellow systems within the branch; what I don't
 5 understand is why it would stop replicating because of
 6 a problem with a particular line of -- with a particular
 7 transaction message. Why would a particular transaction
 8 message stop the unit communicating with its fellow
 9 units?
 10 A. A corrupt line of code in the message store would, from
 11 my recollection, stop that message store replicating.
 12 I can't remember why, but the messages, as I say,
 13 including that corrupt one wouldn't get replicated.
 14 That's how you could find out which one was broken, you
 15 could look at the message store and see that up to
 16 line 9,004 had come through, so you would know, if the
 17 postmaster had carried on using it, that 9,005 was the
 18 bad message.
 19 Q. And would I be right in thinking that the problem with
 20 9,005, there would be a problem in the envelope, the
 21 data in the envelope around the transaction?
 22 A. Not necessarily, it could be in the data itself.
 23 Q. Why would that be?
 24 A. Because of data corruption.
 25 Q. But why would that -- why, for example, if there was

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1 a problem in the amount that was recorded in the
 2 relevant transaction, why would that stop the counter
 3 replicating --
 4 A. I don't know, but it did. That's the way I remember it.
 5 Q. Let's move on to transaction insertions. Paragraph 18
 6 of your first witness statement, that's page 3 {E1/7/3},
 7 you say:
 8 "The ability to remotely access the Horizon system
 9 at branch level was extensive, in that we were able to
 10 change not only data and transaction information, but we
 11 also had the ability to insert transactions and transfer
 12 money remotely ..."
 13 I'm not going to ask you about transferring money
 14 remotely, the evidence has been explored in a series of
 15 witness statements, but what I'm seeking to ascertain
 16 from you is that you are talking about two different
 17 forms of changing data, are you: firstly, the form of
 18 data that you have just discussed, data changing that we
 19 have just discussed; and secondly, the form of
 20 transaction insertions? Are they entirely separate, or
 21 are they the same thing?
 22 A. Separate.
 23 Q. They're separate, are they?
 24 During the course of your time at the SSC did you
 25 ever insert a transaction using that facility?

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1 A. I don't think so.
 2 Q. You don't think you did?
 3 A. No. I believe there were instances where corrections
 4 had to be made because data hadn't been written in and
 5 some members of staff were able to add lines in to
 6 correct the problems that were coming up, but I can't
 7 remember -- I think -- I can't remember which ones they
 8 were.
 9 Q. So when you say in paragraph 18 "we were able to change
 10 not only data and transaction information, but we also
 11 had the ability to insert transactions", when you say in
 12 the next sentence "obviously this was not done by me",
 13 are you referring to the ability to insert transactions
 14 and the ability to transfer money?
 15 A. Yes.
 16 Q. So you couldn't do either of those things?
 17 A. I could have done. From my recollection.
 18 Q. I'm so sorry, you didn't do either of those things?
 19 A. No. What I'm referring to here is somebody -- if you
 20 want to be dishonest -- if the postmaster was using the
 21 counter then my recollection was that you could have
 22 logged onto the counter without the postmaster
 23 knowing --
 24 Q. I don't need to ask you any questions about that,
 25 Mr Roll, but I understand why you want to tell me.

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1 Going back to the form of access you refer to in
 2 paragraph 15, this is the situation you're referring
 3 to: the counter would stop replicating, you would be
 4 aware that the counter would stop replicating. Would
 5 that come up in the automatic checks?
 6 A. Yes, I think it was something that certainly in the
 7 early days we were looking for, was counters that hadn't
 8 communicated for three days or so.
 9 Q. And then you would gain reading access to that counter
 10 and see what had happened?
 11 A. You would just log in.
 12 Q. And you would see that the transactions had stopped
 13 replicating at a particular point, is that right?
 14 A. Basically, yes. Quite often the postmaster would have
 15 gone on holiday, so the counter was turned off or
 16 something and that's why it wasn't replicating. In that
 17 case there was no need to do anything. In other
 18 instances you would see that the postmaster was still
 19 using the counter and that's when you would realise
 20 there was a problem.
 21 Q. And what would the nature of the problem be? What would
 22 be wrong with the line of data that would make the
 23 machine stop replicating?
 24 A. As I have previously said, one of the lines of --
 25 a digit or a bit somewhere, from what I remember, would

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1 have been flipped .
 2 Q. And are you suggesting that that wrongly flipped bit
 3 could also have the effect of, I don't know, making the
 4 transaction wrong, making it for £100 rather than £10,
 5 something like that?
 6 A. Originally I thought that, but I don't think it would,
 7 because merely flicking one bit wouldn't alter the data
 8 that much. It would make one of the digits wrong but
 9 not to the extent that it ...
 10 Q. So the basic features of the transaction, whether it was
 11 a purchase of stamps, or a sale of insurance or whatever
 12 the transaction was, and the amount involved, the sort
 13 of basic features of the transaction that end up having
 14 an impact on the branch accounts, the problem you're
 15 talking about requiring fixing wouldn't involve any
 16 corruption of those features, would it?
 17 A. It could be that if it was £100 then one of the zeros
 18 would get flipped to a non-numerical value.
 19 Q. And that error might itself, what, prevent -- might it
 20 also prevent the machine from replicating?
 21 A. That might then prevent the message store from
 22 replicating .
 23 Q. This is a voyage of discovery for both of us.
 24 In that situation you say that you would correct the
 25 data in the way that you have described?

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1 A. Yes.
 2 Q. And we have already discussed whether you could or not,
 3 but how would you know what change to make to the data?
 4 How would you know, for example, that it should be £100
 5 or £105 or £10, what investigations would you carry out?
 6 A. You would -- by looking at the value, for example if it
 7 was 100, or should have been, then it would be 1 and
 8 maybe a backspace character and a zero. Now, if you
 9 change any one of those bits, from my recollection only
 10 one of them would result in a numerical value. If you
 11 wanted a different numerical value to the original one
 12 you would have to change two bits and the chances of two
 13 bits becoming corrupted at once were astronomically
 14 small.
 15 It would also then if you corrected it -- if you
 16 changed to put the wrong value in then there would be
 17 probably an accounts or a cash balance mismatch, so you
 18 knew that by changing one of the bits you would then get
 19 a numerical value and that should -- when it is run
 20 through the books properly, it wouldn't affect -- there
 21 would be no errors.
 22 Q. So are you saying that when you did this there was
 23 a means by which you could be absolutely sure what the
 24 right figure should be?
 25 A. Yes.

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1 Q. And how often -- I'm inferring, but it may be optimism
 2 bias on my part, but I'm inferring that of the problems
 3 that caused counters to stop replicating there were many
 4 many problems that didn't involve the basic features of
 5 the transaction data being wrong and I'm thinking that
 6 the cases in which that problem was caused by the
 7 transaction features itself being wrong was a very, very
 8 small proportion. Would that be right?
 9 A. Unfortunately this is one of the things where the
 10 mundane solutions, which are very easily fixed, you tend
 11 to forget about and this, which is a very complex
 12 solution, tends to make more of a -- more of a memorable
 13 impact. So my perception is that it was frequent, or it
 14 certainly sticks in my mind more, but I wouldn't --
 15 I would say it was only a small -- a --
 16 Q. Would you be able to give an estimate --
 17 A. No.
 18 Q. -- as to how many times you did it in the four years?
 19 A. No.
 20 Q. Would it be -- it would be less than a handful?
 21 A. I would think every couple of months, but I could be
 22 wrong.
 23 Q. You could be wrong.
 24 It is right, isn't it, that Fujitsu generally, the
 25 SSC, was extremely reluctant to make any changes to the

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1 basic features of transaction data that we have been
 2 discussing?
 3 A. Yes.
 4 Q. That's not something they regarded as their job,
 5 correct?
 6 A. Sorry, the changes to the transaction data?
 7 Q. The basic features of the transaction data?
 8 A. How do you mean by ..?
 9 Q. Well, changing a figure in the -- the discussion that we
 10 have just been having?
 11 A. Right. That would have been our job because it was
 12 trying to fix a corruption in the data.
 13 Q. All right. And let me suggest to you that it is
 14 something you only did when you absolutely had to do it?
 15 A. Yes.
 16 Q. So I would like now to ask you to go to your second
 17 statement, paragraph 20 please {E1/10/6}. You say about
 18 halfway down that paragraph -- we may have discussed
 19 this already, but here you are describing transaction
 20 insertions and there's a discussion about whether you
 21 could use the correspondence server to piggy-back
 22 through the gateway. And then you say:
 23 "The nature of many problems meant that we had to
 24 implement a fix in this way rather than going to the
 25 correspondence server, and we frequently did use this

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1 method in practice .”
 2 Could you explain the nature of the problems which
 3 meant it was necessary to use that mechanism?
 4 A. No.
 5 Q. Can you identify a single problem that requires you to
 6 do it that way?
 7 A. I can't remember any specific examples, but it was --
 8 I do remember that quite often we went to the counter as
 9 opposed to the correspondence server.
 10 Q. And then you say:
 11 "If we injected transactions in this way, at the
 12 counter position, then the counter position would be
 13 shown in the branch records and reports as the relevant
 14 counter position used in the branch ..."
 15 Then going to the next sentence:
 16 "Sometimes we had to ask for a specific person to
 17 log in to the counter before injecting transactions so
 18 that the software would not detect any discrepancies."
 19 Could you explain why that was?
 20 A. The way that I remember it, if you -- if the system --
 21 if Riposte was looking at a batch of transactions going
 22 through, so you had a certain user ID logged in, if it
 23 then suddenly saw right in the middle a different user
 24 ID, it would reject that transaction, it wouldn't
 25 process it, it would --

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1 Q. When you say transaction, we are obviously not talking
 2 about transactions undertaken at the branch, we're not
 3 talking about sale -- we have already established --
 4 A. I am in this instance, sorry.
 5 Q. Wasn't your previous evidence, Mr Roll, that you have
 6 never used transaction insertions so as to insert
 7 transactions into --
 8 A. I'm sorry, we're ... I misunderstood your question in
 9 that case. Yes, I did insert transaction data on
 10 occasion into the counter servers under the processes
 11 that we have discussed where we would correct data,
 12 log into the server -- sorry, into the counter and then
 13 put the corrected data back in. I wouldn't insert
 14 data -- or I don't recall inserting data to correct the
 15 system when data had not been written by Riposte.
 16 I believe that on occasion lines of transaction data
 17 were not written into the message store when they should
 18 have been and that there was a way of correcting that
 19 and inserting new lines into the message store, perhaps
 20 not with accounting data in it, but with ancillary data
 21 to -- so that the message store would continue
 22 processing and running properly and I believe that
 23 certain members of SSC did that.
 24 Q. You didn't though?
 25 A. I don't recall ever having to do that myself, no.

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1 Q. If we could look at the transcript at the bottom of
 2 page 134. My question to you at the top of the page
 3 was:
 4 "Question: ... during the course of your time at the
 5 SSC did you ever insert a transaction using that
 6 facility ."
 7 And you said:
 8 "Answer: I don't think so."
 9 A. Could we scroll up a little bit further please.
 10 Q. Yes, if we could just go up the page.
 11 A. Thank you.
 12 Q. So I say at line 5:
 13 "Question: Let's move on to transaction insertions .
 14 Paragraph 18 ..."
 15 You refer to them and I quote -- I read out
 16 what paragraph 18 says.
 17 A. Right.
 18 Q. And I say:
 19 "Question: I'm not going to ask you about
 20 transferring money remotely ... what I'm seeking to
 21 ascertain from you is that you are talking about two
 22 different forms of changing data, are you: firstly, the
 23 form of data that you have just discussed, data changing
 24 that we have just discussed; and secondly, the form of
 25 transaction insertions? Are they entirely separate, or

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1 are they the same thing?
 2 "Answer: Separate.
 3 "Question: During the course of your time at the SSC
 4 did you ever insert a transaction using that facility ?"
 5 "Answer: I don't think so."
 6 A. I'm sorry, you've got two types of data here which we
 7 were discussing. The first one yes, the second one no.
 8 Q. Sorry, and what are the two types of data?
 9 A. So the first one is where we have had the bit that's
 10 been corrected, as I have described, and where we have
 11 corrected the bit, created a text file which we then
 12 log on to the counter via the server with the postmaster
 13 logged on but not using the machine. We then ran
 14 I think it was an import tool to rebuild the message
 15 store on the counter. That's the way that I recall it .
 16 Q. Yes.
 17 A. So that is the process I was involved in.
 18 Q. I see. I think there may be a very large penny
 19 dropping, Mr Roll. So the process that we discussed
 20 perhaps 40 minutes ago that threw me somewhat, I will be
 21 frank, was a process -- I think what you're saying --
 22 involving two different actions. The first one was the
 23 action to get hold of the data that hadn't replicated
 24 and make sure it did get onto the system, but the second
 25 was to deal with the problem of a line of transaction

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1 data that was stopping the counter from operating?
 2 A. By -- sorry, if I can just stop you there. Getting that
 3 data copied, it meant we had to correct that line of
 4 data first to get the data to replicate properly.
 5 Q. Right. But are you saying that the line of data that
 6 you corrected was actually a new transaction that you
 7 inserted using the transaction insertion facility ?
 8 A. It was -- in this instance no it wasn't a new
 9 transaction, it was an existing transaction that was put
 10 in, but there was the facility to create -- from what
 11 I remember, to create a new line of code. Not
 12 a transaction in the terms of selling a stamp or
 13 something, but in the process of creating -- processing
 14 a sale to a customer there would be numerous lines of
 15 code, lines of data written to the message store. Now,
 16 sometimes one of those might not have got written. The
 17 data regarding the sale, the value, et cetera, would
 18 have been and maybe one of the other lines wasn't.
 19 Q. Yes.
 20 A. So there was also the facility to correct that, which
 21 I believe involved putting a new line into the message
 22 store as a correction and that's what I wasn't --
 23 I didn't -- I don't remember ever doing that.
 24 Q. So the process that we spent some time discussing
 25 earlier on this afternoon, did that process -- I had

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1 understood you a couple of minutes ago to be saying that
 2 as part of that process you did do transaction
 3 insertions and those transaction insertions were the
 4 kind of transaction insertions that involved putting
 5 lines of transaction data in in the way that we have
 6 defined?
 7 A. Yes, reinserting existing ...
 8 Q. And that was part and parcel of the process you
 9 described at say 10 past 2 this afternoon --
 10 A. Yes.
 11 Q. -- when we started talking about paragraph 15 of your
 12 first statement, is that right?
 13 A. Yes.
 14 Q. I see. And that's the only kind of transaction
 15 insertion that you say you ever did --
 16 A. As far as I can remember, yes.
 17 Q. -- that involved actually inserting transactions?
 18 A. Yes.
 19 Q. And you say it is correcting data, but the truth of the
 20 matter is it is just putting in a new transaction line
 21 that you yourself have formulated, is that right?
 22 A. Yes.
 23 Q. I see. Now that makes more sense to me. And what you
 24 say is that's the only time you ever did use the
 25 transaction insertion facility in a way that would have

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1 had an impact on a set of branch accounts?
 2 A. Yes.
 3 Q. And what you say is you can't remember how often you did
 4 it, but it could have been once every couple of months?
 5 A. Yes.
 6 Q. And how clear are you in your memory as to how often you
 7 did it? Might it have been much less frequent than
 8 that?
 9 A. It might have been.
 10 Q. And might it have a bigger impact on your memory because
 11 of the -- frankly the palava you had to go through --
 12 A. Yes.
 13 Q. -- before you had sufficient permissions to do that?
 14 A. Yes.
 15 Q. Thank you, Mr Roll.
 16 Now, one thing I want to ask you about, Mr Roll, is
 17 that on those occasions when you inserted transactions
 18 piggy-backing off the correspondence server, you don't
 19 remember why you had to do it but you do say you had to
 20 do it .
 21 A. Yes.
 22 Q. Would I be right in saying though that the default
 23 process of doing it was doing it through the front door?
 24 A. Yes. It was always safer to do it from the
 25 correspondence server. The further you got away from

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1 it, if you like, the more risks and --
 2 Q. And as a general rule the SSC didn't like taking risks
 3 of that sort, that's not what they were there for?
 4 A. That's not what we were there for.
 5 Q. I'm grateful for that.
 6 And could I suggest to you that in those situations
 7 when it was necessary to use the piggy-back procedure
 8 and indeed perhaps even more widely, that care was taken
 9 to insert something in the message that was sent through
 10 to make it clear it did come from the SSC?
 11 A. I don't remember that in the message. In some instances
 12 from what I recall, you couldn't do that. I could be
 13 wrong, but the way I remember it is that it was -- when
 14 we did this it was documented in the paperwork, so there
 15 was a record of it on that side of things.
 16 Q. Well, let's look at an example. It's an example when
 17 you weren't there, but could we go to {F/485} please.
 18 This is a PEAK that took place in 2009 so it's a long
 19 time after you left, Mr Roll, and you will see that the
 20 summary indicates there is a harvester exception and
 21 I think we have already discussed -- or could you
 22 perhaps explain what a harvester exception is?
 23 A. I think a harvester exception was when the servers --
 24 the correspondence servers overnight -- they were, from
 25 what I remember, UNIX servers handling huge amounts of

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1 data from all of the Post Offices and the harvesters
 2 would run sequentially from sort of 2 o'clock in the
 3 morning or something, one would run for 15 minutes, it
 4 would allow 15 minutes to run and then the next one
 5 would run and then the next one would run. So they were
 6 not directly related to the counters at all.
 7 Q. Then if we go to page 2 {F/485/2} just to see what the
 8 problem was in that case. Someone called
 9 Garrett Simpson -- I don't know whether you know who
 10 Garrett Simpson was?
 11 A. He was probably the one who knew most about UNIX
 12 servers.
 13 Q. And he says at the bottom of the page:
 14 "After discussion with Cheryl and David I think the
 15 situation was this:-
 16 "1) The session ... had four Mode:SC transactions
 17 for different currencies. Each one of these messages was
 18 missing mandatory fields so the harvester rejected
 19 them."
 20 Stopping there, could you explain to the court what
 21 these mandatory fields would have been?
 22 A. I can't remember. I think -- well, no, I can't
 23 remember.
 24 MR JUSTICE FRASER: Mr De Garr Robinson, this is an example
 25 from five years after he has stopped working there

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1 I think, is it? 2009?
 2 A. It is, yes, my Lord.
 3 MR JUSTICE FRASER: Well, just hold on one second.
 4 Am I right it is a 2009 incident?
 5 MR DE GARR ROBINSON: Yes.
 6 MR JUSTICE FRASER: I question how much help any of
 7 Mr Roll's evidence might be about something in 2009.
 8 MR DE GARR ROBINSON: All right. Let me do this very
 9 quickly in that case.
 10 As a result of this PEAK a transaction was inserted
 11 into the message store of the relevant branch and
 12 there's a copy of the transaction that was -- of what
 13 was done at {F/416.1} and perhaps we could look at that.
 14 (Pause).
 15 This may be a convenient moment.
 16 MR JUSTICE FRASER: All right. We will have five minutes.
 17 I do draw your attention to time.
 18 MR DE GARR ROBINSON: Yes, I'm well aware of that.
 19 MR JUSTICE FRASER: Good.
 20 All right, we will have a five minute break for the
 21 shorthand writers, Mr Roll. Same form as before, back
 22 for 20 past 3 please, don't talk to anyone about your
 23 evidence.
 24 (3.15 pm)
 25 (Short Break)

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1 (3.24 pm)
 2 MR DE GARR ROBINSON: Mr Roll, you will be pleased to know
 3 that we are going to have some expedited
 4 cross-examination now. Could you please go to
 5 bundle E2, tab 12. This is Mr Parker's second witness
 6 statement and I would like to ask you to read at page 9
 7 paragraphs 27 and 28 please {E2/12/9}.
 8 (Pause).
 9 A. Yes.
 10 Q. Have you looked at the PEAK to which Mr Parker refers in
 11 paragraph 28?
 12 A. I can't remember if I saw that one or not.
 13 Q. Okay. Well, we actually looked at it just before the
 14 break -- I didn't give you the number so there's no
 15 reason why you should know that. But you will see what
 16 Mr Parker says in paragraph 28.4 and that is a point
 17 I would like to put to you {E2/12/10} he says:
 18 "The messages were inserted with the additional
 19 property <Comment:PC0175821> ..."
 20 Which was the name of the PEAK.
 21 "... to allow them to be identified ..."
 22 MR JUSTICE FRASER: Hold on one second something has gone
 23 wrong. Can we jump back a page to page 10 please
 24 {E2/12/10}.
 25 MR DE GARR ROBINSON: Yes, paragraph 28.4:

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1 "The messages ..."
 2 This is the transaction insertions and this is in
 3 Legacy Horizon that you worked on, although it is
 4 five years after your time. He says:
 5 "The messages were inserted with the additional
 6 property <Comment:PC0175821> to allow them to be
 7 identified in the audit trail ..."
 8 Now, what I would like to suggest to you, Mr Roll,
 9 is that when steps were taken to insert transactions
 10 into branch accounts, that was the practice that was
 11 followed: you would do something in order to enable the
 12 source of the transaction to be identified from the log.
 13 A. This, as you pointed out, is Legacy Horizon from 2009.
 14 I would not say that was the same version as the
 15 software that I worked on. There were constant changes
 16 and upgrades going out all the time. I can't remember
 17 if we had the facility to insert comments into the
 18 version that I was working on. It may be that we did,
 19 but my recollection first of all is that when we were
 20 doing it it was documented in the PINICL and also this
 21 is for the creation of a new item, a new transaction,
 22 that I was not involved -- I do not think I actually got
 23 involved in that side of things. It was the correction
 24 of the corrupted ones that I was working in.
 25 So it's possible, yes, that there was, but, briefly,

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1 I don't know, I can't remember.
 2 Q. If we go down to paragraph 31 {E2/12/10}, Mr Parker
 3 says:
 4 "Transactions injected into a counter would appear
 5 on the transaction logs available on Horizon as if it
 6 had been carried out by the user that was logged into
 7 the counter at the time (if nobody was logged on, the
 8 user ID would be missing)."
 9 Is that right?
 10 A. Yes.
 11 Q. "However, when injecting such a transaction, the SSC
 12 user would ensure that it was clearly identified in the
 13 audit trail as having been inserted by SSC. Examples of
 14 such identification I am aware of are the use of an SSC
 15 user as the clerk ID and/or details of the incident
 16 number as an additional property."
 17 You could put additional properties into the
 18 transactions you inserted, couldn't you?
 19 A. I don't recall that -- I don't recall. I didn't think
 20 we could, or I didn't think we did at that point when
 21 I was working on it. There's a point here where it says
 22 that "Examples of such identification I am aware of are
 23 the use of an SSC user as the clerk ID". That is where
 24 if the SSC user had logged into the counter and was
 25 inserting a new transaction, rather than getting the

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1 clerk to log in and then injecting a transaction as if
 2 it were the clerk who were logged on, so that would --
 3 in this instance if you were creating a new transaction
 4 to balance the accounts then you probably won't need to
 5 log in as that clerk who had done the original
 6 transactions, in which case it would make sense to log
 7 in as yourself because then from the user ID it would be
 8 clearly identifiable that it wasn't a Post Office
 9 employee doing it, it was someone from the SSC.
 10 Q. What I'm suggesting to you, Mr Roll, was that when you
 11 worked at the SSC, first of all there was the ability,
 12 when using transaction insertions, to include additional
 13 properties which made it possible for it to be
 14 identified that you were the one inserting the
 15 transaction and I want to suggest to you, Mr Roll, that
 16 it was the practice to use that facility so as to be
 17 clear as to the state of affairs where the transaction
 18 came from.
 19 A. I would disagree, to put it briefly, bluntly. If it was
 20 a new transaction of the type we are discussing here
 21 which I didn't do then yes, it's possible it was, but my
 22 recollection is that if we were rebuilding the message
 23 store and correcting a piece of data then -- effectively
 24 creating a new item to go in to replace the broken item,
 25 then it wouldn't have any comment put into it, but that

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1 is my recollection.
 2 Q. And how clear is that recollection? I will give you an
 3 opportunity to indicate whether you --
 4 A. It is 15 or 19 years ago, so ...
 5 Q. Say again?
 6 A. I might be mistaken.
 7 Q. You fairly accept that you might have just overlooked or
 8 forgotten?
 9 A. Yes.
 10 Q. That's very kind of you, Mr -- and very fair of you, if
 11 I may say so.
 12 Then in the last few minutes let's go to
 13 paragraph 23 of your second statement {E1/10/7}. We are
 14 now talking about rebuilding branch transaction data
 15 where a particular counter becomes corrupted. You will
 16 recall that before the break I read you paragraph 38 of
 17 Mr Parker's second witness statement where he went
 18 through those stages?
 19 A. Yes.
 20 Q. And my recollection is that you essentially accepted the
 21 processes that Mr Parker described?
 22 A. Yes.
 23 Q. You say:
 24 "As part of my role in the SSC, I was involved in
 25 rebuilding branch transaction data ... whilst in general

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1 terms I agree with Dr Worden's summary ... his
 2 description is very much a simplification ... when data
 3 on a counter became corrupt, the effect was that data
 4 transmitted after that corruption could become
 5 stuck ..."
 6 Then moving on, you say halfway down:
 7 "There was clearly room for error in this process,
 8 where data could be lost, or mistakes made when
 9 replicating data."
 10 Now, I would like to ask you first of all what room
 11 for error was there in the process where data could be
 12 lost?
 13 A. When you are copying the data from a counter, in my
 14 recollection, if it's a remote counter, you're copying
 15 across the network and then editing it yourself on
 16 a computer, you might make a mistake and you might
 17 delete something that you shouldn't have deleted. And
 18 that is the error -- the room for error that I'm talking
 19 about. There were processes -- I have to admit there
 20 were processes in place to minimise this risk, such as
 21 having two people checking it and so on.
 22 Q. Well, that was going to be my next question, Mr Roll.
 23 Why didn't you mention the fact that there were these
 24 protections that were specifically designed to reduce
 25 that risk to a really infinitesimally small level?

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1 A. It didn't seem necessary to put that in.
 2 Q. It does give a rather unfortunate impression which is
 3 rather different from the fact of the matter, would you
 4 accept that?
 5 A. To my mind, no, but I will accept that it -- to other
 6 people it could perhaps.
 7 Q. Well, could I suggest this to you, Mr Roll. You
 8 download this data, you get the line that you think
 9 needs correcting and you correct it and this is all with
 10 someone else formally sitting there watching what you
 11 are doing, is that right?
 12 A. Not at that point necessarily, no.
 13 Q. When would they be watching?
 14 A. When you're about to insert the data.
 15 Q. So let's imagine a situation where that's happening.
 16 The person comes along. What does that person -- he
 17 obviously have has to check that the data you are
 18 inserting is going to be right --
 19 A. They check the data that you've got and then make sure
 20 the process is followed correctly to insert the data.
 21 Q. So that person would, for example, make sure that no
 22 data has been lost?
 23 A. Yes.
 24 Q. He or she would make sure that the change being made is
 25 the correct change?

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1 A. Yes.
 2 Q. And only when both he or she and you are satisfied that
 3 it is all correct would be possible for you to press the
 4 button and insert the transaction, is that right?
 5 A. Yes.
 6 Q. Now, doesn't that suggest that the chances of an error
 7 being made such that a wrong transaction being entered
 8 into a branch accounts really is infinitesimally small?
 9 A. It is quite small, yes.
 10 Q. Thank you. Then in paragraph 24 of your statement
 11 {E1/10/7} you say:
 12 "The process that I describe at paragraph [23] above
 13 could be carried out without the subpostmaster's
 14 knowledge ... and in my recollection it sometimes was
 15 done without the subpostmaster's prior knowledge, for
 16 example if the subpostmaster was away from the branch on
 17 a lunch break and had not logged out of the system."
 18 And then you say at the end of that paragraph:
 19 "... there were times where the job needed to be
 20 done quickly to prevent potentially catastrophic failure
 21 and we were unable to contact the subpostmaster
 22 beforehand."
 23 Were those the only occasions in which you would
 24 have inserted a transaction without informing the
 25 subpostmaster beforehand?

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1 A. That is the only time we would have got onto a counter
 2 without --
 3 Q. Right, so I would just like to ask you: in relation to
 4 the particular transactions we're talking about, in what
 5 situations would that potential catastrophe arise?
 6 A. I can't recollect exact scenarios. I can't remember.
 7 Q. Can you not give me an idea of what you're talking
 8 about?
 9 A. No.
 10 Q. So let us assume there was a situation of potential
 11 catastrophe, you would never allow a subpostmaster to
 12 have his or her accounts changed without them knowing
 13 about it, would you? It might be that you might not
 14 have told them beforehand, you would certainly tell them
 15 afterwards?
 16 A. You would tell them afterwards.
 17 Q. So it is absolutely standard SSC practice, isn't it,
 18 when you are dealing with a branch and correcting
 19 problems that the branch has got that the branch will
 20 see, it is absolutely standard that you will communicate
 21 with the subpostmaster to ensure that the subpostmaster
 22 knows what changes you are making?
 23 A. Yes.
 24 Q. Thank you.
 25 My Lord, I have rather hurriedly come to the end of

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1 my cross-examination.
 2 MR JUSTICE FRASER: Thank you very much. Mr Green.
 3 Re-examination by MR GREEN
 4 MR GREEN: A few points if I may.
 5 Mr Roll, could you please be shown {F/1839}. I will
 6 tell you what's coming up. It's the spreadsheet you
 7 were shown -- a whole load of figures were put to you
 8 and you were challenged on your recollection on the
 9 basis of various statistics. Do you remember?
 10 A. Yes.
 11 Q. Just a couple of quick points. First of all, can we
 12 just look at the RRP live PEAKs into SSC. And scroll up
 13 please. Sorry, I thought it was that tab, apologies.
 14 Can we try by category, sorry, "RRP live PEAKs by
 15 category". That's better, apologies. Can we scroll up
 16 just to the top very kindly.
 17 So you've got the closure category codes down the
 18 left-hand side: 0, 8, 9, 12, 14, 15, 40, 42 and so
 19 forth.
 20 A. Yes.
 21 Q. And you have the legend or the description against them
 22 and if we look, for example, at number 63, "Programme
 23 approved - no fix required", 115 of those.
 24 A. Yes.
 25 Q. At this distance in time can you remember what was

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1 encompassed in those descriptions?
 2 A. I've got no recollection at all I'm afraid.
 3 Q. Okay. And we see another one "Administrative response"
 4 at line 21.
 5 A. Again, I can't remember that. I can't remember any of
 6 them.
 7 Q. But that one seems to have quite a lot: 5,358, so about
 8 a fifth of the overall total. Do you see that?
 9 A. Yes.
 10 Q. Okay. You weren't shown it, but the court was told
 11 there was a document which was broadly consistent with
 12 what those codes meant and if we can look please at that
 13 document, it is at {F/823/23}. Mr Roll, I'm only going
 14 to give a couple of examples of this. If we look at 63,
 15 which is the line we looked at first. If you come down
 16 the left-hand code side to 63. Do you see this table
 17 actually only starts at 60, it doesn't have any of the
 18 earlier codes?
 19 A. Yes.
 20 Q. But it does have 63 and you look across and it says
 21 "Programme approved no fix required" which on the face
 22 of it sounds quite chirpy and positive and then we look
 23 and it says:
 24 "Rarely used. Covers the case where there IS
 25 a fault in the product and this is acknowledged by both

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1 Fujitsu and [Post Office Limited], but the fault is
 2 there as a result of an agreed design specification and
 3 Fujitsu would require POL to fund any correction. MUST
 4 NOT be used without approval from HNGX Programme Manager
 5 or authorised representative."
 6 At this distance of time can you remember seeing any
 7 examples of those that you dealt with?
 8 A. No, I'm afraid I can't.
 9 Q. Just one other one if I may. Can we please see
 10 {F/16/2}. This is PEAK PC0027887 and you will see it
 11 comes in on 21 July 1999. Can you see the narrative
 12 there, for FAD code in the third line of the light green
 13 box, for FAD code O011523 on week, 9 receipts and
 14 payments misbalance of £1,337.05, week 10 misbalance of
 15 £24,000, week 11 misbalance of £12,000, week 12
 16 1,051,111.48; do you see that?
 17 A. Yes.
 18 Q. And if we could go forward please to page 3 {F/16/3} and
 19 look in the bottom yellow box, 27 July at 10.09, do you
 20 see "CAP12" on the left-hand side?
 21 A. Yes.
 22 Q. It says:
 23 "Balance brought forward was multiplied twice due
 24 [to] known software error. The initial balance brought
 25 forward for this CAP was 1,196,622.72. This was

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1 multiplied twice to give a total of BBF of 2,279,189.04.
 2 The discrepancy was therefore 1,082,540.28. This was
 3 due [to] a known software error which has [now] been
 4 resolved."
 5 Do you see that?
 6 A. Yes.
 7 Q. So that would have been quite a bad one, is that fair?
 8 A. Yes.
 9 Q. If that had come across your desk?
 10 MR JUSTICE FRASER: Mr Green, on the basis you still have
 11 another witness ...
 12 MR GREEN: I'm really rushing, it is the last page.
 13 MR JUSTICE FRASER: Well, you are almost getting to the
 14 outer envelope of arising out of cross-examination, so
 15 put one more or two more questions.
 16 MR GREEN: I will, my Lord. It was just on those codes.
 17 If you look please at -- there are two last places
 18 to look in the document. One is on page 11 {F/16/11},
 19 where it has been given a categorisation "Fix for first
 20 maintenance release". Can you just tell the court what
 21 that would normally mean as far as you remember?
 22 A. I can't remember.
 23 Q. And then at the end it is closed, on page 13 {F/16/13},
 24 as "Administrative response". Can you see that?
 25 A. Yes.

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1 Q. And just above it says "Insufficient evidence".
 2 A. Yes.
 3 Q. Can you remember how frequent it was for PEAKs to be
 4 closed with insufficient evidence while you were there,
 5 or ..?
 6 A. I can't give you an accurate -- I can't say how often
 7 I'm afraid. I can't remember. I know it was used but
 8 I can't remember how often.
 9 Q. Last point if I may. Can you please be shown {F/99.2}.
 10 You were asked about pressure in relation to service
 11 level agreements and if we look at {F/99.2} -- sorry, on
 12 my copy --
 13 MR JUSTICE FRASER: Do you want 99? We are on 16/13 at the
 14 moment.
 15 MR GREEN: I've got printed out on mine F/99.2.
 16 MR JUSTICE FRASER: It might not be wrong, we just might not
 17 have got there yet.
 18 MR GREEN: Well, my Lord, I can probably deal with it with
 19 another witness.
 20 MR JUSTICE FRASER: I think you probably --
 21 MR GREEN: It was a point of fairness to this witness. He
 22 was challenged on something and there was evidence about
 23 it, but I will deal with it with Mr Parker.
 24 MR JUSTICE FRASER: Mr Roll, no questions from me. Your
 25 evidence is at an end now, you can now leave the witness

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1 box and you can chat to people about the case if you
 2 would like to. Thank you very much.
 3 A. Thank you, my Lord.
 4 MR JUSTICE FRASER: Thank you very much.
 5 Right, next witness.
 6 MR GREEN: My Lord, it is Mr Henderson if I may.
 7 MR IAN HENDERSON (sworn)
 8 MR JUSTICE FRASER: Thank you, Mr Henderson, do have a seat.
 9 A. I would prefer to stand if I may.
 10 MR JUSTICE FRASER: Yes, of course you may.
 11 Examination-in-chief by MR GREEN
 12 MR GREEN: Mr Henderson, in front of you there is a file and
 13 if you turn to tab 5 you will see an "Amended witness
 14 statement of Ian Henderson" {E1/5/1} and if you turn to
 15 the back of that witness statement on page 7 {E1/5/7}
 16 you will see a signature. Is that your signature?
 17 A. Yes, it is.
 18 Q. And is that statement true to the best of your knowledge
 19 and belief?
 20 A. It is, subject to two points. Firstly, I originally
 21 prepared a much longer witness statement but I was told
 22 that because this is a time limited trial it was not
 23 appropriate to submit one of that length, so this is
 24 substantially shorter.
 25 Secondly, I think the court is aware that I'm

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1 a party to an agreement between sort of Post Office and
 2 the claimants that restrict the matters on which I can
 3 give evidence, so that is a further limitation in my
 4 evidence today.
 5 MR JUSTICE FRASER: Understood.
 6 Have you any questions in-chief?
 7 MR GREEN: No questions in-chief, my Lord.
 8 Cross-examination by MR DRAPER
 9 MR DRAPER: Good afternoon, Mr Henderson.
 10 A. Good afternoon.
 11 Q. You make very clear from your witness statement that you
 12 don't propose to give opinion evidence and I'm not going
 13 to ask you any questions about the opinions set out in
 14 Second Sight's reports.
 15 What it may be helpful to do is to take you through
 16 some of the background to Second Sight's involvement and
 17 some of the chronology as to what happened at various
 18 stages and your involvement in the mediation scheme.
 19 A. Fine.
 20 Q. With that said, there's one very general point about the
 21 scope of Second Sight's work that I would like to
 22 confirm with you. As you are aware, the issues to be
 23 determined in this trial and to which you refer in your
 24 statement are purely technical issues about the Horizon
 25 system as to its functions, reliability, robustness.

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1 You are aware of that, aren't you?
 2 A. Yes, I am.
 3 Q. It is fair to say, isn't it, that the scope of
 4 Second Sight's work was substantially broader than that?
 5 You also considered, for example, issues as to training
 6 and support?
 7 A. Sorry, was there a question there?
 8 Q. Yes: that's right, isn't it?
 9 A. That our scope was much wider?
 10 Q. Yes.
 11 A. Well, our scope changed quite substantially during the
 12 terms of our appointment. We issued an interim report
 13 and it was that that gave rise to Post Office deciding
 14 to offer a mediation scheme. Our role at that point
 15 changed from being an in-depth investigation to being
 16 one of supporting the mediation scheme primarily and
 17 dealing with the 150 or so applicants to the scheme.
 18 We adopted the definition of Horizon that
 19 Post Office itself adopted, so it was much more than the
 20 coding or the software, it also included the way that
 21 processes operated, the impact of Horizon on
 22 subpostmasters and the various sort of remediation
 23 procedures that were available.
 24 Q. Yes, thank you. So just to -- I'm going to run you
 25 through the chronology if I may and at the end of my

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1 doing so there will be an opportunity for you to comment
 2 on that but I think everything I'm about to say to you
 3 ought to be uncontroversial.
 4 You were engaged first in July 2012, so the total
 5 time span of your involvement is 2012 to 2015. You have
 6 just mentioned the CRRs we're going to come on to and,
 7 as you have you have said, the interim report was
 8 produced in July 2013, the mediation scheme was set up
 9 around then in the latter half of 2013 and it is right
 10 I think to say that the applications to enter the
 11 mediation scheme had to be in by November 2013, so
 12 roughly towards the end of that year?
 13 A. My recollection is actually slightly different to that.
 14 We were first appointed around about July 2012. Towards
 15 the end of 2012 we were in active discussions with
 16 Post Office and JFSA who invited applications for us to
 17 consider various matters. After we issued our interim
 18 report, that was the point at which Post Office decided
 19 that we should move to the mediation scheme phase.
 20 MR JUSTICE FRASER: I don't think the witness did mention
 21 a CRR.
 22 A. No, I didn't, my Lord. Case review report.
 23 MR DRAPER: He may not have used the words but I think you
 24 said "individual reports in the mediation scheme",
 25 didn't you? I may have misheard you.

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1 MR JUSTICE FRASER: Rather than be combative, Mr Draper,
 2 when you put a question to the witness that says "You
 3 mentioned the CRRs" and he didn't, I just wanted to
 4 check you weren't at cross-purposes.
 5 MR DRAPER: No, I had understood him to be referring to what
 6 I would call a CRR, but we shall come back to those in
 7 more detail.
 8 It is right to say, isn't it, that there were
 9 initially 150 applicants to the scheme --
 10 A. Of which 136 were finally admitted into the scheme.
 11 Q. Thank you, you finished my question.
 12 Once the mediation scheme started -- and again you
 13 have already said something of this -- it is fair to say
 14 that you had essentially two roles at Second Sight. The
 15 first was the production of thematic reports, which are
 16 the reports you describe in your witness statement;
 17 that's right, isn't it?
 18 A. Correct.
 19 Q. And the second was the production of what I have called
 20 CRRs which are individual reports relating to
 21 a particular complainant's case?
 22 A. Correct.
 23 Q. Now, with that background can we turn please to the
 24 Second Sight engagement letter which is at {F/1228.1}.
 25 Do that you have on the screen there, Mr Henderson?

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1 A. Dated 1 July 2014?
 2 Q. That's the one, yes. It says in "Background" there that
 3 this letter sets out the arrangements for your
 4 engagement on behalf of the working group in relation to
 5 your role in the scheme. And we can read further just
 6 under 2 --
 7 A. Can I just make a point, I'm sorry to interrupt, it is
 8 dated July 2014. I mean that is a long time after the
 9 mediation scheme started, so I'm not sure that that is
 10 the first letter, or was the letter that was relevant at
 11 the time that we started our work in relation to the
 12 mediation scheme.
 13 Q. I'm sure if it is going to be said that there was
 14 a different arrangement that had materially different
 15 terms, that can be suggested by the claimants. So
 16 I just wanted to take you to some key elements of this.
 17 Obviously if you have that concern, you can raise it.
 18 If we could skip down quickly please to clause 4.1,
 19 which appears on page 3 {F/1228.1/3}, that's the
 20 provision allowing for termination on notice and that's
 21 the provision that was relied on the following year,
 22 isn't it?
 23 A. That's correct.
 24 Q. 4.2 refers to the services being provided exclusively by
 25 Second Sight directors. That's you and one other

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1 director, isn't it?
 2 A. Correct.
 3 Q. Go forward to page 5 please {F/1228.1/5}, just the
 4 signature page, to orientate everyone. Then over the
 5 page {F/1228.1/6}, "Scope of services", is where this
 6 agreement describes what you are actually intended to
 7 do. If you could just remind yourself please of 1.1
 8 down to 1.4.
 9 (Pause).
 10 A. Yes, I have read that.
 11 Q. Does that accord with your recollection of what your
 12 role was?
 13 A. I remember this letter, but as I said earlier, this
 14 letter arrived probably at least halfway through the
 15 mediation scheme so we had already done a great deal of
 16 work, possibly on terms different than the ones
 17 described in this letter.
 18 Q. Understood. If you could turn then to look at 3
 19 {F/1228.1/3} please, towards the bottom:
 20 "It is recognised that Second Sight is not required
 21 to definitively determine every issue raised by
 22 a subpostmaster but rather is required to reasonably
 23 investigate and, where appropriate, offer an opinion on
 24 the key issues in dispute between a subpostmaster and
 25 Post Office."

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1 So it was recognised, wasn't it, from an early stage
 2 that it might not be suitable for Second Sight to be
 3 required to determine each and every issue that arose?
 4 A. I take dispute with "at an early stage". As I said,
 5 this letter is dated at least halfway through the period
 6 of us supporting the mediation scheme.
 7 Q. Putting to one side whether the situation may have been
 8 different, you can confirm I think that it was certainly
 9 the position from the date of this agreement, that that
 10 was recognised?
 11 A. Yes, I can.
 12 Q. If we look please at 5 which starts at the bottom of the
 13 page but really the meat of it is over the page please
 14 {F/1228.1/7}, 5.1 refers to your expertise and the scope
 15 of that expertise. 5.2, just remind yourself of that.
 16 And 5.3 Second Sight shall:
 17 "... use its reasonable endeavours to comply with
 18 any deadlines or timeframes set by the working group."
 19 I just want to see whether you will agree with this
 20 in relation to timeframes: is it fair to say that the
 21 anticipation at the outset was that the working group
 22 would set relatively demanding timeframes and hope to
 23 move forward quite quickly?
 24 A. I think that's a reasonable sort of expectation. It's
 25 got to be measured by reality though and we had regular

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1 meetings of the working group and timetable was always
 2 on the agenda.
 3 Can I come back to 5.1, which you started to draw my
 4 attention to. That was substantially varying the
 5 previous scope of our engagement which was that the
 6 scope of our work was to be set solely by Second Sight.
 7 We believed, as we said in our part 2 report, that
 8 issues relating to criminal law and so on were relevant
 9 to the mediation scheme, so this was inserted fairly
 10 late in the day.
 11 Q. I'm not going to ask you about what you said or didn't
 12 say in the Second Sight report, but I think you will
 13 acknowledge that this isn't something that was inserted,
 14 this was something that you agreed in July 2014?
 15 A. Halfway through the mediation scheme, yes.
 16 Q. Just to get the timeline right, the briefing report
 17 part 1 was produced in July 2014; that's right,
 18 isn't it?
 19 A. Yes, I think that's right.
 20 Q. And I'm not going to ask you about any opinions
 21 expressed in that report, but purely as a matter of
 22 getting some understanding of how it all fits together,
 23 I think you will agree with me that the part 1 report
 24 was intended to be a largely uncontroversial account of
 25 Horizon's functions, Post Office's operations, things

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1 like that, with the part 2 report being intended to
 2 contain your opinions on issues?
 3 A. Part 1 was intended to be, yes, uncontroversial, to
 4 reflect the permanent information relevant to the
 5 matters that we were looking at. The part 2 report was
 6 dealing with the thematic issues that we had identified
 7 from our previous work.
 8 Q. And it is right, isn't it, that there were two versions
 9 of the part 2 report, the first of those being published
 10 in August 2014, so really not long after the part 1
 11 report?
 12 A. That's correct, which was very shortly followed up by
 13 a very substantive response by Post Office.
 14 Q. Yes. If we could turn to the CRRs that we have already
 15 discussed briefly. It is fair to say, isn't it, that
 16 they were intended to be one of three key documents that
 17 would go before the working group: there would be the
 18 written complaint from the subpostmaster, there would be
 19 Post Office's written response and there would be your
 20 CRR?
 21 A. My recollection is slightly different to that. There
 22 would be the application to the scheme which I think was
 23 known as the CQR, the questionnaire. At that point we
 24 would request such files that were available from
 25 Post Office together with a report. As a result of

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1 reviewing all of that information, Second Sight would
 2 then produce its consolidated report.
 3 Q. And that suite of documents was intended to go before
 4 the working group and inform the decision it would then
 5 take on whether or not to recommend mediation?
 6 A. That's correct.
 7 Q. And without attributing blame to anyone -- not
 8 Second Sight, not the subpostmaster, not Post Office --
 9 but looking purely at a factual level as to what
 10 happened, would it be fair to say that the progress in
 11 the scheme, in the production of those three documents,
 12 and in obtaining a decision from the working group, went
 13 somewhat slower than had been hoped at the outset?
 14 A. That's correct.
 15 Q. Can I show you briefly a couple of documents relevant to
 16 that. The first is at {F/1325/137}. I think,
 17 Mr Henderson, you may or may not have seen this before.
 18 It is a letter from Sir Anthony Hooper to Ms Swinson,
 19 who is an MP, in fact Minister for Employment Relations
 20 and Consumer Affairs. This was in mid-December 2014.
 21 Have you seen this before?
 22 A. I can't see a date on that letter, I may be missing it.
 23 Q. You can take it from me for now that we can tell from
 24 other documents that it is mid-December.
 25 MR JUSTICE FRASER: Mid-December which year?

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1 MR DRAPER: 2014.
 2 If we look at the second paragraph,
 3 Sir Anthony Hooper is saying here the thing that you
 4 have just agreed, Mr Henderson:
 5 "The progress of cases at every stage of the scheme
 6 has taken longer than the working group would have
 7 wanted."
 8 He then sets out those various stages. He then
 9 says:
 10 "In addition disagreements within the working group
 11 as to whether individual cases should proceed to
 12 mediation has led to further delays because such
 13 disagreements can only, for reasons of fairness, be
 14 resolved at face-to-face meetings."
 15 He then gives some further detail and over the page
 16 please {F/1325/138}. Do you recall seeing this update
 17 on progress at the time, Mr Henderson?
 18 A. I don't recall seeing this letter or this appendix, but
 19 those numbers do look broadly familiar and we may well
 20 have discussed them in a mediation working group
 21 meeting.
 22 Q. So by this time in mid-December, if we look down to
 23 roughly two-thirds of the way down the table, we see the
 24 cases that had been mediated to date, there were seven
 25 of those; that's right, isn't it? And we see from the

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1 very bottom that there were 110 left in the scheme.
 2 A. I see that.
 3 Q. If we could go forward please then -- I should just say
 4 for completeness there's a document I won't go to which
 5 is a later letter from Sir Anthony Hooper which is at
 6 {F/1325/165}. That just provides an update a couple of
 7 months later.
 8 Moving on then to March 2015, so a few months after,
 9 there's a report from CEDR on progress and that's at
 10 {F/1325/186}.
 11 A. Can I make an observation on this appendix and the
 12 apparent slow progress. I can't remember precisely at
 13 what point CEDR was selected but it took some time to
 14 make the decision that CEDR was going to be the
 15 nominated body to administer the actual mediation
 16 process and I think that more than anything else
 17 reflects the relatively sort of small number of cases
 18 that were listed on that schedule.
 19 Q. It is fair for you to add that consideration.
 20 If we look now at the document we have on screen
 21 here from CEDR, CEDR explains that by this date -- which
 22 you can see from the top is 6 March -- if you look at
 23 the second paragraph:
 24 "As you know, since July 2014, CEDR has been
 25 referred 31 cases for mediation under the scheme. So

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1 far 12 mediations have been taken up by the parties,
 2 using six different mediators, and 2 are currently being
 3 scheduled for mediation this month."
 4 So this is coming up to a year and a half since the
 5 scheme closed to applicants and by this stage there has
 6 been 12 mediations. Does that accord with your
 7 recollection of the kind of progress that was being
 8 made?
 9 A. Well, perhaps I can make another point before I answer
 10 that. I mean this letter is to Post Office general
 11 counsel. I would not have necessarily seen this letter.
 12 I certainly don't recall this letter. Those numbers are
 13 broadly sort of consistent with my sort of recollection.
 14 Q. Is it fair to say that by this stage in March 2015 there
 15 was a desire within the working group to make somewhat
 16 faster progress?
 17 A. Well, I think we had already made faster progress. You
 18 will also recall that it was in March 2015 that our
 19 appointment under the previous letter that you showed
 20 the court was terminated. I think at that point we had
 21 reviewed and produced reports for something like 116
 22 sort of cases, so the vast majority of our work was
 23 actually complete by that point.
 24 Q. Yes, that's a very fair point for you to make.
 25 If we could just look at it very briefly, the

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1 termination letter to which you have just referred is at
 2 {F/13/24.1}. That's the termination letter I think to
 3 which you at least indirectly referred.
 4 A. That's correct.
 5 Q. If we could look then to {F/1324.2}. This is a much
 6 longer letter from Post Office that came to you on the
 7 same day. Do you recall this longer letter? If I maybe
 8 tell you broadly what it is to do with. It's a letter
 9 in which Post Office sets out a plan for how
 10 Second Sight could finish its outstanding work. Do you
 11 remember that letter?
 12 A. Yes, I do.
 13 Q. And the second paragraph makes clear that Second Sight
 14 was expected to continue working during the notice
 15 period and that even beyond the notice period there
 16 would be a proposed future role for Second Sight.
 17 That's what this document dealt with, isn't it? It's
 18 a fairly long document.
 19 A. It is, but there's another document of that date or very
 20 close to that date which you haven't mentioned which was
 21 the press release from Post Office announcing the
 22 winding up with immediate effect of the mediation scheme
 23 itself. That I understand was the primary decision and
 24 our termination was a consequence of that not a separate
 25 issue.

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1 Q. Well, I think when you say mediation scheme it's fair to
 2 say, isn't it, that this winding up process, as you
 3 describe it, did not put an end to mediations; in
 4 fact --
 5 A. It put an end to the mediation working group with, as
 6 I understand it, no consultation and the announcement
 7 was made I think the day immediately before the next
 8 planned meeting of the working group, so it was
 9 a considerable sort of shock to everybody.
 10 The rationale from Post Office -- because
 11 Post Office general counsel was kind enough to explain
 12 this to me in a meeting I had with her when I was handed
 13 this letter, that Post Office felt that we had reached
 14 the point of -- it might be unfair to say sort of
 15 diminishing returns, but we were at the point where the
 16 mediation process using CEDR could continue without any
 17 further input from the mediation working group and that
 18 alternative arrangements would be made for Second Sight
 19 to complete the I think it was 20 outstanding reports at
 20 that point.
 21 Q. And in fact although there was not much time required
 22 for this, but also to complete your version 2 of the
 23 briefing report?
 24 A. Yes. That was already substantially complete. Within
 25 the letter I seem to recall was the requirement to

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1 complete that by 10 April which we were happy to agree
 2 to and I think it was signed off on 9 April or
 3 thereabouts.
 4 Q. And it is right to say, isn't it, that that version 2 of
 5 the briefing report part 2 was in fact -- Second Sight
 6 had told the working group that at least the first draft
 7 of that report would be produced on the 11th, so the day
 8 after this letter, and you in fact did produce a draft
 9 very shortly afterwards?
 10 A. Yes, that's my recollection and we invited comments from
 11 Post Office to enable us to complete the report and we
 12 issued it I think early May -- early April.
 13 Q. And I'm not going to take you through all of them merely
 14 because of the time so please do tell me if anything
 15 I say here is unfair, but there is then an exchange of
 16 letters between Second Sight and Post Office and indeed
 17 at least one meeting of which I'm aware in which the
 18 terms of Second Sight's ongoing engagement were
 19 discussed and agreed over the next couple of weeks.
 20 A. There was a certain amount of to and fro-ing. I do
 21 recall that one element of the proposal that was not
 22 acceptable to Second Sight was that we were going to be
 23 instructed directly by claimants. We felt that that
 24 potentially compromised our independence and objectivity
 25 and we suggested an alternative, which I seem to recall

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1 Post Office readily agreed to.
 2 Q. Yes. Just so we have the full detail on that,
 3 Post Office proposed to pay to applicants the amount
 4 that it would otherwise pay to you and for them to pay
 5 you directly. You said, for the reason you have given,
 6 you weren't comfortable with that and Post Office agreed
 7 to essentially continue the existing arrangement which
 8 was direct payment from Post Office to Second Sight?
 9 A. Correct.
 10 Q. And is it fair to say that that was the main point of
 11 difficulty between you in reaching agreement?
 12 A. That's the main point that I recall but I haven't
 13 revisited the documents recently.
 14 Q. That's fair.
 15 Last point just to confirm -- I think this is
 16 probably implicit in what you have already said to me,
 17 Mr Henderson, but it is right, isn't it, to say that
 18 looking at both the CRRs and the briefing report part 2,
 19 version 2, each of those was ultimately produced
 20 slightly -- I make no criticism -- slightly later than
 21 had been anticipated by the working group, but in
 22 relatively short order nonetheless?
 23 A. I think that's a fair comment.
 24 Q. Thank you very much.
 25 I have no further questions, my Lord.

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1 MR JUSTICE FRASER: Re-examination?
 2 MR GREEN: My Lord, no.
 3 MR JUSTICE FRASER: I have some questions.
 4 Questions from MR JUSTICE FRASER
 5 MR JUSTICE FRASER: The first is the two points that you
 6 made at the beginning of your evidence-in-chief
 7 effectively qualifying your evidence. You don't need to
 8 tell me what you were told by whom, but your
 9 understanding was that there was some restriction in
 10 length on your written witness statement because this
 11 was a time limited trial, is that correct?
 12 A. I was told that the draft -- or my first witness
 13 statement that I prepared stood the risk of being
 14 rejected by the court as going into too much detail and
 15 being too long and that I should prepare a much shorter
 16 version, which I ultimately did.
 17 MR JUSTICE FRASER: All right, well, just to be clear, no
 18 such restriction has ever been imposed by the court on
 19 your witness statement.
 20 The second one, I understand and you have identified
 21 this in your witness statement and it leads into a point
 22 I'm going to ask you in a moment, that you remain
 23 subject to a confidentiality agreement that you entered
 24 into with the Post Office, is that right?
 25 A. Modified by a protocol agreement that released us in

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1 some respects so that we could work with the solicitors
 2 to the claimants and give the evidence that I have
 3 given. We refer to it as the protocol agreement but it
 4 was quite clear that there were certain matters that
 5 I am not allowed to discuss.
 6 MR JUSTICE FRASER: Right, well, that sort of answers my
 7 next question, but I just want to be clear: is it your
 8 evidence therefore that because of that protocol
 9 agreement your evidence of fact to this court is
 10 narrower in scope than it would be absent the protocol
 11 agreement?
 12 A. Yes, it is.
 13 MR JUSTICE FRASER: Thank you.
 14 Next document please -- or the first document I'm
 15 going to show you, which Mr Draper took you to:
 16 {F/1228.1/1} please. Now, that's the letter that you
 17 were shown which you point out is July 2014. As
 18 I understand your evidence you were engaged in
 19 July 2012, which is two years before that; is that
 20 right?
 21 A. Correct.
 22 MR JUSTICE FRASER: Was there a letter in similar terms sent
 23 to you for July 2012?
 24 A. I think not because the scope was still evolving over
 25 that initial sort of six to 12 months. I mean there was

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1 certainly correspondence; I don't recall a formal
 2 engagement letter in this sort of style at that point.
 3 MR JUSTICE FRASER: All right. Can we go please to page 3
 4 of that letter {F/1228.1/3}. There's a clause at the
 5 bottom of that letter, 6.2, which runs over to the next
 6 page which says that:
 7 "Second Sight will not, and will ensure that the SS
 8 directors and any SS personnel will not, act directly or
 9 indirectly in any capacity ... against Post Office or
 10 any of its officers, directors or employees save to the
 11 extent (a) that it is expressly agreed in writing ...
 12 that the work proposed to be undertaken will not have
 13 a material adverse effect on Post Office's commercial or
 14 financial interests or reputation ..."
 15 And then there are some other exceptions which
 16 effectively relate to court orders.
 17 Do you know if there was a similar provision in
 18 respect of your work between July 2012 and July 2014 to
 19 that provision?
 20 A. I don't recall that, I'm sorry.
 21 MR JUSTICE FRASER: You can't recall.
 22 When you received this letter in July 2014 did you
 23 form the view that it made any material impact or
 24 difference to the terms upon which you had been engaged
 25 for the two years earlier than that?

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1 A. I think we anticipated that it was certainly possible
 2 that at some point we could be asked either to give
 3 factual evidence or support in some other way to
 4 claimants in an action against the Post Office. We were
 5 quite upfront about that. There is another document
 6 where I seem to recall that there was originally
 7 a clause referring to 12 months' gap between the
 8 completion of any work for Post Office and us working
 9 for in this case sort of claimants. I recall
 10 a handwritten amendment that I made where we agreed to
 11 extend that 12-month period to 15 months and I notice
 12 that in paragraph 6.3, 15 months is the date mentioned
 13 there. So at an early point in all of this I think
 14 there was a mutual recognition that as experts
 15 independently appointed to look into these matters, we
 16 could end up acting for either the Post Office or
 17 claimants and that was envisaged in the documentation.
 18 MR JUSTICE FRASER: All right, thank you very much.
 19 Mr Draper, any questions arising?
 20 Re-examination by MR DRAPER
 21 MR DRAPER: If I may, just one point of clarification
 22 arising out of your Lordship's first question.
 23 You have mentioned the confidentiality restrictions
 24 that were relaxed to enable you to speak to the
 25 claimants for the purposes of these proceedings. You

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1 didn't feel, did you, inhibited in answering any of the
 2 questions that I asked you?
 3 A. I had at the back of my mind that protocol agreement and
 4 I tried to make sure that my answers did not infringe
 5 that agreement.
 6 Q. It is fair to say they didn't risk doing so, did they,
 7 because of the nature of the questions that I asked you?
 8 A. I would have to refresh my mind as to the questions, I'm
 9 sorry.
 10 MR JUSTICE FRASER: I think that's probably a point for me
 11 actually. Thank you, Mr Draper.
 12 Mr Green?
 13 MR GREEN: My Lord, no.
 14 MR JUSTICE FRASER: Thank you very much for coming,
 15 Mr Henderson. That's the end of your evidence, you are
 16 now free to leave the witness box.
 17 Mr Green, that's your factual case I think.
 18 MR GREEN: My Lord indeed.
 19 Housekeeping
 20 MR GREEN: My Lord, there is one housekeeping thing --
 21 MR JUSTICE FRASER: Well, there are about five but let's
 22 start with yours first.
 23 MR GREEN: -- upon which I think Post Office might be
 24 assisted by an indication from your Lordship, because
 25 the --

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1 MR JUSTICE FRASER: An indication?
 2 MR GREEN: It might have to go further than that but we hope
 3 the help might sort it out. The Ernst & Young reports
 4 in relation to the Horizon system, we have reports --
 5 MR JUSTICE FRASER: Which you dealt with in opening I think.
 6 MR GREEN: Yes. We've got the ones from 2011. As far as
 7 I can tell we seem to have most of them from 2011 going
 8 forwards, it may be we have all, but the position on the
 9 earlier ones which we have been asking about for
 10 a little while is that the latest position I think is
 11 that Royal Mail -- from whom Post Office split on
 12 1 April 2012 -- have said, according to my learned
 13 friend's solicitors, that they are concerned -- is the
 14 word that's used in the letter -- about providing them
 15 without a third party disclosure order from the court.
 16 We are a little surprised.
 17 MR JUSTICE FRASER: Would they be coming from the
 18 Post Office or would they be coming from the Royal Mail?
 19 MR GREEN: Post Office say that apparently they don't have
 20 them and that only Royal Mail has them and Royal Mail is
 21 saying that they are concerned about providing them
 22 without a third party disclosure order, notwithstanding
 23 that Post Office was part of Royal Mail and normally
 24 when these organisations are split there are transfer
 25 orders in the usual way. So it's a surprising position

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1 which we hope might be lightly resolved initially .
 2 MR JUSTICE FRASER: All right, well I will hear what
 3 Mr De Garr Robinson has to say. I'm effectively being
 4 invited I think to make a third party disclosure order
 5 but against Royal Mail who you probably aren't
 6 instructed for.
 7 MR DE GARR ROBINSON: I have no brief for Royal Mail.
 8 My Lord, last year my instructing solicitors --
 9 I think actually Post Office contacted Royal Mail and
 10 said "Could we have these documents, they are being
 11 requested in these proceedings" and Royal Mail said
 12 "We're not going to give them voluntarily, if you want
 13 them you will need a court order".
 14 MR JUSTICE FRASER: And this was last year, was it?
 15 MR DE GARR ROBINSON: This was towards the end of last year,
 16 yes, in the late part of last year. I'm looking around
 17 to --
 18 MR JUSTICE FRASER: All right, if that's the situation
 19 then -- do you need them for Monday, Mr Green?
 20 MR GREEN: It would be quite helpful.
 21 MR JUSTICE FRASER: But how is -- I don't see how I can make
 22 an order against Royal Mail if they are not here.
 23 MR GREEN: I'm not inviting your Lordship to make an order.
 24 The issue that concerned us -- the letter is at
 25 {H/227/1} from Wombles dated 27 February where they

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1 explain --
 2 MR JUSTICE FRASER: Give me a second while it is pulled up
 3 on the screen if you're going to ask me to look at it.
 4 H what?
 5 MR GREEN: H/227/1. What they say is they don't say they
 6 are refusing -- it's the letter of 22 February -- they
 7 say:
 8 "... Royal Mail Group are concerned about providing
 9 these documents without a formal order from the court
 10 for third party disclosure."
 11 So it is pitched at the level of concern rather than
 12 anything more.
 13 MR JUSTICE FRASER: The problem is, just purely in terms of
 14 logistics ... well, it's a fundamental principle that
 15 I can't make an order in these circumstances against
 16 Royal Mail.
 17 MR GREEN: Of course.
 18 MR JUSTICE FRASER: I can express my views on the transcript
 19 and I can also make an order, which I'm going to do, you
 20 just have to give me a moment to consider what it is
 21 going to be.
 22 (Pause).
 23 Right, your juniors are going to have to take a note
 24 when I get to the order. First of all I will say what
 25 I'm going to do on the transcript and why I'm going to

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1 do it .
 2 Order
 3 MR JUSTICE FRASER: Royal Mail are not here today so
 4 I cannot make, as it has been expressed in the letter of
 5 the Post Office's solicitors on 27 February 2019,
 6 a third party disclosure order against the Royal Mail.
 7 However, what I am going to do is make the following
 8 order.
 9 I am going to order the claimants to issue an
 10 application for third party disclosure of the
 11 Ernst & Young reports prior to 2011, to be supported by
 12 a witness statement and that should be issued by
 13 1 o'clock tomorrow. I am going to give permission for
 14 short service. It is to be served on the Royal Mail if
 15 at all possible tomorrow and no later than 12 noon on
 16 Monday.
 17 In the event that the Royal Mail still decline to
 18 produce these documents voluntarily they can come at
 19 10 o'clock on Tuesday and I will hear the application
 20 then and if I do make an order against them in respect
 21 of third party disclosure, the necessary order and the
 22 relevant timings of that can be dealt with on Tuesday.
 23 Hopefully, considering the transcript, which I'm
 24 sure you will provide to them, they will realise there
 25 is little to be gained by doing anything other than

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1 being cooperative but I am not going to pre-judge the
 2 outcome of the application .
 3 All right?
 4 MR GREEN: I'm most grateful.
 5 MR JUSTICE FRASER: So that's that done. Is that the only
 6 housekeeping from your point of view?
 7 MR GREEN: My Lord, the only one from me.
 8 MR JUSTICE FRASER: Mr De Garr Robinson, do you have any?
 9 MR DE GARR ROBINSON: My Lord, I have your housekeeping
 10 points. You asked me to remind you to discuss
 11 8 and 9 May.
 12 MR JUSTICE FRASER: Yes, I have that on my sticker, we will
 13 come to that at the end.
 14 MR DE GARR ROBINSON: I have a file of claimants' witness
 15 statements, my Lord.
 16 MR JUSTICE FRASER: Excellent, thank you very much.
 17 MR DE GARR ROBINSON: If I can hand that up. That includes
 18 some sheets of corrections to the extent that any
 19 witnesses have minor corrections to make to their
 20 witness statements. I have also a document which
 21 contains all the corrections in one place if
 22 your Lordship is interested to see that.
 23 MR JUSTICE FRASER: Yes please, thank you very much.
 24 MR DE GARR ROBINSON: The corrections will of course be
 25 provided straight away. We have copies for my learned

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1 friend.
 2 MR JUSTICE FRASER: Yes.
 3 MR DE GARR ROBINSON: My Lord, yesterday you asked for
 4 a Word version of opening submissions. Your clerk
 5 should now have that.
 6 MR JUSTICE FRASER: Yes.
 7 MR DE GARR ROBINSON: You wanted me to address your Lordship
 8 on the question of redactions.
 9 MR JUSTICE FRASER: I wanted you to tell me how many
 10 documents had been disclosed as a function of the review
 11 that you have told me about.
 12 MR DE GARR ROBINSON: My Lord, the figures are as follows.
 13 There was a request to review 31 documents.
 14 MR JUSTICE FRASER: And that was a request from ..?
 15 MR DE GARR ROBINSON: From Freeths. Pursuant to that
 16 request, WBD and junior counsel, Mr Draper, reviewed
 17 31 documents. The redactions were maintained on 16 of
 18 those documents on the basis of privilege.
 19 MR JUSTICE FRASER: Yes.
 20 MR DE GARR ROBINSON: Redactions were maintained on four of
 21 those documents on the basis that redacted information
 22 was both confidential and irrelevant.
 23 MR JUSTICE FRASER: Four of the 16, or another four?
 24 MR DE GARR ROBINSON: Four of the 31. So we are up to 20
 25 now.

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1 MR JUSTICE FRASER: On privilege, did you say?
 2 MR DE GARR ROBINSON: And four was confidential and
 3 irrelevant.
 4 MR JUSTICE FRASER: Confidential and irrelevant.
 5 MR DE GARR ROBINSON: My Lord, redactions for privilege were
 6 narrowed or removed on seven documents.
 7 MR JUSTICE FRASER: Yes.
 8 MR DE GARR ROBINSON: On the basis that the redactions had
 9 been applied too widely for privilege. And, my Lord,
 10 I can give your Lordship an example of one of those so
 11 your Lordship will see the kind of error that was made.
 12 If I could ask your Lordship to look at {F/1251.1}.
 13 Your Lordship will see an email. This is a Second Sight
 14 email involving Post Office. Indeed Mr Henderson I see
 15 is one of the recipients. If you go down to the bottom
 16 of this page your Lordship will see a script "Privileged
 17 and confidential - created for the purpose of obtaining
 18 legal advice". That was inserted by Mr Henderson in his
 19 email and that resulted in that email, or large portions
 20 of that email being redacted. A similar phenomenon
 21 occurred on I think four of the seven occasions. That's
 22 what led to that judgment call, which on reflection it
 23 was decided was incorrect.
 24 MR JUSTICE FRASER: Yes.
 25 MR DE GARR ROBINSON: And, my Lord, in relation to

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1 redactions for confidential and irrelevant documents,
 2 they were narrowed or removed in four documents,
 3 essentially for pragmatic reasons.
 4 MR JUSTICE FRASER: So of the 31, 16 maintained on
 5 privilege, four maintained confidential/irrelevant,
 6 seven led to a narrowing and four were handed over, is
 7 that right? Or have I got the last four wrong?
 8 MR DE GARR ROBINSON: Four was confidential or irrelevant,
 9 so it led to either a narrowing or a withdrawal.
 10 MR JUSTICE FRASER: Right. Which led to some material being
 11 disclosed that hadn't been disclosed already?
 12 MR DE GARR ROBINSON: My Lord, yes. If I give your Lordship
 13 an example. If we look at {F/619.1}. Your Lordship
 14 will see this is a document where the tracking summary
 15 and the executive summary were previously redacted on
 16 the grounds that they were both confidential and
 17 irrelevant. One may well think that they are completely
 18 irrelevant, but on a pragmatic view --
 19 MR JUSTICE FRASER: Well, redaction on the grounds of
 20 relevance is a potential two-edged sword, isn't it? But
 21 this is the version that has now been disclosed?
 22 MR DE GARR ROBINSON: This is the version that's been -- the
 23 original version is at --
 24 MR JUSTICE FRASER: I don't need to see the original one.
 25 But it is the tracking summary and the executive

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1 summary.
 2 MR DE GARR ROBINSON: Yes.
 3 MR JUSTICE FRASER: Okay.
 4 MR DE GARR ROBINSON: So that gives your Lordship an idea of
 5 the scale.
 6 MR JUSTICE FRASER: Thank you very much.
 7 MR DE GARR ROBINSON: My Lord, I had thought there was
 8 something else. Oh, your Lordship during the course of
 9 Tuesday asked for memo views that were talked about in
 10 the evidence of Mr Latif.
 11 MR JUSTICE FRASER: Yes.
 12 MR DE GARR ROBINSON: Post Office has acquired what it
 13 thinks are the memo views for January. There's nothing
 14 relevant in there that they have found so far, but they
 15 want to ensure that they've got all of them so
 16 your Lordship may have to bear with us for a while.
 17 MR JUSTICE FRASER: Well, that's all right. When they've
 18 got them all -- I don't necessarily want them but you
 19 ought to give them to the claimants.
 20 MR DE GARR ROBINSON: My Lord, yes.
 21 MR JUSTICE FRASER: Right, so is that all the outstanding
 22 points?
 23 MR DE GARR ROBINSON: Would your Lordship give me one
 24 moment?
 25 MR JUSTICE FRASER: Yes.

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1 (Pause).
 2 MR DE GARR ROBINSON: The only outstanding question is
 3 something that actually it's really outside my job
 4 description but it's judgment on the common issues
 5 trial. I don't know whether your Lordship has any
 6 thoughts as to --
 7 MR JUSTICE FRASER: I'm going to come on to that now, but as
 8 far as housekeeping for this trial, I think that's dealt
 9 with all the currently loose ends except for --
 10 MR DE GARR ROBINSON: 8 and 9 May.
 11 MR JUSTICE FRASER: -- 8 and 9 May.
 12 In the time from telling you I was keeping those
 13 first two weeks of May clear to you saying when you
 14 wanted, I'm afraid the Thursday 9 May is no longer
 15 available. It would have to be the 7th and the 8th.
 16 Now, I'm not going to mess around too much about this.
 17 I don't want -- because we're moving it I'm going to be
 18 relatively flexible. I would like you please both to
 19 see if you can do the 7th and 8th rather than the
 20 8th and 9th.
 21 MR DE GARR ROBINSON: My Lord, yes, we will.
 22 MR JUSTICE FRASER: If there is an insuperable problem we
 23 will revisit it on Monday morning first thing. The
 24 trouble is there are so many cogs going behind the
 25 scenes --

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1 MR DE GARR ROBINSON: I can imagine.
 2 MR JUSTICE FRASER: -- that despite the fact that one wants
 3 to and has a certain degree of autonomy, it is just not
 4 possible to keep dates open for the length of time that
 5 counsel might expect.
 6 So unless you tell me on Monday morning first thing
 7 that the Tuesday and Wednesday of that week, so the 7th
 8 and the 8th, are simply not possible for good and proper
 9 reasons, that's when it is going to be. If you say it
 10 has to be the Wednesday and Thursday then I'm afraid
 11 there's going to have to be yet more to-ing and fro-ing
 12 about it. So I need to tell you about that straight
 13 away. I only found out yesterday.
 14 MR GREEN: My Lord, if we can give you a completely sure
 15 indication by tomorrow lunchtime, would that help?
 16 MR JUSTICE FRASER: Yes.
 17 MR GREEN: Bearing in mind on the --
 18 MR JUSTICE FRASER: Yes. You can do it tomorrow if you
 19 want.
 20 MR GREEN: Most grateful. I'm just trying to help in case
 21 there is --
 22 MR JUSTICE FRASER: By all means. But given the general
 23 level of judicial business across all the divisions it's
 24 not possible to keep everybody happy all the time.
 25 So that then leads me on to the only other thing,

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1 which is the common issues judgment. I am going to hand
 2 it down at 12 o'clock tomorrow. I have had
 3 typographical and other suggestions from both parties.
 4 They are relatively reasonable in scope. I'm fairly
 5 confident that although I haven't incorporated all of
 6 them now, I will have done either by the end of today or
 7 first thing tomorrow and I think we will keep with
 8 12 o'clock tomorrow. I don't intend to deal with any
 9 consequential applications at all, but I will be making
 10 the relevant order in the relevant terms to extend time
 11 as I identified at the beginning of last week and you
 12 will be expected to draw it up.
 13 MR GREEN: My Lord, we have already done a draft which
 14 I think --
 15 MR JUSTICE FRASER: I don't need it in advance and it
 16 depends what it says, but you will be the one doing it
 17 so I suggest you bring it with you tomorrow.
 18 MR GREEN: Very grateful.
 19 MR JUSTICE FRASER: Anything from the Post Office about
 20 that?
 21 MR DE GARR ROBINSON: My Lord, I have nothing to say.
 22 I think my learned friend's order has been shared with
 23 my instructing solicitors and if we have any issues with
 24 it we will communicate them.
 25 MR JUSTICE FRASER: Can I make it clear, for the purposes of

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1 assisting in terms of cost, I don't require -- and
 2 I will read nothing into -- either party turning up in
 3 any numbers at all. I will expect one person from the
 4 claimant to be here just because of the order. It will
 5 be open to the public. There will be printed copies.
 6 There are unlikely to be as many printed copies as
 7 people might want them but it will be instantly posted
 8 on the relevant websites and all those details will be
 9 given tomorrow, so please -- particularly for the
 10 Post Office team, Mr De Garr Robinson, because I know
 11 you have two different teams, please nobody should think
 12 that there will be any discourtesy assumed if nobody
 13 decides to come.
 14 MR DE GARR ROBINSON: My Lord, thank you.
 15 MR JUSTICE FRASER: Finally, I have something for Opus which
 16 is a hardly used envelope, compliments slip and plastic
 17 folder which can be reused.
 18 Thank you all very much. 10.30 -- well, 12 o'clock
 19 tomorrow and then 10.30 Monday.
 20 (4.34 pm)
 21 (The court adjourned until 10.30 am on Monday,
 22 18 March 2019)
 23
 24
 25

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