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IN THE COURT OF APPEAL

CRIMINAL DIVISION



CASE NOS 202001565/B3, 202001567/B3 & 202001571/B3

Neutral Citation Number: [2020] EWCA Crim 1678

Royal Courts of Justice
Strand
London
WC2A 2LL

Thursday 3 December 2020

Before:

LORD JUSTICE HOLROYDE
MR JUSTICE PICKEN
MRS JUSTICE FARBEY DBE

REFERENCE BY THE CRIMINAL CASES REVIEW COMMISSION

REGINA

v

TRACY FELSTEAD
JANET SKINNER
SEEMA MISRA

Computer Aided Transcript of Epiq Europe Ltd,
Lower Ground, 18-22 Furnival Street, London EC4A 1JS
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Mr E Henry QC and Mr R Bentwood appeared on behalf of Miss Page (counsel for the Appellants)
Mr E Lawrence QC and Miss Scott appeared on behalf of Mr Marshall (counsel for the Appellants)
Mr B Altman QC, Miss Z Johnson and Mr S Baker appeared on behalf of Post Office Legal
Services

J U D G M E N T
(Re: Possible Improper Disclosure)
(Approved)

1. LORD JUSTICE HOLROYDE: The submissions heard today make clear the competing considerations which the court must take into account. In our view priority must be given to the need for the appeals to proceed in proper course and without delay, involving as they do 41 appellants in all and many anxiously interested persons. For that reason, we think it necessary to give our decision now, even though we must reserve our reasons to be delivered in writing at a later date.
2. In our judgment, no contempt proceedings have yet been initiated and all that has happened thus far has been preliminary to any such initiation. In order to ensure appeal proceedings are not diverted or delayed, we direct that the question of whether any contempt proceedings are to be initiated against Mr Marshall and/or Miss Page and, if so, whether by the Post Office or by the Court of its own initiative, must be adjourned for consideration after the appeals have been concluded.
3. When the matter was last before the court on 19 November we left open the question whether the matters should be considered by this constitution or another constitution of the court. Although we are far from accepting all the submissions made in that regard by Mr Henry QC and Mr Lawrence QC, we direct that all further hearings must be before a different constitution.
4. MR HENRY: My Lords, may I seek guidance because implicit in the order that the court has made is that the further constitution may become, as it were, aware of material which we submit it ought not to read and so therefore it would be my submission that the court can, if I may so respectfully, adjourn this to an intermediate constitution who can deal with the question of the disclosures made, as we submit in breach of Miss Page's rights and it will be rather like, and I do not mean to make any unfortunate or invidious comparison, it would be rather like, forgive me, one Bench of magistrates dealing with the issue of admissibility before it is released to another Bench in the magistrates.
5. LORD JUSTICE HOLROYDE: Thank you Mr Henry. The short answer is no. Thank you.
6. MR HENRY: So be it, my Lord.
7. LORD JUSTICE HOLROYDE: Mr Henry, since you are on your feet, I will address you on behalf of counsel. We will in the usual way circulate a draft of our reasons when they are ready for handing down. We will invite corrections for typographical errors and the like. That will emphatically not be an opportunity for yet further submissions.
8. MR HENRY: Absolutely, my Lord, nor would I have ever --
9. LORD JUSTICE HOLROYDE: That was not directed at you personally. It was a general observation based upon the experience in different constitutions and different divisions of the court.
10. MR HENRY: Thank you. May I thank the court for its courtesy.

11. **Epiq Europe Ltd** hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

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