

TIMES NEWSPAPERS LIMITED

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Your Ref: WDS/IM

19th February, 1976

Messrs. R.C. Moorhouse & Co.,
Solicitors,
Protection House,
16 & 17, East Parade,
Leeds, LS1 2BR
Yorkshire.



Dear Sirs,

Ian Pinkerton (Grain Merchants) Ltd.,
J.G.L. Poulson - In Bankruptcy

I refer to your letters of 10th, 11th, 13th, 16th and 18th February, and to your visit to this office on 17th February.

So far as The Times and Mr. Stewart Tendler are concerned, the latter's current interest in the Poulson bankruptcy is over the amount of the probable dividend to creditors and when it is likely to be paid. You informed me on Tuesday that you were not in a position to impart this information yet, as the matter is extremely complicated, and that you had already given a promise to another journalist in the North of England to tell him first. I would not wish you to break that promise. When you are in a position to tell us, we would naturally like to know. You said you felt that the complexities of what is involved would necessitate the involvement of myself as a lawyer to appreciate the matter properly and you added that your capacity as trustee put you in a very delicate position. If you do indeed need me to take part I am very ready to try to understand the situation; I should say at once, however, that I make no claim whatever to any detailed knowledge or expertise in bankruptcy law and therefore feel it might be more appropriate, when the time comes, if you could set out the relevant explanations in writing. Could I make it clear that, contrary to the impression given by your letter of 11th February, neither Mr. Tendler nor The Times have been in touch with Mr. Priestley or Mr. Bendall: prior to our receipt of that letter Mr. Tendler had never met, spoken to or even heard of either of them, and had dealt with your Mr. Simpson simply on the basis that he was authorised to give such information as he did because of his dealings with the creditors. You state - and I have no reason whatever to doubt it - that you were acting on Mr. Priestley's and Mr. Bendall's behalf in your dealings with Mr. Tendler. I do of course quite accept this, but am only anxious to make it clear that we have had no dealings with either of them direct.

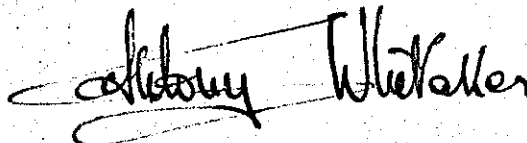
Continued.

19th February, 1976

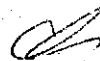
So far as Mr. Colin Simpson and The Sunday Times are concerned, I can, I hope, deal with the points you have raised quite shortly. First, as to the report concerning FAL Engineering Developments Ltd. As far as I am aware, Mr. Colin Simpson is the only person connected with The Sunday Times who has seen it. He tells me that it can be obtained through the Official Receiver at 2-14 Burnhill Row, London, EC17 8LL. Secondly, on the question of the relationship between accountants and trade protection associations. As we have already made clear a further article is in the process of preparation on this topic, but it may be some little time before the work is complete. Mr. Colin Simpson has a number of other investigations in hand, all of which make heavy demands upon his time. In these circumstances I am afraid I cannot give any firm date as to when the proposed piece is likely to appear.

Finally, I have passed a copy of your letter of 16th February to the Editor of The Times and to the Editor of The Sunday Times Business News. So far as your letter of 18th February is concerned, I have passed a copy to the Editor of The Sunday Times Business News, but feel that it is unnecessary to trouble the Editor of The Times with it.

Yours faithfully,



Antony Whitaker,
Legal Manager.



Mr. J.H. Priestley, the Trustee in Bankruptcy of Mr. Foulson, and Mr. R.F. Bendall, the Liquidator of Mr. Poulson's Companies have together realised so far £302,174.29. They continue to recover monies and they continue their investigations for this purpose both in this Country and abroad.

They have been principally concerned of recent times in an investigation into the tax affairs of Mr. Poulson and his Companies stretching back over twenty years. They had hoped to reach a final figure as to the amount owing to the Inland Revenue so that they could reserve for this and distribute an interim dividend and it has now been agreed, subject to any claim for interest and penalties, that the total liability to the Inland Revenue should not be more than £352,236.69. Should the Inland Revenue, as they may be entitled to, insist upon interest and penalties, their claims will exceed £700,000.

Mr. Priestley has not yet been able to finalise the claims of various Councils but Leeds City Council has agreed that it will not claim a sum in excess of £350,000, so that this can be reserved for. Arbitration proceedings to which Mr. Priestley is not a party and which involve part of Leeds City Council's claim to the extent of £217,930.38, were formally commenced only a week or so ago, and it may be months, and even years, before they are concluded. Mr. Priestley and Mr. Bendall intend to reserve for a dividend on claims by Councils not exceeding £450,000. Other Creditors have lodged claims for £124,899, thus depending on the Inland Revenue's decision the total claims will be either £1,274,899 or £927,136.

Mr. Priestley and Mr. Bendall say that it is impossible to distinguish the affairs of Mr. Poulson from those of his Companies. It is hoped that a scheme of consolidation will be approved and if it is then there could be either a distribution of 9p in the £ or 7p in the £ if the Revenue press for the larger claim.

Mr. Priestley and Mr. Bendall regret that they have to hold very substantial reserves to meet dividends due on these massive claims which are still under investigation and they must, of course, make reserves to meet all contingencies. It is, however, hoped that this modest interim dividend will be distributed shortly and meanwhile they continue with their administration and investigations in the hope of further recoveries.

.....

R.C. MOORHOUSE & CO

Solicitors.

COMMISSIONERS FOR OATHS.

R. C. MOORHOUSE
W. D. SIMPSON
C. WARD, LL.B.
J. M. PICKARD, M.A.
M. G. C. MOORHOUSE
N. P. DICKSON

TELEPHONE: 42631 (10 LINES)
S. T. D. PREFIX 0532

Protection House,
16 & 17, East Parade,
LEEDS, LS1 2BR.

WDS/IM

February 25th 1976

Dear Sir

Re: J.G.L. Poulson - In Bankruptcy, Ian Pinkerton
(Grain Merchants) Ltd & Fal Engineering Co Ltd.

We refer to your letter of the 19th February.

We enclose herewith a copy of a statement which, in accordance with our promise, we have today handed to a journalist in this City.

This statement might be of interest to Mr. Tendler, The Times, and its readers. We believe that for a proper understanding of the position it should be the subject of discussion between Mr. Tendler, yourself as the Lawyer, the Trustee, the Liquidator, and the writer of this letter.

Mr. Priestley and Mr. Bendall accept that their identity as individuals is not of the slightest interest to The Times and its readers, but when they are told that neither the Times nor Mr. Tendler had even heard of them as Trustee and Liquidator, they are astonished. We must observe that we do not understand how anyone can report upon the matter of an interim dividend in an insolvency without any knowledge of the existence of the officers who are to effect its distribution, and so that there should be no further misunderstandings in this regard all communications by us and Counsel touching upon any aspect of Poulson are communications made as their Agents, and none of us have acted in any way in any other capacity.

We yesterday attended at 2-14 Bunhill Row, London EC17 8LL and we were there assured in the most unequivocal terms that there was no official report, nor had there ever been an official report, so that our client is faced with the position that The Sunday Times insists that there is a report and requires them to deal with it, though they deny him a copy and a sight of it, whilst all other sources from which it might be obtained deny its existence. We know that you will agree that this places our client in

Continued

an intolerable position and that it requires immediate explanation.

We attended the meeting of the Creditors of Pinkertons to which you referred us. We are unable to reconcile anything which occurred at that meeting with our discussion when we met at your office, and as far as the Liquidator is concerned this meeting was perfectly satisfactory in every respect, except its convening. This was accomplished on the 6th February by the distribution to each creditor of a letter enclosing your newspaper's article of the 14th December. This letter was despatched on the 6th February. That is a week after Mr. Simpson's conversation with Mr. Turner and four days before our first letter to you.

The information which the Sunday Times requires for the purpose of a further article on the relationship between Accountants and Trade Protection Associations is all a matter of public record. It can be procured at modest expense by a search of the appropriate Registries. Mr. Bendall and Mr. Priestley repeat, through us, that they are satisfied that their relationship with the Association is absolutely proper in every respect and it is important to them that your newspaper's readers should know that it is in no way unique as you yourselves now know. Thus, within seven days copies of all the relevant records can be delivered to your office without the necessity of troubling Mr. Simpson in any way. Your article then can appear without delay.

The Sunday Times is concerned with the ethics of insolvency, as indeed we all are, and whilst we are in correspondence we should like to discuss with you the use by the media for profit of information revealed at the expense of creditors and without recompense to those creditors in general terms, and in particular the Sunday Times Colour Supplement on the 24th September 1972 which deal in part with "the background to the Poulson case". When we refer once again to the contents of this report, it seems to us to a great extent to be based on the transcript of evidence taken at a hearing. Now this transcript, if it does indeed form the basis of this article, was taken for the purposes of the Court and the proceedings and for the Trustee in Bankruptcy, entirely at the expense of the Bankrupt's estate and the creditors. You will understand that as the Trustee was never approached for permission to use the information upon which this article was based, he does not know until he hears from you, the full circumstances but it does seem to us in principle anyway that a repetition of a transcript should be paid for and that the reward should go to the Trustee for the benefit of the Creditors. Do you agree? We enclose herewith two copies to place before each Editor.

Yours faithfully

A.C. Whitaker, Esq.
The Times Newspapers Limited
Legal Department
New Printing House Square
200 Gray's Inn Road
London W.C.1.

R. C. MOORHOUSE & CO.
Solicitors.

COMMISSIONERS FOR OATHS.

R. C. MOORHOUSE
W. D. SIMPSON
C. WARD, LL.B.
J. M. PICKARD, M.A.
M. G. C. MOORHOUSE
N. P. DICKSON

TELEPHONE: 42831 (9 LINES)

S. T. D. PREFIX 0532

Protection House,
16 & 17, East Parade,
LEEDS, LS1 2BR.

WDS/IM

March 18th 1976

Dear Mr. Hunter

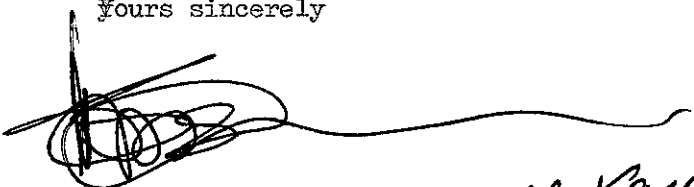
Re: Maudling -v- Granada

I am finding myself in an embarrassing position and I enclose herewith a copy of my present report to the Registrar, Wakefield County Court, together with a copy of my correspondence with the Solicitors acting for Granada Television and Mr. Maudling. All I want is a little more time to complete my investigations and negotiations. I have not informed Mr. David Graham of any of this because he is to appear on behalf of the Trustee at the hearing of Granada's appeal to the Divisional Court against the Registrar's Order as to production of private examinations. In this regard Mr. Graham is conversant with all the present facts and he will have my correspondence, only my report will be lacking. I have withheld this from him in case at any stage in this Appeal he was embarrassed by such knowledge for I would not wish the situation to be revealed to anyone. Certainly not in legal proceedings which are of no immediate benefit to the Creditors one way or another. I hope you have no objection to my lodging this report with you but I felt it right that I should do so.

With kind regards,

I remain

Yours sincerely



Mr. Muir Hunter, Q.C.
3 Paper Buildings
Temple
London E.C.4.

*P.S. What I am really saying
of course is that Mr. Maudling must
not know of my present correspondence
and interest in the Middle East.*

R.C. MOORHOUSE & CO

Solicitors.

COMMISSIONERS FOR OATHS.

R. C. MOORHOUSE
W. D. SIMPSON
C. WARD, LL.B.
J. M. PICKARD, M.A.
M. G. C. MOORHOUSE
N. P. DICKSON

TELEPHONE: 42831 (9 LINES)
S. T. D. PREFIX 0532

Protection House,
16 & 17, East Parade,
LEEDS, LS1 2BR.

WDS/IM

March 19th 1976

Dear Sir

Re: J.C.L. Poulson - In Bankruptcy

We enclose herewith certain correspondence with the Solicitors acting for Granada Television which followed your Order.

When we were first instructed in the Poulson Bankruptcy we were told, in the strictest confidence by various parties with whom we were in dialogue, that Mr. Poulson and/or his Companies had very large sums of money deposited abroad, particularly in the Middle East. At least one individual, together with others directly or indirectly associated with him, was able to give us most positive information as to how in practice these monies had been secretly accumulated.

The estimates as to the amount actually held abroad varied between £300,000 and £800,000 and these monies were made up of secret commissions paid by suppliers to various of Poulson's projects in consideration of Poulson and his associates procuring acceptance of their tenders, etc., and these commissions varied from 10% to 30%.

The writer was introduced to various individuals who gave us proof positive of the payment of these commissions and who, in some instances, actually handed over their files with all the secret information therein. Now it is true that the total commissions we were able to identify were under £20,000 and there is no chance of us recovering more than £11,000. Nevertheless we had the clearest possible evidence that commissions were paid, that some at least were paid abroad and that the commissions we were able to identify were simply an example of the whole. Indeed, we were informed by one contractor that with very rare exceptions every contractor will have paid a commission. We know that the rate was between 10% and 30% and it would follow then that there were sums of between £300,000 to £800,000 which remain unaccounted for.

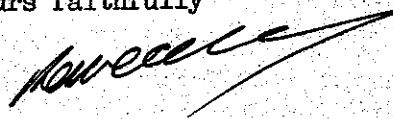
We also obtained the clearest possible evidence that politics played a very significant part in the matters discussed above. Indeed, so much so that we were actually introduced to a former President of the Lebanon Camille Chamoun, the leader

Continued

of the Christian Community in that country. It was thought that his influence could be of advantage to the trustee in Bankruptcy in his investigations in that part of the world. On the other hand it was made quite clear to the writer that there were others whose purpose would be to hinder investigations and who had great influence with Arab rulers and politicians.

We have heard nothing to our advantage from these sources for some considerable time now and for the moment anyway it seemed that nothing further could be done in the Middle East, at least for the time being but, of course, political situations can change rapidly and we were careful to keep all our options open, so much so that a few weeks ago we got a positive approach in writing from our original source of information to the effect that he was in a position to introduce us to an individual who had positive and exact information as to the whereabouts of no less than £450,000, the property of Poulson's estate or of his Companies. In the past this source of information has never failed and we arranged an early meeting. Unfortunately the individual we were to meet, whose identity we know, was delayed in Damascus of all places and we are not to meet him for at least a fortnight. Meanwhile, we have been reminded that the position is of the utmost delicacy. Nothing must be done to alarm our informants and we were specifically reminded there were those who had quite sufficient influence to prevent the withdrawal of monies from Arab countries even if their whereabouts could be identified. It is in this context then that we are finding considerable difficulty in satisfying at least the Solicitors acting for Granada Television that we are complying with the spirit and letter of your Order. We felt it right then to place this report before you.

Yours faithfully



The Registrar
County Court
Wakefield

GOODMAN, DERRICK & CO.

SOLICITORS

LORD GOODMAN, C.H.
J. MONTGOMERIE
J. J. MAUNSELL
M. T. PELLOE
J. T. P. ROBERTS
J. D. BIEBER
SALLY R. HAMWEE
A. LEIGHTON DAVIS
J. R. MACKENZIE
~~G. M. WELCH~~
R. M. PERROT
R. P. J. PRICE
J. H. MARTIN

01-836 1853-8

4, LITTLE ESSEX STREET,

STRAND,

LONDON, WC2R 3LD

CABLES AND TELEGRAMS: LITSURE, LONDON, W.C.2
TELEX: 21210

YOUR REF WDS/IM

OUR REF JJ/RR/74/168

DATE 12th February, 1976.

Dear Sirs,

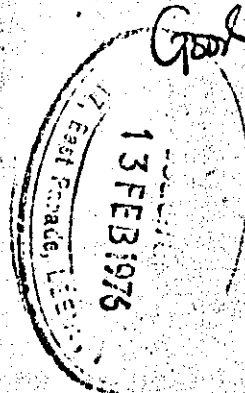
In re: J.G.L. Poulson (a Bankrupt)
Chancery Division (Divisional Court).

We send you now by way of service through the post,
Notice of Appeal against the Order of Mr. Registrar Garside
dated 26th January, 1976.

Will you kindly acknowledge receipt and accept
service in due course.

Yours faithfully,

Messrs. R.C. Moorhouse, & Co.,
Protection House,
16 and 17 East Parade,
LEEDS, LS1 2BR.



IN THE HIGH COURT OF JUSTICE

No. 1 of 1977.

CHANCERY DIVISION

DIVISIONAL COURT

IN BANKRUPTCY

ON APPEAL FROM THE WAKEFIELD COUNTY COURT

Re: JOHN GARLICK LLEWELLYN POULSON - A BANKRUPT.

B E T W E E N :

GRANADA TELEVISION LIMITED

Appellants

- and -

REGINALD MAUDLING and

JOHN HERBERT PRIESTLEY -
(The Trustee)

Respondents.

TAKE NOTICE that the Divisional Court (In Bankruptcy) will be moved so soon as Counsel can be heard by Counsel on behalf of the above-named Appellants on appeal from the Order of Mr. Registrar Garside dated the 26th January, 1976 whereby:-

"Leave was granted for the Trustee in Bankruptcy of the above-named Bankrupt to give the authority to his Solicitors in the form attached hereto to produce the documents therein referred to, such documents to be used solely in respect of the action referred to, with undertakings to be given by the Plaintiff's and the Defendants' Solicitors. Liberty to apply",

the terms of the authority attached to the Order being as follows:-

"TO WHOM IT MAY CONCERN

I, JOHN HERBERT PRIESTLEY, Trustee in Bankruptcy of John Garlick Llewellyn Poulson, hereby authorise and request you to produce to the Plaintiff herein and to the Defendants herein all books, files, papers, correspondence, accounts, drafts, minutes, notes, memoranda, indices, statements, transcripts of Public Examinations and all other documentary evidence assembled by me for the purpose of the bankruptcy proceedings in respect of the above-named John Garlick Llewellyn Poulson, excluding transcripts of Private Examinations, and to supply such copies as each of the parties at their own expense may require and to allow them to take copies of the aforesaid documents, subject at all times to such documents being relevant to the issues in the above action."

AND TAKE NOTICE that the Court will be moved for an Order that:

The authority attached to the Order of Mr. Registrar Garside dated the 26th January, 1976 be varied so as to authorise the production to the Appellants of the transcripts of the first-named Respondent's Private Examination by the insertion of the word "all" between the existing words "excluding" and "transcripts" and of the words "save that of the Plaintiff's Private Examination" between the existing

words "Private Examinations," and "and"

AND FURTHER TAKE NOTICE that the grounds of this Appeal are:-

- (1) That the Learned Registrar was wrong in holding that it was a necessary condition of his granting leave for the Appellants to inspect the transcript of the first-named Respondent's private examination that the first-named Respondent should have given his consent to such inspection.
- (2) That the Learned Registrar was wrong in holding that the transcript of the first-named Respondent's private examination must be treated in the same way as the transcripts of the private examinations of other persons.
- (3) That the transcript of the first-named Respondent's private examination is in a different category from the transcripts of the private examinations of other persons, in that the first-named Respondent has brought an action for damages for libel against the Appellants, to the issues in which action the matters contained in or referred to in the said transcript are relevant.
- (4) That the refusal of leave for the Appellants to inspect the said transcript will or may delay the trial of the said libel action.

(5) That the Learned Registrar was wrong in holding that it was a ground for refusing leave to inspect the transcript of a private examination without the consent of the person examined that other persons privately examined on other occasions might otherwise refrain from giving frank or honest answers to the questions put to them upon their examination.

DATED the 12th day of February 1976.

SIGNED *Goodman*
GOODMAN DERRICK & Co.
(Solicitors for the
Appellants)

TO THE SAID:
Reginald Maudling AND TO
Oswald Hickson Collier & Co.,
his Solicitors:

AND TO THE SAID:
John Herbert Priestley AND TO
R.C. Moorhouse & Co.
his Solicitors;

AND TO THE Registrar of the said County Court,

TAKE NOTICE that this Appeal has been set down in
the List to be heard on the



GOODMAN, DERRICK & CO.

SOLICITORS

LORD GOODMAN, C.H.
J. MONTGOMERIE
J. J. MAUNSELL
M. T. PELLOE
J. T. R. ROBERTS
J. D. BIEBER
SALLY R. HAMWEE
A. LEIGHTON DAVIS
J. R. MACKENZIE
R. M. PERROT
R. P. J. PRICE
J. H. MARTIN

01-836 1853-8

**4, LITTLE ESSEX STREET,
STRAND,
LONDON, WC2R 3LD**

CABLES AND TELEGRAMS: LITSURE, LONDON, W.C.2
TELEX: 21210

YOUR REF WDS/IM

OUR REF JJ/RR/74/168 DATE 13th February, 1976.

Dear Mr. Simpson,

re: GRANADA TELEVISION LTD. -ats-
MR. REGINALD MAUDLING.

Further to my letter of the 9th February, 1976,
I enclose herewith in confidence the Schedule mentioned in that
letter.

I would be grateful if we could be given inspection
(and an opportunity to take copies) of the documents listed as soon
as possible. No doubt we can make a start upon such inspection
on the occasion of your visit to London next Tuesday.

More legible copies (items a to h) and locating the
originals of items (i) to (o) would be of priority from our
point of view. I also think it is essential, to place matters
in their true perspective, that all letters exchanged between
Mr. Maudling and Mr. Poulson (or members of his staff) should be
found so that a completed Bundle of such correspondence can be
assembled.

I will look forward to hearing from you regarding
paragraphs 3 and 6 of my earlier letter to you of the 9th
February, 1976.

Yours sincerely,

J. J. Mansell

PRIVATE & CONFIDENTIAL.

W.D. Simpson, Esq.,
Messrs. R.C. Moorhouse & Co.,
Protection House,
16 and 17 East Parade,
LEEDS LS1 2BR.

GOODMAN, DERRICK & CO.

SOLICITORS

LORD GOODMAN, C.H.
J. MONTGOMERIE
J. J. MAUNSELL
M. T. PELLOE
J. T. P. ROBERTS
J. D. BIEBER
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CABLES AND TELEGRAMS: LITSURE, LONDON, W.C.2
TELEX: 21210

01-836 1853-8

YOUR REF WDS/IM OUR REF JJ/RR/74/168 DATE 18th February, 1976.

Dear Sirs,

In re: J.G.L. Poulson (a Bankrupt)
Chancery Division (Divisional Court)

Further to our letter of the 12th February, 1976, we send you now by way of service through the post, copy Notice of Appeal which has been set down today. Would you kindly acknowledge receipt and accept service on behalf of the Trustee by return of post. The Appeal has been fixed for Monday the 12th April, 1976.

We believe that the Appeal will be No. 1 in the List.

We would be grateful if you could let us have a written acknowledgement without delay. At the same time we would be obliged if you would ensure that the Order of Mr. Registrar Garside dated 26th January, 1976 is drawn up forthwith since the Chief Bankruptcy Registrar requires an Office Copy to be lodged with the papers as soon as possible.

We will await hearing from you.

Yours faithfully,

PRIVATE & CONFIDENTIAL.

Goodman Derrick & Co.

Messrs. R.C. Moorhouse & Co.,
Protection House,
16 and 17 East Parade,
LEEDS LS1 2BR.

IN THE HIGH COURT OF JUSTICE

No. 1 of 1972

CHANCERY DIVISION

DIVISIONAL COURT

IN BANKRUPTCY

ON APPEAL FROM THE WAKEFIELD COUNTY COURT

Re: JOHN GARLICK LLEWELLYN POULSON - A BANKRUPT.

B E T W E E N :

GRANADA TELEVISION LIMITED

Appellants

- and -

REGINALD MAUDLING and

JOHN HERBERT PRIESTLEY -
(The Trustee)

Respondents.

TAKE NOTICE that the Divisional Court (In Bankruptcy) will be moved so soon as Counsel can be heard by Counsel on behalf of the above-named Appellants on appeal from the Order of Mr. Registrar Garside dated the 26th January, 1976 whereby:-

"Leave was granted for the Trustee in Bankruptcy of the above-named Bankrupt to give the authority to his Solicitors in the form attached hereto to produce the documents therein referred to, such documents to be used solely in respect of the action referred to, with undertakings to be given by the Plaintiff's and the Defendants' Solicitors. Liberty to apply",

the terms of the authority attached to the Order being as follows:-

"TO WHOM IT MAY CONCERN

I, JOHN HERBERT PRIESTLEY, Trustee in Bankruptcy of John Garlick Llewellyn Poulson, hereby authorise and request you to produce to the Plaintiff herein and to the Defendants herein all books, files, papers, correspondence, accounts, drafts, minutes, notes, memoranda, indices, statements, transcripts of Public Examinations and all other documentary evidence assembled by me for the purpose of the bankruptcy proceedings in respect of the above-named John Garlick Llewellyn Poulson, excluding transcripts of Private Examinations, and to supply such copies as each of the parties at their own expense may require and to allow them to take copies of the aforesaid documents, subject at all times to such documents being relevant to the issues in the above action."

AND TAKE NOTICE that the Court will be moved for an Order that:

The authority attached to the Order of Mr. Registrar Garside dated the 26th January, 1976 be varied so as to authorise the production to the Appellants of the transcript of the first-named Respondent's Private Examination by the insertion of the word "all" between the existing word "excluding" and "transcripts" and of the words "save that of the Plaintiff's Private Examination" between the existing

words "Private Examinations," and "and"

AND FURTHER TAKE NOTICE that the grounds of this

Appeal are:-

(1) That the Learned Registrar was wrong in holding that it was a necessary condition of his granting leave for the Appellants to inspect the transcript of the first-named Respondent's private examination that the first-named Respondent should have given his consent to such inspection.

(2) That the Learned Registrar was wrong in holding that the transcript of the first-named Respondent's private examination must be treated in the same way as the transcripts of the private examinations of other persons.

(3) That the transcript of the first-named Respondent's private examination is in a different category from the transcripts of the private examinations of other persons, in that the first-named Respondent has brought an action for damages for libel against the Appellants, to the issues in which action the matters contained in or referred to in the said transcript are relevant.

(4) That the refusal of leave for the Appellants to inspect the said transcript will or may delay the trial of the said libel action.

(5) That the Learned Registrar was wrong in holding that it was a ground for refusing leave to inspect the transcript of a private examination without the consent of the person examined that other persons privately examined on other occasions might otherwise refrain from giving frank or honest answers to the questions put to them upon their examination.

DATED the 12th day of February, 1976.

SIGNED *Goodman Derrick & Co.*

GOODMAN DERRICK & Co.
(Solicitors for the
Appellants)

TO THE SAID:
Reginald Maudling AND TO
Oswald Hickson Collier & Co.,
his Solicitors:

AND TO THE SAID:
John Herbert Priestley AND TO
R.C. Moorhouse & Co.
his Solicitors;

AND TO THE Registrar of the said County Court

TAKE NOTICE that this Appeal has been set down in
the Chancery ^{Division (Divisional Court in Bankruptcy)} List to be heard on the 12th April, 1976



WDG/III

Your ref: JJ/RR/74/168

February 19th 1976

Dear Sirs

Re: J.G.L. Foulson - a Bankrupt
Chancery Division (Divisional Court)

We thank you for your letter of the 18th February and we acknowledge receipt both of your previous letter and of the Notice of Appeal, and we accept service by post. We regret that we have delayed writing to you but the writer has been very heavily committed in the last few days.

We understand from Counsel that there is some doubt in his mind about the wording of the Order as settled by Mr. Rampton and Mr. Hartley. We agree that it is vital that this be dealt with without further delay, and we have, today, asked his Clerk to arrange for him to speak to Mr. Hartley and Mr. Rampton as a matter of the utmost urgency, and if there is anything further we can do in this regard, please do not hesitate to communicate with us.

Yours faithfully

Messrs. Goodman, Derrick & Co.,
4 Little Essex Street
Strand
London WC2R 3LD

WDS/IM

February 19th 1976

Dear Mr. Priestley

Re: Haudlin -v- Granada Television

I enclose herewith a copy of the Notice of Appeal and of my Brief to Counsel. You will see that the hearing is on Monday the 12th April and in all the circumstances, and particularly as it may be in open Court, I think both you and perhaps even Mr. Bendall should be present.

Yours sincerely

J.H. Priestley, Esq.
Messrs. Poppleton & Appleby
93 Queen Street
Sheffield S1 1WF

WDS/IM

Your ref: JT/DE/VH

February 23rd 1976

Dear Sirs

Re: Rerinald Maudling -v- Granada Television Ltd.

We thank you for your letter of the 29th January. We regret our delay in replying due to certain heavy pressures. Granada have now appealed on the Order. We think, pending the hearing of the appeal, it will be best if we produce only such matters as are jointly identified to us by both parties. Do you agree?

Yours faithfully

Messrs. Oswald Hickson, Collier & Co.
Essex House
Essex Street
Strand
London WC2R 3AQ

WDS/IM

Your ref: JJ/RR/74/168

February 23rd 1976

Dear Mr. Maunsell

Re: Granada Television Ltd Ats Mr. Reginald Haudling

I thank you for your letter of the 13th February. I am trying to get together each and every document to which you have referred in the Schedule. Meanwhile, as the original order is the subject of appeal, am I right in proceeding any further without the consent of Oswald Hickson, Collier & Co.? I have not informed them of the contents of your Schedule. I am concerned as always to do whatever I can to assist both parties but I would like your comments. Meanwhile, as I say, my staff are helping to get together the documents you have listed.

Yours faithfully

Messrs. Goodman, Derrick & Co.
4 Little Essex Street
Strand
London WC2R 3LD

GOODMAN, DERRICK & CO.

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J. J. MAUNSELL
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01-836 1853-8

**4. LITTLE ESSEX STREET,
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LONDON, WC2R 3LD

CABLES AND TELEGRAMS: LITSURE, LONDON, W.C.2
TELEX: 21210

YOUR REF WDS/IM

OUR REF JJ/TB/74/168 DATE 24th February 1976

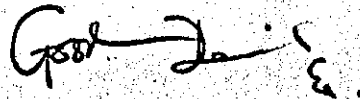
Dear Sirs,

J.G.L. Poulson - a Bankrupt
Chancery Division (Divisional Court)

We thank you for your letter of the 19th February, 1976.
We fully appreciate that your Mr. Simpson has been very busy.

We hope that the Order can be drawn up without delay.
There is no doubt that this is a question for the Trustee and/or
Mr. Maudling since Granada Television Limited were Respondents
and the Appeal is made by our clients in that capacity.

Yours faithfully,



Messrs. R.C. Moorhouse & Co.,
Protection House,
16 & 17 East Parade,
Leeds LS1 2BR

GOODMAN, DERRICK & CO.

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YOUR REF WDS/IM

OUR REF JJ/TB/74/168

DATE 24th February 1976

Dear Mr. Simpson,

Granada Television Limited ats. Mr.
Reginald Maudling

* Thank you for your letter of the 23rd February, 1976. I did also write to you on the 12th and 18th February respectively and I would be grateful for an acknowledgment of service and for your assurance that the Order of Mr. Registrar Garside dated 26th January, 1976 will be drawn up as soon as possible.

You will be aware that a date for the Appeal has been fixed, namely Monday the 12th April, 1976.

I am grateful that your staff are assembling the documents we have listed. We would like to inspect originals or best copies available so that the copies we take and produce to the Court and Counsel are legible. It does make it such hard going to have to keep stopping to decipher bad copies of copies.

As you know, the pending Appeal is limited to the transcript of Mr. Maudling's private examination and as far as I am aware it is the intention of both parties that the process of production and inspection should continue. This indeed is an added reason for drawing up the Order so that a Sealed or Office Copy of such Order can be produced to the Treasury Solicitor without delay.

However I will ask Messrs. Oswald Hickson, Collier & Co. to confirm that they wish production to proceed. You have also made it clear that any document produced to our Clients will be produced to Mr. Maudling and vice versa. This is all, of course, subject to the point that Granada should be brought into a position of full equality with the Plaintiff (as was agreed). I would therefore repeat the contents of the third paragraph of my letter to you of the 9th February, 1976.

Finally may I revert to the question of the two forms of authority for signature by Mr. Bendall in relation to I.T.C.S. and Ropergate Services Limited. I hope Mr. Bendall will now

.../2

GOODMAN, DERRICK & CO.

SOLICITORS

LORD GOODMAN, C.H.	A. LEIGHTON DAVIS
J. MONTGOMERIE	J. R. MACKENZIE
J. J. MAUNSELL	D. M. WELCH
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YOUR REF WDS/IM

OUR REF JJ/TB/74/168

DATE 1st March 1976

Dear Sirs,

J.G.L. Poulson (a Bankrupt)
Chancery Division (Divisional Court)

May we refer to our letter of the 24th February, 1976. We have now heard from the Chief Clerk of Wakefield County Court to the following effect:-

1. The Registrar agrees that the wording of the Order made by him is as quoted in the Notice of Appeal that was served upon you.
2. The Registrar also confirms that his Order was made on the Trustee's application.
3. The Registrar has approved the attached Notes of Judgment which will be lodged with the Chancery Divisional Court in due course.

We would be obliged if you would be kind enough to communicate this to Mr. David Graham (your Counsel) and we would also be obliged if you would take immediate steps to draw up the Order so that an office copy may be lodged with the Chief Bankruptcy Registrar.

We have duly notified Messrs. Oswald Hickson, Collier & Co.

In conclusion may we repeat the points made in previous letters that Granada Television Limited should be brought into a position of full equality with Mr. Maudling (as was agreed) and we would repeat the contents of the third paragraph of our letter dated the 9th February, 1976.

We would like to ask for the earliest possible fresh appointment with your Mr. Simpson to see and take copies of the various documents which have been flagged.

.../2

Is it possible for you to give us an indication in writing when Mr. Bendall will be able to send us the forms of authority duly signed by himself in relation to I.T.C.S. and Ropergate Services Limited. Delay is being caused and we would like to start inspection of the I.T.C.S. and Ropergate papers this week if possible.

We will look forward to hearing from you at your earliest convenience.

Yours faithfully,

God De...

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Messrs. R.C. Moorhouse & Co.,
Protection House,
16 & 17 East Parade,
LEEDS LS1 2BR

Encl.

WDS/TK

Your ref: JJ/TB/74/168

March 3rd 1976

Dear Sirs

Re: J.G.L. Foulson (a Bankrupt) Chancery
Division (Divisional Court)

We refer to your letter of the 1st March.

We have confirmed with the Wakefield County Court that the Registrar agrees that the wording of the Order made by him is as quoted in the Notice of Appeal and we are filing an Order in those terms.

You are quite right when you say that it was the Trustee's Application and it was an Application, as we would remind you, that was made as a matter of courtesy to assist both the Plaintiff and the Defendants in these legal proceedings. You have been told that because of the unusual nature of this Bankruptcy and these Liquidations, the Trustee and the Liquidator have made available to every party and authority properly-interested particular documents that will concern them and this, you will recollect, without prospect of reward. Having decided upon this policy many months ago it was agreed that exactly the same facilities should be afforded to your clients and to Mr. Maudling, and subject to this pending Appeal, whatever is proper and approved by the Court will be done in this regard.

We have suffered considerable inconvenience by reason of the failure of Counsel to agree the wording of the Order and if we are to assist either parties to these proceedings any further there must never again be such confusion and inconvenience occasioned to us.

Continued

You talk of delays and there seems to be some urgency, though quite frankly we can see no signs of these legal proceedings having been pursued with diligence and we cannot imagine what the urgency is. We are afraid that due to the great pressures upon us at this time we shall not be in a position to deal with any of your requests in the next few weeks but you must not hesitate to communicate with us from time to time.

Yours faithfully

Messrs. Goodman, Derrick & Co.
4 Little Essex Street
Strand
London WC2R 3LD

1
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**4, LITTLE ESSEX STREET,
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LONDON, WC2R 3LD

CABLES AND TELEGRAMS: LITSURE, LONDON, W.C.2
TELEX: 21210

YOUR REF WDS/IM

OUR REF JJ/RR/74/168

DATE 8th March, 1976.

Dear Sirs,

re: J.G.L. POULSON (a Bankrupt)
Chancery Division (Divisional Court).

We thank you for your letter of the 3rd March, 1976.

We fully appreciate that Mr. Simpson may be very busy but it seems clear that in his preoccupation with other affairs he has overlooked letters written by your firm; assurances which he has himself given; and statements made by his own Counsel to the Registrar.

Rather than reply in detail to correct the various points you seek to make, we think it better to suggest that your letter should immediately be treated as withdrawn as though it had not been written. It will then be possible to proceed with inspection as clearly understood and agreed by all parties in a reasonable fashion and with expedition.

We agree that the convenience of all parties should be considered, but this must include Mr. Maudling (and his Solicitors) and Granada Television Limited (and their Solicitors). If the form of authority can be signed by Mr. Priestley and sent to us, we will undertake to lodge it plus a sealed copy of the Order with the Treasury Solicitor so that inspection of the documents in the possession of the police can commence at once. Thus the process can go forward without causing any trouble or inconvenience to Mr. Simpson and as envisaged by the Registrar.

We hope it is not your Client's intention to defer giving any further inspection pending the Appeal as seems to be implied by your third and final paragraphs.

Finally may we please request an early appointment to attend upon Mr. Bendall in person.

If Mr. Simpson can devote quarter of an hour of his time to this matter now, it may well be that he need not be troubled for a few weeks (when we hope his present preoccupation will

MESSRS. R.C. MOORHOUSE & CO.

cont/.....

have abated) while Messrs Oswald Hickson Collier & Co. and ourselves peruse the documents which the Police have been flagging.

We will look forward to hearing from you.

Yours faithfully,

Good Derrick & Co.

Messrs. R.C. Moorhouse & Co.,
Protection House,
16 & 17, East Parade,
LEEDS LS1 2BR.

WDS/IM

March 11th 1976

Dear Sirs

Re: J.G.L. Foulson - a Bankrupt, R.M. Maudling
-v- Granada Television Limited

We thank you for your letter of the 8th March.

There still seems to be considerable confusion between us and to dispel this we shall not withdraw our previous letter but enlarge upon it.

The application to the Court was made by the Trustee in order to assist your clients and Mr. Maudling and has a logical extension of what he considers to be his public duty and there is no question of any benefit of any kind to the creditors so far as we can judge. Both our client and the writer were extremely disappointed that whilst we thought it was clearly understood by every party that the wording of this order was to be agreed between the three Counsel involved, this was never in fact accomplished and your firm, it seems, made a unilateral approach to the Registrar to secure his approval to the wording. We do not, of course, question in any way the Registrar's decision but in the light of this we cannot see what useful purpose was served by our repeated efforts to obtain Counsels' approval of the wording of the order which was never, in fact, accomplished for reasons which we do not understand.

You refer in your letter to the need to proceed with inspection as clearly understood and agreed by all parties in a reasonable fashion and with expedition and you go on to say that you agreed that the convenience of all parties should be considered and that this must include Mr. Maudling and his Solicitors, etc. Why, then, do you press us to expedite this matter when we are told by the Court that Mr. Maudling and his Solicitors have not yet filed their Undertaking which, whatever anyone may say, must be done before this matter can be taken any further. You will answer this please in your reply to this letter.

Continued

You seem to require us to produce either the entirety or at least part of our file relating to Mr. Maudling and we refer, in particular, to Item 32 on your Schedule of the 9th February. Now surely, any documents there may be, if they are relevant and the proper subject of this discovery "as clearly understood and agreed by all parties" such documents would already have been produced and discovered to you by Messrs. Oswald Hickson, Collier & Co. Why, then, should we be asked to produce such documents?

We thought that we had made it clear in the past that Construction Promotion Ltd or C.P. is not in Liquidation and we do not act on its behalf. We think, therefore, that any documents which might be the property of that Company should only be released in so far as we have possession of them with the consent of that Company, and no doubt you will procure this as a matter of urgency.

You press us to procure the Liquidator's authority. There is one aspect to this which must be cleared up before this authority is produced and that is the production of this authority by any parties to this action to the Department of Trade as being an authority for production of the Inspector's reports as required by Section 111 of the Companies Act 1967. Now we are in no doubt but that this authority could be so interpreted. Is it every your intention to rely upon it as such and if so do you maintain that the Inspector's reports are documents discoverable in the action which you defend.

We observe that your Schedule is marked "Private and Confidential" and for this reason we have not produced it to anyone, but presumably in the terms of your last letter it is not private and confidential so far as Messrs. Oswald Hickson, Collier & Co and Mr. Maudling are concerned, and if this is right, would it not be wiser for an agreed list to be produced or at least an attempt be made to agree such a list before any productions take place?

The Trustee and the Liquidator are not prepared to delegate to the Treasury Solicitor or anyone else the responsibility for production of files and documents which they instruct us must be dealt with by this firm. The member of our staff who deals with the Foulson files has been ill with influenza and we are not yet certain when she will return. The writer is very heavily committed but perhaps by the time you have cleared up all the outstanding queries in this letter, we shall be in a position to move forward but obviously they must be cleared up first. You do not actually deal in your letter with this question of urgency. We all have our commitments and if there are to be special priorities we must know why.

Yours faithfully

Messrs. Goodman Derrick & Co.
4 Little Essex Street
Strand
London WC2R 3LD

GOODMAN, DERRICK & CO.

SOLICITORS

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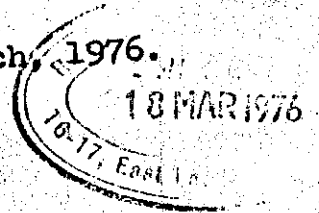
YOUR REF WDS/IM

OUR REF JJ/RR/74/168

DATE 17th March, 1976.

4, LITTLE ESSEX STREET,
STRAND,
LONDON, WC2R 3LD.

CABLES AND TELEGRAMS: LITSURE, LONDON, W.C.2
TELEX: 21210



Dear Sirs,

re: J.G.L. POULSON - a Bankrupt.
GRANADA TELEVISION LIMITED -ats-
R. MAUDLING.

We thank you for your letter of the 11th March, 1976.

It seems clear that the writer did not have time to read the whole of his file. We are disappointed that you do not accept the wisdom of withdrawing your previous letter.

You ask us to deal with the question of urgency and again we would refer you to the correspondence which goes back to June, 1974. Our numerous attempts over the course of the proceedings to obtain inspection have been met with all manner of delays and pretexts. We wrote to your Mr. Simpson on the 4th November, 1974 asking for a few alternative dates for early inspection. The immediate response was the imposition of conditions which had not been mentioned before.

In April, 1975 we again asked for the earliest possible appointment. Apparently the documents were not in your possession. We therefore asked for a formal letter of authority to the Police permitting them to make the documents available. Perhaps you would care to read through your letter dated 9th May, 1975 again.

Further delays ensued and the urgency is and remains to bring these delays to an immediate halt. You make mention of no "benefit of any kind to the creditors". Perhaps you could explain this because we do not understand the point. If we may quote one of the textbooks:-

"There is a public interest that the administration of justice should not be frustrated by the withholding of documents which must be produced if justice is to be done".

We presume that this is the public duty to which you refer in your third paragraph and we have been dealing with your firm and the Trustee throughout in good faith on this basis.

MESSRS. R.C. MOORHOUSE & CO.

cont/....

As to the draft Order, again unwarranted delays (not of our making) were experienced. You were well aware of the 21 day period for lodging an Appeal but we found that the Order had not been agreed let alone drawn up. There seemed to be some difference about whether the Trustee or Mr. Maudling had made the application. Your Counsel took up some point which the Registrar had already declined to accept. We can therefore only refer you to your own Counsel on what may have been in his mind. We were put to considerable inconvenience ourselves as a result. If we are to understand that your Client wished to impose yet another term which was outside the contemplation of the Registrar the reasons for doing so were not made clear.

We press you to give us inspection because our Clients need not be delayed because of some failure to give an undertaking by Messrs. Oswald Hickson, Collier & Co. (hereinafter called "O.H.C."). There is nothing in the Registrar's Leave or the authority requiring Mr. Maudling or his Solicitors to have anything other than equal facilities offered. If they are invited to attend but do not comply that is their own affair.

If we may say so, the point in your fourth paragraph totally disregards the fact that you have already given both parties partial discovery of Mr. Maudling's correspondence; certain time-sheets; Mr. Hancock's diaries; etc. apparently without the written undertaking from O.H.C. to the County Court. It is surely for us to ask you why that was done if you are or were in any way dissatisfied. Can it be right that because we have actually complied with the requirements of the Court promptly, our Clients should be penalized in some way and held back. You are quite wrong in saying that the matter can be taken no further without the undertaking of O.H.C.

As to your fifth paragraph, it was agreed and that for most Solicitors should be enough. Secondly the documents are clearly included in the wording of the Registrar's leave and the form of authority. If we may say so, your question (and its underlying implication) is not consistent with the Trustee's expressed desire to co-operate fully.

As to your sixth paragraph, may we ask you to indicate where any question of consent arises upon the Registrar's Order or the form of authority. Perhaps we could refer you to the Registrar's Notes of Judgment - the only question of consent arose in connection with private examinees. Furthermore your Mr. Simpson clearly did not take this view himself when he delivered the Diaries of Mr. Hancock into the possession of O.H.C. without:-

MESSRS. R.C. MOORHOUSE & CO.

cont/.....

- a) the consent of Mr. Hancock; and
- b) the written undertaking of O.H.C. to the Wakefield County Court.

The form of authority clearly covers all documents so prudently seized by your firm for the purpose of the Poulson Bankruptcy proceedings.

As to your seventh paragraph, we do press for Mr. Bendall's forms of authority since we thought this was accepted and agreed. To clear up your point, we do not at this time propose to present the authority to the Department of Trade. As to any Section 109 Reports and production thereof, we will gladly discuss this with you at a later phase of inspection.

As to your eighth paragraph, Mr. Maudling must be offered the same facilities to inspect - no more and no less. Furthermore your letter of the 23rd February, 1976 indicated that your staff were helping to get together the documents listed. Presumably this task has been completed.

As to your final paragraph, we are astonished to read this, which diametrically contradicts what Mr. Simpson told us and O.H.C. on the 11th February, 1976 that he had agreed or arranged with the Police (or D.P.P.) to lodge a sealed copy of the Registrar's Order with the Treasury Solicitor so that the Police could give us inspection - particularly because they had the original documents, which it is necessary for the libel action parties to inspect and copy.

We hope that this deals with all your queries. We also trust that the members of your staff are fully restored to health and that an appointment can be fixed at once. Could you let us know where and when the next meeting to inspect can take place. We will give the matter every priority.

Yours faithfully,

Messrs. R.C. Moorhouse & Co.,
Protection House,
16 and 17 East Parade,
LEEDS LS1 2BR

Godman, Derrick & Co.

WDS/IK

March 17th 1976

Dear Sirs

Re: J.G.L. Poulson - a Bankrupt, R.M. Maudling
-v- Granada Television Limited

We enclose herewith a copy of a letter written by Mr. T. Dan Smith to the Registrar, County Court, Wakefield and upon which we are now taking our clients instructions. We expect to be in a position to communicate with you within the next few days. Would you, meanwhile, let us have a reply to our last letter and when you do could you deal with one further matter and that is whether you are in communication with us in our capacity as Solicitors to the Liquidator of Open Systems Building Limited in addition to the other Companies mentioned in the correspondence.

Yours faithfully

Messrs. Goodman Derrick & Co.
4 Little Essex Street
Strand
London WC2R 3LD