

Your reference:
 Our reference: BSPK/4007152-
 0002/BJZM
 Document number: 74388163_1.doc

Code A

MILLS
 &
REEVE

Mr A Bradley
 HM Coroner for Hampshire
 Goldings
 London Road
 Basingstoke
 RG21 4AN

22 October 2008

Dear Mr Bradley

Gosport Inquests (Joint Instruction)

Many thanks for your letter of 8 October. I have now had the opportunity of meeting with my NHS clients in Portsmouth in detail and I have also had the opportunity of speaking to the Police at Fratton.

Witnesses

I would be grateful if you could let me have a copy of the witness schedule by return. Can this be faxed? As far as I am aware none of the NHS witnesses have yet been summonsed and there is some concern with my client as to availability etc. There is also a concern as to whether some evidence will be supplied under Rule 37. If you could let me have a copy of the schedule of witnesses and whether or not you propose calling evidence under Rule 37 I would be grateful as this will enable me to liaise with the relevant members of staff and ensure that appropriate support is available.

Disclosure documentation

The Police tell me that they no longer hold the documents which have been copied. I understand that they will be returned to you having been copied last week. I will be grateful if you could confirm that I may now have a copy set of full disclosure. This can either be posted to me at this address or alternatively I will make arrangements to have them collected immediately if that will help. I am anxious to review all of the evidence in this matter in the next week so that I can assess and advise the NHS and also to consider whether or not additional evidence should be made available to assist you in your inquiry. I need to compare the documents you have with papers currently held by the NHS in Hampshire relevant to this matter.

I wonder whether the police have paginated the bundle as clearly this will be of benefit to yourself, the advocates and witnesses at the hearing?

Mills & Reeve LLP
 78-84 Colmore Row
 Birmingham
 B3 2AB

Tel: +44(0)121 454 4000
 Fax: +44(0)121 200 3028
 DX: 707290 Birmingham 65
 info@mills-reeve.com
 www.mills-reeve.com

Birmingham Cambridge Leeds London Manchester Norwich

Mills & Reeve LLP is a limited liability partnership regulated by the Solicitors Regulation Authority and registered in England and Wales with registered number OC326165. Its registered office is at Fountain House, 130 Fenchurch Street, London, EC3M 5DJ, which is the London office of Mills & Reeve LLP. A list of members may be inspected at any of the LLP's offices. The term "partner" is used to refer to a member of Mills & Reeve LLP.

Interestingly the Police tell me they are **not** acting as your officers for the purposes of this Inquest! I spoke to DS Davidson at Fratton Police Station whilst Detective Superintendent David Williams is on holiday.

Original medical records

The Police have confirmed that they are holding the original medical records and that they are holding them to your order. I note from your letter that you propose to arrange access to those original documents.

I assume they were taken as part of the original investigation although I am not sure as to the authority upon which the police relied to take them. I doubt whether they could have justified using powers of seizure. It may be that they were handed over voluntarily. The police have declined my invitation to return them to the NHS and say the matter is one for you. I believe the notes should be available to the inquest and no doubt we can liaise to make sure they are available and ensure that someone is in court to admit them as proper evidence. In the meantime I believe they remain the property of the NHS and there can be no suggestion of them being fraudulently altered since many parties must now have copy sets.

Do you believe now that the police investigation is concluded that they are entitled to hold onto these notes? It would assist my investigations and discussions with the witnesses if the notes could be returned to the custody of my NHS clients. I assume copy sets are in the disclosure bundle available to yourself and to the other interested parties. Perhaps you would let me have your observations.

Once again if I can help in anyway then you must not hesitate to contact me.


Code A

for Mills & Reeve LLP

cc: Peter Mellor
Richard Samuel