

"SECURITY"

With Mr. Bryden, I visited the Society's Solicitors in order to discuss the procedure to be followed by the Society in dealing with the Solicitors on each side.

A general outline of the case was furnished by Mr. Bryden to Mr. Roderick Garrett, to whom it was explained that the Society's desire was to preserve a detached attitude of impartiality, notwithstanding that the Society's interest was naturally closely identified with the case for the owners.

Since it had already been agreed to accept and to allow the Surveyors concerned to complete a questionnaire from the owners' Solicitors it was desired to establish whether the same degree of co-operation, if invited, should be accorded to the other side, who had already signified their intention of issuing subpoenas to Mr. Widgery, one of the Surveyors concerned, and Mr. Algate who would be required to produce documents in Court.

It was pointed out to Mr. Garrett, in this connection, that the owners had, apart from legal process, a natural privilege by virtue of their state of ownership to access to information contained in the Survey Reports but before the same information could be conveyed to third parties the owners' consent is necessary to conform with the usual practice of the Society.

Mr. Garrett considered that there was no obligation on the Society to volunteer any more assistance to the dependant's Solicitors than was asked for by them but, in general, thought it desirable, when providing one party to a legal issue with information, to reserve in writing the right to act similarly towards their opponents.

The papers were left with Mr. Garrett as he wished to read these before confirming his verbally expressed opinion.

In consequence of this discussion, it was learnt

- (a) that evidence in the form of affidavit is not acceptable in normal circumstances, i.e. when witnesses are available, except by special permission of the Court.
- (b) that the service of subpoena does not entitle the responsible Solicitors to interview the prospective witnesses before the hearing and thus the Solicitors must incur the risk of the evidence being valueless or even detrimental to their case.
- (c) that, while the Society is fully entitled to decline to allow its Surveyors to participate in pre-hearing interviews with Solicitors, it is equally entitled to authorise such interviews if the circumstances are considered to warrant them. For this reason it would be unwise to define general procedure too precisely thus leaving the ethics and circumstances of individual cases to dictate the course to be pursued, consistent with the invariable principle of impartiality and fair dealing.

R.A.J. S.T.B.
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