

Mr Damien Downes
Regulating Officer
Natural Resources Wales
Hadnock Road
Monmouth
Monmouthshire
NP25 3NQ

OUR REF: PHEB.ATL016-006
YOUR REF: EPR/PP3993VS
DATE: 3rd October 2017
EMAIL: peterb@dolmans.co.uk

Recorded Delivery

Dear Sir

Proposed PACE Interview (Mr David Neal) – Atlantic Recycling

We acknowledge receipt of your letter addressed to Mr David Neal of Atlantic Recycling dated 27 September 2017, received on that date.

We are instructed to represent Mr David Neal in regard to this matter. Please communicate with us. Naturally, Mr Neal is anxious to assist the Regulator, in so far as matters are within his personal knowledge in that regard.

Your letter indicates –

“....we believe an offence may have been committed.....”

There is, presently, no indication as to who it is said has committed the said offence. Moreover, and perhaps more importantly, there is no information or disclosure as to the nature of the offence being considered by the Regulator in the context of an interview under caution.

You will doubtless be aware of the terms of PACE Code C, section 11, specifically paragraph 11.1A; the relevant elements of which we set out below for ease of reference –

“An interview is the questioning of a person regarding their involvement or suspected involvement in a criminal offence or offences which under paragraph 10.1, must be carried out under caution. Before such a person is interviewed, they and, if they are represented, their solicitor must be given sufficient information to enable them to understand the nature of any such offence, and why they are suspected of committing it.....in order to allow for the effective exercise of the rights of the defence.”

In the context of the above, a significant amount of material and information has already been supplied by the Company, voluntarily. The Company's position is, we would suggest, reasonably self-evident from that material and communications (unless

the direction of your enquiry is different from how it was originally directed, and we simply do not know if that is the case).

No disclosure has, so far, been provided by NRW in this matter. Self-evidently, it will be difficult (if not impossible) for us to take instructions based upon the current position without elaboration/disclosure.

In any event, 10 October 2017 is not a convenient date for us as the Writer is about to commence a 3 day inquest before HM Coroner for Cardiff on the following day and has meetings with witnesses and/or counsel scheduled on that date.

We will, in any event, require a reasonable amount of time to consider the disclosure which, presumably, will be furnished by NRW in advance of the interview; and take instructions thereon.

We await your clarification of the position and/or disclosure as appropriate.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Dolmans', with a small horizontal line at the end.

DOLMANS