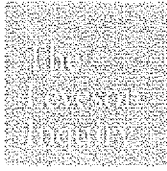


M Townsend
12 July 2012
3rd
Exhibit "MT3"

IN THE MATTER OF THE LEVESON INQUIRY

EXHIBIT "MT3"

This is the exhibit marked "MT3" referred to in the Third Witness Statement of
Martin Townsend
dated this 12th day of July 2012.



inquiry, practices and
ethics of the press

Royal Courts of Justice
Strand, London
WC2A 2LL

Solicitor to the Inquiry
Tel: 020 7947 7361

Solicitors.team@levesoninquiry.gsi.gov.uk
www.levesoninquiry.org.uk

Mr. M Townsend
The Sunday Express

By email only c/o anthonyf@rosenblatt-law.co.uk

5 July 2012

Dear Mr. Townsend

Leveson Inquiry into the culture, practices and ethics of the press

The Inquiry is grateful to you for the time and thought that you have already given to the Inquiry by providing evidence.

Your further assistance would be appreciated regarding a recent article in your publication. Lord Justice Leveson's expectation is that witnesses will be willing to assist his Inquiry by providing both a statement and documents voluntarily and in the public interest. However, given the timescales within which the Inquiry is operating, and the desirability of ensuring, with very limited exceptions, consistency of approach to potential witnesses, Lord Justice Leveson has decided to proceed in a formal manner using the powers conferred upon him by statute in relation to these issues. No discourtesy is of course intended by this.

Notice under section 21(2) of the Inquiries Act 2005

Under section 21(2) of the Inquiries Act 2005¹, read in conjunction with the Inquiry Rules 2006 (S.I. 2006 No 1838)², Lord Justice Leveson, as Chairman of the Inquiry, has power to require a person, within such period as appears to him to be reasonable, to provide evidence to the Inquiry panel in the form of a written statement, and/or to provide any documents in his custody or under his control that relate to a matter in question at the Inquiry.

Lord Justice Leveson has determined that it is appropriate, in view of his Terms of Reference and his investigatory obligations, that you should at this stage be required to provide evidence to the inquiry Panel in the form of a witness statement as more specified below.

¹ <http://www.legislation.gov.uk/ukpga/2005/12/contents>

² <http://www.legislation.gov.uk/uksi/2006/1838/contents/made>

It should be understood that your statement will enter the public domain in the form in which you provide it to the Inquiry, subject to redaction of your personal details, and it should therefore be prepared with that in mind.

Please respond to this notice in writing by **4.30pm on 16 July 2012**.

Your witness statement should cover at least the following matters or issues:-

(1) Who you are and your current job title.

(2) Your publication contained the article below, under the headline given. Please provide your comments on the article particularly, but not limited to, explaining why the story was chosen for publication; why the contents of the article were considered appropriate; and how you consider the article complies with the Editors' Code of Practice.

BBC snubs our boys (17 June 2012)

This article claimed that the BBC faced an angry backlash, including from a veteran organisation, the Bomber Command Association, over a putative decision to snub the unveiling of the Bomber Command Memorial. The body of the article and the headline are at odds with the factually accurate penultimate and final paragraphs

A link to the article is below

<http://www.express.co.uk/posts/view/327109/BBC-snubs-our-bomber-boys>

Lord Justice Leveson is directed by law to explain to you the consequences of failing to comply with this notice. He therefore draws to your attention the provisions of section 35(1) of the Inquiries Act 2005 which make it a criminal offence to fail without reasonable excuse to do anything which is required by a notice under section 21. He wishes to make it clear that all recipients of section 21 notices are having their attention drawn to this provision, since it is a formal legal requirement.

He is also directed by law to indicate to you what you should do if you wish to make a claim under sub-section (4) of section 21, namely a claim that you are either unable to comply with this notice at all, or cannot reasonably comply with this notice within the period specified or otherwise. You are invited to consider the full text of section 21, including for these purposes sub-sections (3)-(5), if necessary with the benefit of legal advice. Lord Justice Leveson invites you to make any such claim in writing and as soon as possible, addressed to the Solicitor to the Leveson Inquiry into the Culture, Practices and Ethics of the Press, c/o Royal Courts of Justice, Strand, London, WC2A 2LL.

Furthermore, Lord Justice Leveson has power under section 19(2)(b) of the Act to impose restrictions in relation, amongst other things, to the disclosure or publication of any evidence of documents given, produced or provided to the Inquiry, including evidence produced under section 21. Lord Justice Leveson will be considering the exercise of his powers under section 19 in any event, but if you seek to invite him to exercise those powers in respect of your evidence, including documentary evidence, or any part of it, you should set out your position in writing as soon as possible.

Finally, Lord Justice Leveson draws to your attention the provisions of section 22 of the Act which state that you may not under section 21 be required to give, produce or provide any evidence or document if you could not be required to do so if the proceedings of the Inquiry were civil proceedings in a court in the relevant part of the United Kingdom, or the requirement would be incompatible with a Community obligation. No doubt you will take legal

advice as to the effect of this provision, but, in the spirit of openness and with the wish to ensure that all possible aspects of his Terms of Reference are fully considered, he invites you nonetheless to waive privilege in relation to any such document or evidence. Please therefore state in your response to this notice whether you are prepared to do so.

Yours sincerely

Kim Brudenell

Kim Brudenell
Solicitor to the Inquiry

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PAGE 32

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BBC SNUBS OUR BOMBER BOYS

Corporation to screen repeats as the Queen unveils £6m memorial

EXCLUSIVE

By **Marco Giannangeli** and **David Stephenson**

THE BBC was facing an angry backlash last night over its decision to snub the unveiling of the Bomber Command Memorial next week.

While the Queen will be paying tribute to the 55,000 Bomber Boys who gave their lives defending our country against Hitler, BBC1 will be showing repeats of *Cash In The Attic* and *Bargain Hunt*.

The family of the late Robin Gibb, who led the campaign to raise £6million for the largest memorial to be built in London for 200 years, said: "This is a disgrace."

TURN TO PAGE FIVE



WHAT A TROOPER!
Duke at Queen's side for happy reunion

SEE PAGES 2&3

Now metal thefts cost us £4.6bn

By Kirsty Buchanan
POLITICAL EDITOR

METAL thieves cost council taxpayers £4.6billion in the latest year for which figures are available – up 25 per cent in just 12 months.

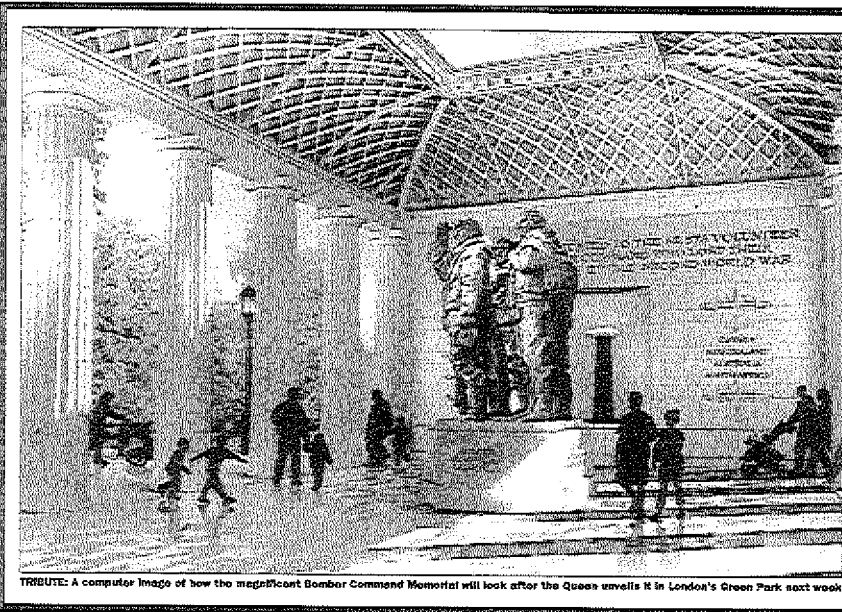
A survey of 157 town halls laid bare the spiralling costs of having to replace items ranging from stolen manhole covers to lampposts, railings, park benches and even school roofs. The hole in their budgets for the year to April 2011 would be enough to keep 20 libraries open for a year or pay for 250 care workers for the elderly.

The revelation comes as ministers are being urged to back a Private Members Bill by Tory MP Richard Ottaway on Wednesday.

This calls for far more robust licensing for metal dealers and will pick up on the Coalition's pledge to ban cash payments.

Creating a paper trail will make it easier to trace those attempting to shift stolen metal. Fines for rogue dealers will also increase to £3,000.

Mehnoob Khan, of the Local Government Association, said: "It is vital that local authorities get stronger powers."



TRIBUTE: A computer image of how the magnificent Bomber Command Memorial will look after the Queen unveils it in London's Green Park next week

Outrage as BBC prefers repeat to saluting heroes

FROM PAGE ONE

The BBC's decision comes just two weeks after it came under fire for its trivial coverage of the Queen's Diamond Jubilee river pageant on the Thames.

The corporation has consigned live coverage of the unveiling of the Bomber Command Memorial to little-watched digital channel BBC News, rather than BBC1 or BBC2 which will be showing live transmissions from Wimbledon during the 30-minute service.

Speaking last night, Air Commodore Andrew Lambert, who commanded forces in Iran and is a former air defence chief, said: "I am lost for words. We are living in a fool's paradise if we forget, or worse, ignore, the courage and sacrifice of 55,000 of the best and bravest of their generation. The BBC should question their real motives."

Defence minister Gerald Howarth said: "It would be extremely disappointing if there wasn't full and comprehensive media coverage of this national event."

Last night the BBC claimed the Bomber Command Association was "happy" with its plans but the association's financial director Jim Dooley said: "This is a real surprise."

"We were told it was going to be broadcast live and it is a huge disappointment to discover that this does not mean the BBC's



TRIBUTE: War veteran John O'Reilly Sykes and wife Ella will be able to say a proper goodbye

Veteran's big thank-you

A SECOND World War RAF veteran has thanked the Sunday Express for his ticket to the Bomber Command Memorial unveiling on June 25.

John O'Reilly Sykes, who is 85 today, flew 39 sorties over Germany and France with 486 Squadron. Now he can finally lay his ghosts to rest.

Mr O'Reilly Sykes, a bomb-aimer on a Halifax, said: "I still remember the first mission – I was 20 years old and it was over Frankfurt. It scared the living daylights out of us. I honestly knew what hell was like on that day. The ground below us was an inferno."

By Marco Giannangeli

Of the seven crew, only two of us are left. We were never really recognised, probably because of the decision to bomb cities like Dresden.

"But that was only a part of it – most missions I flew were vital. I totally agreed with them. I am so grateful I can attend the ceremony. It will be a difficult day but I will finally be able to say a proper goodbye to those who didn't make it back." He will travel from his home in Salisbury, Wiltshire, for the ceremony.

of minds of the rest of us, who are still benefiting from the freedom from tyranny they helped to secure.

"My father would be very sad indeed today if he were alive to hear this news. We urge the BBC to amend its plans and give this important event the respect it deserves by airing it live on its main channel, BBC1."

Sunday Express owner Richard Desmond has donated £200,000 to the memorial fund to match £200,000 raised by our readers. The unveiling takes place at midday on June 25.

A BBC spokesman said: "We are aware of the significance of this story, both for the veterans and for our audiences. The midday service is being filmed for later inclusion in a special programme Bomber Command: A Tribute on BBC2 at 5pm."

The BBC News Channel is also currently planning to carry the service live at midday. The Bomber Command Association are happy with our plans and have been working closely with us.

OPINION: PAGE 36

JK's first grown-up novel is tipped to outperform Potter

By Paula Murray

HARRY POTTER author JK Rowling's first novel aimed at adults is being tipped to break sales records: more than three months before its publication.

The Casual Vacancy is a "blackly comic" tale about a town ripped apart by a parish council election.

Booksellers are being swamped with orders even though it does not go on sale until late September.

In 2007 Harry Potter And The Deathly Hallows, the seventh in the children's series, became the world's fastest-selling book. It sold 2.6 million copies on its opening day alone.

A spokesman for the high street retailer Waterstones said: "It is



ROWLING: Magic touch

on course to become the most popular yet. Although this is her first novel for adults there are millions out there who enjoyed the Harry Potter series and will want to read this one. So she has a ready-made readership."

Ms Rowling, who lives in Edinburgh, is worth about £680 million.

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What do you think – SHOULD HEAD OF BBC BE SACKED OVER THIS INSULT?

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YES text SXVOTYES to 86611 NO text SXVOTENO to 86611

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