

IN THE SHEFFIELD CROWN COURT

The Crown Court,
Castle Street,
Sheffield.

10th July, 1985

Before

HIS HONOUR JUDGE GERALD COLES, Q.C.

REGINA

-v-

WILLIAM ALBERT GREENAWAY

and Others

APPEARANCES:

For the Prosecution: MR. B. WALSH, Q.C. and
MR. K.R. KEEN

For the Defence: See Attached Sheet

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10 JULY 1985

REGINA V. GREENAWAY and OTHERS

(The court resumed in the absence of the Jury.)

MR. TAYLOR: Your Honour, the jury is out for the moment. I understand that Your Honour has been given a copy of a statement that has been taken from Dr. Vora.

JUDGE COLES: Yes, I have. I see the press are writing. We are not in Chambers, but the jury are not present and no doubt they will have regard to that fact.

MR. TAYLOR: Your Honour, the reason why they are not present at the moment is this: yesterday the information that was available and the statements of Dr. Ashton were read out in court in the presence of the jury. Your Honour, as far as Mr. Jones' position is concerned in this, there are a number of comments which I might make in the course of any discussion we have this morning, and that applies not only to me but to others who defend in this case. I myself have no objection to the jury being in, but I raise the matter with Your Honour out of courtesy so that Your Honour can assess the situation that now, in the course of this, there may be adverse comment made in argument when we consider Mr. Jones' position.

JUDGE COLES: It is not right that that should reach the ears of the jury. It would be unfortunate if it reached their eyes.

MR. WALSH: All I say about it is this, that Your Honour made the suggestion yesterday, with which I agreed, that the whole of the matter should be dealt with in the absence of the jury, and that was declined by my learned friend at a time, perhaps, when he thought he had got an arrow to throw. Your Honour, since that time, the doctor has given us his statement. I am not sure it would be right necessarily for the jury to be kept in the dark about what the contents of that statement are, bearing in mind with the agreement of all parties the statement of Dr. Ashton was read.

JUDGE COLES: The adverse comment, I take it, that may be made on the part of the Defence being adverse comment of a Prosecution witness?

MR. WALSH: Your Honour, my learned friend did impliedly, and indeed to some extent directly, make adverse comment yesterday in the presence of the jury in any event.

JUDGE COLES: That is true. You say any damage such as there is has already been done and you would rather have the matter dealt with openly?

MR. WALSH: I think that would be the proper course.

MR. TAYLOR: I said yesterday I did not mind whether the jury withdrew or not. That is still my position. I

only raise it this morning because in the light of what this statement now contains, there may be even more adverse comment in argument directed at Mr. Jones.

JUDGE COLES: The jury were actually present when the statement was read yesterday.

MR. TAYLOR: Yes.

JUDGE COLES: In the circumstances, it is probably sensible if we have them back.

MR. GRIFFITHS: Before Your Honour does finally rule on that matter, may I invite Your Honour for the moment to consider where we are going?

JUDGE COLES: I will listen to any representation from anybody, of course.

MR. GRIFFITHS: As far as I am concerned, Your Honour will remember that it was not only Mr. Taylor who cross-examined on the particular point. I did. I felt it right and proper on behalf of not only my client but the others as well because certain matters touched on everything. That is the point at issue between Mr. Greenaway's case and Mr. Hanrahan and the expected Mr. Jones. Your Honour, the absence of Mr. Jones very simply may be genuinely explained by genuine illness completely unconnected with the evidence that he might have been giving. On the other hand, and being blunt about it, such medical condition as manifested itself at 8.30 on the evening before he was due to give evidence might have had something to do with the fact that he was about to go into court and perjure himself.

JUDGE COLES: You are calling a spade a spade and there is probably no harm in that. I suppose what you are saying is you think the doctor ought to be given an opportunity to consider that and so far he has not?

MR. GRIFFITHS: What is very disturbing is that if Your Honour would look at the statement, it is taken by an Officer J.A. Hudson, D.S. I checked myself and that officer was one of the officers who witnesses a number of statements which are presently exhibited in the case - Gales is one which is at the heart of the case. In other words, he is one of the officers against whom indirectly allegations of impropriety, in the sense of putting these statements together which bear very little relation to actually what happened, are made. He is in the middle of it and he is the officer who has gone down and taken the statement. I am sure Your Honour will understand the concern of the Defence when one looks at the way the statement has been put together. Nowhere is there the other possibility in any event that this mental exhaustion, accepting for the moment this man was crying and was extremely distressed and something has brought it on, might easily have been brought on by the fact that he was about to come and give evidence and perjure himself.

JUDGE COLES: Certainly that is a question I have

anticipated the Defence might wish to raise, and I am bound to say it is a matter, it seems to me, that Dr. Vora ought to be given the opportunity of considering. The question is to what extent should this become public? I understand the Crown have no objections to it being canvassed publicly and I understand Mr. Taylor has no objection to it being canvassed publicly. Do you?

MR. GRIFFITHS: Your Honour, no, but I wanted to ensure, with the greatest respect, that we all know where we are going. The next point is directly relevant to the question of the expertise of Mr. Vora to express the opinions he purports to express. May I ask Your Honour to take Your Honour's mind back to Your Honour's civil experience? With great respect, he is a local medical practitioner and he purports to give expert evidence in a field which I doubt very much he has any real experience in and, not only that, he sees the matter entirely from one side and has presumably not been briefed as to the other possibilities.

JUDGE COLES: I don't want to hear argument at this stage of the inadequacy of evidence which so far I have not heard, and nor do I wish to discuss exactly how far we are going to go. What I am concerned about at the moment is whether this is something which should be explored in the absence or the presence of the jury, and in that context, it seems to me that the issues of the Defence as expressed by counsel are a matter which I must bear very much in mind.

MR. GRIFFITHS: My final point is this, and it is relevant to whether these matters are canvassed before the jury. I have absolutely no objection and, in fact, probably I would welcome it being canvassed before the jury, but once this statement is read to the jury, then, first of all, that person, if the Defence require it, would have to be available to be cross-examined and, secondly, it may mean a Defence consultant to independently examine this person. That is the door we are opening.

JUDGE COLES: My first reaction, as you know, yesterday was that this was a matter which was purely procedural which had only to do with the presence or absence of a particular witness at a particular time and, as such, it was a matter which had no interest to the jury whatsoever. The matter has been opened up to some extent to the jury, but if the matter is now made public, as it were, I cannot require the Prosecution or make them call this witness as part of their case, and it may well be that you will be left in the end with a couple of statements and nothing else.

MR. GRIFFITHS: That is the point, Your Honour. If that be the case, I would want to know from my learned friend now if he is intending to read a statement of a doctor giving an excuse for the absence of a witness against whom it is alleged he would be committing perjury without making that person available for cross-examination? That would be entirely wrong, in my submission. Before we get to that stage, my learned friend ought to clearly indicate if he is prepared to

tender that person for cross-examination.

JUDGE COLES: The other side of the coin, I suppose, is it was the Defence who made public what was essentially a private matter yesterday by having that statement read. How can the Defence rely upon their own action in that respect in bringing pressure to bear on the Prosecution to make someone part of their case whom they might not otherwise have made?

MR. GRIFFITHS: I will answer it from a personal point of view. I was not consulted by Mr. Walsh as to whether he intended to read either one or both of those statements to the jury. He did so. I certainly do not accept the contents of those statements and I think it was I who prompted my learned friend Mr. Taylor to indicate we required him today, and that is why Your Honour was asked to make sure he was available.

JUDGE COLES: You have, with respect, as I understand it, no power to require anything so far as that doctor is concerned. The only reason why that doctor is at court today is because I asked him to attend so that I could consider - I could consider, not the jury - what I thought about the evidence in the context of deciding what to do about the absence of a witness.

MR. GRIFFITHS: Certainly.

JUDGE COLES: It seems to me that is actually a private matter which has nothing to do at this stage with either the jury or the public, but if I am wrong about that, I will hear you.

MR. GRIFFITHS: I am sure Your Honour appreciates my concern, but my learned friend will be reading something to the jury which might be completely one-eyed, inadvertently or advertently, depending on how much influence the officer had in the way this statement was written.

JUDGE COLES: That is a very good reason, I suppose, for keeping the matter public, save that the Crown say, as I understand it, it is too late, that you have already one medical report before the jury and their brains are now working on it, and you must give them the full picture.

MR. GRIFFITHS: But the full picture tested. Please do not misunderstand me. I want the jury to hear the whole matter, but as long as we are given the opportunity to investigate the whole matter, so that they are not given what might be a jaundiced picture.

JUDGE COLES: But then, you see, would we not be engaging in an exercise of having a trial within a trial about the credibility of a doctor - the credibility of a witness and a doctor?

MR. GRIFFITHS: Not the credibility of a doctor. It would be merely so that the jury understand the basis upon which these opinions have been put forward.

JUDGE COLES: You would be challenging the doctor's accuracy in claiming an expertise he has not got?

MR. GRIFFITHS: I should like to know the basis on which he arrives at the opinion because it seems the other side of the coin has not been put to him at all. This whole statement is written on the basis that there is a perfectly legitimate reason for Mr. Jones to now suffer from that extreme mental exhaustion, namely a domestic matter. What has not been done is the other side of the coin, that that same mental exhaustion could have been caused by the anticipation that he had to come and commit perjury.

JUDGE COLES: I follow your point and, indeed, neither of the doctors may even know, may even suspect, that there is any question of that.

MR. GRIFFITHS: That is right.

JUDGE COLES: So far as we know, it has not been put, and I am bound to say when I read these reports, I anticipated what was likely to be put, and my first reaction was it ought to be put, and that is why I thought a doctor ought to attend.

MR. GRIFFITHS: I would hope my learned friend will consider.....

JUDGE COLES: I would expect Mr. Walsh to want to have that matter dealt with. Whether it is dealt with publicly or in private is another matter. I am not really sure whether counsel have entirely thought of the implications of what we are doing.

MR. GRIFFITHS: That is why I got up and spoke.

MR. WALSH: May I say something? My learned friend asked the rhetorical question, which perhaps he has not answered, about where are we and where are we going. Could I just remind everybody.....

JUDGE COLES: If you could tell us, I would be delighted.

MR. WALSH: I have been thinking about this. Your Honour, we are in this position, that the Crown is not going to call this officer at the moment. The reason that the Crown is not calling this officer at the moment is because, for whatever reason, he is medically unfit to attend. Now, it seems to me, with respect, that that for the moment is the end of the matter. No-one can force the Crown, unless Your Honour takes the view that the doctor cannot say that this man is unfit to attend court. The doctor has given his medical opinion about the fact that this man is ill and unfit to attend court. I do not gather that my learned friend is seeking to impugn that. What he is saying is there may be various explanations for why he is ill, but that he is ill is not impugned. In the circumstances that, for whatever reason, the man is unfit to attend court, it would be wrong for the Crown to call him whilst he is unwell, and we do not intend to do so. The only step that can be taken is if Your Honour were to rule, notwithstanding the certificate

of the doctor, that that man must be called, and then we would have to do that. In my submission, no judge could possibly make that decision at this point in time and, therefore, for the moment that is the end of the matter. My learned friend is asking where we are going and what we are doing.....

JUDGE COLES: I am a little surprised to hear you say you thought it was a matter which could and probably should be ventilated publicly.

MR. WALSH: Because I was concerned at the fact that the matter was ventilated in the presence of the jury yesterday by the Defence. That is how they wanted it done. It seemed to me that if there was another side to the coin, it ought to be presented, but if Your Honour thinks that what I put is not an over-simplistic statement of the present position by myself in the last few minutes, it could therefore be dealt with by no more being said to the jury at this present time, other than that Your Honour is satisfied that the witness is at present unfit to attend court, then I would be content with that.

JUDGE COLES: Very well.

MR. WALSH: I think if we were to go on, as I think, with respect, we must, for the jury to be left totally in limbo is unsatisfactory.

JUDGE COLES: I would, in any event, explain what we have been doing, but what did concern me rather - I do not blame any-one for this - acting on what really is inadequate information, certain inferences appear to have been drawn by the press which may be misleading. I do not blame anybody for it because everybody has been in the position where there has been, so far, inadequate information.

MR. WALSH: That is why I thought yesterday, with respect, it would have been better to have this matter dealt with in the absence of the jury, but my learned friends thought otherwise.

MR. TAYLOR: Might I add one thing?

JUDGE COLES: Miss Russell wanted to say something.

MISS RUSSELL: I am happy to give way to Mr. Taylor.

MR. TAYLOR: I think Your Honour understands my position in this, being the most affected obviously.

JUDGE COLES: I understand it, but I am concerned we do not stop and have a trial within a trial on the credibility of that police officer.

MR. TAYLOR: I entirely agree, Your Honour. Yesterday when I mentioned the fact that Dr. Ashton should be available for questioning, Your Honour may well recall I said "in the light of a report which was to be provided by the family doctor, it may or may not be that Dr. Ashton's view accompanied by the

family doctor's could be accepted." When the statements were read yesterday, I think it was obvious that I was not accepting those statements - indeed, they are not witnesses in the case in any event - and I was not accepting them on face value. Your Honour, the same applies to Dr. Vora. I have no objection to it being read, but if it is read, I reserve the right to make it clear that I do not accept it on face value and that I am asking Your Honour to defer your decision as to whether Mr. Jones should be compelled to come until Your Honour is in possession of further and better particulars. That is my position.

MR. O'CONNOR: I was just going to make some basic procedural points. The Prosecution, of course, cannot be forced to call Mr. Jones. I beg to differ with the last comment of my learned friend Mr. Taylor. Your Honour cannot force the Prosecution to call that witness. Your Honour may call him yourself, but that is a quite exceptional course and we are not dealing with that. That is No. 1. No. 2, because of the way his absence arose yesterday and it naturally causing some surprise to the jury, some explanation was given to them and, by consent of the Defence, that explanation was in the form of a witness statement being read to them. Thirdly, the Prosecution may further seek to explain the absence of this witness and nobody can stop them doing it by calling further medical evidence, if they wish. That is their option, their discretion. Fourthly, they cannot without the consent of the Defence do so by reading a witness statement and, as to that, I do not give my consent. I think those are basic, uncontroversial points.

JUDGE COLES: Thank you.

MISS RUSSELL: Your Honour, if I can just say very simply, I think one has to look at the way the history arose. There was an indication that the officer was ill from the Crown to the Defence. At that time it was not known, and indeed it was not even known to the Court, what form that illness took. As a result then of inquiries being made, the Defence were, first of all, shown one statement and then there was a copy of the second, more detailed statement produced. So far as those statements are concerned, the one that was read by my learned friend Mr. Walsh was the second one dated 9 July, and certainly I was never asked for my consent for that statement to be read. I did not object at the time because so far as that statement was concerned, it was in extremely general terms and covered by the very definition of "mental exhaustion" a wide range of possibilities. So, I did not interject at that time. My learned friend Mr. Taylor, for the sake of completeness, then read the rather shorter statement that had been prepared by the same doctor the night before. So far as the actual procedures are concerned, that happened. Now, obviously, it might well have proved pertinent if the family doctor did not support the fact that this man was ill. I accept that he is now ill. If the family doctor did not support that, it might have been relevant to query the judgment and so forth of the doctor, and for that reason I would have asked that he be available for comment. So far as this further statement is concerned, I do object to it being read to the jury because, for a start, it contains matters of detail which are to the contrary of what the jury were told yesterday by my learned friend for the Crown. For example, he gave every indication yesterday that the

doctor visited the patient rather than the other way round. It is quite clear from the statement that, in fact, the patient went to the doctor. There are matters of detail like that, and obviously it is not clear, and it is, in my view, most unfortunate. I can see no reason why this could not have been done by an ambulance officer separate from the case who brought the statement to Yorkshire rather than one of the officers who was at the Command Centre on the 18th. We have certainly had evidence that he is involved in a large number of those disputed statements going down to the West Midlands.

JUDGE COLES: One does not know the reasons for that and I am not going into it. It has all been done openly and above board.

MISS RUSSELL: One may query the judgment in this case, but certainly so far as the fact that it has happened, that has been made perfectly open to the Defence. It is a matter that is there so far as the detail of this statement. It must be right that we are dealing with a statement from a general practitioner who is not an expert in the psychiatric field, but in any event, and quite obviously and understandably, he is basing his judgment of a real illness on such factors as he is appraised of.

JUDGE COLES: All you are saying essentially is agreeing with Mr. Walsh that nobody can doubt surely a general practitioner's capacity to state that a man is unfit to give evidence?

MISS RUSSELL: Absolutely.

JUDGE COLES: What is in doubt and what is not going to be made clear on the basis of the present facts is what caused it. For the time being that is not a matter that concerns me, provided that, and provided only that, the jury and the public have not been told something that misleads them. It may not be accurate but we can deal with it.

MISS RUSSELL: So far as that is concerned, I am prepared to accept that the jury is now told that this witness, having been seen by his general practitioner yesterday, having attended at his general practitioner's yesterday, the general practitioner feels he is unfit at the present time to attend court to give evidence. I am quite content for the jury to be told that. I am not content for the statement to be read. That is a way to deal with the matter in the short term. However, what does concern me is the longer term consideration. We may get to a state where we are nearing the end of the Prosecution case and the certificate still stands. In other words, Mr. Jones is never going to give evidence in this case. Given the timespan indicated for this particular illness, that seems like a very real prospect. So one then has to ask the question - and I only raise it for consideration at this stage - what comment are the Defence entitled to make?

HIS HONOUR: We will have to deal with that as and when it arises. There are quite sufficient problems in this case

already without anticipating those which may later arise. As and when it arises, we will consider it.

MRS. BAIRD: Your Honour, I am sorry I am out of turn. If I can say briefly, first of all, I do not understand the position to be that the Prosecution do not want to call Mr. Jones at all because I understand they do wish to call him. The question is when he is called. It might be possible that an application for an adjournment pending his appearance at court would be made and sustained in front of Your Honour on the basis that justice to Mr. Greenaway requires that he gives his testimony. I merely say that in my view that is a possibility. What troubles me enormously about the current state of the medical opinion are, in fact, three things. Firstly, that the diagnosis that a person is suffering from a nervous breakdown, and that is the term used, extraordinary thought it seems to me, frankly, based on the symptoms that are disclosed in the statement, but the diagnosis whether someone is suffering from that state is not a diagnosis a doctor obtains by taking his temperature or listening to his chest but rather is totally displayed by hearing from the man and what he displays. That point I put before the court so Your Honour may see what dangerous ground we are on. The other difficulty is this, that we are in this dilemma, that if he is, in fact, worried about his wife's pregnancy and that has brought this on, it may be something which a couple of days' or a couple of weeks' rest may put right and we can expect to hear from him before long.

JUDGE COLES: I do not think we know when she is to have this child.

MR. WALSH: I believe somebody told me yesterday that September or October is the anticipated date. We will check to see if my recollection is right. My learned friend Mr. Keen says October.

MRS. BAIRD: I think my sole submission is that the question of what is wrong with Mr. Jones can be looked into now for this reason, that if he has been put in the state he appears to be in because he is fearful of coming to court to give perjured evidence, the plain fact will be that his state will not improve so long as that threat remains over him and so, Your Honour, a limitless adjournment will not assist him to regain his health and nor will it make his attendance more likely. In my submission, in everyone's interest, however this is dealt with in front of the jury now, we ought to proceed to get a proper resolution as to exactly what is wrong with Mr. Jones, not only for the purpose of the Defence calling evidence about it in due course, but for his own good.

MR. REES: I only seek to address you, Your Honour, if my learned friend is seeking to read the latest statement without calling the doctor.

JUDGE COLES: I don't think he is.

MR. WALSH: I have made it clear that my view is that the present position is that there is evidence before Your

Honour that this man is not well, that he is unlikely to be fit to attend court for some time. This is purely a procedural matter, as I mentioned earlier, and that that matter having been placed before Your Honour, the Crown does not intend to call this witness at the present time.

JUDGE COLES: You are pushing at an open door. The only question is what is said to the jury. I think that can be done by telling them simply not to speculate, that we don't have the answer.

MR. WALSH: Yes, that they have heard some medical evidence that the officer is at present unfit to attend and that is, for the moment, the end of it. As Miss Russell said, as to that fact there is no issue.

JUDGE COLES: Do you seek to call any medical evidence today?

MR. WALSH: No, Your Honour.

MR. TAYLOR: Your Honour, I don't quite understand what my learned friend Mr. Walsh is saying. Is he saying the jury will be given an explanation for Mr. Jones' absence based upon the fact that he is ill and simply paraphrase it, or is he intending to read this new statement to the jury?

JUDGE COLES: I do not think Mr. Walsh is intending to address the jury at all. What I was proposing to do was to tell the jury that we have been discussing the problem of a witness who is not available to give evidence and, having considered it, I am satisfied he is ill, that there is an issue as to the nature and cause of his illness, but that is about which we thus far have no satisfactory evidence, and they are not at this stage to speculate one way or the other.

MR. TAYLOR: I respectfully agree with the course Your Honour proposes to take. May I simply then make one or two comments which perhaps I would have done later on, but if that is the course proposed, perhaps I can make them now and say nothing in the presence of the jury. What I would respectfully ask today is that Mr. Jones be examined by a practitioner who is qualified in the field, not, that is to say, an ordinary general practitioner?

JUDGE COLES: I think what steps are taken to examine that gentleman are not matters with which I can deal at the moment, but those are matters which are covered by the rules about the availability of witnesses and matters which can be further explored through the good offices, I hope, of counsel contacting each other. It is not a matter about which I, in my judgment, should make a ruling at this stage. Very well, we will have the jury back.

(The Jury returned to court.)

JUDGE COLES: Members of the jury, I am sorry that again you have been kept out of court for a time. As you know from what happened yesterday, the witness, a police officer, Mr.

Jones, is ill and unable to attend, and inquiries were made. You heard, I think yesterday, a medical report read out. We have had a little more information this morning. All that need concern you is this: it is quite clear that that officer is ill. It is not agreed what is the cause of his illness and the evidence which I have heard in your absence or read in your absence does not establish one way or the other what the position is. For the time being, all we can say is he cannot come to court. The matter will be dealt with later. For the time being, do not speculate one way or the other because we just do not know the answer. He just cannot be here to give evidence today and the matter will be dealt with more fully at a later stage.

MR. WALSH: Your Honour, I call David Frank Scotland. He deals with the defendant George Warwick Forster, for whom my learned friend Mrs. Baird appears.

POLICE CONSTABLE DAVID FRANK SCOTLAND (Sworn)

EXAMINED BY MR. WALSH:

- Q. Your full name and rank, please? - A. David Frank Scotland, Constable of the Merseyside Police, Your Honour.
- Q. Can I say what we have said to other witnesses so far. Speak up and speak louder than you think is necessary because this court poses difficulty for people hearing. To what station in the Merseyside Police are you attached? - A. Garston Police Station.
- Q. Was that so in June of 1984? - A. That is correct, Your Honour.
- Q. On Monday, 18 June, were you together with other Merseyside officers at Orgreave in South Yorkshire near the coking plant? - A. I was indeed, Your Honour.
- Q. Did you form part of what we know as a PSU? - A. I did.
- Q. Can you tell us who the Inspector was who was in charge of your particular PSU? - A. Yes, it was Inspector Bennett.
- Q. Had you ever been to Orgreave before that day? - A. Never before that day.
- Q. Have you ever returned to Orgreave since that day? - A. No, I have not, Your Honour.
- Q. Have you seen any plans of the area in question? - A. No, I have not.
- Q. Any albums of photographs? - A. No, none whatsoever.
- Q. Or any video film? - A. No, I have not, Your Honour.
- Q. It may be that during the course of evidence it will be necessary to show you certain albums of photographs of the scene to refresh your memory in general terms of what the

place looks like. Do you follow? - A. Yes, I understand.

- Q. For how long had you been a member of a PSU prior to 18 June? - A. That was the first day, in fact, that I had ever been away with a PSU before.
- Q. Had you ever been involved with a PSU on, if it is the right word, active duty in your own home territory? - A. No Your Honour.
- Q. To what extent had you had any training in the work a PSU does in public disorder situations? - A. The only training I had had was some ten years ago when I had about two years' service in the Police. That is all and that was very minor. Some training with shields - very little.
- Q. How did you come to be involved in being in a PSU that went to South Yorkshire on 18 June? - A. I think there was a shortage of men, to be honest.
- Q. How did you know to go? - A. My name appeared on the list to go. That is basically it.
- Q. Had anybody asked you if you wanted to go? - A. No, I was not asked at all. I was just told.
- Q. Do you remember approximately what time you got to Orgreave that day? - A. Pretty early in the morning. We left the base at about 5 o'clock in the morning.
- Q. By "base" do you mean Merseyside? - A. No, we were based somewhere in Yorkshire.
- Q. You stayed overnight? - A. Yes, and then we left at 5 o'clock in the morning from the place we were staying at. It is difficult to say exactly what time we got there. It was may be 7 or 8 o'clock, something like that, that we arrived at Orgreave.
- Q. Insofar as anybody might want to ask you about precise or approximate times when things happened that day, would you be able to give those or not? - A. Only a rough idea. It was morning time, early morning, I would say.
- Q. We know from the general pattern that you would arrive in a collection of vehicles with your other colleagues? - A. That is correct.
- Q. Can you tell us to what part of Orgreave you went when you first arrived in the vehicles? They would have to park somewhere obviously? - A. First of all, as I remember, we parked up outside the plant, It is on a side road amongst a convoy of other police vehicles.
- Q. Did that mean you had to drive in through the main gates or not, or can't you remember? - A. I honestly can't remember which gates we went into.
- Q. Having arrived, were you deployed or utilised immediately,

or was there some passage of time? - A. We were sent in and told to be on stand-by with shields at the ready, but we did not go anywhere in particular, we were on stand-by.

Q. Did a time come when your unit was actually called upon to do something? - A. Yes, that is correct, we did.

Q. What was it that you were called upon to do? - A. We were told to kit up with all our protective clothing, to put our helmets on, clothes, and get hold of our shields and to disperse a very large crowd of disorderly people.

Q. Are you still by your parked vehicles at the time you are given this instruction? - A. I can't recall.

Q. Do you remember so far as you yourself are concerned who gave you that instruction? - A. Inspector Bennett.

Q. Did you kit up? - A. I did indeed, yes.

Q. What did you personally have by way of equipment? - A. We had a cricket box, a protective helmet with a visor, my police issue clothing and the short shield.

Q. Short shield? - A. Yes.

MRS. BAIRD: I am getting the message that Mr. Forster cannot hear.

Q. JUDGE COLES: You will have to speak up, Officer.

Q. MR. WALSH: One of the problems, Officer, is there is a tendency to speak to the person asking the questions and think if he hears, everybody does, and the people at the back are not as near as I am.

Q. JUDGE COLES: We are all guilty of it. Don't think we are being critical.

Q. MR. WALSH: You kitted up with your cricket box, helmet with visor, clothes and short shield? - A. That is correct.

Q. Where did you go? - A. We were directed through the line of police officers who were stretched across the top part of the road, quite far into the coking plant itself.

Q. Inside the coking plant? - A. Yes, inside.

Q. Does the name "topside" or "bottomside" mean anything to you? - A. It means nothing whatsoever, I'm afraid.

Q. So, did you spend some time actually inside the coking plant premises itself? - A. Yes, quite a long time.

Q. Do you remember to what part you went or not? - A. The far end. As you walk in the coking plant, as I recall, there is a very long main road that stretches the full length of the plant.

- Q. If we were to call the main gates the front of the plant, where did you go? - A. Straight along the main road and up towards the bridge. Before you get to the bridge there is a line of police officers.
- Q. It is going to be necessary for me to ask you what happened there. Did a time come when you were taken away from that place? - A. From the coking plant itself?
- Q. Yes? - A. Not that I can recall.
- Q. Very well. During the course of that morning were you involved in the arrest of any person? - A. Yes, I was indeed.
- Q. Who was that? - A. George Forster.
- Q. Would you tell us the circumstances in which you were so involved and what led up to the arrest? Do you follow? - A. Yes, I understand.
- Q. Can I add something else at this stage? Apart from speaking up, would you speak in sentences and pause so that people can keep track and write down what you say? - A. I understand.
- Q. Would you commence telling us about the circumstances leading up to the arrest of Mr. Forster? - A. We were given the instruction to kit up and prepare, put all our equipment on. I did so and then we were given the order to go forward.
- Q. Did you go forward? - A. Yes, we did.
- Q. Do you remember whether that was on level ground, up hill or down hill? - A. Going up hill, not a steep hill, but certainly going up hill.
- Q. Yes? - A. In front of us there was a long line of police officers forming a cordon.
- Q. Were you able to tell and can you now remember approximately how many lines thick of police this cordon was? - A. Quite a lot, six or seven deep, I would say at a guess - quite deep.
- Q. What was happening when you reached this cordon? - A. I could see literally hundreds of missiles - stones and bricks and pieces of wood - being thrown from a very large group of people over the other side on the field at police officers.
- Q. Up a field? - A. Yes, there was a big field.
- Q. JUDGE COLES: Your recollection is that the missiles were mainly coming from there? - A. Yes, from all directions basically, but certainly aimed from the field towards the police officers stood in the cordon.
- Q. MR. WALSH: You have mentioned a road and you have mentioned a field. Do you remember whether, as you approached the cordon, you were on the field or on the road? - A. I was

on the road.

- Q. Were you alone or with your colleagues? - A. I was with all my colleagues.
- Q. Do you remember where that road led to? - A. Yes, it led over the bridge. Once over the bridge there were fields.....
- Q. Do you remember what the bridge passed over? - A. I can't recall, no.
- Q. At the moment you are going up to this cordon of police officers and there are missiles coming over? - A. Yes, there are a great deal of missiles coming over.
- Q. Can you give us any estimate, and if it is a guess then perhaps you had better not guess, as to about how far you had gone from the place where you were parked and assembled to where the cordon was? - A. I can't recall, I'm sorry.
- Q. What happened once you got to the cordon? - A. Well, the cordon opened, left a gap for us all to go through, and we all ran through the cordon.
- Q. Who is "we all"? - A. Well, Inspector Bennett, I think he was nearer to the front, and the rest of the lads I work with in Garston, and I believe there were other officers from another Force I didn't know. They were all kitted out with short shields as well.
- Q. In, as it were, another PSU? - A. That's right, another PSU, yes.
- Q. The line having opened up, what were you intending to do when you went through? - A. To disperse the large crowd who were throwing missiles at the Bobbies.
- Q. I think you have told us your instructions were to disperse? - A. That is correct, yes.
- Q. Do you recall how far forward you went approximately? No-one is going to tie you down to the odd yard - or I do not suppose they will. - A. You mean when we ran towards the crowd?
- Q. Yes? - A. We ran a few hundred yards, but as we ran towards them, they all turned and ran away and then we came back again.
- Q. Do you remember whether there were any police horses in the vicinity? - A. I did see police horses before this incident, but they were just stationary to the left.
- Q. You say "before the incident". How long before? - A. I had seen them there back 20 minutes/ half an hour.
- Q. At the time when you went through can you recall what, if anything the police horses did? - A. Nothing, nothing on the bridge.

Q. We have not got to the bridge yet.

MRS. BAIRD: Your Honour, I am not prepared to be limited by Mr. Walsh. I don't think we know where this cordon was.

MR. WALSH: Will my friend allow me to conduct my examination?

JUDGE COLES: If he is not making it clear, then it is not clear.

MRS. BAIRD: But I do not want him to be led by Mr. Walsh.

JUDGE COLES: If Mr. Walsh starts to lead, I will stop him.

MR. WALSH: I thought Your Honour would:

- Q. I am just asking you at the moment about the point when you went through the cordon. Do you follow? - A. Yes, I understand.
- Q. Can you remember what, if anything, any police horses did at that time? - A. I did not see any police horses do anything at that time.
- Q. Are you able to tell us about how far the cordon was at the time when you went through it from the bridge? - A. About a few hundred yards.
- Q. You have told us you went through the cordon and then I think you told us you came back? - A. Yes. That happened twice in fact.
- Q. Just tell us how that came about please? - A. We were given, as I say, the order to go and disperse them. The ranks opened and we ran through, ran at them, and then they all turned and ran to the other side of the bridge and we stopped then and just walked back again.
- Q. Did you stop because you felt like it or because somebody told you to stop? - A. To be honest, I can't remember. I saw the rest of the lads around me stopping and, to be honest, we were pretty tired after running about 300 yards with all this gear on and sweating profusely, so we just walked back again.
- Q. Are you able to say one way or the other whether the cordon, when you went back, was in the same place as it was when you had gone through it or whether it had moved? - A. I couldn't say. I can't recall.
- Q. You said you did this more than once? - A. Yes, twice in fact.
- Q. How did it come about that you did it for a second time? - A. They all came back again over the bridge and started throwing stones once more.

- Q. When you went back to the police cordon after the first move forward, did you go back behind it or remain in front of it, or can you not remember? - A. I am sorry, I can't remember.
- Q. Can you tell us with any accuracy whether much time went by between your arriving back at the police cordon and your moving forward again? - A. No. It wasn't very long though - 30 seconds to a minute, that's all.
- Q. When you went forward on this second occasion, was that as a result of some order or instruction from anybody? - A. Yes, Inspector Bennett gave the order to men to go forward and disperse.
- Q. JUDGE COLES: After only about a minute? - A. That is correct, Your Honour.
- Q. MR. WALSH: Do you remember whether this other unit from another Force was with you at the time? - A. Yes, I believe they were.
- Q. And when you went forward on this second occasion, did they go forward? - A. Yes, they did.
- Q. About how far did you go on this second occasion? - A. To about the same point, just before the bridge.
- Q. Is your reason for stopping on the second occasion the same or different from your reason for stopping before? - A. Exactly the same as the first.
- Q. I would like to ask you what you in fact did on each of these two moves forward. Do you follow? - A. Yes.
- Q. Let's take the first one. What did you do? - A. On both occasions.....
- Q. Were they exactly the same? - A. Exactly the same. Basically all I did was run forward, run at these people - that's all.
- Q. Did you come into physical contact with any of them on either of those occasions? - A. No, none whatsoever.
- Q. About how close did you get to any? - A. I think the nearest was about 100 yards because they had all turned and run.
- Q. So the time comes when you stop? - A. Yes.
- Q. Would you like to look, please, at Exhibit 9, the bundle of photographs (handed). Can I just tell you, to help you, that these are photographs which show mostly the road but also in part the field leading up from the coking works main gates to a bridge. Do you follow? - A. Yes.
- Q. They are unfortunately not taken as far back as to show the main gates, but if I can help you, in photograph 1, behind the camera man and to his left there runs the continuation of

that field and ultimately the main gates of the plant. Do you follow? - A. Yes.

- Q. It may be that in fairness to you you should look at the aerial photograph. You may see something like this if you turn round and look at the bench? - A. Yes.
- Q. If you hold it that way up (demonstrating), you will see, if you would like to follow my finger for the moment, in the top left-hand corner we have the coking works? - A. Yes.
- Q. If you look to where my finger is pointing, at the left-hand side just past what looks like a large row of trees - do you follow - that is the main gates to the plant, and although the aerial photograph does not give any impression of hills, as we come down the photograph, we are in fact going up the hill. Do you follow? - A. Would you point out the main gate again?
- Q. The main gate is there (indicating). - A. Yes.
- Q. You see a road leading between the fields, going down the photograph and across from left to right? - A. Yes.
- Q. Until you get to a bridge along a roadway? - A. Yes.
- Q. Although it is going down in the photograph, in reality it is going up hill. The reason I am showing you this in relation to the first photograph in the album is that the main gates are here where I am pointing to and the camera man is obviously some way a little along this road up the hill, so that this field, which I think is probably coloured yellow on your plan.... - A. Yes, I follow you.
- Q. Having seen that, can we go through the photographs? The second photograph is taken a little further up the hill past photograph 1. To orientate yourself, you will see a road sign, a bend on the left-hand side. That is a long way from the camera on photograph 1 but nearer on photograph 2. Do you see that? - A. Yes.
- Q. We are getting nearer the bridge and the buildings on the left are an electricity substation. - A. Yes.
- Q. Photograph 4 is closer to the bridge? - A. Yes.
- Q. Photograph 5 is a little way back but giving a view of the bridge from a different angle, and by the time we get to photograph 6 we are actually standing on the bridge? - A. Yes.
- Q. Photograph 7 is taken towards the far side of the bridge looking further up the hill towards the place where there are some houses on one side of the road and industrial premises on the other. - A. Yes.
- Q. 8 is a little further. - A. Yes.
- Q. Now, do any of those photographs help you to recall to some

extent the general place where you were on that day and the route you took? - A. Well, looking at the first few photographs, it gives me a slight recollection, but not a great deal, of that day. It just looks like a bridge. It is 12 months ago and very, very difficult.

- Q. I understand and I am sure the jury will. Does it bring back to any extent the fact that you realise you were there? - A. No, having just looked at these photographs and being asked to draw my own conclusions, I would not know if it was the same bridge or not.
- Q. Would you like to look at Exhibit 3, which is a plan, and see if this helps you at all (handed). You will see it is a scale plan? - A. Yes.
- Q. Does that help you? - A. I am afraid it means nothing to me at all.
- Q. If I were to ask you in relation to any of the photographs that you have seen where the police cordon was when you went through it, would you be able to help us at all by pointing? - A. I am afraid I couldn't, no, I'm sorry.
- Q. Or if I were to ask you where you came to a halt in the vicinity of the bridge, would you be able to help us or not? - A. Well, knowing that was the bridge, 15 yards before the beginning of the bridge.
- Q. Is that a guess or recollection? - A. That is just a guess.
- Q. The one thing we don't want you to do is guess. - A. Sorry. I couldn't say then.
- Q. I am sorry, I stopped you in the course of what you had to say just to see if you could give us any assistance with the photographs. Having stopped near or at the bridge, would you please continue with your account? - A. Yes. After the second run, again we stopped just before the bridge because they had all run back and we turned and came back again. Exactly the same thing happened once again.
- Q. You have gone back to the police line? - A. Yes, indeed.
- Q. And when you say that exactly the same thing happened once more, what do you mean by that? - A. The crowds of people started to come back again and throw the bricks once more.
- Q. What happened then? - A. The third time we were given the order to go forward and disperse them, so we did.
- Q. How far did you get on this occasion, can you recall? - A. Again just before the bridge we stopped. They had all dispersed. They had all run off. Off to the right there was a group of about six or seven people.
- Q. Whereabouts off to the right? - A. To be honest, I can't remember which side of the bridge it was. It was either at the beginning

or at the end of the bridge, one of the two, but certainly off to the right.

- Q. Do you mean on the road or somewhere else? - A. In a corn field.
- Q. A group, you said, of about seven or eight? - A. Yes, about that number.
- Q. What about them? - A. They were throwing stones at us - the lads with the shields and kitted out.
- Q. Where were you when they were throwing? - A. I was either at the beginning of the bridge or the end of it. I can't recall which it was. I know it was either one.
- Q. You were at one end of the bridge? - A. One end of the bridge.
- Q. But you cannot remember which one? - A. Just to the right-hand side of the bridge as well, it was.
- Q. That is where you were stood? - A. Yes, I was stood there and the pickets were coming over and the chap Forster, I could see him amongst the crowd and he threw a stone which arched over. It was coming at me, so I guided it away with my shield.
- Q. Yes? - A. I guided the stone away with my shield and I decided then that I wanted to arrest that man that threw that stone at me.
- Q. Why did you want to do that? - A. I wasn't very happy about the fact that he had thrown a stone and nearly hit me and I decided I should take some action.
- Q. What did you do? - A. There was a little wall, whatever you call it, off to the right. I climbed over this little wall and down into the cornfield.
- Q. Yes? - A. When they saw me climbing over, they all ran away except for this chap Forster. He stood his ground.
- Q. When you climbed over the wall into the cornfield, were you alone or accompanied? - A. I was alone as far as I knew. I was going over off my own bat and was going alone.
- Q. What happened when you were in the cornfield? - A. I jumped down into the cornfield and ran towards them. As I say, they all ran off except for Forster and he stood there. So I got a bit closer to him, he in turn turned and ran to follow his friends. He was running along.....
- Q. Just a minute. He turned and ran? - A. Yes, he turned and ran.
- Q. What did you do? - A. I chased after him and, as he ran, he stumbled and he fell and I thought, "This is my opportunity to grab him", so I gained on him and took hold of him.

Q. How did you do that? - A. He had fallen down, so I went over to him and grabbed hold of his arm.

Q. JUDGE COLES: You indicated you did that with both arms? - A. Yes, Your Honour.

Q. MR. WALSH: You gestured grabbing hold of him. Can I ask you what part of him you grabbed hold of? - A. I think it was his arm. I couldn't really be sure - the top part of his body. He was on the floor.

Q. Again, when you did this, were you alone or was anybody else in the vicinity? - A. I was on my own at this stage.

Q. Yes? - A. As I grabbed hold of him, he started struggling to get away and I ended up falling over as well, and the two of us were rolling around in the cornfield. Just then, as we were struggling, I was joined by one of the lads I work with, Constable Jones, Paul Jones.

Q. Yes? - A. Paul came to assist me, and I was aware of the other members of the group starting to advance back, and they were throwing stones at us.

Q. Just a minute. You became aware of other members of this group doing what? - A. Throwing stones at me.

Q. So? - A. As I was struggling with him, basically we just restrained this fellow and took him back onto the bridge.

Q. Did you say anything to him at any stage? - A. Yes, when we had got him restrained, he basically realised there was two of us and he couldn't get away. He stopped struggling and I cautioned him. I told him I was arresting him for unlawful assembly.

Q. Did he say anything in reply? - A. Yes, he did indeed, but I can't recall what he said.

Q. Did you make a note of it at any time? - A. Later, after transporting him back to the coking plant, yes, I did my evidence straightaway and I made a note of his replies in my evidence.

MRS. BAIRD: I am sorry, he is going too fast.

Q. JUDGE COLES: You made a note, did you, when you got back to the Command Centre? - A. Yes, I did. When I did my evidence, that was the first time I made any note at all.

Q. MR. WALSH: From the point where you arrested him, did you do anything other than take him back to the Command Post? - A. I took him to hospital later on.

Q. Before you went back to the Command Post, did you take him anywhere? - A. No, we took him back along the bridge and back to the Command Post.

- Q. JUDGE COLES: "We" - that is both of you? - A. Myself and Constable Jones.
- Q. MR. WALSH: You say you took him to hospital? - A. Yes, I did.
- Q. Was that Rotherham General Hospital? - A. I honestly don't know which hospital I went to. It was a major hospital.
- Q. It is Rotherham District General. You probably don't know it. Now, can you tell us when it was that you made your note of what he said to you? - A. Yes, it was after I came back from the hospital with him, after he had been treated, that I sat down with Constable Jones and I did my evidence.
- Q. Why was it that you took him to hospital? - A. He had a small cut on the top of his head.
- Q. Did he give you any explanation as to how he sustained that? - A. Yes, he told me he got bricked by his friends by mistake, yet at the hospital he gave another explanation.
- Q. In your presence? - A. Yes, in my presence.
- Q. What did he say then? - A. When the doctor came along to examine his injury, the doctor asked him how he sustained it and he told him he had fallen over.
- Q. When was it that he had told you about being bricked by his friends by mistake? - A. I think it was certainly as I was taking him back to the Command Post.
- Q. It was before the hospital? - A. Oh, yes, well before the hospital.
- Q. Still trying to keep it in stages, when you got to the Command Post, before you went to the hospital, did you have your photograph taken with him? - A. Yes, I did.
- Q. Would you just formally identify this photograph and say who appears upon it (handed)? - A. Yes, that is myself and Forster.
- Q. Can you recall whereabouts to his head the cut was? - A. I can't recall, no, I am sorry, somewhere on his head.
- Q. Looking at the photograph, we do not see anything on his face? - A. It was only a very minor cut somewhere on his head.
- Q. Before you went to hospital, did you have to sign him in with an officer in charge or a sergeant at the Command Post? - A. That is correct. He was also examined by a police woman.
- Q. A police woman? - A. She examined his cut and decided it might need a stitch, so we called an ambulance.
- Q. Can you remember when it was that you got back after the hospital to the Command Post? - A. Over an hour. I was at the hospital approximately an hour.

- Q. When you came back to the Command Post, was that together with the defendant? - A. Yes, it was.
- Q. I should have asked you, and it may be that you said it by implication, but so far as Constable Jones was concerned, did he go to the hospital as well? - A. No.
- Q. Let us retrieve our steps. At what stage did you and Constable Jones part company? - A. As soon as we arrived back at the Police building in the coking plant.
- Q. We are calling it the Command Post? - A. As soon as I arrived at the Command Post when, basically, Constable Jones went back to join the line of our lads.

MR. WALSH: I don't know whether Your Honour was planning a break.

JUDGE COLES: I thought you were getting close to the end.

- Q. MR. WALSH: When next did you see Constable Jones? - A. When I returned to the Command Post with the prisoner.
- Q. From the hospital? - A. That's right.
- Q. Where was he? - A. I can't recall. He was somewhere in the general vicinity and I just called him to go with me to the Command Post to do the necessary paper work.
- Q. What paper work was necessary? - A. A résumé of the facts and our statements of evidence.
- Q. How did you know you had to give a statement of evidence at that time? - A. I always do a statement of evidence after every arrest as a matter of course.
- Q. Actually on the same day? - A. Yes, straight after. In fact, it is standing orders in Merseyside that you have to complete your evidence immediately after arresting somebody.
- Q. Did you in addition make an entry in your pocket book giving all the details of what had happened? - A. No, I did not. As I say, I made my evidence up straight away and that was to be my record.
- Q. Where was that done? - A. In the Command Post, in the Police room.
- Q. When you did that was your recollection of the conversation that you had with him at the time of arrest fresh in your mind? - A. Yes, it was clear in my mind at that time.

MR. WALSH: Your Honour, may he refresh his memory from that document as to the conversation?

JUDGE COLES: Certainly.

- Q. MR. WALSH: You will find the moment of arrest and some conversation there towards the end of the statement. I think? -

A. Do you want me to give the answers?

Q. Yes, what you said to him and what he said to you? - A. I cautioned him and told him he was being arrested for unlawful assembly and he said, "I am peaceful usually but the others were doing it, so I just threw the brick. I only threw one." I then asked him how he cut his head and he said, "I got bricked by mistake by my friends."

Q. You have told us about that already. Perhaps I can just ask you something about that statement. Is it signed by you? -

A. Yes, it is.

Q. And dated 18 June? - A. That is correct.

Q. Does someone there sign as a witness? - A. Yes, that is Paul Jones. He was with me when I made it up. We made it up together, in fact.

Q. Were you present when he signed it? - A. Yes.

MR. WALSH: That does complete the evidence-in-chief.

JUDGE COLES: Thank you. Officer, please do not discuss your evidence - any of it or anything to do with it - either with Police Constable Jones or anybody else, in your own interests.

WITNESS: I understand, Your Honour.

(Short Adjournment)

CROSS-EXAMINED BY MRS. BAIRD:

Q. Mr. Scotland, you have told us that this was the first day that you had ever operated, I think, in connection with a PSU either at home or away? - A. That is correct, Your Honour, yes.

Q. And your training in what we might call loosely "public order dispersal" or "control" was ten years before that? - A. Yes, it was indeed, Your Honour.

Q. You have been a constable for 12 years? - A. 12 years, yes

MRS. BAIRD: Your Honour, I apologise, my client does not appear to be in court. May I wait?

JUDGE COLES: Yes.

(George Warwick Forster returned to court)

MRS. BAIRD: I am sorry. If Your Honour requires an explanation, I will get it in due course.

Q. MRS. BAIRD: Is it right that the only training you had with the equipment was given all those years ago as well? - A. Yes, indeed, that is correct, Your Honour.

- Q. You have not laid hands on a shield or riot helmet between that training and this day? - A. I had got my helmet some months before, but had never had to use it before, no.
- Q. We have got three kinds of shield here. Could you tell us which was yours? - A. I think that was the one (indicating).
- Q. You are welcome to look at them to see which resembles yours. - A. I couldn't say between the two, to be honest. Certainly one of those two (indicating).
- Q. What might help you is the kind of fastening. - A. I am afraid that doesn't help. It certainly wasn't the round one.
- Q. Don't rush. Let me see if I can help you and if you still are not sure, we will accept you cannot say which it was. The one my learned friend Mr. O'Connor is holding has got a black edge to it and it fastens with this velcro stuff. The one other there has a solid loop for your hand and a loop that fits over your arm. Does that help you at all? Can you remember putting it on and how it fastened? - A. I am afraid I can't remember. I have held both types and on that day I can't recall which type it was.
- Q. When have you held both types? - A. Quite often when we load the van up, put the shields in the van, take them out again, transport them. The same with the long ones. I have handled all types.
- Q. But this is the only time you had been in action with one? - A. That is correct.
- Q. Does it not stay in your mind which type it was? - A. It does not. It is just a short shield to me.
- Q. It definitely was not round? - A. No.
- Q. What about the rest in your PSU? We have heard that Inspector Bennett was in charge of it and to make it absolutely clear, I think his name is Anthony Bennett? - A. That is true.
- Q. There are other officers in that PSU from whom we have heard, for instance a Police Constable Brophy and a Police Constable Moore. Do you know those two men? - A. Yes, I did. I worked with them all the time at Merseyside Station in the same section.
- Q. Are you still working with them? - A. Yes, indeed.
- Q. When did you last see either of those two men? - A. It would be a week last Friday - no, I tell a lie, a week last Friday I saw Tommy Brophy, but I have not seen David Moore for about three weeks to a month.
- Q. You say you saw Mr. Brophy a week last Friday? - A. Yes, I saw Tommy briefly a week last Friday.

- Q. A week last Friday? - A. Yes.
- Q. If I can just consult my note and see how that relates to when Brophy gave his evidence? Can I just make sure we are being precise? It is now 10 July, so that a week last Friday would be 28 June? - A. That is correct, 28 June it was.
- Q. That is when you saw Tommy Brophy? - A. That is correct.
- Q. Working normally? - A. No, it was at my home.
- Q. He is a friend as well as a colleague? - A. Well, a colleague, but I had a barbecue at my home and all the section were invited and he came along.
- Q. Moore did not go to that? - A. No, he was ill.
- Q. Mr. Brophy gave his evidence here on 18 and 19 June, so that sounds as if it is about nine or ten days before your barbecue. - A. Yes.
- Q. You would know by the date of your barbecue that you were going to come soon yourself? - A. I had an idea I might be called, yes.
- Q. Did you ask Mr. Brophy about his court appearance? - A. Yes, I did
- Q. Tell us a little of the conversation, please? - A. The only conversation we had was the fact that he had travelled down, how long he stayed, the fact that he travelled home and never stayed overnight. The actual basic part of the case we never discussed.
- Q. Has somebody told you to say that to this jury? - A. Your Honour, nobody has told me to say anything whatsoever. If they did, I wouldn't listen to them.
- Q. You are telling us that all Mr. Brophy and you talked about concerning this trial was the way he travelled down and the way he travelled back home? - A. That is correct. Roughly what time it took him to get here and his mode of transport, that's all.
- Q. He did not tell you anything - I am not suggesting any impropriety here - but he did not tell you anything at all about what happened at court? - A. Nothing whatsoever, Your Honour.
- Q. Are you sure? - A. I am positive.
- Q. How was he? Was he in good spirits when you saw him? - A. Yes, he was in perfectly good spirits. His wife was due to have a baby and he seemed to be happy.
- Q. Do you remember seeing Brophy on 18 June, almost a year ago? - A. He was with us, yes. I recall seeing him with us.

- Q. Can you remember what sort of shield he was carrying? - A. I am afraid I haven't any idea whatsoever.
- Q. What sorts were available in your PSU? - A. Both long and short. Some had long, some had short.
- Q. Can you remember amongst any of your colleagues who had what? - A. The only one that I do know that I could say for certain was Constable Jones had a long shield. He is the only one I know for a fact as to what kind of shield he had.
- Q. That is Mr. Jones who comes to help you, I think, after you have arrested Mr. Forster? - A. Yes, that is the same one.
- Q. You are in the same PSU as Constable Douglas. Do you know him personally? - A. Paul Douglas I know fairly well, but nowhere near as well as Constable Brophy.
- Q. Sergeant Armstrong? - A. Yes, I know Sergeant Armstrong well.
- Q. Do you work at the same Police Station as Mr. Jones? - A. Yes, I do.
- Q. You see him very regularly? - A. Yes.
- Q. Is he also a friend? - A. Yes.
- Q. Sergeant Armstrong, is he a friend also? - A. Yes - well, we all work together at that Station and we are all friendly. He is not someone I would go out with socially normally, but, yes, I would class him as a friend.
- Q. Before you went into action that day, and I am concerned with after you had been on stand-by, when you actually went into action. - A. Yes.
- Q. Were you given any instructions about arresting or dispersal, or what you were really intended to do? - A. Just to go and disperse them.
- Q. That was Bennett, was it? - A. Yes, Inspector Bennett.
- Q. You have told us, and I want you to satisfy yourself, that during that very short period you did not get any other orders of any kind? - A. Certainly not that I can recall. I remember us being told to go forward and disperse them. I can't recall anything else that was said.
- Q. Unless it happened ten years ago, you had never been taught how to disperse a crowd like this, had you? - A. No. Basically all we did was run at them, that's all, nothing else.
- Q. But the method you adopted, running at people and never, you say, in the first couple of charges coming into contact, that was a matter for you? That was how you did it? - A. Yes. I just went along with what everybody else was doing, and basically all that was was running at people who were throwing stones, nothing else.

- Q. Did you see any other methods being used by individual police officers? - A. No, all we did was just run.
- Q. Let me be more specific. Did you see any police officers moving people out of the way with their riot shields? - A. No, I did not see that.
- Q. You did not? - A. No.
- Q. Not at any time? - A. No, Your Honour.
- Q. I am not just confining the question to your PSU, there were some Midlands officers up there. - A. There were many Forces.
- Q. Do you remember men with you when you were running through the cordon in this repeated way who wore riot helmets like this one here (indicating)? Can you remember seeing them from where you were? - A. No.
- Q. The usher will help you. - A. Well, that is the standard type of helmet we would all be issued with.
- Q. I do not think you are right. I think Merseyside wears a different kind to this helmet, does it not? - A. It looks very similar to mine, except it has not got a small piece at the back. Otherwise it is very similar.
- Q. Didn't yours have a band going round....? - A. No, mine did not.
- Q. Very well. I am conscious you seem to answer very quickly. I do not want to press you to do that. Please take your time. Are you sure your helmet was like that and did not have a checked band? - A. Yes, I am sure.
- Q. You are sure? - A. Yes.
- Q. What about Mr. Jones' helmet? Can you remember him? He is your closest colleague in connection....? - A. Yes, his is the same, but I believe his has most probably got a checked band. I was not issued with my helmet at the same time as the rest of my colleagues, so mine is a little bit different.
- Q. It is quite clear, is it, that yours was different? - A. Yes.
- Q. Jones' was the same as I suggested? - A. Yes.
- Q. Apart from not having orders beyond dispersing, did you have any instructions about what to do if you made an arrest? - A. No, none whatsoever.
- Q. Were you given any instructions to make arrests? - A. No.
- Q. At no time? - A. No.
- Q. I think you appeared to make it clear to the jury that it was your decision and yours alone to arrest Mr. Forster? - A. Yes, it was indeed.

- Q. I am not criticising you at all, but the position is your instructions were to disperse, but you took it upon yourself to arrest and, in fact, leave the field? - A. That is correct, Your Honour, yes. It is most certainly the case that I took it upon myself.
- Q. We have heard from other people that there was a feeling that the police were under some pressure in the bridge area. Would you agree with that? - A. Under pressure? I would say a lot of pressure, yes, with the stones coming over.
- Q. Since your own Inspector had told you to disperse, and you had satisfactorily done that twice by running at people, and you were under pressure, and you decide to make an arrest and leave the field, so that you would no longer be able to help your colleagues, but why did you take the decision to make an arrest? - A. Well, this chap had thrown a stone at me. I had to ward it off with my shield and I decided I wanted to arrest him. It was time something, in my opinion, was done instead of running at them and letting them run away again. I had to take some action myself.
- Q. Let's be plain: you had seen many people throw stones and not be arrested? - A. Only because I never had the opportunity. If I had the opportunity, I would certainly have arrested them. I never got close enough to arrest them.
- Q. As I understand your evidence, you were not particularly close to Mr. Forster. - A. He was a lot closer than the other people who had run away.
- Q. Was he closer than everybody else to you when he threw the stone? - A. He was part of the group, just one amongst a group of between five to, say, eight people.
- Q. Is it right to say he was closer than others throwing stones? - A. Yes, most certainly.
- Q. Wasn't the whole group throwing stones? That was your evidence-in-chief. - A. Yes, they were. They were all throwing stones.
- Q. What I have understood - correct me if I am wrong - your position to be is that the reason you were able to get him is because he fell over? - A. Yes. First of all, he stood his ground and did not run when the others ran. He stood there watching, apparently waiting for me and then, as I got closer to him, he turned and ran and fell.
- Q. What I am interested in is this, that you have seen many men throwing stones that morning, you have not been ordered to arrest, the easiness to arrest Mr. Forster is not apparent until after you started to chase him. Is it the easiness or the fact that he falls over? - A. They were closer than the main body who were throwing stones and, as I say, I decided I was going to arrest him when he threw that stone which nearly hit me. I wanted to arrest him.
- Q. You were annoyed? - A. I wasn't very happy.

- Q. Were you annoyed? - A. I wouldn't say "annoyed" was the right word.
- Q. You were just galvanised into action by a brick that hit your shield? - A. Yes, that's a good way to put it.
- Q. Mr. Forster did not throw that stone, did he, that hit your shield? - A. He did. I had to ward it off with my shield because otherwise it would have hit me.
- Q. Were you standing still when that stone, whatever it was, hit your shield? - A. Yes, I had stopped.
- Q. How long had you been standing still? - A. A few seconds. I was quite tired.
- Q. Perhaps before coming into the detail about that manoeuvre, I would like to confirm I have got the remainder of the manoeuvres right. You have told us that you were on stand-by in the coking plant area at first and then Inspector Bennett told you to kit up and move forward? - A. That is correct.
- Q. And your sole order was to disperse the crowd? - A. That is correct.
- Q. Then you went up behind a thick cordon of police? - A. Yes, we did.
- Q. Did you run there, walk there, or what? - A. We ran.
- Q. As soon as you got to the cordon, did it open? - A. We stopped for a few seconds and then it opened after we had all sort of arrived together, When we had all arrived together, then the cordon opened and we ran through.
- Q. Your evidence was that it was a few hundred yards of a run from where you had been parked to that cordon? - A. I am not exactly sure how far it was. Thinking about it, I would not say it was a few hundred yards, no.
- Q. If we look at the plan, it looks frankly as if it must have been really considerably less than a few hundred yards? - A. Probably so, yes.
- Q. Because the whole distance of the coking plant to the bridge is not much more than that? - A. Yes.
- Q. When you gave your evidence that it was a few hundred yards, what did you base that on? The way you felt by the time you got to the cordon? - A. It seems a good distance when you are running with the kit on.
- Q. We know very well it was a red hot day that day? - A. It was indeed. It was very hot.
- Q. And you had all this gear on? - A. Yes.
- Q. When you said a few hundred yards, it may be you have extended a shorter distance because the run made you more tired than

you would expect a shorter distance to? - A. That is quite possible.

- Q. I wonder if the same is true with the charges through the cordon. You have told us they were also a few hundred yards. I wonder if they were really also rather less? - A. Quite possibly so.
- Q. Am I right that you had charged through the cordon, one way or another, twice before the charge during which you arrested Mr. Forster? - A. That is correct.
- Q. In those charges were you always positioned towards the right side of the road? - A. Yes, I was always to the right.
- Q. In those charges did you stay roughly in the same place amongst the policemen, either at the front, or at the back, or the middle? - A. Yes, roughly the same area.
- Q. Were you towards the front, the back, or what? - A. They were not run in a line. It was not a thin column. It was a line spread out. We all ran up spread across.
- Q. Merely across the road? - A. Yes.
- Q. You think there was not just your PSU but others as well? - A. Yes, I think there was one other with shields running with us.
- Q. Were you one of the first officers onto the bridge the first time there? - A. I never went onto the bridge. I stopped prior to the bridge.
- Q. That is the first charge? - A. The first and the second charge.
- Q. You are sure of that now, are you? - A. Yes, I never got as far as the bridge.
- Q. On the third charge did you get onto the bridge? - A. There again, I can't recollect. I am not sure if I went over the bridge or if I stood this side of it. I just can't recall. I know that when I climbed over into the cornfield it was near one end, but which end, I can't remember.
- Q. How near to the bridge were you climbing over into this cornfield, as best you can? - A. Very close to the bridge really.
- Q. Closer than you are to the jury? - A. Roughly. May be a little bit further away, at a guess. I am not really sure.
- Q. JUDGE COLES: We don't want any guesses. - A. I can't be sure then, Your Honour.
- Q. MRS. BAIRD: You are saying a short distance and we can't take it any further than that - that is the distance very close to the bridge? - A. That I can recall.

- Q. Roughly either as far as you are from the jury before it or after it? - A. I am not really sure, Your Honour, to be honest.
- Q. I want you to think very carefully about this because it is obviously important. You see, not knowing where you are in relation to the bridge has not got anything to do with the fact that you do not know this area at all, has it? - A. Well, it was in the vicinity. I just could not say any more than that, I am afraid.
- Q. The road goes up hill. We know that because we have all walked it onto the bridge, and then it starts to go down again. Does that help you to decide where you were? - A. I am afraid it does not at all.
- Q. You are not being deliberately vague for some reason, are you? - A. Your Honour, I am not being deliberately vague whatsoever. I just can't remember, I am sorry.
- Q. Can you remember how long it took you to walk Mr. Forster back, from getting onto the road to the Command Post? - A. I couple of minutes, I would think.
- Q. A couple of minutes? - A. Yes, about a couple of minutes, two to three minutes.
- Q. Did you walk him quickly? We have heard from some officers there is a policy of getting prisoners away as fast as can be? - A. Not particularly quickly, I must admit, just ordinary pace. I was quite tired after all the running and struggling. I just walked back at the normal pace.
- Q. Are you sure you are not being deliberately vague about the point of arrest? - A. Your Honour, I cannot recall, I am sorry.
- Q. Because, you see, you are telling us you cannot now say, and I think you said in chief you could not say, which side of the bridge it was? - A. It was up to the right, but which end, no.
- Q. But what I suggest to you is that you slipped into saying this in chief: "After I had restrained him, we took him back onto the bridge"? - A. Nearby the bridge.
- Q. "Onto the bridge". I wrote it down because it suprised me. - A. May be I did say that, I don't know.
- Q. Well, if you can remember that you took him back onto the bridge - firstly, you are remembering something definite geographically for the first time, are you not? - A. I would say it was more likely a slip of the tongue. I probably should have said "nearby the bridge" or "near the bridge".
- Q. Clearly you would not have taken him onto the bridge, as you then put it, if you had arrested him nearer to the coking plant? - A. That is true.

- Q. Can I suggest to you again that you are being deliberately vague about where it was, for some purpose, that you have made that little slip indicating you really do know the truth? - A. Your Honour, I can just repeat that I just don't know.
- Q. Having done two charges, the third one leads you to the point where you halt and then see the men to your right? - A. Yes, that is right.
- Q. At that point, when you halt, are you at the front of the police, in the middle, at the back, or what? - A. There were Bobbies all around me. Exactly whereabouts amongst them, I couldn't say. I just know there were Bobbies all around me.
- Q. You really cannot help us about that either? - A. I am sorry.
- Q. You can't tell us whether you were at the front with nobody between you and the pickets or at the back with 10 policemen between you and the pickets? - A. All I can say is I was there. There were other Bobbies all around me. As to whether I was at the front or the back, I just don't know.
- Q. Did you see Mr. Brophy at that point? - A. No.
- Q. What about Inspector Bennett? - A. No. The last time I recall seeing Inspector Bennett was when we regrouped and he told us to go forward again. I did recall seeing him then.
- Q. There is no mistake about this, this is the third charge you have taken part in? - A. That is right.
- Q. Which leads to this arrest? - A. That is correct.
- Q. Presumably then the third charge, as far as you know, your whole PSU has taken part in? - A. No, I believe they carried on.
- Q. Just tell us something about that. You believe what? - A. After I arrested.....
- Q. I am sure they did, but up until the point of arresting Mr. Forster, presumably you would say that the whole of your PSU had been involved in three charges? - A. Yes.
- Q. Do you know what time you arrested Mr. Forster? - A. I don't know. I know it was some time in the morning. Apart from that, I couldn't say.

MRS. BAIRD: I wonder if I could have the detention sheet from Mr. Walsh?

MR. WALSH: I handed that over some time ago, Your Honour.

- Q. MRS. Baird; I have it now. There is a time of arrest

on the detention sheet. Where did that come from? - A. I don't know. Possibly the Sergeant at the station wrote it down.

- Q. We know already that in all probability you did not write it down. - A. No.
- Q. You present him to some other person? - A. That is correct, you take him to the Sergeant.
- Q. But did that officer confirm the time of arrest or the time of arrival at the police station? Did he say, for instance, "It is 11.49 now; when did you arrest him?" or something of that kind? - A. Yes, that is clearly the case. This particular time, all I can remember is when I got him back to the station, I was very tired, sweating profusely, and I took him before the Sergeant and related the circumstances, and he filled in the necessary paper work. As to what exactly the conversation was between us, I could not say.
- Q. But normally he would not write the time down without confirming it with you? - A. He would normally confirm with me the time of arrest.
- Q. Are you prepared to accept it was 11.49 that you got there, since that is what he has written? - A. Yes, I believe that.
- Q. The time of arrest, according to this note, is 11.25. Can you tell us how it was obtained because he cannot have written that? - A. I don't understand which two times you are talking about.
- Q. He has entered on here that you got to the Police Command Centre at 11.49. - A. Yes.
- Q. Do you accept that time will be right? - A. Yes, if he has written it down, I am sure it is.
- Q. There are two times on the sheet, and he has written the time of arrest - this is the second time - as 11.25. Now, he cannot know that of his own knowledge. - A. I must have told him that.
- Q. Can you remember where that time came from? Did you have a watch on that day? - A. No, I did not. Something like that I would have taken off. In fact, I did not even take it with me. I left it back at Base.
- Q. Can you remember whether it came up by some sort of calculation back from the time you arrived at the Command Centre? - A. I would have given him an estimated time of arrest when I got to the police station. He would have asked me.
- Q. It does look as if you arrested Mr. Forster 25 minutes before he was checked into the police station. - A. I don't know. Possibly.
- Q. Does that sound right? - A. It seems a longer time than I

remember, most certainly, quite a lot longer than I remember.

- Q. But what might have taken time was something you started to mention. Did he not get some attention for his head from a police woman? - A. Yes, as soon as we went through the doors there was a Bobby with a camera and we stood, myself and the prisoner, next to each other and he took a photograph of us. As soon as that had taken place, the police woman arrived on the scene with a first aid kit. She came and had a look at the chap's head wound, the slight cut, and I think she put some cotton wool on it, wiped it with water and she suggested it might need a stitch, and so we arranged to go to the hospital.
- Q. All this attention was before you checked him in? - A. As I recall. I am not 100 per cent certain. I think it was.
- Q. That probably accounts for the lapse of time. Did you have to queue up to check him in because we know there were a lot of prisoners? - A. There was quite a view. The charge office was to the right and there were quite a few.
- Q. You waited in the queue for a while? - A. A few minutes.
- Q. He got a little attention from the police woman and there was a bit of a queue. Do you think your estimate, wherever it came from, may be right? - A. Yes, probably.
- Q. 11.25 - as near as we can pin it down - was when you arrested him? - A. I would put it at about that.
- Q. By the time you did arrest him you had gone through most of a third charge. How long do you think you had been in action? - A. Not very long really. 10 or 15 minutes, I would say.
- Q. Inspector Bennett, you will know, fills out a PSU note-book? - A. I am sorry, I am not aware of that. I knew he wrote things down occasionally as to what he was doing.
- Q. This is the only time you have been in a PSU, is it not? -
Q. That is right.
- Q. He has written - I hope I will be allowed to put this - that you were deployed at 11.15. - A. Yes.
- Q. Do you think he is right, that that would be roughly when? - A. Round about that time, I would say.
- Q. So, you were only in action for probably 10 minutes? -
A. Yes.
- Q. And you were very hot by then? - A. Extremely hot.
- Q. Before you had gone into action, you had been somewhere around the front of the coking plant, just standing by? -
A. When we first arrived, we were at the coking plant itself. We were sat in the vehicles. After a while we got

the vehicles moved inside the coking plant and we jumped out and stood around, and then the word came to go forward and assist.

Q. When you stood around there what, if anything, could you see of what was going on up the road? - A. There were dozens of police officers and dozens of other people around. There were people everywhere and a lot of noise, an awful lot of noise, a lot of shouting.

Q. Before you went out that day, did you see the police cordon move at all from where it had been when you first saw it? - A. Which cordon is that?

Q. There is a great thick one, seven deep or something? - A. No, I never saw that cordon move at all.

Q. At all that day? - A. No.

Q. From when you were standing watching idly right up until the arrest of Forster? - A. That is right. I never saw it move at all.

Q. It was in the same place all the time? - A. That I can recall. I certainly did not see it move.

Q. Because you are in the same PSU as Mr. Myer, I want to clarify something with you. When you put your gear on and went behind the cordon line - yes? - A. Yes.

Q. Was there a time when you stood there for half an hour or so with your shields in a pile beside the road side? - A. Before hand?

Q. After you had gone into action but before you went through the cordon? - A. No, not that I can recall.

Q. It would not be an easy mistake for you to make. You either went more or less straight through, as you have told us, or you waited half an hour or so without a shield? - A. All the shields were out, all the equipment.....

Q. No, I am asking about after you had gone to the back of the cordon. - A. Yes.

Q. Was there a wait there of a longer period like 20 or 30 minutes? - A. I wouldn't say that long. There was a bit of a wait, but certainly not that long.

Q. Your evidence is going to stay as it was in chief - a couple of minutes at the most? - A. Yes.

Q. During that wait, did you take your shield off at all and put it in a pile with the other members of your unit? - A. No, I think it was on the floor next to me.

Q. As far as you know, were all the other members of your unit in the same position with their shields beside them? - A. As

I remember. These minor details, I just can't recollect them.

- Q. Wherever you ended up just before you arrested Mr. Forster, when you had got that couple of seconds standing still, that was near the bridge? - A. Yes, it wasn't that far away.
- Q. You have told us your best guess. Had it been easy to get there? Apart from getting hot running, was there anything to stop you getting there? - A. There were bricks still coming over and oil drums rolling down.
- Q. I want to know about that. Tell me about the oil drums rolling down? - A. I saw an oil drum rolling down.
- Q. How many? - A. At least one.
- Q. Where were you then? Were you behind the line or in the charge? - A. It was in the charge.
- Q. Whereabouts compared to you did that go on the road? - A. It was over to my right.
- Q. On the pavement or the road? - A. On the road.
- Q. Just one drum, because you did say "drums" at first? It is a matter for you. - A. At least one. I just cannot recall the exact details. As we were running forward, I was not taking particular notice of tiny little details, I am afraid.
- Q. Apart from missiles coming at you and an oil drum, was there anything else? - A. Debris all over the road, bricks scattered all over the road, pieces of wood. It looked like a disaster area really. It was littered with debris. I remember seeing a wall broken down and bricks lying all around it.
- Q. Tell us more about that. Can you say which charge it was when you saw that? - A. It is just a recollection I have of seeing a wall. Exactly where it was, whether it was near to the bridge or down the other end, I couldn't say. It sticks in my mind seeing a wall knocked down.
- Q. It was obviously during this ten minutes in action because you never went back? - A. It must have been.
- Q. Was the whole wall across the road? - A. It looked as though it had been pulled down and there were bricks scattered around on the floor.
- Q. Were they great stones? - A. There were some big stones, yes, and some smashed into pieces as well.
- Q. Tell us about the big ones. I am using my hands to try and indicate the size (demonstrating) - help me roughly about the size. - A. I wouldn't say they were all as big as that.
- Q. Six inches either way? - A. Yes.

- Q. Lots and lots of them off this wall? - A. Yes.
- Q. In a great sort of trail across the road? - A. Yes.
- Q. Did you have to pick your way through them as you charged?
- A. No, it wasn't that bad. You could run round them.
- Q. You could run round them? - A. Or even over them.
- Q. Anything else? - A. Just debris on the floor, nothing else that springs to mind.
- Q. There was nothing that stops your progress that day before you arrested Mr. Forster? - A. Not that I can recall.

MRS. BAIRD: Your Honour, I don't know if that is a convenient moment?

JUDGE COLES: Yes.

(Luncheon Adjournment)

- Q. MRS. BAIRD: Mr. Scotland, I want just to see whether you can agree at all, another time which is in your PSU booklet - I make it quite clear to you this is not evidence or anything like that and I am just putting it to you to see if it can help you - Inspector Bennett seems to have recorded that you were first deployed at the front of the coking plant - I think that would be where you were on stand-by - at about 9 o'clock in the morning. - A. Quite possibly.
- Q. If he has got both times right, you would have been at the front of the coking plant, hanging around for a couple of hours that morning? - A. Quite possibly.
- Q. Your evidence already is, I think, in answer to me, that all the time you were there, when you looked out on the field, and including when you went out in action yourself, the cordon did not move? - A. I did not see it move, no.
- Q. You were obviously taking a little bit of notice of what was happening out there even when you were on stand-by? - A. I was looking all around me.
- Q. Your evidence is that, as far as you are concerned, between when you arrived and the time of Mr. Forster's arrest, the cordon did not move? - A. I can't say that. All I can say is I did not see it move. I just cannot say if it did move or not.
- Q. Did you ever notice the convoy of lorries going back or coming out? - A. No, I did not see any convoy of lorries.
- Q. Did you ever hear - we gather it was very noisy? - A. It was terrifically noisy. There was all kinds of noise. Lorries could have gone through, most certainly.
- Q. I think another piece of evidence you gave this morning is

that when you joined the cordon, that is went up behind it, it was a few hundred yards from the bridge? - A. Yes, I would say so.

- Q. Obviously that is a few hundred yards on the coking plant side of the bridge? - A. Yes.
- Q. I just want to check that with you because you said it was a few hundred yards before and when I asked if it could be shorter, I think you agreed? - A. It is just an estimate. I could not be exact.
- Q. The reason why you were ready to change your estimate in the other measurement is because you were running and you probably thought it was further than it was. - A. Probably so.
- Q. But your estimate of how far the cordon was from the bridge is just a general one, is it not? - A. It is. It is very difficult to think back and put distances on it after such a long time.
- Q. But certainly there can be no mistake that when you joined the cordon, it was very near to the bridge? - A. It depends what you mean by "very near".
- Q. I suggest from where you are to the back of the court - that is a measurement used before - may be 20 yards? - A. To be totally honest, I could not tell if it was or not. That was the last thing on my mind.
- Q. What I am concerned about now is how far you say it was from the bridge when you joined it? There is a lot of difference between a few hundred yards and the length of this court? - A. Yes, there is.
- Q. I want to be sure there can be no mistake about it. When you say "a few hundred yards", you mean considerably longer than this sort of distance? - A. Yes, I would say it was certainly longer than the length of this court room.
- Q. A lot longer? - A. I would say so, but it is very difficult to think back of that distance over a 12 month period.
- Q. I accept that, but doing the best you can, there is a massive difference between 20 yards and a few hundred yards? - A. There is, but at the same time I would hate to be misleading by giving a measurement when I could not be sure.
- Q. You say that if you had to run from the cordon to the bridge it would be longer? - A. That is right. It was very tiring.
- Q. Is this your evidence as well, that during all three of the charges you were involved in, the cordon itself stood still? - A. I don't know. I honestly don't know. I couldn't tell. I can't recall.
- Q. You ran down the first time and you then retraced your steps, walking back? - A. Yes.

Q. Did you just turn on your heels and walk back? - A. Yes, but obviously turning back to look over my shoulder to see if there were any bricks coming.

Q. Do you think you walked the same distance you had run? -
A. I obviously don't know.

Q. I want to suggest that the third charge was in fact the time you went over the bridge? - A. As I say, whether I went over the bridge or not, I just don't know which side of the bridge I was on. I can't recall.

Q. Can I just ask you to look at a photograph which does seem to help suggest where you were in relation to the bridge.

JUDGE COLES: Which photograph are you looking at?

MRS. BAIRD: Your Honour, it is a new photograph.

JUDGE COLES: I should have known

MRS. BAIRD: I think it can be added to Exhibit 31, since I think the evidence will be it is taken by the same photographer as the rest of those.

JUDGE COLES: It will be 31E. Is it a photograph of Mr. Forster?

MRS. BAIRD: Yes:

Q. Officer, is that Mr. Forster? - A. It is indeed.

Q. And on his left arm is you? - A. That is right.

Q. Who is on his right arm. - A. That is Constable Jones, I believe.

Q. You seem to be coming over the bridge? - A. Yes, it would certainly appear so.

Q. In addition to that photograph, let me see if I can prompt your memory a little further. Would you take the aerial photograph? - A. Yes.

Q. If you take your eye firstly back to the coking plant and then come up that road? - A. You mean this shaded part here, the yellow shaded part?

Q. If you start with your eye on the road at the left-hand bottom corner of the yellow shaded part? - A. Yes.

Q. To the left of the yellow shaded part is the coking plant. Can you see that? - A. Yes.

Q. You started somewhere down there that morning and you ended up, you say, either before the bridge or after it, but close to the bridge? - A. Yes, most certainly close to the bridge.

Q. Now, if you let your eye run down to the bridge? - A. Yes.

- Q. I think you can see that to your right, as you are on the right, before the bridge there is not a cornfield, there is a building of some kind? - A. Yes, there is indeed.
- Q. Whereas if you now take yourself, as it were, across the bridge, to your right there is a big field? - A. Yes.
- Q. I suggest that it is in that field where you arrested Mr. Forster? - A. It looks most probable, it certainly does.
- Q. What I suggest to you further is that the charge during which you made this arrest was the third one, which started just to the coking plant side of the bridge? - A. As I say, I could not say how far we ran. It is very difficult to recall.
- Q. JUDGE COLES: So counsel could be right? - A. Quite possibly, Your Honour.
- Q. MRS. BAIRD: What I want to ask you about on that further is would it be possible that if you look at the parapet of the bridge, the line of police you came through the cordon was just about entering the end of that parapet? - A. I am sorry, I don't know.
- Q. What that would mean was that, in fact, you had a relatively short run before you were able to stop and look into the cornfield? - A. If that was the case, it probably would. As I said, I don't know where it was, I just can't recall.
- Q. I know, but you were there, Mr. Scotland, and I am really asking whether you can confirm, as you seemed to say at first it was a very long run of several hundred yards, whether it could have been much much shorter? - A. It didn't seem much shorter. I was certainly as tired as on the other two occasions.
- Q. That is not a very reliable measure, is it, because you are likely to have got tireder with each run? - A. That is true. I just could not tell, I am sorry.
- Q. Mr. Scotland, what the jury must be concerned with is how reliable your evidence is at all, because obviously you are all we have got to rely on about Mr. Forster. - A. I would imagine so, yes.
- Q. You really can't say whether that last charge was several hundred yards or just over the bridge? - A. I am afraid I can't. It was a long time ago. I was very tired, it was a very bad atmosphere and it is very, very difficult to say.
- Q. Can you help us with this then, that if I am right and you arrested Mr. Forster in that cornfield over the bridge, was that the first time you went over the bridge that morning? - A. Yes, it would have been, most certainly.
- Q. Would your evidence be that that would be the first time any policeman with a short shield, to your knowledge, went

over the bridge that morning? - A. Certainly to my knowledge, yes.

- Q. We know probably, bearing in mind particularly the cornfield's location, when you arrested Mr. Forster was the first charge over the bridge made by short shield men that day? - A. I would say that was highly probable, yes.
- Q. Mr. Forster, you have told us, was nearer to you than almost any pickets you had seen that morning? - A. Well, Mr. Forster and the little group were, yes.
- Q. That is right, nearer than almost any other pickets you had seen that morning? - A. Yes, certainly a lot nearer than the ones throwing bricks at us from further on, yes.
- Q. We have heard from other officers, West Midlands officers, that in the first charge they were at the front towards the right, in that first charge as it came over the bridge. - A. Yes.
- Q. Are you sure that there were any stones being thrown at you from that direction at all? - A. Oh, most certainly there were, yes.
- Q. Lots and lots? - A. From this group there was a few, yes, about half a dozen.
- Q. So anybody else who was there, and obviously you cannot comment for anyone else, but in your opinion anyone else to the right of the road on that first charge must have been aware of those stones? - A. As you say, I can't comment for other officers, but I most certainly saw them and, as I say, I had to ward one of the stones off myself.
- Q. I want to be entirely clear about this. The witnesses we heard from said they were at the front. - A. Yes.
- Q. It may be, therefore, that an explanation is that these pickets came into the field after those officers had gone. Can you comment about that? Did you see the pickets coming into the field? - A. No, they were just there. As I stopped running, quite tired, I stopped in my tracks and I was aware of the missiles coming over at me and I obviously protected myself with the shield. I saw Forster throw the stone, warded it off and then decided to take action.
- Q. I am looking for a possible explanation as to why certain officers have given some evidence and you have given yours, but you certainly do not suggest that the pickets who you say were throwing ran to the place whilst you watched them? - A. Most certainly I did not see them run at all.
- Q. Your evidence is, I think, there were two PSUs on that bridge in the first charge? - A. Yes.
- Q. Not an enormous number of men - 40-odd? - A. There was not 40.

- Q. So, if you were not at the front, because you cannot remember where you were? - A. As I say, I was just amongst other Bobbies.
- Q. If you were not at the front, you would not be many seconds behind the officers who were? - A. I don't think I would be, no.
- Q. The plain truth is there were no stones coming over from that side, were there? - A. Your Honour, there most certainly were stones coming from there.
- Q. Would it not be conceivable you have either made a mistake or that you just jumped over the bridge and went into the field and grabbed the closest chap? - A. That is not the case, Your Honour.
- Q. In particular, Mr. Forster is a somewhat older person than you, is he not? - A. He certainly looks older.
- Q. And in making his escape he would not be as speedy as many others who were younger? - A. I would imagine not.
- Q. I really want to suggest to you that he did not throw a stone at all, that you did not see him throw a stone, and that you arrested him, as it were, at random? - A. Your Honour, he most certainly threw a stone at me, and he was not arrested at random.
- Q. At random and limited by the fact that he is older and much nearer than most? - A. That is certainly not the case.
- Q. What caused you to look particularly to your right because, as I understand your evidence, stones were coming from everywhere? - A. That is correct. There were stones coming from all around, mainly from the front, but this few from the side.
- Q. Can you tell us what made you look that way particularly? - A. I was looking all around me. You have to keep your wits about you when people are throwing stones at you, so obviously I was looking all around, and I did see stones coming at me from the right.
- Q. Did you see Mr. Forster standing there before he threw a stone, or did you see him as he threw it? - A. I was aware of the stones coming from the right-hand side part of the road and I actually saw him in the process of throwing this particular stone at me. It sort of arched over and I warded it off.
- Q. The first glimpse of him must have been his arm raised? - A. Not raised, down, ready to throw.
- Q. With it in his hand ready? - A. That's right.
- Q. But the first glimpse of him quite clearly was him in the process of throwing? - A. That is correct.

- Q. You said it "arched". What do you mean? - A. It went up and down a little bit.
- Q. It fell down on you, did it? - A. Yes, it was coming in an arch over.
- Q. JUDGE COLES: You actually saw his arm come from a lower position and actually throw? - A. That is correct.
- Q. MRS. BAIRD: I put it to you that he was not throwing stones at all, but you are saying he threw the stone higher up than you and it came down on to you, are you? - A. It went up and it definitely came down in a downward way.
- Q. Can you tell us the lie of the land in that area at all? - A. I was elevated to where Forster was.
- Q. How much higher up do you think you were than Forster? - A. I don't know. It is a bit difficult to say - six to eight feet, something like that.
- Q. Would you accept that coming over that wall, you would have to drop down seven or eight feet into the field? - A. Yes.
- Q. And it also slopes quite sharply away from the road, does it not? - A. I don't know.
- Q. I suggest to you that if he was going to throw a stone which was going to hit you on the road, he would have to throw it from something like 10 or 12 feet below your height? - A. I don't know about that. All I can say is how it was thrown.
- Q. Yet your evidence is that it actually went further up in the air than you and came down? - A. Yes, it did. It went higher than myself. I had to put my shield up and just basically knock it away like that. It wasn't a case of it coming directly at me and pushing it away.
- Q. It is not a case of him throwing a stone which strikes your shield? You have to do that kind of thing to ward it off? - A. Yes, like this and ward it away.
- Q. What would have happened to it if you had not put your shield in the way? - A. It would have hit me.
- Q. Where? - A. I don't know. somewhere about the body. I just don't know.
- Q. Where were you at this precise minute. Were you by the parapet of the bridge at all? - A. I was not even aware I was on the bridge.
- Q. There must be quite a big difference to a person like you, who you allege is under bombardment, in the perception of his danger, as to whether there is a bridge parapet

up to here, or anything at all between you and them? -
A. I don't know. I have no recollection at all of being on the bridge.

Q. You can see from that photograph to some extent how high the parapet of the bridge is. - A. Yes, it certainly looks quite high.

Q. Are you telling us you really cannot say whether you were on the bridge or not? - A. I certainly have no recollection at all of being on the bridge. I couldn't tell what end I was on.

JUDGE COLES: Have a heart for the shorthand writer. You keep forgetting her.

Q. MRS. BAIRD: So far as you were concerned then, when this brick was coming your way, you might have been behind the parapet? - A. If the parapet is this high, and on the photograph it certainly looks higher than my height, I could not have been behind it, otherwise I couldn't have seen him. I must have been further on to the parapet so I could see them in the cornfield.

Q. Perhaps we can look at some more photographs of the bridge. Something may, at any rate, prompt your memory as to where you were. Looking at Exhibit 21, photograph 10, which is a picture we all know very well, and that is a view, I don't think anyone will mind me telling you, from about the middle of the bridge up the road, does that ring any bells with you? - A. I don't recall the car.

Q. JUDGE COLES: You don't? - A. No, Your Honour. I recall a little wall off to the right very vaguely, but it doesn't mean anything to me. I couldn't tell you where that was in relation to the Orgreave coking plant.

Q. MRS. BAIRD: Turn back to photograph 6. That is taken from a little bit further back than Exhibit 21, photograph 10. You can probably see the lamp post with "2" on it? - A. Yes.

Q. That lamp post is probably on photograph 6. Does it have a "2" on it? - A. Yes.

Q. You can see the way the two photographs compare with each other? - A. Yes.

Q. You can see a little bit further back from lamp post 2 to lamp post 1 and the edge of the bridge parapet? - A. Yes.

Q. You obviously arrested him beyond the middle part of the bridge this side because we have seen you bringing him back? - A. That's right.

Q. Does it help tell where you were by looking at that photograph? - A. I am afraid both photographs mean absolutely nothing to me. I have only ever been there once.

- Q. You have made that very plain, and I accept it, of course, but if you were standing behind there in photograph 6, on the right, you would have been protected up to about mid chest height probably? - A. May be even higher.
- Q. If you were two strides further forward, you would have very little protection at all? - A. That is right, because the small wall.....
- Q. Are you really saying you cannot tell us whether you were completely exposed to this stone throwing or well protected behind the wall? - A. I could not have been well protected, otherwise I would not have been able to see to my right because it would have obstructed my view. I must have been alongside the small wall, but looking at the photograph, it means nothing to me, I am afraid. It does not bring back the memory.
- Q. I don't think for one moment that you could not have seen over that stone if you had looked. - A. May be I could have. It must means nothing to me. I do not have a recollection of looking over anything, of having to look over anything. I seem to recall I probably was exposed, but I just could not be sure.
- Q. All you can say is that if it is too high for you to see over, you cannot have been there, but looking at it does not bring it back to you? - A. That is perfectly true.
- Q. Really that is your evidence, that you cannot tell us whether you were protected from missiles or completely unprotected at the time you saw Mr. Forster? - A. Well, I must have been able to see over to my right, so there can't have been anything obstructing my view because I could see them all.
- Q. It is a question of your perception of how protected you were. It puzzles me that you cannot tell us. - A. I don't feel as though I was protected by anything in front of me. I feel as though my protection was my shield, forcing away the stone..
- Q. You must certainly know what I am driving at. If you really had been under threat from stones from your right, you would have taken a mental note if you were safely behind this stone, there and then? - A. That is highly probable. It probably would have come home to me, but I do not remember being sheltered by anything.
- Q. What I am suggesting is that this shows that you were under no threat at all from the right because you cannot remember whether you were protected or not? - A. I cannot have been protected. As I say, I protected myself with the shield, and it looks pretty obvious from the photograph that I must have been stood before the small wall to look across into the cornfield.
- Q. Did you see Mr. Forster throw just the one missile? - A. Just the one.
- Q. What was it? - A. A stone - I don't know.

- Q. Tell us. You say it came over close to you. - A. It was here.
- Q. Was it a brick? - A. I wouldn't have said it was a house brick, more of a stone, some type of stone.
- Q. What you recall him telling you when you arrested him is that he only threw one brick? - A. That's right.
- Q. But you are confident it was not a brick he threw at you? - A. People use an awful lot of words to describe a brick, a stone.
- Q. I don't want to be difficult about it, but a brick is quite a sizable thing, is it not? - A. It is, and I am sure he could not have thrown a house brick that distance.
- Q. You are sure about that? - A. Yes.
- Q. It is nonsense to suggest it, is it not? - A. Yes.
- Q. When he said he had thrown a brick, it does not seem as if he was telling you the truth, does it? - A. It seemed as if he was using a word for a stone. Some people might say, "I was bricking someone" and they mean "stoning". They don't necessarily mean throwing house bricks.
- Q. "Bricking somebody" - is that a Merseyside usage, do you think? - A. It is used quite a lot at Merseyside, I should say.
- Q. Have you ever been to Durham, where Mr. Forster comes from? - A. No.
- Q. So you would not know whether the term "bricking" is ever used in County Durham? - A. I have no idea.

JUDGE COLES: You are not going to give his evidence, are you?

MRS. BAIRD: No.

- Q. It is a term often used in Merseyside? - A. Yes.
- Q. You see, you made up that answer, "I got bricked by mistake by my mates", did you not? - A. That is most certainly not true.
- Q. If you did not make that up and you heard him say at the hospital quite plainly that he fell over, why didn't you say to him, "Hey, you told me you got bricked. Are you changing your story now?" - A. He was being interviewed and examined by a doctor. It wasn't my place to interfere.
- Q. You were standing right there, were you not? - A. Yes, but it wasn't my place to interfere with the doctor's examination.
- Q. You say he told you one thing and then another when the doctor was examining him in your presence and you kept completely mum? - A. The doctor was examining him. I would

have thought it extreme bad manners if I was to interfere.

- Q. The truth is that you made up that "bricking" when you got back there? - A. That is certainly not true.
- Q. And you are perhaps covering yourself, are you, for Mr. Forster giving evidence and indeed the hospital records showing a different story to that? - A. That is certainly not the case, Your Honour.
- Q. Because you are right, aren't you, that he told the truth when you were there that he tripped and banged his head? - A. He said he fell over, that is correct, Your Honour.
- Q. When he said he only threw one brick, that is when you and he were in the field, you never questioned him further about that obvious untruth? - A. I was very tired, I was in no mood for questioning further. All I was interested in was getting the prisoner back to the police station.
- Q. Because it is right, is it not, that what he, according to you, admitted doing and what you said he did are two quite different things? He admitting throwing a big brick and you say he threw a little stone? - A. No, I wouldn't say so. A lot of people use a lot of different words to describe missiles. I have known an awful lot of people describe a stone as a brick and this is how I took it.
- Q. This stone did come at you from the right, did it, and not the left? - A. Definitely from the right, the field.
- Q. You warded it off with your shield. Which arm is your shield on? - A. My left.
- Q. So how did you do it? - A. Turned at an angle and warded it off.
- Q. You were on the right side of other policemen and as the stone came over, you pushed your shield over and sent it over into the rest of the police, did you? - A. I don't know where I sent it. All I know is I warded it away from me.
- Q. You deflected it in the direction of your colleagues? - A. I don't know where I deflected it. All I know is that the stone came over and I deflected it away.
- Q. Did you have your truncheon out that day? - A. Indeed.
- Q. Did all the other officers, so far as you can remember, in the PSUs on the bridge have theirs out? - A. Yes, all those that I can recall that charged did.
- Q. How were you aware and are you aware now of West Midlands Police on that bridge? - A. I was aware of officers from another Force. Where they were from, I don't know.
- Q. We have heard from some of them. Did you see some of them hitting pickets with truncheons to drive them away? - A. I did not see any police officers hitting anybody with truncheons, Your Honour.

- Q. It is right, is it not, if you had gone straight up the road from your position on the bridge, when you saw Mr. Forster, and no-one had gone over to the right, there would have been a danger of you being out-flanked? - A. I am sorry, can you rephrase that?
- Q. If there is a group of pickets to your right and you don't go and chase them away, if you go straight up the road, there is a danger you could be cut off? - A. Most certainly.
- Q. So, some officers would need to chase the pickets to the right? - A. Yes, but the only pickets I saw to the right were this group of seven or eight that were throwing stones from the field.
- Q. You agree with me it was a necessary part of the dispersing of the crowd that some officers went to the right? - A. To the right, yes. I didn't see any other officers go into the field, no.
- Q. As tasks go on this day, running into that field to your right was easier than running on up the hill on the road, was it not? - A. No, it certainly was not, not by a long way.
- Q. Tell us what was harder about it, bearing in mind it is down hill? - A. I had to negotiate the seven or eight feet drop into the field and the surface was most uneven - it was a field of corn.
- Q. A nice soft field, was it not, no problem at all? - A. It was hard ground.
- Q. In a cornfield? - A. The ground was most certainly hard. It was a pleasant hot day. All I can imagine is that the sun had hardened the soil or clay.
- Q. Can I suggest that you saw Mr. Forster actually on the road first of all? - A. No, at no time did I see him on the road. This was the first time I saw him.
- Q. Look again at photograph 21, 10, where he was just before you charged, he.....? - A. Sorry?
- Q. I am just waiting to find the right photograph. Did you see him sitting on that wall a little beyond lamp post 2 and towards lamp post 3? - A. Most certainly not, Your Honour, at no time.
- Q. What I want to suggest to you is that you came over and either spotted him sitting there as you run out from the cordon or see him get over the wall from there? - A. No, the first time I saw him he was stood in the field.
- Q. I want to explore the possibility of you making a mistake, that he was sitting on the wall and when he got over it into the cornfield, he certainly had something in his hand and obviously you thought it was a stone? - A. Your Honour, I am sorry, I certainly did not see him sitting on the wall and I did not see him climbing over the wall. The first

time I saw him, he was stood in the field about to throw a stone at me.

Q. What I am exploring is whether you could have mistaken a pork pie for a stone? - A. There is no way I could ever mistake a pork pie for a stone, Your Honour.

MR. WALSH: It might depend who made them!

Q. MRS. BAIRD: What I want to put is the possibility that in the heat, being tired, in a hurry, worried about missiles coming at you, you have come running out of the cordon, seen this chap jump over the wall with something in his hand, thought he was going to stone you, run over and chased him and now just elaborated a little bit what you saw to say he actually threw a stone? - A. I fully understand what you mean, but that is most certainly not the case. There was no mistake whatsoever.

Q. You would have no difficulty, if that was the fact, as it would be just an honest mistake confronting you now, and you can admit it. - A. Your Honour, there was no mistake whatsoever.

Q. He would say that he, when your colleagues ran out from behind the cordon, jumped over the wall and stood watching from the middle of the field. - A. I am afraid I did not see him.

Q. Pork pie at the ready, to eat and not to throw? - A. I am afraid I didn't see him jump over the wall.

Q. There was a time when you were running towards him over the wall when he stood still? - A. When I first jumped down the wall towards him, in fact I was quite surprised because all the others ran off and he stood his ground. It did surprise me somewhat. I carried on towards him and as I got closer, that's when he turned and ran off, but unfortunately for himself, he tripped and fell over.

Q. What I want to suggest is you indeed went over the wall, but as soon as you got onto the wall and were plainly coming at him, he turned and ran as fast as he possibly could? - A. That is not the case. He did stay there for a short while - stood there.

Q. The position is that he fell over long before you caught him? - A. Yes, whether or not I would have caught him without him falling, I doubt it really, carrying the shield.

Q. You think he might have got away if he had not fallen? - A. Probably. I was tired and I was carrying this heavy shield. I don't think I would have caught him unless he fell over.

Q. He fell over, and how much running did you have to gain on him whilst he was on the ground? - A. Six or seven yards.

Q. A considerable distance. So, you are probably right, he

- would have got away? - A. Yes.
- Q. He was on the ground trying to get up as you run the six or seven yards? - A. As I got there, he was struggling to get to his feet.
- Q. You jumped onto his back, did you not? - A. More fell on him than jumped on him. I had hold of my truncheon in one hand, my shield in the other and was trying to grab hold of him. It was very difficult, sort of leaning over him to grab hold of him and, with him struggling, I fell on him, fell on top of him basically.
- Q. He had been down there getting up and you either jumped on his back or, if that is exaggerating, you came down on top of him to stop him getting away? - A. That is right.
- Q. Did you hit him on the head at any time? - A. No, there was no need to hit him on the head.
- Q. You certainly said, "Stay down, you bastard", did you not? - A. No.
- Q. And you put your truncheon across the back of his neck to pin his head to the floor? - A. No, that is not the case. I grabbed hold of him and, with him struggling, I fell on him and we were struggling. What happened to my shield - I think I retained hold of my truncheon, but I don't know what happened to my shield. I did not put my truncheon to the back of his neck.
- Q. Let me put Mr. Forster's position. He cannot say whether the injury to his head was caused by your truncheon, your shield or his falling. Did you hit him with the truncheon on his head? - A. No.
- Q. Did you hit him with your shield on his head? - A. I did not hit him anywhere.
- Q. Then can you accept ... he hit his head when he fell? - A. I have no idea when he hit his head. In fact, it was after the struggle and when we got him subdued that I first noticed the cut to his head.
- Q. Whereabouts were you then when you first noticed it? - A. Still in the field. When Constable Jones had come to my assistance and when we had subdued him, that is when I noticed the cut on his head.
- Q. I want to come to subduing him in a minute. He told you in that field that he had been bricked by mistake by his mates? - A. That is correct.
- Q. That is challenged obviously, but that cannot have happened to him while you were watching him, can it? - A. No. His friends, as they were running away, they were not throwing stones at that time. It was more when I grabbed hold of him that they came back and started throwing stones again.

- Q. We will come to that in a minute. You are quite clear that the bricking of Mr. Forster cannot have happened in the field in the scene you saw? - A. Not the time I was there.
- Q. If it did happen, he was bricked some time earlier? - A. I would think so, yes.
- Q. We have got to imagine a man with a cut to his head sufficient to warrant hospital attention? - A. That was a matter.....
- Q. In a field happily throwing stones at the police? - A. It was a matter of opinion whether or not he needed hospital attention. I personally didn't think it needed it, but the police woman at the scene thought it needed a stitch. I didn't.
- Q. Mr. Forster was really rather stunned by this head injury, was he not? - A. Stunned, no. He was tired, agitated, wasn't very happy, but I wouldn't say stunned.
- Q. He was slightly confused? - A. I would say he was confused, yes.
- Q. Was that not, don't you think, because of his head injury, serious enough to have that effect? - A. Looking at the injury, it seemed a relatively minor injury to myself. I wouldn't have thought it would have caused him a great deal of discomfort.
- Q. You can't think of any other reason why he would be confused, can you? - A. Yes, I can. He had just been in a struggle with two police officers. I think a lot of people would be confused and distraught after going through that.
- Q. You weren't confused, were you? - A. No, I wasn't confused.
- Q. Struggles with other people aren't confusing, are they? - A. Perhaps it is the wrong word to use for the gentleman.
- Q. It is right, on your account of what he told you, that he had been bricked earlier, does mean he must have been running around in this field, throwing stones, and you were quite close enough to catch him, suffering from an injury to the back of the head? - A. Highly probable.
- Q. It was bleeding, was it not? - A. Very minor, very, very minor. It was not gushing out of his head. It was a tiny dribble.
- Q. If it was nothing at all, why on earth take him to hospital? - A. It wasn't my decision, it was the police woman at the scene. She said to take him to hospital, it needed a stitch. In fact, I am not too sure whether the doctor in fact inserted a stitch myself at the hospital. I think they were discussing whether or not it needed a stitch there.
- Q. Mr. Scotland, what I want to suggest to you is that it is so unlikely that a person with a head injury would run about

and throw stones, that it points very strongly, does it not, to you just having made that answer up? - A. That is certainly not the case, Your Honour.

Q. And it is, I suggest, Merseyside language "being bricked", and that is your mistake, is it not? - A. I just could not comment upon that Merseyside language. I can't understand that really.

Q. I wonder if the truth isn't that, in fact, you hurt him and you know you had hurt him when you jumped on top of him and you have made that up? - A. That is not the case at all.

Q. In order to take any possibility of blame from yourself? - A. That is not the case at all.

MRS. BAIRD: I hope I am making it clear to the court that I am putting that so he can say what he wants about it, but Mr. Forster can't say.

JUDGE COLES: Very clear.

Q. MRS. BAIRD: You made up as well his alleged answer to you on arrest, did you not, twisting considerably what he actually said? - A. No, I have not twisted anything whatsoever, Your Honour.

Q. When you got hold of him and pulled him up with your colleague, you told him you were arresting him? - A. Yes.

Q. I think he said, "I am peaceful"? - A. Yes. Perhaps I can refer to my statement again.

Q. We know what you said. He said - I am putting something different to you - "I am peaceful", and he believes he probably said, "There are plenty of others doing things."? - A. He said, "I am peaceful usually" and went on to elaborate further.

Q. Could this be right, that what he said was, "I am peaceful" and something about, "There are a lot of others doing things wrong"? - A. No, that is not how it was at all.

Q. The sense of that would be to the effect that, "You've got the wrong man", would it not? - A. It would be, but that is not how it was.

Q. And that is not at all the sentence you have recorded? - A. No.

Q. I suggest you have just twisted his phrase that little bit to make it incriminating when it was not? - A. I have twisted nothing whatsoever, Your Honour.

Q. Did you go over that wall quite alone? - A. Yes, I went over by myself.

Q. Nobody went in front of you? - A. No.

- Q. Nor did you see any other officer go over that wall? - A. That is correct.
- Q. On your way back through the field, were there any other policemen in the field then? - A. No, just myself and Constable Jones took him back. I think, if I remember rightly, as we were climbing back up to get onto the road or the bridge, whatever, other Bobbies gave us a hand to pull him up and for up to pull back up again, because it was quite difficult to negotiate climbing up.
- Q. He agrees other officers helped him up, but that is because he was fairly stunned from his injury and could not manage himself? - A. No. I had to be assisted myself. It is about eight feet high and quite difficult to get up.
- Q. I want to suggest that is not right because the place you brought him back onto the road was actually right next to the parapet where there is a step up? - A. I couldn't say whereabouts I brought him up. All I know is it is quite high and I had to get someone to grab hold of me and pull me up.
- Q. You brought him immediately alongside the parapet. There the wall is very low. There is a stone to put your feet on and then the wall, and so it is an easy climb for a fit man, and the reason he had to be helped was because his head was injured? - A. I needed some assistance myself.
- Q. Prior to you getting up to the wall, you had run about in this cornfield, as you put it in chief, with him? - A. That is right.
- Q. Let's come back now to when you dropped on top of him. You told us you took hold of his arm? - A. The top part of his body.
- Q. Right hand, left hand? - A. Both. I went on top of him. I had my truncheon in one hand and the shield in the other, and he was trying to struggle off, to run off again, and I am trying to stop him running off.....

MR. WALSH: I think the shorthand writer is having trouble.

- Q. JUDGE COLES: It is difficult. You tend to go very fast, so be careful. - A. Sorry. He was attempting to get to his feet to run away.
- Q. MRS. BAIRD: And you got on top of him? - A. I wouldn't say I "got on top of him". I ran over, grabbed hold of the top part of his body and he was getting to his feet.
- Q. And you went down on top of him? - A. Not straightaway. He was trying to get up. He was pushing away to try and get off and I unbalanced and fell over. Whether it was directly on top of him, to the side of him, I don't know. All I know is we both ended up lying down, rolling in the cornfield, struggling.

throwing stones, but advancing a little bit towards us, and the bricks weren't even reaching as far. They were such a distance away it was difficult for the stones to reach us. I think it was more of a gesture on their part.

- Q. Nonetheless, it was still worrying for you? - A. It wasn't very because I'd had stones thrown at me all morning.
- Q. Did any of them hit you? - A. No.
- Q. Are you sure? - A. Not at that time. I had that stone hit my helmet, but that was earlier on.
- Q. At that time nothing hit you? - A. No.
- Q. You were hit by one stone some other time? - A. Yes, earlier on in the proceedings.
- Q. Nothing to do with Forster? - A. No.
- Q. Twice you have told us: on your helmet once and by Forster on the shield. That was your only attack with stones? -
A. That is correct; except for them bouncing around me, no others hit me.
- Q. Tell us about making your statement up now, please. - A. Yes.
- Q. Where were you when you did that - in the Police Centre? -
A. Yes, in the Police - I don't know what you call it.
- Q. We tend to call it the Command Post. - A. Yes. It was in a police writing room in the Command Post. There was quite a lot of Bobbies in the writing room at the time.
- Q. You told us your statement had two sorts of things in it, if I am not making too much of what you said, a resume of the facts and then your evidence? - A. I said it was a resume. I am not one hundred per cent certain I did a resume. I might have done a statement. It is normal to do one when someone is arrested, but on this occasion I can't be certain whether I did or not.
- Q. What did you mean when you said you had done a resume? -
A. What you normally do when someone is arrested, you do a resume of facts of the incident, as to what happened. You do several copies, one for the Prosecution Department, one for yourself, the C.I.D. etc. and they are distributed when the chap goes to court.
- Q. Do you do that before you make up your note-book? - A. No, I would normally do my note-book first, straightaway basically, and make the resume from my note-book.
- Q. You did not make a note-book entry at all of this? - A. No, I did not. I did my evidence straightaway. It was probably better.
- Q. What do you mean by straightaway? - A. As quickly as practicably possible I did it.

- Q. Is that really the truth? - A. It certainly is. As soon as I got the first chance to do any sort of paperwork whatsoever, I retired to the police room and did it.
- Q. You had plenty of time at the hospital to make a note if you wanted, did you not? - A. Yes. I did not carry my note-book with me though, Your Honour. As a police officer, you tend to get tied down with an awful lot of things. Knowing I was going to do a lot of running, I took everything out of my pockets.
- Q. Tell us how you knew you were going to do a lot of running? - A. It was an idea I had. I knew why we were there. We were there to be picket dispersers. We had all the riot gear out. It wasn't obvious, but there was a certain possibility there would be some running involved, some struggling.
- Q. Don't the Force standing orders oblige you to have a note-book with you? - A. They do, but I would suggest these were special circumstances and, as I say, I did my evidence in a way I felt was appropriate in the circumstances.
- Q. You are not finding an excuse, are you, for why you did not make your evidence up at an earlier stage? - A. Certainly not, no.
- Q. There would be no shortage of paper at the hospital which you could have used if you really did not have your note-book with you, would there? - A. I could have used paper, I suppose, but it seems to me I still had to be aware of the security of my prisoner. I had to be with him all the time. I couldn't very well sit down at a table and write out evidence and, it seems to me, still be guarding him.
- Q. Let's think about that. Did you really have to be with him all the time? - A. Well, there was no way I was going to leave him at any stage.
- Q. It might be that other persons were being left because they were being examined by doctors. Did you not think it appropriate for you to leave? - A. I wouldn't have done it. I don't think I would have left even if asked to because he was my responsibility, my custody, and he might have escaped. I am afraid I would have rejected any request for me to leave if I was asked.
- Q. There is no reason why you are being particularly defensive about not making your evidence up at an earlier stage? - A. I am not being defensive.
- Q. Do you know what time you arrived back from the hospital? - A. Around an hour, may be a bit more. I don't know what time I got back.
- Q. You seem to have got Mr. Forster back at 3 o'clock in the afternoon, if the detention sheet is right? - A. Did I? Quite possibly then.

- Q. Which is three-and-a-half hours after you arrested him? -
A. As I recall, it was quite a journey in the ambulance to the hospital.
- Q. Ten minutes? - A. It seemed longer to me. There was a bit of waiting around. It only seemed like an hour or an hour and a half to me.
- Q. You left for the hospital at 11.52; do you agree? - A. If that is what the record says.
- Q. Three minutes after getting to the H.Q. or Command Post? -
A. Quite possibly.
- Q. Or three minutes after checking him in. It takes 10 or 15 minutes to Rotherham Hospital, does it not? - A. I don't know. If that is what you say, I fully believe you.
- Q. So you must have been with him at the hospital from about 12.15 until just before 3 o'clock? - A. Yes. I never left his side at all. I stayed with him all the time.
- Q. Lots of time whilst waiting for him to be treated and whilst he is being treated for you to make up your notes? - A. Lots of time, yes, but not very appropriate, I would suggest, when there was a prisoner right next to me that could have easily run off when I was engrossed in paper work. I am afraid that is not the way I work.
- JUDGE COLES: 3 o'clock, is that the time of getting back?
- MRS. BAIRD: It is on the detention sheet.
- JUDGE COLES: I have not seen that.
- Q. MRS. BAIRD: Do you want to tell this jury that he showed the slightest sign of running away? - A. No, he did not, none whatsoever. He was quite amicable. He was not offensive. He did not try and run away at all.
- Q. His own recollection is he was a bit dopey? - A. I would not say dopey. He was not very happy.
- Q. He was in pain, was he not? It was his head that was hurting. It was still bleeding? - A. He touched it a couple of times to see if it was bleeding. He never mentioned he was in pain and, if I remember correctly, he was discussing with the doctor whether he needed the stitches. He did not seem particularly concerned about the injury.
- Q. But you, nonetheless, although he had an injury and never showed the slightest sign of running away, did not take the chance to make up your notes? - A. I disagree. I would say there was no chance to make up my notes while I had this prisoner in my custody.
- Q. It seems to follow from what you said that Mr. Jones did not make up any notes at all before 3 o'clock? - A. No, we did

it together. He went back onto the line of other officers.

- Q. Was there any reason why you thought it important that you should make up your note at the Command Post rather than on your own? - A. It was the room provided for officers to do their evidence and do their notes, so I just used it.
- Q. How did you know there was a room there where people were supposed to go and do their notes before you made the arrest?- A. I didn't know before. It was only afterwards when I came back from the hospital that I inquired where I could go to make my evidence up and I was put in the right direction.
- Q. When you came back from the hospital? - A. That's right.
- Q. It is certainly not right, as you told this jury earlier, that you made up your evidence straightaway, is it? - A. Straightaway, as soon as practicably possible.
- Q. We now know it must have been about four hours after the incident took place? - A. It certainly didn't seem anywhere near like four hours. The time must have gone very, very quickly if that was the case.
- Q. Indeed it is longer, if you want to make a note about what happened before the arrest. That is five or six hours, is it not? - A. If I wish to make a note, yes.
- Q. All those matters about what happened there that morning that you put into your statement were quite fresh in your memory, were they, at the time you made your notes? - A. They certainly were. I had never experienced anything like that before. Yes, very plain.
- Q. Would you like to look at your statement? It may still be near you. - A. Yes.
- Q. Can you clear up one thing for us? First look at the second page of it. - A. Yes.
- Q. The whole of it is in your handwriting? - A. Yes, that is correct.
- Q. Can you go to the very last sentence, which begins, "Forster was then taken"? - A. Yes.
- Q. Can you read that sentence for us? - A. Yes. "Forster was then taken to hospital."

MRS. BAIRD: I think the typed copy has a mistake on it.

- Q. JUDGE COLES: It should read "hospital", should it? - A. Yes.
- Q. MRS. BAIRD: Read on? - A. "Forster was then taken to hospital where he was treated for his injuries. He

was not detained so I then took him to the Police Command Post at Orgreave coking plant where he was detained."

- Q. What comes immediately before that sentence is this, is it not, the remark about "I'm peaceful usually"? - A. It says, "I got bricked by mistake by my mates."
- Q. "Then I asked him how he cut his head and he said, 'I got bricked by mistake'." - A. Yes.
- Q. It says, "I asked him how he cut his head" - you are talking about the time of arrest there? - A. Which part are you talking about, I'm sorry?
- Q. I can't understand why you are having any difficulty. - A. If you can tell where.
- Q. JUDGE COLES: Right at the end of the statement you are talking about a sentence which reads, "Forster was then taken to hospital."
- Q. MRS. BAIRD: The sentence before that reads..... - A. "I got bricked by my mates by mistake."
- Q. You are referring at that stage to when Mr. Forster was in the field after arresting him? - A. Yes.
- Q. The next sentence says, "Forster was then taken to hospital"? - A. yes.
- Q. "Where he was treated for his injuries. He was not detained and he was taken to the Command Post"? - A. Yes.
- Q. So, no mention in your statement at all of taking him to the Command Post when you had arrested him? - A. No, not at that stage there is not.
- Q. According to you, in that statement, he went to hospital first and then back to the Command Post? - A. That is not how it was meant to read. Your Honour, it was obviously a mistake on my part. I omitted to put that he went to the Command Post before going to hospital.
- Q. Let's look to see if you have omitted anything else. You have omitted to mention any question of a struggle in which you rolled about or wrestled with him in the field, have you not? - A. Yes. I could have put numerous things in my evidence. I could have had a 20-page statement.
- Q. Certainly you could, but let's just think of what you have put in evidence before the jury that is not in this statement. Firstly, the whole question of taking him to the Command Post before hospital is out, and there is no mention at all of a struggle in the field, about rolling about, in that statement, is there? - A. No, there is not.
- Q. And there is no mention either of what would have been alarming when the pickets came towards you throwing stones when you arrested him - no mention of that at all? - A. That is correct.

- Q. You have told us quite plainly today that he fell over and you only caught up with him because of that, that you had a good six or seven yards to go to get to him? -
A. That is correct, yes.
- Q. Why then have you written a statement saying, "I grabbed hold of him, we fell to the ground and I restrained him"? -
A. What page is that on, please?
- Q. It is towards the end. - A. That is very true. As I grabbed hold of him I did fall and we fell back down together.
- Q. It reads, "Forster then threw the stone at me which struck my protective shield" - we will come back to that. - A. Yes.
- Q. Together with Constable Jones.... - A. I ran on my own initially. I did not even know Constable Jones was with me until later on, but it turned out that Constable Jones had followed me into the field, and so afterwards I was aware of this fact and put in together with him.
- Q. You are not lying in that statement about what you were doing at the time, it is with hindsight? - A. That is right.
- Q. "Together with Constable Jones I chased him through the field and arrested him. As I grabbed hold of him we fell to the ground and I restrained him". - A. That is correct.
- Q. Why have you told this jury giving evidence on oath that he fell long before you restrained him, six or seven yards before you even touched him? - A. He had already fallen. He was getting to his feet again, getting up. As I grabbed hold of him again, we both fell down again, which is what I am talking about when we were on the ground, when we fell together.
- Q. Let's go a little further back. You have put yourself in this statement over the bridge on Highfield Lane? -
A. Yes. That is obviously where it appears from the photographs.
- Q. Yes. You knew well enough when you made the statement that you were over the bridge? - A. No, I did not.
- Q. We will look at the statement and see why on earth you put it in if you did not know it was there. Did someone tell you were over the bridge? - A. No, I did not discuss it with anyone else except Constable Jones.
- Q. You did not discuss this statement at all with anyone except Constable Jones? - A. No.
- Q. Right. That is your answer and you are going to stick to it? - A. Certainly.
- Q. Not with any other officer? - A. Apart from the beginning where everybody.....

- Q. I see. You tell us, please. - A. I am talking about the facts of the actual arrest, the integral part of what happened with my specific prisoner. Myself and Constable Jones made them up together. Nobody else took any part in that, but the beginning of the statement, the leading up to the actual incident, Bobbies had - hundreds of Bobbies - made statements about it, and basically a lot of them put in the same things leading up to what happened. "I was part of a large contingent of police officers assigned to duty at Orgreave coking plant." That was put in by numerous police officers just as a lead up to what happened in their own specific incident, if you see.
- Q. Let's take it slowly. first of all, the question was, "Did you discuss your statement?" and you have told us you did not discuss it with anyone else? - A. When I said that, I meant the actual incident where we made the arrest. That is what I meant. I did not mean the lead up to the whole incident, the whole day at Orgreave.
- Q. Now are you telling us you discussed that with these hundreds of Bobbies who all said the same? - A. Hundreds is an exaggeration. There were about 20 other officers in the room, the majority of whom put the same thing in their statements leading up - the first couple of paragraphs, basically the same.
- Q. We will come back briefly to that in a moment. Let's carry on with what you said about Mr. Forster in your statement. Can you find the sentence which we have probably heard a lot of times before: "A number of missiles struck both my shield and my protective helmet." Can you find that? - A. Yes.
- Q. Was that part of what hundreds of Bobbies had written or your own words? - A. No, my own words.
- Q. "A number of missiles struck both my shield and my protective helmet." Why have you told us now that the only two that struck you was the one Forster threw and a single one on your helmet? - A. That is my recollection, the one that hit my helmet and the other one. That is what I recollect.
- Q. You go on to talk about the one you say Forster threw after this sentence, do you not? - A. That is right.
- Q. So, at the time you are writing this sentence, what you are saying before you ever saw Forster is that you were struck by a number of missiles, both on your shield and your helmet? - A. That is correct.
- Q. Do explain to us why you have told us only one stone hit you in the whole of the day, and that was on your helmet? Which is true? - A. All I can say is that is the only recollection I have now, some 13 months later, after the incident. The statement I made very, very shortly after it and perhaps this is true. As I say, there are an awful lot of things I can't remember because it is such a long

later. May be there were other stones that hit me, but I can specifically remember the one hitting my helmet.

- Q. May be this statement is true. What is your view about it? Is it true or not? - A. In my view, the statement was made very shortly after the incident and I would say it is more likely.
- Q. To be true? - A. To be true, yes.
- Q. It is right, is it, this statement? - A. I would say it is most probably right because it was made very shortly after the incident, whereas some 13 months later my memory is not as good.
- Q. Do you remember what you told us a few minutes ago about your first glimpse of Mr. Forster? - A. Yes.
- Q. That it was in the very process of him throwing a stone at you when you first saw him? - A. That is right.
- Q. It says here, "I saw Forster standing in a field next to the bridge" - just standing? - A. Yes, standing in a field next to the bridge.
- Q. "Forster then threw a stone at me." - A. Yes.
- Q. What do you say about that? You see, you have told us that you never saw him standing at all, only throwing, and you have put in here that he was standing and then you saw him throw? - A. Yes, he was standing, his arm being like that and then he threw the stone.
- Q. Have you had a copy of this statement since the day at all? - A. I got a copy a few weeks ago. I glanced at it. I have not looked at it very carefully.
- Q. How did you get your copy? - A. I believe it came through despatches from Sheffield.
- Q. We have heard that detectives have visited some police stations to deliver them. Was yours delivered by a detective, do you know? - A. There were police officers from Sheffield came to Garston, yes, and I did see them, but whether or not they brought it themselves or it came through despatches, I don't know. When I looked in the folder the following day, it was there. They could possibly have brought it.
- Q. You saw them one day and it was in your folder the next day, was it? - A. The next or the day after, round about that time, yes.
- Q. Did you not talk to these detectives? Did they not talk to you? - A. Yes.
- Q. About the case? - A. Yes, we discussed the case.
- Q. What sort of things did you discuss? - A. Things in general really.

- Q. What? - A. Do I remember who my prisoner was? What happened? Things in general. I hardly spoke to them very long.
- Q. "Do you remember who your prisoner was?" - somebody asked you that, did they? - A. That's right.
- Q. Did you? - A. Yes, his name etc., yes.
- Q. Have you ever been in that position before that, prior to giving evidence about an arrest a detective has asked you if you can remember who your prisoner was? - A. It is such a long time after, 13 months. I don't think I have ever had a case that has come to trial 13 months after.
- Q. Have you ever had that experience before, that a detective has come and asked if you remember who your prisoner was? - A. No.
- Q. They did not give you your statement whilst they were with you? - A. No.
- Q. What else? You said they asked you what happened. Was that also discussed? - A. Just talking in general terms about the whole day. I wasn't there very long because I was dealing with another incident as we were in the office. There were quite a number of other officers there. I had a Panda Car outside and I got an emergency call and had to leave quite quickly. So, I was there a couple of minutes and hardly had time to talk to anyone.
- Q. What sort of things were being said by the detectives? Were they asking you questions or telling you things? - A. Just discussing the actual day in general, that's all.
- Q. Asking you if you could remember certain events? - A. Yes, just asking me things like if I remembered who it was, what happened on the day: "Refresh your memory, the case is likely to come up shortly. You are likely to come to Sheffield, so make arrangements. You might have very little notice."
- Q. Since that day have you talked to any South Yorkshire detectives? - A. Not until I came yesterday.
- Q. When you came yesterday, did you? - A. Not about the job. The first thing they said was, "We can't discuss the case in any way, let's not discuss it", so I didn't.
- Q. That was yesterday? - A. Yes.
- Q. He did not say, "It's okay to say part of your statement was dictated"? He did not say that to you? - A. No, that has never been discussed with me.
- Q. He talked to you about accommodation or something? - A. Sorry?
- Q. Something irrelevant to us here? - A. yes.

- Q. Did not discuss anything to do with this case? - A. In fact they stressed not to talk about it in any way, so I didn't
- Q. You have never been shown any photographs about the case? - A. Certainly not.
- Q. You are sure about that because we understand from Mr. Walsh he has asked detectives to show witnesses photographs? - A. May be so. I have not seen any.
- Q. Missed you out? - A. Possibly so. That day I had to leave, I got called out.
- Q. You have had your statement with you for how long? - A. I did not bring my statement with me. It is still in Liverpool.
- Q. When you made it up with Mr. Jones that afternoon, how did you work together? - A. How did we work together?
- Q. Yes. - A. I don't understand.
- Q. You said you made it up with him. How did you do that? - A. Discussed what happened.
- Q. Did he make one at the same time? - A. No, he did not.
- Q. He did not make a note-book entry about it? - A. I have no idea. May be so. I don't know. Perhaps he did.
- Q. Not while you were there? - A. He might have, I just don't recall. Possibly he did. I don't know.
- Q. Did you type him a copy of your statement that day? - A. No, I did not.
- Q. So, there was no carbon made? - A. It was handwritten.
- Q. Have a glance through it and tell us how much of it came from other people but you. Tell us where that stops? - A. "During the morning there had been a build up of pickets." That is basically where it stops.
- Q. "Approximately 3,000 in number"? - A. I put put the 3,000. Myself and Constable Jones, we arrived at that figure together.
- Q. That was you and him? - A. Yes, that is what we decided on.
- Q. That figure was not one you discussed with anyone else? - A. No, we did not discuss that with anyone else. That is the two of us.
- Q. "As we stood there a large number of missiles were thrown at us." - A. That's right.
- Q. "I saw a number of officers struck by those missiles and fall to the ground." - A. Yes.

- Q. Did you see that? - A. Yes, I did.
- Q. You have not told us about that before. - A. I am afraid I was not asked about that.
- Q. We get on to the bit about a number of missiles hitting your helmet, and that is definitely your own memory? - A. Yes.
- Q. All the bit between "During the morning there had been a build up" and that about "several missiles" is your own words and Jones' and no-one else's? - A. No, just the two of us discussed that.
- Q. So, any resemblance between it and anybody else's statement except yours and Jones' must be a coincidence or accident? You can't explain it? - A. May be someone else has seen it.
- Q. It is not that you were taking sentences and phrases out of other people's recollections and putting them into yours? - A. No, only the beginning. We did the beginning but not after that.
- Q. What was the point of putting in the sentence at the beginning about, "I was part of a large contingent of police" etc. What was the point of taking that from someone else? - A. That is a general lead-up to give the story as to what was happening basically.
- Q. Mr. Scotland, you could have written that sentence in your own words, could you not? - A. Yes. In fact, I could probably have made a better job of it, but that is the way it was to be done.

JUDGE COLES: What is sinister about it?

MRS. BAIRD: I am not suggesting there is anything sinister about it.

JUDGE COLES: What is the purpose of cross-examining about it?

MRS. BAIRD: I want to know why this officer, who asserts all the rest of the statement right down to where it becomes involved was made in his own words, has bothered to copy a totally irrelevant sentence from someone else::

- Q. Now why? - A. It was just the general format and the way everybody else was doing it. It was giving a build up to the day, what was happening, that's all.
- Q. "I was standing in a contingent of policemen...." - A. yes.
- Q. And you say that was all you? - A. Yes, or until we get to the bottom.
- Q. The 3,000 is your estimate? - A. Yes, myself and Constable Jones.

MRS. BAIRD: Perhaps I should give the shorthand writer a break.

JUDGE COLES: You have more today?

MRS. BAIRD: Not very much.

JUDGE COLES: We will adjourn until 4 o'clock.

(Short Adjournment)

- Q. MRS. BAIRD: Two or three small points, Mr. Scotland. Jones seems to have come on the scene quite shortly after you, if you only ran about or whatever for a few seconds?
- A. Yes, very quickly.
- Q. Did he have his six foot shield with him when he got there? - A. I don't know, I'm sorry. I don't recall.
- Q. What about when you were clambering back over the wall? You must have been besides Jones then. Did he have his shield with him? - A. Again I can't recall. I wish I could help you but.....
- Q. When you got Mr. Forster in the field and charged him with..... - A. I'm sorry, I recall he did have his shield with him. I will tell you how I remember, because when we got there he put his shield on the wall as we got to the coking plant, so he must have had it.
- Q. That is why I mentioned climbing back over the wall. - A. I meant when we got back to the Police Post. He put it against the wall as we entered the building.
- Q. JUDGE COLES: You think he must have had it in the field with him? - A. When we got back to the Police Post, he had it with him then.
- Q. MRS. BAIRD: That gives the possibility that he left it behind him when he ran into the field and picked it up later. - A. That's true.
- Q. You can't help about whether he had it in the field? - A. That's right.
- Q. When you arrested Mr. Forster, you arrested him for in fact throwing a stone? - A. Yes, throwing a stone.
- Q. But you called it unlawful assembly. Why? - A. Well, to be honest, we discussed it, quite a few of us, in the van before, any possible offences and charges for these people, if anybody was arrested, and the general concensus was that probably the best charge for them under the circumstances would be unlawful assembly, and so that is why when I cautioned him I told him he was being arrested for unlawful assembly, because it was already in my mind.
- Q. Can you remember who was in the van when you discussed it? - A. Our unit.

- Q. You weren't all in one? - A. No, it was split up into two different vans.
- Q. Was it your half who were in the van when it was being talked about? - A. Yes.
- Q. What about Inspector Bennett? - A. No, he was not in our van. The ones I can recall are myself, Wayne Armstrong, Paul Jones, Tony Brophy, Dave Moore.
- Q. That is Brophy and Moore who gave evidence in the case? - A. That's right. They are the only ones I can be sure that were in the van with us.
- Q. Wayne Moore and Brophy, you and Jones? - A. Constable Moore, Wayne Armstrong, Constable Brophy and myself and Constable Jones.
- Q. Do you remember a man called Pimblett? - A. Nigel Pimblett. I can't recall if he was in our unit or not. No, he is in the other contingent, if I recall rightly.
- Q. He is certainly listed in your PSU book in the other ten, but I don't know if you come in your tens necessarily. - A. The two vans, there was ten in each van..
- Q. What about Douglas? - A. No, he wasn't with us either.
- Q. Anybody else? - A. There must have been other people. I just can't remember them. They are the ones I know. I think that is because these are the lads I still work with at Garston. There were probably some from other police stations with us.
- Q. Constable Stannard? He would be there, would he not? - A. May be. I can't recall if he was in our van or not. There were, I think, four vans probably from our Division.
- Q. What do you understand to be unlawful assembly? - A. Well, I don't know the exact definition of it.
- Q. What did you understand at the time you told Mr. Forster he had been doing it? - A. I thought that there was a group of people all together for a common purpose that was unlawful. That is the way I looked at it and that is what it seemed to be to me.
- Q. So you could be a member of an unlawful assembly if you were there for an unlawful reason without actually throwing anything but just being there? - A. I suppose you could, that's right.
- Q. That is why you arrested him for that, is it not, because he wasn't actually doing anything? - A. He was. He threw a stone at me.
- Q. Whereas if he had been throwing a stone, you would have arrested him for that SECTION 5 or something of that kind, would you not? - A. No, I arrested him for throwing the

stone at me. As previously discussed, I thought this was probably the best charge as we had all discussed it earlier on.

Q. If you would look at this photograph, Exhibit 21, photograph 3 (handed). That is taken, I think I can say without being criticised, during the first charge over the bridge. - A. Possibly so, I have no idea.

Q. Can I hand you this one?

JUDGE COLES: Another new one?

MRS. BAIRD: No, an enlargement:

Q. You can see two policemen going to the right over the wall. Do you think that is you and Jones? - A. I think it is impossible to tell from that photograph, absolutely impossible to tell.

Q. You have told us you did not see anybody else go over that way? - A. I didn't, no. There was certainly nobody else went over towards this group. I was going on my own. I wasn't even aware Constable Jones was coming behind me.

JUDGE COLES: Which are the two you are putting might be Jones and this officer?

MRS. BAIRD: It is difficult to see on the little one.

WITNESS: I take it to be these two.

Q. JUDGE COLES: Why do you take it to be those two? - A. It looks as though they are going over the wall.

MRS. BAIRD: Exhibit 21, No. 3, if Your Honour looks at the lamp post over the bridge, not lamp post 1 but the other one that is shown on the left, and works back, there is a definable group with a policeman at the back of it. It contains five figures and then there is a space before the next group. The first member of that group is, I suggest, going over the wall to the right.

JUDGE COLES: I see.

MRS. BAIRD: One of the members of that group is isolated, it seems to me, going over the wall to the right.

JUDGE COLES: I am not sure you are talking about the same man, but however.

MRS. BAIRD: That is the group I mean.

JUDGE COLES: I think I know which you mean:

Q. Which group were you talking about? - A. I thought it was these two.

Q. Would you just turn round to counsel and repeat what you have just said? - A. I think it was these two.

Q. You are indicating the first two? - A. Not the one out on his own.

Q. The second police officer from the right? - A. That's right.

Q. And who else? - A. And the one behind him there.

Q. MRS. BAIRD: If you look closer. - A. I thought they looked to me as if they were getting over the wall, but looking closer at the group behind, I see the two officers you are talking about, but, once again, I must answer that it is totally impossible to say.

Q. You have told us you did not see anybody but yourself go over the wall? - A. That's right.

Q. You have told us, having gone over the wall and arrested Mr. Forster, you did not see any other policeman in the field? - A. No.

Q. All the time, except for Constable Jones. It seems as if none of the other policemen went over the wall? - A. Certainly not when I was there.

Q. So it looks as if, if I am right and that is a photograph of the first charge, those two policemen going over the wall are you and Jones, because your account is there can be no others? - A. I wouldn't say that. It could have been taken at any time.

Q. Please listen to me. I said, "Supposing I am right and that is the photograph of the first charge over the bridge", then your testimony must add up to those two being you and Jones, must it not?

JUDGE COLES: Unless he is mistaken and somebody else follows him.

Q. MRS. BAIRD: Could there be a mistake? - A. We don't know that these police officers actually went over the wall. They could be just climbing onto the wall.

Q. I don't really want to have an argument.

JUDGE COLES: That is the trouble with asking a witness whether something must follow. We always end up having an argument.

MR. WALSH: And also it begs the questions as to whether those two officers in that photograph are in fact officers who went over the wall in any event.

JUDGE COLES: It is something that can usefully be done only when there are very, very clear photographs. I think this witness is saying it is not clear. Do you want the jury to see this?

MRS. BAIRD: I would like to take the officer through that step by step and then let the jury see it.

JUDGE COLES: Certainly.

- Q. MRS. BAIRD: I think you have agreed with me by inference that those two policemen looked to you as if they are going over the wall? - A. Yes, they do.
- Q. I have asked you to assume for now that this is the first charge over the bridge. - A. Right.
- Q. You went over the wall and Jones went over the wall? - A. That is correct.
- Q. You saw none but the two of you go over? - A. That is correct, yes.
- Q. No other policemen were there while you were there? - A. That is correct.
- Q. Are you prepared to agree with me that, supposing I am right and that is the first charge over the bridge, your evidence must amount to those two officers in the photograph being you and Jones? - A. I am afraid it does not whatsoever, no. It certainly does not. These could be two officers climbing onto the wall, never climbing over but standing at the top to assist myself and Constable Jones to pull the person up. We don't know.
- Q. I am asking you to assume that this is the first charge. It was not during the first charge that you pulled him back over the wall, was it? It was after the first charge that happened. Is there some reason why you don't want to accept this perfectly rational argument? - A. I am just trying to be helpful.

MR. WALSH: Your Honour, it is not the position of a witness to accept an argument. It is the position of a witness to answer questions. Arguments are what counsel put to the jury.

JUDGE COLES: I entirely agree. You are going to have to confine yourself, Mrs. Baird, to asking him to accept facts or not.

MRS. BAIRD: Your Honour, forgive me, it seems to follow that if his evidence is the truth.....

JUDGE COLES: Mrs. Baird, you can use that argument and address it to the jury, and you and the jury can spend as long as you wish looking at the photograph. The witness says, "I can't tell whether it is the first charge over" and "I don't think that photograph necessarily shows officers going over the wall." That, it seems to me, is an end to it.

MRS. BAIRD: But Your Honour is not, with respect, actually representing what the witness has said. He has said it does show officers going onto the wall, that it might have been men standing on the wall to help them back over.

JUDGE COLES: He is saying the photograph does not necessarily show that those officers are in the process of going into the field. I do not wish to get involved in this argument. Kindly restrict yourself to asking the witness questions of fact.

Q. MRS. BAIRD: The trouble with this photograph, Mr. Scotland, the reason why you do not want to accept it is that it shows you going over the wall together, if it is you, does it not?

JUDGE COLES: That is comment.

WITNESS: It does show two officers going over the wall. Where they went, whether they stood on the wall, it does not show. It cannot be myself and Constable Jones because I would have seen him if he was climbing over the wall at the same time as me. I went over the wall alone.

Q. MRS. BAIRD: Let's look at how far apart the two men in the photograph going over the wall are. - A. A couple of paces.

Q. They are very close together? - A. I am sure if it had been myself climbing over the wall, I would have noticed Constable Jones getting over as well, but, as I say, I climbed over the wall alone and Constable Jones obviously followed me. He certainly did not climb over the same time as me.

Q. Either that, or you are not telling the truth about how it happened? - A. I am certainly telling the truth.

Q. As you are telling the truth about all the other things you have differed from your statement in telling us about? - A. Can you rephrase that?

Q. I think it is clear, but you don't need to answer it. Can I just look at the enlargement now?

JUDGE COLES: We had better have that exhibit marked. It will be Exhibit 21 3A.

Q. MRS. BAIRD: I would like you to look at one more detail on this photograph and see whether you can make any comment. The two men that I have suggested to you, and I think you have agreed, are certainly getting onto the wall in that photograph seem to have different kinds of head gear on. See if you can tell me whether they are different in your view and, if so, how they are different? We are still talking about the man at the front and the man at the back of the little group. - A. Well, from looking at the photograph, the police officer at the front of the group of four would appear to have a lighter coloured helmet on than the one at the back.

- Q. The one at the back looks to have a helmet on, can I suggest, like that one, without any white mark round the back? - A. Yes, it does.
- Q. Whereas the one in front of him, who is going over the wall or onto it, appears to have a helmet on with something white round the back? - A. Yes, it does.
- Q. Comment or not, as you wish. the front one may well be a Merseyside checked type of helmet with that stripe round the back and the one behind like that? - A. I am afraid it is very, very difficult to say. I would not like to comment, I'm sorry.
- Q. Jones had a Merseyside helmet with checking on it? - A. I believe he did.
- Q. You had a helmet without checking on it? - A. That is correct.
- Q. I will pause at the end of this and give Mr. Walsh and His Honour plenty of time to see, but if that is a photograph of you and Jones, it looks as if Jones is in front of you? - A. I do not believe it is a photograph of myself and Jones at all. It cannot be because I got over the wall alone and Constable Jones came behind me.
- Q. If that is you and Jones, you must have seen him going over? - A. Yes, but I most certainly climbed over that wall alone. Constable Jones must have come behind me. There is no doubt about that.
- Q. Conceivably, if that is you and Jones, you have not told us the truth about how the two of you went into that field?

JUDGE COLES: That must follow.

WITNESS: It must. I have told the truth about what happened.

- Q. MRS. BAIRD: You have not told us the truth all through, have you? - A. I have.
- Q. The ways in which you have deviated from your statement are examples, are they not? - A. I have told the complete truth throughout the proceedings, Your Honour.
- Q. The most important way in which you have not told the truth is that, in fact, you just arrested Mr. Forster in the field near you, and you have told us he threw a stone which he never threw? - A. That is certainly not the case, Your Honour.

JUDGE COLES: May we have the enlargement? I think we had better see that before we go any further? (Handed).

CROSS-EXAMINED BY MR. TAYLOR:

- Q. Mr. Scotland, I represent someone in the case who was arrested

quite a way away from you, so what I want to do is to just ask you some general questions. The first is to ask you if you can help us, please, as to the people who were in your PSU. The booklet containing all the names has been before us and so I can read out the names. I want you to say whether you know any of them. - A. Yes.

Q. And to say whether they are from the same police station as you. - A. Right.

Q. JUDGE COLES: The daily roll call. - A. Yes. Was this at the time or now?

Q. MR. TAYLOR: It is the list of people, the booklet. - A. And it is the police officers who were at my station at the time, not now, because there might have been transfers?

Q. This is the list of people present on 18 June.

Q. JUDGE COLES: I think you will find counsel is interested in the position as at that day. - A. I understand.

Q. MR. TAYLOR: Wayne Armstrong, was he from Merseyside? - A. Yes, he was my sergeant at Garston police station.

Q. Lutus? - A. Yes, he works at Garston police station also.

Q. Mr. Moore and Mr. Brophy, the same applies? - A. Yes.

Q. Mr. Jones and yourself? - A. That's right.

Q. Mr. Niblock? - A. No, he works at Belvale.

Q. Is that is the same Division? - A. Yes, the same Sub-division, in fact.

Q. Mr. Owens? - A. He is at Halewood, the same Sub-division.

Q. Mr. Rimmer? - A. I don't know him.

Q. Stannard? - A. He works at Speke police station, the same Sub-division.

Q. Barnes? - A. Yes, Speke police station.

Q. The other half is Sergeant Moodley. Do you know him? - A. Yes, he works at either Toxteth or Admiral Street, I believe.

Q. Chadwick? - A. No, I don't know him.

Q. Spencer? - A. No, I don't know him. His name is vaguely familiar.

Q. Clarke? - A. No.

Q. Howells? - A. Admiral Street - no, Toxteth.

Q. Mr. Pimblett? - A. Nigel Pimblett, Admiral Street.

- Q. McLaughlin? - A. I don't know him.
- Q. McCosh? - A. Admiral Street.
- Q. Davies? - A. Yes, he works also at Admiral Street.
- Q. I want to ask you about one other PSU and ask you if you know any of these. These are from a different Division to your Division, F Division. - A. Yes.
- Q. Can I ask you if you know anyone from that Division. Is there any point in my asking these? - A. May be so.
- Q. Do you know Inspector Owen? - A. No.
- Q. Do you know Sergeant Gradwell? - A. No.
- Q. The police officers in Sergeant Gradwell's group are as follows, and can you tell me if you know any of these: Austen?
- A. Can you tell me his first name?
- Q. Eddie Austen? - A. No.
- Q. Sutherland? - A. No.
- Q. Shelton? - A. No.
- Q. Browning? - A. No.
- Q. Grey? - A. Could it be Derek Grey?
- Q. 5743? - A. No, it couldn't be him.
- Q. Kearns? - A. No.
- Q. Gale? - A. Billy Gale?
- Q. 6365? - A. No.
- Q. Graham? - A. No.
- Q. Mulcahy? - A. No.
- Q. Beattie? - A. No.
- Q. The last group is Sergeant Hillhouse's group. Do you know him? - A. No.
- Q. McQueen? - A. No.
- Q. Moore? - A. No.
- Q. 4727 is McQueen? - A. No.
- Q. 6954 Moore? - A. No.
- Q. 7001 Johnson? - A. No.

- Q. JUDGE COLES: Do you know people by numbers? - A. No, I just know names.
- Q. MR. TAYLOR: If you have someone's number, you know how long they have been in service? - A. It gives an indication of how long they have been in the Police service.
- Q. What about Mr. Wright? - A. I know a Neil Wright, but he is a Detective Sergeant.
- Q. Howellsoil? - A. No.
- Q. Evans? - A. I know a few.
- Q. Anderson? - A. No.
- Q. Lynam? - A. No.
- Q. Hamilton? - A. No.
- Q. You don't know any of those from that other area? Will you just have a look at a number of photographs to see if you can identify any Merseyside officers on them, or any other officers. Would you look at Exhibit 35, which I think is behind you? Look at B18. Can you see two Merseyside officers, one with his face towards the camera, the other his back towards the camera? - A. I see an Inspector. I don't know him.
- Q. Do you know the other one? - A. I am afraid I don't. I don't know any of them.
- Q. Will you look now at Exhibit 30, which is in another bundle? Could you look at photograph 4, which is a photograph of a number of police officers on the bridge? Is this the first time you have seen this photograph? - A. It is indeed.
- Q. Just take your time and have a look. There are a number of officers that we know from Merseyside. Can you help as to the identity of any of them? - A. The first one, I am not one hundred per cent sure, but it looks like Nigel Pimblett.
- Q. The one on the far right nearest the camera? - A. That is correct. I couldn't be one hundred per cent certain with the visor down, but it has got a look of him. Oh, there's Inspector Bennett, second from the left.
- Q. That is Inspector Bennett? - A. That is correct.
- Q. Do you know the officer on his left? - A. The Sergeant, no.
- Q. I beg your pardon, on his right? - A. No, I can't make his face out, I am afraid. With the visor down it is very difficult.
- Q. Do you know any of the other officers on that photograph? - A. The only other face I can make out is a Sergeant in the foreground, but I don't know him. I am afraid I can't make out the face on any of the others.

- Q. Will you look now at photograph No. 8? That shows a number of police officers who are on the roadway, clearly running. It is a blurred one. - A. It is very blurred, very difficult to say. I just couldn't say; I'm sorry.
- Q. Can you help as to the rank of the person in the roadway, if you look at it carefully? - A. It is very, very difficult. There are silver numbers on the epaulettes, but it is very difficult to say.
- Q. Can you identify anyone on that photograph? - A. No.
- Q. Is this the first time you have seen this photograph? - A. It is indeed.
- Q. When you had your visit from South Yorkshire officers, when you had an emergency call and had to leave? - A. That is correct.
- Q. How long ago was that? - A. It must have been about three weeks or a month, something like that.
- Q. Do you know whether those officers had photographs with them which perhaps you did not see? - A. Yes, I believe they did. Other officers mentioned that they had seen photographs, but I hadn't.
- Q. Did other officers mention that they were looking at those photographs? - A. No, they just said they were looking at all the Bobbies on the photographs, picking them out.
- Q. Trying to identify people? - A. Yes, picking them out, seeing who they were.
- Q. Do you know how many photographs were shown? - A. I have no idea at all, sir, no.
- Q. When that took place, can you say where it was that it took place? - A. Where the actual.....
- Q. When these South Yorkshire people came up? - A. I believe it would be Garston Police Station.
- Q. And there were a number of other police officers in the room? - A. Yes.
- Q. Who were they? - A. Myself, Constable Brophy, Constable Moore, Constable Jones I think was there, Constable Barnes from Speke. I can't remember who else was there. There was quite a fair number.
- Q. Coming from different areas? - A. No.
- Q. Different police stations? - A. The same Sub-division, not any great distance, no.
- Q. If you turn to the next page, photograph No. 9? - A. Yes, that is Inspector Bennett.
- Q. Inspector Bennett on the roadway? - A. That's right.

- Q. Who is in the foreground, can you tell, lying down? - A. It looks like Mr. Scargill lying down.
- Q. Do you know either of the police officers bending over him? - A. I just can't see. It is impossible to tell.
- Q. It would be impossible to identify from that photograph? - A. I am afraid so, yes.
- Q. Will you look at photograph No. 12, please? That shows a lot of people walking up the hill. - A. It does, yes.
- Q. What are they holding? - A. Shields.
- Q. What sort? - A. Long shields.
- Q. On the day when you were there and made your arrest, can you remember seeing a scene like that? - A. No, I can't, not officers walking up like that with long shields, no. There were plenty of officers around, loads of shields, loads of helmets, but that particular scene, I am afraid does not bring back any memory.
- Q. What I want to explore with you is the position of the cordon when you went over the bridge.

JUDGE COLES: If you are going to explore something else, start afresh in the morning.

MR. TAYLOR: If it pleases Your Honour.

MR. WALSH: I wonder if, before we rise, if I could ask my learned friends to the best of their ability, bearing in mind we are not sitting on Friday, do they estimate we will conclude this officer and the next one before the lunch break tomorrow? The reason I mention it is this, because there is a long break and it may be thought inadvisable to have a short piece of one officer, say, starting at 3 o'clock tomorrow afternoon and then a long break. What I was minded to do, if there was no point in bringing to court tomorrow anybody other than this witness and the next one, then I won't do so.

JUDGE COLES: How many arresting officers are left?

MR. WALSH: Your Honour, going down the first page, there is Grey at page 257, who is the next officer we have got. He is the person I would order to come tomorrow if I thought there was any point.

JUDGE COLES: Grey?

MR. WALSH: No. 22. Nos. 24 and 25 have yet to come. No. 29 is in Sheffield waiting to follow, so he would be here in any event. Then there is 32 to 35 inclusive, none of whom have yet been called. What I was going to do, if I thought we would finish Jones by the short adjournment tomorrow. I have a feeling, and I know Miss Russell's view is that she would be a little loathe, and I can understand it, if we were

to commence Grey at, say, 3 o'clock.

JUDGE COLES: I think I would be a little loathe.

MR. WALSH: I hear her saying, "And even after lunch" and I would not dissent from that. If my learned friend's say the combination of this and Jones is good until after lunch tomorrow, then I think I will not ask Grey to come.

JUDGE COLES: I think that must be right. How long are you going to be with this witness?

MR. TAYLOR: For my own part, I will be about another 20 minutes.

MR. GRIFFITHS: I will be 10.

MR. REES: I will be one.

MISS RUSSELL: If I can explain the particular difficulty so far as Grey is concerned. I am grateful to my learned friend for raising this. He is the only person concerned with Barber and, therefore, if he is, in a sense, split into two halves between tomorrow and Monday, say in chief tomorrow and cross-examination Monday, because there is no way I can complete it.....

JUDGE COLES: I need not trouble you further. I think we all agree.

MR. WALSH: The decision I had provisionally made in my own mind, I will adopt.

JUDGE COLES: Yes.

MR. WALSH: I am grateful to my learned friends.

MRS. BAIRD: I might add that, unless Your Honour thinks I ought to, I was not proposing to put to Jones everything I have put to Scotland.

JUDGE COLES: It is totally unnecessary to do that.

MRS. BAIRD: I shall be a lot shorter with Jones than with Scotland.

JUDGE COLES: I shall never be heard to criticise counsel for that.

(The court adjourned until 10.15 the following day)