

IN THE SHEFFIELD CROWN COURT

The Crown Court,  
Castle Street,  
Sheffield

23rd May, 1985.

Before  
HIS HONOUR JUDGE GERALD COLES, Q.C.

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REGINA

-v-

WILLIAM ALBERT GREENAWAY  
And Others

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APPEARANCES:

For the Prosecution;      MR. B. WALSH, Q.C. and  
                                 MR. K.R. KEEN  
For the Defence:            See Attached Sheet

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Defendants and Representation:

DEFENDANT

WILLIAM ALBERT GREENAWAY  
DAVID MOORE  
BERNARD JACKSON  
GEORGE KERR McLELLAND FOULDS  
BRIAN IRVINE MORELAND  
ERNEST BARBER  
DAVID RONALD COSTON  
KEVIN MARSHALL  
ARTHUR HOWARD CRICLOW  
GEORGE WARWICK FORSTER  
JAMES O'BRIEN  
CRAIG WADDINGTON  
ERIC SCOTT NEWBIGGING  
STEFAN WYSOCKI  
DAVID BELL

REPRESENTED BY:

MR. G. TAYLOR  
MR. M. MANSFIELD  
MR. M. MANSFIELD  
MR. P. O'CONNOR  
MRS. V. BAIRD  
MISS M. RUSSELL  
MRS. V. BAIRD  
MR. E.P. REES  
MR. P. O'CONNOR  
MRS. V. BAIRD  
MR. P. GRIFFITHS  
MR. M. MANSFIELD  
MR. E.P. REES  
MISS M. RUSSELL  
MISS M. RUSSELL

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Thursday, 23rd May, 1985.

JUDGE COLES: I should mention that I shall not be able to sit much beyond four o'clock this afternoon, if anybody wishes to make any arrangements.

MR. WALSH: On that topic, your Honour, has your Honour come to any conclusions that you can usefully tell everybody about tomorrow?

JUDGE COLES: Well, it was proposed, was it not, we should adjourn at about 3.15?

MR. WALSH: Yes. I think that was the general position.

JUDGE COLES: I think it was to convenience your client, Mr. Griffith?

MR. GRIFFITHS: I must thank you, not only for my client but for myself as well, I have to confess.

JUDGE COLES: Yes. We will adjourn at 3.15 tomorrow until Wednesday morning, 10.30 a.m.

MRS BAIRD: Your Honour, I rise at this stage, I am afraid, to register two complaints against the Prosecution.

MR. WALSH: I am not aware of them, your Honour. Perhaps my learned friend would like to have words with me and tell me what it is before mentioning it in open Court. I have no idea what it is.

JUDGE COLES: Do you wish to do that?

MRS BAIRD: I cannot see it will assist because the wrong has already been done. It consists of the serving of additional evidence unused material which has been available to the Prosecution since the start of this case.

MR. WALSH: I wish my learned friend had the courtesy to tell me about the complaint so I might have been able to assist.

JUDGE COLES: Well, before the matter becomes exacerbated, will it assist if I adjourn now for ten minutes to see if any matter can be resolved?

MR. WALSH: I shall certainly do everything I can to assist my learned friend.

JUDGE COLES: If it cannot be resolved, I will deal with it.

MRS. BAIRD: I cannot see how it can be resolved because it has been done, but I am willing to try.

(Short Adjournment)

(In the Absence of the Jury)

MR. WALSH: Your Honour, may I explain what has happened?

JUDGE COLES: Yes.

MR. WALSH: I have had a word with my learned friend. I have suggested to her, so that we can - I see not all the Defendants are back. (Defendants returned to Court) I have suggested to my learned friend that, first of all, it may be more convenient if any complaint that she had was ventilated before your Honour in the absence of the Jury.

JUDGE COLES: Yes.

MR. WALSH: Because it may relate to, as I understand it, the question of admissibility of certain evidence that I have served by way of additional evidence.

JUDGE COLES: Yes.

MR. WALSH: And so, if there is any risk of the Jury hearing the contents of it and then it not being called, the Defendants will have been done some harm, and so, as a matter of pure caution, it seemed appropriate that the matter should be discussed with your Honour. Also, I shall be able to explain to your Honour and, I hope, answer any criticism that my learned friend, Miss Baird, should have, and I can explain that by relying on matters, as it were, from instructions that I have which, again, are sometimes better dealt with in the absence of the Jury. But, if she persuades your Honour the right course to do this is in front of the Jury, that is a matter for her and your Honour, of course, to decide.

JUDGE COLES: Yes, Miss Baird.

MRS BAIRD: Your Honour, it isn't a question of persuading you that the Jury should be in. In fact, it does seem to me that there is no good reason why they should be out. Consequently, I started when I did. It is at Mr. Walsh's request that we came in without the Jury. I was content with that. I am sorry to say it is not a question of admissibility I raise. The position is simply this: your Honour will have received, I imagine, as we all did yesterday, some additional evidence from Austin, Vant (?) and Whitehouse, some Police Officers. It concerns Mr. Scargill and his fall.

JUDGE COLES: Austin, Vant and Whitehouse?

MRS. BAIRD: Yes. Your Honour, Mr. Austin's statement, the date of it, on the top of the first page, I believe is exactly the same as the other officers, Mr. Vant, whose statement starts some five pages behind and the date is the same. Mr. Whitehouse's statement, two pages from the end, the next to the end page, the date is the same.

JUDGE COLES: Yes.

MRS. BAIRD: Your Honour, the position is quite plain, that this evidence has been available, and available to the Prosecution, since the day of the incident we are concerned with. I am not sure whether it has ever been made clear to your Honour, but it is a fact that the Defence

at the outset, asked for all unused material to be given to them in what I hope I am not out of step in calling the usual manner, if there is a request of that kind. The Defence counsel were assured by my learned friend, Mr. Walsh, that he had asked for all the unused material and there was none. Now, I am suggesting Mr. Walsh wasn't told. Clearly, there has been a mistake. The short adjournment your Honour granted has enabled me to at least overhear that Mr. Walsh didn't ask for persual of certain files which appeared to be irrelevant, and it appears that once the matter of Mr. Scargill and his fall was raised in cross-examination it was only at that stage that further enquiries were made and the statements have been produced, brought to light. That is a very understandable mistake, but I do wish to make two points. Firstly, it is a great pity that when a specific request has been made those who instruct my learned friend do not make thorough enough enquiries. The second point I would make, and make with the utmost fairness, may I ask that sufficiently thorough enquiries are made now so that, having received the material we should have had at the outset two weeks through the trial, we shall not receive any three, four or five weeks through the trial. Point three, it seems to me that some of the matters raised in this additional evidence ought to have been put to Mr. Clement, and it will be my regrettable request that Mr. Clement be recalled so that further questions can be put to him.

Your Honour, there is another point. I mentioned before the Jury left that I had two complaints, but I would invite my learned friend, Mr. Walsh, to feel free to mention what he wishes about the first point at this stage.

MR. WALSH: Your Honour, I have explained to my learned friends the position as follows: Not unnaturally, it has been, since I became instructed in the case, my wish that I should have before me all the relevant statements and so far as I was aware, so far as those sitting behind me were aware, we had all relevant statements concerning the issues of the 18th June. Your Honour, following the cross-examination about the Scargill incident, I asked those instructing me to cause communication to be sent to all the Police Forces who had men present on the 18th June to see if any of those Forces contained an officer, or officers who had witnessed any incident involving Mr. Scargill. Your Honour will appreciate that until cross-examination I had been unaware that there was any issue or relevance even about that incident.

JUDGE COLES: Yes.

MR. WALSH: And those instructing me went away and said, "We will do that". I cannot remember the precise date when I asked them that, but obviously it was some time after not merely Mr. Mansfield's cross-examination, but perhaps one or other of my learned friends, and the response I got a day or so - I cannot be precise - after that was, "I'm sorry". I also asked them to check that single photograph put in by Mr. Mansfield to Mr. Clement.

JUDGE COLES: The photograph of Mr. Scargill?

MR. WALSH: Yes, to see if it were possible to identify any of those officers who had been in the photograph. Now, your Honour, the

next message that I had back from those instructing me was that they thought probably the best way of doing this would be, as it were, for a telex to go out to the various Police Forces with a simple message, "Did anybody witness an incident. If so, who and when did they", and they were told by whoever it was in the administration in the Police Force, "Well, there is no need to do that. Something of that nature was done a year ago". It cannot be exactly a year ago because it was obviously done that year, after the 18th June, and what happened was, we have discovered, as a result of this alleged incident and what Mr. Scargill himself was either saying or was having said on his behalf, certain enquiries were made about that incident and an entirely separate file was opened by those enquiring into that incident, and it was a whole separate file from the Prosecution in this case.

JUDGE COLES: Yes.

MR. WALSH: And it was only when my, as it were, instruction and the Prosecuting Solicitor's idea that it should be done by telex and the recollection by someone that it had been done in exactly that way the previous year that those instructing me realised there must be another file and caused for it to be sent for, and as soon as they did that I looked at it. It occurred to me that the statements of Austin, Whitehouse and Vant were relevant and, indeed, even as the file was on its way to me the photograph, I think, was taken over to Liverpool. Austin identified himself and made a second statement, contained in that bundle, on the 17th May. So, as soon as I was in a position to do so I notified, or rather my learned junior notified, first of all, the Defence. The way it was done, your Honour, for convenience - it is an unfortunate fact we don't tend to see each other in the robing room in the morning because my learned friends are in a different place from where we are ...

JUDGE COLES: That is regrettable.

MR. WALSH: Yes. There it is, but my learned friend, Mr. Griffiths, sits next to my learned junior and they have been, obviously, talking, very helpfully, throughout the case and messages have been going to and fro, and as soon as my learned junior had the necessary information he acquainted Mr. Griffiths with it. Now, I acknowledge that Mr. Griffiths isn't an official message carrier for all the Defence, though he has been very gracious and helpful in passing messages from his colleagues to us and passing them back. Your Honour, my learned junior did acquaint him with this and told him that there were some other statements, and my learned friend, Mr. Keen, wrote down the list of names of other persons and handed them to my learned friend, Mr. Griffiths. Now, none of us is sure. Mr. Griffiths did pass it on, but apparently no-one seems to have it at the moment. Those other witnesses - can I say this? I don't think there will be any problem about that. The interest in them, originally, was because, as your Honour will appreciate, from the matter I raised, I think, the day before yesterday, I had understood, rightly or wrongly, that there was an issue as to whether Mr. Scargill had been at Orgreave at all before 9.30, and all those statements related to the fact that he was there early, seven o'clock and thereabouts. Once it became ....

JUDGE COLES: But, what was he doing?

MR. WALSH: Over the incident over the bridge, they don't touch upon that at all and they go ....

JUDGE COLES: I have understood it was common ground that Mr. Scargill was there. There has been some question as to whether or not he inspected the troops, if I may use that expression, and there is obviously a dispute about Mr. Clement's account of the incident involving Mr. Scargill.

MR. WALSH: Yes. None of these statements, as I recall it, deal with any incident over the bridge, and I have told my learned friends that. I have given - well, as I say, my learned junior gave them a list of names, but I am quite content that we can give my learned friends copies of those statements so they can look at them at their leisure. It isn't the present intention of the Crown to call these persons and so my learned friends can see their statements if they wish.

JUDGE COLES: Yes.

MR. WALSH: So, the explanation to my learned friend of the circumstances which aroused her complaint is that I have given your Honour. Your Honour will appreciate that those instructing me have not merely this file that relates to the 18th June of which, on this indictment, we are only prosecuting in this particular room today a quarter of those, but there are three other indictments also relating to the 18th June which they obviously .... (inaudible) .... until my enquiries caused someone to remember that this other file existed, and I certainly can assure my learned friend, Mrs. Baird, that whatever had been in that file relating to the Scargill incident, as soon as I was aware of it I would have told all my learned friends of the details in any event, whatever it said.

JUDGE COLES: Yes.

MR. WALSH: Because I certainly am aware of what should or should not be disclosed. Your Honour, I hope that deals with the matter.

JUDGE COLES: What do you say, Mrs. Baird? You have not mentioned the question of recalling Mr. Clement, Mr. Walsh.

MR. WALSH: If my learned friend wants Mr. Clement to be recalled, then subject to finding a convenient time, of course, we will do so.

MRS. BAIRD: Your Honour, I don't want to niggle, as it were, at all with my learned friend's explanation and I am, therefore, happy to accept it, and I do that with total good grace. I have been handed a list. I don't know what it is. It appears to be a list of officers.

MR. WALSH: That is the one, your Honour. I hope I have made it clear that is either the original hand-written list given by my learned friend, Mr. Keen, to Mr. Griffiths, or Mr. Keen, while I was talking, has written it again in case someone on the Defence side has lost it, so it is the same list and my learned friend need not worry that she can see all those statements if she wants to.



JUDGE COLES: I am bound to say in the course of any trial much useful information is conveyed in the robing room. If it is conveyed through unofficial whispers in the course of the trial it seems to me virtually inevitable that two things will follow. One thing will be that the Crown and Defence will not understand each other and will take steps to ensure - it may appear ill-conceived at best, sinister at worst. Secondly, necessary communication is going to take place in Court, and I don't complain about that, but it is a considerable waste of time and I think it would be desirable if henceforth counsel did try to communicate at least to some extent outside Court so that this kind of lack of information is avoided in the future.

MRS. BAIRD: There is no difficulty about that, your Honour. Your Honour has been good enough to have morning breaks and, obviously, everyone assembles out here and the fact is that there are so many of us and the Court has provided a room nearer to the Court, but we are milling about, if I may put it in that way, and if there are any approaches to be made by either side I am sure they can be made and, in fact, information passed in this case. I don't complain about this list at all, except to say that I had understood it was a list of Mr. Scargill ... (inaudible) ...

JUDGE COLES: There is mis-information. Clearly, in a situation as complex as this one was on the 18th June, and in circumstances where many large forces were involved, just as the Defendants from many different parts of the world were involved, it seems to be inevitable that wide-ranging statements were taken and, in any case, it is difficult to keep track of everything. In a case where those circumstances apply the difficulties seem to me to be even greater and I don't think the Crown can be criticised for failing to disclose these particular statements earlier than they did, particularly when the incident to which they relate did not appear to be central and may still not be central to the Crown's case .... (inaudible) ... If the Defence are in any way put under any pressure about it then you or anyone else in the case - indeed, I only ask because I am as mindful of the difficulties of the Defence as I am of the difficulties of the Prosecution, and if time is needed you shall have it. As to the recall of Mr. Clements, it seems to me if it is necessary to cross-examine him further then he must come back and perhaps the Crown and Defence will consider the matter and when it is convenient to do that.

MRS. BAIRD: I am obliged for the assistance about that point.

The second point is this: I know, because my learned friend has told me and because we have been given a noting junior by your Honour, that after I left Court the other night that some photographs were produced to Mr. Clement which have not been served on the Defence. I understand on the undertaking from my learned friend, Mr. Walsh, that in due course additional evidence would be served. Now, he cannot level the same complaint about me about that, because I approached him this morning and asked if I could see the photographs and he showed them to me, of course, and so we are not in dispute at all, I am happy to say, about the second point. But, what I do want to ask, and I did try to ask this informally and I got what I have to call a "dusty" reply, and consequently I come to Court, "When will we get the photographs served as additional evidence?", and indeed I understand

that there are more photographs than these ones which were shown to Mr. Clement, which it is proposed to serve, and my learned friend, Mr. Walsh, extracts this from a large bundle. My difficulty is obviously particularly acute because I wasn't here to have a look at them, but my learned friends showed them to me, but it seems inadequate to me to produce them on an undertaking that they would be served and it is an indulgence, in the first place, to the Prosecution to allow them to be used in that way, and it seems for your Honour to give that undertaking and it not to be actioned as quickly as possible and we are here two days later, I just wish to ask whether they were Press photographs or ....

JUDGE COLES: If it is any consolation to you, Mrs. Baird, I know no more than you do.

MRS. BAIRD: It isn't, I'm afraid, a consolation.

JUDGE COLES: Perhaps we will take steps towards that end.

MR. WALSH: Had my learned friend been present, and I don't wish to criticise her for that ....

JUDGE COLES: I won't permit you to.

MR. WALSH: ...., she would have heard me say to your Honour that we had only come into possession of those photographs about a day or so, perhaps even less, before I put it to Mr. Clements. Now, I am having a statement taken from the gentleman who took the photographs. There are quite a lot of photographs and I am hoping that he will make a reasonably lengthy and detailed statement.

JUDGE COLES: So, your answer is that you are, if not quite as much in the dark as Mrs. Baird and myself ....

MR. WALSH: I don't know what he is going to say, your Honour, and I am as anxious to have his statement to see it as, I have no doubt, my learned friend, and as soon as it is ready it will be served.

JUDGE COLES: Well, no doubt the message can be conveyed to those who find it interesting that a measure of impatience has been expressed. Shall we have the information before we break?

MR. WALSH: I doubt that the statement will be ready by then because he doesn't live locally.

JUDGE COLES: Well, I don't think there is any order I can make or step I can take at this stage, but be warned that delay will lead to ....

MR. WALSH: Yes, your Honour. What I can say, your Honour, is that I am reasonably confident from what I have been told that when we assemble on Wednesday of next week the statement will be here.

JUDGE COLES: Yes, so be it. The difficulty is that time will have to be taken to give consideration of the photographs and what they may represent, and that is not easy when you have a large number of men such as those and a large number of accused.

MR. WALSH: I am well aware of that, your Honour.

JUDGE COLES: If there is any possibility at all of being able to do something about it before Friday afternoon, that is, tomorrow, that is a different thing.

MR. WALSH: Your Honour, the twin problems we have are, first of all, he doesn't live locally. Secondly, his employment takes him away from the place where he lives and works, and so your Honour will see this takes a little time.

JUDGE COLES: We shall all have to do our best.

MR. WALSH: Yes, of course, your Honour. Your Honour will be aware I am as anxious that this matter be dealt with expeditiously as anybody else.

JUDGE COLES: I'm sure you are.

MRS. BAIRD: I accept that. Obviously, I wouldn't mind a clue as to who the person is, whether it is a Police Officer behind the lines or some different person, if my learned friend feels in a position to vouchsafe that.

JUDGE COLES: I cannot order him to do that.

MRS. BAIRD: Of course not. I invite him to consider whether he could at least furnish us with more information, but the second step is to ask for sight of the photographs which he intends to produce in advance of the statement for the assistance of the Defence.

JUDGE COLES: I won't make any order. He has heard your request. If there is anything Mr. Walsh thinks he can do I have no doubt he will do it.

MISS RUSSELL: Your Honour, while I accept it is complex, it is difficult, for the record, I indicate that, apart from the statements and the original committal bundle, which have been served on those instructing me, and therefore the whole range of those statements is available, we make it quite clear at the outset that if there are any other statements, whether they are civilians or Police Officers, concerning topside matters on the 18th June, whichever file they may have got into, and accepting that there are problems, obviously, with files, that there is a formal request from the Defence to have sight of those non-tendered statements because, obviously, it is unfortunate if messages are getting across or files are getting across, if it is not made abundantly clear to whoever, whether it is the Police who have the files or the instructing solicitors who have the files, that if there are any statements other than those originally served in the committal, concerning topside that day - I am not concerned with bottomside matters - but those statements, non-tendered statements, should be made available to the Defence in the normal way. Your Honour, I merely say that for the record so it is down on the note and said in open Court, so there can be no misunderstanding that that request has not been formally made.

JUDGE COLES: Miss Russell, it is on the record.

MR. WALSH: If there are any others which give evidence as to what happened at topside I would be as anxious to see them as anybody else. The only other matter I mention, just in case anybody hasn't received the communication we made to, certainly, my learned friend, Mr. Griffiths, I think on the first day of this trial, there are in existence statements, not of evidence of what happened at topside, but concerning administration procedures for my guidance, but it is not proposed to serve those. I have already indicated to my learned friend, Mr. Griffiths, a fortnight ago, their existence and I don't propose to serve them.

MR. TAYLOR: May I ask something, because I wasn't aware of that, what does my learned friend mean by "administrative matters"? I mean, that could cover a wide variety of things and doesn't give me any hint as to what the contents of those statements are.

JUDGE COLES: Well, if there is doubt about that, would you please see Mr. Walsh and discuss it with him? I don't think we ought to waste time. That is not by way of criticism, but I don't think we ought to use more Court time by discussing this matter. If problems arise, come back to me, but until problems do arise I suggest it must be dealt with by conversation outside the Court between counsel.

Well, I think we have lost our break this morning, gentlemen. Perhaps we should get to work.

MR. GRIFFITHS: May I hand to your Honour a very short transcript, very kindly provided by the lady shorthand writer. It just covers something that your Honour said, to assist us, of which, of course, your Honour wouldn't have a note.

JUDGE COLES: Thank you very much.

MR. GRIFFITHS: It was just before the lunchtime adjournment, I think, two days ago, when Mr. Clement was being re-examined. Your Honour will recall your Honour helpfully intervened as to issues and this simply covers that. There is one amendment made in my hand in red, which I think is near the bottom. The time typed is 7.50. I checked my learned friend, junior counsel for the Crown's note and indeed the note of the noting junior behind me. They varied as to the time. I think that for the Crown was 7.00 a.m. and the note of the noting junior was 7.15 a.m., but certainly they were both in accordance with this, that the number was seven, so I think from the evidence we have here it must have been 7.15 and it was misheard by the lady shorthand writer.

JUDGE COLES: I take it that everybody is agreed upon that?

MR. GRIFFITHS: Yes, your Honour.

MR. WALSH: I haven't had time to look at it, but for the moment I am agreed.

JUDGE COLES: Well, you are alerted to the fact that it is there.

MR. GRIFFITHS: It does seem that the three photographs I produced in the cross-examination of Mr. Clements have disappeared completely, regretfully, and I don't want to say any more about that. They have gone, so my instructing solicitor has arranged for two others, that is, the aerial photograph, we have two additional ones, the same but copies, and also has obtained another copy of the photograph of my client. May I hand those to your Honour when the Jury come back?

JUDGE COLES: Let us have those given exhibit numbers, although they are not yet proved. Leave them in the custody of the Court so there is no longer any problem about them.

MR. GRIFFITHS: They have been given exhibit numbers and they all have labels on them, Exhibit 11 (a) (b) and (c). (c) is the photograph of my client. That was the last produced. (a) was the aerial photograph taken from the furthest distance. (b) was the close-up aerial photograph that is closer to the ground.

JUDGE COLES: And (c) is the photograph of a bleeding man whom you say is your client?

MR. GRIFFITHS: Yes, your Honour.

JUDGE COLES: Very well.

(The Jury returned into Court)

MR. GRIFFITHS: Your Honour, as I think I mentioned in the presence of the Jury the photographs, the aerial photographs and the photograph of my client, we now have copies and they are in Court.

JUDGE COLES: Yes. Thank you, Mr. Griffiths.

CHIEF SUPERINTENDENT POVEY Recalled

Cross-examined by MR. MANSFIELD:

- Q. Mr. Povey, we have heard already that you were second in command and, in a sense, the person in command of the topside along with Mr. Clement. That's right, isn't it? - A. Yes, that is correct, sir.
- Q. Your rank then was? - A. Superintendent.
- Q. How many other Superintendents were there, relating to the topside? - A. I was the Superintendent in command of the topside.
- Q. Yes. Were there any others? Any other Superintendents on the topside, of that rank? - A. There may have been other Superintendents there from other Forces, but I was the only one from South Yorkshire.
- Q. Everybody on the topside knew you were the man in charge of the topside area, did they? - A. The P.S.U. commanders would. Whether that would go down through every Constable, I couldn't say.

- Q. Just a few minor matters before I come back to the use of truncheons. First of all, I suppose you did hear Police Officers clapping that morning, didn't you? - A. Yes, I did.
- Q. Just tell us why they were clapping. - A. I recall hearing clapping when the mounted officers returned through the lines.
- Q. Yes. What did you think that was all about? - A. That was perhaps a way of showing their appreciation at the mounted officers who had gone into the crowd and stopped the continual throwing of missiles at the men in the cordon.
- Q. Mr. Povey, I will make it plain to you now that the continual missile throwing that you are on about is at the very best a gross exaggeration. Is there any possibility that I am right? - A. None at all, sir.

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JUDGE COLES: Would you just read after "getting stuck in"?

MR. MANSFIELD: "They were encouraging the lads and I think their attitude to the situation affected what we all did":

- Q. First of all, have you heard those words before today? - A. No, I haven't.
- Q. So, you don't know which officer it was who said that? - A. No, I have no idea.
- Q. Nor when it was said? - A. No, not at all.
- Q. Do you agree with it? - A. I agree that as a senior officer there I was encouraging men morally and endeavouring to fulfill my leadership role, yes.
- Q. Yes. Anything else you want to add? - A. No, sir.
- Q. "The senior officers, Supers and Chief Supers, were there, getting stuck in too". Does that apply to you? - A. Well, I would have to ask the officer to define "stuck in". If he meant moving along the line, talking to the men, going to the front, going to the back, yes, I would agree.
- Q. Well, I will make it clear. That is an officer. His name is Mr. Marchant (?). He used a truncheon on Mr. Broomhead and he has described that the attitude of senior officers lead to that. Now, do you agree? - A. Led to what?
- Q. The truncheoning of Mr. Broomhead. - A. No, I don't agree.
- Q. You don't? I suppose you didn't see that. - A. No, I didn't.
- Q. I suppose you didn't see any truncheons out on the field, topside? - A. Yes, I did. All the short shield unit men had truncheons out.
- Q. You were asked yesterday by counsel who comes before me, yesterday afternoon. Do you remember? - A. Yes.
- Q. Mr. Taylor, who sits just here. He asked you about the use of batons up in the village and you said you didn't see any used. Do you remember? - A. That's right.

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- Q. Did you see any used / the topside, the field itself, before we ever get to the bridge? - A. No, I didn't see any officer strike anyone.
- Q. No-one at all? - A. No-one at all with a baton.
- Q. So, we can really say the whole of the day that you were there, early in the morning right through to 1.25, you never saw a baton used on anyone? - A. That's correct.
- Q. You were there, were you, Mr. Povey? - A. Yes.
- Q. Because I am going to suggest they were liberally used that day, and I will give you some examples. Are you really saying you never saw a single truncheon used on anyone? - A. Yes.
- Q. All right. What I am suggesting to you, through that quotation I have put to you, is that you senior officers there encouraged the lads "to get stuck in" and get the bodies back. That was your attitude that day, wasn't it? - A. We were encouraging the men to go out and disperse the crowd and arrest persons who were committing criminal offences, yes.
- Q. Let us just deal with that, Mr. Povey ....

JUDGE COLES: Well, are you suggesting, and if so, let's have it straight, are you suggesting that Mr. Povey was encouraging men to use batons and to strike people?

MR. MANSFIELD: Yes:

- Q. The attitude of senior officers that day was to use short shields, not to arrest, but to disperse by force. That was your approach, wasn't it? - A. No, sir.
- Q. And that you exercised very little, or no control over what they did once they got out on the field. Is that right? - A. No, that is not right, sir. They were given instructions before going out into the field.
- Q. So, as far as you were concerned, officers could go over the top that day, to use a colloquial expression? - A. As far as I am concerned I did not see any officer go over the top.
- Q. Just a few minor matters before I come back to the use of truncheons. First of all, I suppose you did hear Police Officers clapping that morning, didn't you? - A. Yes, I did.
- Q. Just tell us why they were clapping. - A. I recall hearing clapping when the mounted officers returned through the lines.
- Q. Yes. What did you think that was all about? - A. That was perhaps a way of showing their appreciation at the mounted officers who had gone into the crowd and stopped the continual throwing of missiles at the men in the cordon.
- Q. Mr. Povey, I will make it plain to you now that the continual missile throwing that you are on about is at the very best a gross exaggeration. Is there any possibility that I am right? - A. None at all, sir.

- Q. Well, did you know it was being taken at the time it was taken? -  
A. Yes.
- Q. Did you ask to see it or were you asked to go and see it? - A. I think I just asked to see it.
- Q. You just asked to see it? - A. As I had seen other videos of other days.
- Q. Yes. Do you now remember what it depicts? - A. Yes, very vaguely.
- Q. Very vaguely. Now, I will come back again to that and the truncheons and the stoning in a moment. Besides clapping, Police Officers were banging on their shields that day, weren't they? - A. Yes, I believe that is correct as well.
- Q. Well, I'm sorry to be particular. What do you mean, "I believe that is correct"? - A. I seem to recall hearing people banging on the shields.
- Q. You seem to recall, Mr. Povey? That happened, didn't it? - A. Yes, I believe it did.
- Q. And you felt that that was not going a bit over the top? - A. No, I didn't.
- Q. No. In fact, I suppose you are going to say you suggested it, did you? - A. No, I didn't.
- Q. I see. Who did? - A. I think that was quite spontaneous, as was the clapping.
- Q. Quite, as was the clapping. But, everybody did it together, so was it a technique, a little tactic? I mean, let us just look at this. Are you saying the Police on that day suddenly started banging their shields without any instruction or any kind of advice? - A. Yes, that's correct, to the best of my knowledge. Well, let me put it this way, it was not on advice from me.
- Q. Well, all the major decisions were taken by you and Mr. Clement, weren't they? - A. That is correct.
- Q. Have you ever disagreed with Mr. Clement on any single decision that he took? - A. No, none at all.
- Q. None at all. Well, if the advice didn't come from you it must have come from somebody else. Did you, at any stage, go up to any Police Officer and say, "I think this really is a bit unnecessary"? - A. No, I didn't.
- Q. Or words to that effect, did you? - A. No, I didn't.
- Q. Why not? - A. Because, again, I didn't disagree with it.
- Q. No. It isn't a question of not disagreeing, Mr. Povey. The real truth of the matter is that you wanted it to happen. Things were going to go over the top and you were playing a part in this. That's right, isn't it? - A. That is not correct.



- Q. You aren't standing there as a passive senior officer seeing things happening, not disagreeing and not saying a word. That is not the way it works, is it? - A. What I am saying is my answer to your question relating to the clapping and the banging of the shields.
- Q. They are quite important, aren't they, those two things? They are not trivial matters, are they? - A. It depends on your perception of them.
- Q. I see. - A. I don't regard them as matters of great importance.
- Q. Don't you, Mr. Povey? - A. No.
- Q. I see. So, it is quite all right if you have squads of Police Officers - I mean, if you like, we have already had one demonstration - do you want to hear a shield banging in this Court? - A. Me. sir?
- Q. Yes, you, Mr. Povey. - A. Not particularly.
- Q. Not particularly. We have heard one shield banged in this Court. How many were across that cordon at any one time, with shields? - A. There would be seven units across the front.
- Q. Approximately how many men with long shields? - A. 150.
- Q. 150. We couldn't even get them across this Court, could we? - A. No.
- Q. But, if they were and they were banging all at the same time, that would produce a pretty terrifying sound, wouldn't it? - A. No, I wouldn't say it was too terrifying a sound if you put it against a back-cloth sound that was emanating from the demonstrators.
- Q. And the constant stoning, no doubt? - A. When the shields were being banged there was no stoning.
- Q. I see. Now, just on other features of the day. That was banging and clapping, which you have not disagreed with. The use of horses: Mr. Taylor asked you about the use of horses and I am not going to go through that again, but there is an aspect of it I mean to go through with you and that is the question of the warnings. Do you remember what you first said about the use of a warning? - A. Yes.
- Q. Yes. You corrected it quickly. You were being asked about why no warnings had been given about the use of horses for the first time. - A. I think I said something to the effect that it wasn't discussed.
- Q. No, you didn't. - A. Oh.
- Q. Just think carefully. That is what you went on to say, but it wasn't your first reaction and I will be corrected if I am wrong and if, in the speed of it, I got it wrong, but that wasn't your first reaction. - A. That the only other thing is that there may be a disadvantage in giving a warning.
- Q. That came later still, but your first reaction was, "Mr. Clement decided against the use of a warning". Now, is that right? That is what you said, Mr. Povey. Do you remember saying that yesterday? - A. If you say I said that I won't disagree. I assumed Mr. Clement did ....

MR. MANSFIELD: I will just pause there to see if anyone has a different note.

MR. WALSH: My note, and it is not clear whether it is an answer of "Yes" to a question put by my learned friend or whether the words are the officer's, but what I have got down was that "C" - that must be Mr. Clement - "didn't choose to give a warning". Whether that was because that was the phrase put by my learned friend to the witness and the witness said, "Yes", or whether those are the witness's own words, but that is the note I have and it comes very shortly after the time Mr. Taylor had been asking about whether at eight o'clock the horses went up the field only or the road as well, and it is a few lines after that.

MR. MANSFIELD: Certainly my friends have a similar note to the one I have just put and I wrote these words down, so I will just continue for the moment. We can check the note from yesterday, but I will continue:

Q. I just want to ask you, did Mr. Clement decide against using a warning? - A. Well, he must have done so, sir, because he didn't give a warning.

MR. MANSFIELD: Well, all the things that are handed to me give me the same wording: "Mr. Clement decided against ...."

MISS RUSSELL: If it assists, what I have got is that the first thing that is said, "Mr. Clement decided against the use of a warning", and this witness went on to say he didn't choose to give a warning.

MRS. BAIRD: That is exactly my note, your Honour.

MR. REES: And mine.

Q. MR. MANSFIELD: Is it the truth of the matter that you discussed it and, because I have suggested it of you and Mr. Clement, but it is only you at the moment, and the provocative approach that day was, "No way, we won't give a warning. We will just send them in"? That was your approach, wasn't it? - A. No, that was not the attitude and neither were we provocative.

JUDGE COLES: I have found my note. "No warnings were given. Clement decided against warning. He didn't choose to give one. We had a conference, but the discussion was not directed to warnings. I don't agree a warning should have been given on that occasion. I agree, in any event, the people at the back wouldn't have heard it, partly because of the chants".

Q. MR. MANSFIELD: Now, there is a difference between no discussion at all and a discussion about a warning which decided against its use. Now, what are you now saying? There was no discussion at all? - A. I cannot recall a discussion. I can recall a discussion of warnings when it was decided to send the short shield units in.

Q. Then, but not before. Is that it? - A. That is correct.

Q. Of course, you are not just a mouthpiece for Mr. Clement, are you? - A. No, I am not.

- Q. If you disagree with anything that is going on, you are not citing superior orders, are you? - A. If I disagreed, I would say so.
- Q. So you don't disagree with the banging and you didn't disagree with the clapping and you didn't disagree with the situation whereby horses went in with no warning? Is that it? - A. That's correct.
- Q. Are you familiar with the Manual we now know about? - A. I am aware of the existence of a Manual. I have not had access to that Manual.
- Q. Ever? - A. Never.
- Q. Well, leaving aside what the Manual says, I put it to you the Manual suggests warnings should always be given, but you didn't know that? - A. No.
- Q. No. I see. You did appreciate, did you not, that sending horses into a crowd may result in injury? Did you realise that? - A. Yes, I did. I also realised that failure to do so would result in injuries to Police Officers.
- Q. Now, wait a minute. That is all to do with stoning and injuries to Police Officers? - A. Yes.
- Q. I will come back to that, as to whether that really was the basis of what you were doing. Let's just deal with injuries to pickets. You are a bit concerned about the people topside who are not Police Officers, aren't you? - A. Certainly.
- Q. Certainly. Are you saying that it wasn't possible to give a warning? You aren't saying that, are you? - A. No, I am not.
- Q. Quite easy to give a warning and say, "If this stoning, which is so heavy, goes on any longer we will send the horses in". What is wrong with that, if you are being a humane, non-provocative Police Officer? - A. The Police that day were responding to the violence.
- Q. No, Mr. Povey. Oh, I see, responding to violence with violence - is that it, Mr. Povey? - A. No, I wasn't going to say that.
- Q. What were you going to say? - A. I was going to say the Police were responding to violence from the demonstrators. In fact, the whole of the Police tactics on that day were in response to whatever the demonstrators did.
- Q. We will come to the Police video film. I will ask you to watch it, provided it is convenient with the Court, and you can tell us if you still have the same view, having watched some of it, not all of it, just a bit ...
- Q. JUDGE COLES: You said it was possible to give a warning. You were asked why you didn't give one. What is, exactly, your answer? - A. To that question, your Honour, that that was Mr. Clement's responsibility and he did not give a warning.

- Q. MR. MANSFIELD: I am not speaking of that, Mr. Povey. You have agreed that you are not the mouthpiece for Mr. Clement and if you didn't agree with anything he was doing you would say so. - A. Yes.
- Q. You agreed with the decision to give no warning. Don't pass the buck. - A. Yes, I did. I am answering his Honour's question. I am not trying to pass the buck.
- Q. Now, answer the question. - A. I didn't register any disagreement about not giving a warning. I can't even recall whether it was discussed. Certainly no warning was given and, therefore, one must surmise that Mr. Clement decided not to give one.
- Q. JUDGE COLES: You are saying you don't feel that was an outrageous decision, when it was made? - A. I didn't, your Honour.
- Q. Now, why? - A. Because of the attitude of the demonstrators and the fact that the Police cordon was being subjected to heavy stoning.
- Q. What do you mean? You didn't think it would do any good? - A. No, I didn't think it would, sir.
- Q. MR. MANSFIELD: All of this is a load of nonsense if there is not any heavy stoning going on, isn't it? - A. If there was no heavy stoning going on why send in the horses at all, warning or no warning?
- Q. Absolutely, because I will put it to you that you sent in the horses when there was no heavy stoning, you and Mr. Clement. You and Mr. Clement didn't think these people should have been there and wanted to get rid of them off topside, didn't you, at whatever cost. That was your approach, wasn't it? - A. That is not correct.
- Q. I see. Now, I will ask you whether you really were watching what the horses did. You give no warning. On this first occasion, Mr. Taylor asked you, very carefully, whether the horses went up the road and the field and you said you were sure they did. - A. Of both, yes.
- Q. I am asking you this because it could be mistaken. We have the Police film. You can watch it in a minute if you want. I am going to ask you again, because I am suggesting you weren't really interested in what was going on and that is why you are making this mistake. The horses didn't go up the road the first time. Now, have you made a mistake? - A. As far as I am aware, no, sir.
- Q. So, what your evidence is based on to this Jury is that the horses went up the road the first time and the field, because you saw them. Is that it? - A. Yes, sir.
- Q. At that stage, were you on the road or in the field yourself? - A. I was standing to the left of the road, near to the field.
- Q. In between both, then? - A. Yes.
- Q. Who gave the order for the horses to go up the road, if they did, the first time? - A. Whenever the horses were sent into a crowd, the orders were given by Mr. Clement.

Q. So, you never really instructed the horses, even on the road, to go up the road. - A. Yes.

Q. Well, did you instruct the horses on the road, on the first occasion? - A. I was the officer responsible for causing the cordon to break for the horses to go up the road. I said yesterday.

Q. Yes. You remember doing that? - A. Yes.

Q. I see. You told the horses, "Look, only go up 20 yards. Don't actually go into anybody", did you? - A. The horses were told to - I don't know what distance it was on the field, it was certainly, it was, in fact, further than 20 yards, to go up the road at a slow pace and disperse the demonstrators.

Q. Wait a minute. I am asking about the distance. I suppose you don't know what the Manual says about the use of horses either? - A. No. I haven't seen the Manual.

Q. Well, I will put it to you, as a matter of commonsense, whether it's in the Manual or it isn't: You don't order horses to charge at or towards a crowd without some instructions that they should not actually go into the crowd or stop ten feet before it, do you? - A. That is correct. They are not ordered to charge at the crowd. The distance would depend on the day.

Q. You were there. You are giving the order for the horses to go up the road. Did you tell the horses, "Don't go into the crowd"? Did you? - A. No, I don't recall saying, "Don't go into the crowd". That is where the horses were going.

Q. Right. If you are not doing what that first officer described, encouraging the lads to get stuck in, why did you not tell the mounted officers, "Do not go into the crowd itself, only go towards them", if you merely wanted to stop the stone throwing? - A. To stop the stone throwing and disperse the crowd, they were told to go into the crowd.

Q. JUDGE COLES: You are being asked, "Did you think it necessary to tell the horses to stop in front of the crowd?" - A. No, I didn't, your Honour.

Q. Why not? - A. Well, horses had been used on previous days, the same horsemen, and the same tactic had been employed.

Q. Had they gone into the crowd, galloped into the crowd, on that day? - A. No, they never went into the crowd, galloped into the crowd, your Honour.

Q. Had they trotted, walked into the crowd? - A. Towards them, but the crowd always turned and ran. The horsemen then would ride up, 30 or 40 yards, and then turn themselves.

JUDGE COLES: Now, Mr. Mansfield, this is the note I have taken. If it is wrong, explore it: "I don't recall telling them not to go into the crowd. I didn't need to. They had been used on previous occasions and the crowd always turned and ran".

MR. MANSFIELD: Yes, that is my record.

MR. TAYLOR: When you asked the first question, you missed one answer: "To stop the stone throwing and disperse, they were told to go into the crowd".

Q. MR. MANSFIELD: You see, it is twofold. One, you are not telling them not to go into the crowd. In fact, you are, according to what you have just said, telling them to go into the crowd. Is that right. - A. Yes, but .....

Q. Is that right? - A. No, that is not right.

Q. The answer you just gave, you now wish to withdraw? Do you wish to? .....

JUDGE COLES: Let him answer, Mr. Mansfield. Please don't pressurise the witness. You know better than that. Please let him answer.

THE WITNESS: We seem to be getting confused about words, such words as "into" and "towards". Now, at the time the instructions were given, one must appreciate that stones were coming over, there was chanting, there was - to ask me to recall almost one year later whether I used the word "into" or "towards", I find extremely difficult. All I can do is rely on what I would have said at any other time. I would never direct horses actually into people. The aim and the objective of using the horses was to drive the people away from the stones and the cordon and to make them disperse.

Q. MR. MANSFIELD: Now, Mr. Povey, I am not pressurising you. You have been cross-examined before. I don't mean in this Court, but you have given evidence before? - A. Certainly, yes.

Q. You are an experienced witness, aren't you? - A. Yes, sir.

Q. All right. Please tell me if you feel under any kind of pressure, won't you, Mr. Povey? - A. Yes, sir.

Q. I am going to ask you about the difficulty you seem to have in distinguishing between "into" and "towards". There is a rather serious difference between the two, isn't there? - A. Yes. I don't have any difficulty in distinguishing between the two. I am saying the horses were not directed to charge into the crowd.

Q. What were they directed to do? - A. To move slowly up the field and the road to disperse the crowd.

Q. Is that what they were told? "Move slowly up the field and the road"? - A. Whether or not they were told that on the day, they were aware of that tactic, having carried it out on previous occasions.

Q. Yes, all right, if you will emphasise that. This particular day, on your account, no doubt, had many more people there, didn't it? - A. It did, sir, yes.

- Q. By the time of the first use of the horses going - I will use a neutral word, in the first place - towards them, how many people were on the road? - A. At that time, I would think there was about somewhere in the region of 6,000 people there, in total.
- Q. 6,000 total, topside? - A. Yes.
- Q. That, would it be right, in your experience at Orgreave, would be one of the highest numbers you had had to cope with? - A. Yes.
- Q. So, the use of horses on this day, where you had far more people topside, had to be considered very carefully, didn't it? - A. Yes.
- Q. No use relying on what had happened on previous days when the numbers you have got are far in excess? - A. Well, the tactic is the same. The numbers, whether you have 4,000 or 6,000, I would think that is not a major factor.
- Q. Is the truth that you don't now know what instructions you gave to the horses on that day? - A. The truth is I cannot recall, word for word, the instructions I gave to the horses, the shield units or whoever else.
- Q. So, would it be that you didn't give any instructions to the horses that day, when they were first used, just like you gave no warning? Would that be right? - A. Had I not given any instructions, the horses wouldn't have gone into the crowd.
- Q. Well, they did go into the crowd. - A. So, they must have been instructed to do so.
- Q. Oh ....
- Q. JUDGE COLES: You mean "into", do you? - A. Yes. I'm sorry.
- Q. Don't apologise to me. I asked you whether you intended to use the word "into" because counsel used "into". In the sense of going into the middle of a crowd, is that the sense in which you use it? - A. I am perhaps causing some confusion by using the word, meaning going beyond the cordon, the area beyond the cordon is into the demonstrators.
- Q. Officer, you have been told of the difference between the word "into" and "toward" and you said a few moments ago you understood that. - A. Yes, I do.
- Q. Do you understand the difference between them? Use them in accordance with your understanding. If not, don't be surprised if counsel criticises you. - A. Very good, sir.

- Q. MR. MANSFIELD: I am content with your last answer for the moment, because, in fact, that is what we think is the road or the field, that is, in fact, what the horses did do. Is that not right? They went into the crowd. They went inside the numbers of people facing the cordon, didn't they? - A. No, they went towards the crowd.
- Q. I see. How far did they go up the road or the field on this first occasion? - A. About 40 to 50 yards.
- Q. And they were certainly at a trot almost as soon as they had broken through the cordon, weren't they? - A. They went at a walk and then that developed into a trot.
- Q. Almost as soon as they got through the cordon? - A. Or beyond the cordon.
- Q. All right. Just dealing with this, where there is no warning and no shields coming up behind, the horses got a great deal further than 40 or 50 yards, didn't they? They reached almost the top of the field, didn't they? - A. Well, certainly they went towards the top of the field. I would be hard-pressed to say whether they reached the top of the field from the position that I occupied.
- Q. They went a great deal further than was expected. That is right, isn't it? - A. They went as far as was necessary to disperse.
- Q. They went further than was expected of them. - A. I don't recall thinking to myself, "They've gone further than I expected them to go".
- Q. That is Mr. Clement's view. That is what Mr. Clements told us, that they had gone further than was expected. Was that your view? - A. That may be Mr. Clement's view.
- Q. Is that yours? - A. I don't recall thinking that at the time.
- Q. But, even on the basis that they are going towards people on the field and on the topside, there are 6,000 people there, there is a risk, a real risk, that without a warning somebody is going to get trampled on, isn't there? - A. There is a risk of injury whenever horses are sent towards a crowd.
- Q. And somebody did get trampled on, didn't they? - A. I am not aware of that.
- Q. Oh. So, you didn't see truncheons being used on pickets at all, and you didn't see a picket trampled on? - A. No, I didn't.
- Q. That is on the Police film, isn't it? The name of the man is Mr. Binder. You can see it on the video. He is



- picked up from beneath the hooves of horses. Did you miss it on the video? - A. I cannot recall seeing that on the video.
- Q. Did you watch the video as closely as you watched the events of that day, Mr. Povey? - A. I watched the video as an interested participant in it.
- Q. So, you didn't see anyone trampled on? - A. That is correct.
- Q. You told us yesterday you did see people arrested, persons who you described as injured, didn't you? - A. Yes.
- Q. You did see that? - A. Yes.
- Q. Quite a large number of them were bleeding, weren't they? - A. Some were bleeding, yes.
- Q. All right. Particularly up beyond the bridge - some pretty nasty injuries - do you agree? - A. Well, I don't know what their injuries were, but certainly I saw persons being brought from the bridge, bleeding.
- Q. JUDGE COLES: It has been put to you it was worse beyond the bridge than before. - A. No, not particularly, your Honour.
- Q. MR. MANSFIELD: Not particularly. Men with blood streaming down the front, from their heads, off their faces, pickets, not Police Officers, pickets or demonstrators, or miners, however you describe them. That is the position, isn't it? - A. Yes. I have seen people bleeding, being brought through the line, as I saw Police Officers bleeding, being brought through the lines.
- Q. Nothing like the same number, though, were there, nothing like the same number of Police Officers injured? - A. There was a large number of Police Officers injured. I think somewhere in the region of 30.
- Q. 30? With head injuries? - A. With a variety of injuries.
- Q. With head injuries? - A. No, I don't think they all had injuries.
- Q. How many do you think had head injuries out of the 30 you claim? - A. I don't know.
- Q. You don't know? How many of the 30 Police Officers did you see bleeding? Just tell us how many. - A. Perhaps six or seven.
- Q. Six or seven? - A. I didn't see all the 30 injured Police Officers.
- Q. All right. Many more miners with blood on them, weren't there? - A. There was a number of demonstrators injured, yes.

- Q. JUDGE COLES: Well, do you agree with counsel that there were more miners bleeding than Police Officers? - A. I am not agreeing or disagreeing with that. I don't know, your Honour. I know there were more miners injured than Police Officers, which one would expect.
- Q. MR. MANSFIELD: Which one would expect. Now, you saw them, did you, these bleeding miners being brought down the road in the company of Police Officers? Did you see that? - A. I think I saw two or three coming down the road with blood on them.
- Q. All right. Let's deal with those. That would be above the bridge, up to the brow, somewhere in that region? - A. Yes.
- Q. That must have worried you, to see people with serious injuries. - A. Yes, it did.
- Q. Yes, and as a superior officer, did you enquire of any of the Police Officers with bloodied prisoners as to how those injuries were caused? - A. I did not at that time.
- Q. We will take it in stages. At that time you did not make a single enquiry of any of the Police Officers - is that right? - A. That is correct.
- Q. I mean, if Police Officers had got out of control in any way, you would want to know about that pretty soon, wouldn't you? - A. Yes.
- Q. If you had seen a bloodied Police Officer being brought down the road, would you have made enquiries about him? - A. At this stage, no.
- Q. Because life was too busy? - A. Yes.
- Q. Right. Then, it is continuing. At a later stage that day, the 18th, after 1.25, did you go and discover how these bloodied prisoners had got their injuries? - A. No, I didn't.
- Q. Too busy? - A. No. That was not my role.
- Q. Oh, Mr. Povey, you are in command of officers, I am suggesting, who had got totally out of control that day and you weren't exercising control ....

JUDGE COLES: Establish whether he agrees with you first.

MR. MANSFIELD: Well, I think he hasn't agreed with me earlier on:

- Q. I just remind everyone of the relevance of what I am putting to you. Of course, it isn't your role in that sense, to go and ask everybody, but this was a very

serious incident on anybody's view, wasn't it? -  
A. Yes.

Q. And June 18th was a very serious incident? - A. Yes.

Q. Right. You were interested, were you not, in whether officers under your general command had not, as it were, gone over the top? - A. Yes.

Q. Are you saying that you had never enquired at all as to how prisoners had been brought from the brow of the hill down to the bridge, bleeding? - A. No, I did not. Police Officers had been continually stoned up there and as a commander, if they had been brought down, one must assume they were arrested, and at that time I cannot take time out to start to make enquiries of individual arrests.

Q. No. - A. Or of individual injuries.

Q. I have taken it forward. I have used 1.25 because that seems to be the time various people looked at their watches, or at least one did. Anyway, after the thing was over and you had gone over the bridge and seen barricades, after that you still didn't ask any enquiries and you weren't busy then, you just said. - A. That is correct. I made no enquiries as to individual injuries.

Q. You said it wasn't your role to do that? - A. No, it wasn't.

Q. Well, whose role was it? - A. On an incident of that nature specific responsibilities must be given to specific officers.

Q. Whose role was it? - A. We had what we call a Casualty Bureau in the command centre. That was manned by an inspector.

Q. His name? - A. Inspector McUddon (?). They were responsible for collating numbers of injuries, the details of the injuries, the hospitals they were taken to.

Q. Yes. I am not expecting you to be sitting in the command centre with a little log, writing in "in comes so-and-so". What I am suggesting to you is that you didn't go to this Inspector and say, "I was deeply concerned to see the type of injuries of people coming over the bridge" and ask how they may have been caused. What was the feedback to the command centre as to how these head injuries had been caused? Did you ask Mr. McUddon that? - A. No, it wasn't a talking point in the command centre.

Q. It wasn't a talking point in the command centre? -  
A. There were not that number of head injuries that I think were serious enough to make it a talking point.

Q. Well, they wouldn't be a talking point, of course, if they were caused by Police Officers using shields or truncheons. The Police aren't going to go around

shouting their odds about that, are they? - A. No.

- Q. No. So, what it comes to - I hope I have fairly summarised it - is you don't ask at the scene and you don't ask in the command centre. In fact, do you ever ask? - A. If my officers have gone over the top? No, I don't. I don't ask how the injuries were caused either.
- Q. Right. Now, did you see, on the day - I have mentioned the name already - when the horses went in for the third time, followed by riot shields, short shield officers - I suppose you didn't see any incident then of a truncheon being used on anyone? - A. No, I didn't.
- Q. You have already said you didn't see the Broomhead incident. - A. No, I didn't. I was unaware of that incident until I saw the news broadcast of it.
- Q. Then you noticed it? - A. Yes.
- Q. Now, that officer who I quoted at the beginning was under your general command, wasn't he? - A. Yes.
- Q. Did you then enquire about that? Did you make enquiries after seeing the television broadcast? - A. Yes, that was a talking point.
- Q. That was? - A. Because it was very serious and, of course, most unusual.

JUDGE COLES: We will have no laughter, please.

- Q. MR. MANSFIELD: Would it be fair - I don't want to be unfair - unfortunately for the Police, the television company had actually picked it up on the screen, so then you have to do some talking, don't you? - A. No. It was not unfortunate. If that happened, and it did happen, then we needed to be aware of it.
- Q. And if it had<sup>not</sup> been shown on the television screen, you would be standing there, saying, "Nothing like that happened, ever happened". - A. I would be saying I was not aware of it happening, that is correct.
- Q. Did you go and speak to the officer concerned? Did you see it on the 18th, the television broadcast? - A. I think I did.
- Q. Did you, that day or the following day, go and speak to the officer himself, as a supervising officer? - A. No, I didn't even know the officer, who the officer was. but I was aware steps were being taken to identify the officer and, again, that becomes the specific responsibility of others, not the responsibility of a sector commander.
- Q. What is quite plain is that officer had gone over the top, hadn't he? - A. Well, I wouldn't like to comment on that because all I saw on the news broadcast was the officer's action towards the demonstrator and I don't know what went before that.

- Q. Well, what was the officer on the television screen doing to the demonstrator, that you saw? - A. He was striking him with a baton.
- Q. How many times? - A. A number of times.
- Q. The truncheon broke, didn't it? - A. I am not aware of that.
- Q. Was the demonstrator on the screen doing anything to the officer? - A. No, not at that time.
- Q. I suppose, again, that the use of short shield units, you aren't aware of what the Manual says about that at all? - A. About?
- Q. The use of short shield units, what they should do. - A. I am not aware of what the Manual says, no.
- Q. Of course, bits of it have been quoted to you? - A. Not in the context of the Manual. It hasn't been said it comes from the Manual.
- Q. Have you ever seen or heard, "the training of short shield units, whose function it is to incapacitate people"? Have you ever heard that word being used? - A. No.
- Q. So it is clear, that is a word which appears in the Manual, but you have never heard that? - A. No.
- Q. Just going to the use of short shields, I think you indicated yesterday that - and you have today - their function is, in fact, to disperse and arrest? - A. Yes.
- Q. And what you said yesterday was "people throwing stones and/or attacking Police Officers"? - A. Yes.
- Q. I just want to be clear about that. That was their instruction, or what you thought they would do from previous training, or what? - A. Not my instructions to them. My instruction to them, as I recall, was to go into the crowd to disperse them and arrest anyone committing offences, and I might well have used the words, "arrest anyone throwing stones", or anyone attacking them, which would be self-evident.
- Q. I will deal with a particular thing which applies to one of the three I represent. Would you expect that to include a man who is standing, gesticulating and merely shouting something? That is all he is doing. Would you expect the short shield unit to arrest him, even if he is doing that?

JUDGE COLES: Gesticulating and shouting?

MR. MANSFIELD: Yes.

THE WITNESS: It would depend on the gesticulations and the shouting, what he was doing. If the man, for example, was inciting others to attack, yes,

I would expect him to be arrested.

- Q. But, if the allegation is merely that he was shouting obscenities, would that merit arrest by a short shield unit? - A. Not really, but that is at the discretion of the officer. If a man is committing an offence of say, Section 5, Public Disorder, then the Police Officer has a discretion to arrest.
- Q. Yes, but that was not the basis on which they were sent out, "Arrest anybody shouting", was it? - A. Not at all.
- Q. Not at all. Perfectly plain. also, that those short shield officers assembled behind the lines could not possibly see, as they assembled, any offences being committed, could they? - A. Not as they assembled, no.
- Q. And, of course, if the horses go out first, the so-called stone throwers aren't going to be where they were before anyway, are they? - A. One wouldn't expect so, no.
- Q. So, the short shield officers haven't got very much of a hope, if there is any stone throwing going on at all, of arresting any of the stone throwers you are talking about, have they? - A. It's very difficult and, as I recalled yesterday, that is why not so many were arrested.
- Q. That is why the exercise had nothing to do with arrest, isn't it, Mr. Povey? - A. The exercise did have something to do with arrest.
- Q. Now, I want to go back to the question of stone throwing, and I want to make it clear now, provided it is continuing after lunch, at 2.15 I would like you to look at a particular passage of the video. You have made it clear - I hope I have it summarised right - from about eight o'clock there was a constant barrage of missiles. Right? - A. There was a barrage of missiles, yes.
- Q. A constant barrage of missiles? - A. Well, I am not saying that there was, from eight o'clock until nine o'clock hundreds of missiles were coming over constantly. That wouldn't be correct. But, there was very heavy stone throwing at eight o'clock, ten-past-eight and through to the use of the short shield units.
- Q. That is at eight. - A. From about eight o'clock onwards.
- Q. And short shields go in, well, about 8.35 to 8.30? - A. Yes.
- Q. So, certainly that period of time? - A. There was heavy missile throwing.
- Q. Not the sort of stoning - let there be no mistake - not the sort of stoning you could miss, is it, if you were standing there, looking at it, you couldn't not notice it, could you? - A. No, that is correct.

Q. And the kind of missiles you have described at this period of time are quite large, aren't they? - A. Yes. There were bricks, stones, bottles.

Q. Bits of wood? - A. Bits of wood, lumps of metal.

Q. Not so small that they couldn't be picked up by the human eye, or any other kind of eye, are they? - A. They could certainly be picked up by the human eye.

Q. Well, it may save time looking at the video. You do appreciate that the film of this period of time doesn't demonstrate that at all, does it? - A. I am aware of that.

Q. You are aware that it doesn't? - A. It is difficult to see on the film. Well, that is the reason that I understand ....

Q. Never mind what you understand. There is a reason. No doubt there will be proper evidence called about it. Are you an expert on videos? - A. Not at all.

Q. Quite a lot of the close-up shots, aren't there, in that period?

JUDGE COLES: Well, he is not an expert. What is the point of asking?

Q. MR. MANSFIELD: That is not the description ....

JUDGE COLES: You can't have your cake and eat it.

MR. MANSFIELD: I am not suggesting it is having my cake and eating it:

Q. Do you know what a close-up shot is? - A. Yes.

Q. Were there close-up shots in that period? - A. Yes.

Q. Now, in addition to that, I am asking you, very carefully, the next question: The missile throwing, the enormous increase in it began before the order to set out the long shields? - A. Yes.

Q. There is no question about that? - A. None whatsoever.

Q. Couldn't be mistaken? - A. No.

Q. Right. Now, before the enormous increase in missiles coming over, had anything happened just before? - A. I'm not sure where your question is leading, or what you mean. There was Arthur Scargill there.

Q. That is what I am leading to. Now, please be careful. Arthur Scargill, did he appear - and we will deal with how he did it - did he appear before the enormous increase or not? - A. It was about the same time.

- Q. If he appears at about the same time, he runs the real risk of getting hit, doesn't he? - A. Well, the majority of the missiles were going over the Police lines.
- Q. Towards the medical centre, were they? - A. Yes, well, towards the road and field.
- Q. Towards the medical centre? - A. The reason I hesitate, the medical centre is more to the left and the missiles were not directed towards the medical centre, the missiles were going over more to the right.
- Q. All right. So, when you saw Mr. Scargill walk along the line, missiles were coming over, were they? - A. Yes. My recollection is that that was all happening around about eight o'clock.
- Q. No, I'm sorry. I dare say that is your recollection. That is your recollection now, is it? - A. Yes.
- Q. All right. I will just go on with it for a moment. So, around about eight o'clock Arthur Scargill .... Well, where did you first see him? - A. On the left-hand side of the field.
- Q. At the front end? ....

JUDGE COLES: I couldn't hear that.

- Q. MR. MANSFIELD: On the left-hand side of the field, at the front? - A. Yes, at the front.
- Q. You didn't see how he got there? - A. No, I didn't.
- Q. Are you sure? - A. Yes, I'm certain.
- Q. There is a reason. I'm sorry to take it slowly. I will suggest it. I will make it clear now to you, Mr. Povey. You are lying about this, and I will suggest the reasons to you in a moment ....

JUDGE COLES: Lying about what?

MR. MANSFIELD: About Arthur Scargill at the front at eight o'clock:

- Q. I will give you the chance to change it if you want, Mr. Povey. Could you be mistaken and you have got it wrong, he wasn't there at eight? - A. No, he was there at eight.
- Q. And was that because you saw him? - A. Yes.
- Q. I suggest you are making it up. Do I make it clear?  
- A. Yes, but why should I make it up?



Q. That was the question that was asked of Mr. Clement. I will come to that. I will suggest that you were making it up in a particular way and you have changed it a bit since, first, because you wanted everyone to think that the reason for putting out the long shields was the increase in the missiles, and the reason for the increase of missiles was the presence of Arthur Scargill parading up and down the front, and that is how you wanted it to look, publicly, isn't it?

JUDGE COLES: I haven't followed that. Will you put it again?

Q. MR. MANSFIELD: You wanted an excuse for putting out the long shields, because I am suggesting the long shields went out when there was no heavy barrage and no Arthur Scargill. It was a purely provocative command by you. - A. Then, I would have put them out at 7.20 when the first missiles were thrown, but we delayed putting the shields out for 40 minutes.

Q. You wouldn't be exaggerating when the missiles started? Was it 7.20? Was it? - A. Yes.

Q. I will come back to 7.20 in a moment, then. I am talking now about the enormous increase and the need for long shields. - A. That was at eight o'clock.

Q. You asked me the question, "Why would I want to make it up?". I put it to you you make it up because you and Mr. Clement, as it were, want - and other senior officers - to make it look as if Arthur Scargill's appearance prompted heavy missiles which led you merely to react and bring out the long shields. Do I make myself clear? - A. Perfectly.

Q. That, I suggest, is your motive for lying.

JUDGE COLES: Well now, you said last time he wanted an excuse for putting out the long shields. Now you say he wanted to create the impression that Mr. Scargill's arrival caused the missiles.

MR. MANSFIELD: The missiles and the long shields. It is exactly the same as I put to Mr. Clement, and I think your Honour will recall he agreed that is the impression given.

JUDGE COLES: One is an excuse for putting out the shields and the other an attempt to tell a political lie about somebody?

MR. MANSFIELD: Yes, it is all connected.

JUDGE COLES: You say it is all one?

MR. MANSFIELD: Yes, all one:

Q. Do you follow, Mr. Povey? - A. Yes.

Q. You do? - A. Yes.

Q. That is why I am suggesting the account you have of Arthur Scargill at eight o'clock isn't true, you see. Now, you say you don't see how he gets to the front. Did you see him on the left-hand side? Well, what? Near the trees on the left-hand side, or halfway along?  
- A. About halfway along.

Q. How is he dressed? - A. He had a baseball cap on and I think he had a blue jacket on.

Q. A blue jacket?

JUDGE COLES: Halfway along the what? The trees?

MR. MANSFIELD: I think he means the cordon on the field.

THE WITNESS: That is correct, your Honour.

Q. MR. MANSFIELD: And he walked how far along the line? - A. I saw him walk about ten yards along the line.

Q. Ten yards? And then? - A. And then he moved up into the field and I lost sight of him.

Q. All together? - A. Yes.

Q. What is all this about? The bush we heard about yesterday?  
- A. Yes, I lost sight of him at that time. I saw him later, sat on the road near to a bush.

Q. How much later was that? - A. Perhaps two or three minutes.

Q. Two or three minutes. Now, is there any possibility that that did happen, but it was after the convoy had left and it is about 9.27 when something like that happens, he walks along the front with a blue jacket and a baseball cap and then disappears out of view? - A. No. Are you saying is there a possibility that he did that?

Q. Yes. - A. Yes, there is a possibility that he did that.

Q. JUDGE COLES: 9.27? - A. Yes. He could have done that at any time after I first saw him at eight o'clock.

Q. MR. MANSFIELD: Well, did you see him again on the front line after eight o'clock? - A. No, I didn't.

Q. No, you didn't. Where were you standing at eight o'clock, to see that? - A. In between the ranks.

Q. On the field? - A. Yes. It had been brought to my attention that he was there.

Q. Right. What were you wearing? - A. Uniform. I can't remember whether I had gone from my normal head gear

to protective head gear.

Q. But, were you wearing a white shirt? - A. No.

Q. So, you had the normal uniform on? - A. My apology. I was wearing a white shirt, but it was under my tunic.

Q. So, what we would see, if we were to look at you, is the normal uniform. You don't know if you had any protective head gear. Is there any other distinguishing feature? - A. No, other than the insignia on my epaulette.

Q. Did you have a megaphone? - A. Yes.

Q. Where was Mr. Clement? - A. At that time Mr. Clement was nearby.

Q. Mr. Hale? - A. I think Mr. Hale was also near to the front line.

Q. On the field? - A. Yes.

Q. Two, three of you on the field side at this time? - A. Yes. I had gone there purposefully to see what was happening.

Q. As he walked along, what was Mr. Scargill doing, for ten yards? - A. He was acting as though he was inspecting troops on parade.

Q. Just describe what that is. - A. Walking slowly along the line and looking the men up and down.

Q. I am sorry to be particular, but there are absolute reasons for it. You mean he is walking up and down, his head going up and down, like that? - A. Yes.

Q. Not a case of shaking his head, like this, from side to side? - A. Yes, he may have done that as well. It was just as though he were carrying out some sort of formal inspection.

Q. Now, you have had a look at the film again. Do you recall seeing Mr. Scargill doing that at eight o'clock on the film? - A. I can't recall. I don't know whether I've seen it or not.

Q. Well, we have got the film from about 7.58 onwards. It is actually focused at that sight, and I am suggesting to you that there is no indication of Mr. Scargill doing that, or even walking away at that time. Now, do you think you may be wrong? - A. No, I don't, not at all, sir.

Q. All right. Did you make notes that day? - A. No, I didn't.

Q. Did you make any form of record that day of what you had seen? - A. No, I didn't.

- Q. Now, I don't want there to be a mistake, and I will pause. Did you make any form of record on the 18th? -  
A. No, none at all.
- Q. When did you first make any record, assuming that you did? - A. That would be on the 19th, the following day.
- Q. Now, what did you do on the 19th? - A. I read Mr. Clement's statement that he had compiled on the 18th and signed that as an accurate record of the day's events.
- Q. You signed Mr. Clement's statement? - A. Yes, sir.
- Q. As it stood? - A. Yes.
- Q. Have you got a good memory? - A. Reasonably good, yes, sir.
- Q. Right. After the 19th, you had signed Mr. Clement's statement. Now, did you do that and Mr. Hale counter-signed it? - A. Yes.
- Q. And then he signed Mr. Clement's statement and you counter-signed his signature, so you both did the same on the 19th? - A. Yes.
- Q. After the 19th, did you sign and was it - I'm sorry - just before we go on, was it in the form of a witness statement? The Jury may not have actually seen one yet, but was it in the form of a witness statement? - A. Yes.
- Q. This is not Mr. Clement's own statement you are signing, but one of your own which is the same? - A. No, it is Mr. Clement's statement I was signing.
- Q. Oh, it is Mr. Clement's. You felt that the statement that he had made, dated 18th June, was an accurate record of everything? - A. Yes.
- Q. And there was nothing that you wanted to add or subtract to it? - A. Yes, there were minor alterations that I pointed out to the officer collating the evidence for the 18th.
- Q. Minor alterations? - A. Yes.
- Q. Who was the officer collating? - A. Detective Inspector Smith.
- Q. What sort of alterations were they? - A. As I recall, they were, there was quite a bit of introductory stuff in Mr. Clement's statement, introductory paragraphs that I didn't want in my statement.
- Q. Yes? - A. I seem to recall Mr. Clement at one time went down away from the line, down to the road, just below the entrance, and, of course, I hadn't done that.

Q. Right. So, you didn't want that in? - A. The only other piece that I can recall was that Mr. Clement had spent some time with Arthur Scargill after he had fallen down the bank, and I wasn't aware of that.

JUDGE COLES: We will adjourn. 2.15.

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2.15 p.m.

MR. MANSFIELD: Your Honour, I was in the middle of asking the officer about records that he had made, but rather than having the television brought in in the middle of the afternoon and out again, I thought perhaps if Mr. Povey could see the section and then perhaps the television could be removed so that the Jury can see Mr. Povey afterwards. It is a section of tape that begins before 7.58. The Jury and your Honour may remember that the cameras have been looking at the bottom side, then they switch to the topside. What is about to be shown is the first frame onwards on the topside. Then, the watch will come up at 7.58. Then, this tape will end and then it is that section, in other words, the section right at the end of the very first tape. The second tape, to put it in context, begins with the first push on the road, but I am not interested in that at the moment, just the end of this particular tape:

Q. Mr. Povey, perhaps if you could look at it, particularly in the context of the questions I have asked you this morning? - A. Yes. (Video shown to witness)

Q. If that television could now be removed so the Jury can see Mr. Povey? Thank you. Now, Mr. Povey, if you can - well, I am not going to ask you questions about that at the moment. I just did that because it is administratively convenient. I will come back to it. I want to continue with what you were saying about the statement, then go back to the sighting you claim of Mr. Scargill at eight o'clock. The position we have got to is that on the 19th, the day after this, you have countersigned, along with Mr. Hale, Mr. Clement's statement of the 18th? - A. That is correct.

Q. And you have told the officer collating the statements that there are various bits in Mr. Clement's statement that, effectively, you don't want included in what?  
- A. In my own.

Q. In yours? - A. Yes.

Q. So, these are just exclusions, are they? You have told Mr. Smith, "I don't want this paragraph"? - A. Yes.

- Q. So, you have told Mr. Smith, "I don't want those paragraphs, I don't want that paragraph"? - A. Yes.
- Q. Did you dictate anything to him as to what you wanted to add? - A. I think the only addition was the missile throwing at 7.20.
- Q. Right. Now, that is on the 19th? - A. Yes.
- Q. Did you dictate an actual paragraph to Mr. Smith that you wanted in a later statement? - A. No, not to my knowledge. The only addition I can recall is the stone throwing at 7.20.
- Q. Yes, but did you dictate something to him, or write it out? - A. In respect of those matters?
- Q. In any edition, it is easy to say to an officer, "I don't want that paragraph, I don't want this paragraph", but if you want something added it is the form of word to use. - A. No. I just pointed it out to him.
- Q. JUDGE COLES: You didn't dictate anything? - A. I told him, your Honour, the alterations that I wanted.

JUDGE COLES: That is what you are being asked.

- Q. MR. MANSFIELD: What did you tell him? - A. Just that. I indicated what to take out, which were very minor alterations, one addition, as I recall, to go in.
- Q. JUDGE COLES: What did you tell him to add? Did you just say, "Oh, add the missile throwing at 7.20"? - A. Yes.
- Q. MR. MANSFIELD: I will pause for a moment. Why didn't you - did you have a notebook with you? - A. Yes, I did.
- Q. Why didn't you just write out your recollection of the day in your own words in your own notebook and hand it to Mr. Smith? - A. Because at the end of that day, which had been a very long, hard day, myself and Mr. Hale went off duty.
- Q. All right. Well, you come back on the 19th, when it isn't so hard-pressed. Why didn't you then write out your notes of the day? - A. The statement of Mr. Clement was agreed almost in total and it would have been a pointless exercise to get that into my notebook.
- Q. Who agreed it? You and Mr. Smith? - A. And Mr. Hale.
- Q. And Mr. Hale. Well, I would ask to see it, if it is available, the counter-signed copy of Mr. Clement's statement of the 18th ....

JUDGE COLES: Is it available?

MR. WALSH: I think it is an exhibit, your Honour.

MR. MANSFIELD: Could I just see it, to make sure?

MR. WALSH: I think that is the one that is exhibited. Unfortunately, I don't think - perhaps the Clerk of the Court ....?

JUDGE COLES: Exhibit 14, I think.

Q. MR. MANSFIELD: I just want to check the one we have got is the one you have signed. - A. Yes.

MR. WALSH: Yes, that is the one. (Handed)

JUDGE COLES: Do you now have that, Mr. Mansfield?

MR. MANSFIELD: Yes, your Honour. I think it is a copy, Exhibit 14, of it:

Q. Just have a look at that. Is that the statement you are meaning, which you counter-signed? - A. Yes, that is the one, sir.

Q. Right. You can put it down for the moment, because I'm afraid we have to go back to that and what we are agreeing to, or you and Mr. Hale agreed with on the 18th. I am now going to ask you the question, why didn't you, on the 19th, write out your own record of events of that day? - A. Because rather than write out what was down in that statement, because myself and Mr. Clement and Mr. Hale were at the cordon all day, we saw the same things, my note in the pocket book would not have been materially different to that.

Q. Mr. Povey, that cannot be right, can it? First of all, you were over the brow of the hill for a start off, weren't you? - A. Yes.

Q. And you saw a great deal more than you say, over the brow of the hill, than Mr. Clements could have done - isn't that true? - A. Yes, that is correct, but ....

Q. Let's just take it in stages ....

JUDGE COLES: Let him answer:

Q. You did say, "but". What were you going to add? - A. But, the whole object of our evidence, Mr. Hale's, my own and Mr. Clement's, we thought, was to give the general over view of the situation, a broad-brush picture, the scene at Orgreave.

MR. MANSFIELD: Making sure it looked like a riot.

JUDGE COLES: Let's not have any cynical comments.

Q. MR. MANSFIELD: That is what was at the end of the statement, isn't it? That is how the statement ends.

It isn't a cynical comment by me: "What happened at Orgreave was a riot" - that is how the statement ended.  
- A. Yes, that's because it is correct, there is no doubt.

Q. That is what you were putting in the statement. That is not a cynical question from me. Was the object of the exercise to make sure that the senior officers all got the same picture? Is that it? - A. No, not at all.

Q. Well, why didn't you write out your own account, which just might be different? - A. I've already answered. My account was not going to be different.

Q. Wasn't it? - A. Not in any material respect.

Q. It wasn't going to be different. You saw, as you have agreed, a great deal more than Mr. Clement could have done, that happened in the village. Right? - A. Yes.

Q. Why didn't you write out your account of that quite separately? - A. Because it was felt that the whole picture, taking Orgreave as a whole portrait, the riot that there was ....

Q. That was exactly my point to you a minute ago. - A. But, it did portray a riot, Mr. Mansfield, without any doubt.

Q. You know that the statement of the 18th doesn't deal with very much detail over the brow of the hill, does it? - A. No.

Q. Next to nothing. You can look at it if you wish, but next to nothing ....

Q. JUDGE COLES: Do I understand what you are saying to be this: That the purpose of those statements was to paint a general picture amounting to riot and provided that was done you weren't concerned about any details? A. That's right. We decided not to go into specifics which would be gone into by arresting officers.

Q. MR. MANSFIELD: Why didn't you paint a general picture of what was happening over the brow of the hill, leaving the specifics to individual officers? - A. Well, the general picture was painted about missiles being thrown over the brow of the hill.

Q. But, nothing like an account of detail such as you have been making to the Court. - A. The picture I have been giving is in far greater detail than is contained in the statement.

Q. The sort of detail which goes to what is suggested is riot? Is that right? - A. Yes.

Q. So, why didn't you write it out then, on the 18th or the 19th or the 20th? - A. Because it was all contained in this statement.



- Q. Certainly, if you want to look at the statement you can.  
- A. I have just referred to the part about over the bridge. There is a paragraph in there about there being a constant barrage of missiles and in order to withdraw, etcetera.
- Q. We will come back to that. I am afraid we will have to ....
- Q. JUDGE COLES: The Jury will have a chance to read that statement. It is now an exhibit. But, what you say is that you, in any event, were content with what Mr. Clement had to say in his statement about what happened over the brow of the hill, that that was sufficient for the purposes of that statement? - A. To paint a broad brush picture, your Honour, yes.
- Q. MR. MANSFIELD: By that time, the decision had been taken, had it, to charge people with riot, or perhaps you don't know? - A. I don't know.
- JUDGE COLES: I was just going to say you didn't know about that.
- Q. MR. MANSFIELD: But, you knew it was important to get across that it was a riot. That is really what it was about on the 18th, that is what you were trying to do on the 18th, in your statement? - A. To give a factual account of what happened on the day.
- Q. Well then, that is not riot, because effectively - let's just take it in stages, but you will say it is a broad brush picture you are trying to portray. What has Arthur Scargill on a bank got to do with a broad-brush picture, Mr. Povey? - A. Because he was there.
- Q. What has it got to do with a broad-brush picture? - A. Because of the importance of Arthur Scargill as a figure at that time, it would have been more odd, I would suggest, had I seen him and not mentioned it.
- Q. Oh. All right. The times that Mr. Clement has in there, and a time that you say, 7.20, I want to ask you about that. Where had you got the times from? - A. The times I have - I have a note, I think, that because I worked them backwards or forwards from the times the convoy arrives and leaves and I had checked that with the computer throughout.
- Q. What did the computer say about when the convoy arrived? - A. It was some time between eight and 8.10. It left at 9.25.
- Q. How had you arrived at stone throwing beginning, or missile throwing, batball throwing, as you put it, at 7.20? - A. Because that occurred when Mr. Clement had gone down the road to have a look at some demonstrators that were in the middle of the road below the entrance.

Q. How did you know what time he went down the road? -  
A. Because it said so in his statement.

Q. How did you know that was the right time? - A. I know  
Mr. Clement was making a record of times.

Q. How did you know that? - A. I saw him do it on occasions.

Q. Do what? - A. Make a note on a piece of paper.

Q. Of what? - A. Of certain times.

Q. On what times are you saying you saw him writing  
different times? - A. Occasionally.

Q. We have had Mr. Clement's evidence about this. You say  
that you saw him writing times on a bit of paper? -  
A. Well, he said - I saw him writing on a bit of paper  
and he told me, he told us both he was making a note of  
relevant times.

Q. That is not what you said a minute ago, is it? .....

MR. WALSH: He was stopped from answering.

JUDGE COLES: He said, "I saw Mr. Clement writing",  
but he was going to go on and say something and you  
stopped him. It is counter-productive.

MR. MANSFIELD: I am sure, your Honour, I heard  
Mr. Povey say, "I saw him occasionally writing times".

JUDGE COLES: Yes, certainly.

Q. MR. MANSFIELD: You say now you didn't mean that,  
you meant, "I saw him writing and the officer told me  
he was writing out times"? - A. That is correct.

Q. What was he writing it on? - A. A piece of paper.

Q. Just describe the piece of paper. - A. As I recall, it  
was white and small.

Q. A bit more, please. - A. That's about it - sort of, there  
was more than one sheet, I recall.

Q. What was he using to write? - A. I don't know. I would  
be guessing. I think it was a pencil.

Q. How do you know what times he was writing down? -  
A. I don't.

Q. How do you know he had even got the times right? -  
A. Well, he was the officer in command, of Assistant  
Chief Constable rank. I assumed he would get the times  
right.

Q. So, you have not the slightest idea of times. You are just happy to go along with whatever he has written down?  
- A. No, that is not correct. I checked the times of the convoy coming in and out of Orgreave with the computer log.

Q. How does that help you when in Mr. Clement's statement he says something to the effect - you can have a look at it, if you like - that at 6.50 there were about 700 demonstrators. How do you know that at 6.50 there were 700? How does knowing when the convoy comes in and out prove that that is right? - A. But, 6.50 is when we were all at the cordon. That is when our evidence started, officially.

Q. That is when your evidence started officially? - A. That was the starting point.

Q. You went to the cordon that day? - A. Yes.

Q. Saying this; "When my evidence starts ....

JUDGE COLES: Mr. Mansfield.

Q. MR. MANSFIELD: Just take it in stages. Did you have a watch? - A. Yes.

Q. You did. Did you look at the watch when you first went to the cordon? - A. Yes. I think the first time I looked at my watch, it would be about six a.m., I think.

Q. What I am getting at is why you counter-signed a statement when you really haven't got the slightest idea even about times, let alone anything else. - A. No, that is not correct.

Q. So, it is 6.50 when Mr. Clement's statement says "At 6.50". You are able to say that is right? - A. Yes.

Q. 7.20, you are able to say that is accurate, are you?  
- A. Yes.

Q. Then, at eight o'clock we have the Scargill business, at 8.10 the empty coke lorries, because you have checked it with the log or the computer printout, whatever it is called? - A. Yes.

Q. What about going to the front of the Police lines with a loudhailer at 8.35? You knew that? - A. That was one of the times I believe Mr. Clement made a note of.

Q. I am asking why it is that you come along and counter-sign as accurate when you have not kept a record of your own. How did you know it was 8.35? Why didn't you just say, "I've no idea"? - A. Because that is not correct. I knew the convoy had come in at 8.10. I knew that in between 8.10 and, say, 8.35 there had been two deployments of horses towards the crowd. Bearing in mind, Mr. Mansfield,

I cannot say the times are absolutely accurate, they are as near as can be. There was a riot taking place at this time.

- Q. Yes. Exactly. That is why I suggest to you this whole business of getting the times, if that is your case, that it is a riot going on with a steady barrage, that it is hardly likely you kept a record of times, or anyone did at the time, if that is what is going on. - A. I didn't keep a record. Mr. Clement kept a record.
- Q. You say you saw Mr. Clement writing? - A. Yes.
- Q. Did he tell you what else he was noting on his bit of paper? - A. No. As far as I was concerned he was just making a note of the times.
- Q. 8.35, goes to the front of the Police lines? - A. Yes.
- Q. In front? - A. Yes.
- Q. Two or three yards? - A. Yes.
- Q. No doubt about it? - A. No.
- Q. Mr. Clement says he didn't. - A. Well, my recollection is that he did.
- Q. Mr. Povey, that is what you assume now, and what I am suggesting is that when you counter-signed this signature, you put your signature and your name to anything, including little details like that. Mr. Clement agrees he is behind the shields not two or three yards in front. - A. Well, my recollection of Mr. Clement is that he was in front of the shields. I shall say no more than that.
- Q. Just going with the statement, leaving aside the times and all the rest of it for the moment, you don't dictate anything to Mr. Smith on the 18th? - A. No.
- Q. You don't write your own notes, for the reasons you have given. Do you make any other record after the 18th or 19th? - A. No.
- Q. You don't? Well, do you make a statement? - A. Oh, yes. I thought you meant a pocket book record.
- Q. Well, all right, we can put it to one side. There is no pocket book, but you did make a statement, did you? - A. Yes. A statement is prepared that I signed.
- Q. Who prepared it? - A. I don't know. I would presume Detective Inspector Smith, who was in charge of collating evidence on Orgreave on that day.

- Q. Collating the evidence? That is your statement, not someone else's statement. Are you honestly saying you go along one day and just put your signature to a statement prepared by someone else? - A. Yes, that is correct, from a statement that I have signed.
- Q. Yes, but there are quite a number of differences between the two, aren't there? - A. I am not aware of that.
- Q. Aren't you? Did you go through Mr. Clement's statement doing more than just extracting paragraphs, but actually doing it in detail, sentence by sentence and saying, "I'll have that bit of a sentence, but not the rest"? - A. I read the whole statement, but I didn't go through it in that way.
- Q. If there are differences like that, that has happened because someone else has done it? - A. Yes.
- Q. But, when you sign your second statement, do you compare it with the original one of Mr. Clement? - A. No, I didn't.
- Q. You didn't? Why not? - A. Because it was taken from Mr. Clement's statement.
- Q. Yes. Did you not check to see how much of it had been taken and how much of it had been left out, Mr. Povey? - A. No, I didn't. I read the statement, agreed with what it said and signed it.
- Q. Yes. When was that? When did you do that? - A. 14th July, I think.
- Q. Right. Before coming to give evidence here, did you look at your 14th July statement again? - A. Yes, I did.
- Q. Outside this court? - A. Yes.
- Q. So, when you came in and gave evidence you had, as it were, refreshed your memory from the 14th July statement? - A. No, I had refreshed my memory from the 18th June statement, the 19th June statement that I signed.
- Q. Well, it is 18th June, counter-signed on the 19th. - A. Yes.
- Q. I don't have a proper photo-copy. Does the original indicate that you counter-signed it on the 19th? Could you just have it and see? (Handed) - A. No, it doesn't.
- Q. It doesn't? I suppose you didn't think that altered, that you were not counter-signing it on the 18th, but you were counter-signing it on the 19th? - A. No, I counter-signed it as soon as possible after the event, the next day.
- Q. I dare say, but why didn't you date it as the 19th? You see, the impression given on the statement is that

you merely counter-signed the statement by Mr. Clement as accurate on the 18th, but that is not actually accurate, is it? - A. No. I counter-signed that on the 19th.

Q. Why didn't you date it, then? - A. I never thought to do.

Q. You never thought? Now, I will ask if the statement, the July statement of yours is available ....

MR. WALSH: Your Honour, that should be his statement on the file with the Clerk of the Court. I wonder if it would be a help if perhaps those rather more familiar with the case than the lady assisting us today could find that?

JUDGE COLES: Yes, certainly.

MR. WALSH: Thank you very much. Yes, I think this is the document. (Handed to Witness)

Q. MR. MANSFIELD: Mr. Povey, just check that one and tell me whether that is the one you signed on the 14th July? - A. Yes, that is correct.

Q. Now, were you with Mr. Hale when that statement was signed? - A. No, I wasn't.

Q. Have you seen Mr. Hale's statement of the 14th July? - A. No, I haven't. I would assume it is the same as this statement.

Q. Yes, it is. Mr. Hale's statement, I think, with the exception of a few full stops, is identical to your own, isn't it? - A. I would expect it to be.

Q. Why? Had you agreed it with Mr. Hale? - A. No. We agreed Mr. Clement's statement and instructed Inspector Smith to prepare our statements from the statement we had signed that Mr. Clement had made. So, I would expect that to be the same.

Q. Now, I am going to go back to the incident that we were dealing with, Mr. Scargill at eight o'clock. You indicated before lunch that you didn't know where Mr. Scargill had come from? - A. That's right.

Q. You also indicated that he appeared at about the time of the missile throwing? - A. Yes.

Q. The enormous increase, I meant. That is your recollection? A. Yes.

Q. But, that is not how you agreed Mr. Clement's statement, was it? We will come to that now. Would you get Mr. Clement's statement of the 18th June and your own of the 14th July, dealing with the Scargill incident and the long shields and the enormous increase in missiles?

Could you look up the two paragraphs there? Have you got to that? - A. Yes.

- Q. One other question. You also indicated that Mr. Scargill - that is, today - could have come along at 9.27 and you didn't see it? - A. Yes.
- Q. Now, your statement of July and Mr. Clement's original one in June begin those paragraphs in the same way, don't they? "At eight o'clock I saw Scargill go to the front of a group of demonstrators"? - A. Yes.
- Q. Well, you didn't see that, did you? - A. Well, he was at the front of a large group of demonstrators.
- Q. That is what your evidence is today, but what you were agreeing then, with Mr. Clement, is that you saw him go to the front. You don't know where he came from. He could have been there all the time. Right? - A. Yes, but I ...
- Q. Go on. - A. I mean, surely we're being pedantic by saying I saw Scargill at the front of a large group of demonstrators walking along the line? To tie me down ....

JUDGE COLES: It is for the Jury to decide whether Mr. Mansfield is being pedantic, but I suppose you are entitled to say so.

THE WITNESS: I'm sorry.

- Q. MR. MANSFIELD: "He walked along the front line ....he might have been an inspecting officer", the same in both statements. - A. Yes.
- Q. "He did this for a short time whilst the cameramen took pictures of him and he then went into the crowd of demonstrators". - A. Yes.
- Q. Now, the statements differ, don't they?

JUDGE COLES: I have only got a copy, I think, of one statement. Is there another copy of the other statement?

MR. WALSH: I am sure there will be, your Honour. What your Honour is perhaps being asked to do is if your Honour would look at Mr. Clement's statement, my learned friend, Mr. Mansfield compares this witness's statement with Mr. Clement's statement.

JUDGE COLES: Yes, I follow. I beg your pardon. Which on our bundle is Page 6?

MR. WALSH: Your Honour's may be numbered differently.

JUDGE COLES: I thought you were saying he had made another statement and altered it.

MR. MANSFIELD: No. Mr. Povey counter-signed the one on the 18th and made his own on the 14th July.

JUDGE COLES: I thought we had gone back to ....

MR. MANSFIELD: No, your Honour.

JUDGE COLES: You have not got either, members of the Jury. Don't worry about it.

- Q. MR. MANSFIELD: Your statement goes on to say that this is Mr. Clement's original statement of the 18th June, which you counter-signed - "Having disappeared into the crowd of demonstrators, he was not seen on the front line again". That is what you countersigned on the 18th, isn't it? - A. Yes.
- Q. That isn't in your statement of the 14th July? - A. No, it isn't.
- Q. Did you ask for it to be excluded? - A. No, I didn't.
- Q. Have you noticed before today that it has been? - A. No, I haven't.
- Q. Do you really pay any attention to what you are signing? - A. Yes, of course I do.
- Q. It does look, you see - it is pedantic, the other matter, but I won't take up time with it. - A. It is not relevant to the purposes of my evidence, which were to show that there was a riot on that day, to give, as I have said before, an overview of the scene at Orgreave.
- Q. Then, what was the purpose of the second statement if the first one was merely to give an overview of riot? What was the second one for? - A. The same reason, this one of mine.
- Q. Just an overview of riot? - A. And to give a broad picture of the scene at Orgreave.
- Q. Well, you obviously felt seeing Mr. Scargill had relevance to the overview itself. - A. Yes.
- Q. And what you were countersigning on the 18th June was that he came only along that front line once that day, at eight o'clock? - A. Yes. Right.
- Q. It doesn't say, "I am not aware he came to the front line again". What it says, on the 18th June, "was not seen on the front line again". - A. Well, I didn't see him on the front line again.
- Q. Do you know that many, many officers have been interviewed and seen about the presence of Arthur Scargill on that day? Did you know that? - A. No, I didn't know that.



- Q. Well, we will wait and see whether there is any other officer. Do you know of any other officer other than senior officers who saw this at eight o'clock? -  
A. No, I don't.
- Q. Or is it that you didn't notice? - A. You see, merely because I'm only writing a general picture and the details don't matter, I hadn't - the fact that those half a dozen lines are missed out, meaning that I did not see Scargill on the front line again, didn't contribute to the purpose of my statement, which was to give an over-view.
- Q. JUDGE COLES: I don't think you meant half a dozen lines. Could you mean half a dozen words? -  
A. Yes, I'm sorry.
- Q. MR. MANSFIELD: But, the next bit does matter. I accept what you say for the moment over that. What you agreed to on the 18th June and on the 14th July is that the next sentence, which is the same in both, which goes to the general picture of riot, doesn't it? - A. Yes.
- Q. "Shortly after this" - namely, Mr. Scargill disappearing into the crowd and not being seen again? - A. Yes.
- Q. "Shortly after this the missile throwing increased to such an extent I deployed officers wearing protective clothing and long shields to the front of Police lines"? - A. Yes.
- Q. "The role of these officers was to protect the officers behind them". Do you see that? - A. Yes.
- Q. Not at the time of the enormous increase, but shortly before, as you are putting it then, isn't it? Now, is that right? - A. Shortly before?
- Q. The increase of missile throwing which requires the long shields? - A. Yes, the long shields were deployed because, in answer to the missile throwing.
- Q. Which happened shortly after Arthur Scargill's appearance. - A. Yes. Well, yes or no, what I am saying is all this happened at about 8 a.m.. Bearing in mind that there was a barrage of missiles, riot shields were being brought out and the Police lines were under severe attack.
- Q. It is your words that you have agreed to, in Clement's statement, to have reproduced in your own, that it was shortly after, not at the time of a heavy increase, but shortly after. Now, if you don't mean shortly after, why didn't you say so? - A. I'm not saying I don't mean shortly after, I'm saying that it all took place at about the same time and, yes, I do say that the missile throwing increased shortly after I had seen ....
- Q. Yes. - A. ...., and that is why this morning, when I was being asked by you what the motive could be for putting

it, I was suggesting the link between all of it, 8 a.m. Scargill, front line, shortly after an increase in the missile throwing and the need to have the long shields.

Q. That is how you were agreeing you put the form of the riot at that stage, wasn't it? - A. That is how it happened.

Q. Is it? - A. Yes.

Q. You can't say that, can you? You can't even say that on your present recollection, that Arthur Scargill appeared shortly before the massive increase, can you? - A. It was shortly before, at the time of, or around eight o'clock.

Q. You have watched the video this afternoon of that period, which stretches from just before 7.58 up until some time just before the first push, which is perhaps ....

MR. WALSH: It isn't clear what time that video commences.

MR. MANSFIELD: I accept that.

MR. WALSH: Or, more particularly, when the next one begins. That is the point.

JUDGE COLES: I think it was fairly clear, it seems to be agreed, that within one extract we saw this morning there was a break, a cut.

MR. WALSH: Yes, there was a switch. I think the relevant matter is that, as I informed the Court, what lapse of time passed between the end of the tape one and the beginning of the tape two is not clear. The gentleman who took that film says he doesn't know.

JUDGE COLES: Yes. Before you pass on, Mr. Mansfield, may I ask this?:

Q. When you accepted Mr. Clement's words, "Shortly after this", meaning shortly after Mr. Scargill had reviewed the troops, as it were, the stoning increased, were you intending to convey, or did you understand him to be intending, attempting to convey that the stoning increased as a result of what Mr. Scargill had done? - A. No, I didn't, your Honour. There were a number of reasons which could have increased the stoning.

Q. But, you didn't understand him to be saying that and when you signed you didn't intend to be signing that you meant that? - A. No, your Honour.

JUDGE COLES: Very well.

Q. MR. MANSFIELD: You have watched the video recording which shows certainly that period of about eight o'clock, when everything, according to you, is happening. Did you see Mr. Scargill going up and down the front line? - A. No, I didn't.

Q. Or wandering away towards the bush, or on the road? -

A. No, I didn't. If I saw Arthur Scargill on the video, I seem to think I saw a baseball hat.

Q. Yes. Have you been spoken to by Mr. Clement, have you?

- A. About what?

Q. The video. - A. Since the trial started, do you mean?

Q. Yes. - A. No, not at all.

Q. You have not? I just want you to be careful, because your evidence to Mr. Walsh about this part of the incidents - can I ask you this: Did you think you were merely doing what you had done in your statement, giving a general picture of riot? Is that what you thought you had come here to give evidence about? - A. I thought I had come here to give evidence about what I saw on the day.

Q. Which includes, certainly, what is in the earlier statement?

- A. Yes.

Q. You see, you were at some pains with Mr. Walsh to describe what Mr. Scargill did. He came from the left, came along, looking up and down, walked away, you lost sight of him, he re-appeared near the bush. You remember all those sort of details? - A. In the circumstances of Mr. Walsh's questions, yes.

Q. He wasn't putting this to you....

MR. WALSH: I was asking this witness to give as much information as he could.

MR. MANSFIELD: I dare say.

THE WITNESS: I was asked whether I saw him, which direction and whether it was to the left or to the right.

Q. MR. MANSFIELD: You mentioned that bush, you see, and on the road. - A. Mr. Walsh asked me about the trees on the left of the field and bush on the road.

Q. Well, we will have to check. I don't have a record of the questions put ....

JUDGE COLES: That is always the problem about notes.

Q. MR. MANSFIELD: I will leave that for a moment, as to whether there were any questions suggesting a bush. But, you agree the sort of details about the bush and so on aren't in your record of the 18th or 14th July? The first time you start to talk about a bush and the road is here, isn't it? - A. Yes.

Q. Do you remember that kind of detail, do you, that far ago?  
- A. Well, some things one remembers and some things one doesn't.

Q. You remember you lost sight of him and took him up again on the road near the bush later? - A. Yes, because wherever he was that day was of importance to sector commanders.

Q. I'm sure it was. Who pointed him out on this occasion, because that is how you said you came to see him on this occasion in the first place? - A. I can't remember. It would be one of the officers.

Q. Who pointed out this figure of importance? - A. There would have been perhaps fifteen officers in the lane. One of those officers.

Q. At about this time, eight o'clock in the morning, how many P.S.U.s were out there on the cordon?

JUDGE COLES: Out there on the ....?

MR. MANSFIELD: Cordon.

THE WITNESS: I would think perhaps 50 or 60.

Q. MR. MANSFIELD: 50 or 60. How many senior officers would be with them? - A. Each group of 23 would have one inspector.

Q. Had you briefed all the inspectors before they went out?  
- A. No.

Q. If I ask you now, you couldn't even tell me the names, I suppose? - A. Certainly not.

Q. So, you didn't brief them, you don't know who the senior officers are and, presumably, the bulk of the officers themselves. You don't know who they are either? -  
A. That is correct. We had 200 Police support units there on that day, very many and from varied Forces in the country.

Q. Quite impossible to control that number. - A. It isn't quite impossible to control that number. It is impossible to identify them.

Q. You didn't even have a briefing of the P.S.U. commanders or inspectors, did you? - A. P.S.U. commanders and inspectors were normally briefed on arrival, not by a sector commander on the ground.

Q. Who briefed them? - A. Possibly a Superintendent in the command block.

Q. Well, who is that? - A. Superintendent Pratt.

Q. So, if you saw something untoward happening, you wouldn't know which officer it was, which unit he was in, or who his senior officer was. Is that right? - A. They were together in numbers of 23 each with one Inspector and two Sergeants, so I would be able to know which Inspector which Sergeants were with each body of men, but I wouldn't say, "this was Inspector Smith", or "That was Inspector Jones".

Q. Where did the boiler-suited units come from? - A. I think they were from the West Midlands.

Q. All of them? - A. I think so, yes.

Q. These are the ones with no identification on in terms of individual officer. You know the ones I mean? - A. The ones in the short shield unit?

Q. Yes. - A. Yes.

Q. Were there others? - A. Not to my knowledge.

Q. Were you happy about that?

JUDGE COLES: What? That there were no others?

Q. MR. MANSFIELD: That there were no identification marks for those individual officers? - A. No, because policy is that all officers should be identified, but they were brought into the line at the height of the troubles. There was little that could be done at that stage to alter that.

Q. Did you make any enquiries about it? - A. No.

Q. All right. - A. There were other officers in the line, of course, who, whilst not in boiler-suits, would not have been identifiable.

Q. Just following that up, what other officers wouldn't have been identifiable? - A. Officers from Kent.

Q. Officers from Kent? - A. Yes.

Q. What was wrong with them? - A. They don't wear numerals.

Q. How many of them were there there? - A. I don't know.

Q. Were you bothered about that? - A. In relation to the rest of the events of the day, no.

Q. Really? It is a situation where you are not really bothered, are you, whether it is banging of shields, clapping, horses going in, unidentifiable officers - you don't really worry, do you? - A. My worry on the day was the major one of whether the demonstrators would achieve their objective of stopping the convoy and whether my officers would be injured. A lot of the other things

became peripheral to that.

- Q. You see, one of the things you agreed in the statement of Mr. Clement is that you saw Police Officers and others, demonstrators, thrown to the ground and many injured men being brought back from the Police lines. This is at 8.10. - A. Yes, that is right.
- Q. You did see many, did you? - A. Yes.
- Q. If that is right, you actually saw that, just tell us roughly what we are dealing with - half a dozen, a dozen, twenty? You have put many. - A. Perhaps half a dozen.
- Q. What? Police Officers? - A. And demonstrators.
- Q. So, it is three demonstrators and three Police Officers, is it? - A. But, I am aware that others were being taken out.
- Q. I am dealing with a statement you are prepared to counter-sign. - A. During the period I saw Police Officers and demonstrators thrown to the ground and many injured men.
- Q. Yes. Is that true or not? - A. Yes.
- Q. How many? - A. I would say about half a dozen at that time.
- Q. You agree, do you, that having watched that section of film that we just have, this afternoon, you didn't see in that period of time any missiles at all, do you, on the screen? - A. No.
- Q. And, if you listen very carefully - I may be corrected, but I only heard one sound as though it could have been something thrown. Did you hear that? - A. Yes.
- Q. One. Do you agree? - A. Yes.
- Q. Did you see people arrested, being brought back with a neck-lock? - A. No, I don't think I did. Normally, persons arrested were arrested by two officers.
- Q. JUDGE COLES: Could we take that in stages? Did you see anybody being arrested? - A. Yes, your Honour.
- Q. MR. MANSFIELD: Did you see anyone arrested and being held in a neck-lock and being, as it were, run along with an arm round the neck? - A. Yes, I did, in fact. I seem to recall now one being still struggling when he came through the cordon and I think the officer forced him to the ground.
- Q. JUDGE COLES: He was in a neck-lock, struggling in a neck-lock? - A. Yes, I believe so, your Honour.
- Q. MR. MANSFIELD: That wasn't the only occasion when neck-locks were being used ....

- Q. JUDGE COLES: I'm sorry to interrupt. That is not on the video. You aren't saying you see that on the video? - A. No, I haven't.
- Q. MR. MANSFIELD: So, you saw something like that? - A. Yes, sir.
- Q. It happened more than once, didn't it? - A. Yes, possibly.
- Q. Well, did you see it? - A. I certainly recall one man in a neck-lock, struggling as he came through the crowd and was taken to the floor. That is the only one I can recall.
- Q. Above the bridge, a young lad, officer, arm round the neck, walking him down towards the bridge, not struggling - did you see that? - A. No, I don't recall this.
- Q. JUDGE COLES: Did you see any officers kicking or punching people as they were approaching their lines? - A. No.
- Q. MR. MANSFIELD: Now, the three-stage movement up the field, I want to come to that. That was taken about 10.30? - A. Yes.
- Q. Were instructions to the officers going up, that they were not to cross the bridge? - A. The instructions to the long shield units were to hold the bridge.
- Q. Were the instructions to the officers not to cross the bridge? - A. No. My instructions to the line were to hold up the bridge.
- Q. So, if we have heard that was the instruction, it didn't come from you, then? - A. If it was to the long shield units, it did.
- Q. Well, what were the rest supposed to do? - A. It was our intention to go up the field, over the bridge and hold the bridge on the far side, and the instructions, or the intention to the mounted officers and the short shield units was to disperse the demonstrators to allow us to do that. So, that would have necessitated pushing them over the bridge, but the instruction was to hold that bridge.
- Q. I am talking to you as a senior officer confiding with Mr. Clement and taking joint decisions, and what I put to you comes from Mr. Clement, you see, that if officers had crossed over the bridge that was against instructions. Any officers. Now, do you agree with the instructions? Were you in control or not? - A. Yes. The instructions were to hold the bridge. I wouldn't have said, if officers in the short shield unit had pushed demonstrators to the far side of the bridge, they were acting not in accord with those instructions, provided they held at the bridge.

- Q. Horses and short shields went on well ahead up over the bridge and up towards the village, didn't they? - A. I don't know how far they went. They certainly went over the bridge, but I don't think they went well into the village. I don't recall them going over the brow of the hill. I think, having said that, I arrived there with the long shield units.
- Q. How much control did you have once they were out ahead, if you wanted to stop them going over the brow of the hill? Once they were sent out, you couldn't control them, could you? - A. Not if they had minds of their own.
- Q. JUDGE COLES: Are these short shield units just ordinary officers? Do they have senior officers? What is the position? - A. Normal officers, but I think the same sort of unit as the Police Support Units, one Inspector, two Sergeants and 20 men.
- Q. And they stay together, do they? - A. No, not in that situation, by virtue of the arrest and dispersal tactics, they split up into groups of perhaps four or five.
- Q. MR. MANSFIELD: You have just agreed if they do go ahead and have a mind of their own there is nothing you can do about it. - A. That is correct.
- Q. Now, how far up the road had they gone before you got to the bridge, do you think, over the bridge? - A. As I recall, when I reached the bridge they were returning to it. They had perhaps gone 20 yards, 30 yards over the bridge.
- Q. They could have gone further. All you saw was officers on their way back, 20/30 yards ....
- JUDGE COLES: You are asking him to help you. He is trying.
- MR. MANSFIELD: I appreciate that:
- Q. 20/30 yards from the bridge, returning? - A. Yes.
- Q. You actually saw that? It isn't something you have assumed? - A. No. I actually saw that.
- Q. Right. Did you see Arthur Scargill go at that time? - A. No.
- Q. How many officers did you see returning to the bridge? - A. Not many. Perhaps half a dozen horsemen and eight/ten short shield men.
- Q. Right. If I can pause there for a moment, I would like your assistance on another matter, which is just before, or certainly around the bridge. You mentioned something about a wire? - A. Yes.



- Q. Looking at the photograph album nine, could you just assist us as to where it was, do you say? - A. On Photograph 2. It was tied either around the second or third lampstand up.
- Q. Photograph 2, second or third up. That is on the left, obviously? - A. Yes.
- Q. Can you describe the wire? - A. It was just a fairly thick wire.
- Q. A fairly thick wire? - A. It may have been the sort of thickness of telegraph wire.
- Q. It wasn't barbed wire, was it? - A. No.
- Q. No. Right. Second or third up on the left. You then moved up yourself towards the village with the short shield units? - A. Yes.
- Q. About five? - A. Yes.
- Q. You are ahead of them? - A. Yes. With the front unit.
- Q. With the front unit? - A. Yes.
- Q. Are you going ahead, actually ahead of them, or in the front line? - A. I start off about level with the front line.
- Q. Level. Which unit are you with? - A. I can't say.
- Q. Can you name me any other officers who are with you? - A. Mr. Hale.
- Q. Is he in a uniform, in protective head gear, the same as yourself? - A. Yes.
- Q. You are both going up? - A. Yes. I don't think he had a megaphone.
- Q. You are both together, front line, front unit? - A. Yes.
- Q. Again, can you tell me who it was, serial or unit, I mean? - A. No.
- Q. Can you tell me any of the other units that followed you up the road? - A. They were South Yorkshire units.
- Q. JUDGE COLES: All of them? - A. No. So far as I can recall, one of the units being a South Yorkshire unit.
- Q. MR. MANSFIELD: Which South Yorkshire unit was it? - A. I don't know. I am unable to say.

- Q. What kind of shields did they have, small square ones, the round ones, or a mixture of both? - A. I think they had a mixture of both.
- Q. As you are going up the road, you were asked by Mr. Taylor yesterday, you noticed Mr. Scargill? - A. Yes.
- Q. Now, there is absolutely no doubt about that, is there? - A. No, none at all.
- Q. It could not have been as you were going back to the bridge, withdrawing your men, but later? - A. No, it was on the way up.
- Q. You know the importance or significance of this particular sighting, don't you? - A. Yes.
- Q. Because the suggestion was Mr. Scargill was hit by a riot shield carrying officer? - A. Yes, I am aware of that.
- Q. Had you ever, ever heard of the suggestion that Mr. Scargill had been hit by a missile? - A. No, I hadn't heard that suggestion, but it wouldn't have been surprising.
- Q. JUDGE COLES: You never, until this moment, heard that suggestion? - A. No, your Honour.
- Q. MR. MANSFIELD: That a Police Officer had seen that and everything could be explained on the basis that he had been hit by a brick or something? - A. No. I thought, from what I read about it, the allegation was that he was hit by a shield.
- Q. That is the allegation, by a short shield officer going up the road. Now, having heard that allegation later, did you, in fact, make any enquiries of your short shield officers? - A. No, I didn't.
- Q. Why not? - A. Because I didn't believe the allegation.
- Q. Why not? - A. Because Mr. Clement said he had seen him fall, and again, that was not my role, to enquire into allegations of that nature. We have a department to do that.
- Q. Of course it is occasionally not your role, but as an enquiring Police Officer, are you saying you didn't even ask any of the South Yorkshire unit, "Look, this is a ridiculous allegation by Arthur. He's at it again. Did any of you hit him on the head? No? Right". Did you do anything like that? - A. No.
- Q. Nothing to do with role playing, merely an enquiry, Mr. Povey? That's all. Did you ....

JUDGE COLES: "Did you not make broad enquiries", I think I will put in my note.

MR. MANSFIELD: Yes, that's right.

THE WITNESS: I wasn't, of course, aware of the allegation at the time I was with the short shield units.

- Q. MR. MANSFIELD: No. You became aware of it later on that day? - A. Yes.
- Q. Because you signed a statement in which you counter-signed the page where Mr. Clement had described what had happened to Mr. Scargill? - A. Yes.
- Q. Why? - A. Because I counter-signed the whole statement.
- Q. I dare say you did, but why counter-sign the page which had an incident on it which you didn't even see? - A. Yes, but it was the same with the introductory paragraphs.
- Q. I dare say. Why sign it at all, Mr. Povey, if, in fact, there are matters in there you have not even seen? - A. Because I then pointed out to Detective Inspector Smith those matters which I had not seen and which were not to be included in my statement.
- Q. Going back to that for one moment, look at the two statements again, that is, yours and Mr. Clement's original one.

JUDGE COLES: He did, in fairness to him, say this morning one of the matters he wanted Detective Inspector Smith to take out of his own statement was the incident when Mr. Clement said he saw Mr. Scargill.

MR. MANSFIELD: Yes. I accept that:

- Q. If quite a lot of the statement doesn't apply to you, why did you sign it at all? - A. Because the majority of the statement did apply to me.
- Q. I see. Just look at the beginning of the statement before we come back to Mr. Scargill near the bridge. The 7.20 paragraph about the missile throwing, where did Mr. Smith get those details from? - A. From me.
- Q. But you were asked earlier what you had told Mr. Smith and all you said was something about missiles. Now, did you dictate a further paragraph or not? - A. No, I didn't. My recollection is that I told him at 7.20 those missiles were thrown.
- Q. That isn't what you began to say before. Just let's read the paragraph in your statement of the 14th July that doesn't appear in Mr. Clement's: "At about 7.20 that morning the demonstrators began throwing missiles, which included bat balls (?) and then stones and bricks. At this time it was spasmodic and I didn't see any injury caused". Now, did you dictate that or not? - A. No, I didn't dictate it, meaning I dictated it, he wrote it down. I told him about it.

Q. What you said earlier was that you merely indicated to Mr. Smith that missiles came over at 7 to 7.20.

JUDGE COLES: "I told Mr. Smith to add, 'Missile throwing at 7 to 7.20'".

Q. MR. MANSFIELD: "Including stones and bricks. Missiles including bat balls, stones and bricks". I want to get it clear, because I am suggesting to you that the way in which these statements have been compiled, from start to finish, the agreed version and so on, is, to say the least, totally unsatisfactory. Do you agree? - A. No, I don't.

Q. Did Mr. Smith write it down, this little incident at 7.20? Did he? - A. I cannot recall.

Q. JUDGE COLES: He wasn't there, was he, Mr. Smith? Mr. Smith hadn't been there, so he hadn't seen anything. - A. No. I thought Mr. Mansfield meant did Mr. Smith write it down the following day.

Q. How did it get into your statement? - A. I told Mr. Smith about it.

Q. You told him about it? You can't remember whether he may have known at the time? - A. No, I can't.

Q. But later on, your statement was produced to you? - A. Yes.

Q. By him? - A. Yes.

Q. And you had a look at it and it contained what we now see about 7.20? - A. Yes.

Q. Was it correct? - A. Yes.

Q. So, you signed it? - A. Yes.

Q. MR. MANSFIELD: Now, Mr. Scargill over the bridge. I want to look at your statement of the 14th July, reminding you that you have made it very clear in chief, to Mr. Taylor and to me, that you saw Mr. Scargill as you were going up to the village. Now, looking at the statement, at Page 6, would you just read that carefully to yourself? - A. Yes.

Q. Now, you see what the statement says, don't you? - A. Yes, I do.

Q. So the Jury may have it, I will just read the passage. I will put it all in, the whole paragraph. It is Page 6 of his statement, Page 000021, the paragraph, "We then withdrew ....": "We then withdrew under a constant barrage of missiles. Every available Police horse was ordered to move at a trot towards the demonstrators, who immediately moved backwards." Just pausing there, that is all 42? - A. Yes.

- Q. "This enabled the Police lines to withdraw to relative safety across the railway bridge. As we approached the bridge I saw Scargill standing on the embankment overlooking the area on the left of Highfield Lane, but looking towards Handsworth. I only saw him for a moment because I was concentrating on withdrawing my men". Now, what do you say about that? - A. Yes. In the transcription, that looks as though I saw him on withdrawal, but I didn't. I saw him when I went forward.
- Q. Mr. Povey. - A. If you look at the statement I countersigned the day after it records it quite clearly there that it was as the Police lines advanced.
- Q. The statement the day after? - A. Yes.
- Q. That is, the counter-signature of Mr. Clement? .....
- Q. JUDGE COLES: You are saying this is wrong? - A. Yes, I am, your Honour.
- Q. MR. MANSFIELD: Can I ask you why it is that you signed the statement on the 14th July, which is wrong? - A. I didn't notice that.
- Q. You didn't notice. You will put your name to anything, Mr. Povey, won't you? - A. Of course not.
- Q. Do you think it matters, what is in a statement? - A. Yes, of course it does, but it also matters what has happened on the day and I am quite clear on the day I saw Mr. Scargill as I went forward, as is clear from Mr. Clement's statement.
- Q. Let's just look at Mr. Clement's statement - Page 10, your Honour. Mr. Clement is dealing with an incident you never saw. Is that right? - A. Part of it. Part of it deals with .....
- Q. How do you know when it occurred? - A. Well, if I can refer to the third paragraph?
- Q. Certainly. - A. Starting, "There was a constant barrage of missiles".
- Q. Right. - A. Mid-way through that paragraph it clearly says, "As the Police lines had advanced across the bridge, I saw Scargill standing on the embankment".
- Q. That is what he saw. That is what he saw. - A. And that is when I saw him, as we advanced.
- Q. As you advanced? - A. Yes.
- Q. So the Jury have the whole of this paragraph of Mr. Clement's statement, I will read it to you: "There was a constant barrage of missiles and in order to withdraw with as few casualties as possible I called forward every available Police horse, number, 42, and ordered

them to move at a trot ..... this enabled me to withdraw my men in relative safety .....as the Police lines had advanced across the bridge I saw Scargill on the embankment just to the left of Highfield Lane, looking towards Handsworth. At the top of the embankment there is a concrete post and chain-link fence which had been broken down and he, with two other men, was standing on the top of the embankment ..... my officers carrying shields had passed that point by at least 20 yards when I saw Scargill slip or fall, and I am satisfied his head struck what I thought was a railway sleeper, or something similar". Now, pausing there, he goes on about more detail of the people who he was with. Right? - A. Yes.

Q. Now, did you see him, Mr. Scargill, as you had advanced over the bridge? - A. Yes.

Q. Did you? - A. Going from the bridge to the brow of the hill.

Q. I'm sorry if I am being pedantic. Please say so, if I am. Do you have a clear memory of seeing this, even seeing Mr. Scargill on the left? - A. I have a clear memory of advancing from the bridge and of seeing Mr. Scargill on the left-hand side.

Q. If you were advancing over the bridge, I suggest you wouldn't be able to see Mr. Scargill on the left, would you? - A. I am talking about when we are going up the road.

Q. That is not what Mr. Clement's statement says. Just look at it: "As the Police lines had advanced across the bridge, I saw ....." - A. Well, the Police lines had got to advance across the bridge to get to the road to get to the brow of the hill.

Q. Did you see Scargill standing near the broken down fence and slip? - A. No.

Q. So, what is in Clement's statement about that really isn't of any assistance, is it, in that it shows that Scargill was there on the scene, there as the Police lines advance across the bridge and, in fact, the last sentence I read out said his officers carrying shields had passed that point by at least 20 yards when Mr. Clement saw Scargill. - A. And I saw that, those officers .....

Q. I am suggesting to you that Mr. Clement is lying about the Scargill incident just as much as you are lying about seeing Scargill at that point. - A. If that is the case, why don't I lie about the whole of it and say I saw him slip on the sleeper?

Q. Do you want an answer to that? You see, I suggest what has happened here is that you and Mr. Hale have decided to say, "We saw Scargill at about the point that Mr. Clement saw him slip". That is what I suggest is

happening here. Is there any possibility of that? -  
A. If we were fabricating evidence it would be far easier for myself and Mr. Hale to say we saw him fall down the bank.

Q. Not if you are in the front. - A. That is what I saw.

Q. You can't see him fall because you are at the front and Mr. Clement at the back. That is why you can't say it, Mr. Povey, isn't it? - A. Because we have passed them, or passed him ....

Q. Mr. Hale has ....

JUDGE COLES: I don't want to adjourn, but could you quietly slow down a little for the shorthand writer?

MR. MANSFIELD: I am sorry:

Q. Mr. Hale's statement about this is, word for word, the same as yours, namely, that he only sees Mr. Scargill for a moment because he was concentrating on withdrawing his men. - A. Well, both statements were prepared by Detective Inspector Smith.

Q. And you and Mr. Hale both missed the error. - A. Well, I missed the error. I don't know whether Mr. Hale did.

Q. We will see what Mr. Hale has to say. What was Mr. Clement wearing when you saw him standing on the bank? - A. His baseball cap and a tee-shirt, a short-sleeved shirt.

Q. Now, I want to ask you a bit more, because it affects somebody I represent. Mr. Moore, could you stand up, please? (Defendant Rises) Now, did you see him? -  
A. Yes.

Q. Did you see him with Scargill? - A. I can't say.

Q. Can you tell us anything about the people with Mr. Scargill? - A. Well, Mr. Scargill was, and is, a well-known figure, so I have no difficulty in identifying him, but the people who were with him, I only know the names of, and I just wouldn't know them again if they came up to me in this Court.

Q. Since you are relying on Mr. Clement's statement for the advance over the bridge, just have a look at the descriptions he has put down in his statement which you have counter-signed: "One of the men who was standing with him was about 50 years of age, wearing specacles, and he was shirtless. He was a big man .... one about 60 years of age wearing a dark suit with numerous miners' strike stickers on the lapels of the jacket ....", and so on. Does that concur with your recollection? - A. I can't be sure of that

description at all. There were many, many men with big stomachs and shirtless that I saw on that day and whether one of them was standing with Scargill I can't, in all honesty, say.

Q. I'm sure there are smiles from the dock behind me ....

JUDGE COLES: There aren't, strangely.

Q. MR. MANSFIELD: Quite a lot wearing baseball caps? - A. No, funnily enough, there weren't, as you will remember from the video.

Q. Now, I suggest that Mr. Moore was one of the people near to Mr. Scargill as a number of foot officers with short shields came up the road and that Mr. Scargill was on the road or on the verge of the road just in that area. Did you see that? - A. No. I can't say where Mr. Moore was, whether he was there or not, and I didn't see Scargill on the verge of the road. He was well back from the road.

Q. And what happened, and I can't say whether you are there or not, but I will have to come to a photograph in a minute, the initial officers, or some of them - one hit Mr. Scargill with a short shield, another, Mr. Moore, and a group of short shield officers closed in around Mr. Moore ....

JUDGE COLES: Just a minute. One officer ....?

MR. MANSFIELD: One short shield officer struck Mr. Scargill on the back of the head with a short shield, another one struck Mr. Moore with a short shield. He went down and was surrounded by a number of those, three or four short shield officers:

Q. Did you see anything like that? - A. No, I didn't.

Q. Now, could you please look at a single photograph? I will just find its exhibit number. Exhibit 8. (Handed). Now, that is a photograph. I am suggesting to you that is a photograph of Mr. Scargill on the verge. First of all, do you recognise that as Mr. Scargill? - A. Yes.

Q. Another man who appears to be wearing what? - A. The inspector in the foreground?

Q. No. The civilian, on his head a flat hat. A bit like a baseball hat, is it? - A. No, it looks like an ordinary flat hat.

Q. Now, is that roughly the position you saw Mr. Scargill - never mind the rest of the officers for the moment? - A. It's difficult without seeing the rest of the road to the left and the right, but I thought he was further back than that, further from the road than that, and I'm just trying to place where this is in relation to the bridge. He was closer to ....



Q. Would you take the other bundle, Photograph 9, I think, which may help, I don't know. Look at Photograph 6 and 7 and 8. I don't know whether they help you or not.  
- A. Yes. If you look at Photograph 7, I first saw him on the left above those small trees.

Q. Yes. - A. About seven yards from the road.

Q. JUDGE COLES: You mean you can see in Photograph 7 the spot where he was when you saw him? - A. It was somewhere round the edge of the parapet, if my memory serves me right, the edge of the black coking stone (?) and above that small tree.

Q. Small tree? - A. There's one tied to a stick in the foreground.

Q. Yes. - A. And then a very slim spalling, also tied to the stick, and to the left of that, somewhere there - it may well be that that is the spot.

Q. MR. MANSFIELD: I am not quibbling about a few yards. It looks as though it isn't far from the location where you are seeing him. - A. Yes.

Q. Now, can you help us about, first of all, which Force had the officers in the photograph, near Mr. Scargill, come from? - A. I am told the fact that they have got these protective leather pockets on their protective hats means that they are from the West Yorkshire Force, that they wear hats like that, and I think Merseyside do.

Q. Do you recognise any of the officers there, particularly a senior one? Is it right the one in the road is a senior one? - A. He is an Inspector.

Q. An Inspector. Can you help us as to who he is? - A. I've no idea.

Q. I suppose it follows you cannot possibly tell who the others are, then? - A. No, I can't.

Q. Do you know Police Constable Austin? - A. No, I don't.

Q. Do you know a Police Inspector Bennett? - A. From which Force? From South Yorkshire, or ....?

Q. He is West Midlands, Operational Support Unit. -  
A. No, I don't.

Q. A Police Sergeant called Whitehouse? - A. No.

Q. Do you know any of those? - A. No.

Q. You can put the photographs down now. You are going up the road, and I want to begin tonight, before we just finish, to deal with the next stage, which is over the brow and into the village. Some horses have gone ahead? - A. Yes.

- Q. And there comes a point when the rest of the horses are summoned? - A. Yes.
- Q. To save time, I think you will agree that none of this kind of detail is in your statement, either of the 18th June or the 14th July, is it? - A. No.
- Q. And I want to be clear about what you are saying. Once you got to the brow there is no doubt you could see a cross-roads junction? - A. Yes.
- Q. When you first reached the brow were there any horses at the junction? - A. No.
- Q. Where were they? - A. A few yards in front, at the brow.
- Q. Right. Having got to the brow, you proceed towards the junction with the horses? - A. No. We put a cordon across the brow, the horses proceeded a short distance and the short shield officers went with them.
- Q. All in formation? - A. No. At about this time, they weren't in formation. The horses were in formation, in a line across, but the short shield units weren't in formation.
- Q. Let us go on with the horses. The short shields aren't in formation. Did the horses break that formation of a line? - A. No. They were in front of the short shield officers.
- Q. In a line? - A. Yes.
- Q. And they didn't break that? - A. Oh, I thought you meant did they break the short shield formation.
- Q. No. - A. Yes, they broke and returned.
- Q. So, all the horses in the first advance, all they did was to walk forward in a line, the short shield units disperse and then they return to the brow? - A. They trotted forward and it was far more confused than that description suggests.
- Q. Yes, but none of the officers on horseback at this stage, according to you, had used their long staves? - A. No.
- Q. Or charged off in different directions? - A. No.
- Q. There comes a moment in time when you then ask for the rest of the horses? - A. Yes.
- Q. Then, all the horses go forward together? - A. Yes.
- Q. Did you tell the horses where to stop? - A. Yes, at the cross-roads.

Q. Quite sure? - A. Yes.

Q. The point of all this, I will suggest, is that those horses were out of control and went well beyond the cross-roads. Now, you say you told them not to go beyond the cross-roads? - A. That's correct.

Q. But, they did, didn't they, Mr. Povey? - A. Not to my knowledge. I didn't say they could go beyond the cross-roads.

Q. It wouldn't be difficult to see beyond the brow if they had gone beyond. - A. Not if I was watching all the time, but when I arrived at the cross-roads they were in a semi-circle around the cross-roads, across the road, a little into Orgreave Lane, both sides, left and right.

Q. We can look at the bundle of photographs, Number 9, to see the cross-roads. Photograph 8 is up to the brow, 9 is just over the brow, at the beginning of the houses. Now, as you were proceeding along, I appreciate there are other things happening - Photograph 9 - are you saying you didn't notice that the horses had gone well beyond the junction? - A. Yes, I am.

Q. The reason for suggesting that, Mr. Povey, is not just how far did the horses go, but what they did when they got the other side of the junction, never mind what they did before. - A. They went the other side of the junction. I've always said they went across the mouth of Rotherham Road and crossed Orgreave Lane, both sides, in a semi-circle formation.

Q. That is not in the statement, is it, the semi-circle? - A. No, it isn't.

Q. You are trying to describe to the Jury a very orderly procedure in relation to this movement of your horsemen when you know perfectly well it wasn't like that. - A. There was nothing orderly when mounted officers were going forward against stone throwing demonstrators.

Q. That's right. What happened with these officers got completely out of hand, didn't it? - A. I didn't see them get out of hand.

JUDGE COLES: You are putting the horses were out of hand?

MR. MANSFIELD: Yes:

Q. And the short shield officers were out of hand, and that they all were dispersing about from the brow of the hill and the village junction and beyond, and you just weren't in control. - A. I was in control, but, having said that, when officers are despatched to arrest stone throwers, then, as we agreed earlier, the control one has once they have passed from your physical presence rests in the self-discipline of those officers and their commanders.

- Q. You are saying, from what you saw, none of them excited .... (inaudible) - A. I didn't see either long staves or short staves being used.
- Q. Mr. Povey, did you describe these horsemen ever as being magnificent? - A. I probably did. I was very proud of the mounted officers and the way they reacted. They were very pressed officers on that day.
- Q. Really? That is what you told somebody writing an article for the Police, didn't you? - A. I may well have done. I wouldn't disagree with that.
- Q. You wouldn't disagree? - A. They were magnificent.
- Q. JUDGE COLES: In what way? - A. In the bravery they showed in going forward against a barrage of missiles that were directed against them, your Honour, not just on the Orgreave Village, but also in the field and on the road.
- Q. MR. MANSFIELD: Did it ever occur to you, Mr. Povey, that it just might be that if some missiles were thrown, it was by people who were terrified of an attack by mounted officers when they themselves were unarmed? Did that ever occur to you? - A. No, that never occurred to me.

JUDGE COLES: Just a moment. Would that be a convenient moment?

MR. MANSFIELD: Yes, it would.

JUDGE COLES: Don't discuss this matter or allow anyone to approach you, members of the Jury. You will remember what I have said about it and the fact that I don't keep repeating it doesn't mean it is any the less important. In fact, as the case goes on, it becomes more and more important.

(The Court adjourned until  
10.30 a.m. the following day)

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