

IN THE CROWN COURT AT SHEFFIELD

The Court House,
Castle Street,
Sheffield.

24th May, 1985.

Before

HIS HONOUR JUDGE GERALD COLES, Q.C.

REGINA

-v-

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

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Chief Supt. K. POVEY Rec

Cross-examined by Mr.
Cross-examined by Mr.
Cross-examined by Mrs
Cross-examined by Mis

For The Prosecution:

For William Albert Greena
For David Moore:
For Bernard Jackson:
For George Kerr McLelland
For Brian Irvine Moreland
For Ernest Barber:
For David Ronald Coston:
For Kevin Marshall:
For Arthur Howard Crichton
For George Warwick Forster
For James O'Brien:
For Craig Waddington:
For Eric Scott Newbigging
For Stefan Wysocki:
For David Bell:

24th May, 1985

Chief Supt. KEITH POVEY Recalled

Cross-examined by MR. MANSFIELD:

- Q. Mr. Povey, I wonder if you would take out Exhibit 9 again just to recapitulate the situation from the brow to the village from the junction yesterday. Would you just look at Exhibit 9? - A. Yes.
- Q. And photograph 9? Photograph 8 is up to the brow and 9 is onwards. The last question yesterday was whether you had even considered the reason for any possible stone throwing was people were frightened and you said no to that. What I finally want to deal with you is this. Looking at photograph 9 - I appreciate it is taken some time later, particularly your constant reiteration that you saw no batons being used by either foot or mounted Officers. If you would look at photograph 9 you will see there over the other side of the junction a bus shelter. Do you see that? - A. Yes.
- Q. Do you remember it from being there on the ground, as it were? It is on the left just beyond the junction. That is just in front on the photograph of a white van. Do you see that? - A. Yes, sir.
- Q. Just so everybody can follow where it is. Do you remember it from being there on the ground or not? - A. No, I did not pay particular attention to the bus stop.
- Q. No. I am not suggesting you would necessarily. So I make it clear to you - I have put it generally yesterday - some horsemen, possibly up to ten, went beyond the junction beyond that bus shelter. There is Asda up there on the left. Do you know Asda? - A. Yes, I do.
- Q. That is up there on the left, is not it? If they did that you did not see it. Is that what it comes to? - A. What I said was when I reached the junction the horses were in a semi-circle around the junction across the mouth. It is difficult to tell on the photograph how far the bus shelter is from the mouth of the junction but they may well have been in the vicinity of that if it is within a matter of five to ten yards.
- Q. I know you have described it to Mr. Taylor. You did not do it on the photograph as such. It might be easier to visualise where you say the semi-circle of horses was when you came up to them or saw them at the junction. Can you just do a semi-circle on the photograph? - A. The first car you see on the road. Then that is Orgreave Lane going down there to the left. They would be just below the

telegraph pole and extending round in front of that bus shelter - is that a bus stop on the right-hand side - and then back across the mouth of Orgreave Lane on the right looking on the photograph.

- Q. JUDGE COLES: In other words they effectively cut off the two roads? - A. That is correct.
- Q. On either side. So anybody wanting to come out would have to get through the cordon of horses? - A. That is correct.
- Q. MR. MANSFIELD: The semi-circle was bowing, as it were, towards the white van or the photographer. Was it convex or concave? - A. It was towards the white van.
- Q. Towards the white van. That is not the situation I am describing to you at all. Not a semi-circle facing that way but a group of mounted Officers riding off beyond the junction beyond the bus shelter up towards Asda. You did not see anything like that? - A. No, I did not.
- Q. The reason I ask you is this. Since that day have you become aware of what certainly has already been mentioned in this trial as a well publicised photograph of a man on horseback with truncheon raised and a woman putting her left arm up to protect herself? - A. Yes, I am aware of that photograph.
- Q. You are aware of that photograph. Now, I am going so it is clear - that photograph was taken - the person in it is called Lesley Bolton(?) and was taken near the brick wall which is to the left of that bus shelter. Cannot clearly see it on the photograph, I am afraid, and we do not have a photograph, I do not think, that goes that far.
- Q. JUDGE COLES: Did you know that? - A. I am aware of that.
- Q. That had been taken? - A. When I saw that photograph I was not aware even it was taken there. When I looked at the photograph I recall thinking it had been taken in the field. I could not even understand why the mounted Officer had his baton out as they were not drawn in the field, so I was not even aware it was taken in that spot.
- Q. So you cannot help Counsel about where it was taken? - A. Not at all.
- Q. MR. MANSFIELD: I am just using that as an example of what some mounted Officers were doing up there. You saw the photograph and you thought that must be the field? - A. Yes.
- Q. But you realised no batons were drawn in the field so you must have said to yourself that cannot be the field. It must have been up in the village - A. Yes, I just

could not place - my recollection of that photograph is there is the horse and the woman and the rest of it is grassland and some bushes.

- Q. All right. Can I just for the moment - I am afraid I have only got the one that was published in a newspaper. Would you just have a look at that? Now, first of all, is that the photograph we are talking about as you recollect it? - A. Well, my recollection of it was it was a longer view than that.
- Q. All right. - A. That seems to be a close-up to me. My recollection of the only photograph I have seen was it was taken from a greater distance.
- Q. If you look at it closely do you agree in the background is the bus shelter? - A. There is some sort of building in the background, yes.
- Q. Just look closely. If you are not prepared to agree it I won't obviously - A. You cannot tell from that photograph whether that is a bus shelter or not.
- Q. All right.

JUDGE COLES: May we have a look at that?

MR. MANSFIELD: Yes. Certainly.

JUDGE COLES: Do you wish the jury to see that?

MR. MANSFIELD: If that might

MR. WALSH: I was wondering whether the proper time to deal with this is with a witness who actually purports to deal with what is going on and dealing with the photograph he himself has seen? As I understand it from this witness. Is not the proper time for that when some witness is called who purports to deal with this particular matter?

JUDGE COLES: By which time there may be an adequate photograph. Yes, I think Mr. Walsh's criticism is valid.

MR. MANSFIELD: Perfectly proper objection. Do not mind at all.

JUDGE COLES: Not really an objection to you. Objecti to me. Absolutely right.

MR. MANSFIELD: Yes, I am quite happy to leave it for the moment:

- Q. As far as that is concerned it was a photograph like this you have seen since, although you think it is a longer shot, and you cannot say whether the building shown in this one is in fact that bus shelter or not? - A. No.

- Q. Suffice it to say if it is the bus shelter there and it is next to the junction, you see, you did not see that? You did not see that sort of incident? - A. I did not see that particular incident. Neither did I see any Officers strike other people with their batons. Now, I do not know how many persons are going to come to Court and say they have been struck. If we are talking about 40 or 50 then I should have seen that. My answer is I did not see anyone struck by a baton because I suspect not many people were struck by batons.
- Q. And that is your final answer on that, is it? You suspect not many people were struck by batons. Is that what you suspect? - A. That is right. Bear in mind there were 2,000 Police Officers at that scene. Had 10 per cent of them struck them with batons that would have been 200. Had even 1 per cent struck them with batons that would have been 20.

MR. MANSFIELD: Yes. Thank you.

Cross-examined by MR. O'CONNOR:

- Q. Mr. Povey, on Wednesday morning and into Wednesday afternoon this week you gave evidence for about two-and-a-half hours in answer to questions from my learned friend Mr. Walsh? - A. That is correct.
- Q. On oath to tell the truth, the whole truth and nothing but the truth? - A. That is correct.
- Q. You were given plenty of opportunity to tell your own story about what happened and what you saw? - A. Yes.
- Q. Plenty of the questions that were asked of you were well, what happened next and you used your own words to describe what you saw? - A. Yes.
- Q. Do you remember how many times in that two-and-a-half hours you mentioned, even mentioned, the word truncheon? - A. No, I do not.
- Q. Or baton or staff or stave, by whatever name it is called? You do not remember? - A. I do not remember how many times I referred to that, no.
- Q. This is a dangerous suggestion to make to you but it is one I have checked as carefully as I can and I suggest to you you did not mention in those two-and-a-half hours of telling your story in your own words the word truncheon once. Do you accept that? - A. If you have a note of what I said, yes, I accept that. I would have thought I perhaps mentioned it when I referred to the short shield units.
- Q. No, you did not, you see, even then. Do you accept that could only have been deliberate on your part? - A. For what reason?

- Q. We will come to that. I will ask you. Do you first of all accept that that could not have been accidental? - A. Well, I would not have deliberately omitted mentioning truncheons in the hope the Court might think truncheons were not used.
- Q. Of course not. But that is dealing with reason again. Do you accept that it could not have been accidental? - A. No, I do not. I do not accept that I would deliberately omit the mention of truncheons.
- Q. Let's in very brief summary deal with what you must have seen and your involvement with truncheons. Short shield units have assembled at about 8.30/8.35 behind the cordon? - A. That is correct.
- Q. You amongst them making sure truncheons are drawn? - A. Yes.
- Q. Making sure those Officers have well in mind the limitations on their uses of truncheons? - A. Yes.
- Q. 9.30 the first push up the field. Short shield units with drawn truncheons sent out then? - A. Later than that. 10.30
- Q. The first advance up to the bush, up to the bushes. Do you remember that? - A. Yes.
- Q. Before the three stage advance up to the bridge? - A. Yes.
- Q. So whenever that was short shield units with drawn truncheon used then? - A. About 8.35, yes.
- Q. You then playing a similar role, making sure truncheons are out, making sure instructions are clear? - A. Yes.
- Q. Short shield units going out during the three stage advance up to the bridge? - A. Yes.
- Q. Drawn truncheons? - A. Yes.
- Q. You playing your leadership role then just before they go out as well? - A. Yes.
- Q. Short shield units going with you over the bridge? - A. Yes.
- Q. Then from the brow of the hill quarter-of-an-hour advance to the crossroads? - A. Yes.
- Q. Short shield units again drawn truncheons? - A. Yes.
- Q. Mounted Officers with drawn truncheons then as well? - A. That is correct.
- Q. Are you saying you could give an honest and truthful account of what happened without even mentioning the word truncheon on what you saw? - A. Yes.
- Q. You mentioned short shield Officers being involved top side in the field? - A. H'm, h'm.

- Q. In hand to hand fighting? - A. Yes.
- Q. That is a phrase you have got from Mr. Clement's statement that you signed. That is right, is not it? Hand to hand fighting? - A. Yes, and that I saw.
- Q. You saw hand to hand fighting? - A. I saw hand to hand fighting.
- Q. Can you just try to put it in different words so we can picture it? Short shield Officers hand to hand fighting? - A. Yes. Short shield Officers struggling, fighting, with demonstrators obviously endeavouring to arrest them and arresting them.
- Q. How were the short shield Officers struggling and fighting with demonstrators? - A. In a sort of melee.
- Q. Yes. By that what do you mean and I would accept that the overall picture may well have been confused? - A. Most certainly.
- Q. Melee. And I would accept that as a general description of various times what may have been happening but I would just like you to give us, please, a clearer picture of how short shield Officers with a shield over one forearm and a truncheon in the other are struggling and fighting with demonstrators. - A. Just as they were, grappling with demonstrators. On one occasion Police Officers and demonstrators falling to the ground struggling and then ultimately being led down the field accompanied by two, perhaps three, Police Officers. Bear in mind I could not possibly have seen all the arrests.
- Q. No. - A. I am talking about the odd incident I could see from my position.
- Q. You could not have seen all but you must have seen many? - A. I saw some.
- Q. Running battles is another phrase you used to describe exactly the same scene in your witness statement. Hand to hand fighting and running battles? - A. This is what was happening as they were running up the field, yes.
- Q. Short shield Officers, hand to hand fighting, running battles? - A. Yes.
- Q. And at no stage during that involvement of short shield Officers did you see any one of them using a truncheon? - A. No, I did not. Had I seen that I would have said so. I am obviously aware truncheons were used and I have no doubt later in the Prosecution case evidence will be given truncheons were used. What I am saying is I did not see a Police Officer strike anyone with a truncheon. Had I seen that I would have said so.
- Q. Mounted Officers have longer - they have been called long

staves. They perform a similar function. Mounted Officers have longer truncheons than foot Officers? - A. Yes.

- Q. Are they composed of the same material? We have got a foot Officer's truncheon here and I do not ask for a longer stave to be produced but are they made of the same material? - A. I do not know. I would presume
- Q. Wood? - A. They are made of wood, yes.
- Q. Right. And of course the height of Police Officers varies as does the height of Police horses but can I just ask you about this? A mounted Police Officer is some feet off the ground obviously. Yes? - A. Yes.
- Q. And if he has got his arm raised and a long stave raised in that arm above his head then that stave is perhaps 10 feet off the ground, is not it? - A. Yes, I would not disagree with that.
- Q. And capable of being seen if anybody is looking or interested for some considerable distance unless there are obstacles in the way? - A. Yes.
- Q. Now, I just want to see how close you get, you see, to accepting that you saw the use of truncheons. Did you at any stage between the brow of the hill and the roundabout, the junction, coming up to the junction, see albeit maybe from a distance a long stave raised above the head of a mounted Officer? - A. I saw many of the mounted Officer with long staves.
- Q. Raised above their heads? - A. As they rode up some were in those positions, some were not. What I did say is I did not see them actually hitting people with those staves.
- Q. You did not actually see a truncheon or stave come into contact with a miner. Is that what you say? - A. No, I did not. There were 42 horses going up there. I would be interested to see how many of the 42 are alleged to have used their staves on people. I certainly did not see any.
- Q. Did you see any of those long staves raised at head height or above by any of the mounted Officers? - A. Yes, some staves would be at about head height. As I recall, as mounted Officers went up they had one hand on the reign and staves were held in that sort of position so the stave would be about head height.
- Q. JUDGE COLES: You are holding your, as it were, rifle at the ready, I suppose? - A. Something like that, yes.
- Q. With the stave held vertically at the side? - A. Yes.
- Q. MR. O'CONNOR: The sort of present staves position? - A. If you want to describe it as that but again I am not

saying all the Officers had the staves in that sort of array so they were going up in absolute pristine formation.

- Q. JUDGE COLES: And they could be seen by the crowd? -
A. They would.
- Q. Are they intended to be seen by the crowd? - A. Yes.
- Q. MR., O'CONNOR: Did you see any of those Officers with their staves held higher or differently from that? Did you see any of them like this, Mr. Povey? - A. As though to strike someone. I cannot recall seeing any like that. Bear in mind there are 42 horses trotting up the road and to differentiate between the height of staves at this time is very difficult. I certainly did not see a staff held as though it was to be used at that time to strike someone.
- Q. May I and I hope not to spread complete gloom - I am going back to early in the day and I intend to try and follow through events in order. That does not mean to say I am going to cover everything or anything in very great detail. You were there from what time in the morning? - A. 4 a.m.
- Q. Do you recollect the Chief Constable, Mr. Wright, being present in the Command Post that morning at about 6.40? - A. No, I do not. I would not have been in the Command Post at that time.
- Q. I thought that might be so and I would accept that. But were you aware of his presence at any time that morning? - A. I am not sure. I think the Chief Constable did pay a visit but I have no idea what time.
- Q. Had he been present on any of the previous mornings you had been on duty at Orgreave from the 1st of June onwards? - A. Yes, I did see the Chief Constable there one morning prior to that.
- Q. On one morning before that? - A. Yes, I believe so. I cannot recall which day.
- Q. Right. You saw the mounted Officers being deployed for the first time in the morning behind the cordon. - A. Yes.
- Q. Is that right? - A. Yes.
- Q. And that was on any account - I am not going to enter into exact times with you - but was well before a single missile was thrown? - A. Are you saying the horses went into the crowd before a missile was thrown?
- Q. No. I will start again because I have been misunderstood and it is probably my fault. I just mean the mounted Officers with their protective helmets as they are called being brought out and put in position behind the top side cordon of Officers. - A. Yes.

- Q. Just being there. - A. Yes.
- Q. You know what I am talking about now? - A. Yes.
- Q. That was on any account well before a single missile was thrown? - A. Yes.
- Q. Were you party to discussion with Mr. Clement before that was done? - A. Yes, I was.
- Q. Did you agree with the decision that the mounted Officers should be put there? - A. Yes, I did.
- Q. Did you understand why? You tell us your reasons. Why did you agree with that decision. - A. First of all, they were there and ready to deploy immediately should the need arise and also we hoped they would be a deterrent.
- Q. A deterrent before anything had started happening? - A. Yes. It was obvious the numbers there were going to exceed any others on any other day.
- Q. Now, you were then - I am not sure if it was then or now - a Superintendent, were you, at West Bar Police Station? - A. Then I was, yes.
- Q. You were then. Good. Got that right. I just want to ask you. How long had you been in that post? - A. I had been a Superintendent since April, 1984 and I had been in that post since April, 1983 - and I had been in that post since December, I believe, 1984 - 1983.
- Q. Right. And then before then? - A. I was a Superintendent at Hackenthorpe Subdivision.
- Q. Forgive me. This is entirely my fault. Hackenthorpe, did you say? I do not know where that is. - A. Yes. It is a Subdivision to the south of Sheffield.
- Q. I understand. Were you then Chief Inspector? - A. No. I was Superintendent there.
- Q. You were Superintendent there? - A. Yes.
- Q. Before then? I hope to do this in summary form. - A. I was a Chief Inspector at West Bar Subdivision.
- Q. West Bar is quite a busy Police Station. Is that correct? - A. The busiest.
- Q. It is the busiest in Sheffield. You were not an Officer in the Operations Section of South Yorkshire Police when you carried out these duties at Orgreave in June? - A. I was an Operational Officer.
- Q. You were an Operations Officer? - A. Operational. Any

Superintendent in charge of a Subdivision or Chief Inspector is classed as an Operational Officer.

- Q. I understand. So try to help my understanding a bit more. Is there an Operations Section? We have heard, you see, about a Superintendent Pratt, Superintendent (Operations). We have heard about Mr. Clement, Assistant Chief Constable (Operations). Do you follow? - A. Yes.
- Q. Is that a particular section of the South Yorkshire Police? - A. A very small unit that is based at Headquarters.
- Q. I understand. - A. Does not have sort of territorial responsibility.
- Q. You were not part of that section? - A. No.
- Q. In June? - A. No. A very small section.
- Q. Had you ever been part of it? - A. No.
- Q. And does that small Operations Section, as you understand it, specialise in public order problems or not? - A. They are specialists in public order.
- Q. They are specialists in public order? - A. But they would not be the ones that would go out and deal with a public disorder situation. That would be dealt with in the Subdivision in which it occurred. They were more on the logistics side of public disorder.
- Q. Right. And the sort of public order problems you had dealt with then as a Superintendent and perhaps as a Chief Inspector before, would they be football matches? Did you ever have to deal with public order at football matches? - A. Yes, I dealt with football matches. I dealt with Irish freedom marches, National Front marches through the centre of Sheffield.
- Q. I understand. - A. Dealt with public disorder, meetings where the NUM Executive meet at the City Hall, where they meet at St. James House, so been involved in quite a lot of public disorder situations in West Bar in the city centre.
- Q. Had you been in charge of those events, in charge of the Police Forces or not? - A. In charge of various aspects of it. In overall command of a situation like that would be the Chief Superintendent in charge of the whole Division.
- Q. I see. Above you? - A. Yes.
- Q. You see, to use your phrase, Mr. Povey, you were just sent for and told to report one morning at Orgreave on the 1st of June? - A. Yes.
- Q. And certainly on the 18th you were second in command? - A. Yes.

- Q. Had you been second in command on any of the days between the 1st and the 18th? - A. Yes, I had. In fact on many days I was in command. It would depend on the amount of demonstrators. Many, many days there was very little action
- Q. I understand. If Mr. Nesbitt or Mr. Clement was there they were in overall command? - A. Mr. Nesbitt would then be in second in command. Mr. Nesbitt normally was there. Normal in command top side. It was only he suffered an injury the previous day, he was not there on this day.
- Q. You told us you had observed short shield unit training. Was that at Bawtry? - A. No. That was at a disused RAF camp.
- Q. Where was that? - A. At Lindholme.
- Q. Lindholme. You had gone and observed that? - A. Yes.
- Q. Not participated? - A. I had participated in some of the physical training aspects of it merely for my own benefit.
- Q. Is that where they have simulated missiles being thrown by people acting out certain roles? - A. That is correct.
- Q. Police go through certain formation training? - A. Yes.

JUDGE COLES: How do you simulate a missile?

MR. O'CONNOR: I think the intent is simulated. The missiles are real. A considerable number of personal injury cases:

- Q. I just want to ask you what you had done and I do appreciate you would learn from, as it were, going through such an experience with other Officers. Had you gone through in training the experience of commanding those Officers? - A. Yes.
- Q. You had? - A. Yes, but the number of Officers undergoing training at any one time would be two or three Police Support Units which are 40 to 60 men.
- Q. Yes. - A. Obviously nowhere near - nothing like the numbers.
- Q. Nothing like the numbers at Orgreave on the 18th of June? - A. That is right. I do not think there would be many Superintendents in the country would have encountered anything like those numbers.
- Q. So you had in training not just observed but you had gone through training exercises of commanding formations of Officers? - A. Yes.
- Q. Long shield Officers or short shield Officers or both?

- A. Long shield Officers in the main. I cannot recall the short shield formations. It was long shield.

- Q. I will come to this in a second, but you seem at various times there mainly concerned with the formation and discipline of the long shield Officers in the cordon - is that fair - on the 18th of June? - A. That is right. And the main cordon. Chief Inspector Hale had more experience of shield training and short shield units.
- Q. Right. So you to your recollection had never in training gone through the commanding of short shield units? - A. No.
- Q. And before the 18th of June you told us short shield units had never been deployed, at least in your experience? - A. That is correct.
- Q. So you had never before the 18th of June either in training or in the field commanded short shield units? - A. That is correct.
- Q. What about mounted Officers? Had you ever in training gone through that exercise? - A. I had never commanded mounted Officers. I had seen mounted Officers used in training.
- Q. And what about again in the field? At Orgreave area or any other situation? - A. Yes, I had seen mounted Officers used before at Orgreave.
- Q. Had you commanded them? - A. I had not given the commands.
- Q. And the sort of training you go through does not of course just involve having things thrown at you. It presumably involves a certain amount of classroom work? - A. No.
- Q. No? - A. That is not correct. The training at RAF Lindholme was merely the physical aspect. Part of it was geared to maintaining a certain level of fitness amongst Officers.
- Q. Yes. - A. And part of it was aimed at getting them to work together as a team because the same Officers should be in the same unit.
- Q. So whether there or elsewhere had you attended lectures on tactics? - A. Not on tactics. In fact I was due to go on a course on tactics where the manual would have been explained to a number of Superintendents. All this was fairly new and they were due to start, I recall, in March but in fact they were cancelled just because of the manpower commitment to the NUM dispute and were not reinstated during 1984.
- Q. You tell us then, and is this the position, you had heard of the manual, you had never seen its contents or, indeed, had its contents explained to you by others on some sort of course? - A. Not at that time. ACPO - it was a manual restricted to Assistant Chief Constable rank and above.

- Q. Is that - ACPO - the Association of Chief Police Officers?
- A. That is correct.
- Q. You heard of it. You knew it was an ACPO document? - A. Yes
- Q. You knew it dealt with public order tactical options? - A. Yes.
- Q. You had heard of it just in general talk with other Police Officers, had you? - A. Yes. I was just aware that ACPO had a Committee that were looking at the whole tactical deployment in public disorder situations and I was aware that a manual had been formulated by them about it.
- Q. That had taken place a couple of years before, had not it? The manual had been around for a couple of years before June, 1984. Is not that right? - A. I do not think so but I am not in a position to say.
- Q. But so far as you were concerned then standing orders or Force Regulations were the deciding guides for the conduct of Police Officers on this day. Is that correct? - A. Yes.
- Q. And, indeed, can I ask you? If there is a complete contradiction between standing orders and the contents of this ACPO manual - I do not know if you are prepared to say or have thought about it - which should guide the conduct of Police Officers in action? - A. Well, the Chief Constable of an area is autonomous in that area. The Force Regulations and orders are the orders of the Chief Constable. Therefore they take precedence.
- Q. Are those Force Regulations in fact in documentary form?
- A. Yes.
- Q. Are they issued to every Constable on his appointment as Constable? - A. No.
- Q. They are not. I ask that because things may be different in different areas. So each Officer is not given a documentary copy of those Force Regulations to keep in South Yorkshire? - A. No. It is a volume about that thick.
- Q. Yes. Indeed it is. I know it is brought up-to-date and amended every so often, is not it? - A. Yes.
- Q. What happens then? Is there just one copy in each Police Station? - A. Certainly there is one copy in each Police Station. There may be more. I think they are issued down to Inspector rank.
- Q. I see. What do Force Regulations in South Yorkshire say about the use of truncheons? - A. That they will only be used where necessary, only be used to defend oneself and must not be used about the head. That is paraphrased of

course.

- Q. Did you see at the time of a push against the Police cordon on top side any Police truncheon being used over the top of a long shield hitting the head of a miner just in front? - A. No, I did not see that at the time but I have seen that on the video when I saw it that week.
- Q. That is a very dangerous thing to do, is not it? - A. Yes.
- Q. Is there any way in which you could justify that? - A. Well, it would depend what had occasioned that. It would depend what had happened in front of the shield.
- Q. Can you - and I may be stopped because I may be asking you to speculate. May I just be allowed one more question? Can you give us an example of what you think could possibly justify that? - A. If the Officer felt that he was in danger of being injured.
- Q. At all? If he just feels in danger of being injured at all? - A. No, not at all because there was a danger of everyone on the front line being injured.
- Q. That is right. - A. If there is something specific that is happening in front of him by a specific individual but not just because he felt threatened by numbers, for example.
- Q. Well, I will move on but may I just try to make you be a bit more specific? Can you give us an example of something that could be serious enough being done on the other side of a long shield to justify that very dangerous thing to be done over the top of a long shield, an example if you heard it you would think well, that is dangerous but the Officer was justified in doing it? - A. Well, if the man on the other side of the shield had some sort of weapon or implement or stone or brick that he was trying to use against the Officer on the far side of the shield.
- Q. Had you seen that done on earlier days? - A. The truncheon over the top?
- Q. That is right. - A. No, I had never seen it done on earlier days. I did not see it done that day.
- Q. It was not just a one-off, was it? - A. I cannot say.
- Q. Is there anything in Force Regulations - I can only ask you about that which deals with the use of shields themselves as weapons as opposed just to block missiles or blows. - A. No, not to my knowledge.
- Q. You were able to see what some missiles were at various times. Did you see empty plastic pop bottles being thrown? - A. I cannot recall. I can recall bricks. I can recall bottles that smashed on the ground. Whether or not plastic bottles were thrown, I do not recall seeing any.

- Q. You see, litre size pop bottles are actually larger in some ways, are not they, than either of those things? - A. Yes.
- Q. And food. I am not talking about rock cakes but food of various kinds being thrown, not just rotten apples? - A. No, I did not see any food being thrown.
- Q. A proportion of missiles that were thrown were completely harmless, were not they? - A. If we are talking about a plastic bottle being thrown, I would agree that is harmless. The vast proportion of missiles I saw being thrown were far from harmless.
- Q. There were other Superintendents from other Forces in the cordon. Is that correct? - A. Yes.
- Q. With, I am sure you would accept them and would regard them as, their local men who they have commanded - A. Yes.
- Q. and come with from their Force areas? - A. Yes.
- Q. Equal rank to you? - A. Yes.
- Q. Which rank of Officer has two crowns on the shoulder? - A. There is no rank with two crowns on the shoulder.
- Q. I have got that wrong, have I? - A. Yes.
- Q. What should a Superintendent have on his shoulder? - A. One crown.
- Q. One crown. Which rank of Officer has two emblems on his shoulder? - A. An Inspector has two stars.
- Q. What does a Chief Superintendent have? - A. A star and a crown.
- Q. So two but different ones? - A. Yes.
- Q. You made a suggestion, as you recollect, to Mr. Clement that it was time for the long shields, I seem to remember you telling us? - A. Yes.
- Q. Did these other Superintendents or any other Senior Officers in the cordon at various times make suggestions to you or to Mr. Clement about action that should be taken? - A. Yes, there was a sort of ongoing dialogue between myself and other Officers there of Inspector rank, Chief Inspector rank, Superintendent rank. Just trying to think if there was a Chief - cannot recall.
- Q. Suggestions would be made by them? - A. Yes, perhaps so, but it was more discussions as to what was actually happening and what we were doing about it. Obviously these men had fear for the safety of their own men.

- Q. I understand they may have had various feelings and opinions at various times. Was there ever any disagreement you can recollect, a forceful suggestion, let us say, from a Superintendent on behalf of his men that was not followed up, any pressure, in other words, being put on you or Mr. Clement to act? - A. No, I have no recollection of that at all.
- Q. You encouraged Officers in the cordon? - A. Yes.
- Q. They needed encouragement, did they? - A. Well, that was part and parcel of my job to go along the cordon, just have a chat and keep morale and spirits high. I would do that by having a joke with them, having a laugh and just encouraging them.
- Q. You see, they did not need encouragement to go and arrest and disperse people, did they? They were raring to go, were not they? - A. Well, I did not have anyone come up to me and say they did not want to go.
- Q. Exactly. It is not a matter just of morale because you told us - I have my note here - in answer to my learned friend Mr. Mansfield early on, "We were encouraging the men to go and disperse and arrest." That is not building morale. That is encouraging them specifically as to what to do? - A. Well, they would be instructed what to do. When I use the word encouragement I really am talking about more of a morale maintenance exercise.
- Q. There is no question of you going along sort of saying, "Go on, lads, get stuck in," or anything like that? - A. No, there is not. As I answered Mr. Mansfield yesterday, if you look at the video and look at photographs of the thousands of Police Officers deployed at that scene, had I been encouraging men to get stuck in and to run into the crowd and disperse I was singularly unsuccessful because I only know of one that went out from the cordon. That is Police Constable Martin. None of the rest of the cordon to my knowledge went out and into the crowd.
- Q. None of Mr. Martin's colleagues were out with him? - A. I did not even see Mr. Martin out there. The short shield units went out. Mr. Martin, if my recollection is correct was not a member of the short shield unit.
- Q. That is right. He should not have been out in front of the cordon? - A. No, he should not.

MR. O'CONNOR: I think my client is gallantly staging his protest break-out as he does during my cross-examination.

JUDGE COLES: A man of discernment.

MR. O'CONNOR: Certainly.

JUDGE COLES: Do you want to

MR. O'CONNOR: I would be happy to.

JUDGE COLES: Just take a note of your last question and answer just to show there is no ill will. Well, it is 25-past-11. Shall we have our morning break? Well, we will adjourn then for quarter-of-an-hour.

(Short Adjournment)

Chief Supt. KEITH POVEY Recalled

Cross-examined by MR. O'CONNOR:

- Q. So if I can call it the Russell Broomhead incident was the only occasion when you saw Officers who should have been in the cordon or an Officer who should have been in the cordon breaking ranks and being where he should not be? - A. That is correct. Officers in the cordon were well aware they should stay there unless they could have made a very easy arrest on the front line. They should not have chased off into the crowd and 99 per cent of them of course did not.
- Q. And you were concerned with keeping the formation of the cordon during the three stage advance as well up to the bridge? - A. That is correct.
- Q. And that situation you have just described prevailed then? - A. Yes.
- Q. Some short shield and mounted Officers crossed the bridge as soon as they reached it ahead of you? - A. Yes.
- Q. And they were recalled? - A. They came back of their own volition. I did not recall them. They were coming back as I reached the bridge.
- Q. You see, you said yourself in evidence, "We regrouped and recalled the horses and short shield Officers to behind the bridge," Mr. Povey? - A. We did regroup behind the bridge.
- Q. Yes. Did you recall them behind the bridge? - A. The ones that had gone over the bridge, to my recollection, I did not recall them. The first time I saw them they were on their way back any way.
- Q. You see, how could you possibly have recalled them? How could you communicate with them? - A. I would have used the loud hailer.
- Q. Of course they are wearing riot helmets, protective helmets? - A. Yes.
- Q. And they have or some of them radios, do not they? - A. The Unit Commanders have radios.
- Q. Yes. Can I ask you about your movements, your personal

movements, with the aid, I hope, of Exhibit 3 which is our long plan. Could that be given to you and it is only the left-hand half we need concern ourselves with because I am going to ask you about your movements from the bridge upwards. How many times did you cross the bridge? - A. Once.

Q. So you did not cross it upon first arrival at the bridge?
- A. No.

Q. There was a regrouping. You did not cross the bridge then?
- A. No, I did not.

Q. You crossed the bridge once. May I say again in fairness to you when everything has finished you obviously crossed again then? - A. Yes, yes.

Q. But during relevant incidents you only crossed once? - A. Yes.

Q. How many times did you personally go beyond the brow of the hill? - A. I went beyond the brow of the hill initially and then there was a lot of action between the brow of the hill, the junction and half-way down the brow of the hill between the brow of the hill and the bridge initially before the 42 horsemen came up. Then I went forward to the junction following the short shield units and the 42 horsemen.

Q. Can I just try to make your answer a bit clearer, to me, any way? How many times did you advance beyond the brow of the hill? Did you more than once go further into the village than the brow of the hill and then go back to the brow of the hill? - A. Yes. In fact at one stage we were retreating under the barrage of missiles below the brow of the hill in a cordon when the horsemen came up because at that time the barrage was very, very heavy and there was an enormous number of demonstrators between the brow of the hill and the crossroads.

Q. Was that the retreat which was facilitated by the advance of the 42 horses or not? - A. That was the intention but to facilitate that without any injury the horsemen were instructed to go right as far as the crossroads because at that time I had also got short shield unit men in premises to the left and right of the road.

Q. Can I just come back to that?

JUDGE COLES: Sorry. I am not following that.

MR. O'CONNOR: I am not.

Q. JUDGE COLES: The 42 horses had come. You followed them towards the brow of the hill? - A. That is correct, and on to the crossroads.

Q. And on to the crossroads. - A. Yes.

Q. Then you say you retreated back. Is that right? - A. From

the crossroads we retreated in one movement straight back to the bridge and the horses were used to cover that retreat.

Q. Did you then go back again? - A. No.

Q. MR. O'CONNOR: Did the horses go to the crossroads to facilitate the retreat of yourself and other Officers on foot? - A. Yes.

Q. They did. Right. And that was to facilitate your retreat from where to where? - A. From around the area of the brow of the hill back to the bridge.

Q. And when the horses went to the junction you followed them? - A. Yes.

Q. JUDGE COLES: How does it make sense, you retreated back to the crossroads and the bridge in one movement? I am not understanding this. I am sorry. - A. If I can explain. The action was taking place around the brow of the hill. The horses came up. We followed them through to the crossroads, maintained a position there whilst we regrouped and then withdrew to the bridge.

Q. Followed them to the crossroads. Maintained a position there until we regrouped? - A. We regrouped and there was an added complication at the crossroads in that we had to summon an ambulance to remove an injured picket.

Q. This was while you had this semi-circle formed up? - A. That is correct, Your Honour.

Q. How were you regrouping? - A. When the mounted Officers went forward to the crossroads they drove demonstrators before them but there were also demonstrators in premises to the right and left who continued to stone and were in fact stoning the mounted Officers and short shield units went into the premises at the right and left at the same time as we went forward to the crossroads.

Q. I see. They were dealing with demonstrators in the premises to the right and to the left? - A. That is correct, Your Honour.

JUDGE COLES: Yes. Yes, I see.

Q. MR. O'CONNOR: Could I just try to summarise that? You are on the brow of the hill with foot Officers? - A. Yes.

Q. You are in difficulties and you want to retreat? - A. Yes.

Q. In order to carry out that retreat 42 mounted Officers go to the junction? - A. Yes.

Q. And in order to carry out that retreat you follow them to

the junction? - A. Yes.

Q. Stay there? - A. Yes.

Q. And then retreat? - A. Yes.

Q. JUDGE COLES: Well, I am going to put this down. Is it right? The reason for going to the crossroads was to facilitate the retreat back to the village? - A. That is correct, Your Honour.

MR. O'CONNOR: From the brow of the hill.

Q. JUDGE COLES: I am sorry to be taking over like this but explain to me. I am probably very slow. Why did you go forward from the brow of the hill in order to retreat? - A. Well, the stone throwing at that stage was very, very heavy. Now, had the horsemen just come to the brow of the hill and stopped there

Q. Yes. - A. we would have continued to be in danger from the stone throwers who in fact carried on throwing at the mounted Officers as they rode by.

JUDGE COLES: Sorry. I will leave it to you, Mr. O'Connor.

Q. MR. O'CONNOR: There is no possibility of confusion about the meaning of the word retreat, Mr. Povey, is there? - A. None at all. The whole scene was one of confusion, I might add.

Q. Linguistic confusion about the meaning of the word retreat. You do understand what that means? - A. Yes. Go backwards.

Q. You did not walk backwards to the junction so you can call it retreat in one sense. You walked forwards? - A. Yes.

Q. Did you have a shield? - A. No.

Q. Please tell me how far you personally went along towards the junction with the aid, I hope, of this plan. - A. To the mouth of the junction coming along Highfield Lane to its junction with Orgreave Lane.

Q. And how long did you stay there? - A. About ten minutes.

Q. And there were mounted Officers there then? - A. Yes.

Q. And short shield Officers? - A. Yes.

Q. How many short shield units? - A. Well, the short shield units had broken up from units as such and quite a number had returned with prisoners or with injuries. How many were in that area at that time, I would perhaps hazard a guess at two to three units.

- Q. JUDGE COLES: When you say returned with prisoners you mean returned to the bridge with prisoners? - A. Yes, Your Honour.
- Q. MR. O'CONNOR: So by two to three units you mean made up of elements from - what - four or five or six units? - A. Yes.
- Q. So please do not misunderstand me - I am not going further for the moment - but unit discipline and keeping together had broken down? - A. Of necessity. It was not a case of having an undisciplined rabble. It was a case of the action was such you just could not possibly maintain the unit.
- Q. What instructions were given to short shield or mounted Officers about going on to private property? - A. No instructions were given about going on private property.
- Q. Did you see any mounted Officer leave the roadway? - A. No, I did not.
- Q. Even go up on to a pavement? - A. No, I did not, unless we are talking about at the junction. As they were in a semi-circle around the junction they were on the road and sometimes on the verge of the footpaths.
- Q. Did you see what they were doing there? Were they static or moving? - A. They were just static at that time.
- Q. And were they near any miners? By near I mean within touching distance. - A. Yes, I would imagine they were.
- Q. Static? - A. Yes. The crowds at that time around that junction were very, very dense, many of whom were standing about not doing anything, so they would be near the horses.
- Q. Did you ever see moving Police horses, Police horses in motion, within physical touching distance with the aid of a long stave of miners? - A. Yes. As the horsemen went up the road there were demonstrators going before them.
- Q. Yes. - A. There were demonstrators to the right and to the left and they would be in contact with the demonstrators going before them.
- Q. How in contact? - A. Well, near to them.
- Q. Near to or - A. I would not be able to say whether they were in striking distance to them because I was still at the brow of the hill.
- Q. But you were following them, were not you? - A. Yes.
- Q. As quickly as you could? - A. Yes.
- Q. Did long shield Officers ever reach the junction? - A. No.

- Q. Or even ever go beyond the brow of the hill? - A. No.
- Q. Did you see an icecream van off the road on a forecourt on one of the commercial premises opposite the houses? - A. I do not recall an icecream van.
- Q. Was there ever an advance by foot Officers only beyond the brow of the hill without mounted Officers going ahead of them? - A. Whilst we were waiting for the mounted Officers to reach us it was a case of moving forwards and backwards in the whole area. It is difficult to describe a scene of very, very great confusion but certainly we did not make a formal advance towards the junction without the mounted Officers. That would have been impossible.
- Q. It would not be half so difficult for you to give accurate details of these events, Mr. Povey, if you had made a record of your own, would it? - A. One could not possibly have made a record in the detail that you are requesting it today.
- Q. Well, you are giving us a lot more than is in your witness statement, are not you? - A. I think that always happens in cross-examination.
- Q. I agree. You could foresee that, could not you, eleven months ago when making a witness statement in your own interests? - A. Yes. In any case, where I am giving a general picture and not involved in specific arrests I would not even attempt to cover the detail that is being asked this morning in this Court.
- Q. Can you remember your first few days as a beat Officer, Police Constable on the street? - A. Yes.
- Q. You have a pen and a notebook, do not you? - A. Yes.
- Q. If you see someone going the wrong way down a one way street what is the first thing you are told to do, apart from stopping them? - A. I would make a note in my pocket-book.
- Q. Exactly. - A. There is a bit of difference between someone driving the wrong way down a one way street and a riot of this enormity.
- Q. There is in importance and the need for accuracy if you are interested in it, is not there? - A. I am interested in accuracy and I am endeavouring to give the most accurate version I can to the Court.
- Q. So are you saying - please use your own words - that from the brow of the hill a to-ing and fro-ing of Police Officers who were on foot only when mounted Officers were not ahead of them? - A. Yes.

- Q. You told us that mounted Officers were instructed not to go beyond the crossroads? - A. To hold the crossroads, yes.
- Q. And you gave them that instruction, did you? - A. Yes.
- Q. When? - A. As they were coming up to the brow of the hill I used the loud hailer and shouted to the crossroads.
- Q. You told us that you saw the Police video if I can call it that the day afterwards, the 19th? - A. No, I said I saw it some time that week. I could not be sure which day it was
- Q. And you saw a short part of it yesterday? - A. Yes.
- Q. Any other occasion on which you have seen any part of that Police video? - A. No
- Q. Are you sure? - A. Well, if you let me finish. I have not seen that video in its entirety. I have seen a composite of that video and news reel shots.
- Q. Yes. When? - A. At the Police College, the Police Staff College, in July. I was there on a course and I in fact showed that video down there to the colleagues in my class.
- Q. That is about the time when you signed your witness statement July? - A. Yes. Well, I was on the course from June until September. I would have shown that video in the middle of August. I can be fairly sure of that because we each had to make some sort of presentation and it was towards the end of the course rather than the beginning.
- Q. You see, you told us that when you watched the film first you were an interested participant? - A. Yes.
- Q. Were you watching it after you had countersigned Mr. Clement witness statement which was on the 19th - A. Yes, I think it was after I had countersigned Mr. Clement's statement.
- Q. And you had countersigned Mr. Clement's witness statement because you anticipated being a witness? - A. Yes.
- Q. Did you therefore watch the film with a view rather more than being an interested participant but seeing that you had got things right in the witness statement you had signed? - A. No, not at all because I watched the film after I had signed the statement and a lot of things I saw on the film I was not even aware of happening at the time I was on the line.
- Q. So you were not checking to see that what you had countersigned was an accurate account when watching that film? - A. Not at all.
- Q. You were not? - A. No.
- Q. You told us, "We decided not to go into specifics." That is

- yourself and Mr. Hale and Mr. Clement? - A. Well, Mr. Clement made his statement independent of us.
- Q. That is right. - A. Myself and Mr. Hale decided to sign that.
- Q. So it was yourself and Mr. Hale that decided not to go into specifics? - A. Not to go beyond the statement because we thought the statement was sufficient.
- Q. Was Mr. Clement present when you made that decision? - A. No, I do not think - no, he was not.
- Q. You see, your account of events over the bridge in the witness statement you have made which comes substantially from Mr. Clement's is wholly inadequate to describe what you saw, is not it? - A. It certainly does not go into the detail that is brought out in cross-examination.
- Q. And which you could anticipate would be asked about in cross-examination as an experienced Officer? - A. Yes, but I would put it that it is adequate to show the situation throughout the whole of the day at Orgreave which was my intention.
- Q. You see, all you have in your witness statement is nothing more than what Mr. Clement has, you see, and he does not even ever go up to the brow of the hill, so it is completely inadequate to describe that part of your evidence, is not it? - A. Except that the statement does refer to the sudden barrage of missiles that was taking place on the far side of the bridge and does describe the horses being deployed up there.
- Q. You see, you were aware that you could add things to Mr. Clement's statement. You did so in quite a small respect. 7.15. Much earlier in the day. Mr. Clement goes down the lane towards the bottom side and you had in mind, you were aware enough of that, to add something you had seen that Mr. Clement had not for perhaps five minutes? - A. H'm.
- Q. 7.15. 7.20. There, I suggest, were two very strong reasons, do you agree, why you should - three in fact - why you should have given a proper account, your account, of what you saw and what happened over the brow of the hill? May I go through them? The first is that that was the time of your personal most important responsibility, was not it. You are the most - A. I
- Q. Please answer. - A. I had an important responsibility throughout the whole of the day.
- Q. But when Mr. Clement is with you you are second in command? - A. Yes.
- Q. Beyond the bridge and over the brow of the hill was down to you. You have accepted that? - A. Yes. Mr. Clement was not with me at the brow of the hill. He was not with me

often on the cordon. There were many times during the day we were not together.

- Q. I understand. Do you accept that was the time when you had most responsibility during that day? - A. I did not feel aware of that at the time.
- Q. You do not accept that as a reason for giving a proper account of those events but I suggest it is. Secondly, it was the time of most sensitivity, was not it, as to Police tactics because of the presence of members of the public and their homes. Do you agree? - A. If I were asked to give my impression of the time of most sensitivity I would probably have answered - in fact I would have answered - the first time that short shield carrying units were ever deployed into the crowd as they were at about 8.35 because as far as I was aware at that time that decision had never been taken before.
- Q. Again you do not accept that suggestion but I make that suggestion and I suggest that is another reason for you to try to be most careful and accurate in what you put in your witness statement about those events and the third we have already dealt with it, so may I just summarise it? In your own interests in order to give as accurate and detailed evidence as possible and to prepare yourself for perhaps boring, perhaps annoying, cross-examination you would have included a proper account of those events. Do you accept that is a third reason for doing so? - A. No. When we finished on the day, the 18th, myself and Mr. Hale sat down and considered making our notes. I went to see where Mr. Clement was. He was making his own note and the statement. We were very, very tired, physically exhausted, both myself and Mr. Hale and we were released from duty and went off duty that day. Our intention was to go the next day and look at Mr. Clement's statement and we did and we agreed with it and signed it.
- Q. So you had already decided on the 18th what you were going to do on the 19th was look at Mr. Clement's statement? - A. Yes, to see whether we agreed with that or not.
- Q. On the 18th we have a conversation with Mr. Hale, "We are not going to make our own individual records. We are going to look at Mr. Clement's statement"? - A. Not in those terms. I forget my words to Mr. Hale. Something to the effect we will go off duty and Mr. Clement is making his own note and the statement. We will look at that tomorrow.
- Q. I have suggested to you; I do not think you have accepted any one of them - I hope I have made the suggestion clear - there were three powerful reasons for you to make an accurate and proper account in that statement of what happened over the brow of the hill. Can I come to what I suggest is the one overwhelming reason why you did not, and that is because

that was the time of maximum Police brutality on that day?
- A. There was no Police brutality on that day.

Cross-examined by MRS. BAIRD:

- Q. Mr. Povey, I ask you some questions on behalf of three men from County Durham all of whom were arrested about the area of the bridge and so that is my main concern. When you got up to the bridge, say that the long shield cordon was there. Was there at that time any charge, can I call it, at your lines of the kind we have seen on the video taking place in the field or were they just down by the coking plant entrance? - A. No, there was no charge against the lines of long shields across the bridge.
- Q. Can I ask you one more question about that specific area? You have told us, I think, about a car which was across the road at the time you went through over the bridge toward the brow of the hill? - A. Yes.
- Q. That I think was a sort of wrecked car that appears to have come from the scrapyard? - A. Yes.
- Q. There is a photograph.

MRS. BAIRD: Your Honour, the photograph I am using is the one Mr. Walsh put to Mr. Clement showing Mr. Clement himself. It has not got a number. It is one of the ones I am very pleased to say Mr. Walsh has let us see:

- Q. Could I ask you to look at that, please? It is not exhibited yet of course. There is Mr. Clement, I think, at the front and there is what I imagine is that car behind? - A. Yes.
- Q. All I want to know from you is is the car in the same position on that picture as it was when you passed it with your short shield unit or has it been moved? - A. As I recall that is in the same position.

MRS. BAIRD: I do not know whether it is worth showing that to the jury or Your Honour again at this stage but that can be done.

JUDGE COLES: If you wish it to be done it can be done

(Shown to Judge)

JUDGE COLES: Yes.

(Shown to Jury)

- Q. MRS. BAIRD: The car, you think, is in the position it was in when you saw it. Can you tell us whether there was ever a time you can recall when there was a short shield cordon just temporarily in front of that car, that is, on the village side of the car? Can you remember any

time in the comings and goings when that happened? - A. That may have occurred. As I said, there was a to-ing and fro-ing on the brow of the hill.

JUDGE COLES: Is that a short shield cordon?

MRS. BAIRD: Your Honour, yes.

THE WITNESS: And the short shield cordons on the brow of the hill sometimes moved forward slightly, sometimes moved backwards, and there may have been a position when they were somewhere between the brow of the hill and the car, yes.

- Q. MRS. BAIRD: Mr. O'Connor has asked you about any occasion when the short shield units or some of them ran out from the cordon without horses in front of them. He was concerned though with over the hill at that time. Was there ever a run of that kind whilst the long shields were on the bridge? - A. Between the bridge and the brow of the hill?
- Q. Yes. Particularly running past the scrapyard, the area you saw Mr. Scargill. - A. When we first went forward to the bridge, to the brow of the hill.
- Q. Right. That would be just short shield Officers? No advance of horses in front? - A. No. Horses preceded that advance. I am sorry. I have misunderstood. When we went out from the bridge it was horses and short shield units.
- Q. Yes, I accept you have said that happened once. My client, particularly Mr. Moreland, is fairly sure there was a time when the cordon broke at the bridge and short shield men ran out and there were no horses in front of them. Either the horses were in the village or behind. He cannot say. Can that be right? Can you remember that? - A. No.
- Q. You are saying you cannot remember it? - A. No. I am saying that cannot be right because going from the bridge we need the horses to get to the brow of the hill.
- Q. Presumably your role with the short shield units was to, as it were, clear the way, take away the stone throwers as you went? - A. Yes.
- Q. So after you had gone you would leave behind you a safe haven with no stone throwers, at least for a short time? - A. Yes.
- Q. You went away from this cordon and took yourself eventually to the crossroads and then back. I think you have given us some rough idea how long you were away. Would you mind repeating that? How long do you think you were away? - A. My best estimate is 10 to 15 minutes but perhaps the whole action from starting out from the bridge to the return of

the 42 horses - I think I said I believe it was somewhere between half-past-11 and 12 o'clock but not necessarily a half-an-hour's duration.

- Q. So far as you know, since you were, as it were, carrying the action forward with you the area between you and the bridge during that interval would be empty of stone throwers, so far as you know? - A. As we were going forward, yes.
- Q. Yes. One or two other questions. Have I understood your evidence about the film properly? You have only seen the video I wanted to come to as part of a composite training film in August? - A. Yes. I also saw it in its entirety the week following the 18th of June.
- Q. I see. So it is not right, as you have just said, to say you have never seen the complete video?

MR. WALSH: With respect, he did not say

JUDGE COLES: What he was being asked about was whether he used the film to check the accuracy of his statement.

MRS. BAIRD: Yes. I recalled it only a minute ago. My note of that is, "I saw the Police video at the Police College in July. I have not seen it in its entirety."

JUDGE COLES: I do not understand

MR. WALSH: I think that was what he was saying about the July/August viewing. It was not in its entirety. It was a composite he did for training purposes.

JUDGE COLES: If he had said that it would have been in direct contradiction to what he said earlier. Always possible of course. Perhaps you would like to investigate it.

MRS. BAIRD: I wonder if it is possible to turn up the note of that because I may have written it down wrongly. My recollection is

MR. TAYLOR: If I can assist. I have got a note of that part. Mr. Povey said, "I saw the Police video some time that week." My next sentence also reads, "I have not seen the Police video in its entirety." In what context exactly I do not know because I have not read the whole

JUDGE COLES: When said did not view it in its entirety I did not make a note of it because I assumed what he was saying was he did not see the video in its entirety at that time.

MR. WALSH: Can I read my note? "I saw the video that week. Not seen it on any other occasion. I have

seen a composite of that and a news reel. It was at the Staff College in July. I was on a course between June and September. I showed it in the middle of August. We each had to make a presentation. It was towards the end of the course." I think that might assist my learned friend. He was saying he had not seen the whole thing other than the first occasion.

MRS. BAIRD: I am sorry to be stubborn. I wonder if it is possible to look up the note because my impression is Mr. Povey wished to make a point he had not seen it in its entirety.

JUDGE COLES: Very well. We shall look up the note. Perhaps we can contain our impatience until after - if you could go on to some other point? We are not going to finish cross-examination of this gentleman today, are we?

MRS. BAIRD: I shall not be long.

JUDGE COLES: Very well. I won't delay you.

- Q. MRS. BAIRD: Can I ask you, please, Mr. Povey? You will forgive the personal questions being asked of you. You obviously understand it is important we know from whom this evidence is coming. Had a rather interesting promotion. You are now in some way attached to the Inspectorate. Is that right? - A. That is right. My title is Staff Officer to Her Majesty's Chief Inspector of Constabulary.
- Q. Does that mean you are still a member of the Police Force or now a civil servant? - A. Theoretically I am a civil servant.
- Q. Is that a course you have always had ambitions to take? - A. No. It is just something - I went on the Inspectorate Staff as a Chief Inspector when I served with the present Chief Inspector of Constabulary and he requested I go down there as Staff Officer when the current Staff Officer retired. Merely a two year secondment. I then return to my Force.
- Q. JUDGE COLES: It is a two year secondment? - A. It is.
- Q. Then you will return to your Force? - A. Yes.
- Q. MRS. BAIRD: As a Chief Inspector you say you have served with the Inspector of Constabulary before as an Officer? - A. In the regional Inspectorate, yes. I am now in London at the moment.
- Q. There has been a period before when you have been away from your Force attached full-time to the Inspectorate in the region? - A. Yes, many times when I have been away from my Force for a period.
- Q. In that connection? - A. In that and other connections.

- Q. Can you tell us then what proportion then of the last three or four years you have spent away from the Force in that connection? - A. In the Inspectorate connection?
- Q. Yes. - A. 18 months in 1980 to 1981. No. 1981 to 1982. I am sorry. And the last six months. So two years in all.
- Q. Two years since 1981? - A. 1981. Since the 1st of January, 1981, yes.
- Q. Presumably you are considered particularly suitable for that kind of role? - A. Yes, I would imagine so.
- Q. Do you know which of your qualities it is that commends you to that role? - A. No. Perhaps

JUDGE COLES: In my experience very few of us know what our qualities are.

MRS. BAIRD: Your Honour, I am sure that is not right:

- Q. The Inspectorate of Constabulary is inspecting the Police, is not it, to make sure regulations are done properly and so on? - A. That is correct, the regional one.
- Q. What about the national one you are now part of? - A. The national one, the role of my post is adviser on Police matters to the Home Secretary.
- Q. Is your ascent in this way as opposed to in any other way in the Force some indication you are particularly meticulous and a thoroughgoing person who keeps the rules or has a good awareness of the rules or anything of that kind? - A. Not necessarily.
- Q. When you first took a turn towards the Inspectorate was that a complete accident or did you design or hope for that? - A. That was a complete accident. I was approached by the Chief Constable and asked if I wanted to take up that position.
- Q. I understand - this may be entirely without foundation - you have had rather quick promotion in the last few years. Is that right? - A. Quicker than normal, yes.
- Q. Is this right? You were a Sergeant for a considerable period of time? - A. For six years.
- Q. When was that? - A. I was a Constable for six years from 1962 to 1968. I was promoted Sergeant 1968 which was a rapid promotion. Then I was a Sergeant until 1974. Then I was promoted Inspector in 1974 and promoted Chief Inspector in 1980. So, yes, I did six years as a Constable six as a Sergeant, six as an Inspector.
- Q. That is quick, is not it? Very quick promotion up to where

you are now? - A. It is not accelerated promotion. I was promoted Inspector with 12 years' service and Chief Inspector with 18 years' service. My promotions from then on have moved at a rapid

- Q. JUDGE COLES: Can we have those, then we have got them all set out in one chart? I know you have mentioned a little earlier - we have got so far to 1980 you are made up to Chief Inspector? - A. Yes.
- Q. Let's go on after that and have it complete, may we? - A. I was promoted to Superintendent in 1983 and Chief Superintendent December, 1984.
- Q. MRS. BAIRD: It is really the ascent from 1980 that is remarkably speedy? - A. Yes.
- Q. That has coincided with your involvement in the Inspectorate - A. No, I would attribute my promotion to my attendance at university, when I left there in 1980.
- Q. You got a very good degree and so you were pushed on? - A. Yes.
- Q. Presumably that has made you quite an ambitious person, has it? - A. Yes, I am fairly ambitious.
- Q. But you have been immensely frank in indicating to my learned friend Mr. O'Connor you really do not know very much about the way P.S.U.s work in a riot type situation. That is not your field? - A. No, but I know the deployment of P.S.U.s and long/short shield formations.
- Q. You gave some details about your contact with training P.S.U.s? - A. Yes.
- Q. And your riot experience, if I can call it that, must be said to be not very great? - A. Yes, but I would say it was above average. If you look at the normal Superintendent in the country, his involvement with scenes of public disorder, I would say I had had far, far greater involvement than the majority.
- Q. Yes. And you have described its nature, I think, to Mr. O'Connor. You obviously I think had less such experience than Mr. Clement? - A. Yes.
- Q. And you had only gone to Orgreave on the 1st of June whereas he, we know, had been there since the 22nd of May? - A. Yes.
- Q. To put your stay between the 1st of June and the 18th in context, he has told us there was only really anything of a troublesome kind on the 1st of June and the 6th of June and then on the 18th? - A. Yes.
- Q. So your experience there of can I call them heated

- situations is confined to those two days? - A. Yes.
- Q. One of which was your very first at Orgreave? - A. Yes.
- Q. He has made plain to us both in his evidence and in his statement to the Police that he briefed his Area Commanders - sorry - his Sector Commanders. - A. Yes.
- Q. One of which was you on the site each morning? - A. Yes.
- Q. And he there emphasised to you, did he not, he was ready to use all the options he had at his disposal in order to guarantee the lorries went through? - A. Yes.
- Q. That is all the various units we have heard of? - A. H'm.
- Q. I think he emphasised further the decisions to use them were his and his alone? - A. That is correct, unless there was an absolute dire emergency.
- Q. I think perhaps therefore you were in the position, were you, at Orgreave of being under the command of a man more experienced in the terrain than you? - A. Yes.
- Q. And in the tactics he had used before than you? - A. Yes.
- Q. With more riot experience any way who had made it clear he was going to make all decisions? - A. Yes.
- Q. I do not want to labour this at all because there is a danger of it being laboured. Mr. Clement had, would you agree at all, to some extent got a bit between the teeth about Orgreave? He has told us he was delighted to be sent there to police it. Were you aware of that kind of attitude? - A. I am aware from a brief report I read he was delighted to be at Orgreave
- Q. Did you feel at Orgreave on the 18th of June he had got the bit well and truly between his teeth, determined to be in command? - A. There was no doubt he was in charge and he was positively in charge, yes.
- Q. And you with less experience would be quite content with that, presumably, that he would take responsibility? - A. Yes. He would take the decisions down to him and I would take the decisions down to me.
- Q. Mr. Clement had in addition to all the experience also made rather a public fact of his charge of Orgreave, had he not? Been on television innumerable times? - A. Yes, he had.
- Q. So many times he tells us he cannot remember really about any of them? - A. Orgreave was a very newsworthy incident.
- Q. So it was clearly going to be very important to him and,

indeed, he told us this, but you can perhaps confirm it, the lorries got through? - A. It was important to all of us the lorries got through, yes.

- Q. Can I put it to you then in that context you were pleased to take, happy to take, a subordinate role and a somewhat passive role? - A. Well, I would not say my role was passive on the day.
- Q. But it would not be marked, would it, by you initiating very much? It would tend to be discussions, then his decisions and you putting them into operation? - A. Major issues following discussion, yes, were down to Mr. Clement. I would not feel happy or unhappy about that. Been in the Police Service 27 years. Used to that chain of command.
- Q. That is where it is very important of course all the way down from Assistant Chief Constable men beneath the Commander do as they are told by the Commander when he has made the decision? - A. Yes.
- Q. Can I suggest the slightly passive role you have adopted or perhaps just following your experience of being commanded is marked out by the fact you have not got a separate account at all. Just signed his statement. Is it fair to indicate that is just part of the way you saw your role that day? - A. No, not at all. I have explained the reasons for that, because we were there at the same time, saw the same things and I was coming to Court to give evidence about the riot at Orgreave.
- Q. For the sake of the jury may I ask you this? Do you agree it is rather unusual for an Officer not to keep his own separate note but just to sign someone else's? - A. No, not at all. It happens in the Police Service very often.
- Q. I really am not going to dwell on the Scargill incident. Had a lot of airspace. Did you say to His Honour yesterday when you read through Mr. Clement's statement and the reference to Mr. Scargill's appearance at 8 o'clock, the inspecting of the troops, when you read it through did you not see any possible political implication in the way that paragraph was put? - A. No. I saw the importance of the fact that he was there.
- Q. I accept that. - A. I saw no political implications to that.
- Q. You see, just very quickly, this is exactly how it goes. There was some stoning. "This was spasmodic and fairly light and although there were some stones and bricks I did not see any injury." At 8 o'clock Scargill came to the front of the lines and behaved provocatively. I am summarising it. Very shortly after missile throwing increased immensely and we had to deploy long shields. I am not making any comment about whether it is an intentional political remark but you can see there is

one there potentially, cannot you, now it has been pointed out to you? - A. As I said yesterday, there are many other reasons that could have accounted for the stone throwing increasing.

- Q. Certainly, but that is not my point. Please answer this. Cannot you see now it has been pointed out to you that that paragraph may be intended as a political slur on Mr. Scargill? - A. No. Just ties the stone throwing down to the time, at the time or shortly after Mr. Scargill was there.
- Q. Very well. This is your evidence, is it, that reading that then and even reading it now when you have heard all of us seek to point it out to you you just cannot see any political implication there at all? - A. I do not see a political implication to that, no.
- Q. What I wondered about, Mr. Povey, was whether you just thought that is a bit ambiguous. There might be a political slur. There might not. If anyone wants to make it at least it is ambiguous. I will sign it because of that? - A. No, not at all.
- Q. Just did not cross your mind? - A. No, not at all.
- Q. You have given evidence before you did not disagree with anything Clement did that day? - A. No.
- Q. Not one thing? - A. No.
- Q. Can I put this to you? Are you an Officer who, although not wishing to hurt people of course in the course of his duty, if he feels it necessary to carry out his duty will contemplate the possibility of injuries to others? - A. It depends on the situation. If Officers are being attacked then injuries to others will be caused and I would contemplate that.
- Q. I am obviously talking about the situation on the 18th June. You must have been able to see there was a possibility of injury in the tactics you used under Mr. Clement's supervision. That is plain? - A. Yes, I saw the possibilities of injury were caused by the demonstrators. Had the demonstrators not thrown stones we would not have taken the action we did. Had the demonstrators not been there neither would the Police.
- Q. Yes, yes. Very well. But I was asking you a rather narrower question than that. I am not blaming you but you did foresee the tactics being adopted might well lead to injury? - A. Certainly, yes.
- Q. And might well lead to injury - people who had not been stoning and pushing because many there who were not? - A. That was a possibility.

- Q. Inevitable if the field was going to be emptied of people. Some of them had been well behaved. They were just going to get carried along with it? - A. Unfortunately, yes.
- Q. Can I just ask you to specify what you mean by your reference to sending short shield units out to disperse the crowd? How are they intended to disperse the crowd? - A. The mere fact they go into the crowd with horses is sufficient to disperse them.
- Q. I am sorry. I may not have made it plain. I meant to say short shield units. - A. Yes, and my answer was directed at that question.
- Q. Then carry on. I am sorry. - A. The mere fact horses and short shield units go into the crowd would have a dispersal effect. The aim of the short shield units, apart from dispersal, was to arrest and arrest the persons throwing stones.
- Q. I hear you say that. I am concerned only with your mode of dispersing the crowd. It is right, is not it, when the short shield men went out behind the horses they did not stay behind the horses? - A. Initially yes. Ultimately no.
- Q. When running on to the field the horses would go straight ahead, come round and come back. The short shield men would go wherever their initiative took them? - A. Yes, wherever they saw the stone throwing coming from. On the two previous occasions we had sent horses towards the crowd on their return they had been heavily stoned.
- Q. I am not quite sure where you slipped that in just there. I do not think it arises out of my question but very well. The short shield men's job was not only to arrest; it was to disperse. Indeed, in all previous descriptions of what the short shield men were doing you have put disperse first, have not you, and arrest second? - A. Yes.
- Q. They do not follow the horses who obviously disperse crowds. They go their own way. You said used to grab missile throwers. In addition to disperse the people before them? - A. The fact they go in behind the horses disperses the people. Their role then is to arrest the people who continue to throw the missiles.
- Q. You seem to be shifting your ground. I thought the purpose was for the short shield units both to disperse and to arrest. Are you now saying not really. The horses disperse and the short shield units arrested? - A. No, I am not saying - the short shield units went in behind the horses, disperse and then arrested those who were throwing missiles.
- Q. JUDGE COLES: Do you remember you said, I think, to Mr. O'Connor when you were on the brow you had to go forward because there were people in the houses on the right? - A.

Q. In the industrial buildings on the left who were throwing stones. You said the short shield Officers went - I do not know whether the word to deal with them was yours. I think in fact it was mine. How was that done because presumably it would not take - A. No, the short shield units there were going in to arrest the stone throwers. Stones were being thrown from both sides of the road.

Q. So they went in to arrest people? - A. Yes.

Q. MRS. BAIRD: Are you really saying to us, "I feel now the primary function of the short shield units was to arrest - A. That was a function as was dispersal. Those were the functions of a short shield unit.

Q. JUDGE COLES: I think what you are being asked is was there the dispersal function only when there were horses present or did they carry out some sort of dispersal function in the absence of horses? - A. No, they did not. Only when horses were present.

Q. MRS. BAIRD: There are scenes, are not there, on the video where what we see is the horses going ahead, the short shield men coming out and, as it were, fanning out and running into particular crowds of demonstrators? - A. Yes, that would be correct.

Q. Most of whom turn tail and run away? - A. Yes.

Q. Is that your short shield units being used to disperse those demonstrators? - A. To disperse and if they were running towards a group it may be that group had been throwing stones and going towards the group to arrest them.

Q. You have accepted from me and it is a commonplace, is not it, if there is a chap in a group throwing stones the whole lot are likely to run away if your short shield men come? - A. Yes.

Q. Yes. Because the instrument you use when you are using your short shield units to disperse the crowd is fear of being hit by an Officer, is not it? - A. No, not at all. It is fear of being arrested for throwing stones at Officers

Q. Well, we have seen this equipment in a layman's sort of way demonstrated last week.

JUDGE COLES: That is not the way I would describe it.

MRS. BAIRD: I was I am not going to do it again:

Q. An Officer would wear one of these types of shields we have seen, carry a truncheon - A. Yes.

Q. and wear a riot helmet? - A. Yes.

- Q. If you were dressed like that running at that jury what would you think they would think you were going to do when you got there? - A. Arrest them if they had been throwing stones.
- Q. I daresay they will make their own mind up about that. Can you give us any guidance as to how old a Policeman must be before he gets into one of these riot squads? - A. No. That varies tremendously.
- Q. How young can he be? - A. He could be 19/20 years of age.
- Q. I am right about this, are not I? You, beyond the order you have told us, disperse and arrest, gave no other order to the short shield units or their Commanders? - A. I did not personally other than I recall warning them about use of truncheons.
- Q. Yes. This bit about bodies, not heads, which we heard you say on the video. Can you help with this? It is a question I put to Mr. Clement. I suggested to him a good thing that day would have been to have what I call spotters. Do you know what I mean? People looking from an elevated position at stone throwers, radioing to men on the ground as to who to arrest? - A. H'm.
- Q. Do you agree that might have been a useful asset that day? - A. The scenes there were such that spotters would have been hard-pressed to spot them when they were in the mass of crowd and the stone throwing was taking place.
- Q. Did it ever occur to you to suggest spotters? - A. No, it did not. It occurred to me through the day we would have been better with some sort of heli-telly.
- Q. With some sort of? - A. Heli-telly. Helicopter mounted. With closed-circuit television that could have beamed down not only on the stone throwers but because of the action taking place over the whole of the Orgreave area.
- Q. You cannot think of any technical reason apart from your suggestion they would not be of much use why there would not be spotters there that day? Just never occurred to anyone? - A. It is not a case of that. Just trying to outline the difficulty of a man in a spotting position trying to pass a radio message and describe a man in the midst of a five or six thousand crowd to sufficiently identify him to be arrested for stone throwing.
- Q. You know, had a slow build up, if that picture ever occurred whether or not we are in issue about whether it did, during which we can see repeatedly just the odd person throwing stones, then spotters would have been invaluable, would not they? - A. I think we would differ on that. I would disagree I cannot see real value of spotters in that sort of situation. Certainly I can see a value in video recordings

but if I understand you rightly you are saying to have a man placed somewhere who could pass a radio message and give a description of someone who had just thrown a stone so he could be arrested. Well, that would not be feasible on the day to go in there and actually arrest the man. He is going to move positions and going to have to send a lot of men in to protect the ones going to arrest.

- Q. Can I just pursue that for one moment only? You are going to have to send men in to protect arresting Officers if you use a spotter technically? - A. No, to arrest anyone stone throwing in a crowd that size. There is no way you could send two men in that crowd to arrest. That is what I mean.
- Q. Do you know of a kind of manoeuvre in which shield Officers go in to protect non-shield Officers so they can make the arrest? - A. No. All the units went in. Everyone was carrying a shield.
- Q. I know what happened. I am asking have you heard of such a manoeuvre. - A. No.
- Q. You have agreed with someone else that in a sense the riot squads were going in blind because they were behind horse-men, formed behind lines, just running in? - A. Yes, that is correct.
- Q. Could not see obviously who had been throwing stones before they were out? - A. Very difficult for them to see from when they set off, yes.
- Q. Let me go quickly through this. All this equipment on the day, with weather like the 18th June, would make a man hot and sticky very soon? - A. Yes.
- Q. And tired? - A. Very tired.
- Q. These short shield men, 19 to 20 years of age and upwards, had to run over considerable distances dressed like that, did not they, on the field? - A. Yes.
- Q. Firstly out and then back and then three more times before they got to the top of the hill? - A. It was very hard work.
- Q. I do not suppose there was any way out? You would not allow someone to come to you and say, "Please, sir, may I go and have a glass of water?" They were stuck there once there? - A. That is right.
- Q. Tired and hard working and so on. Yes? - A. Yes, though refreshments were brought out.
- Q. I understand so. Indeed, we understand the long shield men were removed completely about 11 o'clock in order to take refreshment. - A. That is right.
- Q. If one gets hot inside a helmet like that - I do not know

whether you know this at all. About 80 per cent of the body's heat escapes through the head. Yes, did you know that? - A. I did not know that.

Q. If you want to keep warm in winter put a hat on. But even if you do not know, share my technical expertise as a jogger.

JUDGE COLES: barrister wearing a wig.

MRS. BAIRD: There is that too:

Q. It is commonplace, is not it, you get very hot in there?
- A. Very hot.

Q. If you get hot presumably this Perspex gets into a less transparent state? - A. I do not know. I have never experienced it.

Q. Fair guess it does, is not it? - A. I wore one of those on the 18th of June for the first time in 22 years of policing but I did not notice the visor misting up.

Q. You were not doing the running about these other people were doing. - A. I was doing a fair amount of running about.

Q. You had not done three charges up the field? - A. No, I had not.

Q. Four charges up the field. Can I ask you to consider this situation? When you are getting near the top of the field a lot of pickets or demonstrators run over the top of the railway banking, down on the railway and up the other side, do not they? - A. Yes.

Q. So they are in a sense driven there? That is the movement of the action? - A. Yes, they are running there in front of horses and short shield units, yes.

Q. Running there in the way you concede there would be some men thrown, some had not thrown, just getting away? - A. Yes.

Q. Down the banking, up the banking, followed I think by some Police Officers in riot uniform. Did you see that? - A. Down the banking?

Q. And up the other side. - A. No. No, I did not see that at a

Q. You did not. I understand it is suggested missiles were coming from the top of that banking at about 11.15 or 11.30?
- A. On the opposite side of the cutting?

Q. Yes, from the works. - A. From the scrapyards. The opposite side of the cutting there is a scrapyards and a lot of missiles came from there, yes.

- Q. Further along the railway line, on that side of the cutting, Manning Vanning and the fence between them and the railway.
- A. Yes.
- Q. There were some stones being thrown from there, I understand, about this time. Are you in a position to comment? - A. Yes. That was the time before we went forward from the bridge. We held the bridge. In fact there was a line of long shield units facing across the cutting and, yes, missiles were being thrown at those long shield units.
- Q. I want to suggest some Officers ran up the banking to those people throwing missiles. Do you know whether that happened? - A. I did not see that happen and I would very much doubt that happening because those Officers would have been in extreme danger.
- Q. Running up into missiles? - A. Yes, and into the demonstrators.
- Q. If a group of Officers clad in that way, tired, hot and so on is sent or directs itself into a group of people from where stones are coming that would be a movement done quickly?
- A. Yes.
- Q. Into the group. And do you contemplate at all the possibility of a wrong arrest by running into a group from whence come stones and seizing the nearest chap or seizing the chap standing behind the one who threw the stone? That is a possibility, is not it? - A. I do not think it is. I think Officers who run towards the stone thrower who they have seen throw the stone will surely know that is the one they are going to arrest.
- Q. But the description I thought you and I shared about the top of that banking was of groups of people throwing stones. That is when the danger arises, is not it, when there is a group of them? - A. Yes. All I can answer to that is I would expect Officers who see stone throwers to be intent on arresting the stone thrower, not the chap standing next to him.
- Q. Of course. You conceded with me if one sees a group one has to move quickly, one runs into it?

JUDGE COLES: Getting into the realms of argument and comment, are not we?

MRS. BAIRD: That may be right:

- Q. Can I just ask you this then? In the situation I am sure I have adequately sketched, can you contemplate it may be possible for a wrong arrest to be made? Possible? - A. No.
- Q. I see. Utterly impossible? - A. I would not contemplate the possibility of a wrongful arrest in those circumstances we have just been talking about.

- Q. May I ask you this? Your men now in a cordon on the bridge, the long shield Officers, and you say always behind the horses, your short shield men being sent out to clear stone throwers? - A. Yes.
- Q. You have made it clear many stones were coming from the scrapyard area? - A. Yes.
- Q. Which is, as one stands on the bridge, to the left and almost out of sight? - A. Yes.
- Q. Is it completely out of sight as one stands on the bridge?
- A. If I remember rightly from the bridge you could see the demonstrators but you could not see the actual label of the scrapyard from inside the bridge.
- Q. You have seen the photographs of that area. As you come across the bridge the road turns sharply to the left? - A. Yes.
- Q. You will suddenly run into a full view of whoever is standing on the left there, won't you, having not had a full view before? - A. Yes.
- Q. This is the position, is not it?

JUDGE COLES: Shall we deal with that at quarter-past-2?

MRS. BAIRD: Certainly.

(Luncheon Adjournment)

Chief Supt. KEITH POVEY Recalled

MRS. BAIRD: Your Honour, before I continue briefly with Mr. Povey, may I mention the shorthand writer has spoken to me and has been able to transcribe what was said at that time and it is quite clear Mr. Povey was saying he had seen the full video on one occasion and a part of it on the second occasion, the second occasion being the training college, somewhere else.

JUDGE COLES: Yes. Yes, very well.

Cross-examined by MRS. BAIRD:

- Q. I was asking you about short shield men coming out from behind the cordon when the cordon was on the bridge. You recall that is where we left the matter? - A. Yes.
- Q. Do you have the bundle of photographs, Exhibit 9, there?
- A. Yes.
- Q. Would you look at No. 7 because that might help? I think

that shows a view just beyond the bridge. I am particularly concerned with the left-hand side here. - A. Yes.

- Q. At a time which you describe when the cordon was at the bridge there you were really saying something of this kind. Your men were boxed into the bridge. It was an easy target for missile throwers. All they had to do was aim somewhere between the two - A. Yes.
- Q. There was a substantial rain of them, you allege, at that time, of missiles? - A. Yes.
- Q. Coming round this corner to some extent? - A. And the front.
- Q. And the front? - A. And to the left as you look at that photograph.
- Q. What I was putting to you before - it may well be you have had time to think of it over lunch - if your long shield cordon is along there and it stops so the short shield men run out, they will very quickly come face to face with a group of men round that corner they had not been able to see before? - A. Yes, but the men round that corner were in the scrapyard which is raised up from that level and some distance to the left. Sort of up a bank.
- Q. I am sorry. Do carry on. - A. It is up a bank.
- Q. I know that. Were there not men on that bank when the men went through? - A. Probably. I am not sure. The bulk of the demonstrators were in the road. There were a lot of people in the field to the right, a lot in the scrapyard to the left. Yes, there must have been, on that.
- Q. So I am right, are not I, when your short shield men come out they will not at that stage be able to see anyone round that corner but as a unit, if it chooses, goes in that direction it would very quickly come face to face with a group of men? - A. Yes.
- Q. Now, the men in the short shield units who have got to that stage following the repeated runs up the hill to disperse and so on, they are obviously ones who have not made an arrest, are not they, or they would have gone back to the Command Centre to check in their prisoner? - A. Except they may have made an arrest earlier in the day and that prisoner was processed. The system was such when arrests were made it was quite important to get the man back on the ground as quickly as possible, so it is quite feasible they could have made arrests earlier that day.
- Q. Those who had not made arrests will have been used in that series of moves to chase men away, perhaps to chase men and fail to arrest them, and will have done nothing more than run? - A. Yes.
- Q. So they are likely to be quite hot and tired and quite

conceivably frustrated by that time having run at people and not achieved much save to scatter them. Do you agree?
- A. I agree they would be hot and tired. Whether they would be frustrated or not I do not know.

- Q. What I want to suggest is this is a very realistic possibility. They are, you say, receiving a hail of missiles. Standing behind, one man. He was the first there. They in this state, having been used in the way I have described. The cordon opens. They run out. Confront that man. I suggest they just grabbed who is there. Do not you think that quite likely? - A. Just standing there doing nothing, no, I do not think it is likely at all.
- Q. Would they have time to really see who was throwing the missile? Missile throwers turn and run away, do not they?
- A. You must ask that question of the persons who made the arrest.
- Q. I want to ask you whether you do not think that a very realistic possibility.

JUDGE COLES: That is a matter of opinion:

- Q. Were you trying to effect an arrest? - A. No, I was not.

MRS. BAIRD: I accept it is that. My purpose in asking it is this Officer is to some extent an expert:

- Q. Do not you think it quite likely anyone who turned and ran from up-that banking when your men approached would be taken hold of? - A. No, I do not, not if they had not done anything
- Q. Do not you see this point, Mr. Povey, that the short shield people have been running out blind in almost all the situations from behind the line but here especially so? - A. I do not deny that. Your question was do I accept the possibility they would arrest people not doing anything and I do not accept that possibility, no.
- Q. That is not the position, is it? There is ample scope for error in that situation. Missiles would be coming from that region. Men are there. No doubt men turned and ran. How would they know who were the ones responsible of those who turned and ran? Would not they just seize those who were running? - A. All I can say is I would not expect Officers to arrest people who had not committed offences.
- Q. JUDGE COLES: Would you expect the Police Officer to choose someone running away and just arrest them at will? I think that is what is being put. - A. No, I would not, not for just running away.
- Q. MRS. BAIRD: Going back to what I said very quickly

about the tiredness and so on inevitable from the drill these men have been put through. There is not any real way of getting away from the scene at all, is there? Just got to keep on going? - A. The Police Officers?

Q. Yes. - A. Yes.

Q. Can you think of any way at all a hot, tired and frustrated person who had been running about chasing people

JUDGE COLES: I think you can put it - are you suggesting Police Officers have got tired like that, might arrest anyone and just

MRS. BAIRD: I am asking this Officer whether he could think of any way someone might be asked to leave.

JUDGE COLES: Well, very well.

THE WITNESS: Yes. If he was injured by one of the stone throwers he would leave.

Q. MRS. BAIRD: That is a superb answer. What about any other way of leaving? - A. No, I cannot think of any other way he could be excused from duty.

Q. It is right, is not it, if you arrest someone you get a breather, a little walk down the hill and a pause in the Command Centre? - A. Oh, yes. Yes, you would be out of the line if you had arrested someone.

Q. JUDGE COLES: Do you have any reason to believe any of your Officers had done that? - A. None whatsoever.

Q. If you had had any idea that is what they were doing what would your reaction have been? - A. Well, I would have taken action at the time to have them removed from the line and sent back to the command block.

Q. MRS. BAIRD: Mr. Povey, can I just come back very briefly to the incident you allege took place at 8 o'clock with Mr. Scargill? You persist in saying that inspection took place at 8 o'clock? - A. Yes.

Q. You persist in saying that even though you have recently seen the video which clearly does not show it happening at about that time? - A. Yes, it happened at about that time

MR. WALSH: My learned friend ought not to give evidence about what she says the video shows. It does not.

MRS. BAIRD: I thought the Officer agreed with me.

MR. WALSH: No, he said he did not see it which might be rather different.

JUDGE COLES: A certain amount of care in the way the

question is phrased might assist.

- Q. MRS. BAIRD: Do you agree it was not apparent on the video? - A. I did not see on the video that inspection but it took place.
- Q. You were obviously aware the video showing Mr. Mansfield asked for started at 7.58 according to the Officer's watch? - A. Yes.
- Q. Ran for it seemed three or four minutes? - A. Yes.
- Q. Showed the front line of Police. - A. Yes.
- Q. Most of the time. Showed that area of the field where you say Mr. Scargill appeared from because you put him walking right across the field, do not you? - A. Put him at the front of the field walking across it.
- Q. No sign of - A. I did not see the inspection take place on there, no.
- Q. You may be coming to something I want to mention. Later on in the video the cameraman looks for Mr. Scargill, does not he? Are you conscious of that?
- JUDGE COLES: I do not know how this Officer can say what the cameraman was looking for.
- Q. MRS. BAIRD: Forgive me if I am being rather sloppy in the way I am putting my questions. Are you aware there is a time when the camera follows a person who appears to be Mr. Scargill on that video? - A. Yes.
- Q. Are you aware there is also a time when someone is apparent] close to the cameraman, seems to be trying to direct him to Mr. Scargill? Are you aware of a section where someone is heard saying second lamp post down, third lamp post down, and if one looks quickly one can see a baseball cap? Are you aware of that? - A. I did not pick that up to be honest.
- Q. There is a bit of evidence in that, first, you agree that the video operator would be looking for Mr. Scargill? - A. If I were a video operator and I saw Mr. Scargill there, yes, I would.
- Q. It is right to say you thought it important enough you recorded sighting him? - A. Yes.
- Q. So it seems likely that Sergeant would do the same? - A. I would not disagree with that.
- Q. So he is probably looking for him. The right time on the video. Right place roughly. On the front line. Does not show Mr. Scargill inspecting but still you say he did that, do you? - A. Yes, he did.

Cross-examined by MISS RUSSELL:

- Q. Mr. Povey, your immediate post now is adviser to Leon Brittain, the Home Secretary? - A. That is correct.
- Q. That is the position you work in at the moment. So far as the 18th of June, is it clear from your evidence that this was the first time ever in this country that those short shield units had been used? - A. It is the first time that I am aware they were used.
- Q. In effect after the disturbances in 1981 I think it is right that a lot of this equipment which hitherto Police Forces had not had was then issued to various Police Forces? - A. Yes. The issue of equipment and the training was as a result of the riots of 1981.
- Q. And on the 18th of June you yourself personally had neither seen the manual containing the training for those short shield Officers - A. Correct.
- Q. nor had you yourself personally observed their training manoeuvres? - A. Correct.
- Q. So, in other words, when they were sent in you could not anticipate what manoeuvres exactly they were trained to carry out? - A. Other than that I was certainly aware they would only be sent in to arrest and disperse or to disperse and arrest.
- Q. It certainly would not have been to your knowledge that they had a function to incapacitate people without mention of arrest or anything like that? - A. No, I was not aware that was one of the functions.
- Q. Because that would in terms of British policing be a somewhat unusual order for Police Officers to be given? - A. And they were certainly not given that order on the day.
- Q. Now, the section that I want to deal with of your evidence concerns your movements the other side of the bridge and forgive me if I take you over ground that has been covered but there are, I hope you will accept, reasons why I want to follow this exactly with you. You get up to the bridge and there is an attempt to hold the line there and you are aware that some horses and some short shields have overrun it? - A. Yes.
- Q. You then see them returning? - A. Yes.
- Q. I want you to look at a photograph.

MISS RUSSELL: Your Honour, it is a small copy of a bundle I think has already gone in, the Wakefield bundle. It is a copy of one of the photographs in that bundle. Unfortunately I do not have my own copy.

JUDGE COLES: The bundle from the Defence. Yes. Exhibit 17. Which number photograph is it? The bundle which starts with the number 0 or zero?

MISS RUSSELL: If I can see the bundle for the moment. I think it is the third or fourth. That bundle, members of the jury. In fact the jury have it:

Q. It is photograph 4 in that bundle and that is just a little copy of it. So perhaps if you have the big one and I have the little one we can both follow what we are talking about. All right. We can see there in effect a number of horses coming back with one facing the other way? - A. Yes.

Q. From your recollection is that

JUDGE COLES: Before you go any further, just be absolutely sure. This is photograph No. 3 which is the fourth one in. Yes.

Q. MISS RUSSELL: It is the one that shows the horses coming down the road, people to the right, over the other side of the wall and Officers with short shields moving back and we can see the state of the road at that point, cannot we, on that photograph? - A. Yes.

Q. That is the scene that met you as you came up to the bridge the first time? - A. Yes. I am not saying that is exactly as it was but, as I have described, there were horses and short shield men returning to the bridge.

Q. But looking at that from the number of horses there is one, two, three, four five - I think in fact there is probably seven horses there. All right? - A. Yes.

Q. You count them. It is difficult to miss but there is one Officer either on a horse or standing on stilts behind another, so one assumes slightly obscured by the Officer in front. O.K? - A. Yes.

Q. So seven horses there coming back. You then after that start your movement up? - A. Yes.

Q. At some point after that? - A. H'm h'm.

Q. When you go up and this is the first time you have been up you go to the brow of the hill? - A. Yes.

Q. I wonder if you could take the plan then and that is Exhibit 3, the extended plan. You are moving at the front of short shield Officers? - A. Yes.

Q. At this point with Mr. Hale? - A. Yes.

Q. You are the only senior Officers present at the front. Is that right? - A. Yes.

Q. And so far as the short shield units are concerned are you

the only senior Officers at that stage? - A. Yes, I believe so, yes.

- Q. Because obviously if there had been any other Superintendent up there you would probably have recognised them because they would have stood out? - A. Yes. I am not saying definitely that there were not.
- Q. I am not concerned about back at the bridge but as you moved forward - A. Yes.
- Q. with your units you would have been aware if, as it were other Superintendents were moving forward within that small section of units going to advance? - A. Within four or five units, could have been other Superintendents or Liaison Officers with the foreign Force units. I cannot recall another Superintendent.
- Q. So far as the movement of Police on this occasion, are there horses that go ahead of this movement? - A. Yes.
- Q. How many horses ahead of this movement? You are right at the front. - A. About a dozen.
- Q. A dozen. They, as it were, clear up to just beyond the brow. Is that right? - A. Yes.
- Q. When you get to the brow where are the horses? - A. They are beyond the brow about 10/15 yards.
- Q. Are they still going forward or are they coming back? - A. No, they had stopped.
- Q. They are facing front-wards? - A. Yes.
- Q. So they have stopped there in a sense presumably for the foot men to catch up with them? - A. Yes, and because of the amount of demonstrators over the brow of the hill.
- Q. So we can take it that at that stage it would have been, as it were, impossible for the horses to go forward at that point? - A. The numbers of horses were insufficient.
- Q. Yes. Because you only had about a dozen? - A. Yes.
- Q. So you then formed the cordon at the brow of the hill? - A. Yes.
- Q. And at this stage no other foot Officers go beyond that point? - A. Yes. Beyond the cordon?
- Q. Yes. - A. Certainly, yes, they did. They were beyond that point making arrests.
- Q. That is the short shield units? - A. Yes.
- Q. There is no question of long shield units being there, is

there? - A. No.

Q. Right. Those short shield Officers who may have gone in front to make arrests come back? - A. Yes.

Q. And you then, as it were, are faced with the retreat position? - A. Yes.

Q. And you call up - A. the rest of the horses.

Q. The rest of the horses. Now, when you do that there must have obviously been a few minutes for you to see who else was there of senior rank apart from yourself and Mr. Hale? - A. Well, all I can say is that it sounds so clinical at the moment but at that time it was an absolute total confusion. Short shield units were going out making arrests. We were endeavouring to form a cordon. Cordon being stoned. Horses gone back to fetch reinforcements. And so it is not quite as clear as you describe.

Q. O.K. The reinforcement horses come up and you give them their instructions? - A. Yes.

Q. You have got the loud hailer? - A. Yes.

Q. Mr. Hale does not have a loud hailer? - A. No.

Q. What about the Liaison Officers? Did they have loud hailers? - A. Yes, I think some of the Liaison Officers did have loud hailers.

Q. Then you are at the brow and if we do it on the map, the plan, can you indicate whereabouts on here you form your cordon before the bulk of the horses come over? - A. It was at the brow or below the brow, around that area. I do not think the brow is indicated on the plan.

Q. Right. Perhaps it would be easier then if you turn to Exhibit 9 and look at the photographs. I think photograph 10 probably gives the picture back down. Right? - A. Yes.

Q. See that? You form your cordon across that brow? - A. Yes, but are forced back by the weight of missiles just below that.

Q. You say you are forced back by the weight of missiles and then the horses go through? - A. Yes.

Q. And then you move up again? - A. Yes.

Q. Following this time 42 horses? - A. Yes.

Q. When you move up this time do you move up at speed? - A. No, not at speed. Certainly not as fast as the horses.

Q. I appreciate very difficult for many of us to move as fast as the horses, Mr. Povey, but are your Officers going at walking pace or are they running behind the horses as we have seen on the video they did on a number of occasions? - A. Yes, but if you think of the video where it was a

very controlled walk with shield Officers behind, that was not the case on the brow of the hill.

- Q. We can accept it is very confused but when your 42 horses go through, all right, are you then at the front rank and do you move at a reasonably fast pace? - A. I am with the cordon and we all move forward. Some peeled off. Still stoning coming from the left and the right.
- Q. Right. - A. And some arrests were made there. All that was going on whilst the horses went forward to the crossroad
- Q. I am concerned with you. You yourself keep going forward? You do not peel off to the left or right? - A. No. I do not just sort of run directly from there to the crossroads. That is what I am saying. I am not trying to evade the issue. Just very difficult in that situation to clinically describe how I moved forward, at what pace.
- Q. From the moment you began to move forward to the crossroads approximately how long are we talking about did it take you to get there?

JUDGE COLES: From moving where to get where?

MISS RUSSELL: From when the cordon started moving forward again:

- Q. In other words, once the horses have gone through and you start your forward movement with your foot troops how long does it take you to get to the crossroads? - A. Perhaps three to five minutes. That is the nearest I can put it.
- Q. You would certainly have been over the brow of the hill within a minute? - A. Yes.
- Q. Probably even less than a minute? - A. About a minute, yes.
- Q. And once you are over the brow of the hill, if we can look at photograph 9 now which is the photograph the other way, you have a view down into the village and the junction? - A. Yes.
- Q. Now, when you looked down into the village, first come over the brow, where were your 42 horsemen, do you say? - A. Going along the road towards the crossroads. Perhaps almost at the crossroads.
- Q. They were almost at the crossroads. In other words, the brow side of the crossroads? - A. They were this side of the crossroads, yes.
- Q. So when you come over the brow they are this side of the crossroads, coking plant side, to the crossroads, still going forwards? - A. Yes.
- Q. And then what you see them do is in effect do as they are

told. They form a sort of semicircle? - A. Yes. There is that much happening at that scene my attention is not solely on what the horses are doing.

- Q. I appreciate that. But 42 horses, Mr. Povey, is an awful lot of horses, is not it? - A. Yes, it is.
- Q. Obviously you could miss three or four and exactly what they are doing but you have a pretty good idea even if not looking all the time of where the bulk of that horseflesh is? - A. Yes.
- Q. And the bulk of it stays at that junction? - A. Yes.
- Q. This side of the junction, the bridge side of the junction? - A. I have said before that they went beyond Orgreave Lane into the mouth of Rotherham Road.
- Q. When they did that - can you help with this? You saw them do that then? - A. No. I am saying I saw them go towards the junction. I caught a glimpse of them reaching the junction. When I reached the junction the horses were in the semicircle I have described previously to you.
- Q. So you are looking up the road. Obviously I suppose it follows from that it is after that they form their semicircle? - A. After?
- Q. After a few of them may have gone to the other side, as you have said, and after that they come back and form the semicircle? - A. No, I did not say that.
- Q. Can you explain what happens then? - A. I am saying the horses went along that road to the junction. In the meantime there is all sorts of things happening in that scene. I follow them through with other short shield units. When I get there they are in the semicircle, some on the far side of the junction, across the mouth of Rotherham Road, some to the left and some to the right.
- Q. Just help with this. Are you amongst the first Officers, foot Officers that is, to reach them? - A. Yes. Perhaps somewhere - I was certainly not the first Officer to reach them but I was towards the front, yes.
- Q. You were towards the front. It may well be there were a dozen short shield Officers who may have got there a little ahead of you but you are amongst the first Officers to get there? - A. Yes.
- Q. And thereafter, so we can have this absolutely clear, you see an injured picket? - A. No. I was aware that there was an injured picket there.
- Q. Right. You were aware there was an injured picket there. And thereafter do the horses go further away from that junction, in other words, further up Rotherham Road or not?

- A. I did not see them further along Rotherham Road, no.
- Q. And by that time you are in the junction? - A. Yes.
- Q. And it would have been quite impossible for you to miss them if they were galloping up the other side of the junction going in the direction of Asda - A. That is right, other than I am also coming back, going forward, covering men and doing a multitude of other things in that area, not just standing there watching the horses.
- Q. I appreciate you are not standing there watching the horses but again, just so we can get the picture, you may not be observing each individually; you are aware whether the semicircle is completely dispersed or not? - A. Yes.
- Q. Your evidence to this jury is that semicircle was never completely dispersed? - A. That is right.
- Q. So far as your evidence is concerned, Mr. Povey, I am going to put to you that you are lying. Do you recognise yourself in this photograph?

MISS RUSSELL: Your Honour, on the usual terms this will be proved in due course.

JUDGE COLES: This is a photograph we have not seen, is it?

MISS RUSSELL: It is a photograph we have not seen.

JUDGE COLES: Well, we had better in accordance with our usual practice give it a provisional exhibit number of Exhibit 18 or have we got Exhibit 18?

Q. MISS RUSSELL: Mr. Povey, you look at that photograph.

JUDGE COLES: Sorry. Have you got that photograph?

MISS RUSSELL: Yes.

THE WITNESS: Yes.

Q. MISS RUSSELL: I just want to deal with what it generally shows at the moment. That shows a time when even the long shield Officers had made it up to that junction, does not it? - A. It shows 2(?) long shield Officers there, yes.

Q. Yes. It shows an Officer in the middle of the junction with a loud hailer, does not it? - A. It does.

Q. And a South Yorkshire style helmet? - A. Yes.

Q. And if you look very closely at his shoulder you can see he has got, as it were, one single rather large insignia such as we have heard earlier was described as that of a

Superintendent, your rank at that time? - A. Yes.

Q. We can see a man obviously prostrate on the roadway? - A. Yes.

Q. What do we see the other side of the junction up Rotherham Road, Mr. Povey? - A. A coach and horses.

Q. Whilst we have that rather

JUDGE COLES: Coach and horses? Is somebody driving it through something?

MISS RUSSELL: Not sure whether we have gone into Wild West tactics yet. The coach is an ordinary motor coach. Dotted around all that area.

JUDGE COLES: Sorry. I am not trying to be amusing. I really was confused.

MISS RUSSELL: Your Honour normally succeeds when Your Honour is trying to be amusing:

Q. What you can see in fact if you count them very carefully - I have spent a lot of time doing this - I think it is something like 17(?) horsemen charging around the area including two white horses the other side of the junction. No semi-circle, nothing like you have described to this jury at all, is there, Mr. Povey? - A. Well, the horses are across the mouth of Rotherham Road. They are going forward, yes.

Q. Yes. And you have said you could see them from the brow of the hill? - A. Yes, I did.

Q. We are not talking - and that only took less than a minute - about one or two horses straying the other side, are we? We are talking about all the body of horses practically charging up Rotherham Road just as you told this jury did not happen. How do you explain it? - A. I said I did not see any horses charging up Rotherham Road and I did not.

Q. So were you temporarily blinded by the sun? - A. No.

Q. What happened? You get to the brow of the hill and that picture shows something completely different from that which you have described to this jury within five minutes of this question. How do you explain it? And is it you bang in the middle of it? - A. I do not know whether that is me or not. It probably is because of the loud hailer.

Q. Thank you. - A. I cannot explain that but the situation as I recall as happened on the day was as I have described.

MISS RUSSELL: Yes. I wonder if now His Honour and the jury might have sight of this particular photograph.

Q. JUDGE COLES: What you are saying is you accept that

is probably you but you do not remember seeing any incident such as that depicted in that photograph? - A. No, I do not. I am not sure whether that even is me. The only suggestion it is is the loud hailer.

Q. MISS RUSSELL: And the South Yorkshire style helmet if you look closely? - A. Yes.

MISS RUSSELL: And the pip on the shoulder.

Q. JUDGE COLES: Now, given the pip and the helmet, who could it have been if it was not you? - A. Well, I just cannot answer that. I do not know.

MISS RUSSELL: I wonder if now that could be passed to His Honour and the jury. Your Honour, so far as the number of horses is concerned it is really a very tortuous exercise.

JUDGE COLES: Yes.

MISS RUSSELL: We will try and get this blown up.

JUDGE COLES: I do not think it matters, does it? I do not think the precise number matters. What has been taking me time actually is looking for the Officer. I take it the Officer is the only one in that photograph with a megaphone?

MISS RUSSELL: With a megaphone.

JUDGE COLES: And he is standing not far away from the "P" in bus stop? Is that the person we are talking of?

MISS RUSSELL: My sight is not actually as

JUDGE COLES: I do not know. Which was the Officer you were looking at?

MISS RUSSELL: That is right. If one looks at the car

JUDGE COLES: Let him say which Officer he has been looking at.

THE WITNESS: As I understand the question, there are two Officers in front of a car and it is the one with the loud hailer in his right hand.

Q. JUDGE COLES: It is upside down of course, looking at it that way. There is a bus stop on the road. Are they in the vicinity of that? - A. They are actually in the road.

Q. They are, neither of the Officers, standing near the picket on the floor, with the megaphone? - A. No.

MISS RUSSELL: No. It is the Officer with the loud

hailer and I think we are just about to have another copy.

JUDGE COLES: Over the adjournment it might be useful if copies of these - I am allowing them to go in for this reason as exhibits. It is very unsatisfactory. I am not blaming anybody but it is very unsatisfactory photographs should go in piecemeal like this. I do not know whether in due course a bundle is going to be proved and put in but perhaps some thought might be given over the holiday break as to a means of putting these photographs into some sort of bundle, perhaps a bundle which can be added to.

MISS RUSSELL: I take Your Honour's point on that. I am sure Your Honour will appreciate with

JUDGE COLES: I appreciate there are logistical

MISS RUSSELL: With so many Counsel.

JUDGE COLES: Yes.

MR. WALSH: I wonder if it might help everybody, because the jury won't have been able to see Mr. Povey pointing, if some of these photographs could be made available both to the jury and ourselves so we can all know by looking at a photograph at what he is pointing because otherwise we are having to guess a little bit.

JUDGE COLES: I quite agree

MR. WALSH: It does seem there are copies around.

(Shown to Jury)

JUDGE COLES: Members of the jury, better I think if you do not discuss these points in the jurybox. Apart from anything else, someone in the Court might overhear what you are saying and your deliberations are private. Have you all seen it, members of the jury? Good. Yes, thank you. Usher, would you like to take the photograph, please? Let Mr. Walsh have a copy.

(Shown to Prosecution)

JUDGE COLES: I take it, Mr. Walsh, the copies have got all the same picture?

MR. WALSH: I hope so. They would appear to be, Your Honour, yes.

JUDGE COLES: Yes. You would like a copy back, would you?

MISS RUSSELL: I would quite like a copy back. I would quite like the witness to have one:

- Q. Mr. Povey, if we look at the photograph there is not a single horse forming a semicircle in that junction, is there? - A. There are a number of horses missing from the photograph, I presume to the left of the photograph.
- Q. I see. So we have a neat little semicircle of 20-odd horses just to the left which for some reason the photographer has missed? - A. Not saying that at all. Just saying there are a number of horses missing from the photograph.
- Q. Certainly not blocking the view of the man with the loud hailer by the car, are they? - A. No. He is looking towards the horses in the mouth of Orgreave Lane.
- Q. Yes. Mr. Povey, the reason why upon your evidence you cannot explain that picture or the position of that Officer with the loud hailer and the long shields and everything else is because your evidence about what the men under your command did on that day in that village is a pack of lies? - A. That is absolutely incorrect. The evidence I have given is what my Officers did in that village, is as I recollect it and it was the truth. I do not come to Court to tell lies.
- Q. So can we put it down to the fact you have just got the most terrible memory? - A. No, not at all.

MR. GRIFFITHS: I do not anticipate finishing in quarter-of-an-hour and bearing in mind what Your Honour indicated, that we were going to rise, I think, about quarter-past-three, a long adjournment would, Your Honour, allow me

JUDGE COLES: You would rather not start. I think that is probably right. Probably undesirable you should ask a few questions and adjourn for what is it?

MR. GRIFFITHS: Four days.

JUDGE COLES: I had a feeling something like this might happen. Yes, very well. We will adjourn until Wednesday morning. Members of the jury, obviously I must warn you again. You know what I am warning you about. I do not suppose there is much risk of it. Talking about it over the break. Probably be glad to have a few days away from it. Do not worry about it. It will all come back when you come back next Wednesday. Careful notes have been taken of everything that has been said. Have a break, complete break, and be ready, please, to take your places at half-past-ten.

MR. O'CONNOR: May I make it clear - the sort of thing I forget; I am sure my friends would not - I was intending to apply Mr. Povey's witness statement be made

an exhibit. I would just like to make it clear that
would be my application....

MR. WALSH: I would have done so if my learned
friend had not.

MR. O'CONNOR: I am grateful.

JUDGE COLES: There you are. That will be?

THE CLERK: 19, Your Honour.

JUDGE COLES: 19.

MR. WALSH: Yes.
