

IN THE SHEFFIELD CROWN COURT

The Court House,
Castle Street,
Sheffield.

5th June, 1985.

Before

HIS HONOUR JUDGE COLES

REGINA

-v-

WILLIAM ALBERT GREENAWAY
& OTHERS

APPEARANCES:

For the Prosecution:	MR. B. WALSH Q.C. & MR. K.R. KE
For Greenaway:	MR. G. TAYLOR
For Moore:	MR. M. MANSFIELD
For Jackson:	MR. M. MANSFIELD
For Foulds:	MR. P. O'CONNOR
For Moreland:	MRS. C. BAIRD
For Barber:	MISS M. RUSSELL
For Coston:	MRS. C. BAIRD
For Marshall:	MR. E.P. REES
For Crichlow:	MR. P. O'CONNOR
For Forster:	MRS. C. BAIRD
For O'Brien:	MR. P. GRIFFITHS
For Waddington:	MR. M. MANSFIELD
For Newbigging:	MR. E.P. REES
For Wysocki:	MISS M. RUSSELL
For Bell:	MISS M. RUSSELL

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Official Shorthand Writers, 55 Queen St.,
Sheffield. S1 2DX.

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POL. CHIEF INSP. PETER HALE

Cross-examined by MRS. BAIRD Contd.

- Q. Could I ask you to help me with one or two miscellaneous points: Would you have a look at exhibit 21 which is a bundle of photographs. Could you look at photograph ten which is what Mr. O'Connor calls high noon? - A. Yes.
- Q. Can you perhaps reiterate approximately when that scene is likely to have taken place? - A. Yes.
- Q. It is sometime roughly between 11 and 12, is not it? - A. Yes, based on estimates I cannot argue with that.
- Q. The ambulance man in photograph 20, we have looked at his watch already, and it appears to say 11.38? - A. Yes.
- Q. We do not know how much gap there is between photograph ten and the rest, but it appears likely there is not very much gap, so it maybe that that photograph is around 11.30? - A. Yes, it could be.

MRS. BAIRD: Your Honour, I have a considerable number of questions about this photograph, but I understand that Mr. Clement is to be recalled, so he will be the best person to put those to:

- Q. Just one or two brief points since you obviously did not witness the scene, but Mr. Clement is obviously in, as it were, a safe haven from behind - there are no stones falling about him. That is what you would expect? - A. In that position, yes.
- Q. Essentially the Officers have gone forward from the bridge, and if you look at photograph three, as you did with Mr. Griffiths yesterday, that is probably them going forward, or some of them going forward, they will have cleared away and or arrested anyone between the bridge and where they are seen in photograph ten who were throwing stones? - A. Yes, I can only assume that.
- Q. Looking first of all at photograph ten (?) do you see the upturned car door (?) almost opposite the vehicle in the road? - A. Yes, it does look like a car door.
- Q. On the left there. If you look please then at photograph 21, the preceding photograph shows Mr. Scargill being examined by the ambulance man and they get him to his feet, and they appear to walk him down the hill but he then sits down again on photograph 22? - A. Yes.
- Q. If you look over Mr. Scargill's right shoulder and behind his head on 23, and on 24, and on 25, and best of all on 26, it does look as if he is sitting by an upturned car door? - A. Yes, that is correct.

- Q. So one thing is clear from photograph ten just on commonsense, that Mr. Clement has passed the place to which Mr. Scargill has walked? - A. Yes.
- Q. He is a lot nearer the camera? - A. Yes, he is a lot nearer the camera than the car door.
- Q. Can I ask you to look at photograph nine. That shows people being arrested, and having been arrested being marched away; particularly number five and number eight seem to show marching away at some speed. Is that deliberate Police policy to get people who are arrested away as quick as they can be taken? - A. Yes. Once arrested we like to get them away from the scene.
- Q. So there is no question of any sort of stroll and having a rest or anything like that. They are under arrest and they are made to move smartly? - A. That is the usual practice.
- Q. If you look at photograph seven please. At the far point is one of the defendants being arrested, that is Mr. Crichlow I think. Your men are on the bridge at this stage? - A. Yes.
- Q. I can certainly see to the ^{right there} a Sergeant leaning on the wall with his short shield. Is it a short shield? - A. Yes. Sergeants and Inspectors always carry their short shields.
- Q. The other Officers, particularly the ones at the back nearest to the Officer arresting someone else, seem to be just standing there and not particularly protecting themselves or taking much notice of what is going on in front of them? - A. Yes, the ones at the back.
- Q. That is the time is it when you tell us that the whole result was quite horrific, coming into the bridge area? - A. It would not look as though it was at that time.
- Q. There was such a time was there? - A. Yes.
- Q. I think though to be fair to you, you emphasised heavy missile taking place when you were at the brow of the hill as well? - A. Yes.
- Q. If you look at photograph 28 where Mr. Scargill is by that upturned car door, you can see your Officers at the brow of the hill? - A. Yes.
- Q. And most of them are taking a fair amount of notice of Mr. Scargill sitting there are they not? - A. Yes, some are looking.
- Q. Is this fair, they do not look as if they are worried at the hail of missiles coming from the opposite direction? - A. No. This will be the place (?) at the brow of the hill. that I talked about.
- Q. The place what? - A. As we re-grouped, as we waited for the horses to come back.

- Q. I think you have emphasised several times that you were under a heavy barrage, at this stage, of missiles? - A. I talked as we were going towards the heavy barrage of missiles as we are under the brow of the hill (inaudible) to the cross roads.
- Q. At least we can see that not all the photographs I have pointed out to you today actually help you to establish that you were subjected to a real barrage of missiles on the bridge or on the brow do they? - A. No, they do not.
- Q. I have as I recall your response to the first showing - you saw the video - was that it appeared to reassure you in the evidence you had already given. Can you recall right back when someone shouted the time around 7.30, 8'o'clock, your comment was, "Nothing I have seen on there makes me change anything I have said"? - A. That is right. It backed up what I said.
- Q. You thought that backed up what you said? - A. Yes.
- Q. That sequence, perhaps I could ask Mr. ? to remind me exactly what time it was shown. From 8.10 to 8.33 I gather, and that element of the video at least backed up you thought what you said? - A. Yes. I was asked for my comment, and that was the comment I made.
- Q. Your assessment from the video of eight to 8.33 is that it is a realistic depiction of what was taking place? - A. It shows the events as they happened.
- Q. JUDGE COLES: It shows? - A. The events as they happened.
- Q. MRS. BAIRD: But when you saw the cut up part of the video in the training film you have told us about? - A. Yes.
- Q. Was your impression then that it indeed again showed things as they were that day? - A. The part of the training film that was used for the purpose which it was used, showed what I intended for the training film.
- Q. I am not really asking Mr. Hale whether they showed what you intended to show, obviously bits have been picked out because they were particularly helpful as training aids, but when you saw that, that showed the day as you remembered it? - A. It showed the events, but what it does not show is you cannot pick the missiles out very well on the film. All you can hear are the Officers shouting, "Heads" to avoid them, and some of the stones hitting the shields, but it is difficult I find from the bits of the video I have seen to actually pick out the stones in the air.
- Q. But you reassert they were there? - A. You can hear the Office shouting "Heads", and you can also hear occasionally the brick when they hit the shields. You cannot pick them out in the air, I certainly cannot.
- Q. You certainly can hear/cl^acking (?) noise from time to time

which may or may not be stones hitting shields. If they are stones hitting shields, then taking the vocal part of the video, it does show what you remembered the day to be like (inaudible) see the missiles but you cannot hear them? - A. Yes.

- Q. That kind of frequency of missiles and so on. Can I ask one final point, . . . the bit showing Mr. Scargill inspecting troops in the training video that you saw? - A. No, I do not think that piece is on. The bits that are shown are simply (inaudible) the pushing and shoving and moving forward, the action bits really.
- Q. You have only seen the video ~~once~~ of that cut up film in training college? - A. Yes. I have seen bits of it quite a long time ago. The one I am most familiar with is the training film.
- Q. What bits of it did you see a long time ago, can you recall? - The training film has had to be (inaudible). I did see the film. I took out bits I wanted putting in the video for training purposes, edited it.
- Q. The training film was made by you? - A. It was not made by me, but I instructed our specialists the parts that I wanted or those which would be helpful.
- Q. Can I bring you to 8.10 when you told us about the missiles coming over, this was when you were giving your evidence in chief; you recall? - A. Yes, about 8.10.
- Q. You said that the arrival of the lorries caused quite an increase in activity? - A. Yes.
- Q. And you then described the missiles coming over, you said wood, bits of glass? - A. Yes. We got bottles.
- Q. Was there anything else? - A. I remember shields going up in the area.
- Q. That is on the video actually? - A. Yes. I have seen that on the video. There is a piece of wood at some stage. I think a piece of wood comes over. To pin point the exact time they came over is difficult.
- Q. So your recollection is of one large piece of wood? - A. At some stage, yes.
- Q. At some stage? - A. Yes.
- Q. So when you told us that wood came over at 8.10 were you just assuming it was then? - A. It was sometime in that area, yes.
- Q. Anything else? - A. Ball bearings were
- Q. Ball bearings? - A. It was pretty unusual. We did not know where they had come from.
- Q. Where did the ball bearings fall, near you? - A. Yes, one fell

near me. Some Officers picked them up and handed them back, not a lot of them, but certainly ball bearings. That was pretty concerning to us really because that is a real dangerous missile.

- Q. You say some Officers picked them up and handed them back? - A. Yes. The Officers behind would pass them back, and eventually they would make their way to the control room.
- Q. None of them hit you of course? - A. No, I was not hit by one.
- Q. How close to you did any of these fall? - A. The Officer near to me, something went close to him; he picked it up. I could see it was a ball bearing. I told him to pass it back down.
- Q. So you saw just one? - A. Yes.
- Q. How big was that? - A. As I say, fairly large, not a small one. It would be between one inch to two inches, a fairly large ball bearing, not the usual ones that children play marbles with.
- Q. One inch to two inches, that sort of size? - A. For analogy I would say glass ball size (inaudible). That is the impression I remember of the size.
- Q. That is about 8.10 again? - A. It is somewhere in that area. It is difficult to pin point the exact time when they came down but as I recollect it was in that area.
- Q. You have been talking about them, but I think your evidence is you saw one glass ball size ball bearing, you saw it picked up, and presumably it should be available? - A. I presume so.
- Q. That sort of time. Can you remember whereabouts the other senior Officers were, Mr. Povey and Mr. Clement? - A. They are up at the front somewhere. I am going backwards and forwards along the line, and back to them. They are doing similar. We met up quite frequently just to review what was happening, but they are up at the front witnessing this. They are not back in the control room or back down the field. They are on the front line.
- Q. It maybe Mr. Povey and Mr. Clement have both seen this glass size ball bearing? - A. I do not know. They may have seen it later I do not know.
- Q. Later? - A. They could have done, yes. As I say it was handed back. It would go back to the control room to the collection of other missiles that had fallen behind Police lines.
- Q. Your statement does say that you saw ball bearings in the plural but that is perhaps just a little careless? - A. I understand that back in the control room there were others. That is one I saw; others were handed in so hence the plural.
- Q. So it is in the plural here because you saw ball bearings in the control room? - A. Having seen one, and having seen

others back in the control room, yes, I made that assumption.

- Q. I do not want to be very picky with you but it is not (inaudible) for a Police Officer to put in his statement that he has seen things in the plural when he has in fact only seen one? - A. As I say I saw personally one. There were others back in the control room, and it is a reasonable assumption to assume that there was more than one back in the control room.
- Q. Of course (inaudible) saying this is what you have seen as well? - A. Yes.
- Q. And you are really taking a sort of short cut, are not you, making an assumption and putting that in? - A. It seemed a logical assumption to me at the time.
- Q. Your statement is intended to be fact not assumption, is not it? - A. If you put it that way, yes, I suppose you could say that.
- Q. Are there more examples in your statement of such assumptions? - A. No, not that I can pin point at this stage.
- Q. The way you describe ball bearings in the plural coming into your statement is really you have seen one, later you have seen others, and you have assumed they have fallen in that same area at the same time? - A. Yes.
- Q. Why did you assume they had all fallen at 8.10? - A. I said in the vicinity at 8.10. It just seemed a logical assumption to be made (inaudible). I saw others in the control room. To me it seemed logical.
- Q. You have put ball bearings falling at 8.10? - A. Yes, in that vicinity.
- Q. How do you know by looking at ball bearings in the control room whether they fell at 8.10, 9.10 or 10.10, or 11.10? - A. I just made the assumption they were there at that time having seen one.
- Q. That is the next best thing to putting it in your statement because somebody told you it was thrown? - A. No, it is not the next best thing. I had seen one thrown.
- Q. I accept that entirely, I am just asking you why, if you had seen that, did you state several? - A. I have made the assumption which you say.
- Q. And making an assumption like that is the next best thing to putting something in your statement because you have been told it has happened, is not it? - A. I do not think so. It does seem logical to me. It seemed logical at the time and it still seems logical now.
- Q. I do not suppose you would be surprised and indeed you can check it if you like, but it is also in Mr. Povey's and also Mr. Clement's statement at 8.10 1" or 2" diameter ball bearing in the plural fell? - A. It would not surprise me. It was all

taken from the original note. I have explained the procedure (inaudible). If they had not seen it they would have (inaudible) or would not have put it in.

Q. Except in this case

(The shorthand writer requested counsel and witness to talk slower)

Q. That is not a mistake is it? - A. Not to me. I do not think it is

Q. You have not left it in the statement by mistake? - A. No, I have not. I have seen it. I have agreed that is what I saw and still do.

Q. You read it through and you saw that, and you thought ball bearing in the plural, I did not see that I only saw one, but? - A. That is not what I felt. I saw that. I know I saw one personally thrown. I know there were others, and as you say I made an assumption, and I still stick by that. You say it is wrong, well

Q. Let us go to your affairs on the field. I think we are going to have to put it somewhere around the time on the field when you first saw it, 8.10 or 8.20, when there were some missiles being thrown at the line. Your task there that day was really two fold, was not it, one of those was official and the other if you could to arrest those throwing missiles? - A. Yes, in those phases, yes.

Q. Is this right, that it would have been better in the interests of public safety if the whole thing could have been contained in the holding area and the field adjacent? - A. Yes, if the (inaudible) as we have done on previous days it would have been better.

Q. As soon as you (inaudible) on the bridge, inevitably the demonstrators are going to be in private property? - A. Yes, I agree.

Q. You did not want to say you had short shield men on standby because people on standby were both short and long shield men (inaudible)? - A. Yes. There are some there capable of all three tasks that they may be called upon.

Q. What is the third? - A. The third task is a normal Police cord without any shield whatsoever. They wear Police Uniform as with the pushing and shoving

Q. As it happens I do not take any point about it whatsoever. The units equipped with both long shields and short shields on the personnel carrier is in accordance with the Manuel? - A. Yes. Equipment will be available if they are trained and we have requested it. It will bring their equipment.

Q. Can you tell us how many of those ^{adaptable} PSU's you had who were trained and equipped for all three tasks? - A. No, I cannot actually.

that was not my job. Another Officer's task was to make a note of the capabilities of the units.

- Q. You see if we can get any system from this, you have suggested that the Metropolitan Force PSU would be one of those adaptable ones? - A. Because those are the ones I can virtually say with certainty would have received this kind of training.
- Forces
- Q. How many Metropolitan would be present that day, can you recall? - A. I can tell you roughly how many Forces but not the number of units from each Force. It is the logistic team who take the actual count, but certainly there were West Yorkshire Officers there.
- Q. Let us go through it quickly, West Yorkshire, Merseyside, Greater Manchester? - A. Not so sure about Greater Manchester, but that can easily be checked, it could well be, but certainly West Midlands, West
- Q. That makes about five? - A. It could be more, Teesside.
- Q. Yes, Teesside. There are some present from Northumbria? - A. Most Forces were represented there that day.
- Q. Presumably each of the Metropolitan Forces would have this adaptable skill? - A. I can only say because of the
- Q. So is it likely that there would be one or more than one such Officer sent from each of the Forces you have mentioned? - A. Yes, I would think so.
- Q. At least that? - A. Yes.
- Q. Likely to be far higher numbers? - A. Yes. A lot of those units would be capable of short shield work.
- Q. And long shield work too? - A. Yes, all three. If a unit is capable of short shields you can automatically assume it is capable of the other one. That is a higher qualification, if I can say that, in the decreasing scale.
- Q. If the court will permit me I will tell you how many. I do not believe it is an area of contention. Mr. Clement thought he had about 15 PSU's of this kind? - A. I would not argue with that. I could not say whether more or less. I have not got a clue.
- Q. We know there are 23 men in a PSU? - A. There are 20 men, two Sergeants and one Inspector, making up 23.

MRS. BAIRD: What Mr. Clement told us, which I would like to ask you about concerns the mode of using long shields. Your Honour, may I?

JUDGE COLES: Yes.

- Q. MRS. BAIRD: Mr. Clement told us that sometimes long shields are used just in a line in front of Officers? - A. Yes.

- Q. But other times they are used - some front ranks hold the shields before them, and second ranks, and I think perhaps third ranks as well holding shields up high? - A. Yes, not particularly the third ranks. It is ^{generally} a two rank job that particular one, and it was employed at the bridge later on.
- Q. JUDGE COLES: What do you call that? - A. It is called aturtle, your Honour, as per the Roman legion.
- Q. MRS. BAIRD: If you have got that arrangement and it was used that day? - A. Yes, it was.
- Q. That is fairly safe? - A. It gives more protection than just the one shield placed forward, yes, particularly if missiles are being lobbed over the top.
- Q. Because presumably, although we have not got the number of shields with which we could demonstrate, on top of the shield if necessary, is another shield resting on it? - A. Yes, they would interlock. They would interlock at the front and give maximum protection. They would interlock at the top as well.
- Q. Can you perhaps demonstrate how that would happen? - A. It is difficult with two shields, but you have got the front shield, and the front one would interlock at the side and at the top, and you would have another Officer holding it up in that manner sloping downwards
- Q. Is there a mechanism for locking? - A. It is the same mechanism as you use at the front. The next one, stage by stage would be locked
- Q. JUDGE COLES: Is it bent that shield, for interlocking? - A. The linking of it with the backing plate, as it is bent out the blade of the next one goes inbetween, behind the backing plate.
- Q. The interlocking at the top, how would that happen? - A. It si lines up.
- Q. There is no interlocking? - A. There is no mechanism for fastening. It is just the same shape.
- Q. MRS. BAIRD: Which in terms of defending your Officers sounds quite foolproof? - A. It is quite good for the first few units, yes.

MRS. BAIRD: Could we have a look at I think it is exhibit 11a which is the aerial photograph showing the cordon on the field.

JUDGE COLES: 11b may serve this purpose.

THE WITNESS: This is 11a.

- Q. MRS. BAIRD: Can I just look at that as well please. B is a close up of A, is not it? Would you take a look at that. I counted the Police Officers along the front line this

morning; is that the whole of the line or are there any?
- A. Not on that particular one. That is probably more accurate.

- Q. That is not so easy to count (inaudible) that is rather more than half? - A. I would think it is more than half.
- Q. Three quarters? - A. If it is in perspective, could be.
- Q. There are roughly about 90% with shields along the front there.

JUDGE COLES: Is that the front row?

MRS. BAIRD: I only counted the front row.

- Q. JUDGE COLES: That is photograph 11b you are holding, is it?
- A. Yes. I estimated five or six units for the whole of the front row which is 100/120. If this is a fair reproduction I would not argue with 90.
- Q. You say the photo shows about half the line? - A. Half to three quarters, but I would not argue with 90 shields at all. It seems a fair estimate.
- Q. MRS. BAIRD: If I remember my estimate along the front row was five units? - A. I think five or six.
- Q. And it is about six men deep? - A. On this photograph it looks to be not counting the shields--about seven or eight at least, but again I have to confess at some points it is deeper than others.
- Q. If you have got shields above the head in this turtle form, it looks as if one 6' shield like that is going to protect about six people? - A. It will cover about three ranks.
- Q. So it does seem as if you had the capability there to just form a turtle and stand still? - A. It does, except there are two problems with that.
- Q. Tell us what they are? - A. One is that it will only cover three ranks leaving the other Officers behind still exposed to missiles.
- Q. Pursuing that point, have row six or row five (inaudible)? - A. We did not possess that many shields. We did not have them.
- Q. I thought you did, did not you? - A. We did not have that many shields, no.
- Q. According to you you have got 15 of these adaptable PSU's there - A. What I said is I would have no idea as to the number of PSU's, adaptable PSU's that would come.
- Q. But if Mr. Clement is right, and I am not saying whether he is or not, there are 11 of those PSU's there, they are the Visi Forces? - A. Yes.
- Q. You have got (inaudible) there seem to be 15 PSU's with full

- length shields? - A. If they have all brought long shields.
- Q. They have, you have told us? - A. I said they probably did. I am not aware of exactly what they fetched.
- Q. You will have 15 Inspectors there? - A. Yes.
- Q. That is (inaudible) long shields at your disposal, that would be enough to do a turtle and stand still, would not it? - A. We might be able to (inaudible) into the first one, but certainly not the second one.
- Q. You did not tell me in fact your second objective, so perhaps in fairness you ought to? - A. Yes. The second objective is that it is very difficult for Officers to hold shields for a considerable length of time like that. It can only be done in short parts. If you have another (inaudible) you can only have one Officer to do that if he has got a shield, and you would have to keep swapping them over time and time again. It is only practical for a short period or indeed in a confined space. For the length of line like this it is totally impractical.
- Q. I am not sure why you are saying it is only practical in a confined space. It looks more practical in a large space? - A. It is totally impractical to get an Officer to hold it up. It will not work for long periods.
- Q. You do have a certain amount of interchange of Officers, do not you? - A. We do have a certain amount.
- Q. If you watch the video they are quite regularly being changed about? - A. Bearing in mind we have to (inaudible) for protection as well.
- Q. You know of course before you get to the stage when trouble is likely to happen. It starts at eight, it slows down from ten, and starts again some time later? - A. Yes.
- Q. It is not going to be a comfortable task for Officers to hold the shields above their heads? - A. No.
- Q. But it is better than (inaudible) pickets? - A. No. You are still going to get some missiles that will get through, and considering the length of time we have got, if it is known (inaudible) it cannot be held together long enough or for long periods.
- Q. Can I ask you this; did you consider it that day? - A. It was considered as I said earlier but really was limited because it is (inaudible).
- Q. When do you say that you used it before? - A. It has been tried in training exercises.
- Q. How many people trained? - A. It varies. We can have anything from three to the full complement. There have even been several regional exercises amongst Forces. Our experience

shows it is impossible, members of the Jury to keep that kind of formation either over a long distance, or indeed for a long time.

- Q. When Mr. Taylor asked you about doing turtle, you said you did not have? - A. I was never asked (inaudible).
- Q. You said it was impractical because you did not have? - A. I was not asked (inaudible).

JUDGE COLES: We maybe straying a long way away. We are not holding a public enquiry into Police methods. I know that credit is in issue and I know that the collective will of those who attended is in issue, but we are looking at a specific charge. I think one has to confine one's enquiry into Police tactics to some extent, but the relevance I think you maybe beginning to stray.

- Q. MRS. BAIRD: Can I turn then to the missile throwers? - A. Yes.
- Q. I think you agreed yesterday with Mr. Griffiths that when the missile thrower is shown on the video it largely is the same people throwing, and you said yesterday that you had not been able to assess it? - A. Some may have been arrested, but there was a prominent group at the front who were (inaudible).
- Q. It is (inaudible) on your Police that day you did not arrest any? - A. If indeed they were not arrested in that group I do not know who was arrested. But if some of the people shown on there were not arrested it is
- Q. If you take it, what people you have (inaudible) were not arrested? - A. I should imagine not.
- Q. And I suggest you went about if you indeed tried to arrest them, in probably the worst possible way. Do you know what I mean? - A. As I said we have done this in training. We have looked at the tactics, we have looked at the manoeuvre and we have adapted what we consider is the best method.
- Q. What you did say (inaudible) definable groups, had someone shouted, "Break up the line, send the horses out", because the horses are to disperse the crowds? - A. Yes, they are.
- Q. And they did disperse the crowds? - A. Yes.
- Q. And you sent out the men who are supposed to make the arrests behind these horses who are there to disperse the crowds? - A. Yes.
- Q. So obviously it is very difficult for them to make arrests because those who were throwing stones are likely to have been dispersed by the horses before? - A. Yes, it is a difficult task, very difficult.
- Q. Do you say you did plan that manoeuvre? - A. Yes. It was to disperse the crowd, and if possible, and I said this on many

occasions, arrest the stone throwers. If it is not possible then they are instructed (inaudible) and then to come back.

- Q. The point is not whether it is possible for them to make arrests, the point is whether the manoeuvre can be designed for them to make arrests, and I am suggesting it is not, it is just a dispersal manoeuvre? - A. It is dispersal and if possible
- Q. It is (inaudible) a long way back, it is not? - A. It is part and parcel of the same manoeuvre
- Q. Just to make it absolutely clear, the Officers start from back here and run behind the horses as they go through, and they go through two or three, nine or ten of them? - A. Yes.
- Q. The horses should be way up here by the time the footmen are at the? - A. Yes, they are in front as horses naturally will be.
- Q. And they cannot see, as we have gone into many many times, (inaudible) they can only arrest somebody if they saw? - A. Yes.
- Q. And that is very unlikely (inaudible)? - A. People were thrown (inaudible) and if they should catch those people they should arrest them.
- Q. As you have agreed they all ran away when the horses appeared? - A. It is difficult, yes. Some were arrested.
- Q. You never sent those PSU's out without horsemen in the front of them. Just answer yes or not to that? - A. I am just trying to think, before
- Q. There may have been? - A. I am trying to recollect the events there. There may well have been - I am looking at the . My main (inaudible) was on the road, where men were sent out at times without the benefit of horses. It could well have been. The usual combination was, I sent horses followed by men, but sometimes men will go out without horses depending on the times.
- Q. When you say usual combination, you must mean one that has been used in training because you have never actually used these men before? - A. We have not used these men before, but the option considered was that they should follow the horses.
- Q. They have never been sent out on their own on the field. We can see that on the video? - A. I am trying to recollect. I do not recollect so, but I am not certain about that, because the movement up the field, the first two stages was without the benefit of horses.
- Q. They would have had a better chance of catching people if they went out on their own? - A. Yes, I should think it would be increased.
- Q. They would have a better chance still if they went out on

- their own of (inaudible) having pointed them towards the stone throwers? - A. Yes, if that can be done.
- Q. You had sort of spotters, when I say you, the Police, have a person placed somewhere where they can see and communicate that at once? - A. Yes.
- Q. Using Mr. Griffiths' example the chap in the black with the long hair who was throwing to your right? - A. Yes.
- Q. You could have done? - A. We could have done with better spotting facilities, yes.
- Q. One thing I did not ask, is it not practical to have spotters standing right behind the shields here? - A. Some of the trained shield Officers I would imagine would do that. That will happen from time to time, but they would only be able (inaudible) with the short shield.
- Q. It is realistic to say there were that many throwing stones (inaudible) it may be in double figures? - A. The number of stone throwers was very difficult - there certainly was a group at the front, but it was coming from other places. To estimate the number of groups is difficult, but I would not think it is (inaudible) no.
- Q. It is difficult to estimate any group, but do we take it it is in double figures? - A. The group at the front, yes, it is.
- Q. May spotting behind long shields help?
- JUDGE COLES: Would you please both of you speak a lot slower and clearer. It is difficult. I am getting down the gist of what you are saying, the shorthand writer has to get every word.
- Q. MRS. BAIRD: The spotters, informal spotters? - A. Yes.
- Q. Are you saying they could use the PSU men coming out behind the horses? - A. No.
- Q. Because they cannot communicate? - A. No, only probably the front two, but for the majority not.
- Q. Did you ever have formal spotters placed that day? - A. No, I did not.
- Q. It would have been a good idea? - A. It would have been a good idea, yes.
- Q. You did not use the manoeuvre which involved (inaudible) missile throwing? - A. No.
- Q. You did not use (inaudible) one with shields and one without? - A. No, I did not.
- Q. You did not use (inaudible) with shields.

JUDGE COLES: You are going too fast for me now.

- Q. MRS. BAIRD: If any ^{of} those three were used that day, they were used without your knowledge and used for tactics (inaudible)? - A. Deviations from the Manuel were not part of the instructions that day.
- Q. So am I right, if men or those PSU's were acting in any of those three ways, it was done with your knowledge? - A. If that was their intention-as I say they are allowed to defend themselves.
- Q. One final question Mr. Hale is this, when your short shield Officers ran out to disperse, what would happen to me if I did not want to move? - A. They should run straight past you unless you are throwing stones, or trying to attack them. If people are just stood there they have not been identified as stone throwers and are simply stood there, they should run past them.
- Q. It takes some courage to stand there with that sort of vision (?) coming at you? - A. Yes.
- Q. You could say fear is the point of it? A. Fear?
- Q. Forcing people away? - A. Yes.
- Q. But if I have done nothing say, and the people behind me are perhaps wanted by Officers, are you sure there would be no possibility of being arrested for perhaps obstruction? There were one or two people arrested for obstruction this day? - A. You are asking me to comment. In circumstances like that I am purely reliant on the judgment of the Officers in making arrests (inaudible), and they have the discretion to arrest.
- Q. Do not answer this if you feel it is too much comment, but arguably it could be the kind of conduct an Officer would regard as threatening behaviour if someone stood their ground and ...

JUDGE COLES: I think what you can ask is whether this Officer did so regard it.

MRS. BAIRD: Yes:

- Q. Do you want to comment? - A. If a person was stood there and was doing nothing whatsoever, I would not regard it as threatening behaviour as you say.

JUDGE COLES: Beyond that I think you will have to confine yourself to what you see on the field, and what a particular Officer says about it.

- Q. MRS. BAIRD: Do you know if Mr. Povey was going to have them arrested if they did not move up the road? - A. No. I can only tell you the instructions I gave. The main point was the missile throwing.
- Q. I was thinking of very early on at about six when we saw

on the video Mr. Povey saying "Move up the top side, stop arguing. If you do not go there you will be arrested"? - A. Yes.

- Q. Had you understood that people would be arrested if they did not go up there? - A. I would think looking at the situation and if you are asking my opinion, if I were in those circumstances he would be looking towards obstruction.
- Q. Because somebody did not do as they were told by him? - A. I would think so, yes, as they did not move to the area where we wanted them.
- Q. And if a person did not move when your shield men wanted him to, he might be the subject of the same kind of thing? - A. I think the circumstances are entirely different.

MRS. BAIRD: Thank you very much, Mr. Hale.

Re-examined by MR. WALSH

- Q. Would you look at this Mr. Hale. How does that compare with the ball bearing that you described in cross-examination? - A. I would say that is similar
- Q. Did you know I had that in court? - A. I had no idea.

JUDGE COLES: Let me have a look at that please. It is a small glass globe.

MR. GRIFFITHS: Your Honour, for the shorthand note a ball bearing has been shown. I wonder if my learned friend could help us and indicate who in fact is producing that, because I would like to know so we can link it later when evidence is given, about what has been shown to this witness. I am a little unclear as to whether that is supposed

MR. WALSH: If my memory serves me, in this huge bundle of statement there is a statement from an Officer whose surname is Smith, not the particular Smith that we have all

JUDGE COLES: Not Detective Inspector.

MR. WALSH: He may be a Detective Inspector. He went out to collect things. I have forgotten the page number at the moment, but I have reason to believe he is the Officer.

JUDGE COLES: For the present purposes of producing this ball bearing, it is simply to have this witness say it was similar to the ones he saw

MR. GRIFFITHS: We may hear that was found above the bridge after all events had died down, about two o'clock.

MR. WALSH: My learned friend will have plenty of time to submit. I am asking this Officer if this is similar to the

ball bearing he described he actually saw thrown or land near him.

JUDGE COLES: Another of which he saw at the command centre later.

MR. WALSH: Yes.

THE WITNESS: Yes, that is correct.

Q. MR. WALSH: Did the Police take any ball bearings to the command centre themselves for use that day? - A. Certainly not

JUDGE COLES: I think the Jury would like to feel it.

MR. WALSH: I will wait for my next question.

MRS. BAIRD: If it assists the court it is on page 404.

JUDGE COLES: That is very kind, thank you.

MRS. BAIRD: It is half way down the page. He is a Police Constable and he found eight ball bearings in the road

Q. MR. WALSH: The Police did not take any of these to Orgreave this morning? - A. Not to my knowledge. There would be a lot of disquiet if it was found to be so.

Q. You saw one thrown? - A. It landed.

Q. You saw one land, later at the command post you saw this? - A. Yes.

Q. You have been criticised for assuming that others were thrown - A. Yes, I have.

Q. What do you say to that criticism? - A. To my mind it was a logical assumption to make and I stand by it.

Q. You will be relieved to hear Mr. Hale that I am not going to ask you any questions about whether there were any dogs in the trees, and if there were what they might have been doing. But I would like to remind you of certain accusations that have been put to you so you can deal with them. I will read out some of them as I noted them down. You were going to take the miners on and make sure there were no more demonstrations after the 18th June? - A. Yes.

Q. You wanted innocent men arrested. You are putting forward this dual role of Police Officers arresting and dispersing to legitimise physical violence and intimidation by the Police. There was a definite intention by you to inflame the demonstrators with provocative policing and smash them? - A. Yes.

Q. They are some of the accusations that have been put to you by all the defendants? - A. Yes.

Q. First of all, what do you say to those allegations? - A.

As I say they are completely unfounded. I have gone through stage by stage the manoeuvres that were carried out, the thinking behind them, and the purpose of the Police that day.

- Q. What was your attitude in general terms to people who came to Orgreave to demonstrate during the whole of the time that you were there, and you were there, I think we have heard, from day one? - A. Yes. We expected people to come. We knew they would come. I wanted to try and keep the demonstration as friendly as possible. I in fact succeeded on several days. There is no way we wanted to inflame any situation. No Police Officer wants to be put through what we went through that day.
- Q. Now you say and it maybe a very obvious question for me to ask, but what you would like was the camer the better? - A. Yes.
- Q. Why? - A. As I say, no way did I want to ask my Officers to be put into an inflamed situation, one which is getting worse. (inaudible) there will be no injuries to demonstrators (inaudible). There is no way that Officers want to be put in a dangerous situation, and I would not want to put them in that situation. I would not want to put myself in that situation.
- Q. Looking now not merely at the day but life in general, is it any advantage for the Police and policing to inflame the mining community to be anti-Police? - A. Certainly is not, not in South Yorkshire (inaudible). There is no way it is ever going to help the situation. Nobody in his right mind wants to inflame the situation. We have to live with it afterwards.
- Q. Is that conduct you bear in mind when policing demonstrations such as Orgreave? - A. It certainly is. There is another factor, you have Officers who are not only the sons of miners and brothers, but also some of them are ex miners; that is quite common in South Yorkshire being a mining community.
- Q. You say you are one of a mining community and that your father was a miner? - A. Yes.
- Q. How long have you lived in the mining community? - A. I was brought up in Maltby a mining community. I moved from there and lived next in Dinnington, and still live there.
- Q. You live now in Dinnington? - A. Yes, a lot of my friends are miners. I have played for mining football teams up until I retired. All my roots are in the mining community.
- Q. Just for those defendants who do not come from South Yorkshire what is Dinnington? - A. Dinnington is an out and out mining community. It has its own pit, and cannot be regarded other than a complete mining community.
- Q. And you and your family live in Dinnington? - A. That is right my children go to school with miners children, and my wife works in Dinnington.
- Q. How many children have you got? - A. Two.

- Q. What ages? - A. Ten and seven.
- Q. Having grown up in such communities and lived there, what policing work have you done in mining communities since you joined the Force? - A. I have worked as an Inspector at Rawmarsh which involved many mining communities, that is Rawmarsh sub-division, which includes places like Wath, Kilnhur

MR. WALSH: Just pause amoment for the shorthand writer:

- Q. Again for the benefit of those defencants who may not know this area, those places you have mentioned, Rawmarsh, Wath and so forth, are those mining areas? - A. Yes, they have or had their own pits.
- Q. And again the Jury probably know but some of the defendants may not, once one is outside the big cities of Sheffield and perhaps Rotherham and Doncaster, what are the other communities in South Yorkshire in which people live and you police? - A. They are nearly all mining communities that make up South Yorkshire.
- Q. You have told us about being an Inspector at Rawmarsh, have you policed presumably any other particular mining area in South Yorkshire? - A. Yes, my home village of Maltby on two occasions, two postings to Maltby again as an Inspector. Maltby includes, I am talking about the Maltby Police area Dinnington, Kimberworth
- Q. There is a colliery there, is not there? - A. Yes, and again all mining communities.
- Q. In what period or length of time have you been there policing these mining areas? - A. Certainly as an Inspector putting those two together, we cannot be far from four (?) years as an Inspector.
- Q. And all the time living in the area as well, even when you have been working in Sheffield and so forth? - A. Yes. I have live in those two areas all the time.
- Q. What have your relations been with the mining communities in your working life? - A. Excellent. As I say a lot of my frien are miners and relatives, no problem at all.
- Q. How well known are you by people in the mining community in South Yorkshire? - A. Certainly the areas of Maltby and Dinnington very well.
- Q. One of the things that you have been accused of is driving the miners back into the village where you knew or should have known, so it is said, that because of Police behaviour the miners would then cause damage? - A. Yes.
- Q. To what extent are you aware of what is called the Riot Damage Act? - A. I am aware of it.
- Q. Will you tell the Jury what you understand about the law in

those circumstances where a riot takes place and damage can occur? - A. Yes. It is a branch of the law that we do not often have to deal with, but as I understand it, if riot is deemed to have taken place then the owners of property damaged in such a riot, if it is deemed so, can claim compensation from the Police through the Police authority.

Yes

- Q. So the Police have got to pay for it? - A./as I understand it.
- Q. What do you say to this suggestion that the Police drove the miners back into the village where they knew that damage was going to be caused? - A. That in fact happened, but there is no way that we wanted that damage to be caused or indeed anticipated such damage being caused.
- Q. It is said that one of the things, as it were, motivating you was the fact that so it is claimed, this was the 100th day of the miners' strike? - A. Yes.
- Q. First of all, did you know that it was the 100th day of the miners' strike? - A. No, I had not got a clue.
- Q. Were you counting? - A. No, certainly was not.
- Q. You have been asked what you knew of the miners' intention on the 18th June? - A. Yes.
- Q. Do you follow? - A. Yes.
- Q. I think you will be entitled to answer that. What did you know on the 18th June as to what was intended to happen at Orgreave on the 18th? - A. It was well known, it had been well publicised that Mr. Scargill had said that this would be his Saltley Day. He would close the coking depot.

MRS. BAIRD: I am worried about that. Does it arise out of cross-examination

JUDGE COLES: It certainly arose out of cross-examination. He knew this was going to be 100th day. He knew there was going to be a large demonstration to, as it were, the Saltley effect. It was the 100th day, and because of that the Police decided to smash the miners. Those who cross-examined along those lines are

MRS. BAIRD: I did not cross-examine

JUDGE COLES: You may not have done, but others did, and indeed cross-examination was on the lines, it was suggested large forces were accumulating there not because of any information necessarily but because there was an ulterior motive; that cross-examination having been given, Mr. Walsh is entitled to explore what this conversation was to see whether the information was necessarily true, and to show what if any decision had to be taken for preparations that were made

MISS RUSSELL: I think that might be right. I think this probably arose out of some of my cross-examination. As far

as I recollect the purpose and the indication that I gave throughout that cross-examination was that because of the symbolic nature of the day, in effect it was a day in which it was seen that it would be advantageous to try out a new tactic, to try out things which had never been tried before. That was the import of my cross-examination.

JUDGE COLES: That may possibly be one inference, but I think the Crown are entitled to have the whole picture before the Jury so the Jury can make their minds up.

MISS RUSSELL: I think it is only proper if he is going to be re-examined in this way (inaudible) either through his own eyes or his own ears heard or saw rather than picked up ...

JUDGE COLES: I will make the ruling that the questions should be directed to this Officer's state of mind and his intentions.

MISS RUSSELL: Whether that comes to something he himself personally saw and has taken part in

JUDGE COLES: Surely a Police Officer must take steps. It might be bad information. He must take steps accordingly. The Police maybe Judge and Jury, and a court will say we cannot comment on the basis of fact unless they are satisfactorily proved by the best possible evidence. Surely he would be failing in his duty if he ignored every comment which came to his hand. "I am not going to take any account of what it is said people said on television. I am not going to take into account what is said in newspapers because it is hearsay".

MISS RUSSELL: I have no difficulty (inaudible) what your Honour has said at all, but I think it is important the Jury are made aware and so indeed all the rest of us are made aware, that it is obviously an important factor to consider whether it is good information or bad information. If my learned friend for the Crown lays the ground properly, "Did you yourself receive information (inaudible)", then, of course the Jury can assess the reliability. If on the other hand he goes straight into the information, of course none of us have the opportunity of knowing whether this is just edited information that is relied on or whether it is (inaudible) information or what it is that is putting the Officer in this frame of mind. I think one has to lay the ground for it in the proper way as to where this particular Officer gets his information from, and so that we can all assess whether it is good, bad, or indifferent. One has to know who it came from and where it came about. I have no quarrel with anything that has been said.

JUDGE COLES: You have made your point clearly, and I have made my ruling.

MR. WALSH: I may now get on.

MRS. BAIRD: I have not concluded my submission, but if your Honour has ruled

JUDGE COLES: I did not realise there was any submission to be heard; of course I will listen to any submission any counsel has to make. Do you wish to make it in the presence of the Jury or not?

MRS. BAIRD: It can be put fairly briefly. What concerns me, and various of my learned friends have enquired into Police intentions against the miners because it was a special day with the miners, it being their 100th day. To allow any hearsay (inaudible) it seems to me to be a wholly different point. My learned friend is asking what the Police Officer thought about the miners' intentions.

JUDGE COLES: The difficulty about that is this. The defence have said, "You got all these Forces together because you were going to take the miners on". If the answer to that is "No, it was not that at all, we got all those people there because we believed there might just possibly be trouble", the Jury may say, what on earth was the information that led them to that belief, and the answer to that maybe "Well I had heard two miners talking and one said, 'I am captain in chief, and I am going to organise trouble'". That would be direct evidence or as near to direct evidence as one could possibly get. On the other hand the Police Officer may say, "I have heard fifth hand that there was a conversation between two reporters on a radio programme or television programme, that there was a conspiracy to cause some kind of violence", that would be absolutely no evidence whatsoever of any such conspiracy, but it would be evidence which would justify that Police Officer taking certain precautions, and the Jury are entitled to know that, not in order to know whether it is true that there was a conspiracy but in order to be able to judge why the Police were present the reasons why certain tactics were adopted, otherwise the Jury have got their hands tied behind their backs.

MRS. BAIRD: I accept of course that the Jury may be entitled to know that there was information on which this Officer thought was probably (inaudible). Although I understand the purpose for which your Honour suggested it is right the Jury should know what information, it is impossible to separate either that information present in this Officer's mind from (inaudible). With respect it is the case it can only be proper in my respectful submission in really rather special circumstances, and since Mr. Clement has not volunteered that when he was cross-examined nor has he in re-examination volunteered matters which my learned friend now wishes to raise, nor has Mr. Povey raised in any of those three (inaudible) information which my learned friend wishes to raise, it does, with respect, seem to me this is one of those exceptional circumstances in which Mr. Walsh should be asked (inaudible). Those are my submissions.

JUDGE COLES: You are saying if relevant and admissible the prejudice outweighs its value.

MRS. BAIRD: And the circumstances are such that people should have been asked about it have not been asked it so

it cannot be important.

JUDGE COLES: Does any other counsel have any submissions to make?

MR. MANSFIELD: No.

JUDGE COLES: I am glad the Jury have heard that/^{discussion}because in a sense it will have been made clear to them long in advance of the summing-up. What has been said is anything that is not direct evidence that a witness has not himself seen is evidence which normally would be kept from you, evidence which you see on the television and read in the newspapers, but anything of that kind which you now hear as a result of Mr. Walsh's questions will be used for directly limited purposes. I see you nodding and I realise some of you understand what is being said. You all understand no doubt what has been said in the last few minutes, knowing that what has to be explored is what you make of this particular Police Officer's mind, and the evidence you will hear will not be evidence of the truth of its contents. Equally, bear in mind this, that Mr. Hale although a very senior Officer was not the senior Officer. These are all matters I will explain later to you when I sum up. Bear in mind what you are going to hear is only of limited significance but it is significant nonetheless. I think that makes my ruling clear, Mr. Walsh.

MR. WALSH: My learned friends will have noticed or should have noticed, that in the documents they made an exhibit include Mr. Clement's statement, this matter is included in any event, and it is before the Jury. There it is.

JUDGE COLES: Mr. Walsh I am unable to remember what your last question was.

MR. WALSH: I wonder if I could ask the shorthand writer if she would be so kind

(The shorthand writer read back the last question)

- Q. MR. WALSH: I think the question I need ask you, if I remember those words, "It was well known, it had been well publicised", do you follow? - A. Yes.
- Q. What was the source of your information and belief of that matter? - A. Yes. We knew that was going to be the day. It had been built up since the convoy started. I remember on the first day when I was there the first day, the convoy either went in before any pickets were there not long after they got any (inaudible) up full of miners I presume and said, "That is it, we are going to close the coking works". It had been gradually built up from there. I had seen signs outside Dinnington colliery that said Close Orgreave.

MRS. BAIRD: Was there a date to that first incident your Honour, I missed it?

THE WITNESS: The first day the convoy - the first coke convoy.

JUDGE COLES: The first day, the first coke convoy.

MR. WALSH: You are rather quietly spoken.

THE WITNESS: I will speak up.

- Q. MR. WALSH: Your voice does drop on occasions and that is why I think Mrs. Baird did not hear you:
- Q. Then you say there was-a sign or signs? - A. I had seen a printed poster outside Dinnington Colliery that said, close Orgreave in proper printing. I felt (inaudible) some other form from 18/6. That is what I personally saw.
- Q. Can - I won't interrupt you? - A. But from other sources that morning at the briefing I was told by other Officers that there had been a miners' rally or gala at Wakefield, and that people at that gala had been asked to attend Orgreave on the 18th. As I said it had been well publicised in the newspapers and on television.
- Q. What had been? - A. The fact (inaudible) would be another big day.
- Q. I do not think you said which day the Wakefield gala was?- A. As I say it was from the briefing. I believe the gala had taken place on the Saturday or some time over the weekend. I believe it was the Saturday.
- Q. JUDGE COLES: I am afraid my note ends people had been asked to attend at that gala on the 18th June. I think you then added something which I did not get? - A. That it was going to be the day the coke works was closed.

MR. WALSH: You are still dropping your voice, Mr. Hale.

THE WITNESS: Sorry.

MR. WALSH: Maybe because you are speaking to the person who is asking the questions which is very understandable, but the people you should be speaking to are sitting on the back row of the Jury.

THE WITNESS: I am sorry.

MR. WALSH: And the back row of the court.

JUDGE COLES: I do not know if the Jury understand Saltley

MR. WALSH: That was my next question:

Q. What does another Saltley mean to the mining community?

MR. MANSFIELD: Your Honour I have been very slow in interrupting this morning. I do not think this witness can be asked what mining communities consider. He can be asked what he understands.

JUDGE COLES: That is right.

MR. WALSH: I accept that. I am slightly concerned about what the witness may say happened at the briefing. He has already been asked very carefully about that briefing and he has given his answers before. Do you think I can reiterate them if necessary

JUDGE COLES: I do not want to say anything about that in case

MR. MANSFIELD: I will leave it for the moment.

JUDGE COLES: In case I suggest anything to the witness.

MR. WALSH: Your Honour, yes.

Q. JUDGE COLES: What do you understand the meaning of Saltley - A. I understood the meaning of Saltley to refer to a coking depot situated in Birmingham, which during the previous dispute of 1974 when Mr. Scargill and what was termed the Yorkshire flying pickets attended at that depot, the weight of the numbers was such that the Chief Constable of Birmingham at that time caused the depot to be closed.

MR. REES: Could we enquire as to whether anyone was violent or violence was alleged arising out of that?

JUDGE COLES: No, I do not think you can.

Q. MR. WALSH: So you have given us an account of what your state of mind was that morning? - A. Yes.

Q. You have also said, and nobody has disputed this, that you were also aware that larger, much larger numbers than normal were to be expected? - A. Yes. We had reports of coaches from various areas of the country.

Q. Can I ask this question in the context of one of my learned

friends making the accusation that as it were you were putting too many Policemen at Orgreave. Do you follow? - A. Yes, I do, in view of the numbers that were anticipated.

- Q. Numbers of? - A. Demonstrators. Plans had to be made to have available enough Officers bearing in mind our previous experience at Orgreave, to deal with the numbers and the possible violence that could occur, and indeed, the numbers that we asked to be there to attend in the morning were not sufficient in an emergency. Calls had to go out to other Forces which had not been planned and asked for in the morning.
- Q. Perhaps I should ask you briefly about that. Initially, what sort of Police strength had been provided? - A. It is difficult because it was not my role, but I was party to some of those discussions to expect numbers
- Q. If you can be approximate it might assist? - A. I would think we would have to start with in the region of 2,000 men covering the area of Orgreave.
- Q. I think we know from evidence that has really been agreed or given without challenge at any rate, that there was something over 4,000 Police Officers? - A. That is correct.
- Q. 4,300? - A. That is correct. The logistic Officer will have the exact figure.
- Q. At what stage, and if you cannot help us say so, was a decision taken to put an emergency call out for more men? - A. It was after the first push had started. It became clear that the numbers were going to be greater than we had even anticipated. We have only talked of my experience at top side, but there is another area where there was a substantial amount of demonstrators that the numbers were insufficient to cope.
- Q. I do not want to go into what happened at bottom side because it is not directly relevant, but had the pushing and so forth at bottom side preceded any at top side? - A. I am not really competent to say that because I was involved at top side.
- Q. You say emergency calls went out at some stage? - A. Yes, to get extra - we had used all the reserves up.
- Q. Just answer this if you can. If you are expecting large numbers of people, and you have told us that there was pushing on previous days? - A. Yes.
- Q. When the lorries arrive what happens or is in danger of happening if you do not have enough Police at the right places before these events happen? - A. Simply the demonstrators will overrun the Police lines. We will not have enough men to hold back the weight of demonstrators and the lorries or the plant presumably will be invaded.
- Q. If you have a reason to believe that very large numbers are

going to be there and pushing, does it make any sense not to have your Forces there until after all the pushing has started? - A. No. There would be heavy criticism if we were not prepared.

- Q. I think we know from other evidence that again is not the subject of dispute, that all the Police who ultimately became available were there certainly before eight o'clock? - A. Yes, the ones that had been earmarked probably sometime just before were there. They would arrive after four in the morning, well before eight o'clock.
- Q. The suggestion put to you by various counsel was along these lines, that either before that morning or at the very early part of the morning, you and your senior colleagues had decided that you were going to use the short shield men and drive the miners from the field and over the bridge? - A. That, as I have said in the evidence, is nonsense.
- Q. The Jury have seen some time ago from the video the sort of numbers that were there at seven or thereabouts. If you had wanted early in the morning to drive the miners from the field back over the bridge and keep them a proverbial million miles away from the gates, was there anything to stop you doing that? - A. No.
- Q. Likewise just before the first convoy arrived, that is the eight o'clock area, if you wanted to send the horses and the shield Officers and the like to drive and scatter the miners, anything to prevent you doing it? - A. No, that could certainly have been attempted.
- Q. Was any attempt so made? - A. No.
- Q. Just a few questions about units and training and that sort of thing. I think I can ask one or two leading questions because certain things have been established. Is this right, in court we tend to use a shorthand phrase like short shield units for something that we think we understand without necessarily going into the full details. If I understand you correctly, apart from Policemen who are of Chief Inspector rank and above or who are there as administrators, clerical, radio, and that sort of thing, is every Officer who is on the ground a member of a PSU? - A. No.
- Q. Not? - A. No.
- Q. What sort of people are not members of PSU's? - A. There are Officers who are behind the PSU's, First Aid Officer.
- Q. I am sorry, I should have included that. If we are talking about all the Officers who formed the cordon? - A. Yes.
- Q. Are they all members of a PSU? - A. Yes, they are all Police Support Units.
- Q. I am sorry, I should have made my question more clear.

If we eliminate the back room boys, and the First Aid and people like that, everyone is a member of a PSU? - A. Everyone deployed on the cordon is a member of a PSU.

- Q. All these people who are members of a PSU when they are not attending an occasion such as this, what sort of Police job are they doing? - A. They are normal Police Officers who carry out what is understood as normal Police functions.
- Q. Each of these Police Officers will have some training from time to time in a PSU, that is a Police Support Unit? - A. That is correct.
- Q. Work? - A. Yes.
- Q. And some of them will only have been trained to be there in an ordinary unit, and clearly part of a cordon? - A. Yes, that is correct.
- Q. Some will have been trained in addition in the use of long shields in the way that you have described? - A. That is correct.
- Q. And some will have been trained in those first two and also in the use of short shields? - A. Yes, that is also correct.
- Q. And you have responsibility for the training of each of those three tactics? - A. Yes.
- Q. If that is right, would your ability? - A. (inaudible) but before I was responsible for that training.
- Q. Over how long a period of time were you responsible for that training? - A. Must be approaching two years really.
- Q. You have told us there was a place where training used to take? - A. Yes.
- Q. Was that in the open air or inside or both? - A. It is in the open air.
- Q. When that training was done, did the Officers who were training have use of such equipment as eventually they had at Orgreave? - A. Yes, they did.
- Q. It may seem a very obvious question, but in the light of one or two that have been put to you in cross-examination I have to ask it; what was the purpose in having these men there training with the equipment that they were to use? - A. It was to familiarise them with the equipment, and to train them a proper standard to deal with (inaudible) within South Yorkshire, so they would be fully familiar with how they were likely to be used either within this Force or when it
- Q. It has been suggested to you that such was their training or lack of it that by the 18th August (sic) they had no idea what effect the use of their equipment would be, and so they needed to test it upon demonstrators at Orgreave. What do you say about that? - A. There is no need for that. They have

trained with it long enough. I think to most people it is obvious the effect there would be. They are well trained in the use of their equipment.

- Q. Were you responsible for training only South Yorkshire Officer - A. Yes.
- Q. You said in answer to my learned friend this morning that they have regional exercises for training purposes between Police Forces? - A. Yes.
- Q. Have you been present at some of those? - A. Yes.
- Q. What other Forces have you witnessed training with your own? - West Yorkshire, Greater Manchester, North Yorkshire, Humbersid and Nottinghamshire.
- Q. Have you ever had any reason to think that the training that they had or the things that they did were in any way improper? - A. No.
- Q. It has been suggested to you that in some way it is improper to send out men with short shields and batons both to disperse and arrest? - A. Yes.
- Q. Remember that? - A. I do.
- Q. Whilst all that has been put to you was there any training in both dispersal and arrest?- A. Yes. Our conduct has never exclusively used one or the other. We have always been trained in combined tactics of dispersal (inaudible). We are of the opinion that dispersal must obviously at some stage involve arrest, in some cases. My opinion was and is that one cannot be excluded from the other, and indeed we have seen, and I have been referred by counsel of prisoners being brought down the road at various stages with a short shield Officer on each arm, and yet I have been asked and told that it is impossible to do, and I have witnessed photographs of just that taking place.
- Q. During these training sessions have any of your Inspectors who are the people in charge of the PSU said, "This does not make sense. It is not something that we can rightly do"? - A. The training sessions are (inaudible). As I have said the Manuel that has been referred to is advisory, and can be adapted by any other Force.
- Q. I will come to that in a moment. Whilst the matter is still on my mind if you will forgive me, you agreed that morning at Orgreave you briefed the Inspectors or the PSU's that they should go forward to disperse and arrest? - A. Yes.
- Q. Did any of them say, "We are not trained to do that"? - A. No.
- Q. "What do you mean by dispersal"? - A. They would understand perfectly what was meant.
- Q. Now the Manuel. First of all you have told us that the Manuel

itself is restricted to those of a rank senior to you? - A. Yes.

- Q. Because of your involvement in training, you have seen it from time to time or parts of it? - A. Yes. I have seen parts of it.
- Q. What is its status? By that I mean does it form a list of orders and rules which have to be followed and obeyed, or is it something different? - A. No, it is something different. It is an advisory Manuel that describes a range of tactics ranging from very ordinary minor everyday what we call cordons right to the theoretical extreme, and those (inaudible) guide lines, so that Forces are roughly following on the same levels, but as I have said it is advisory and each Force can adapt the tactics as they think fit.
- Q. Certain passages of that relating to short shields have been put to you? - A. Yes.
- Q. I would like the Jury to have the complete picture of what you are saying. Would you like to look - this is a copy of what will become exhibit 15. Can we just deal first of all with the introduction that relates to short shields. I think the best possible thing for you to do is slowly and in a clear voice read it out? - A. The paragraph is headed, "Introduction. Long shields have been proved degree of protection".
- Q. I think you can probably read a little quicker than that? - A. "Do not require itof the Officers so deployed".
- Q. This objective, and you have been asked whether arrests and dispersal are objectives, are there three objectives there set out as possibilities when missiles are being thrown. Short shields can be effectively used to achieve one or more of the following objectives? - A. Yes.
- Q. What are those three? - A. The three objectives, "(a) to protect the dispersal snatches".
- Q. Then there are a number of tactical manoeuvres set out designed to achieve the best objective. Under paragraph (c) of tactical manoeuvres does it say, "The manoeuvres stated ... to satisfy local needs"? - A. That is correct.
- Q. Was that the part you were referring to when you said local Forces devised their own tactics to what they believed will be suitable? - A. Yes, adapt the tactics.
- Q. I think you can put that down. Were the tactics that you have described and performed that day the ones you thought ... - A. Yes. Those are the ones regularly taught in training and practice.
- Q. I would like to come please to another aspect of the cross-examination put on this basis, that you decided before the first arrival of the lorries that you were going to send short shield men up? - A. Yes.

- Q. You may have decided beforehand because it was said that following the horses going out you sent the short shield men out immediately. That was one way counsel put it to you? - A. Yes.
- Q. Because times were put to you as to when the horses went out and then when the short shield men first went out? - A. Yes.
- Q. I would like you to look please at the video and if Mr. Chapman has got it right we should be at the watch or clock showing 8.20 a.m. and the mounted Police going through the lines. I would like you as you are watching, because I think it needs watching carefully, to notice the arrival back of the mounted Police. If you are not looking carefully you may miss them. I would like you to watch where the demonstrators are just before the Police lines open up, and as they open up to allow the horses to come out. I think that says 8.21? - A. Yes.
- Q. Is that the scene that you saw on the day? - A. Yes.
- Q. At the very beginning when we put the tape on there was a sound of someone shouting I think it was go or words very similar to that? - A. Yes.
- Q. So far as you know was that a Policeman? - A. Not knowing where the microphone was it could have been.
- Q. But you do not know one way or another? - A. No, I do not know.
- Q. Before the Police line actually opened up what did the demonstrators do? - A. They started to run back, run up the field, run to the side.
- Q. When the Police horses actually emerged from the Police line, we can see both on the field and in the road there a sort of gap which was between them and the demonstrators? - A. They were virtually running into (inaudible) field, and not much gap.
- Q. JUDGE COLES: Who were? - A. The horsemen.
- Q. MR. WALSH: Were you watching as the horses came back on the left side? - A. I would be watching both sides. It is difficult to say exactly which direction I was looking.
- Q. As you looked on the field, did you notice as the horses came back, people on the left hand side under the trees? - A. Yes, I did.
- Q. What did you see them doing? - A. Some of them throwing stones or they appeared to be throwing stones at the horsemen as they came back.
- Q. You could see arms? - A. Yes.
- Q. On the film, could you see stones? - A. I might have seen a couple. It was difficult to see from this angle.

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- Q. What did you see them doing? - A. Some of them throwing stones or they appeared to be throwing stones at the horsemen as they came back.
- Q. You could see arms? - A. Yes.
- Q. On the film, could you see stones? - A. I might have seen a couple. It was difficult to see from this angle.

Q. We are 8.21, and so far you have seen the camera looking forward to an area of ground behind the horses when they went out? - A. Yes.

Q. And indeed when they returned? - A. Yes.

Q. Were there any short shield unit lines up there? - A. No, I did not see any.

MR. WALSH: Will you run on please Mr. Chapman:

Q. That is 8.23. I just want you to look carefully from the same Officers coming across from the right to the left? - A. Yes.

Q. I want you to look where they go and tell us what sort of Officers they are and where they are going. Now, what were those Officers? - A. They are long shield Officers.

Q. Why were they going out clearly on the left hand side of the line? - A. Because of the missile throwing. The front shield units, the long shield ones have tightened up, and this is an area on the left hand side where there are unprotected Officers exposed.

Q. If we can just picture the front line. It appears those Officers go out and contain some long shield Officers? - A. Yes.

Q. You say that was tightened because of the stone throwing? - A. Yes.

Q. Before they were tightened how are we to envisaged they were standing shield relating to shield? - A. They are standing side by side. Some have (inaudible), but the majority have not in order to stop missiles getting between the gaps. The shield line has tightened up by locking the shields together.

Q. You say that causes the front line to contract? - A. Yes.

Q. And not cover the whole of the front line of Policemen? - A. That is correct.

Q. And so these men were brought in to fill that gap? - A. Yes, the full left hand flank.

Q. You saw 8.23 a moment ago. Thus far, any signs of short shield men deployed where the horses were in that territory? - A. No.

MR. WALSH: Would you run on please. Just stop there:

Q. Some time has obviously gone by. Are there any short shield men deployed behind the horses? - A. No.

Q. You see the reason I am showing this at length is it was suggested by counsel that following the return of the horses that you saw some time ago, there was no time for you and Mr. Clement and Mr. Povey to discuss the next option, and that

you must already have decided it previously. Do you follow?
- A. I do follow, yes.

MR. MANSFIELD: That was not suggested. Mr. Walsh was not listening maybe at that carefully. The suggestion was that - he may now re-examine about it - between all these times kindly put to Mr Hale, between 8.21 or thereabouts and 8.32 which is when they first appeared, and I appreciate it is about ten minutes, there was not time for a proper discussion of the various things the Officer said he had to do, namely, to enable other senior Officers to get 92 men together, and for some of them to get shields out of the transit and so on.

MR. WALSH: I am obliged to my learned friend:

Q. You have heard all that, what do you say? - A. Perfectly possible. in fact it was done that day.

MR. WALSH: Can we continue to run the film please:

Q. You say perfectly possible. There was alot of loud noise in the background. I do not know whether you could in the box hear what was being said, possibly not? - A. I could not.

Q. Does it trigger any response in your mind as to what was being said through the loudspeaker? - A. No, it does not to be honest.

Q. As we go on now for the next few minutes, would you keep your eyes open to see if you can see either yourself, Mr. Povey or Mr. Clement. If you do at any stage say stop or something like that. Do you see those two Officers turning to run back to the right? - A. Yes, that is an Officer. they spoke to with the silver braid on his hat.

Q. Who is that? - A. I think it is Mr. Povey, but it is difficult to make out on the film.

Q. JUDGE COLES: Do you want to see it again? - A. Yes, please

Q. MR. WALSH: He looks like a Sergeant judging by the marks on his arm? - A. Yes.

Q. Do you happen to remember what was going on at that time as to why they should run back? - A. I cannot say exactly what their instructions would be, but the time when the horses had come back, all this time the options are being discussed.

Q. Perhaps we can run on and perhaps it may help you. Who is that? That is definitely Mr. Povey.

Q. Was that Mr. Povey coming back with the loud hailer? - A. Yes.

Q. So he has gone back and he has come forward again. 8.31, are there any short shield men yet out? - A. No.

MR. WALSH: That is the end of that film. I appreciate

it is almost one o'clock, but would it be possible to continue just a few seconds with the other film before we break?

JUDGE COLES: Yes, certainly.

- Q. MR. WALSH: Now 8.32, they are so obviously between the changing of the reel of film. They are out? - A. Yes.
- Q. Just pausing there. There looked to be three groups, does that mean three PSU's? - A. Yes, it would mean that they would stick together.
- Q. Have you been able to notice so far whether they are all wearing ordinary Police uniforms? - A. Certainly. Those on this side are wearing normal Police uniforms.
- Q. It maybe the camera will pan back in a moment. If you can perhaps look at the backs. That group on the left; you saw an Officer turn back towards the camera? - A. Yes.
- Q. What is he wearing? - A. Normal Police uniform with the exception of the helmet of course.
- Q. We have seen what to the layman's eye looked like three PSU's before we got to the horses? - A. Yes.
- Q. And then some behind the horses? - A. Yes.
- Q. Are the ones behind the horses wearing what somebody has called boiler suits? - A. Yes, they are (inaudible).
- Q. It looks like a white blob on his back. Is it writing or a white patch? - A. It is writing. It says Police.
- Q. Is there any writing on the front of the boiler suit, do you know? - A. I cannot see on these particular ones but some do, but I cannot say whether these Officers had got any writing on the front.
- Q. The writing that you have seen on the front, when you have seen it what does it say? - A. I can only speak about ours. Ours say South Yorkshire Police on the front.

MR. WALSH: Would you go on, stop. Is that 8.37? Can we run back a frame or two. Can you run forward now normal pace. I think that is enough:

- Q. You saw there a horse. I think the commander called it a riderless horse? - A. Yes.
- Q. Did you see the incident, not on the television, but actually on day, that caused that Officer to come off? - A. No, I did not.
- Q. Just a couple of questions that arise from that film. You saw the horses go out both on the road and on the field? - A. Yes.
- Q. On the road, were the horses walking or trotting? - A. Started to walk and into a trot.

- Q. Did they charge into any mass of crowd? - A. No, they certainly did not.
- Q. On the field you saw the horses go out. Did they stop after a certain distance? - A. Yes, they stopped at the top of the field.

MR. WALSH: If you would run the film back for a moment. Could you just run forward at normal speed now please:

- Q. Look at the horses in the field. What are those horses doing there? - A. They are being stoned at that point in time. A lot of the horses are rearing up, going backwards. I presume the stones are hitting the horses.
- Q. You are talking to the television set? - A. They are obviously (inaudible) at the stones being thrown at them. You can see them rearing up.

MR. O'CONNOR: The witness was being asked to comment on the film and that is wrong.

MR. WALSH: He can say what he saw happen which is all I have asked.

JUDGE COLES: It is a very dangerous and difficult line to draw, but the Jury are perfectly well aware of what is running commentary and what is being used - the film, as an aid memoir to memory.

MR. WALSH: I have another bit of film after the adjournment.

JUDGE COLES: Quarter past two.

(Mid-day adjournment)

MR. O'CONNOR: Your Honour, may I say about Mr. Foulds who is not here. He has retired hurt. He has had his teeth extracted, that is the reason for his absence with your Honour leave.

JUDGE COLES: Certainly. He has my leave and my sympathy.

- Q. MR. WALSH: I will try to get this, Mr. Hale, more or less in sequence? - A. Yes.
- Q. But I may have to go out of time on occasions whilst I am asking you about the present matters. Mr. Scargill, please. It has been suggested to you that you have no idea of what time it was that Mr. Scargill passed along the front line reviewing the Police Officers as it were? - A. Yes.
- Q. And that although you saw that happening, the only way you can time it is by saying if it says this in Mr. Clement's statement that must be the time. Do you follow? - A. I do.
- Q. That is the way it has been put to you, and you said there

were two reasons why that was not so, that were independent recollections in your mind. Do you follow? - A. Yes.

- Q. What were those two? - A. One was the fact that the long shields were not out, and the second one was that it was before the arrival of the first convoy.
- Q. Let us take the second of those. It maybe that that is an important moment.

JUDGE COLES: Before the arrival of the first convoy.

MR. WALSH: Before the arrival of the first convoy, yes:

- Q. You were out there in the field? - A. Yes.
- Q. Were you aware of the first convoy arriving? - A. Yes.
- Q. Did you require anybody's notes to assist your recollection as to whether Mr. Scargill's review was before or after that incident? - A. No, it was before that incident.
- Q. Are you in any doubt about that? - A. No, none whatsoever
- Q. Now you have been asked to look from time to time at these two large photographs, 11a and 11b. One is not an enlargement the other, it is obviously a blow-up of another photograph taken round about the same time, as they are obviously taken from different positions as you will see. May I just hold them to the Jury so they know the ones. The Police line is going across the corner of the photograph, and in the other the Police line is running, as it were, from side to side, so they are obviously taken from different positions clearly aerial. Take both Mr. Hale if you will. Now harmed with this further piece of information which is supplied by the defence, that those photographs were taken, it is said, sometime between, if I remember it rightly, about ten past ten and 10.35 something in that area? - A. Yes.
- Q. May be a few minutes earlier. Now you have said that sometime after the first convoy got away? - A. Yes.
- Q. And we know that to be 9.25, there was a lull, and you thought that the pattern of previous days might be repeated? - A. Yes, that is correct.
- Q. Because you saw people disappearing? - A. Yes, people started to go away.
- Q. Approximately how many people would you say there had been before they started drifting away at this stage? - A. At the time?
- Q. The time of the convoy departing, 9.25? - A. About the time of the convoy departing, my estimation of the numbers then was 5,000/6,000.
- Q. In which direction did they go? - A. Back over the bridge on

Highfield Lane.

- Q. Did they appear to be experiencing a problem? - A. No it was the usual pattern of ordinary streaming back over the bridge. Nothing unusual at all.
- Q. Bearing in mind these photographs were taken sometime after ten o'clock, and before or just after half past, have we reached a lull by the time those photographs are taken? - A. Yes. This looks like when most of the people have gone, and we are in this lull situation.
- Q. We see, if you look at the blow up which shows us the front line of the Police more clearly, that Policemen in the front ranks still have their tall shields there? - A. Yes, that is correct.
- Q. Now you have told us at some stage during the lull the long shield men were withdrawn? - A. Yes.
- Q. But had to be brought back? - A. Yes, that is correct.
- Q. Approximately, doing your best, how long after that scene we see there would you say that the long shield men were withdrawn? - A. Without knowing the exact time, obviously it cannot be much longer after this before they were withdrawn.
- Q. Again, no one is trying to tie you down as to minutes, but about how long were they away before, as you have told the court, it was necessary for them to be brought back? - A. I am not totally sure everyone had been assembled, but a good percentage, a good proportion of the long shield units had been assembled, and it maybe about five minutes, could be a little longer before they had to be brought back in, but not a tremendous length of time.
- Q. I am sorry there are no copies of these. Could you hold them up so that I can see them, because there maybe something I want to ask you. I wonder if you could hold it maybe the Jury can see. It is the top photograph that you are holding, the one that is taken, that is not blown up. The Police cordon at this point is some distance up the field from the little side road? - A. Yes.
- Q. Because of the light pointing I cannot see, but how close to the trees at the side of the field-do you remember there were two trees, and that is another tree, where are they? - A. There appear to be two trees there, and in front of them a single tree, then a space, a little bit greater spacing, then those two, and the line appears to be right up to the top of the three trees.
- Q. They are in a position just fractionally up the hill from the two trees that are close together? - A. Yes.
- Q. But they have not reached the third tree, is that right? - A. Yes, that looks to be the position.

- Q. Now, this is the point someone was asking you about. I wonder if you can hold it up. When things started off that morning, that is to say, when the first shove by the pickets against the Police line took place? - A. Yes.
- Q. The lines were further down near the little side road? - A. Yes, that is correct.
- Q. I would like your help as to how it came about that by the time of the lull the Police lines are as that photograph shows, that much further up the field? - A. The only explanation that we can have for that is that when the line is under tremendous pushing it starts to wave and bend and has to be straightened up. The Police are obviously pushing up hill, and there is a natural tendency to edge uphill during the pushing and shoving. With the straightening of the line, the Officers will be striving all the time to try and keep it as straight as possible. This then will account for it slowly edging up the field.
- Q. I think you can see, somebody has pointed it out, maybe his Honour mentioned it, that on the right - you have got the blow up? - A. Yes.
- Q. It is probably clearer, there is a circle, a group of men apparently? - A. Yes.
- Q. Did you notice that at the time or not? - A. To be honest I could not have said there was a circle, a group as is seen on the photograph.
- Q. There looks to be quite a number in a round blob of men? - A. Yes.
- Q. Now having familiarised yourself with that photograph as to the numbers there at the time of the lull, how did the picture change, if at all, as to the numbers present just before you started the move, the three stage move up to the bridge? - A. They (inaudible) down from there would be a further drift away in the movement. A lot more would have to come back there, certainly more than this amount. The impression I have is that the group went to the top of the field and looked as though they were going away, as we would have expected, and then came back down. At the same time other people started coming over the bridge again.
- Q. What I am seeking to try and do is - you can see approximately the quantities there? - A. Yes.
- Q. You said that by the time the three stage move up the field began, a lot of people had come back? - A. Yes.
- Q. Just so that we can compare in our own minds how more dense the population was than on the photograph. Was the field ahead of you just before you started the three stage push? - A. It was considerably more populated, certainly four to five times greater people than can be seen in the photograph.

Q. What was it that necessitated the three stage drive to the bridge? - A. People came down and bricks were thrown at unprotected Police Officers. It was a long time from that period of time before the next convoy was due, and it was apparent that the Police were going to have to put up with that right up until the next convoy.

MR. WALSH: What I would like to do so that the Jury can see clearly, because otherwise they are just having to remember, is to hand those photographs to the usher so the Jury can remind themselves, and so they can get the picture of the density of the crowd at the time of the lull, the density of numbers I should have said:

Q. This is the time of the lull before others come back. There is one thing that might be puzzling, whether you can explain it or not I do not know. Do you see on the more distant photograph there is what looks like a black or dark patch on that field? - A. Yes.

Q. Can you help us as to what that is? - A. I do not think it was on that day, but certainly there had been a small fire at some stage previously.

Q. On a previous day? - A. I think it was a previous day. It was originally a cornfield.

Q. What I would like you to do now is to watch a section of the tape that has not been put to you in cross-examination. It is tape number four, and I am going to ask Mr. Chapman in a moment to start at the beginning of tape four. It maybe necessary to run it for some time so that it reaches the point where my learned friend Mr. Griffiths began his cross-examination, and what I would like you to do if you now come down so that you can see it at a more convenient angle; you remember yesterday Mr. Griffiths showed you the tape starting from the last move forward in the field towards the bridge? - A. Yes.

Q. I would like you to look at what preceded that on this tape, and with particular regard to the numbers facing you, what people were doing ahead of you, and what Police units, so far as you can tell, are there at the front, bearing in mind you answered a question this morning about the actions of those long shield men going forward? - A. Yes.

Q. It maybe I am asking you to make a mental note of a lot of things all at once, but we will stop at junctures and ask you what stage we have reached, do you follow? - A. Yes, I do

Q. I want you to avoid the temptation as his Honour said this morning of acting as a commentator upon the video film. Do you see? - A. Yes.

Q. JUDGE COLES: It is a very difficult exercise. I appreciate that the purpose of this is really to serve to refresh your memory? - A. Yes.

Q. As much as anything? - A. Yes, your Honour.

MR. WALSH: Mr. Chapman please, is the sound proper on this one? Could you stop for a moment:

Q. It maybe that it is too soon for you to say, but are you able to recognise at what stage of the proceedings we are? - A. Just looking at it again out of sequence, I think this is after the shields have been brought back in to the front line.

Q. Can you see long shields there? - A. I cannot actually exactly see long shields, but I can see supervisory shields (inaudible) which go in tandem with the long shields.

Q. How do the numbers you saw on that film compare with what you say you saw when it was necessary for the line to move forward? - A. The numbers are about the same as when it was decided we would have to clear the field; we were going to have to go up through the field.

Q. How do those numbers we have just seen compare with those that you saw on this photograph taken at the time of the lull? - A. There are substantially more people.

MR. WALSH: Can we run on please, Just stop for a moment

Q. It is a bit infuriating because we cannot see the bit lower down. Is there any way that you recall at this stage when we hear the break for shield units and we see the heads of Officers, and some shields going through, whether that is long or short? - A. They are long shields coming because they are falling out in front of the Police cordon to give protection, playing their protective role.

Q. Can we see them moving in the front? - A. We see them coming through. You can see them falling out in front of the unprotected Police Officers.

MR. WALSH: Will you continue please. Stop please:

Q. Now we heard a shout, "Go 30 yards and return"? - A. Yes.

Q. Who is that? - A. I cannot identify that voice to be honest. It does not sound like Mr. Povey's voice.

Q. JUDGE COLES: Does not sound like? - A. Mr. Povey's voice.

Q. MR. WALSH: Perhaps I should have asked you when you saw those long shields going out, you say because the men at the front were unprotected; you remember earlier on the video I showed you this morning, you saw Officers going out to the left, because although there had been shield Officers at the front, because they were locked together it left a lot exposed. Is this a repeat of that situation or is it because there was not any? - A. It was because there was not any shield Officers at the front, and we have

simply got unprotected ones there.

MR. WALSH: Just stop there if you will:

- Q. We saw on the film horses going out on the road? - A. Yes.
- Q. To the best of your recollection did any horses or anything go out on the field at that stage? - A. I cannot be certain about that. They were certainly on the road but I do not think they went up the field, but I cannot say for certain. I do not think they did.
- Q. And does that what you have seen reflect what you saw on the day? - A. Yes. This is the three stage movement towards the top of the field.
- Q. It was/suggested at one point that when the horsemen went forward, they were charging into a packed group of demonstrators. What do you say about that? - A. No, as can clearly be seen.
- Q. Were they just trotting? - A. They are just trotting towards the demonstrators. They are not charging at all.
- Q. To your recollection how far away were the demonstrators when the horses went forward? - A. We are talking between 20 and 30 yards.

MR. WALSH: Would you continue please, Mr. Chapman. Just stop again:

- Q. Again we see your horses going out on the road? - A. Yes.
- Q. We certainly do not see any go out on the field. What is your recollection as to events? Were they just on the road at this point? - A. As I recollect, yes. I cannot say for certain but I am more or less certain they were on the road.
- Q. The film shows that the men on foot advanced a distance at this stage? - A. Yes, that is correct.
- Q. What was the purpose of that? - A. The entire purpose of this three stage movement is to give the impression to the demonstrators, indeed give the intention that we intend going to the top of the field, and to do it in stages rather than at one go is to allow people to go over the bridge instead of going right from the top to the bottom. It is to clearly demonstrate our intention to clear that field, and by taking it in easy stages it gives more time for people to leave the area over the bridge.
- Q. If they had wanted to go away peaceably over the bridge was there anything to prevent them or hinder them doing so? - A. Nothing whatsoever.
- Q. Just for information. Where the film has stopped you see three Policemen with what look like yellow waistcoats

or something? - A. Actually they are ambulancemen.

Q, They are not Policemen? - A. They are ambulancemen.

MR. WALSH: Yes, Mr Chapman:

Q. I think this is probably the point at which Mr. Griffiths started when he put this film to you in cross-examination? - Yes.

Q. You have now seen the whole of the film up to this point. Having now seen the whole procedure as best you can, at what point did that film start? - A. I have tried to be specific about time.

Q. I am not asking you the time/^{stage}for the procedure. It is my fault? - A. The particular point here?

Q. When taking this film this afternoon, at what stage in the proceedings did this reel of film start? - A. This is after the lull. This is when the people have returned over the bridge when the numbers have increased, and the stoning started again, and the decision has been taken to clear that field.

Q. It is said that the decision was just to drive forward at these miners and by violence and other means drive them off the field totally? - A. Yes.

Q. Because they had no right to be there. What do you say about that allegation? - A. That is completely wrong. That is easy to explain for several reasons, in that the three stages are designed to discourage people from the field. If that was the intention it would be one movement from top to bottom. If it was also the intention, the movement that has been sent up the field again is two movements at least. You have not see the short shield Officers yet. If that had been the intention the short shield Officers would have been deployed right to the front and would have swept from the bottom of the field right up to the bridge.

MR. WALSH: You maybe going too fast for the shorthand writer.

JUDGE COLES: You are going too fast for me.

THE WITNESS: People that had been

Q. MR. WALSH: Just pause. The two reasons if I can put that in shorthand; one is you did not drive straight up you did it in stages? - A. Yes.

Q. The second was that throughout the film that we have seen so far and up to this point, no short shield men have been used at all? - A. That is right.

Q. I am sorry, did I stop you when you were going to give a third reason or not? - A. No, they are the basic reasons.

MR. WALSH: Can we just continue please:

Q. If you turn round, Mr. Hale. Are those short or long? - A. They are long shields.

MR. WALSH: Could we stop for a moment:

Q. Do you see the field there? - A. Yes.

Q. What are those things on the grass? - A. Wherabouts exactly?

MR. WALSH: Actually we have gone past them a bit. Can you go back a little bit:

Q. Do you know what those are?

MR. O'CONNOR: This is again getting the witness

JUDGE COLES: I am afraid

MR. O'CONNOR: And it is wrong.

MR. WALSH: Let us continue then.

Q. JUDGE COLES: Do you remember what the field looked like?
- A. I remember bricks all over the field, but I cannot honestly describe it in detail, your Honour.

Q. You went up with the troops, did not you? - A. Yes.

Q. If I may so describe it.

MISS RUSSELL: This is exactly where the danger lies. This is not the field. It is nowhere near the field. This is in front of the medical centre.

JUDGE COLES: We can all see that that is

MISS RUSSELL: I do not think any evidence has been given about any object on that part. It is obvious he cannot see the field at all unless you have my bats eyes, because the field is way over the other side.

JUDGE COLES: My remark was not directed to the video at all, it was directed to

Q. MR. WALSH: We have heard that Officer who is I think - did you give his name? - A. No. I believe that is the Superintendent who came with the West Yorkshire unit. I cannot remember.

Q. You cannot remember his name? - A. Yes.

Q. Until that particular time had short shield units been used at all on this three stage movement up the field? - A. No, not at all.

MR. WALSH: That is the end. Thank you very much:

- Q. You agreed with Mr Griffiths that was the last stage of the move up to the bridge? - A. Yes, that is correct.
- Q. One of the suggestions that has been made, is that in addition to driving up to the bridge to disperse the demonstrators, Police Officers were instructed or prompted, I think it is put in both ways, to arrest people who were just stood for doing absolutely nothing? - A. No, that is not part of their instructions, never was.
- Q. If you had been aware of any such thing happening, what would you have done? - A. I would have reported the matter and taken action.
- Q. And your taking action of those can mean all manner of things but what in particular? - A. I would have reported what I had seen to the staff down in the command centre, the charging staff, and instructed that that person should not be charged with an offence, that he had not been arrested properly.
- Q. You have told us that on this progress up you were not the first, or I think you said even among the first actually to reach the bridge? - A. No. I would not be far behind, but I was not the first.
- Q. I would like you to answer this question if you can, not from anything that you were told but only from what you saw? - A. Yes.
- Q. You have told us that at the bridge initially some units overran and came back? - A. Yes, that is correct.
- Q. Are you able to say by how far approximately they overran, just so we get a general idea of it? - A. The most that I recollect overrunning of the short shield units was between ten and a maximum of 15 yards, somewhere between ten and 15 yards from the far end of the bridge.
- Q. Obviously in due course you arrived, and are they all there, on the way back, or what? - A. They are on their way back. If any are standing there I shouted them back, back into the line.
- Q. Now, just a few questions, not many, about over the bridge. If you have exhibit 21 there, that is the thick album? - A. Yes.
- Q. You have said that during the whole of the move forward up to the bridge, stones were being thrown? - A. Yes.
- Q. Now if we look at the album, and photograph number four, do you see in four, five, and six, any of the residue of that? - A. Yes. The stones can clearly be seen on the road surface, and on the pavement.
- Q. In fact, continuing through to number eight, is that shown there? - A. Yes.

- Q. What about number ten? It is apparent from all that you have told us and from what we know, that this photograph is taken once you have gone up that hill to the brow in the manner that you have described with the PSU's? - A. Yes, that is correct.
- Q. You have told us that as you went up the brow you were stoned? - A. Yes.
- Q. What can you see on the road surface in the photograph? - A. Again the results of that stoning which are on the road and on the pavement.
- Q. Does the photograph help you in any way to answer the question; that one of my learned friends asked yesterday, namely when you went to the brow of the hill and stopped or re-grouped, whatever the word is? - A. Re-grouped.
- Q. As to the position which you reached? - A. Yes. It is as I recollect in the vicinity of that telegraph pole that we talked about yesterday.
- Q. JUDGE COLES: Which telegraph pole is that in this photograph? Where is it in relation to the line? - A. It is right against the left hand side of the line of Officers.
- Q. MR. WALSH: I want to ask you a little more because as we all know cameras play tricks with distance and foreshorten do you follow? When one is looking in the distance on the left hand end of the Police line, there is the telegraph pole? - A. Yes.
- Q. Do you know whether it is immediately at the end of the line or is in the distance beyond the line? - A. Again bearing in mind your comments about lens and the distance, it looks to be a little bit in front of the Police line.
- Q. You say that photograph ten shows where you reached with this move forward with the horses in front of you? - A. Yes, that is what I referred to as the brow.
- Q. And where you paused before the horses went back and then returned in full compliment? - A. Yes, that is correct.
- Q. I would just like you to look and mentally note the wrecked car at photograph ten. You have got that have you? - A. Yes, I have.
- Q. It has been pointed out to you by one of my learned friends that the photographs which follow are of Mr. Scargill at 11.38? - A. Yes.
- Q. Because we have got the wristwatch, right? - A. Yes.
- Q. I think it was said to you that that shows that there cannot have been a very great length of time between photograph ten and the following photographs? - A. I would not argue with that submission.

- Q. I think in answer to one of my learned friends you gave an approximate time for the move over the bridge, and we calculated through cross-examination the approximate time when the move up to the brow took place? - A. Yes.
- Q. I think you said it was somewhere between 11 and 11.30 or thereabouts? - A. Yes. I could not argue with that. As I said times are difficult.
- Q. If we go through, but keep one finger in photograph ten if you will, we see at 11 Mr. Scargill apparently at the top of the embankment? - A. Yes.
- Q. And then as one of my friends pointed out this morning, the ambulance man takes him down so that by 23 he is at the kerbside near the upturned vehicle, that you see on the left on photograph ten? - A. Yes, that appears to be the same position.
- Q. We go on, numerous photographs of him. 28, again we see that upturned door, the roadkerb and main road? - A. Yes.
- Q. Are you able at this juncture to tell us whether that is your group or other Officers? - A. That is part of my group at the brow of the hill.
- Q. We are rather near the photographer on photograph 28, that is where on photograph ten? - A. Yes, that is correct.
- Q. Does that assist you as to the approximate place where you re-grouped on the brow of the hill, 28? - A. I must confess I cannot see the telegraph pole which I have
- Q. I think it looks as though it is coming out of the top of the head of the Policeman on the very left, but that may just be? - A. Position is
- Q. I won't press you on that, but if we go ahead past the man Mr. O'Brien I think going into the ambulance, we see that 33 and 34, I think more clearly on 34, the road photographed there, bearing in mind we can see the lamppost on the road approximately the same sort of position as previously, and now we have got, 34, some Policemen with shields much lower down the hill than the brow? - A. Yes.
- Q. If you look at photograph 34 it appears - whether you can help us about this - that there are some heads (?) at the brow and then a gap, and then just further back near to where the assisted man is being brought to the ambulance van? - A. Yes, I can see that.
- Q. If you look again on photograph 24, you can see something on the right hand side propped up against a wall where there is an Officer with his hands, on his hips? - A. Yes.
- Q. Do you see that? - A. Yes.
- Q. I think you can see it at 35 and 36 which gives us a sort

of reference point as to where it is? - A. Yes.

- Q. It maybe that we shall discover elsewhere what that is, but certainly there is no sign in these photographs of the car that is wrecked which is lying across the road in photograph ten still being in the middle of the road? - A. No, not on this photograph.
- Q. In photograph ten there does not seem to be anything leaning against the wall? - A. No, that is correct.
- Q. But by the time we get to 34 and thereabouts there is. What I want to ask you is this. Bearing in mind photograph 34, I am sorry to keep jumping about, it shows Mr. Newbigging coming to the ambulance officer? - A. Yes.
- Q. A group of Officers

JUDGE COLES: Which number is this?

MR. WALSH: 34 your Honour:

- Q. A group of Officers a little distance behind them, and then a group way up on the brow of the hill? - A. Yes.
- Q. Have you come back at any stage, or are you still throughout the time these photographs have been taken, at or beyond the brow of the hill? - A. I am with the group that is at the brow of the hill, at the front organizing the next move.

JUDGE COLES: It looks as if there are two lines there. I think Mr. Walsh referred to two lines, but

MR. WALSH: One much near the bottom of the hill, and Mr. Hale and his people at the top:

- Q. Mr. Hale, what I was going to do was to ask you if you had come back at all, to help us about Officers further down the hill, but if you were at the top - did you see any of these Officers lower down the hill? - A. What happened is at the brow of the hill some overran, and those Officers are fetched back and are now re-grouped. I explained how the short shield units did not advance in a straight line but are staggered over the width of the road, and they were stretched back quite a bit. They are now being stretched back ready for the next advance, the advance to create the withdrawal.
- Q. Perhaps you can help me, that might not be the answer to the question I have asked you? - A. Sorry.
- Q. Do you know whether the people we see at photograph 34 who are appreciably lower down the hill, do you follow? - A. Yes, I do.
- Q. Are part of your team that went to the brow, or are they another team who have come up later? Do you know for certain or not? - A. No, I cannot say for certain.

- Q. The final matter, at the end of that day when you went off work, what was the time? - A. 3 p.m. when I booked off duty.
- Q. In what shape and condition were you? - A. Very hot and soaking in sweat and extremely tired.
- Q. Did you imagine that you had witnessed the arrest of any particular person? - A. No, I did not imagine anything that day.
- Q. Did you that day envisage that you would be required to give evidence about any specific detail of arrest or violence or anything? - A. No, not specific instances.
- Q. Did you consider it necessary to make a written statement or note that day? - A. No, I was not in a condition to do that.
- Q. The following day you told us you were shown a statement that had been written by Mr. Clement, typed and signed? - A. Yes, that is correct.
- Q. And you read it? - A. I did.
- Q. Was there anything in that statement which struck you as being wrong? - A. No, as I have said it presented a very good picture of the broad events of the day.
- Q. If there had been anything in it which was wrong, would you have signed it? - A. No, I certainly would not.
- Q. On the 14th July, 3½ weeks later? - A. Yes.
- Q. You signed a statement that had been presented to ^{you} /by Mr. Smit? - A. Yes, I did.
- Q. Do you remember where you were or what you were doing, or anything like that? - A. I think I was in headquarters, that is the building across the road.
- Q. How well do you know Mr. Smith? - A. I know him. He is a colleague, not a close colleague, but I know him.
- Q. Do you know anything of his abilities, efficiency, or whatever? - A. He is a Detective Inspector and as such he is an experienced and reliable Officer. He would not hold such a position if he was not.
- Q. Do you have any reason to think he would have put anything in the statement that was not right, or that you had not - A. No, not at all. He knows I have to sign it. He would not do it.
- Q. You have told us that you did not notice the error on the page relating at the end to Mr. Scargill? - A. Yes, that is correct.
- Q. It has been suggested to you one of two things, one that you

were deliberately signing something you knew to be false or secondly, that perhaps you did not read it with as great care as you should have done? - A. Yes.

- Q. What do you say? - A. I would not sign anything that I knowingly knew to be false. I read it as carefully or thought I had read it as carefully as possible in order to sign it. Had I seen that mistake it is a simple matter to have it retyped.
- Q. My last question is this. It has been put to you that you are an Officer, or were at the time, of junior rank to both Mr. Clement and Mr. Povey? - A. Yes.
- Q. It is alleged that they intended from the word go always to push the miners and drive them from the field? - A. Yes.
- Q. If that had been their intention and that intention had revealed itself to you? - A. Yes.
- Q. What would you have done? - A. First let me add that would never have happened, but if that had happened there was no way I would have done it because I have got to give that order to other Officers who have got to carry out those instructions, and they are the ones who will be subjected to enquiry if anything goes wrong. I would not accept it. I know those Officers would not. I would not attempt to give them such an order, neither would such an order ever be given to me.

MR. WALSH: Thank you Mr. Hale.

JUDGE COLES: Thank you very much.

MR. WALSH: Perhaps it may assist the Jury, we have reached a stage, Mr. Hale now having concluded, where my learned friend wishes to raise a matter of law, so that when the break is finished it may not be necessary for the Jury immediately to retire

JUDGE COLES: Let me know when you are ready.

MR. GRIFFITHS: May I indicate I am not sure how long the matter of law is likely to take, but it maybe it will take a little while.

JUDGE COLES: Are you suggesting I send the Jury home?

MR. GRIFFITHS: It will take a little while.

JUDGE COLES: Members of the Jury, go away, and do whatever it is you have to do, and we will resume at 20 to four. If it transpires by about four o'clock that we are not going to be able to do anything useful, I will send a message to you, but stay in your room until you are sent for.

Later

(Absence of the Jury)

MR. WALSH: Your Honour, what I was proposing to do next was call the two photographers Mr. Rich and Mr. Turner to produce the album of photographs which are annexed to various notices of additional evidence. Your Honour will remember there was a very large one which your Honour may have seen on about the first day, and it is not proposed I think to put it in in that form. Is your Honour in receipt of the various notices of additional evidence?

JUDGE COLES: I have had some. I will check with you in due course whether I have got them all.

MR. WALSH: The ones that are relevant currently - perhaps I should start from the very beginning. There is the short witness statement in the bundle of each Officer at pages 500 and 501.

JUDGE COLES: In the main bundle?

MR. WALSH: In the main bundle, yes. There is a notice of additional evidence dated 10th May of this year.

JUDGE COLES: Just remind me, what are their names?

MR. WALSH: Philip Harvey Rich and John Albert Turner

JUDGE COLES: I have one of the 10th May.

MR. WALSH: There is a second notice of additional evidence on the 22nd May. Perhaps your Honour, it might be simpler if as we go through them your Honour will see what they say.

JUDGE COLES: I have got those two.

MR. WALSH: 22nd May. There is Mr. Rich on the 31st on his own, and then Mr. Rich and Mr. Turner together with a Mr. Hudson again on the 31st May.

JUDGE COLES: You have left me at the 22nd May. I am sure I have them. My papers have got a little confused. 31st May.

MR. WALSH: There should be two notices of the 31st May, one Mr. Rich on his own, and one apparently Rich and Hudson. Does your Honour have all those?

JUDGE COLES: Yes.

MR. WALSH: For completeness your Honour should have also three bundles of photographs which are relevant to these gentlemen. One I know your Honour has because it is exhibit six

JUDGE COLES: For shorthand purposes, damage and barricades There is a bundle which contains various, as it were, blue cardboard interleavings which are labelled A,B, and C. I have two like that.

MR. WALSH: It maybe if your Honour's is labelled the same way as mine - as long as it is A on the front.

JUDGE COLES: And then inside there are B and C.

MR. WALSH: And the third album is one with an E. which consists of Mannings

JUDGE COLES: Where is D?

MR. WALSH: D was originally exhibit 6. It went in as an exhibit. That is the explanation for that. If I can just very briefly take your Honour through the statements because

JUDGE COLES: I want to put this particularly large one away for the time being.

MR. WALSH: Your Honour as I understand matters and I am not entirely sure that I do, my learned friend is essentially objecting to this album, or some of them going before the Jury. I do not know on what basis because I have not been able to - perhaps I could take your Honour through the statements of evidence as they are at the moment in case your Honour has not recently read them, just to explain them. In the bundle, first of all page 500 and 501, really very spartan statements; each of them saying they took a number of photographs that day and here they are.

JUDGE COLES: I was looking for my glasses. I seem to have mislaid them. I shall manage without them.

MR. WALSH: To summarise 500 and 501, "We took a number of photographs each that day!" One part is irrelevant to this particular trial from Mr. Turner, the photograph of P.C. Akin, at the moment not necessarily relevant, and so not produced in the index album of photographs. The 10th May, which is the first notice of additional evidence because one wanted to get some more detail. Mr. Rich. describes, "At 6.30 together with Turner took a number of photographs positioned on the roof of the medical centre using the equipment I described. With only two Police photographers present we used by both of us". It is at this point that each of them has his own camera. It seems to me that the way things have progressed so far, no one is taking any objection to that. "I took photographs to show the damage to the premises." Your Honour, those are in fact E, as will emerge later, and the negatives are in their possession. I can say in parenthesis that your Honour may have seen at some stage floating round the court a brown paper bag in which there is like a serpent of prints, and these have been available from the first day to my learned friends. These are all the photographs taken that day by both of those two gentlemen, messrs. Rich. and Turner. Whether this is for convenience or whatever I know not, but that is how

JUDGE COLES: You do not know how that has been printed out?

MR. WALSH: No. I have no doubt that it is the contact prints all run off sequentially, and put on a large roll. I only introduce this not because I intend to prove this, but

merely to say my learned friends have seen it all.

JUDGE COLES: Let the Jury go until 10.15 tomorrow morning. I see no point

MR. MANSFIELD: I agree.

MR. WALSH: That has been floating around. The next notice of additional evidence is the 22nd May, by which time the album labelled A, B, and C has been compiled, in fact, I think by that time D is still in it, messrs Rich and Turner not being aware that D was now exhibit six. That is a technicality. Turn is able to say that "As to exhibit A all those photographs were taken by me and that they are presented in the order in which they were taken", and on the reel of film, frames one to three are not included as they do not show activity on the bridge. My learned friends have had an opportunity to see those ~~that~~ they need to, and the numbers are unhelpfully on the back of the photographs if your Honour's album is the same as mine, at the top right hand corner.

JUDGE COLES: No, mine are on the front.

MR. WALSH: Someone has been much more helpful to your Honour than they have to me.

JUDGE COLES: Just a moment. It maybe I have not got these numbers at all, because if number one is intended to be one of those which are not included, then I have got it. Mine is number one, two, three, four

MR. WALSH: Is your Honour's labelled one on the front?

JUDGE COLES: Yes.

MR. WALSH: In which case I can help, that is number four. Number one is numberfour.

JUDGE COLES: It is always helpful to know things like that one is four, so presumably two is five etc.

MR. WALSH: As I understand it. Certainly the way my bundle has been labelled is that the first photograph in this album has got the number four on the back of it, and then we go through, five, six, seven, eight, nine, ten, 11 is not there, 12 and 13.

JUDGE COLES: The numbering is on the back, some have and some have not.

MR. WALSH: So 11 is missing, because as Mr. Turner says, 11 and all other frames were taken for departmental use only. I think they are photographs of tea-breaks or Officers sitting down somewhere behind.

JUDGE COLES: Or portraits.

MR. WALSH: Something of the sort. That is what Mr. Turner says, and those are the only photographs of Mr. Turner that

I think are in these two albums.

JUDGE COLES: Yes.

MR. WALSH: Or three albums. The rest are all Mr. Rich. So if one looks at Mr. Rich's additional statement 22nd May, "Further to my statement dated 8th which is in the bundle dated 10th, I took the photographs in albums B and C from a position by the side of the wall between the electricity sub-station and the bridge on the coking plant side of the bridge in Highfield Lane, Orgreave. The photographs are presented in the order in which they were taken. Frames one to 20A, I think they are all 1A, 2A and so forth as one sees them on the contact prints, "used for album B are not included as they were taken from the previous roof top position". That means at a time when the two men were changing cameras, and so Mr. Rich, I think, cannot say "I specifically took those photographs", or he maybe able to but it is not necessary for him to do so. So B are all taken by Mr. Rich at the point that he mentions. In album C he refers to two frames taken for departmental use only, and the rest are there taken by him in the order in which they were taken. Having been alerted to the fact that album D is now exhibit 6, "The photographs in the album were taken across the bridge, not presented in the order in which they were taken, but in an order which makes them easier to follow. The negative are in the possession of the South Yorkshire Police". That deals with the second negatives and the additional evidence.

Your Honour, just to tidy matters up, Mr. Rich made a separate statement on the 31st May, because although a letter E had been given to the Mannings photographs, he had not specifically referred to it by letter E at the time he made his original statement; I suspect because it had not got a letter E on it. So that identifies that. The next one refers to the preparing of enlargements and so forth, and Detective Sergeant Hudson deals with that.

So your Honour, these photographs can each be identified and is so by its actual taker, and in so far as A, B, and C are concerned, they are all exhibited in the order in which they are taken. So that helps your Honour I think to know what is contained in the evidence of these Officers and the negatives of all these prints, plus the negatives of all photographs that have not been reproduced in these bundles are in the Office possession, and indeed, I think as a result of a request my learned friends made have all been seen by the defendants, and the prints of all photographs whether exhibited or not, have been seen by my learned friends. Your Honour, I propose to call that evidence.

JUDGE COLES: Well now, submissions I gather.

MR. MANSFIELD: Your Honour, my learned friend's junior indicated what the overall problem, as I see it, is, and may I indicate it to your Honour. The position is that it begins in this way, that we were very concerned when the original album was produced based on the two short statements, of course, those statements do not in any way seek to prove those photograp

I think that was accepted by the Crown because they then went away to take two more statements, because all that the initial statements say is that the two photographers took a number of photographs, but they do not identify which ones they took by any means. We were told then that the photographers could not identify which ones they took. Then there were two further statements taken in which it is quite interesting that the photographers still do not identify which photographs were taken, and seem to be indicating - I merely do this as background - at that stage, that is the 8th May statements of this year, that they used all four cameras at different times, they were both taking photographs from either on the roof of the medical centre or further up near the bridge. No attempt is made even at the second stage on the 8th May, to identify the photographs. It is only on the third attempt that the photographers finally say they are able to identify a limited number, and it looks as though they are identifying them not because they are able to identify them as a film that they took, but from the position from which certain photographs appear to have been taken. Mr. Turner, for example, identifies them, "Taken in Highfield Lane on the coking plant side of the bridge while stood on the wall between the electricity sub-station and the bridge". Similarly, Mr. Rich does pretty well the same. That photographer says he was on the wall, the other says he was on a position by the side of the wall between the electricity sub-station and the bridge. So they are both in pretty much the same position, although one is on the wall and one is off it. That appears to be the only way in which they are seeking to identify the photographs.

JUDGE COLES: Which statements are you looking at?

MR. MANSFIELD: The final ones, taken by Turner and Rich in a notice dated the 22nd May. This in other words is the third stage attempt to prove the photographs. May I say at this stage, it is of importance clearly to have the photographs properly proved if only - I say there is a very obvious reason - to deal with the timing of the photographs when they were taken, and in what order they were taken if they are going to have any relevance. So that is the reason why we have been anxious to ascertain what happened. It would appear, therefore, from the last statements dealing with this interleaved bundle, I am not dealing with the damaged bundles or the Manning Banning (?) bundles, I am only concerned with the interleaved

JUDGE COLES: You mean exhibits A, B, C?

MR. MANSFIELD: Yes, those three albums, in other words where there are people and activity as opposed to somebody coming along afterwards and taking shots of what appears to have happened, or damage that was done earlier on. So the two photographers in relation to that interleaved bundle A, B, and C, are really not identifying the negatives, they are identifying the film in the sense that it looks as though that is what they must have taken, because they look as though they are taken from a particular spot. That is where the problem begins. However, if I may just develop it, it does not end there, the problem that they are only doing it from a position.

If one was to take for example album A, and I will just take that as an example, and if you would be kind enough to look at the first photograph, that is a photograph Mr. Turner is supposed to have taken, and he says from the position on the wall "While stood on the wall" he says he takes that one, and all the rest. He says in his statement just read out, "They were presented in the order in which they were taken. The frames one to three are not included", which is why Mr. Walsh is saying that one has a four on the reverse. However, having had a chance to look at the role of film, developed film which is somewhere; I don't ask your Honour to have to do it, but fortunately the first bit of that role is in fact role A. It is called role A, whether it is film A I do not know save that - if I could just have the beginning of it to demonstrate my point. It has got A marked on it, and it maybe that it is album A, film A, I do not know, but some of the shots are certainly those.

JUDGE COLES: Is the A frame one?

MR. MANSFIELD: No it is not. My point here is, and I have pointed this out to Mr. Keen, admittedly it was only a moment ago, I have not seen the negatives until today, he says frames one to three are not included, well that is plainly wrong because in fact, there are only two frames unless he is going to say that is the frame, but I do not think he is. If he is saying that the frame which has merely got A on it is a frame, then possibly those are the three frames he is talking about, but two frames - what he says is, "They do not show activity on the bridge". - That frame does not show anything at all, so he cannot be meaning that. These two frames in fact show the cordon, so if the cordon is on the bridge, which I anticipate it probably is by this stage, then it does show activities on the bridge. Is he talking about these two, these three or what? I have looked at the negatives and they come

JUDGE COLES: May I see the role of film?

MR. MANSFIELD: May I indicate one or two other features on it. The problem is matching those shots with the negatives. The negatives do not correspond with that. There are two negatives that correspond with those first two, and then you go on in this role, and you will find that many of the photographs up to there where I am putting my thumb accord with the album. Then there is a gap, and I suspect they are the shots which he says are departmental use only, although they are quite interesting ones from behind the cordon of the embankment it would appear, and then further down the lane. Then on this role of film, and I have numbered them all, there are 11 shots that do not accord with the negatives, yet are stuck away in the middle here. They are all sorts of shots from earlier on. I do not know whether he will say this has all been compiled in an odd way, and they have been stuck here when they are not in order, or whether he will say this has got nothing to do with the negatives, or whether, if you look at the negatives, they have all been chopped up.

JUDGE COLES: That is comment.

MR. MANSFIELD: I appreciate that may well be the case. He does not say in his statement how many he took on this particular film. If that particular film is demonstrated here, and I will hand it up, and then it goes down to showing damage to pipes, so there are in fact, 28 developed photographs at the beginning of this role all marked A, and in fact, if they are off the same film, there is an immediate discrepancy, and there is certainly a discrepancy at the beginning of the film. I will hand them up so your Honour can have a quick look at them.

JUDGE COLES: Thank you, yes.

MR. WALSH: Your Honour, may I make a suggestion which might be of help; there are two ways of looking at this. First of all the negatives are all numbered. The negatives as my learned friend agrees, may not be in the same order as the printed role, because the printed role might have been printed in any order, and for any reason.

JUDGE COLES: I was just having a look to see whether any had been printed backwards.

MR. WALSH: Is not the simple matter here a question of evidence?

JUDGE COLES: I have been sitting here wondering too whether if it is a question of admissibility, is it a question for a trial within a trial?

MR. WALSH: That is right. If my learned friend wants to canvass these points, if it is a relevant matter to canvass, to have a trial within a trial and call the witnesses so that they can say what in fact happened, because all one can do at the moment is the witnesses say, "I took that photograph!"

JUDGE COLES: Eventually they say that.

MR. WALSH: Yes. As to the question whether it is admissible or not, I think my learned friend is saying, well, if there is some doubt, or if they did not take those photographs, and you have not got a photographer to produce it

JUDGE COLES: I have not finished hearing the full submission yet. Certainly so far the argument seems to be the witnesses do not appear to prove the photographs, and we want them proving. That, of course, the defence are entitled to say.

MR. WALSH: Yes. So your Honour with respect it helps to shorten the argument, and might that not be

MR. MANSFIELD: I am quite happy for that, because that is essentially what I would develop in any event. I have got it listed out in terms of what is on the role and what is on the negatives. I have not seen all the negatives, but I have album A, so I know what is on the negatives.

JUDGE COLES: Do you have any arguments as to the objectionables or otherwise of any of these photographs as opposed to doubts as to whether they can properly be proved?

MR. MANSFIELD: No, I do not, other than it is a question entirely to do with the proof of the photographs, because certainly so far as I am concerned and others are concerned, there is an anxiety to know exactly when these were taken. I can understand the photographers saying they were not taken from a roof. That is what they are saying apparently, and the order in which they were taken thereafter will have some considerable bearing on the case I think.

JUDGE COLES: It is purely a question whether the photograph can be proved or not.

MR. MANSFIELD: Yes.

JUDGE COLES: The next question is, if that is the matter, what are the grounds on which you say that that issue which would normally be decided in front of a Jury, should be dealt with in the absence of the Jury?

MR. MANSFIELD: Your Honour the position is this. If it is dealt with in the presence of the Jury and the photographer at the end of the day has to concede that he cannot prove these photographs, and the Jury have seen them

JUDGE COLES: Prejudice.

MR. WALSH: For the purposes it might not be necessary for the Jury to see them.

JUDGE COLES: That was my next question.

MR. WALSH: I would say to the Officer, I am just imagining how we would go, "Did you take certain photographs?" I anticipate he will say, "Well, when we were on the roof of the medical centre, yes, but I cannot say which photographs I took and which I did not". I will then say to him, "Once you leave the medical centre are you able to say which photographs you took and which you did not?" to which he will either say yes, or no. If yes, I will say, "Why, can you identify them?", and he will give whatever reason it is. Then I shall say, "Well now, have you prepared a bundle which is listed A, B, C, etc., and which if any of those do you say you took?"

JUDGE COLES: That is the normal form. That presumably could be heard by the Jury with no objection, but I still have not heard Mr. Mansfield.

MR. MANSFIELD: Of course there would be no objection to that course. In order to do that he is going to have to have one of these in front of him so he can say - let us take Mr. Turner . . .

JUDGE COLES: The point is they need not be described, and the Jury need not see them until they are proved. I think

thatis what

MR. MANSFIELD: The point at which they are proved. I assume Mr. Walsh will say is when the photographer says, "I took album A in the order in which they are in the album". My point therefore, after that point the Jury would require to see them, they would not require to see them unless Mr. Walsh would want them to be seen at that stage. My point is that if, in fact, it is left until then and then I cross-examine the Officer about these matters, and in fact, I do not know what he is going to say about that role, but just to take one further example, whether or not that role reflects the whole of the film that he took standing on the wall, because there are only 18 negatives. Now either he is going to say he did not take the whole of the film or he did take more and they are on the role, but not under A, under some other heading. I do not know what he is going to say about that. He has obviously got a record. He says, "11 and other frames were for departmental use". 11 as it happens, I have a note of what that one is, the one that is not in this bundle that he has missed out, that particular one, it is a shot of more than one winged vehicle up at the bridge. That is quite a late stage to be taking that shot. If they are taken in order that actually begins to time what was going on, if that is right, that he took them in the order he says he did. But it still does not explain what has happened to the rest, nor his numbering at the beginning; in other words at the moment I am suggesting to your Honour that this is not a properly proved bundle.

JUDGE COLES: That is all very much a matter for the Jury, is not it?

MR. MANSFIELD: If in fact the Crown are unable as it were to prove the photographs, then in my submission, of course, the photographs will show the sorts of activities, burning barricades: there is no evidence that anybody here had anything to do with the burning barricades, but they are there. They have already got photographs of them.

JUDGE COLES: That is why I asked whether you had any objection on the merits of

MR. MANSFIELD: No. We have got the burnt out ones, but I do not think we really need any more of that, but if it has to be it has to be. If, in fact, the Crown are unable to prove these photographs, if I was unable to prove a photograph, I would not be able to put it in. That is essentially what I am saying. If I have not got a photographer who says, "I took that photograph, and I have the unretouched negatives in my possession and"

JUDGE COLES: But if you produced a photographer who says "I took that photograph", and the Crown said, "It does not look as if you did, because if you look at photograph number eight, it appears to have been taken at a stage later than you say photograph nine represents", then presumably you would be for saying it is a matter for the Jury to decide.

MR. MANSFIELD: I would say that is a matter for your Honour to decide, because then it would not be evidence for the Jury to consider. The Jury only consider the photograph once it has been proved. What they make of it is a matter for them. In other words they will weigh up what the photograph tends to show. That is their decision rather than obviously your Honour's decision, although your Honour may have views about what the photograph shows. In other words the Crown would not be able to call a witness that was irrelevant only for the Jury to decide whether it was relevant or not. Your Honour would decide that witness was not relevant, and therefore was not admissible. Effectively I am going through the same processes, in the sense of saying these photographs on the face of the statements, we have been served, with which is why I do not object to Mr. Walsh calling Mr. Turner to explain what he means in his short third statement.

JUDGE COLES: Would it be necessary in order for you to test whether the photographs are proved or not, for the Jury to see them?

MR. MANSFIELD: No, because I would submit that the decision is your Honour's first of all. If the photographer can properly say, and your Honour is satisfied, that the photographer has taken these photographs in the order, there is nothing amiss about this film, then the Jury can see, and then, of course I would be able to cross-examine the photographers about the cameras they were using, where they were standing, the times and so on if they have notes or records of that.

JUDGE COLES: What if I am left at the end of the day in a state where I am satisfied that photographs one to four, let us take numbers at random, were taken by photographer A, but I am not sure whether photographs five to ten were taken by photographer A or photographer B. Is that not a matter for the Jury to consider?

MR. MANSFIELD: No, that is not admissible, Those photographs which cannot be proved by either photographer, which is the position the Crown are in for the rest of the bundle.

JUDGE COLES: I have to determine, do not I, whether evidence is admissible, whether evidence is relevant, whether evidence is so prejudicial that it should not be admitted? I do not have to decide whether something is proved or not, do I? If that is not a matter for the Jury what is?

MR. MANSFIELD: Your Honour, the difference in the sense between evidence which tends to prove guilt or innocence, there is that kind of evidence, and obviously that would not be a question for your Honour. That is a question for the Jury. This is primary evidence in the sense of the Crown putting forward material from which inferences can be made as to participation in any alleged riot or the existence of any alleged riot. Those are the materials they are putting forward, and it is, I would submit, in the same category as the defence or the Prosecution for that matter, taking exception to a witness they would claim is not an expert. It would not be a matter for the Jury

to decide whether he was an expert; it would be a matter for your Honour as to whether he was an expert, just as it might be other questions of admissibility. It is a question of admissibility not proof of guilt or innocence, merely admissibility. Lest these photographs are properly proved they are not admissible. That is the point I would make, not that once admitted.....

JUDGE COLES: There must be some authority on this Mr. Mansfield.

MR. MANSFIELD: I have obviously researched that matter. There is not an authority one way or the other saying that. Under the heading of "Admissibility" there is not an authority saying I am wrong about that, and there is not one supporting it either. I am afraid I have not managed to find one that directly bears upon it.

JUDGE COLES: What have you found?

MR. MANSFIELD: In Archbold there is nothing on photographs other than to do with identification parades, nothing at all.

JUDGE COLES: What about "Proof of document"?

MR. MANSFIELD: "Proof of document" there is, certainly, 183 (?) deals with primary and secondary evidence and so on.

JUDGE COLES: I have just opened at random, "A jury must be sure of the authenticity of tape recordings before taking account of their contents".

MR. MANSFIELD: I think those are cases which relate for example to identity of voices. In other words if there has been a recording of somebody and it is claimed that that is the defendant, they must be sure that it is the defendant who is speaking before they deal with what that means. Chapter eight deals with those general headings. Paragraph 11 deals with hearsay, but I do not think in fact - the witness is not being called, as far as I know these witnesses are not being called to give evidence themselves of what they saw at all, merely to produce the photographs.

JUDGE COLES: Chapter eight, paragraph?

MR. MANSFIELD: It is in fact the same paragraph numbers dealing with primary and secondary evidence, and that is as your Honour was asking about documents and so on, 8-1, 8-2, 8-3, chapter eight.

JUDGE COLES: One of the least helpful chapters in Archbold

MR. MANSFIELD: It is. I accept the principle that if an original document is not available, secondary evidence, or parol evidence maybe given of its contents and so on, but that seems to be quite a different point.

JUDGE COLES: Let us take for example a document which is

of no value unless it is signed by a particular person, who decides the issue whether it has been duly signed, the Judge or the Jury?

MR. MANSFIELD: It depends how it is going to be done. If it is a document where it is alleged by a handwriting expert for the Crown that it is signed by someone I represent for example, then there might be expert evidence on both sides in relation to whether the signature is that of that particular defendant which is again a different point. So it would be two conflicting accounts, the defendant saying, "I did not sign it, it is not me".

JUDGE COLES: But the evidence on the face of it here is, "I took the photographs". It may have taken a long time coming, but the evidence here is, "I took the photographs".

MR. MANSFIELD: Yes. There is on the face of it a photographer saying, "I took these photographs". The point I wish to make is it has a certain amount of unhappy background, but perhaps we need not take a long time over that. At the present juncture, album A alone looked at in comparison with the other material is suspect. I cannot put it higher than that. There is some error somewhere. It maybe on that role; in other words he may not have taken them, because he is only identifying it from the position he says he was in the road it would appear. "I stood on the wall, that is why I remember"

JUDGE COLES: Might that not be good enough? It is a matter for the Jury to decide, is not it, given the fact if you were to accept that a Police cameraman took a photograph, would not that be enough?

MR. MANSFIELD: Your Honour, no.

JUDGE COLES: You would want to time it.

MR. MANSFIELD: And all those other questions.

JUDGE COLES: You would need to know rather more about the photographs than just that. The other general matter of principle which occurs to me is I would normally think that a matter ought to be determined in principle without the Jury being present if the matter being considered was a matter which was prejudicial in some way. It is not said that applies here, is it?

MR. MANSFIELD: I think there is a prejudicial element in it. I will put it as neutrally as possible, but I think at an earlier stage in the case, certainly I, and maybe one or two others, have indicated that the bulk of what is on these photographs may well be, and it looks as though; it is just on the face of the photographs well after the arrest of the bulk of these defendants, even on these three interleaved bundles. So there is a lot of material there, a lot of what happened later after the Police had come back to the bridge, because that is when the photographers say they went up, so what is in the album has only taken place at a much later stage.

JUDGE COLES: So you say there is a prejudicial

MR. MANSFIELD: There is a prejudicial element. I am not going to say the extent of it, but it is there because we have already agreed for the sake of speed at the beginning of the case, the Crown can put in a bundle of damaged photographs if you like. There is no suggestion as far as I know that any of the photographs of barricades relate to any of these defendants at all, that they had anything to do with the building or the burning of any of them.

JUDGE COLES: Four weeks into the case we do not know apart from the opening what anybody is alleged to have done.

MR. MANSFIELD: But I think there is that prejudicial element; I speak only for myself, but I think others may agree with that side of it, so there is that element which has to be borne in mind certainly when considering how far these photographs should be proved and go in in the proper fashion. I do not want to waste time about it, if Mr. Turner overnight for example, is able to write out a short statement explaining - I am just using his first one - if he is able to say, "I did not mean one of three, I meant one to two, in fact I took another 42 frames. They are in fact on the negative so and so". We can cross check it in the morning. I am not going to spend a lot of time over it, but on the face of it there seems to be something very odd, particularly looking at the role, whereby if he is right, he has been back down on the roof at some point in the middle of this film, but clearly that cannot be right. Also the negatives have been cut in a particularly odd way. There is no negative on there to show the beginning of the film which I would have thought there would have been. He may have an explanation for that, I do not know. He may say somebody else has had a go at it, and he did not do it, and all he can do is say, "That is a negative I think I took because it is from the position where I should have been or was standing". It is something like that. That is the worry that we have. But if Mr. Turner is able to amplify his third attempt or the fourth, then we might as well get on with it in front of the Jury. That is an offer I would make tonight if it is acceptable.

JUDGE COLES: Do you have anything else to say, Mr. Mansfield?

MR. MANSFIELD: No, I do not. That is the general point I would make; in fact it does apply to the other two albums in here as well.

JUDGE COLES: Within the same over all bundle, A, B, and C.

MR. MANSFIELD: It is the same point for all three.

JUDGE COLES: Does anybody else wish to make any?

MISS RUSSELL: Yes, your Honour. I would adopt everything my learned friend has said, and particularly emphasise in relation to my three clients, it is prejudicial to have any material in these, in one case at least an hour and a bit later

than the persons arrested, in the case of Mr. Barber allegedly arrested at 11.23, and there is no doubt that the incidents occurred in these photographs sometime after 12 o'clock.

Your Honour, the other point of concern, and we have just been handed the negatives, dealing if we can with bundle A. It is a very odd page in the photographs album for this reason, unlike all the others, and I can show your Honour a comparison, it does cause concern, because if one looks at that, one can see the rest of the page where there are no negatives, bearing in mind the shortness of this particular - this is bundle A and the negatives, one can see the two ridges on the page which would indicate maybe there were another two lots of negatives in there at some stage, I know not, but obviously a further statement of some kind to clarify exactly what has gone on here would be of some assistance.

JUDGE COLES: You are holding in your hand one.

MISS RUSSELL: That is album A, and that is meant to be the totality of film concerning bundle A.

JUDGE COLES: That contains how many?

MISS RUSSELL: 18. If one looks at that page, one can see a distinct fold in the paper, and indeed here which is a little odd because if one looks for example - I will take out another random empty page, one can see that that page is completely flat as one would anticipate where there had not been further negatives at some stage.

MR. WALSH: I think if my learned friend were to fold it up she would find a fold just like that.

MISS RUSSELL: We have been handed these at the last minute this afternoon. Obviously there may be 101 explanations how these things occurred, but obviously I would certainly say at this stage can we have a further explanation.

MR. GRIFFITHS: May I say something on behalf of my client?

JUDGE COLES: Of course.

MR. GRIFFITHS: May I endorse what my learned friends have already said concerning the time factor. As far as Mr. O'Brien is concerned the evidence is not what is going to come, it is the evidence in the case, that he was arrested. We have seen him placed in the ambulance which precedes all these photographs so I do endorse what my learned friend says about that as far as prejudicial effect is concerned. If it applies virtually to all of these defendants, then it is all one way in my submission as to balancing the probative effect against the prejudicial effect. That is the first point.

The second point is this. If this question of admissibility is to be discussed by my learned friend Mr. Mansfield, if it is going to be probed, let us put it that way, your Honour has

raised the point why shouldn't it be probed before the Jury? In my submission there is a great danger in doing that. Juries do not necessarily understand there are rules of evidence and the like, and they may misunderstand the position. They may think something is being tried to be kept away from them on some erroneous basis. They may entirely misunderstand the process, and it is because of that misunderstanding that matters such as this, if at all possible, are dealt with in the absence of the Jury. So I would ask your Honour to consider that point.

MRS. BAIRD: Can I just add that my three are arrested at half past 11.

JUDGE COLES: Very brief.

MR. WALSH: Can I reply equally briefly. On any issue of a document or a photograph where a person says, "I made that document", or "I made that photograph", as to whether that is true or false is an issue for the Jury.

JUDGE COLES: True, false or accurate.

MR. WALSH: That is right. To take the example canvassed, many cases in which we all must have been involved is where a defendant says, "I did not sign that voluntary statement".

JUDGE COLES: That is a fairly classic example.

MR. WALSH: And very rarely, because as to one's signature, the amount of available handwriting for comparison purposes is not enough, or nobody knew from the Crown until he is actually cross-examined about it, that that was what he was going to say, the Jury look at the document, they hear the witnesses on either side, they make up their own minds. It is not for the Judge.

The other matter is this. I can understand why perhaps my learned friend Mr. Mansfield rather than others is less able to canvass the prejudice irrelevancy point, because although these photographs were taken after quite a number of the defendants were arrested, they were taken before another was arrested, and he is clearly shown on many of these photographs and there is direct relevant evidence.

JUDGE COLES: I was going to ask specifically what you claim ^{were} the relevance of these photographs, because I in a sense need that from you so that I can evaluate the balance of possibility

MR. WALSH: Your Honour, I make no bones about it. Waddington is shown on numerous of these photographs. If my learned friends wish to know where and which person I will go through them and point them out now. Your Honour, volume A, if we can do it sequentially, photograph eight

JUDGE COLES: Photograph eight.

MR. WALSH: Does it have 12 on the back, your Honour?

JUDGE COLES: No.

MR. WALSH: It is the penultimate one.

JUDGE COLES: In A?

MR. WALSH: A.

JUDGE COLES: I am looking in B.

MR. WALSH: I will point him out to your Honour if I can. Your Honour, there he is. His left hand or sloping arm at 45 degrees touching whatever that object is. That is him. Bund B, my note is the 15th.

JUDGE COLES: You say the only relevance of this is against this one accused.

MR. WALSH: Yes.

JUDGE COLES: So far as the other accused are concerned these photographs are not evidence at all.

MR. WALSH: I am prepared to accept they may well have been taken after the remaining accused had been arrested.

JUDGE COLES: It can hardly be prejudicial in those circumstances.

MR. WALSH: And if as I imagine it will emerge from cross-examination of Mr. Rich who took them, that it follows that they were taken after the other accused were arrested, it cannot be prejudicial to them.

JUDGE COLES: I suppose it shows or it might tend to show that the fairly violent riot was going on at that stage, and the Jury can and will undoubtedly be told that had got nothing to do with those accused who have been arrested.

MR. WALSH: And your Honour directs the Jury along those lines. So he is on that photograph, and then he is on half a dozen in the next album, album C. He is on photograph number one, far right hand side, C1. He is in the one on the far right hand side and looks as if he is in the sprinters starting position. Number two, no need for me to describe what he appears to be doing in that. He is the one on the far right hand side of the photograph on photograph two. He is on photograph five.

JUDGE COLES: Are we dealing with Waddington?

MR. WALSH: Yes. He is the man, not the right hand end, but one from the right. Your Honour will see him standing there and notice his hands and so forth. He is in photograph six. He is the person who is being assisted to lean forward to pick up that piece of wood which you see him with on photograph seven. He is one of those three. He is the right hand one. Photograph 12. He is just walking from left to right it appears on photograph 12.

My final observation is this, although I do not need to make it. The reason that I have not included the other photographs from the medical centre roof is because it is not necessary and the Jury have the video film in any event, but were it necessary I would submit that if two photographers say "All these photographs were taken by the two of us, and by no other person", then just suppose we had on that photograph an identifiable person with a gun pointing it at somebody, and wanting to produce it, we could produce it in that way. It would not be necessary to prove which of them actually took it provided it can be proved that one of those people took that photograph at that particular time.

JUDGE COLES: There may, of course, be matters which affect the weight of the evidence. Evidence can lose weight if the time it was taken, the circumstances in which it was taken its contents in relation to other photographs or events cannot be ascertained which affect the weight of the evidence, but even then what you are saying I suppose is, it does not affect the admissibility of it.

MR. WALSH: Not one jot.

JUDGE COLES: I will give my ruling in the morning. It is quarter to five. I see people looking anxious. Overnight if there is anything that can be done to relieve anxiety and tension I hope it is done.

MR. WALSH: I will try. I hope those gentlemen have not gone home, but nonetheless they can be contacted.

JUDGE COLES: Mr. O'Connor seems anxious.

MR. O'CONNOR: Can I get one small point off my chest, in as much as your Honour maybe influenced by the example my learned friend gave of a defendant who denies that it is his signature on a statement under caution, and that being an issue for the Jury alone; the authority against my learned friend's proposition is clear, and that is Agodha against the State which is a Privy Council case, where it was clearly held that a defendant can suggest to the Judge that he should exclude from the Jury a confession statement made by him on the basis that he denies it was his signature. That being a valid preliminary point of law

JUDGE COLES: Could you spell that.

MR. O'CONNOR: Certainly. It is A-G-O-D-H-A against the State, 1981, (2) All England, 193. It is referred to in Archbold for several different propositions, but I am speaking purely from memory, that that case is an authority for that proposition.

JUDGE COLES: Thank you very much.

MR. TAYLOR: Your Honour before we rise can I tell you this I have been through with the role very carefully, and I do not know whether your Honour will look at it before you decide

whether this question should be heard in the absence of the Jury. I would submit that it should be heard in the absence of the Jury because it is not a simple question of saying whether or not one or two of the photographers took the role, took the film that is sought to be put in; in the course of trying to establish whether one or other of them did, and perhaps one of the most important ways in which the photographs can assist the court is going to be in showing what the continuity of events was. We will have to examine, and I would propose or I am proposing at this stage if it is to be heard in the absence of the Jury, to ask those photographers a number of questions which go outside the photographs that are being sought to be put in, in other words the examination of the role. It has already been referred to that the role is in a particular order. Now if those matter which are really extraneous to this case are brought up in the presence of the Jury, in my submission, it could be prejudicial to the defendants at the worst. At least it could be confusing for the Jury because there are an awful lot of photographs there to be considered. I would ask your Honour to take that into consideration.

JUDGE COLES: Yes, I shall.

MR. WALSH: Could I

JUDGE COLES: It is difficult to keep the order of speeches accurate in this case because happily nobody seems to be slow at coming forward.

MR. WALSH: All I would seek to say is this. Contrary to the voluntary statement or whatever one may say about it, this is a photograph that has been taken. A voluntary statement maybe a statement that has not been made. It is clear on any view to put it at its lowest, either Mr. Rich or Mr. Turner took a particular photograph. That is all I would say.

MR. GRIFFITHS: There is something else, but I won't mention it tonight, I will mention it tomorrow morning.