

FOURTH DAY.

TRIBUNALS OF INQUIRY (EVIDENCE) ACT, 1921.

TRANSCRIPT OF PROCEEDINGS  
AT THE PUBLIC INQUIRY

into

INCIDENT AT DUNBLANE PRIMARY  
SCHOOL on 13th MARCH, 1996

before

THE HON. LORD CULLEN

on

MONDAY, 3rd JUNE, 1996

within

THE ALBERT HALLS,  
DUMBARTON ROAD, STIRLING

.....

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.....

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APPEARING:- THE LORD ADVOCATE (The Rt. Hon. The Lord Mackay of Drumadoon, Q.C.), Mr. IAN BONOMY, Q.C., Advocate Depute, with Mr. J.C. LAKE, Advocate, for the Crown;

MR. C.M. CAMPBELL, Q.C., with MS. L. DUNLOP, Advocate, for the families of the deceased children, the families of the injured children, the children absent from class, Mrs. Harrild and Mrs. Blake;

MR. A.T.F. GIBB, solicitor, Edinburgh, for the representatives of Mrs. Mayer (deceased), and the Educational Institute of Scotland;

MR. M.S. STEPHEN, solicitor, Glasgow, for the Association of Head Teachers in Scotland, and Mr. Ronald Taylor (Headmaster);

Mr. M.S. JONES, Q.C., for Stirling Council and Others;

MR. J.A. TAYLOR, Solicitor Advocate, Edinburgh, for the Central Scotland Police;

THE DEAN OF FACULTY (Mr. A.R. Hardie, Q.C.) with MR. G.C. KAVANAGH, solicitor, Glasgow, for the Scottish Police Federation.

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MONDAY, 3rd JUNE, 1996.

FOURTH DAY.

GORDON STUART CRAWFORD (36), Sworn:

EXAMINED BY MR. BONOMOY: Are you an Engineer?

- I am, yes.

Do you live in Falkirk? - Yes, I do.

I think you are the Secretary of The Stirling Rifle and  
Pistol Club? - That is correct.

How long have you been secretary? - Since 1990.

How long have you been a member of that club? -  
Since 1986.

Are you a member of any other pistol or rifle club? -  
Yes, I am.

Which ones? - It is the Forth Shooting Club.

Where is it based? - It is currently constructing an  
indoor range at Hopetoun.

How long have you been a member of that club? -  
Two years.

Do you hold any official position there? - No.

Are you the holder of a firearms certificate? - Yes.

From which police authority? - Central Scotland  
Police.

How long have you held a firearms certificate? -  
Since 1987.

Can you tell me what weapons you are authorised to  
hold under that certificate? - I currently have authority or am in  
possession of eight at the moment and have authority for another five,  
I think it is.

Eight? - Yes, eight at the moment.

You/

You hold weapons because of your position as secretary of that club? - I also have the club's certificate, yes; I have five on that certificate.

I am not so concerned about that; can I look at your own personal.....as a personal marksman how many weapons are you authorised to hold? - I think it is a total of 12; I don't have my certificate with me to refer to but I have eight in possession at the moment.

You could have 12? - Yes, I think it is 12.

What are they? - I have a .38 centre fire rifle, I have a .22 rifle, a 357 revolver, a .45 self loading pistol, a 22 self loading pistol, a 38 self loading pistol, a 38 self loading revolver, I have a 308 long range pistol which is a single shot pistol and a 12 gauge shotgun.

Are these all for different shooting disciplines? - That is correct.

So could it be said that any one of these is simply a spare for the ones you normally use in a particular discipline? - They could be regarded as a spare, yes; I only have one 22 target pistol at the moment so as far as the 22 UIT type of disciplines are concerned I don't actually have a spare.

LORD CULLEN: Could you bring the microphone closer to you, I am having difficulty hearing you.

EXAMINATION CONTINUED BY MR. BONOMY: You have a number of full bore handguns in the list that you gave us? - That is correct.

And there were a number of different calibres there? - Yes, that is correct.

Can you just tell me the calibres of full bore handguns you have? - I have a 38 calibre self loading pistol, a 38 calibre revolver.

Are these for two different disciplines or/

or for the same discipline? - The 38 revolver was purchased with a view to customising it into a competition pistol; it was bought secondhand with the intention to send it to a gunsmith to make into a proper competition target revolver.

Would this be used in the same type of competitions or different ones? - They could be used in the same type of competitions; once the revolver was customised with a proper target barrel, sight, etc., it could be used in a variety of police or service type pistol competitions; the self loading pistol can also be used in these competitions and also for competitions where it is only for self loading pistols.

So it has a wider use than the revolver? - No, the revolver has a wider use than the self loading pistol although the self loading pistol is my particular favourite.

Can we move on to your handguns? - I have a 357 revolver -- again it can be used for police pistol type discipline; I do keep that as a spare for that sort of competition; it is basically out of the box, it has no modifications done to it whatsoever so in some competitions you use it to fire a pistol which is completely standard.

Does that complete the list of full bore handguns? - No, I have also a .45 self loading pistol that I use for service pistol type disciplines.

Now, can you with any one of these carry out all the disciplines that you are interested in for handguns? - No, I can't.

For example, you have talked about police pistol and service pistol competitions; can you participate in all of these? - You can participate if you are prepared to be orientated; not all the procedures are entirely suitable, each has different characteristics; the police service is a self loading 38 calibre.

Can you use either one of each of the other three for the discipline you presently use that one for? - Yes, you can.

Do/

Do you compete outwith your own clubs? - I do.

Where, for example, do you compete? - I have been a regular contender at Bisley during the May Bank Holiday weekends since 1993.

Your firearms certificate will fully authorise you to hold ammunition? - That is correct.

How much? - My personal certificates entitle me to hold about 4000 rounds of mixed calibres.

That is for the various calibres you have? - Yes.

A total of about 4000? - Yes.

And that is for as many as 12 weapons altogether? - Yes.

Now, when you first applied to join The Stirling Rifle and Pistol Club in May, 1986 -- --? - That is correct.

Was the system you had to go through the same as is in force at present? - No, it is not, it is slightly different; then you had two sponsors for the club, two full members of the club.

To propose and second you? - Yes.

That is in 1986? - Yes.

What is the difference today? - The difference today is they have changed it back to that system where it is now only one full member is required under the Home Office guidance but the club still require two.

So the system is actually the same? - Essentially, yes.

Apart from having a proposer and seconder does a person that wishes to become a member need any other support or approval? - Prior to the 1st January the club's application form required every applicant to have a signatory who was someone/

someone who knew him personally outwith the club.

Were these eligible people who were under a restriction in some way? - We suggested that they actually have someone of a professional standing -- in other words, somebody who could at some point in the future be a counter signatory for a firearms certificate application form.

Is that still the case after the 1st January? - No, the criteria was relaxed by the Home Office on the 1st January.

What is the position now? - They suggest you don't need a counter signatory on the application form.

Do you not bother with any supporting referee now? - We actually find that most of our new members who come along to the club are by invitation only so they tend to know somebody in the club already.

The fact of the matter is if someone from outside wished to come along they would need the support of a referee? - That is correct.

Does the Stirling club have premises? - No, we don't.

Where is the shooting range? - We hire ranges which have a variety of certificates; for a competition of a military variety we would hire the Whitestone range in Dunblane and we are currently using the Inverclyde International Sports Centre at Largs.

Are these all ranges where you can use full bore weapons? - Yes, they are.

Are club members mainly interested in full bore or small bore shooting? - The majority of members are interested in full bore.

How many members does the club have? - Approximately 63 currently.

Did you know Thomas Hamilton? - Only in the context of shooting on the range, I didn't know him personally.

In/

In that context when did you first meet him? - When he probably joined the club during 1987.

Do you remember him joining in 1987? - No, I don't, I wasn't secretary then.

Well, what is your best recollection of when you first encountered him on the range? - Probably 1988 onwards, 1989, something like that.

Was he a regular visitor to the club meetings at the various ranges from 1988? - No, he wasn't; he was an irregular attender in the fact we would regard him as a fair weather shooter -- unless it was bright and sunny Tom wouldn't appear.

Can members of the Stirling club acquire ammunition through the club? - Yes, they can.

Do any of the members actually do that? - Yes, they do, in the context of full bore rifle ammunition.

And what about pistols? - We have only started re-stocking pistols since the end of last year.

Between 1988 and the end of 1995 did you stock ammunition for pistols? - I have only had the club certificate since 1995, I think it is, so prior to that it was a previous club armourer who has always certain stocks of 9 millimetre ammunition but it never moved.

Thomas Hamilton's firearms certificate indicates no purchases of ammunition between 1987 and 1995; now, that would apply only to commercially purchased ammunition? - That is correct.

Without ammunition you can't do any shooting; are you quite clear that he had attended the Stirling meetings between 1988 and 1995? - Yes, I have seen him, I would say I have seen him several times.

Over that period? - Over that period.

On/

On an annual basis can you give us a rough idea of how many times he attended your meetings? - Maybe three or four times -- as I said he wasn't a very regular attender.

Is there a book in which attendances at meetings is to be recorded? - We used to keep a loose leaf attendance sheet; as I said to the detective who came to the house I had only recently had a clean out and I have got rid of them all.

So there are no records of what he did? - Apart from the attendance book there is no record going back beyond January.

Is there anyone in particular he came to the club with?  
- He was always seen with Clive Wood.  
Was Clive Wood a member? - Yes.

Was he a member before Thomas Hamilton? - I don't know.

Do you know if Thomas Hamilton may have had membership much earlier than 1987 which elapsed? - I don't know, I can't answer that.

Did you ever have a conversation with Hamilton? - Not in a social sense.

About shooting even? - Yes, I had various conversations with him on the range when he would appear, the last of which was on the 2nd March this year.

Generally speaking what were these conversations about? - It is hard to remember exactly; I would ask him about what he wanted to do, what he would be looking to do, the particular shooting discipline; like the police or service disciplines, Tom wasn't interested, he didn't appear to be competition orientated, he wanted to do other things, shooting at 10 metres which we are not interested in and we suggested to him that he follow along with everybody else in the club.

Did he? - To an extent; he wouldn't necessarily follow the course of fire, he didn't have a good understanding of

competition.

What/

What do you mean he didn't follow the course of fire?

- It starts at 25 metres, it is classed as a repeat A target which is a caricature of a man's pose on a police training target; 25 metres, it is 12 rounds in two minutes and the command is six rounds down range and most of the members would follow that command but Thomas would blast off all 12 rounds and I had occasion to mention to him that the course of fire was strictly six rounds where he has to load six rounds, re-load another six rounds; it is not in the rules of competition and he continued with the full 12 rounds.

When did you first experience this behaviour that was not in keeping with the rules? - Prior to becoming secretary, as an ordinary member; on all occasions I had noticed Tom on the range he would tend to fire the full magazine rapidly, there was no deliberate practice on his part to improve the score or to improve his technique.

Is/

10.20 a.m.

Is that not something that should have caused concern to members of your club? - The criteria on the range is that safety is everything on the range, and there is a qualified range conductor, and obviously that is the sole criteria in management of the range, that everything is safe and is seen to be safe. If somebody fires off 12 rounds in 20 seconds, as long as these rounds are entering into the backstop, or the bullet catcher, that person is deemed to be safe.

Can it be said that what he was doing in these circumstances was genuinely target shooting?

- No.

Is that not in fact the only good reason a member of a rifle or pistol club has for getting a Firearms Certificate? - I would agree with that, yes.

BY LORD CULLEN: Just to be clear about this, was he in fact taking part in competitions against fellow members, or was he working on his own or what was he doing? - Tom never entered into competitions whatsoever.

Would you describe him, in the way in which he carried out the discipline, or rather failed to carry out the discipline as was intended

-- was he doing this solo, or was he doing it along with others? - There was others in the firing line. You would have five people in a row, and they would all have their own individual targets. When Tom blasted off in 20 seconds it was noticeable that other shooters in the line were disturbed by his rate of fire.

And was there a Range Officer giving a command as to when to fire? - I have given that command on occasion, and I have had to chastise him. I have said to him "That isn't in the spirit of the competition".

But he wasn't in fact competing? - That is correct.

He had a starting point given to him by the Range Officer, and of course the same would apply/

apply to any other shooters in the line? - Yes. If he wanted to shoot he had to start along with the rest of us, and do the discipline we were practising, otherwise he wouldn't be able to shoot. When we tried to give him advice he wasn't open to that advice.

EXAMINATION CONTINUED BY MR. BONOMOY: And does it follow that the other persons who were shooting at the same time were actually shooting against each other so that their scores would be counted up? - That is correct.

You also mentioned his fondness for shooting at 10 metres? - Yes.

I take it to enable him to do that he would have to do the earlier routine of shooting at other distances first of all till he got to the 10 metre line? - That is correct.

Or is it yards or metres you work with? - Metres.

BY LORD CULLEN: I should have asked you another question. You said he was a fair weather attender. Does your club have any rule by which in order to retain membership somebody who is a member requires to attend for a minimum number of meetings a year, or something of that sort? - Not currently, although that has been debated. To date the problem Stirling faces is that by hiring an MOD range, as we do, the MOD have cancelled events at short notice. So if we were to impose on somebody "You must come four times a year", we have had a whole year cancelled from under our feet at one point -- almost a whole year. They can cancel a booking within seven days and say "You can't use the range, the range has been closed for maintenance work".

I can understand that, but that isn't likely to result in one year's meetings being cancelled? - It has happened in the past.

For a year? - Yes, they have closed it because of problems with the bullet catcher at the back, what we call the backstop.

But in practice when that has happened have/



have you been able to reinstate at least a reasonable number of meetings in the year? - Yes, we have used other ranges.

So at no stage has your club had a rule of the sort that I have envisaged? - That is correct.

EXAMINATION CONTINUED BY MR. BONOMOY: Have you yourself since you joined the club regularly attended meetings? - Yes, I have.

What sort of percentage attendance have you had over that period? - I would say 90 per cent.

So far as Hamilton is concerned what did you observe about the pattern of his attendance? - Very haphazard. There was a period where we hadn't seen him for I would say nine months.

And then what would happen? - He would suddenly appear back again.

How often? - It happened at the beginning of this year where we hadn't seen him since probably last May, something like that, and he started appearing on January, and he was walking into the range, which was unusual.

You mean walking from his home? - Well, he had either got public transport somewhere -- because the range -- it is a Sunday booking that we have, to which he appeared to walk out just after lunch time.

Prior to that how did he travel? - He travelled by vehicle.

By car? - By car.

On the subject of membership, just to complete that -- which we touched on earlier -- is there a fee to be a member of your club? - Yes.

What is the fee? - It is currently £55.

And is there any form of membership card or identification issued to members? - I have attempted to issue membership cards to all members, not long after I became Secretary. They had to produce/

produce photographs. Not all members complied with that, but the majority of members who turn up have membership cards.

So this is the ones who have produced photographs who have membership cards? - Yes.

Some haven't done that? - Some haven't done that.

So far as recent attendances are concerned by Hamilton, can you tell me when you first saw him in 1996? - It would be the first booking at Whitestone, I believe.

Would that be 4th February? - It rings a bell, yes.

We are talking about late January or early February, are we? - Yes.

Was he with anyone on that occasion? - No, he wasn't. He came himself.

Did you see him shooting? - Yes I did.

What was he shooting with? - He had three pistols, two 9 mm Brownings and one revolver. At the time I said to the detective at the time that I thought it was a Luger revolver. I later corrected that. It was probably a Smith and Wesson.

Now, is it common for someone to turn up at one of these meetings with three guns? - Yes, it is not unusual.

Do you know whether he used them all? - No, I don't.

Would the next meeting be a fortnight later? - Yes, it would.

Did he come again? - Yes.

Do you remember what weapons he had on that occasion? - Again as far as I remember he had two 9 mm Brownings with him. I can't recall if he had the revolver.

On any of these occasions did you make arrangements/

arrangements for him to get a lift home? - Yes, I did.

Who was that with? - I think in the first instance it was with the club President, George Smith. I gave him a lift home on one occasion as well.

So on one of these two occasions you actually ran him?  
- Yes.

Now, when was the last time you saw Hamilton? -  
March the 2nd this year.

And where was that? - That was at the Scottish National Sports Centre at Inverclyde, at Largs.

So you had booked the range there for the day? - That is correct.

And did you meet him there? - Yes. He was brought there by Alex Wood, and he was a passenger in the car with two other members.

Did you have any discussions with Hamilton that day? -  
Yes, I did.

What was that about? - It was the start of the competition season, so members had expressed an interest to do some practice prior to competition starting. So they wanted to do a police pistol course of fire and a service pistol course of fire. So we put the targets up, and Tom came along and stuck on the self-adhesive orange fluorescent patches, two of them. And I said to him "That is not what we are here for", and took them off the target.

Had he done that before? - He would do that at Whitestone, yes. He used to put little fluorescent patches on.

And did you allow him to do that at Whitestone? -  
Some people put little white marks on as an aiming mark. It appeared that is all he was doing.

Presumably you put that in the middle of the bullseye? -  
Well, in the competitions you don't/

don't have an aiming mark like that. You have to stay with the existing target. You can't put your own aiming mark.

But where did he put these aiming marks? - He put one in the centre of the target and one at the top of the target.

And why would he put one at the top of the target? - I am not sure.

And he was allowed to do this at Whitestone when there was no formal competition going? - That is correct.

Where did he put them on the target at Largs? - In Largs on the PPI target -- the target takes the form of the caricature of a man. He had one fluorescent marker on the centre and one round about the chin area which would be in the position of the '7' ring of the target.

Now, in the past you saw him do that and he was allowed to shoot. Did he shoot in the direction of these markers? - Yes, he did.

So there would be two points on the humanoid target that he was shooting at at Whitestone, for example? - Yes. At Largs I had taken those markers off.

Did you have to give him any other individual instruction at Largs? - I tried to give him some instruction as to the course of fire at the start, knowing in the past he had shot off 12 rounds in 20 odd seconds. However, that was to no avail, because he basically did the same as he did before, and I had to say to him then that it wasn't in the spirit of the competition.

Which guns did he have with him? - At Largs I believe he had the three guns with him, two 9 mm Brownings and a .375 revolver.

Was he using any one in particular? - I believe he was using the Browning more than anything else.

Well, that would be one of the Brownings? - That was one of the Brownings, yes.

Can/

Can you tell us any distinguishing feature about that which would enable us to tell which of the two Brownings it was? - The Browning he was using was -- they call it a competition model. It has a longer barrel and a barrel weight.

Later on in the day did you speak to him at all, or was that the last you spoke to him? - No. We started to do service pistol targets, and that entails a competitor has two targets in front of him, a left and a right, and you eventually end up at 10 metres. Now, the course of fire is six rounds, only it is three on each target at 10 metres in six seconds. Tom expended 12 rounds on the one target, with one pistol, and I said to him "That is out of order".

But so far as you were concerned there was nothing unsafe about it, I take it? - No, there was nothing unsafe. His handling of the firearm was safe.

And as long as there was nothing unsafe the club wouldn't do anything about his membership? - That is correct.

BY LORD CULLEN: Let us ask you: supposing he persisted in such behaviour, despite what you said to him? - Yes.

Would any club official take any further action? - Yes. It would get to a point whereby the rest of the members would get fed up having to correct him. We would say to him "Either you follow the course of fire that we are giving you or you don't take part at all. It gets to a point whereby if you are constantly watching this person, then safety could be compromised by an individual like that, because you are constantly aware that he is doing something different from everybody else, and you would tend to focus on that individual.

And not taking part at all would mean effectively not being able to use his gun in any range where your club was operating? - We would quite specifically say to him "Look, if you are going to carry on this behaviour then we don't want you to take part". We would do competition targets. There would then be a period of time when the targets which are turning targets would be static/

static and we would say to people "Look, if you want to have a small bit of practice to yourself you can go in at that point in time". So Tom would slot in then, but as far as the theme of the day was concerned, it was going to be competition practice.

EXAMINATION CONTINUED BY MR. BONOMOY: So in other words, you were really concerned at allowing him to take part in your competitions, but his membership would still be secure? - Yes, it would.

Even in spite of repeated breaches of the instructions that a Range Officer was giving him? - He had been given instructions on the course of fire. If the person chooses on the course of fire to fire off in 20 seconds, if he does it in two six-round spurts, that is up to him. He has two minutes in which to fire, within a particular stage. If he chose to fire in 20 seconds, then all that would be reflected in is a poor score.

Yes, but he was doing something you thought wasn't in the spirit of the competition? - Yes. These were the rules I was operating to, and these are issued by the National Pistol Shooting Association, Shooting Rules and Regulations. So running competitions within this context, I had to point out to him that it wasn't in the spirit of the competition.

Now, we have heard some evidence about the Browning you have mentioned being modified in a way which meant that when you removed the magazine the gun wasn't safe -- whereas with most guns when you remove the magazine it can't fire, there is a mechanism that it can't fire; is that right? - Not all guns are manufactured the same.

Is it not unusual to have one in respect of which the removal of the magazine doesn't make it safe? - It is not unusual. I have a pistol which is like that.

Can I ask you just a little bit about ammunition. Mr. Hamilton used ammunition which he bought commercially? - That is correct.

As far as you could tell; is that right? - That is all I ever saw him use, was commercial ammunition./

ammunition.

So can I take it he never bought any at your club? - No, he never bought any of our ammunition.

At the Largs meeting -- sorry, if I can go back to that question: is it unusual for someone just to use commercially manufactured ammunition? - Yes, it is.

Is it exceptional? - It is exceptional, because commercial ammunition is expensive and it doesn't necessarily give you the best target performance from the pistol.

But do you have other members who use only commercially manufactured ammunition? - I can't think of any at this time.

So far as the Largs meeting is concerned, did he actually score in the competition? - Yes, I scored his target for him.

And how well did he score? - He was 220 out of 300.

And how does that shape up? - Well, as an example, I have got a score sheet from Pistol '94 at Bisley, and there was 561 competitors in 1994, and 220 would have put him at 533 out of 561. Mine was, on this one, at No. 35.

On/

10.40 a.m.

On the day at Largs where did it put him? - At the bottom out of the I4 that were there.

Just look at one document for me please. It is ME65. In the volume it is D55L. Is that Mr. Hamilton's application for membership of the Stirling Rifle and Pistol Club? - It is.

Dated 18th February 1986? - That is correct.

And he was proposed by a gentleman called Cole and seconded by a gentleman called Perry? - That is William Cole and William Perry.

Were they both members at that time? - They were, yes.

His occupation was given by Mr. Hamilton himself as a kitchen fitter? - That is correct.

And he gave a firearms certificate number; is that right? Down at the bottom. FAC, does that relate to a firearms certificate? - I'm not sure. I didn't write that.

CROSS-EXAMINED BY MR. CAMPBELL: Am I correct in understanding that if I wanted to join the Stirling Club I would not require to have in my possession a firearms certificate? - That is correct.

What I would require according to your rules would be the support of two members? - That's correct, yes.

But in terms of Home Office recent changes in fact only one would be required at least for some of the club? - Yes, that is correct.

So if I wanted to learn how to use firearms without going through the procedure of obtaining a firearms certificate from the police, a club such as yours would be the means of doing it? - That is correct. We have no means of checking your background. So in essence you can come along and sign the attendance sheet which has been created since/

since January where under Section 21 of the Act you have to declare you are not a prohibited person. So you can come along and engage in target shooting with us. You can use the club guns and as far as we are concerned we don't actually know whether you are a prohibited person or not. You have made a statement you are not but you can continue using the club guns but you would not be able to take them away with you. You would only be able to use them on the range.

And if in fact I possessed firearms unlawfully at home, let's say, then again my membership of a club, a gun club, would afford me the opportunity of learning how to use such weapons? - Not with illegal guns.

Agreed, but with similar weapons? - You could certainly learn the skills, yes.

So far as Thomas Hamilton is concerned, if, and I appreciate it is only an if, if by March of this year he had formed some murderous intention then the shoot on the 2nd March 1996 would have given him an opportunity of practising his skills such as they were? - He has practised those skills since 1977 I believe, far less the 2nd March.

I wonder if I could just ask you a few general questions. Is the Stirling Pistol and Rifle Club subject to..... I'm not singling your club out here. Let me make that plain. I'm just using you as an example. Is your club subject to any system of police or any other authority's registration or approval? - The club has Home Office approval currently. We required in 1992 to re-submit for approval and that was done under..... I forget the number. The Home Office approval reference number is DDG/5/5/C3. That was confirmed by the Secretary of State for Scotland on the 27th May 1992. Information regarding the club, the club has a safety and training document which you are more than welcome to have a look at and that is all contained in there for the club.

Is a club such as yours required to seek and obtain such Home Office approval? - I believe we are, yes. I believe some other clubs, if they are a private club, I think that is the term, they don't actually need approval but we need approval in order/

order for members to have club guns and to use club guns.

So the approval or the need for approval is triggered by the existence and use of club guns? - That is correct.

And just in the briefest terms if you would, what do you require to do or submit or undergo in order to obtain this approval? - You have to have a proper constitution which I have a copy of.

I don't think we need to go into the details of the constitution? - Right. A proper constitution. That constitution was sent to the Scottish Home and Health Department for approval along with the club's application form for approval.

Anything else? - We also supplied, and I don't know if this applies to other clubs, a safety and training document which we had compiled over a number of years.

Does anybody come to speak to you or to inspect you or to ask questions or anything like that? - I don't recall that that happened, no.

Apart from this 1992 approval procedures which you have just mentioned, was the club subject to any form of licensing or registration or police approval? - We currently have to have what are called range conducting officers who are qualified as such via the Ministry of Defence through the auspices of the National Rifle Association. In the past that was done by recommendation from the club chairman. In other words, if I thought that that particular person was of suitable character he would be recommended to be a range conducting officer. His name would go to the National Rifle Association and we would end up with a range conducting officer certificate. Come January of next year the Military have said, and the NRA have agreed, that qualification by recommendation should cease and from that point you have to be course qualified. Last year Stirling took the decision that we would be course qualified early so 12 of our members have been through a recognised ranging conducting officer's course for both rifle and pistol for the use of military ranges.

And/

And this course would equip you to carry out the duties of such an officer I take it? - Yes, it does. Again, I have copies of the course notes that were supplied as part of the training package.

But am I to understand from this that for example you would not require any approval or registration or licence from Central Scotland Police for example? - Effectively the police would be taking it that you were Home Office approved.

Can I take it therefore and please correct me if I am wrong, that there was no system whereby anyone from the Home Office or from Central Scotland Police would monitor or supervise the activities of the club? - That is correct.

And so far as the conduct of the club is concerned, and please don't misunderstand me, I am not making any personal criticism but just in general terms, so far as the rules and conduct of the club are concerned, that would be a matter for the club itself to determine? - That is correct.

You explained in answer to a question from my learned friend Mr. Bonomy what you would do in certain situations where for example a member does not obey orders. Am I correct in understanding that there are no universal standards laid down which clubs such as yourself must follow? - To some extent that is correct. There is no standard training package that clubs should actually follow and that is why we attempted to create our own. Competition rules however are the most comprehensive set of rules that we currently have. Both with the UIT discipline and for the certificate discipline.

And the reason for that presumably is competition by its nature would require to have rules and regulations which every body abides by? - That is correct.

Is there any local hierarchy of gun clubs and associations? - Not as far as I am aware.

Is there any national hierarchy? A Scottish Rifle Association? - Yes, there are Scottish/

Scottish Associations. There is the Scottish Rifle Association. There is the Scottish Pistol Association. There is the Scottish Target Shooting Federation which is an amalgam of all bodies.

What is the role and function of such national organisations? - In the case of these organisations, they would organise competitions outwith other clubs and they organise competitions which are open. So in the case of the Scottish Pistol Association, they regularly run competitions through the season at a variety of ranges throughout Scotland.

So do I correctly understand from that answer that their principal function is in terms of the organisation and regulation of competition? - Yes.

How many female members does the club have? - Five.

Out of how many? - Out of about 63.

Are these five full members, the ladies? - No, they are not. Only two are full members. The other three are probationers at the present time.

How many members roughly are members of the Police Force? - I have one member who is a member of the Police Force.

You mentioned I think at the beginning of this year the Home Office suggested that the need for a counter-signatory on any application to join your club could be done away with in general terms. Was any reason given for that change in the procedure? - I think it may well have come from the Firearms Consultative Committee.

Were you aware or were you informed of any reason for this relaxation? - No, it just came through in the form of a notice from the National Pistol Association and it was reported and given to us in the Firearms Section in the form of a leaflet.

Again, forgive me if this is familiar to yourself but am I correct in understanding that Hamilton was somewhat perhaps unusual in only using commercial/

commercial ammunition? - Yes, he was.

The normal practice or the common practice would be what? - The normal practice for the members of Stirling is to reload their own. This affords them the ability to match the ammunition to the particular firearm they are using. Not all firearms are the same. They have different twists in the rifle or the barrel. One may be faster or slower than the other and for that reason you wish to make ammunition which will best utilise the ballistic performance.

Forgive me because I really know very little about this but am I to understand from.....? - It is like a car. It is a tuning process. You may find that some ammunition might fire okay through a Smith and Wesson and if you use the same ammunition in a Colt it does not group so well so you end up losing a point so the benefit of reloading is that you can then tune the ammunition by changing the amount of powder you put in it or changing the weight of the bullet or the style of the bullet that you use to obtain the best performance.

So you effectively manufacture your own ammunition?  
- That's correct, yes.

Were you aware of any reason why Thomas Hamilton differed in this respect? - I don't think he was interested in the aspects of the reloading side of things. He merely just wanted to go up and shoot. That was it.

He wasn't interesting in the reloading aspects and he didn't appear to be interested in competition? - That is correct.

What was he interested in? - He appeared to be just interested in coming along and having a casual shoot on those occasions that he appeared at the range.

Reverting again if I may, and forgive me for using you as an example here but I am sure you will understand why I am asking you these questions? - Yes.

If a member simply stopped coming to the club/

club, what if anything would you do? - If a member stopped coming to the club, currently there is not much we can do under the constitution unless he fails to pay his subscriptions. I have had occasion recently to inform Strathclyde Police of such an incident. I have a Fax which was dated the 25th March 1996 about a member who has failed to pay his subscription and I have told them that he is no longer a member of Stirling Rifle and Pistol Club.

Are you envisaging the introduction of any system whereby for example if somebody simply stops going to the club you inform the police authority? - Yes. I think we should. I think it is a responsible thing to do.

When you say Yes, you think you should, is this something you are envisaging for the future? - It has been discussed in the past, about absentee members if you can call it that or people who appear to go from one firearms certificate renewal to the next and we never see them. Once they have a membership of a club, under our constitution it is difficult to remove them for that reason and it has been discussed numerous times in Committee how we actually go about enforcing it without putting the club in danger of litigation for a variety of reasons, as has happened before elsewhere.

Sorry, forgive me. I am not really quite with you. What is the relevance of litigation? - Well, one club down South I believe tried to get rid of a member and they found themselves in Court. So our club is fairly small. We don't have large resources to counter the grievances of a member if he feels he has been hard done by. So yes, we would seek that members who don't do regular attendance, we have to deal with that and say to them "If you don't attend then you can no longer be a member". It is something we have to look at in the future, yes.

Since you have been a member of the club are you aware of any member being expelled? - Yes, I am.

And what, if any, action was taken in relation to that person so far as informing other parties was concerned? - I know of two individuals. One was not long after I joined the club/

club. The club used to use what they call a barrack range on the Forthside TA Centre and adjacent to that barrack range is a small room which members use to wait there to go to the range itself. I was not a firearms certificate holder at that time. My friend was the full member. Somebody was showing someone a pistol and used a blank. He was trying to demonstrate how the firearm functioned by putting a blank in the magazine. He then put that magazine into the pistol and let the slide go forward. As a consequence of that his finger was on the trigger and the gun went off. That person was immediately ejected from that club and I believe the then Secretary informed the local police and there was no question, you know, of that absolutely stupid act.

11.00

The second person was.....he had been introduced to the club by a person who is no longer a member; he appeared to be okay, he did everything he was told and he had applied for a firearm certificate which was granted; he then got a rifle and he brought that rifle up to its first outing. His friend had manufactured some home made ammunition for him but that ammunition was made using a case which had been fire in another rifle, the consequence of that was the head space or basically the case didn't properly fit the chamber, although it was the same calibre the case didn't quite fit properly the chamber of the rifle so when you fired the rifle the bolt and the whole action of the rifle jammed, it couldn't open, it seized solid; this individual took umbrage at this saying the person had destroyed his rifle and he walked off the firing point; he had left the rifle in its position because it hadn't been cleared, the bolt action was open so it was left on the firing point, pointing in the same direction, towards the target; at the end of the day when we were packing up we realised this person, instead of walking off the firing point, had walked off the range and left the rifle; the then secretary of the club also had a dealer sticker and he took charge of that rifle and entered it on to his register; he contacted the person concerned and that person gave him cause for concern that that person was of unsound mind and the secretary phoned the police and the man's certificate was removed.

So I am led to understand from that that there is a rule in the club if anybody is expelled the police are informed? - That is correct.

If, and in so far as somebody has a firearm's certificate when they join the club, are they required to exhibit it? - Yes, they are.

Is there any regular review of that certificate by the club? - No.

The last matter I want to ask you about is this -- do I understand correctly that on the last shoot that Hamilton was at on the 2nd March he was firing at targets which took the form of the outline of a human figure? - That is correct, yes./

yes.

Is that a common practice? - It is a common practice that is currently used -- what they call police pistol discipline; it is based on a police training target which has on it scoring rings going from 10 out to 5, I think it is, if I remember rightly.

As someone not involved in this type of activity the question arises as to why a humanoid form of target is used rather than any other form of target? - My own opinion is there is no reason for a humanoid target to be there; you can remove the form by changing the pattern -- it is black and white, it is a repetitive target; if you change some of the patterns then the humanoid figure would disappear and a competitive shooter wouldn't notice any difference whether it is a humanoid target or not; in fact, such targets are produced for Germany where the same competition is shot in Germany, the Germans don't allow humanoid targets.

And these targets are turning? - Yes, what you have is you go through a course of fire; at 25 metres you have 12 rounds in two minutes to include a re-load so in the case of a revolver or self loaders it is six rounds and six rounds so you must be able to re-load in that time; going forwards to 15 metres it is two 6 round targets and then it is one shot per two seconds exposure to the target, the target will turn away for five seconds, re-appear for two seconds and in that two seconds you fire one shot. After you have completed that you go forward to 10 metres; there is two shots in two seconds so again the target turns away for five seconds and re-appears for two and you fire two shots so it is a total of 30 shots; the possible score is 300 and a good club shooter should make 285 to 290.

And Hamilton? - 220.

And this is a police pistol discipline you are describing? - Yes, that is correct; I may add, he wasn't interested in any of the UIT disciplines at all.

That is a form of shooting which, if I am understanding it correctly, has been developed for/

for the purpose of police training, presumably improving their skills?  
- No, it was developed from police training, it is not used as police training, the police training is slightly different.

Whatever the reason for the form of competition, the result of it would be to improve his skills in this time firing at a humanoid target? - A humanoid target is not necessarily required for competition, as I said earlier.

You have told us about Hamilton's behaviour in the club over the years, somewhat solitary and non-competitive? - That is correct.

Was he alone in that form of behaviour or were there others in the club that exhibited similar characteristics? - There are other members who are non-competitive, yes; I wouldn't say they are the same as Hamilton though.

In what way was Hamilton different? - Hamilton was a loner, he wouldn't engage in social conversation with anybody; it is known also that women members didn't particularly like being around him, he was a bit of a creep in their eyes.

A bit of a what? - A creep.

He was obviously a very different character from others in the club? - Yes, he had a distinct effeminate voice; I didn't speak with him as much as.....there was other members of the club who had tried to a greater extent to get into some conversation with him but to no avail.

Did you ever consider doing anything about Hamilton and his behaviour? - To some extent he was such an infrequent visitor; you would say "The next time that guy comes up I will have to have a word with him" but he wouldn't appear and so by the time he came up you had actually forgotten what had happened previously; that is to some extent the way that Hamilton came to the club, it was haphazard, and up until the turn of the year he has had as much attendances in the first three months of this year that he has had in the previous year.

CROSS-EXAMINED/

CROSS-EXAMINED BY MR. GIBB: I just wondered, when it comes to renewal of firearm certificates whether there is any liaison between the police and the clubs as to an individual's continuing suitability? - In some respects it is haphazard; I have sometimes got a phone call asking "Is this person a member of your club?" and on some occasion I am asked to write a letter to confirm whether this person is a member of our club.

Is that just basically to find out whether they are a member? - Yes, sometimes we get a phone call.

I presume there is no requirement for applying that renewal of certificates to state what gun clubs you are a member of? - The application form doesn't allow for that, no.

If it were to allow for that and allow the police to investigate the conduct of any such members then that might have had a bearing here -- I just say might? - It might have had a bearing, yes.

Because clearly Hamilton's behaviour at the club was not conventional? - Yes, but we have also heard that his behaviour outside the club was not conventional.

I am trying to find out if there could be any tie up between the renewal of a certificate and any investigation of membership of a club before the renewal takes place? - Yes.

It also seems strange to me that in any commercial purchase, as long as any holder of a certificates goes and purchases commercially, they don't need to show that they have used up their existing supply of ammunition; say, for instance, they have permission to hold 1500 rounds you can go and buy 1000 rounds a day? - Yes, that is correct.

So far as home made ammunition is concerned presumably you need a cartridge each time you renew a bullet, do you? - Yes, you keep the cartridge case and you would purchase a primer, powder and the bullet, the major component of that being the primer; without the primer nothing works./

works.

Can you purchase cartridge cases without anything in them? - Yes, you can.

Would you need to exhibit your firearm certificate to do that? - No, you wouldn't.

So that a way round the difficulty for the restriction for holding ammunition is to purchase empty cartridge cases, any number? - Currently you, as a private citizen, can purchase all the components needed to make a round of ammunition; as soon as you make the round of ammunition you are breaking the law.

Presumably you can purchase any number of cartridges and primers by mail order and there would be no check up? - Unless you know what you are doing you are endangering yourself to some serious injury.

Certainly Hamilton at the time of his death or just prior to his death had a significant number of rounds of ammunition that he was permitted to have? - I am not aware of that.

Did the local police visit your club at all from time to time? - No, they don't.

As a matter of routine? - No, they don't although the door is always open.

Did it occur to you to report your concerns about Hamilton's behaviour to the police? -No, because I said earlier he did everything that was safe on the range, his firearm was pointing towards the target, towards the bullet catcher, he didn't swing it round to point it at other people so in that context he was safe.

But he wasn't there in the spirit for which the club was founded? - That is correct.

CROSS-EXAMINED BY MR. TAYLOR: You told us that the club buys in stocks of ammunition, is that correct? - That is correct.

Did you keep any records of all the stocks which you maintain? - Yes, I keep a ledger./

ledger.

Can you just talk us through what would happen if a club member was to purchase ammunition from that stock? - If on a range day he was to purchase 100 rounds of 38 special ammunition, provided he fires it off on the range on the day there would be no entry on the certificate; however, if he was to take some away with him then the remaining rounds would be entered on his certificate.

In so far as individual own records are concerned what would be disclosed in that record for sale? - It would be recorded as being sold to an individual, X number of rounds.

Is the name of the individual recorded in the club record? - Yes, I do.

You said specifically there that you did; is that a practice which was common before you took over your responsibility? - I can't answer for that, no, I don't know.

When was it you started having responsibility for ammunition? - I think it was 1994 when the existing or the previous armourer resigned his position.

Is it possible for a member of the club to purchase ammunition from club stocks and his shooting colleague to use it? - Could you repeat that question?

If I was a member of the club would it be in order for me to purchase ammunition from club stocks and for the person with whom I was shooting to use that ammunition? - In the confines of the range, yes but if it came to taking it off, if you had any left it would have to be entered on one or other person's certificates.

You indicated that between the years 1988 and 1995 Hamilton attended three or four times but I was wondering whether that was three or four times per annum? - Yes, three or four times per annum, usually during the summer.

BY LORD CULLEN: Is your club affiliated/

affiliated to any organisation? - Yes, we are affiliated to the National Pistol Association, the National Rifle Association and the Scottish Pistol Association.

Does your club, by reason of that affiliation, apply any standards which any of these organisations laid down? - It is mainly concerned with the conduct of competitions.

What about safety? - The safety one is the National Rifle Association for the.....they run courses for training for officers which are approved by competent military authorities.

That is training for officers? - Yes, training for officers.

When it comes to somebody who wants to become a member presumably he has to be a probationary member for a certain period? - That is correct.

Is that invariably the course for any person that comes in? - The criteria allows for the club to waive the probationary period for members of the Armed Forces, the police, etc. which we never have.

What is the probationary period which your club applies? - Currently the Home Office reduced it down to three months; in our constitution it is between three and six months and at the discretion of the Committee we can extend that probationary period if we feel it necessary.

It is three months unless extended? - It can be between three and six, yes -- three months.

Is there some form of check that is carried out on a probationary member to see whether he is, in view of the Committee of the club, fit for full membership? - In the past couple of years we only have about, I think it is, five or six probationary members at the moment; I have been doing training with them on a one to one basis or as a group; it doesn't necessarily involve the use of firearms, it can be simple discussion as to what they need to do in order to hone

certain skills; you don't necessarily need a firearm to complete the training; when you come on to the range you are trying to enforce what you have told them.

Well, /

11.20 a.m.

Well, that is skill, but what about for example safety, whether a person is competent in handling a firearm with safety? Is there some check on that? - That check is done during the probationary period. They have a one-to-one supervision during that period.

That is in the club rules; is that right? - That is in the club rules, yes.

And is that in any way connected with some form of national standard, or is that simply what the club itself devises? - It is what the club itself devises. We recognised some time ago -- it came out probably in 1988 or 1990 that the standard of shooting was going down and the supervision of probationary members wasn't all it could be, so we devised a safety brief that I give to everybody that comes on to the range as a new member, whether they have a Firearms Certificate or not -- they all get the same brief, and they get a hand-out to take away with them.

But once they have gone away with that hand-out is there some check before they become a full member that they are really competent in a safety sense? - That check would be by other members of the Committee, if there is any other members of the Committee on the range at the time, they would check as to the suitability of that person -- has he done anything that would disturb anybody with regard to range safety?

You have told us that now you have what you call an attendance book? - That is correct.

Since January of this year. What categories of information go into the attendance book? - The attendance book has -- I don't actually have it, the police now have it.

I think it is sufficient if you simply describe the categories of information that go into the book? - The information is they are asked for a declaration which says "I am not a prohibited

person under Section 21 of the Firearms Act". So that declaration is at the top of the page and then they sign their name below that, all members sign their/

their name below that.

Do you mean each time they attend? - Yes.

And presumably there will be a date to indicate what the relevant date is? - At the top of the page, the range they are on, whether it is Whitestone, Inverclyde or Blair Atholl.

So at the top of the book you can find which members have attended which meetings on which days? - That is correct.

As well, of course, the declaration which you have indicated to me? - Yes.

Is there any record kept of what particular firearms or calibres of firearms are used on these occasions? - No, there isn't.

Is that something which would be practicable? - I don't see why not.

You said -- you were asked some questions about telling the police if somebody had simply ceased coming. I think you indicated a point might come where you might tell the police? - Yes.

As far as you are concerned what kind of gap would be sufficient for you to take that course of action? - Well, currently under the Constitution, it is only when they fail to pay their subscription.

I know, but we are talking here not about failure to pay, but failure to attend? I would say two years would be a reasonable time.

And you would report it to the police. What action would you anticipate the police might take if they got that information -- what are you looking to the police to do? - Basically enquire if the person is still around and still has a Firearms

Certificate -- the person in that two years may have turned his Firearms Certificate in.

Is this information to help you to run the club, or is it to provide information to the police for the police to use? I just want to be clear what you have in mind? - I think it would be information/

information for the police to use.

And what kind of use do you think they might make of this information under the system as it presently is? - I would hope they would go along and see the individual concerned and ask him "We understand you have not appeared at a range. Can you confirm where you are shooting with your firearm?".

And if he said "I am not shooting anywhere, I have lost interest in the whole subject", then -- I mean I appreciate you are not a police officer, but what do you envisage might happen? - Therefore, under the Act, he doesn't have good reason.

And what might follow from that? - He would have to surrender his Certificate, probably.

Pardon? - He would probably have to surrender his Certificate and put his firearms into storage or sale.

So you assume there is a power on the police to demand surrender of a Firearms Certificate if he has ceased to use his firearms? - If he has ceased to have good reason to have them, yes.

If he has ceased to have good reason to have them. I see. One other question -- you were asked about the extent to which there was any need to record the sale of ammunition by a club, and of course you have pointed out that would be if any ammunition was not used on that occasion but was taken away? - That is correct.

Presumably there is some procedure for this, is that right, in your club? - For recording the ammunition?

Who would be responsible for seeing that a record

was made of any ammunition that was bought on the range and actually carried away unused? - That is my responsibility as the Firearms Certificate holder for the club.

RE-EXAMINED BY MR. BONOMOY: On the point Lord Cullen was asking you questions on relating to reporting members who have shown little or no interest/

interest in club activity, is the factual position that you do report to the police if there is a failure to pay a subscription and the person thus loses his membership? - Yes, there is. There was one occasion recently on the 25th of March.

But if a person simply fails to attend for a couple of years you do not at present report that to the police? - That is correct.

And that is something you thought might be a good idea, to report to the police? - I think if you are into sporting shooting competition, etc., regular attendance is a must.

Now, you have referred on one or two occasions to the expression "prohibited person", and you now have it at the top of your attendance book of the people attending on any particular day? - Yes.

What is a prohibited person under Section 21 of the Firearms Act? - A prohibited person is someone who has served a prison sentence which is between three months and three years -- he is prohibited for I think it is five years. Anybody who has served a prison sentence in excess of three years is prohibited for life to be anywhere near a firearm or ammunition.

So we are talking about people with criminal records which prevent them holding Firearms Certificates? - That is correct.

You mentioned that in two contexts. One was in the application form to join the club; is that right? - Yes, that is correct.

They have to declare they are not prohibited persons?

- Yes.

And similarly on the attendance book? - That is correct.

And is that essentially the only declaration that a person is giving you in respect of his fitness to be a member of the club? - That is correct.

And so far as Hamilton is concerned, of course,/

course, he had a Firearms Certificate? - That is correct.

And therefore he would need to make no declaration when applying for membership about not being a prohibited person, you would assume that from the fact he had a Firearms Certificate? - He applied to the club in 1987 when those rules didn't exist.

Does your Home Office approval as a club have anything to do with the fact that you don't have your own premises, or is that immaterial? - Immaterial.

And can I take it there is absolutely no system that you are aware of for the police to vet applicants for membership to the club who do not hold, and who have not applied for, a Firearms Certificate? - That is correct.

This is just to be absolutely clear about the position so far as Hamilton's performance in the club is concerned: did he at any stage in shooting the way you have described break any of the competition rules? - He did on two occasions on the Police Pistol course of fire that I conducted, where he had loaded up what in my opinion -- the rules dictate you have to do six rounds on two separate occasions -- sorry, I'll start again. At two minutes the command is "Six rounds load and be ready". In Hamilton's case his magazine had 12 rounds in it. Part of the practice is you have to do a mandatory reload of the revolver or pistol, and he failed to do that.

So he was actually breaking the rules when he did that as far as you are concerned? - Yes.

Turning to these targets which are in human form, and looking at full bore shooting practice or competition carried out or conducted by your members: are the targets they shoot at in the main of the human shape, or are more of the competitions and practices they do related to targets which are not in that shape? - They are more in the human shape.

What are what you described as "UIT disciplines" -- please just give me that in general terms, /

terms, because I appreciate this is a very detailed subject? - UIT disciplines are covered by the Union Internationale De Terre, which is the governing body of that particular sport. It covers firearms of calibres between .22 and .38 calibre. It is generally shot single-handed at bullseye- style targets.

And that union is the governing body of that type of competition? - Yes. The firearms concerned must fit a control box.

So that presumably means the firearms have to be of a particular dimension that fits within the box? - That is correct.

So far as removing ammunition from the range is concerned, if you purchase it from the club, is there any form of control in existence to prevent me at the end of the competition from simply putting the 10 remaining cartridges I have got in my pocket and walking off without telling you? - There is no control. Everybody is deemed to be individually responsible.

You talked about one-to-one training of probationary members at your club. Who is the supervising member of these one-to-one sessions? - It would be a full member of the club who actually owns a Firearms Certificate.

GEORGE FREDERICK SMITH, (57), Sworn,

EXAMINED BY MR. BONOMOY: I am a self-employed fencing tutor, and I live in Stirling.

Are you presently President of Stirling Rifle and Pistol Club? - Yes, that is correct, I am.

When did you join it? - 1972 I believe.

And have you been a member since then? - Yes, I have.

You presently hold a Firearms Certificate? - Yes, I do, yes.

Do/

Do you also have a Shotgun Certificate? - I do.

In your Firearms Certificate there will be provision for holding particular weapons? - That is correct.

Can you tell me what weapons you are authorised to hold please? - Yes. I have -- at the present moment I have 17 guns, but eight of these are antiques. One is inoperable. I have one shotgun, which is usable, four handguns and four rifles.

Are the four handguns similar to each other? - One is a .357 revolver; one is a .45 automatic -- semi-automatic pistol. One is a .22 semi-automatic pistol, and one revolver which is a .455, which is a relic of the last War, I believe.

Do you use it in competition? - Yes. There is what they call -- it is basically old guns that are used for the competition -- but that is at Bisley.

Are the other three handguns you have referred to interchangeable for competition? - I am sorry -- interchangeable?

Yes, can you use any one of the three for a number -- for most of the disciplines that you would compete in? - I see what you mean. No, the .22 pistol would be used for small bore pistol shooting.

The .357 would be used under Police Pistol, or disciplines like that, the semi-automatic -- well, we do have a .45 revolver competition as such, so they are used in different disciplines.

And how much ammunition are you authorised to hold at home? - 200 rounds for each of the weapons, but I have never got that much.

And I take it, just to be clear about it, you are authorised to keep the guns at home? - Yes, I am.

Have you, in the last ten years, been a regular attender at meetings of the Stirling Rifle and Pistol Club? - Yes, I am. Occasionally I have to miss one or two for either holidays, illness or/

or work, but most of the time I am there.

Can you give me a rough estimate of the percentage attendance during that period by you? - Oh, about 80 per cent I would think.

Did you ever see Thomas Hamilton at any of the meetings of the club? - Yes, occasionally.

And by that I am referring to the last ten years or so? - Yes.

Did you ever speak to him? - I probably did, but I would guess it would be just to pass the time of day -- except on the last meeting that we had.

Well, when was that? - That was February. I think it was February 8th or about that time.

And do you remember encountering him on that occasion? - Yes, I do.

And in what circumstances? - Well, the first one was when he happened by chance to be standing next to me in the firing line when we were shooting at targets. He was using a Browning semi-automatic pistol, which was a Target model of that type. And after we had the guns cleared and we went up to look at the target, I commented to him on his shooting, which was reasonably good considering the fact that it was factory ammunition he was using; and

that was the sum total of that part of it.

On/

11.40 a.m.

On that occasion were you concerned at all about the way in which he was firing? - Well, it surprised me that he fired very rapidly all the time but I was aware that was a trait of his, that he always seemed to do it.

When commenting on his score did you say anything to him about whether or not he should be competing? - Yes, I said to him that he had done reasonably well and with a bit of practice he ought to be going in for competitions with a score like that and he said "Thank you very much " and that was the end of the story.

Were you aware he did not go in for competitions? - Well, I had never seen him at any of the competitions that I had gone to.

Now, is that the day that you gave him a lift home? - That's correct, yes.

So is that the only time you had any real dealings with him? - Yes.

Are you quite clear that it was February? - Yes, that is correct.

Do you know for sure when it was? - I think it was the 8th but I am not absolutely certain. I do recall saying to the police that I wasn't sure at the time.

Was there anything remarkable or noticeable about the journey home? - On the way back he asked me..... he had heard that I had lost my job. I had been made redundant and he asked me if I had another one and I told him that I had decided that I would become self-employed and become a coach. He told me then that he was a coach which surprised me because I really knew very little, virtually nothing about him and I asked him what he coached and he said he coached gymnastics. I asked him where that was and he said it was at Dunblane. I thought he said the Dunblane High School. I can't remember after that what we said. I probably said "Oh, very good" or something like that and then the conversation lagged.

What/

What did you make of him as a result of that day? - Well, I was quite surprised. He was a very uninteresting sort of person with very little to say for himself. The only thing I could say that was good about him was that he was careful with his firearms and he didn't cause any trouble in the club but he didn't appear to me to be the type of person who would get on with children. That was all. Being a coach myself.

After the tragedy I think you were present at a meeting of various members of the club just to discuss the situation, is that right? - Yes.

Was that a formal meeting or just a get-together? - It was just a get-together more than anything else I think really to discuss what had happened.

Did anybody at that meeting come up with anything firm about his behaviour that perhaps some action should have been taken on? - Not really. I don't think anyone really knew very much about him and there was nothing he had ever done or said which would have suggested anything otherwise. In fact, after the incident I was told that it was probably someone in our gun club and I scrolled through the members and I just couldn't think of anybody and he certainly didn't come to mind as being the person.

At the meeting we are talking about was there any discussion about him breaking any of the club's safety rules? - Oh, yes. There was a slight one. I think everybody has at some time or another been picked up for something. We were very strict on safety and discipline. I think he had lowered a gun out of line with the target or something like that and had been corrected by one of the members but I think that was the only occasion I know. He accepted the criticism and that was that.

Is there any restriction on the amount of ammunition that a person who is either attending a club or in fact is it only members who can buy ammunition? - Yes.

Was there any restriction on the amount of ammunition a member of the club could buy on any one occasion, apart from the limit on his firearms certificate/

certificate? - Oh, I see. No.

As long as he is within the limit of his firearms certificate he could buy that amount from the club? - That is correct, yes.

Can you look please at Production SRFA117 which should be your club's attendance diary or book. Is that what it is? - Yes.

Was there a meeting on the 18th February? - The 18th, yes.

Would that be the date that you ran Hamilton home? - Yes, I believe it probably was. It could have been the 4th because I have signed that one.

It could either have been the 4th or the 18th? - Yes, I think that is right.

BY LORD CULLEN: Sorry, that is the 4th of which month? - Sorry, February.

CROSS-EXAMINED BY MR. CAMPBELL: If I noted you correctly, so far as Hamilton is concerned you said that no one in the club knew very much about him? - Yes. Well, as far as we know, he attended in the afternoons. We generally fire rifles in the morning and in the afternoon we would move to pistol on the range and because Hamilton so far as I know did not possess a rifle, he would come in the afternoons and he would leave very shortly after he had done a shooting. That was generally before the club meeting had finished so he would appear and do a shooting and then go away again.

What I was wanting to as you was whether that was an unusual situation where you would have a member about whom very little was known or whether there are a number of other people in your club who fall into that category? - I think in general the majority of people had been introduced to the club by other members at some time or another and so they tended to be much more integrated into the club. Hamilton, I am not absolutely certain about this, I think we inherited from a period when Dunblane Small Bore Rifle Club had decided to close down through cost and they tried to sell the club to us. There were only three members left and that is why financially/

financially they couldn't run the club any longer. We had a meeting, as far as I recall, of the entire club and those who shot full bore rifle objected because they wouldn't be able to take advantage of the building. It was an indoor range. In the end, we didn't buy it and I believe they Army eventually purchased it but in the interim period there was an agreement I think that the members of that club could join our club and one of them was Hamilton although I'm not absolutely certain about that, so Hamilton came to us in a slightly different way and he never really took a lot of interest in the club but he never did anything which would have made us think we ought to do something.

Another thing which you said I would like to ask you to elaborate on just briefly if you would. You told us yourself Hamilton did not appear to be the sort of person that would get on with children. What did you mean by that? - Well, he was a bit introverted. He hadn't a lot to say for himself and I didn't..... this is in retrospect, I might say. I thought this since this incident and perhaps my opinion is coloured by what happened but looking back he didn't seem to be, you know, full of life or interested, the sort of person who could get children interested in a subject but that is purely my opinion.

I think you told us about an occasion when you gave him a lift in your car? - Yes.

Did you feel comfortable in his presence? - Well, I didn't actually. I didn't particularly like him very much. I felt he was slightly effeminate. Just the way he spoke. There was no other reason to think anything other than that. I just didn't find him very interesting. There was nothing that we could talk about, except firearms I suppose but even then his interests were related to what he had and he didn't reload his own ammunition which was unusual.

We heard a little bit about that from Mr. Crawford so I won't ask you about reloading? - Right.

Just one final matter. We have been told that one form of target practice uses targets in the shape of the human body? - Yes.

Maybe/

Maybe I should know this but if I attended the Olympic Games or the Commonwealth Games would I see riflemen or pistol shooters firing at human form targets? - I am afraid I don't know that either, I am sorry. There is a possibility, yes, but I really don't know. I have never been to the Olympics to see the shooting but it is a recognised form of target that we use.

CROSS-EXAMINED BY MR. GIBB: You mentioned that you yourself had authority for up to 200 rounds of ammunition for each weapon you own? - That is right.

But you rarely get to that figure. How many rounds of ammunition would you fire at a maximum at any one shoot? - Maybe 30 to 60 rounds of rifle ammunition in the morning and maybe 150 rounds perhaps or 100 rounds pistol in the afternoon.

BY LORD CULLEN: Is that purely you you are answering for or as a matter at large? - It is for myself.

CROSS-EXAMINATION CONTINUED BY MR. GIBB: As a matter at large, how many rounds do you think? - Do you mean for everyone?

Yes? - Oh, I see.

What is the absolute maximum you would shoot, the number of rounds, at any one competition? - Perhaps 30 rounds in a particular pistol competition a single person would fire.

You see, I think we all know that Hamilton had permission to possess up to 1500 rounds of ammunition for each individual weapon. Is there any need for such a high number of rounds to be possessed at any one time? - Personally I don't think so. I reload the gun and I only reload enough for the next shoot. It is target ammunition so I believe Mr. Crawford explained that we tend to reload down as much as possible so that you get accuracy rather than power from the gun.

Would it surprise you that Hamilton had permission to have up to 7,500 rounds of ammunition on his certificate? - Yes, it seems a lot.

Or/

Or that he had probably at the time of the incident about 7,000 rounds of ammunition in his possession? - That would not..... well, it would surprise me but, I mean, he was allowed to buy..... He would be allowed to buy X amount of ammunition at any one time. Is that right?

Am I right in thinking that at the time of renewal of firearms certificates there is no requirement to disclose the Clubs you are a member of? - No, I think you just state on the application that you intend to use it, the weapons, to shoot targets as the reason for having this.

So the good reason to apply for a certificate is that you want to become a member of a club? - That's correct, yes.

But you don't need to satisfy the police as to a continuing good reason for the renewal? - I think you have to be a member of a club to continue to have a firearms certificate. So they would presumably know that you are a member of a club.

As far as you are aware, is there any check done on clubs when an individual person seeks to renew their firearms certificate as to their suitability for renewal? - No, I am not aware of that.

RE-EXAMINED BY MR. BONOMOY: Can you look please at Production ME65? You will see that that is Hamilton's application for membership of your club? - Yes.

With a proposer and seconder. Would that have happened if he had simply been someone you inherited from Dunblane Club? - Yes, it would have. He would still have had to fill in a form. Oh, yes.

RAYMOND REID (49), Sworn:

EXAMINED BY MR. BONOMOY: Do you stay in Callander? - Yes.

I/

I think you are a baker? - I am.

Now, you hold a position with Callander Rifle and Pistol Club, you hold an official position with the Callander Rifle and Pistol Club? - Yes, I am the Secretary.

How long have you been the Secretary? - About 30 years.

How long have you been a member of the club? - 36 or 37 years.

Are you a member of any other club? - No.

Do you hold a firearms certificate? - I do.

Do you hold a shotgun certificate? - I do.

In terms of your firearms certificate, how many weapons are you authorised to have? - I have on that certificate three target rifles, a .22, a .22 sporting rifle, a 357 revolver, a 9mm pistol and a .22 pistol.

How much ammunition are you authorised to hold? - I'm sorry, I can't tell you offhand. It is no more than 2,000 rounds in total for all the calibres.

That is taking them together? - Taking them together.

Was Thomas Hamilton ever a member of the Callander Rifle and Pistol Club? - Not to my recollection but I could not go back through the books as Central Scotland Police have them in their custody. I can't remember over the years.

So you have never made a check through the books to establish whether or not he was ever recorded as a member? - No, that would fall into the position really of the Treasurer or the Membership Secretary.

I think that you were asked on the 11th April to provide to the police any documentation there/

there was which might indicate whether or not Hamilton ever was a member of the club, is that right? - That would be correct, yes.

And did you hand over a number of documents to the police? - Yes, all the books going back as far as 1972 and all the Treasurers' books back to the same period.

So you had Minutes of meetings from 1970 in fact onwards, did you? - Yes, I had Minutes from 1954.

But you yourself have not gone through these at all to see whether there was any record of Hamilton being there? - No.

Now, can I take it that you had never encountered him prior to 1996? - No, I first met him in 1972.

Where did you meet him in 1972? - Dunblane Small Bore Rifle Club.

Was he a member there? - As far as I know, yes.

Were you also a member at that time? - No, at that time there was a Stirling and District Shoulder to Shoulder League which came from Callander, Stirling and Dunblane or wherever and we went to other clubs and competed on a shoulder to shoulder basis.

What/

12.00

What do you remember of him in 1972? - He just made by skin creep, he was one of these people I didn't like to talk to.

Was he shooting in competitions then? - Yes, he would have been.

At that time he wasn't the holder of a firearms certificate but I daresay he could have shot in these days as a member of the club using the club's equipment? - That would be correct, yes.

Did you meet him after that on any occasion? - I think I was in his shop one time.

As a customer? - Yes, as a customer.

Now, apart from this occasion when last did you encounter him? - I met him one evening, he was down at Callander Rifle Club and was due to shoot and the club wasn't open and I happened to be walking down the street.

When are we talking about? - February this year.

Before that did he actually contact you at home? - Yes, there was a phone message but I never followed up.

Did you understand that his interest at that time was in membership of the club? - Yes, I would assume it would have been.

So you met him some time in February when you arrived at the club? - No, I was on my way down the street, I was just actually going to the club.

What happened? - I was walking with a boy that shoots with us and we were chatting away and he kept interfering and I was actually quite nasty to him and he jumped on the bus and went back to Stirling.

What was he asking about? - Why was the club not open, it should be open.

Did/

Did he ask you about the best night to come to the club? - I perhaps said to him to contact John Moffat, I can't really remember.

If thereafter there was contact to Moffat that may explain why he contacted him? - Yes.

Now, in the time that he was thereafter there attending at Callander did you see him? - Yes, I was down at two committee meetings which happened to be on a Thursday evening and through some misunderstanding there was very few members turned up and there was no committee meeting on that night.

Did you see Hamilton shoot a pistol? - No, I didn't see him shoot, I saw him there.

Did you have any conversation with him on this occasion? - I may have spoken to him as I would speak to all the members before I left.

Were you aware that he had applied for membership?  
- Yes.

Now, in the Callander club is there a probationary period for anyone who wants to be a member? - Six months.

And what is the purpose of the probation? - The purpose of the probation is so that members get to know their prospective member and to see that he appears at least once a week and how his attitude is on the range and after that he is put forward by the membership secretary to the committee who are asked to decide whether he should become a member.

At that stage do members express their individual opinions from what they have seen of the performance of the probationer? - Yes.

WILLIAM PATRICK CAMPBELL (44), Sworn:

EXAMINED BY MR. BONOMOY: You work as a Plant/

Plant Operator? - Yes.

I think you stay in Falkirk? - That is correct.

Now, you are a member of Stirling Rifle and Pistol Club? - Yes.

Do you have an official position with the club? - I am the Competition Secretary, I am also a course qualified RCO.

That is a Range Conducting Officer? - Yes.

So you have been through training that has been recently introduced by the National Rifle Association? - Yes, I have.

When were you first aware that you had a member in the club called Thomas Hamilton? - Basically it would be the beginning of this year; I became competition secretary at the latter end of last year and it was at Whitestone I actually met Thomas Hamilton.

Is that the very first time you met him? - Yes.

How long have you been a member of the club? - About three years.

Can you remember the first of these occasions? - I think it was about January, I can't remember the date, at Whitestone; I was conducting the range that day.

Can you remember anything particular about how he behaved? - Everything he was asked to do he did properly and I found him a shy man, he didn't say very much -- that is basically all I can really say.

Can you remember what guns he was using? - It was a Browning 9 mm.

Did he only use one? - He had two, he had two holsters and he had one in each holster.

Were they both right handed holsters? - No, /

No, one was facing to the left and one was facing to the right.

But were they both for a right handed person? -  
Yes, he was right handed but he used.....the way the holster was set up it was facing to the right and one was facing to the left.

Now, did you go to a shoot at Inverclyde in March? -  
That is correct.

I think that was the 2nd March? - I think that is the date, yes.

Did you travel along with Hamilton to that? - Yes, he phoned me up on the Friday evening and asked if he could get a lift; well, at that time I didn't know if I was going to be taking my car, my cousin's car or travelling with Alex Woods at the time so it was decided on the Saturday morning that Alex would take all four of us in his car.

You agreed that Hamilton could go? - Yes.

Did he have to get himself from Stirling to somewhere?  
- Yes, he had to get himself to Falkirk.

He did that, did he? - Yes.

Who all was in the car with him? - There was myself, Alex Woods, my cousin Alexis Fawcett and Tom Hamilton.

Was Alexis Fawcett a member of the club too? -  
She is a probationary member.

In the course of the journey was Hamilton sitting in the front or back of the car? - The back.

Who else was in the back? - My cousin Alexis.

Was that the same on the way back? - Yes.

Do you remember much in the way of the conversation/

conversation on the way there? - We were sitting in the front of the car and it is very difficult to hear conversation in the back so I was more or less talking to Alex Woods on the way there and on the way back.

At the Inverclyde Shooting Range did you see Mr. Hamilton shooting at all? - I was taking the range at some point but I didn't really pay much attention to him shooting; what we did do when we went there at first, we put up some PPI targets and he had red stickers and he wanted to put the red stickers on and Gordon Crawford said no, that is not permissible because we were going to do PPI targets.

That is police procedure 1? - Yes.

That is a target which is in a human shape? - Yes.

Was that the only target used that day? - No, there was a service procedure V target.

What are they? - An army type running man, camouflaged brown and black.

Again a human form? - Yes.

You actually were the Range Conducting Officer, at least one of the Range Conducting Officers for that shoot? - Yes.

Were you not involving yourself in what Hamilton was actually doing? - At that time I was on the range when this one was short so I think Gordon was taking the range at that particular time.

At that stage in the day did you not see him? - Yes, he tended to be very rapid in his firing.

Did you have an observation about him which struck you as unusual? - Yes, just the sort of speed he let rounds off at the targets and he wasn't really very interested in the competition side of

it, he just wanted to shoot basically.

Is that okay by your book? - No, not really, it is not part of the competition; it is 15 seconds and his was off in five seconds, just as/

as fast as he could pull the trigger basically.

Are there marksmen who perhaps get the best results by shooting immediately and as quickly as they can or is that just exceptional? - To me he wasn't interested in competitions really; basically I have only met the guy a couple of times on the range; everybody else takes their time and takes aim and that is the thing that should be done.

So he was unique, as far as that is concerned? -  
Yes.

Nothing that you would complain about? - No, everything you asked of him he would do correctly.

Do you remember anything of the conversation on the way back? - No, as I say, I couldn't hear what was being said; the only thing is when he got out the car in Stirling my cousin did mention.....her words were "That is a right weirdo, that one" -- basically that is what she said.

That is Alexis Fawcett said "He is a right weirdo"? -  
Yes.

She said something else? - Yes, she did but I can't remember exactly what it was.

Did she say something about the way he talked about his guns? - Yes, she did.

What did she say about that? - She said he was on about a Kalashnikov rifle, he moved his gun, he stroked his gun -- to me that was unusual.

Does the expression "he talks about guns as though

they were babies" ring any bells with you? - Yes, my cousin said that -  
- as though he was.....that is what he lived for was his babies, if you  
like.

When she described him as being a weirdo and mentioned the way in which he talked about guns what was your reaction to that? - Well, afterwards, before anything, before this had happened, Gordon said that Robert Mullen's wife found/

found him the same way; women seemed to have that intuition about the guy but to me I just found him a shy guy, he didn't like to speak much, he was a hard person to have a conversation out of.

CROSS-EXAMINED BY MR. CAMPBELL: Do I understand correctly that you are a Range Conducting Officer? - Yes, that is correct.

So you will have undergone training for that role? - That is correct.

After you heard Alexis Fawcett making the remarks which she did about Hamilton did you contemplate doing anything about this, so far as Hamilton was concerned? - Well, if everything is done correctly on the range and obey all the orders and rules what can you really do about it; I mean, he did everything correctly.

Please understand I am not saying this in a critical fashion but were you aware that he had a firearms certificate? - Yes, he did.

Now, so far as the visit to the range that day, was that the occasion when Hamilton was putting stickers on human form targets? - Are we talking about the range at Largs, Inverclyde?

Yes? - That is correct.

Whereabouts was he placing the stickers? - He was placing the stickers, one on the head and one on the chest about heart level.

How did you view this behaviour? - Well, there is a

shooting discipline called a practical procedure we have used which is brown targets and that is how these people score -- there is a wee square and that is a high scoring target; I think that is what he was into; I didn't know him very well so I didn't know what type of shooting he was doing.

Did you consider anything different or unusual about his behaviour in that regard? - With that procedure in competitions I thought it was unusual and I sought Gordon's advice on that.

What was the advice? - Not to use them,/

them, not to use the stickers.

Just as a matter of clarification are we to understand that there is a form of competition which rewards accurate shooting relating to the heart and head area? - I am unsure about that because I never taken part in that sort of target but there is no human form involved at all, it is just a small square with a larger square involved.

GEOFFREY CLIVE WOOD (51), Sworn:

EXAMINED BY MR. BONOMY: I think that you live in Doune? - Yes.

I think that you work as a Cameraman? - Yes.

Now, I think that you have known or you did know Thomas Hamilton for a number of years? - Yes.

When did you first come across him? - In the early 1980s at Callander Gun Club.

Were you a member there? - Yes.

And do you remember the first time that you actually met him? - Not especially.

Did he start going to the club then around the time that you are talking about, the early 1980s? - Yes.

Do you remember whether anyone in particular came with him or he just appeared on his own? - It is so long ago I don't really remember.

Do you remember if he became a member of Callander Club? - I assume he did.

You were a member yourself? - Yes.

Over what period? - Probably for about/

about three, four, five years.

Apart from seeing him at the club did you see him anywhere else around that time? - Well, after that, after our initial meeting he was.....he owned a shop called Woodcraft and I actually met him there because he was a useful guy to know, he gave you discounts on DIY.

Is this at the same time that he was going to the Callander Rifle Club? - Yes, well, in the early stages.

So/

12.20 p.m

So over how many years do you reckon he attended at the Callander Club while you were going? - Probably -- from memory -- it is very hazy -- three to four years, I would say.

Now, did you then join Stirling, a Stirling club? - Yes.

And is that the Stirling Rifle and Pistol Club? - Yes.

Do you know when you joined it -- do you remember that? - I think it was in the late 1980s -- 1987 probably.

Was Hamilton a member there? - He became a member, yes.

After you or before you? - After.

Had you anything to do with him becoming a member? - He may have introduced himself to me. I don't recollect actually specifically sponsoring him. I think he sort of turned up and we knew each other, that that was it.

Now, we have seen an application form dated 1986. It doesn't have any reference to you on it, but would that be consistent with the time? - It is certainly about the time that I joined the club,

yes.

There has been a suggestion in the evidence today that he might have been inherited, as it were, from a Dunblane club which was folding around that time. Does that mean anything to you? - To a certain extent, yes. He ran -- or he used the premises for a club at Dunblane. It was a rifle range, a .22 rifle range, and he used those premises. But I was never connected with that club.

Is that something that you know from speaking to him? -

Yes.

Now, how long did you remain a member of the Stirling club? - I still am a member.

And since the mid-1980s have you been a regular/

regular attender at meetings of the club? - Yes.

Are you a member of any other clubs? - Until recently I was a member of two clubs, one which followed from another, in Edinburgh -- in the Edinburgh area. The last one was called The Phoenix.

Now, Mr. Hamilton lost or sold up the shop he had in Stirling, the shop you have been referring to? - Yes.

After that shop had been sold, did you hear from him, looking for assistance in getting to and from the club's meetings? - Yes. I mean, we have kept in touch since -- I mean, there was a period of time where we sort of lost contact. I think he stopped -- two or three years ago he stopped going to the Stirling club. I think he probably went once or twice in that particular year, and I think possibly round about 1993, 1992/1993, and during that period I didn't have much contact with him other than chance meetings perhaps in Stirling shopping streets.

Going back though earlier than that, did he have his own transport when he had his own business? - Yes, he had a Transit van.

After he had lost that did he turn to you for transport to get to and from club meetings in the mid-1980s? - Yes.

Now, was he shooting at all between 1988 and 1990? - Sorry, can you repeat that?

Was he shooting at all between about 1988 and 1990? - Probably, yes, I would say so.

Did you know anything about where he got his ammunition? - It seemed to be -- he mentioned Crockets. I think that is where he got it -- if he didn't, well, I know it is possible to buy ammunition from the club, so some of it may have come that way as well.

Were you ever aware of him buying ammunition at the club? - Not specially, no. I don't remember an instance where he actually bought it.

There/

There is a gap in the information at the moment which I am trying to fill. He doesn't appear to have purchased ammunition commercially between late 1987 and 1995, and there is no hint of where he might have got his ammunition at the moment, and yet there does seem to be evidence that he was shooting during that period, although it is fairly vague evidence. Now, can you help us at all to fill that gap? - There was a period of time -- and again this would be some time in the 1980s -- where we paid a number of visits to a club called Ashgill.

Is that near Larkhall? - Is that near Larkhall? Down the A71 near Stonehouse?

Yes? - And it was possible to buy ammunition there. We were just visitors.

Did you actually see him buying any? - Yes, he must have done. It was Early Target ammunition, which was made by a company called Mountain and Sowben. It was reused cases, and it was repacked ammunition. It was not brand new ammunition.

Is that ammunition he would just shoot off on the range on the actual day? - Supposedly, yes, but it would be possible to take it home if he had surplus. Whether that was legal or not I am not sure.

Did you reckon, though, that he was shooting between 1988 and 1990? - 1988 and 1990? I think so.

And then between 1990 and 1992? - I think so, yes.

You have got no impression of him giving up for a year? - There was a year -- I can't remember which particular year it was. As I say, I think it was around 1992/1993 -- where he seemed to be more occupied with other things, and we rarely saw him on the range, in fact.

That is one year only -- approximately? - Yes. It might have been a bit more or less.

Were you ever in his house? - Yes.

Frequently?/

Frequently? - Well, only during the times I picked him up to go to shoots, so that would be no more than twice a month.

When were you last in his house? - I think at the beginning of this year.

On any occasion when you were in the house did you see photographs of young boys around the walls? - No.

Were you aware of his involvement in boys' clubs? - Yes.

How did you know about that? - Gossip, and he told me himself.

Did he talk about his involvement very much? - He tried to, but after his initial conversation I tried to -- he was very repetitive. At one point he was having problems with getting school lets, which involved an ombudsman, and he spoke to me about that.

Did you hear a lot about the ombudsman? - Yes.

Did you ever hear rumours about him? - Of various kinds, yes.

Did that information come from him or from other sources? - Both.

What was the general nature of the rumours you heard from other sources? - That in some way he was not a satisfactory person to be running a club.

In any way specifically? - Nothing specific -- no, I don't recall anybody actually specifically saying he had done X, Y or Z.

I think you actually bought a gun from him at one time? - Yes.

A Beretta? - Yes.

Nothing wrong -- a perfectly straight-forward transaction? - Yes.

You/

You say you last saw him in January. Was that at a shooting meeting? - Yes.

And was that at the Whitestone Range at Dunblane? - Yes.

Did you take him there that day? - Yes.

Did you watch him shooting at all? - Yes.

Do you remember what he was using? - I think he was using both his weapons, which were a Browning and -- he had acquired, by that time, I think a second Browning which has been spoken about, so he had two Brownings. I think he was using one of them, I think his new one, and he was also using his revolver.

Anything you observed about his shooting behaviour that day which caused you concern? - Nothing especially different from any other occasions.

Was there anything unusual in general about his shooting behaviour? - He used up more ammunition in the time allotted, because the shooting is regimented into shooting details, and usually you are given enough time to fire say ten rounds. He might fire 20 in that time.

What about the speed of the firing? - Well, that is obviously firing at a faster rate than perhaps you normally would.

Less carefully? - It depends on the individual, how well they can shoot. Some people require a lot of time between shots. Other people can.....

How good a shot was he? - I would say certainly average. He wasn't a poor shot.

Did he say anything to you on that occasion about trying to get back into Callander? - Yes.

Did you find out any particular reason why he was wanting to rejoin, or join that club? -  
The only reason as far as I could see was that -- it was on a Wednesday night. The club had converted to/

to full bore shooting. It was a club I had been to before, and I think he was running a boys' club on the Wednesday night as well, and somehow he thought I would be quite useful in getting him a lift home, and I really wasn't interested in doing that.

So he was obviously trying to encourage you to join? -  
Yes.

But do you know why he wanted into Callander? - I think it was a function of the frequency -- it was every Wednesday I think it was. I think they ran every Wednesday, whereas the Whitestone -- sorry, the Stirling club's dates sort of vary quite a lot depending on an ability to get bookings on ranges. So he would

probably be able to shoot more frequently there, and I don't know how it tied in with his other activities.

When did you last speak to him on the telephone? - About the Saturday before, or about a week before -- not the Saturday closest to the 13th, but I think the weekend before that.

And what was the subject of that conversation? - Could I give him a lift to Whitestone, I think it was -- yes, I think it was -- to whatever the meeting was, and I said no, I wasn't going, I was doing other things.

Are you clear it is not the weekend immediately before the incident? - Oh, I would have to -- I think when I spoke to the detective constable who came to see me I was able to pinpoint it then by looking at the dates for the bookings for the Stirling club, but I have since forgotten. All I can say is he left a message on my answering machine, and I phoned him back, and so there would be a record there with BT, I imagine, on his phone bill.

But it was to arrange to go to a meeting? - Just purely to be a facilitator, a ride to Whitestone.

And when was the Whitestone meeting to be? - I can't remember.

Well, was it immediately? - The one that was, yes, about to -- but I can't remember when that was.

But/

But were these normally at the weekends, though? - Yes, they were on a Sunday.

So if he phoned you on a Saturday.....? - Well, it would be that Sunday, yes.

The following day? - Yes.

Can you just look at Production SRFA117, and could you look up the 10th of March? Now, is there a meeting anywhere near to that date? - There doesn't seem to be any record for the 10th March on this.

What records are there for March? - There is this one, 2nd -- sorry, 2nd March.

There is one for the 2nd. Is there one after that? - No.

So it would be possibly in relation to the meeting on the 2nd March? - It could be.

Now, did you notice anything odd about him on the telephone that day? - Not especially, no.

Did you consider yourself to be a friend of his? - Well, in different circumstances I would have said I was as friendly as I am with anybody -- you know, I class him as a useful acquaintance. He was somebody who had been extremely useful in the past and therefore, yes, he was a friend. He wasn't a close friend. My friendship only really revolved around the shooting club.

Was there anything you ever noticed about his behaviour that was peculiar in the sense that it might indicate he had very odd tendencies, for example, that he was paedophile or something of that nature? - No.

Over the last five years or so have you noticed any particular change in his behaviour or his mental state? - No, not -- no.

What about his physical shape? - He was getting fatter.

Significantly? - Yes.

He/

He always bought his ammunition commercially. You sound like a fairly experienced marksman. Is that unusual? - Well, as far as I am aware there are roughly three ways of obtaining ammunition. One is you buy it from the club, two you buy it commercially from a registered gun dealer, and thirdly you can make it yourself. As far as I'm aware he didn't make it himself.

What do you do? - I have made my own, but I have also bought commercially.

Is it unusual for someone who shoots off a lot of ammunition never to make any of his own? - It depends how rich you are.

Did/

12.40 p.m.

Did he strike you as rich? - Oh, I knew that he wasn't rich. Certainly after the shop had closed he certainly wasn't a rich person but I've no idea what his income really was.

With the benefit of hindsight, is there anything that you can think of that gave any hint that he would do anything remotely like the shooting at Dunblane? - No.

CROSS-EXAMINED BY MR. CAMPBELL: You were asked certain questions relating to Hamilton running boys' clubs and the like? - Yes.

Without beating about the bush, am I right in understanding that there was a considerable amount of rumour and speculation relating to his running of these boys' clubs? - From both sides, yes. I heard both sides of the story from various people. Some people thought he was a very nice person and other people thought he was a suspect person.

And the rumour and speculation included the question as to his motivation for running these clubs? - Not specifically.

When you say not specifically, generally that is what it related to? - There was innuendo but individual people were not able to say that X had been a boy who had been abused in any way.

Did Hamilton discuss these rumours and speculations with you or mention them? - He did at the time of his action I think against the Council, was it, which involved the Ombudsman.

Did he attempt to defend himself against these accusations in any way? - He said that as far as he was concerned he was not guilty. Not in those words but that was the gist.

Well, what were his words? Was there anything particular he would say? - I can't tell you. It was just a conversation we had at the time. You talk about many things and you can never remember precisely.

Did/

Did the question of whether he had any perversion come up? Was that ever discussed? - He said that some people thought he was a pervert.

So that would tell you quite a lot about the nature of the rumours and speculation? - Oh, yes. Don't get me wrong. I was aware of what was being suggested but I gave him the benefit of the doubt because there were enough other people who thought he was a straightforward person, including policemen and various other people.

No re-examination.

NIGEL KENNETH BELL (29), Sworn:

EXAMINED BY MR. BONOMOY: I think you are a surveyor? - Yes, that is correct.

And you live in Dunblane? - Kinbuck.

Now, I think that you are or certainly were earlier and may still be a probationary member of Callander Rifle and Pistol Club? - Yes, I was.

Are you now a full member? - I haven't taken up membership at all. I have not actually been back to the club.

I think on Wednesday, 6th March you attended the club? - Yes.

When you went in were there other members around the place? - There were approximately three or four members.

Was there anyone actually shooting at the time? - There was. From the noise coming from the range it was clear there was somebody firing a full bore pistol.

Just one person? - Whenever I went into the range it was only one person, yes.

Before you went into the range did you ask those who were in the club who was there? - I did. I recall mentioning "Oh, who's in the range?" and/

and I was told at the time that it was, and I recall this quite vividly, somebody mentioned that it was the strange man from Stirling with the odd voice.

Did you know who that was? - I didn't know, no.

You had never encountered him before? - No, the 6th March was actually a Wednesday which is not a night I would normally go down.

When you went into the range did you see the person referred to? - I did, yes.

What was he doing? - Well, he had stopped firing. We have lights on the outside of the range and a bell and whenever you want to enter the range, if you feel the firing has stopped, you would press the bell and whenever the light goes off it is clear to enter the range and he was just standing at the bench.

Did you speak to him? - I did. I just introduced myself and said "Hello" and he said the same.

Was there then an arrangement made between you? - There was. I actually asked him did he want to be the range officer for that session's firing and he said he didn't want to be so I took on the responsibility.

Does that mean whenever there is more than one person there someone must act as range officer? - Yes, they must do at all times.

Can that person also participate in the shooting? - He can, yes.

And Hamilton didn't want to do it so you did it? - That is correct.

Now, you were only a probationary member of the club at that stage? - Yes, I was.

And is that okay? - To the best of my knowledge it's okay. Certainly I was aware of the criteria to be a range officer and I was happy doing it.

Do/

Do you hold a firearms certificate? - I hold a shotgun certificate but not a Class I.

Were you a member of any other club at that stage? - No.

Prior to going to Callander and becoming a probationary member, had you previous experience of firing handguns? - The only experience I have had was in approximately May or June of 1995. The Stirling Sports Council were offering introductory courses to sporting activities and that is how I became introduced to Callander. That is the only time and I have been going reasonably regularly since then.

So how long were you a probationary member prior to the 6th March? - Since I went on the introductory course in about May or June of 1995.

Why hadn't you taken up full membership? - There is a restriction within the club rules which is you must be a probationary member for at least six months before you can make an application to join and during that time you must have attended regularly in order that the club members might see if you are a fit and responsible person.

And you hadn't had long enough? - I probably could have made an application after six months, yes.

Now, was there anything remarkable about the shooting that then took place with you and Mr. Hamilton? - Not really out of the ordinary other than he certainly fired a lot more rounds that evening than I would ever have seen anybody else firing.

What about the targets he was using? - The targets were different, yes. He was using a sheet of white A3 paper from a drawing book which had either red or orange little rectangular stickers right in the middle of it and he was using these as target practice. It is something I have never seen before but I have not been a very regular shooter.

Does that mean he was trying to group the shots around the mark on the paper? - He was, yes/

yes.

And was he succeeding? - Yes, at one particular point he actually indicated to me to stop shooting and asked if he could show me he had hit a bull.

When you went forward each time and got the scores, what did he do with the target? - He very carefully removed the targets and took them back to the bench where he had an A3 drawing book where he would then place each of the targets.

Now, did you ask if he was a member at Callander? - I did, yes, just in conversation.

What did he tell you? - I recall that he told me that he wasn't at this time but he had been in the past.

Did he say anything about what he had been doing for a number of years immediately before this, how much shooting he had been doing? - He told me that he hadn't shot for some time but that he was getting back into it because he needed the practice.

Did he say though for how long he hadn't shot? - I don't recall.

Did you ask him why he needed the practice? - I did. Most people who shoot enter competitions fairly regularly themselves and I assumed it was for competition but he actually said No, it wasn't, he just needed the practice.

Was there any conversation about where you came from? - There was. He asked me where I was from and I said "By Dunblane" and he expressed some interest just in sort of passing and I got the impression that he knew Dunblane quite well although he did mention he was actually from Stirling.

Did he say anything about whether he had been a member of a gun club at Dunblane? - He did actually, which surprised me. I mean I haven't been in Dunblane for a terribly long time but I certainly never heard of a gun club in Dunblane.

Was there anything in your conversation that/

that made you feel uneasy or uncomfortable? - I did not feel happy with the gentleman at all in that very unlike the rest of the members of the Callander Rifle and Pistol Club, they are all very friendly, and he was very..... he came across as being a very intense man. I felt very uncomfortable with him.

Was there anything else in particular about him that made you feel uncomfortable? - No.

Anything in the way he spoke or did anything? - He was just very deliberate and very intense.

Now, did you shoot with him more than once that evening? - I did, yes.

Did you use his weapon? - I did, yes.

Did he offer it to you? - Yes, he insisted that I used it.

Now, the weapon that you used, was it a standard Browning pistol? - It was.

And therefore there was nothing particularly sensitive about the trigger mechanism? - Not that I was aware of.

It may be of some reassurance to you to know that that is not the weapon that was used in the killing. Now, did you use it on more than one occasion? - Yes.

Was that at his insistence? - It was, yes.

Did you readily take up the offer or was he persuasive? - He was very persuasive. It wasn't something..... I didn't want to shoot a full bore pistol that night at all and I was quite happy shooting the 22.

Was there a youngster around the range? - There was, yes.

Was he involved in the shooting that you and Hamilton were doing? - Not at the same time as I was, no.

Were/

Were you aware of him being in Hamilton's company for part of the time? - Yes.

How old was the youngster? - I don't know.

A teenager? - I would guess so.

Was Hamilton actually trying to coach him at one stage when you went back into the range? - He was, yes.

Now, were you approached again by Hamilton for a favour? - I was. I was just in the club lounge talking to some of the members and he approached me and asked me if he could have a lift to Dunblane Railway Station where he would get a train for Stirling.

Did you give him a lift? - I did, yes.

Were you happy to? - No, not at all.

Can you tell us just what it was overall that made you unwilling to give him a lift? - I found him just a very intense man but I didn't think..... I just didn't feel comfortable with him. I couldn't put my finger on anything specific other than I was just very uncomfortable in his presence but I would never have seen anybody stuck for a lift home.

When it comes to saying that a person is not a fit person to hold a gun in his hand, can you pinpoint a particular feature about him which would make him unsuitable or unfit to hold a gun? - No, I think as far as the club is concerned it is more a question or whether or not you are responsible and that is following the guidelines that are set down for the use of firearms. In other words, being safe.

Now, I think when you got to the car you actually, perhaps panic is putting it a bit high but something happened which caused you even more concern about getting into the car? - Panic is pretty close to the case. I, as I have said, was very uneasy in the gentlemen's presence and when I got to the car it was only then that I realised that my son's baby seat was in the front of the car and he/

he asked me to leave it there and he would sit in the back and I was really, really uncomfortable at this stage about Mr. Hamilton being in the back of the car, particularly with firearms and particularly given that nobody in the club, unless they overheard our conversation, knew that I was giving him a lift.

Now, I take it you managed to make arrangements which resulted in him being in the front passenger seat? - Yes, I did. I moved the car seat.

In the course of that journey do you remember anything of the conversation? - I do. I remember the conversation very well.

What was it about? - The conversation started off really just about his shooting and the fact that he enjoyed shooting. He mentioned that he had had a firearms licence for more than 20 years. He got a bit agitated at one particular point because he explained to me that at one stage he had held something like, if I recall, a 243 rifle, a self-loading rifle, and he was quite aggrieved obviously at the police for having taken it off him. I asked him why it had been taken off him and he said it was as a result of what had happened at Hungerford and the fact that Michael Ryan, I think his name was, had killed so many people.

Which caused the law to be changed? - And caused the law to be changed, yes.

Now, did that appear to be something which Hamilton held as a grievance? - Very much so. He was really angry at the fact..... I was under the impression that the rifle that he had, he hadn't had it for very long and he had mentioned that it had cost him about £1,200 and that as a result of the law being changed the police actually bought the firearms back from the owners and he mentioned that he had only been paid £700 for it and he was very angry about that.

So he was harbouring a grievance about the change in the law and about the police? - Yes.

Now, as a result of the way in which he was speaking to you about this particular subject, were you even more concerned about his presence in the car? - No more so than I already was, no.

Did/

1.00

Did the conversation continue fluently after that? -  
No, it was very much in fits and starts.

How did you keep it going? - I just tried to keep talking to him; I asked him at one stage what he did for a living and he said that he was a gym teacher or words to that effect; I presume this meant that he was actually a teacher at one of the schools.

Did you find out from him how many guns he had? -  
Yes, he talked about having four pistols at one stage; it was a very disjointed conversation; he did start off first of all by saying he owned a shotgun and a rifle which he had sold recently; I think I may have said "What other firearms do you have" and he said that he had two Brownings which were standard for competitions and which he obviously had with him on the club nights together with two Smith & Wessons .38 revolvers and he also mentioned in the same conversation, I was under the impression thinking although he didn't ever mention, a Beretta of some sort.

Was there conversation about the use of ammunition and the type that was used? - Not that I recall, no.

You were not surprised at all that he was using commercially manufactured ammunition? - No, I mentioned to him at one stage that he had fired, in my impression, an awful lot of ammunition that night; in fact, I asked him how many rounds he had fired and he said he had fired several hundred rounds; I mentioned that would be very expensive to do and that most people who were at the club generally only fire just a few rounds a night; I recall I think having shot 15 rounds on a night.

How many did he say he had fired? - Several hundred he said.

At night? - Yes.

After you had dropped Hamilton off I think you went straight home? - Yes.

Did/

Did you say anything to your family or to your wife about what had happened? - Yes, I did; I think, if I could go back in the conversation, he mentioned he had been a gym teacher and I asked him where; he said "The High School", he took a boys club or something on a Thursday night; I had expressed an interest because I actually go to the High School on a Thursday night to play badminton and I said I had never seen him there; he actually got quite angry with me at this stage and said was I questioning him; I said no, I was just curious because I was there on a Thursday and he pointed out that his boys club finished just before 8 o'clock before the badminton started which was quite plausible; I said to my wife that I met this guy who I was particularly concerned about and more in relation to being involved with children than as far as firearms were concerned; my wife did mention that, you know, there is no point in actually doing anything about it, Nigel, because the Council would never have allowed him to run a boys club unless it was appropriate.

Did you see him again after that night? - No.

Where were you on the morning of Wednesday, 13th March? - I was in the office, I had a meeting to go to in Stirling at 9.30.

Did you tell anybody about what had been taking place on the 6th March? - I did, yes; I was explaining to one of my colleagues at work that I had met this gentleman, Mr. Hamilton, and I did mention that I was a bit concerned of the fact that he had gone on about this 243 rifle and about how he was annoyed at it being taken away from him as a result of what had happened at Hungerford and that is as far as the conversation went and I had to leave.

Roughly what time was that? - It was about twenty five past nine.

You said earlier that you haven't actually taken up membership of the Callander Club? - I haven't, no.

Are you intending to? - I have no thoughts one way or another.

CROSS-EXAMINED/

CROSS-EXAMINED BY MR. CAMPBELL: Just very briefly if I may -- you told us that at the range that evening you acted as the Range Officer? - Yes.

Have you undergone any formal training for the position of Range Officer? - Yes.

So did the Callander Club have a formal requirement that a Range Officer should undergo some training before carrying out that role? - Everybody, to the best of my knowledge, would be automatically trained in carrying out that duty.

How was that training given? - It is done over a period of time; when you say formal training it is not a question of "Tonight is going to be a training night and you will be trained as a Range Officer"; it is more a question of initially during the six week introductory course that we had the very first thing that you learn is how to obey the Range Officer and to know what the various commands would mean; you obviously start to pick it up from that point and you gradually are asked to carry out the duty of Range Officer in front of other people.

So you learn by watching others doing it and then you are asked to do it yourself? - Yes.

And others watch you? - Yes, that is certainly what I found from my own personal experience.

After an adjournment for

lunch:

BRIAN/

BRIAN DAVID FAIRGRIEVE (69), Sworn:

EXAMINED BY MR. LAKE: You live in Polmont? -  
Yes.

What is your occupation? - A retired General  
Surgeon.

What are your qualifications in relation to being a  
surgeon? - M.B., Ch.B., F.R.C.S.

You also are the holder of an MBE? - Yes.

What was that awarded in respect of? - My  
international dealings with Scouting.

When did you first become involved in the Scouting  
Movement? - As a boy I think -- do you mean as a leader?

When did you first become involved in Scouts as a  
leader? - 1957, I think.

And what was your role within the Scouts in the  
1970s? - I was County Commissioner at that time.

And what are the responsibilities of a County  
Commissioner? - Well, there are administrative responsibilities for  
the whole of the County; I have to say that the name, County  
Commissioner, has been changed now to Area Commissioner; when  
the regions came into being I became Area Commissioner and the  
responsibilities are to ensure that the Scouting is run smoothly in the  
County and the District Commissioners who represent the various  
aspects within the County were able to meet with me and each other to  
discuss matters relating to Scouting in our particular area.

So within the hierarchy of the Scouting movement the  
District Commissioners were beneath the Area Commissioner? - I  
wouldn't like to say beneath, but yes.

In the hierarchy? - Yes.

When did you first become aware of Thomas Hamilton's involvement in the Scouting movement?/

movement? - In the early part of 1974.

How did you become aware of his involvement? - I was informed by the District Commissioner, by Comrie Deuchars that Hamilton had taken some boys to Aviemore and had shown irresponsible behaviour in that these boys were forced to sleep in his van in winter conditions in spite of the fact that Hamilton had told the parents he had booked them into a youth hostel.

Why did Mr. Deuchars tell you that? - He was informing me because he thought I ought to know about such things.

What did you do in response to that? - I encourage Comrie Deuchars to investigate further any failings that Mr. Hamilton may have and as a result we requested Hamilton resign which he did.

What was the basis for requesting him to resign? - In response to the irresponsible behaviour for boys on the hills and he also acted improperly by taking boys on to his sailing craft on Loch Lomond; we checked Hamilton fairly early on and he was assessed and the report that was given to me was that Hamilton knew nothing about boats or the sea and was certainly not suitable to take charge of boys in a craft.

You said that the original complaint made by Mr. Deuchars related to boys that Mr. Hamilton had taken into the mountains; was there any complaint regarding the use of a craft? - I honestly can't be certain about that.

What exactly was the complaint regarding taking the boys up to the hills? - The fact that he had promised the parents that they would be sleeping in hostel accommodation and the fact that he made them sleep in his van and when Comrie Deuchars checked with the youth hostel there had been no booking made by Hamilton in advance in spite of the fact he informed parents there would be.

What was your concern in relation to that conduct? -  
Safety.

Safety of the boys? - Yes.

And/

And safety as to their physical harm? - Yes, because of the inclement weather one would expect in February or March in the Aviemore area.

Were there any other allegations made in relation to Hamilton? - No allegations made to me, no.

Are you aware of any allegations made to anybody else? - No.

You said you discussed with Mr. Deuchars and you invited Mr. Hamilton to resign? - Yes.

Did you speak to him prior to having that discussion with Mr. Deuchars? - Yes, I did -- not prior to having the discussion with Mr. Deuchars; I spoke to Hamilton after Mr. Deuchars had made these facts available to me.

But was that before or after you invited him to resign? - I invited him to resign after I had met with him.

Can you remember when you met with him? - I think it was April or May, 1974.

What was the discussion when you met with him? -  
With Hamilton?

Yes? - It was a long discussion and one which I tried to shorten but Hamilton went rambling on in various different directions which actually gave me more and more cause for concern as I spoke to him because I didn't think he was a particularly stable person and I was very glad that we were taking that step to have him removed from the Scout movement.

I appreciate it was a long time ago but can you remember what he was rambling on about? - No, I can't but he had certain the ability to go on and on and on in a variety of different ways.

You said this increased your concern? - Yes.

In what way? - I formed the impression that he had a persecution complex, that he had delusions of grandeur and I felt his actions were/

were almost paranoia; I am not a psychiatrist, I am a surgeon so my skill is not really based on the psychiatric facts that I know of but I was doubtful about Hamilton's moral intention towards boys although I had no evidence whatsoever except clinical acumen.

So if you could explain to me how you arrived at your concerns regarding his moral intentions? - Just with discussions with Hamilton like I would assess a patient with whom I am having a dialogue and I would come to a diagnosis and the diagnosis I came to was I was fearful of Hamilton's intentions and his responsibility.

Having reached that conclusion what did you do to communicate your view to others? - I wrote a letter to the Scottish Scout Headquarters -- I think that was in August; there was some delay, I can't be absolutely certain about the delay but there was a period of time when we were considering.....we were trying to obtain Hamilton's warrant badge and he was reluctant to give it back to us initially but finally when the warrant did come back I wrote a letter to the Scottish Headquarters and gave my opinion as I have already expressed to you that gave me cause for concern.

What is the significance of the warrant? - The warrant is a document that is given to you when you are given some position of authority in the Scout movement but the positions of authority vary from Assistant Scoutmasters or leaders up to group Scout leaders and then up to Assistant Commissioners.

Is a warrant required for all these positions? - Yes.

When do you recollect that Hamilton returned the warrant? - April I think it was.

BY LORD CULLEN: What exact position did he have at the time, what was the warrant relating to? - He was warranted as an assistant scout leader or a scoutmaster in these days.

Was that for a particular Scout group? - He tended to go between two groups; he was firstly with/

with the 4th/6th which is a troop which meets, in fact, in the church next door to here and then he went across to Bannockburn, the 24th, and associated with that troop and he caused some trouble there because of some discipline matter and he aggrieved parents and he was asked to leave Bannockburn or he asked to leave the Bannockburn troop, by which time we were asking him to return the warrant of the 4th/ 6th.

So the warrant bore on it the name of the particular Scout group as well as the position? - Yes.

So it was from the 4th/6th that you were seeking his removal? - Yes.

EXAMINATION CONTINUED BY MR. LAKE: And the things that led to you seeking that removal was that incident regarding the hills or the disciplinary matter that you just referred to? - All the matters together.

All the matters together? - Yes.

Could I ask you to look at Production DSA6 which I think in the volume is D4/H iv; do you recognise that? - Yes, I do indeed.

What is that? - It is the letter that I wrote to Hamilton asking him to return his warrant book to me.

That letter is dated? - The 25th May, 1974.

Do you recall whether you received the warrant in response to the letter? - Eventually we did -- I am not certain whether it was in direct response to this letter or not.

Could I ask you now to look at Production DSA9, in the folder that is D6/H iv; do you recognise this? - Yes, I do indeed.

What is it? - This is a letter that I wrote to the Scottish Scout Headquarters giving them my impression of Thomas Hamilton and telling them that he had not yet returned his warrant to me despite the fact that I have approached him to do this/

this on several occasions.

What was your purpose in writing that letter, in giving your impression of him? - Because I felt he shouldn't be a member of the Scout movement.

I see in the second paragraph of that letter you make reference to his failure to return the warrant and then you express your view in the third paragraph; could you read the third paragraph? - The whole of the third paragraph?

Yes? - "While unable to give concrete evidence against this man I feel that too many 'incidents' relate to him such that I am far from happy about his having any association with Scouts. He has displayed irresponsible acts on outdoor activities by taking young 'favourite' Scouts for weekends during the winter and sleeping in his van, the excuse for these outings being hill-walking expeditions. The lack of precautions for such outdoor activities displays either irresponsibility or an ulterior motive for sleeping with the boys".

I think you then go on to refer to the incident of boating which you referred to earlier? - Yes.

And you said your concerns were either irresponsibility or an ulterior motive? - Yes.

And that was based on the hill-walking expedition? - Correct -- do you want me to continue?

If you read the fourth paragraph? - "His personality displays evidence of a persecution complex coupled with rather grandiose delusions of his own abilities. As a doctor, and with my

clinical acumen only, I am suspicious of his moral intentions towards boys".

What did you understand the Scout Headquarters could do with the information in that letter? - I think under the circumstances to notify the neighbouring County Scouting organisations so that if Hamilton tended to approach them they wouldn't give him access; by this time he still had the warrant, he hadn't returned the warrant/

warrant as far as I can recall by this time and I thought the Scottish Headquarters could enter Hamilton's name in a confidential file.

What is the purpose of a confidential file? - To have a file on people whom the Scout movement doesn't consider should be dealing with youths.

If you look at the second page of that letter, can you see what that is? - That is a form that the Scottish Headquarters use when there is some suspicion about a person in the Scouting movement; it is a form that has to be signed by the Commissioner which gives details and this was a form that I signed and returned the details about Thomas Watt Hamilton including his age, his height, the description of the man, the colour of his eyes and so on and various other pieces of information for the Scottish Headquarters to subsequently record on their confidential file.

What was the purpose of that file? - Simply to reinforce the information that I had given in my letter.

Could I ask you to look at DSA10 which is D6A/H iv in the folder; what is that? - This is a letter in reply to mine, I think the one I have just read out; I think this is a letter from Scottish Scout Headquarters to tell me that they had received the description form and that went on to add that Thomas Hamilton had attempted to gain access to Scouting in Clackmannanshire which he failed to do because the Scout Headquarters had notified the neighbouring counties.

In the second paragraph there is a reference to that application being accompanied by his record book? - I must have

received his record book by that time, I am not absolutely certain of the date when he returned.....he did eventually return the record book to me.

And was the record book the same thing as the warrant book? - Yes, it is loose terminology, I am afraid.

Did you have any further contact with Mr. Hamilton after you had had his warrant returned to/

to you? - Yes, I did.

When was that? - I think it was 1977 when he came to me and I interviewed him in Falkirk Royal Infirmary; he demanded an interview with me because he wanted to come back into Scouting.

Did he arrange that interview with you in advance? - Yes, as far as I can remember.

That was in 1977? - Yes.

Were you aware in 1977 that Mr. Hamilton attempted to rejoin the Scouting movement? - I had known from various sources, I don't remember exactly the details but I had known from various sources that Hamilton had been trying in various directions to gain access back into the Scout movement.

Was he successful in that? - No.

What stopped him from being successful? - I think the organisation system; when a person approaches the Scouts to join we always make enquiries about the suitability of that person and as Hamilton's name was on that file then Hamilton wouldn't be given a warrant on the basis of that.

Did you have further contact with Mr. Hamilton after 1977? - I don't think I met him personally but I had had phone calls from him.

Do you recall when these phone calls were? - I can't remember exactly.

Prior to considering the telephone calls do you recall considering a report from the Ombudsman's local administration in 1984? - I was given a copy of that Ombudsman's report.

Who gave you that report? - It was given to me by the Scottish Scout Headquarters to which I responded.

What was the purpose of giving that report to you? - Just to see if the information regarding the Scout movement was accurate.

If I could ask you to look at Production DSA30,/

DSA30, in the folder that is D24/H iv; also it would be useful if you would look at DSA28 which is D23 in the folder; starting with the first of these documents can you say what it is? - It is a letter from the Scottish Scout Headquarters to me dated the 23rd August, 1984, simply telling me about the Ombudsman's report and asking me to read through this and to agree whether or not the information relating to the Scouts was accurate.

BY LORD CULLEN: Strictly speaking it was a draft?

- Yes, it was.

EXAMINATION CONTINUED BY MR. LAKE: Did you consider the terms of the report? - Yes, I did.

You say in that letter dated 23rd August there are five particular passages within the report to which your attention was drawn? - Yes.

Considering these in turn by looking at the report, the second of the two documents you were given, and look at paragraph 4 of the draft report in which there is reference to an official of the Scout Association passing information to a councillor, do you see that? - Yes, I do.

Do you have any information to confirm that? - No, I wasn't aware of that.

Do you have any information to suggest that it wasn't true? - No.

On page 3, paragraph 7, the last sentence of that makes a reference to the Director of Education saying that Hamilton had previously made it clear he had no connection with the Scout movement; are you aware of Hamilton claiming to have any connection with the Scout movement? - I don't think he made any direct reference to that as far as I am aware although I do remember he did use the word "Rover" which was at that time a Scout word.

On page 4 of the draft report in the tenth paragraph, about five lines down, there is a reference to the deputy director indicating he had been told by the Scout Association that they had removed Hamilton because of certain undesirable characteristics/

characteristics but the Association were not prepared to say this formally; were you aware of the Association having done that? - No, but I was latterly aware they had agreed that this was accurate as far as the Scouts were concerned but I wasn't aware that they had told anyone outwith the movement that he had undesirable characteristics, I am not aware of that.

Did you seek to dispute that finding? - Who?

Did you seek to query that? - No.

On the sixth page of the draft report, paragraph 14, at the very bottom of the page and the start of the next page there is reference to a letter by Hamilton in 1974 saying that he had resigned his leadership within the Scout movement? - He did eventually resign, we asked him to resign and he did resign and that is when he returned his warrant book and record.

So Hamilton did write a letter resigning from the Scout movement? - I am not sure whether he wrote a letter or not but he certainly did return the warrant.

BY LORD CULLEN: Was that before or after his position was terminated, was it written after the event? - Yes, in fact it took quite a bit of persuading for him to return the warrant book; he

was out of the Scouts by that time and he did return it eventually but I am not exactly sure of the details.

EXAMINATION CONTINUED BY MR. LAKE: Before continuing with the report could you look at DCRC ALB 1F1 and in the folder it is D27; now, was this a letter, a handwritten letter, by Hamilton dated the 28th April, 1974 which doesn't indicate to whom it was addressed and which he says he tendered his resignation of the 24th Stirling Scout Group and he goes on to say "I disapprove of your behaviour" who he says to be the District Commissioner? - Which letter are you referring to?

It is a handwritten letter dated 28th April, '74? - This is all dated 1981.

Perhaps/

Perhaps if I could give you my copy of the letter; have you seen that letter before? - No, I haven't.

Do you see in that letter Hamilton purports to be resigning from the Scout Association? - I haven't seen that letter before.

So that wasn't a letter that Hamilton wrote to you when he resigned from the Scout Association? - I don't think Hamilton wrote to me when he resigned from the Association, I wrote to him but I don't think he wrote back to me but I certainly haven't seen that letter before.

Can I ask you to have before you document reference number DSA15 which is D10 in the folder; do you recognise that letter? - Yes, I do.

Who is it addressed to? - It is addressed to me.

Who is it from? - Thomas Hamilton.

What is the subject matter of that letter? - This followed an interview I had with Hamilton in Falkirk Royal Infirmary; I think my interview was on the 19th August and this is a letter dated

28th August and he simply says "I am sorry for any inconvenience I have caused you. I would be obliged if you would keep me in mind should any positions be available. Tom Hamilton". I think he wrote a similar letter almost identical although it wasn't a photocopy, he wrote a similar copy to the Scottish Scout Headquarters.

As far as you are concerned it is a letter of resignation? - It is a letter of resignation, yes; no, I am sorry, may I correct that -- I don't think I look upon that as his letter of resignation; he had already returned the warrant prior to my meeting with me in the Falkirk Royal Infirmary; this was 10 days after my meeting with him in Falkirk Royal Infirmary he wrote this letter because we had a long meeting in the infirmary and we discussed all aspects of his membership of the movement and this was him replying to me by saying he regretted any inconvenience he had caused me.

To/

To return to the Ombudsman's report, that is DSA28 and DSA30, we were looking at page 6 and reading from the bottom of that page to the top of the next page and reference was to Hamilton writing a letter which showed he had resigned from the Scout leadership in 1974 because of his certain disapproval of certain actions of certain Scout officials? - Yes, that was Hamilton's impression which he gave to the Ombudsman at the time of the inquiry.

You have no recollection of having received such a letter? - No.

Can I ask you now to look at page 8 of the draft report, paragraph 18 and the part of the text which is inset halfway down there where there is reference to "The title of the club does not appear to imply any masquerading under the banner of the Scouts or any other uniformed organisation". Were you aware of any concern that Hamilton's organisation was masquerading as Scouts? - I think the use of the word "Rovers", he was using the words "Stirling Rovers" and Rovers was a name that we used to use before Venture Scouts became the usual terminology but at that time Rover was in vogue and there was a slight worry on our part that Hamilton may have been suggesting to people who didn't know that he may be part of the Scout movement.

Could I ask you to look at document DSA31, in the folder it is D25; is that your reply to the previous letter? - Yes, it is.

What did you set out in that letter? - I simply gave an synopsis of all that had happened in relation to Hamilton and the Scout movement for the period of time from 1974 to the date of this letter; the reason that I brought all the information together in this letter was that we could have for ourselves or for our records a synopsis of the situation with regard to Hamilton because it seemed to me at this time that this was an ongoing situation with him continuing to be troublesome to us.

The first thing you say in the second paragraph, you say that Hamilton was requested to return his warrant because he wasn't considered to be/

be a suitable person to help out? - "He was, in fact, requested to return his warrant so that the whole situation could be clarified and due to the fact that he was not considered to be a suitable person to be holding a warrant in the Scout movement at that time".

In the next paragraph you refer to the meeting that you had at Falkirk Infirmary in August, 1974? - Yes.

And you note that he had acted in a breach of the rules of the Association? - Yes.

Again in the next paragraph you refer to the letter we have already looked at in which he said he wouldn't trouble you further? - Yes, he also said during the interview he would make no approach to scouting unless they approached him first and then he wrote the letter where he had apologised to me for any inconvenience caused.

The paragraph after that, you refer to a meeting in 1977? - Yes.

Which you say had taken place at your house? - Yes, he phoned my house, it was a phone call.

Did you ever receive an unannounced visit by Mr. Hamilton to your house? - Yes, I think I did but I can't remember exactly the date when that took place.

Perhaps to assist you you could have in front of you document DSA70 which is D29 within the folder? - Yes, I had forgotten about this meeting; Hamilton had appeared at my door at 4 o'clock on the Sunday afternoon on the 17th August, 1986.

This document you have in front of you, these are types notes? - These are notes that I took after Hamilton left; I felt very concerned and I felt I had to write down all my dealings with Hamilton and then I subsequently had this typed so that I could read my writing which is not particularly legible.

Did/

2.35 p.m.

Did he discuss the effect that these rumours, as he saw them, were having on his life?

- He said in paragraph 6, I think it is, he maintained his life had been ruined by malicious rumours about his behaviour and his views, rumours spread by Scouting Commissioners in the Dunblane area.

You asked him to substantiate that statement, that the rumours had been spread by Scouting Commissioners in Dunblane, but he declined to do so? - He declined to do so because he said the matter was in the hands of his solicitors.

Some five paragraphs up from the bottom you have made another assesement of Mr. Hamilton which begins "From the purely professional point of view"? - Yes.

You say there you regard him as having become even more obsessional, and from the look in his eyes you wouldn't have been surprised if he was currently on psychiatric drugs. Is that a view of him you reached as a result of your conversation over the hour? - Yes.

What did you do with this typewritten note? - What did I do with it?

Yes, what did you do with that? - Simply held it in my own files.

You see on the second page of that there is a handwritten note and that is dated the 24th of August, 1986? - Yes. That was another phone call from Tom Hamilton about ten days after he appeared on my doorstep, and he phoned me and asked me if I had thought over what he had said during his last visit. I explained about my -- I can't read my own writing, I am afraid -- "and found talking difficult".

BY LORD CULLEN: Is it "accident"? - That is correct.

You must have had an accident? - I did. I fell out of the loft, and broke two ribs, and I was having difficulty in speaking to Hamilton. He apologised for bothering me and said he would re-contact/

contact me in a few weeks.

EXAMINATION CONTINUED BY MR. LAKE: So that wasn't a long conversation? - No.

Can I ask you please to look at document DSA38, which is D30 in the folders? You will see this is a letter to you from Mr. Jefferies at the Scout Association Headquarters? - It is.

That is dated the 19th August, 1986? - Yes.

That letter records that Hamilton had visited the Scout Association Headquarters and discussed matters with a person there? - Yes.

In the second paragraph it is indicated that Hamilton was still claiming that he was being slandered by Scout people in Stirling? - Yes.

And mentions a Mr. Deuchars? - Yes.

And Mr. Deuchars has given his view of Hamilton in the third paragraph? - Yes.

And he says he regards Mr. Hamilton as suffering from a persecution complex? - Yes.

So to that extent he was agreeing with your view of him? - Yes. That would be ten, 12 years after my initial letter to Scottish Headquarters about Hamilton.

What did you do in response to having received that letter of the 19th August, 1986? - I don't think there was anything I needed to do at that time.

Can I ask you to look at document DSA72 or D31 in the folders. Do you see what that is? - Yes. It is another record of a further phone conversation with Hamilton that I took on the 16th September, 1986.

And what is the subject matter of that telephone conversation? - Well, clearly it was Tom Hamilton's attempt to get back into the Scout Movement.

And/

And once again he was expressing concern at being blacklisted? - Yes.

And asking to see a confidential report on him contained in Scout Headquarters? - Yes.

And your response to him was the Scout Association did not require to discuss with him the reasons for not taking him on as a Leader? - Correct, yes.

Could I ask you next to look at document DSA39, which is D32 in the folders? You will see this is a letter which has been copied to you from a Mr. Garth Morrison? - Yes.

The subject matter of the letter is that once again Hamilton has been making complaints to the Association? - Yes.

And had been seeking an opportunity to respond to what he saw were criticisms of him? - Yes.

He referred to the report from the Commissioner for local administration, and the reference there to what he calls "The grapevine of innuendo and unattributable comment"? - Yes.

What was the purpose of writing to you in these terms? - This was a copy of a letter sent to Headquarters and to me for information from the Chief Commissioner, Garth Morrison, who was not aware of Hamilton's existence until he received the telephone call from Hamilton, and Garth Morrison wrote to me simply to say he had had this long monologue, as he calls it, on the telephone, and he asked me to suggest to him how he should respond to this.

And did you discuss it with him? - I didn't discuss it with him because he wasn't available, but I left a long message with his secretary.

What did you suggest in that message? - I suggested that Hamilton not be reinstated into Scouting for a variety of reasons, and I suggested to him that he ought to proceed with a degree of caution because I was frightened that Hamilton might go/

go into legal circles and involve the Scout Movement, although there was no justification whatsoever for that, in my opinion.

You said that Hamilton ought not to be permitted into the Scout Movement for a number or a variety of reasons? - Yes.

What were those reasons? - The ones I have already stated in regard to irresponsible acts on climbing, boating, handling of parents, discipline of Patrol Leaders, which cumulatively added up to an irresponsible person.

So there was no additional material? - No, because he was out of Scouting then. Anything that has happened subsequent to 1987 has been outwith the Scout Movement.

Could I ask you to look at DSA73, which is D34 in the folders? Do you recognise this? - I do.

What is it? - It is a note that I obviously wrote down to remind myself of phone conversations that I had had. This is December, 1986. On Sunday the 6th I had a phone call from Comrie Deuchars to tell me that Tom Hamilton had recently been to see him.

And the second note there is? - And the second note was on the Wednesday, 10th December, from David Vass, the Chief District Commissioner of Trossachs Area, to say Tom Hamilton had been to see him at his house, and true to form he had been difficult to get rid of, and he made wild accusations about various aspects of the Scout Movement.

It was about that time your involvement with the Scout Movement ceased; is that correct? - I retired in 1987, yes.

Did you have any further dealings in respect of Hamilton? - I don't remember anything else.

Did you at any time have evidence or concrete evidence to suggest that Hamilton would harm children in any way deliberately? - No. He would/

would harm them by default in the sense of taking young boys -- I am talking about ten, 11 year old boys -- to the Aviemore area and sleeping in a van -- I think is irresponsible. I don't think he set out to harm the boys, but his actions were those of an irresponsible Leader and we couldn't tolerate that. I had nothing to suggest that he was homosexually orientated. I was suspicious of his moral intentions towards boys, but that is a different thing. I never stated that he was a homosexual.

Did you have any reason to suspect he had paedophile tendencies? - I had worries.

And these worries are the ones you have already indicated? - Yes, which tended to grow throughout the years.

Were you aware that Hamilton had a Firearms Certificate? - No.

Were you aware that he ever used guns? - No.

Did you ever report any of your concerns to the police? - No.

Did you ever discuss with the police your concerns as to Hamilton? - Perhaps on an informal basis I did.

Do you recall a time in 1993 when two policemen came to see you regarding Hamilton? - No, I don't; I don't have any recollection of that, I am afraid.

CROSS-EXAMINED BY MR. CAMPBELL: Would it be correct to assume that, given your position of responsibility in the Scout Movement, one of your prime concerns would be the safety and wellbeing of the children who were members of the Scout Movement? - That was my prime responsibility.

That was your prime responsibility? - Yes.

So everything that you did would have been done with that prime responsibility uppermost in your mind? - Yes.

And/

And you have told us that you were concerned about Mr. Hamilton? - Yes.

Concerns which perhaps were not born out of any -- what is sometimes called hard and fast evidence? - Only in respect of the activities that he took the boys on, which was factual, and that represented in my estimation considerable irresponsibility; but as far as his moral intentions are concerned, that could only be what might be called "hunch". I like to call it "clinical acumen".

Would it be a fair summary that you felt that it was your responsibility to those in your charge to take firm and clear action as a result of your concerns? - Yes.

And that firm and clear action involved taking such steps as you could instigate to ensure that Mr. Hamilton played no further part in the Scout Movement? - Yes, although it was really Scottish Headquarters that took these steps, not me. I gave the initial report to Scottish Headquarters and they, with their communication system, notified the rest of the Scout Movement in the area.

You told us towards the end of your evidence-in-chief that you had discussed your concerns, at least informally, with the police? - Yes.

Could you elaborate on that please? - I can't really remember in any detail. It was probably a casual conversation, because I had a police near-neighbour, now moved away from the area, and I think I probably discussed Hamilton because I was a little bit anxious -- and I have no idea when that was.

Who was the police near-neighbour? - He was -- as I say, he has now retired from the police. He was Chief Inspector John Ferguson.

And what did you say to him? - I really have no idea.

Would it be fair to assume that you passed on the general concerns which you have told us about? - Possibly.

Could/

Could you look at letter dated 14th May, 1991? We are going to get into difficulty here because the numbers I have for Productions I think are different from the ones that are being used, but I think this is D46 of H4? If you bear with me for a moment I will get its other number -- no, I won't. I don't have it.

MR. LAKE: I think that is DSA68.

CROSS-EXAMINATION CONTINUED BY MR.

CAMPBELL: DSA68. Just take a moment to -- I think again this is a letter which you wrote on the 14th of May, 1991 to a Mr. McKellar? - Yes.

Area Commissioner of Forth Valley Area Scouts? - Yes. He took over from me. I was the Area Commissioner and I retired and he took over the post as Area Commissioner from me in 1987, and he was still in that office in 1991.

Perhaps you could just read out the first couple of paragraphs? - This is to Jim McKellar, regarding Thomas Hamilton -- "That name will, I feel certain, ring a few bells, and I am afraid that it is probably about to ring a few more. I have heard that Hamilton is pursuing a case against Central Scotland Police for harassment, and is directing his complaint to HMI in Edinburgh".

And you go on to indicate that Hamilton's complaint appears to be principally directed at the police at this time, but you then felt you would be happier if your file was returned to you; is that right? - Yes. I had given Jim McKellar this file when I resigned or retired, rather, from the Scout Movement.

Why did you want your file returned to you? - I am really not quite sure.

Perhaps you could just read the last three paragraphs for us please? - The last three, starting with "Please feel free"?

Yes? - "Please feel free to take photocopies if you so desire, but I should be grateful if you would return this file to me as soon as possible. Hamilton has, in his time, taken on the Scout Movement, right up to the Chief Scout. Central/

Central Regional Council -- right up to his M.P. and the Ombudsman; and now Central Scotland Police -- right up to H.M. Inspector. Surely all these folk are not wrong?".

What did you mean by "Surely all these folk are not wrong"? - Well, I can simply say they were all out of step except Hamilton, was the phraseology that I would otherwise use. I couldn't imagine all these organisations could be wrong in their assessment of the man.

At this time are you aware that Hamilton had been and was still permitted to possess a Firearms Certificate by Central Scotland Police? - I had no idea that he was using firearms at all, ever.

Were you ever informed that he possessed a Firearms Certificate? - No.

Could we go back to one of the earlier letters in the whole matter please, which, according to our numbering is document two of H4, which I think is DSA2 or 3, I am not sure which -- forgive me. It is a letter of 24th May, 1974 from Mr. Jeffreys.

MR. LAKE: DSA4.

CROSS-EXAMINATION CONTINUED BY MR.

CAMPBELL: DSA4, I beg your pardon. This is a letter from Mr. Jefferies, the Executive Commissioner to the Warrants Department I think at Scout Headquarters? - Yes.

And it records that "The County Commissioner for Stirlingshire has advised" -- that is yourself? - Yes.

".....has advised that he has requested the return of Hamilton's warrant as he is suspected of improper behaviour with boys". I take it that is a letter relating to your concerns relating to his moral intentions? - Yes.

Well,/

3 p.m.

Well, specifically concerning paedophilia? - I don't think paedophilia was a word that was readily used in these days, 1974, but I would say Yes to that question now.

That is what it amounted to? - Yes.

In addition, the County Commissioner who is a medical man, thinks that Hamilton is mentally unbalanced? - That is not a phrase that I would use. I think David Jeffreys is using a little journalistic licence there and certainly that is not what I suggested.

Do we find your considered views therefore in your letter of the 29th June to Mr. Jeffreys which we looked at earlier? That is Document D6 which is DSA9. If you could just be reminded of that? - Sorry, what was the question?

We are looking for your considered views at that time. Can I take it this letter would be a record of them? - Yes. I think in the second-last paragraph.

I appreciate it is very difficult at this remove in time but can you tell us to the best of your ability why you entertained these suspicions and concerns which we find recorded in this letter? - I don't think you can quantify clinical acumen other than a hunch if you like but my medical training perhaps encourages me to see this sort of thing in people and I can't put it into more specific terms than that.

But there must be something to prompt these concerns, however well trained you are or were. What was it about either his behaviour or about what he had done or about the allegations or whatever which was prompting these concerns? - I find that very difficult to answer. I really do.

Moving on to the letter of resignation or the purported letter of resignation I think you were shown just briefly although it was the first time you had in fact seen that letter? - Right.

Could it be given to you again? I think it is D27? - This is dated 1981.

No/

No, what I had in mind was the document which you hadn't seen before which was purported to be dated I think in April 1974? - It is not that document. I have it, thank you.

I think we know that that letter emerged in the course of the Ombudsman's investigations? - Yes.

Can you take just a moment to read it? - Read it out, do you mean?

No, just to yourself? - I haven't seen this letter before today and I can only take it it was addressed to Comrie Deuchars. Would that be correct?

All I want to ask you is whether the contents of that letter bear any relation to the circumstances surrounding Mr. Hamilton's removal from the Scout Movement? - No, I wouldn't have said so. The person referred to in the letter would appear to be Comrie Deuchars. Yes, it would appear to be him.

I take it from what you have told us that nobody gave you any information relating to this letter? - None whatsoever.

In 1974? - None whatsoever.

If such a letter had been in fact been sent to anyone in a position of responsibility, would you have expected to be made aware of it? - Not necessarily. I think this is a matter which could be dealt with by the District Commissioner who was Comrie Deuchars at the time. I don't think that it would have been necessary for me, as Area Commissioner or County Commissioner, to be brought into that. It was very much an internal matter.

You see, it has been written I think before the earlier correspondence setting out the reasons for Mr. Hamilton's removal I think? - Yes.

Which appears happened on your recommendation? - Yes.

In which he purports to tender his resignation? - Yes.

If/

If he in fact had tendered his resignation before the earlier documentation which we looked at, would you have expected somebody to have informed you of that fact? - I am really quite confused now about the timing. Can you perhaps rephrase that for me?

Well, the letter which we were looking at earlier which set out your considered views is dated June 1974. If I can remind you of that? - Yes.

Whereas this letter purports to be dated the 28th April 1974? - Yes.

Now, if in fact Mr. Hamilton had tendered his resignation as a Scout Leader before the earlier documentation which we were looking at, would you have expected somebody to have told you about that? - Not necessarily.

BY LORD CULLEN: The fact of the matter is this letter appears to have been written about a month before you asked Mr. Hamilton, pressed your request, to return his warrant? - I think so, my lord.

And I see your letter of the 25th May refers to an earlier one of the 15th May sent by Mr. Deuchars asking for that warrant to be returned? - Yes.

CROSS-EXAMINATION CONTINUED BY MR. CAMPBELL: Did Mr. Deuchars tell you at the time that he had received any information of a complaint? - I can't recall any discussion with Comrie Deuchars about this letter or its contents. Could I just add one thing? This letter makes reference to Hamilton tendering his resignation as Scout Leader of the 24th Stirlingshire Troop. He was not Scout Leader of that Troop. He was Acting Scout Leader of that Troop. He was actually warranted for the 4th/6th Troop which meets in Stirling itself so Hamilton was wrong in that statement but I haven't seen this letter before.

BY LORD CULLEN: Would Acting Scout Leader be covered by a warrant? - Not really, my lord. It is not essential I don't think. Perhaps the warrant procedures are in progress but it would be/

be taken on an acting basis until such times as his warrant was.....  
but he was warranted in the Scout Movement for the 4th/6th.

Yes, somebody for which he was acting might already  
have a warrant for another post? - Yes.

CROSS-EXAMINED BY MR. GIBB: I wonder if I  
could ask you to look at D22 which is DSA57. I think you will see that  
is a newspaper cutting dealing with parents backing youth leader after  
the Council end the letting of a premises. I think at that time you were  
still Area Commissioner? - I was.

And I think at that time that Hamilton has set up the  
Dunblane Rovers Group and I think also at that time you indicated  
earlier that Rovers was still a name known in the Scout Movement? -  
Yes.

Being followed by the Venture Scouts? - That is right.

There was really nothing to stop anyone setting up a  
Rovers Group, was there? - None whatsoever.

And indeed there was and is nothing to prevent any  
person setting up any youth organisation? - Not as far as I am aware.

Do you accept that perhaps one of the areas this  
Inquiry will need to consider is the vetting of those who are responsible  
for looking after children in youth organisations in the broadest terms?  
- Having spent my life trying in the Scout Movement, I think an  
organisation such as that should have some kind of confidential file on  
people who are potential leaders in that organisation.

Does the Scout Movement itself carry out any vetting?  
- Oh, yes.

Does it have access to get a Criminal Records Office  
check for instance on those who wish to be in the Scouts? - I am not  
able to give that information but I understand the Chief Executive of  
the/

the Scottish Scout Association is one of the witnesses and he will be able to give information about that, up-to-date information.

Do you accept a certain inevitability that if there is to be vetting of those involved in any youth movement in the broadest sense that that may need to extend to more traditional youth movements such as the Scout Movement or other church-related organisations? - To the Scout Movement?

Yes? - We have it already.

Yes, but I am talking about some official vetting mechanism as opposed to the organisation itself? - I would think that would be very difficult to undertake because it is very difficult to tell people when your impression is based on clinical acumen and in Hamilton's case it was not that that made us think of getting him removed. It was irresponsible behaviour during various outdoor activities and that together with my impression of him were the reasons for having him removed and it would be rather difficult I think to put that down into..... I don't know. I can speak within the Scout Movement because it works there and we have had it working for years. I think it would be very difficult to have it widely used.

But Hamilton was a thorn in the flesh for years of the Scout Movement really from 1974 onwards? - He was indeed.

And indeed even as of today's date there would be nothing to stop the Hamiltons of this world setting up a youth group? - Nothing whatsoever as far as I am aware.

And is it your view that some sort of vetting mechanism is appropriate for non-mainstream organisations? - Yes.

CROSS-EXAMINED BY MR. TAYLOR: Can you have DSA38 in front of you please? That is D30/H(IV). We have looked at this already today and I think that is a letter addressed to you from Mr. Jefferies. In the last paragraph of that letter it is suggested that nothing should be said about/

about Hamilton as he is the sort who would resort of legal action. Do you know what sort of legal action would be in contemplation at that time? - This is David Jefferies' phrase, not mine, so I've no idea what he had in mind that Hamilton might do.

Can you also please have a look at the previous document in the pile which is D29/H(V), otherwise DSA70? This is a document we have already looked at. It is a note of a telephone conversation headed 17th August 1986. I think that is a file note you made following the appearance of Mr. Hamilton at your house, is that correct? - Yes.

And you said you kept that in your own files. Are these files which were located in your own house or elsewhere? - In my own house.

And later in your evidence you made reference to informal discussions which you might have had with a neighbour, Chief Inspector John Ferguson? - Yes.

Firstly, can I ask you if you have a clear recollection of having spoken to the police officer? - No, I don't.

Is it possible you didn't speak to him at all or is your memory of having spoken to him quite clear? - Having been a personal friend of him and a near neighbour, I could well have discussed this in the course of other conversations but I have no specific recollection of when and if I discussed Hamilton with John Ferguson.

BY LORD CULLEN: Can you just assist me with one point. Can you tell me to what extent Hamilton was given any reason or reasons, official or otherwise, for the removal of his warrant? - Yes, he was warned about the behaviour in Aviemore and the fact that he had failed his boating test and that this represented a lack of responsibility and as a result his warrant would be removed.

Was that given to him officially or unofficially? Was it in a letter for example or just in a conversation? - I don't think it was a letter. I think it was in a conversation between Comrie Deuchars and Tom Hamilton.

So/

So he may be able to tell us about that? - Yes.

So that is really as far as you are aware the reasons went, is that right? - Yes.

Whatever you yourself may have thought, that is as far as the reasons went? - Yes.

RE-EXAMINED BY MR. LAKE: You said in answer to my learned friend Mr. Campbell that you would not have used the word paedophilia in 1974? - I don't think so. I don't think it was a word that I knew in 1974.

Just to be clear about it; what exactly was your concern in relation to the moral intention towards young boys in 1974? - I think it is the word which is now used, paedophilia, yes. If it had been today I would probably have included the word paedophile.

So it would be correct to say there was a fear of improper sexual contact? - Yes, that was my fear but it was only instinctive.

One last matter; you referred to the various avenues pursued by Hamilton and his report to the Ombudsman? - Yes.

Were you aware of the outcome of Hamilton's complaint to the Ombudsman? - I think the Ombudsman came up in Hamilton's favour if I recall.

ROBERT COMRIE HESLOP DEUCHARS (68), Sworn:

EXAMINED BY MR. LAKE: What is your occupation?  
- School crossing patrol and retired former BR employee.

Is it correct that you live at 5 Kent Road in Stirling? -  
That is correct.

And that is close to No. 7? - Upstairs, yes.

Sorry/

Sorry, is that you are upstairs or 7 is.....? - No. 5 is

upstairs. No. 7 is downstairs.

How long have you lived there? - Since 1970.

Before I turn to your dealings with Thomas Hamilton, I would just like to consider your connection with the Scout Association in general. When did you first join the Scout Association? - I joined the Wolf Cubs in 1934 and remained in the Scout Movement until I was officially retired in April 1993.

In the early 1970s can you recall what your role was within the Scout Association? - In 1970 I was Group Scout Leader of the 4th/6th Stirling Group. In 1971 I was appointed Assistant District Commissioner for Scouts. In January 1973 I was appointed District Commissioner for Stirling.

What were the responsibilities of the District Commissioner with regard to the appointment of Scout Leaders? - The District Commissioner has full responsibility for the appointment and termination of leaders in the Scout Movement within Stirling District.

If someone wished to apply to become a Scout Leader, to whom would they apply? - They would apply to me as District Commissioner.

And what would you do with that application? - When you are approached by someone to become an adult leader, the procedure which is laid down in the Scout Association Policy, Organisation and Rules is that an Inquiry Form is prepared by the District Commissioner and sent to our Records Office in order to determine the person's character, whether they are suitable or unsuitable for working with young children.

You said that is what is done. Is that what was done in 1970? - That is what was done in the case of Thomas Hamilton.

When did you first have dealings with Thomas Hamilton? - I would say as a civilian I visited his Do-It-Yourself shop on a few occasions prior to him approaching me to become a leader.

That/

3.20 p.m.

That is his shop in Cowane Street? - That is correct.

When did he apply to you to become a Scout Leader?  
- I would say it would probably be May or June of 1973. I am not sure of the exact date.

Are you aware whether or not Hamilton had any involvement with the Scout Association prior to that date? - I had heard that he was a Venture Scout with the First Stirling, but as I did not visit Venture Scouts, who are supposed to be a self-governing body, to see that the thing was running well, I had no connection with Hamilton as a Venture Scout.

What is a Venture Scout? - As far as I know, yes.

What is a Venture Scout? - Well, he had his uniform and all the rest of it with the First Venture, and I believe Scott Park, who was the leader, confirmed he was a Venture Scout, but not a regular attender.

What age range do Venture Scouts cover? - Venture Scouts cover the age range -- well, at that time it was 16 years to 20 years.

Was he still a Venture Scout at the time he applied to become a Scout Leader? - No. I think he had just actually finished his Venture Scout period of service.

You said in 1973 Hamilton approached you to become a Scout Leader? - He actually phoned me at home one night and I arranged for him to come down and have a talk with me, so that I could get the various particulars from him, i.e. his name, address, date of birth, so that I could send away the enquiry form.

And that is the enquiry that has to be sent to Scout Headquarters? - That is correct.

Did you do that in respect of Mr. Hamilton? - I did.

And/

And what was the response? - As I did not receive a phone call within the next 24 hours it was assumed it was all right, but as I normally do, I wait until I get written confirmation that a search has been carried out and no record of any misdemeanours could be found.

And that is a record kept by Scout Headquarters? - That is correct.

At that time what was your opinion of Hamilton's character? - I would say he was young and very enthusiastic.

Were you happy to accept him as a Scout Leader? - Yes.

What are the responsibilities of a Scout Leader? - Well, as his first appointment was that of Assistant Scout Leader, he was under the direct jurisdiction of the Scout Leader of the 4th/6th Stirling, and also under the Group Leader of the 4th/6th Stirling, so he was only acting as assistant at that time.

So when you refer to him being an Assistant Scout Leader, was that after you had approved him? - That is correct.

And once he had been approved by you, that would be when he was granted his warrant book? - That is correct.

Was he able to be an Assistant Scout Leader without that warrant book? - He could have been on probation while his warrant was going through, but until the warrant is actually signed by me, it is an ineffective piece of paper. His service with the Scouts actually begins on the date the District Commissioner signs the warrant.

After you had sent the enquiry to Scout Headquarters did you make any further enquiries prior to signing the warrant? - No.

Did you see Mr. Hamilton again prior to signing the warrant? - No.

When did you tell him that he had been appointed as an Assistant Scout Leader? - When I received/

received the completed warrant book, as it was known at that time, from Scout Headquarters, I went along and presented it to him.

And can you say again which Scout troop was it he was appointed to? - He was appointed as Assistant Scout Leader to the 4th/6th Stirling, which met in the Episcopal Church Hall, Dumbarton Road.

How did he get on as Assistant Scout Leader? - From memory he was very keen and willing to do this, that and the next thing. In fact, there was an occasion when I was approached by Mr. Sim, the Group Scout Leader, who unfortunately is now deceased, that Thomas Hamilton had offered to take some boys on his boat to Loch Lomond for some part of their Proficiency Badge work. I said "Under no circumstances until such times as that boat is certified by someone in authority who knows about speedboats".

This was arranged through Glasgow Scout Council, who had an expert, and Mr. Hamilton was given the name and address of this scrutineer, as I would call him, and advised to make arrangements so that his boat could be inspected. I received a report back from the gentleman in question, and Mr. Hamilton was declined a certificate on the grounds that (a) there were insufficient lifejackets/something aids -- I can't remember the words.

Buoyancy aids? - Buoyancy aids, that is it -- insufficient lifejackets/buoyancy aids, no distress flares and no oars in the event of the engine breaking down on the boat, and also his knowledge of the waters of Loch Lomond was rather scant.

And that is in relation to his seacraft or boatcraft? - Yes.

Your information about how he performed within the 4th/6th Stirling Scout Troop -- did that come from the Scout Leader? - Yes.

Who was the Scout Leader? - I think if I remember it was a Mr. Montgomery Stevenson.

And he was the source of your information? - Yes, and also from Mr. Sim, who was the Group Scout/

Scout Leader.

Is Mr. Stevenson still with the Scout Association? - No, he is not. He left, and stays somewhere in the St. Ninian's area.

Did you have any problems with Mr. Hamilton as a Scout Leader at the 4th/6th Stirling? - No problems whatsoever.

How long did he stay at the 4th/6th Stirling? - Well, on the information I received from Mr. Sim and Mr. Stevenson, during September, or the beginning of October, I had had a conversation with Father McAllister of the Roman Catholic Church in Bannockburn, who wanted to resurrect the former 24th Stirlingshire, which was a closed sponsored group attached to the Roman Catholic Church. I pointed out to Father McAllister that there were no Roman Catholic leaders available, and he said "I am quite willing to accept a Protestant leader, as long as they run the troop, and I will look after the religious aspect of the boys within the group". And with that, and with the reports I received on Thomas Hamilton, I took it upon myself to give him a six months' secondment to start up and organise the troop at Bannockburn.

Is it correct that problems occurred while he was at the 24th Stirling Troop? - They did start to appear, but at the beginning I put it down to, shall we say, being inexperienced. His play times were somewhat stretched some nights, and there didn't seem to be much Scout work being done. So I reprimanded him, and things improved for a few weeks.

A more serious complaint was made, however, when he took some boys up to the hills? - That is correct.

Was that complaint made to you? - It was, by the parents of the boys who had been on that trip.

What were they complaining of? - They were complaining that the boys had arrived home on the Sunday very cold and hungry due to the fact that they had been forced to sleep in the van overnight, and the temperature had dropped so dramatically that the/

the van had frozen up and had to be towed to Aviemore to be defrosted.

What did you do in response to the complaint? - Well, after investigating and going round all the parents involved I then told Mr. Hamilton that his planning abilities were rather lacking, and in future he should double check everything -- because his excuse was that the accommodation had been double booked, and he didn't want to disappoint the boys, so he let them sleep in the van overnight.

So you warned Hamilton about his behaviour, but took it no further? - That is correct.

And there was a second complaint made not long after that? - Yes, within three weeks the boys again arrived home, but this time their sleeping bags were soaking wet, all their clothing was wet, and once again they had slept in the van.

Who made the complaint on that occasion? - The parents of the boys who had attended.

What did you do in response to it? - I once again went round and visited both the boys and their parents, and got their story, and one parent had produced a copy of the programme which Mr. Hamilton had issued on both occasions, and it clearly stated that the boys would be accommodated in the former railway hostel at Aviemore. Being a B.R. employee I immediately phoned my counterpart at Aviemore, obtained the phone number of the hostel, and confirmed with the owner of the hostel that no booking had been made at all by Mr. Hamilton in his name or in the name of the 24th Scout Group on either of the occasions.

Did you speak to Hamilton about this? - I did.

What did he say? - I told him after that that in view of his lack of qualities in leadership that I considered his services were no longer required in Scouting, and that I was withdrawing his warrant.

So what was the actual reason for withdrawing/

withdrawing the warrant? - For the lack of planning and irresponsibility of Thomas Hamilton in putting young boys at risk.

That was at risk from cold? - That was correct.

Did you have any reason to suspect that he intended to cause harm to any of the boys in any way? - No reason whatsoever.

Did you have any reason to suspect there may be improper sexual motives in what he was doing? - None whatsoever, because when I asked the boys, the boys said "Oh, it was all right for Mr. Hamilton. He went on the front bench seat on the van with his sleeping bag and blankets, and we had to sleep on the cold steel floor".

Did you tell Hamilton that you were withdrawing his warrant? - I did.

What was his response? - His response was "It is your decision. I will resign" -- and he walked away from me then. Following that I submitted a form to Headquarters saying I did not consider him a suitable applicant due to his immaturity and irresponsibility.

And what was the purpose of submitting that to Scout Headquarters? - To ensure that he did not get another warrant in the Scout Association.

How would he be prevented from getting another warrant? - Well, the minute the application was filled up and sent to Headquarters, they would check the list again and say "No, no, your warrant is declined".

So the Scout Headquarters keep a list of persons they consider unsuitable to hold a warrant? - That is correct.

And is that referred to as the blacklist within the Scouting Association? - That is what is called the blacklist.

Could I ask you to look at a document which is DCRC AL/B1/F1/1. It is D27 in H4. I think/

think there is not a copy of it other than this one -- there is a copy available now. That is a letter addressed from Mr. Hamilton, from an address at Cowane Street in Stirling, and is dated the 28th April, 1974.

It states "Dear Sir, I tender my resignation as Scout Leader of the 24th Stirlingshire Scout Troop. Firstly I disapprove of your behaviour as District Commissioner, in the underhand way you conduct Scouting business. Having helped at your summer camp, I was appalled at the conditions of safety, hygiene and equipment. I was shocked in your openly buying six bottles of cider and six bottles of wine for the consumption of young boys, and in the way it is common practice for all the Leaders to disappear to the pubs at night and leave the boys unsupervised". His reference to the District Commissioner in that letter would be a reference to you? - That is correct.

So this letter appears to have been written to you? - Well, may I say I can't recall having received that letter.

You never received that letter from Mr. Hamilton at the time? - Not that I can remember.

After you had terminated Mr. Hamilton's warrant what was the next time you saw him? - About 12 years later when a furniture van appeared at the gate of the block and Mr. Hamilton got out and started unloading furniture into the empty flat below where I stay.

So he was moving in beneath you? - He was. I thought he was just helping the old couple, but after the van left and he remained, my words at that time were "My God, what have I done to deserve this?".

Who were the old couple, as you have called them? - The old couple were who I was led to believe were the mother and father of Thomas Hamilton.

Did you speak to Hamilton and his mother and father while they lived beneath you? - I spoke mainly to the old man, because on one occasion he was attempting to cut the grass with an old hand mower and I said "Look, Mr. Hamilton, I will get the electric mower out and I'll tidy up the grass for you/

you in five minutes. Put that old mower back in the garden shed", and ever since that day I have always cut the grass for him.

Did you socialise with Hamilton's father? - Yes, once we got to know each other, yes, we met on a Saturday or Sunday in the Masonic Lodge in Stirling.

Did you ever socialise with Hamilton? - No.

Are you in a position to say whether or not Hamilton was a Mason? - I don't think he was. I mean, talking to the gentleman that I assumed was his father I would say that no, Thomas Hamilton was not a member of the Masonic Lodge.

And did you have discussions with Hamilton while he was living at No. 77? - Mainly after he had pushed his father out of the house and become sole tenant of the Council flat.

When did his father leave the house? - I would say three or four years ago.

And what makes you say that Hamilton pushed his father out of the house? - Because on occasions -- it is a very quiet street, and on occasions, on odd nights my wife and I would hear this gentle tapping on the door downstairs, and this was the old man trying to get in, and speaking to the old man later, young Tom had deliberately locked the door and left the key in the lock, and made the old man stand out there for maybe ten, 15, 20 minutes, knocking at the door; and the old man would knock quietly because he didn't want to disturb the neighbours round about.

Did Hamilton's father ever complain to you that he was being mistreated by Hamilton? - He did.

What did he say was happening? - On one occasion the black and white television which was in the living room, according to the father, was removed and put into the old man's bedroom, and a new coloured television was installed in the living room, with strict instructions "The new television is for Thomas Hamilton's use only". Under no circumstances could the old man make use of this television.

And/

3.50 p.m.

And that was the way Hamilton treated his father? -  
Yes.

You say when his father moved out you had a  
discussion with Hamilton? - That is correct.

Were there any particular areas Hamilton discussed  
with you? - The main area of discussion was between Thomas  
Hamilton and myself was the Sports Club or Boys Club or whatever  
it was that he ran at Dunblane. That seemed to be his forte in life  
and it was very successful and I remember saying to him on one  
occasion "Maybe this is what you have been looking for, Tom. It is  
your life", shall we say.

Did he have any complaints arising out of his  
operation of the Sports Club? - No, according to him it was going  
very well.

Did he ever discuss with you an incident arising out  
of a camp he held at Loch Lomond in 1988? - Yes, he was very  
upset that the police had raided the camp and judged the camp as a  
Scout Camp and not as the way he ran the camp and he was very  
distressed and he was determined that he would obtain an apology  
from Central Scotland Police for a mishandling of the incident.

Did he indicate to you that he blamed the Scouts in  
any way for what had happened? - Never once.

Were you aware whether Hamilton had many  
callers at the house at 7 Kent Road? - There were one or two but I  
wouldn't say he had many callers at the house.

Were these men or women that came to the house?  
- Mainly men.

Would any women visit the house? - There might  
have been one but that is about 10 years ago at least.

Did any boys come to visit the house? - I have  
only seen young boys there once and that was at the end of one of  
his camps or..... No, I think/

Shelmerdine

think it would have been after he had started holding his annual do at Dunblane High School. A van drew up, young boys got out, unloaded the van, straight back into the van and away again.

So it was an isolated occasion? - Yes, definitely very quick.

Do you recall an incident in which callers to the house resulted in the police being called? - Yes, I do.

When was that? - I would say probably May or June of last year. I heard probably about 5 o'clock at night a very heavy hammering on Mr. Hamilton's door and then a knock came to my door and this well-built lad in his 30s asked if I knew if Mr. Hamilton was in and I said "Well, I'm very sorry, I can't tell you one way or the other".

What did the man do? - He said "Well, we'll come back later".

Did he come back later on? - He did. About 9 o'clock at night. I heard the front door being hammered and kicked and I heard his back door being hammered and kicked and the next thing I knew the police had arrived and there were actually two men there and they were put into the back of the police car. The police eventually got Mr. Hamilton to open the door and went in and had a few words, came out, spoke to the two gentlemen in the car and then they got out of the police car and walked round the corner as if they were going to another car.

Did you discuss that incident with Mr. Hamilton? - I did.

Did he tell you what had happened? - He said it was a misunderstanding about the gentleman who came to his door. I think it was his stepson and Mr. Hamilton had also I believe advertised a photographic business which offered to take young lads photographs and the stepfather had misinterpreted what the boy had taken home.

You mentioned a camera business there. Were you aware that Hamilton carried on a photographic business? - Well, some of the neighbours told me that he had pushed business cards through/

through their letter boxes but I can't recollect getting one myself.

Did you ever see him using a camera? - Yes, on occasions. There was one occasion when I came home and he was in the front garden across the road photographing some pansies as the lady involved was an artist and she had tried to sketch the pansies so that she could later do the pansies in water colour and he took photographs for her and gave her the completed photograph when it was ready.

Do you know where he conducted his business from? - I am assuming it was from 7 Kent Road.

And you didn't notice any people coming to and from the house in respect of this business? - There were one or two cars came but I wouldn't like to say that they were there at the business. I believe there was one gentleman that Thomas Hamilton mentioned to me that he had just sold a camera to, but that was it.

Did he ever discuss any photographic assignments he was doing with you? - He did, because he came out of the house one morning heavily laden with tripods and camera cases and such like and I said to him "Where are you going, Tom?" and he said "Oh, I have got a conference to cover in Glasgow" somewhere. I don't remember where it was and he said to me "I'm going away along to get the train" and I said "Throw the stuff in the back of the car and I'll drop you off at the station" which I did and that was it.

You mentioned you saw one or two callers to the house, mainly men. Do you know who they were? - One of them was a landscape gardener by the name of James Gillespie and the other, I won't say frequent, was somebody who I am assuming worked for STV because they were in a blue Rover Estate with the STV insignia on the side of it.

Were you aware Hamilton kept guns? - No.

Did he ever discuss guns with you? - He brought a gun catalogue out once and whether I had mentioned earlier that I had at one time been a member/

member of the Bridge of Allan Rifle Club, I said "Tom, I'm sorry, but my eyesight is gone, using rifles and that goes beyond me now."

Did you ever go into No. 7 Kent Road? - I was only privileged to visit the kitchen in No. 7 Kent Road. I was never in any other part of the house.

In passing by did you ever see into the house? - Only once.

Where did you see into? - For some unknown reason his front curtains were open and I recall seeing maybe 15 or 18 pictures round his wall of what looked like class photographs to me.

Were these photographs with a number of boys in each photograph? - Yes.

Could you see what the children in the photographs were wearing? - No, I couldn't.

Were you aware of those photographs being removed from Hamilton's walls? - Well, I did hear that they had been removed but I couldn't confirm or deny that statement.

Were you ever aware of him burning photographs? - Once again, I was told that he had had a bonfire out in the back garden and there appeared to be a smell of celluloid but I was out that night and I just saw the burning embers when I came home.

Do you know whether or not Hamilton worked? - I don't think he worked after his Do-It-Yourself shop collapsed.

Did he appear to you to be short of money? - No.

What led you to that conclusion? - Well, last year my wife had insisted that we fit a security light (a) so that she could see to drive into the garage and she also wanted another security light at the side of the house so that nobody could stand at the corner and catch her as and when she came out of the car. We got that fitted and Thomas Hamilton came to the door and said "That's a wonderful/

wonderful idea. I have a lot of valuable equipment. How much did it cost?" I said "Well, the total came to about £64" so within five minutes he was back at the door and handed me £32, 50 per cent of the cost and the same thing happened when I persuaded him to connect an outside tap to his waterpipe, he paid 50 per cent of the cost.

In your opinion was he a good neighbour? - He was a very good neighbour.

Did you have any complaints about him? - The only complaint I had was the state that he kept his kitchen in and also that he refused to do anything about his front garden.

You said in 1973 you regarded him as being suitable for appointment as Scout Leader or Assistant Scout Leader? - Yes.

Did your opinion of him change at all as a result of living so close to him? - Yes.

When did your opinion of him change? - I would say just shortly after he had got rid of the old man out of the house.

You say that was about three years ago? - Yes.

What was your opinion of him after that date? - I felt that he had no self-discipline and he appeared to have no sense of responsibility.

Did he give you any cause for concern? - Not against me in particular or anything like that.

Did you see Hamilton going about in March of this year? - Yes.

In particular, did you ever see him making his way out of the house carrying letters? - Yes. I think it was either the Saturday night or..... no, it would have been the Sunday night prior to the Dunblane tragedy.

On the 12th March did you notice a white van parked outside his house? - Well, it wasn't actually parked outside his house. It was parked outside/

outside between No. 1 and 3 which is two semi-detached houses next to our block. That is where it was parked.

Did you see Hamilton using the van? - Not on the Tuesday night. It was on the morning of Wednesday the 13th that I associated the van with Hamilton.

What was he doing with the van at that time that you associated it with him? - He was scraping ice off the van when I returned from the newsagent's to pop the Stirling Observer through the letter box for my wife.

Did you speak to him? - I did.

What did you say? - I asked him to save my legs and to save my feet getting wet in the snow would he put the Stirling Observer through our letter box so that my wife would get a read of it in the morning.

What time was this? - This was about 8.15 in the morning of the 13th March.

Did he strike you in any way as unusual at that time? - No, as I say, the only thing that made me sort of wonder was that he was up at that time in the morning because he wasn't an early riser.

But you saw nothing unusual in him at that time? - No, because when I proffered him the paper he said "Right, Comrie, I'll do that".

Were you aware of rumours circulating in Stirling and Dunblane regarding Hamilton? - I was.

What were the subject of these rumours? - There were rumours that he was sexually abusing children and such like and so forth.

Where did you hear these rumours? - From one of the neighbours following the camp at Loch Lomond and I said to the neighbour "Be very careful what you say. There has been no proof."

Did you have any reason to suspect Hamilton was in some way mistreating children? - None/

None whatsoever.

Are you aware that Hamilton ever blamed you for circulating rumours? - I did hear from my counterpart in the Trossachs, Dr. David Vass, that some letters had gone to parents in Dunblane saying that I, along with other members of the Scout officials, had spread malicious rumours about him but at the same time I also understand that there was another letter went to the parents of Dunblane that if they wanted a character reference then they could contact me and I would be only too willing to supply a character reference on behalf of Mr. Hamilton.

Did he ever speak to you and confront you with having, as he saw it, spread these rumours? - No, none whatsoever.

CROSS-EXAMINED BY MR. CAMPBELL: When asked about looking into Mr. Hamilton's living room on one occasion I think you said something to the effect that for some unknown reason his front curtains were open? - Yes.

Do I gather correctly from that that generally he kept his front curtains closed? - That is correct.

Even during the day time? - Even during the day time, yes.

I think you told us that you became quite friendly with Jimmy Hamilton, Mr. Thomas Hamilton's adopted father? - I did.

And you would actually go for a drink to the Masonic Lodge? - That is correct.

Which Lodge was that? - Lodge No. 30 in Forth Street, Stirling.

When you were asked by my learned friend Mr. Lake as to whether or not Mr. Thomas Hamilton was a Mason, I think you made some reference to remarks made by Jimmy Hamilton in giving your answer that in your view he was not a Mason. What did Mr. Jimmy Hamilton say that caused you to be of that opinion? - I wouldn't like to say. I don't know. Tom just gave me the impression that he wasn't interested/

interested in anything such as the Masons. I couldn't say what inference James made of that. Sorry.

Was Jimmy Hamilton a Mason? - He was.

In the same Lodge? - No, he wasn't actually a member of Lodge 30. He was a member of Lodge 76.

No re-examination.

SANDRA LESLIE FERNIE (47), Sworn:

EXAMINED BY MR. LAKE: I think you live in Cowdenbeath? - Yes.

What is your employment? - Administrative assistant with the Scouts.

How long have you worked for the Scout Association? - Seven years.

Who do you work with in the Scout Association? - Do you mean in close contact with?

Colleagues, yes? - Two other administrative assistants, the chief executive, the accountant and two programming executives.

Do you have any dealings with the chief executive?  
- Yes.

Who is the chief executive? - David Shelmerdine.

What are your dealings with him? - We just do office work. Secretarial work.

In the course of your work do you answer the telephone? - Yes.

If anything arises, any query arises, in a telephone conversation, what would you do with that query? - Sorry?

If/

4.00 p.m.

If a query was raised in the course of a telephone conversation would you answer it, or would you refer it to another person? - It all depends what sort of query it was.

Do you recall receiving a telephone call from Mr. Hamilton? - Yes.

When was that? - Wednesday 6th March.

And what time was that? - I can't be exact. It was after lunch, which would be maybe between 1.30 and 2.

Did the caller say who he was? - Yes.

What did he say he wanted? - First of all he asked me who the Patron of the Scout Association was.

And what did you reply? - I replied it was the Queen, and could anybody else help him?

And did he respond to that? - He just wanted to know the other high ranking officials.

Were you able to give him the names of other high ranking officials? - I told him I didn't have them to hand.

Did you make any suggestion instead of giving him the names? - I asked him if the Chief Executive could help him.

Could I ask you please to look at document DSA50, which is also D50 within the folders. Have you seen it before? - Yes.

What is it? - It is my statement after the telephone conversation.

And is that a record of the conversation that you had that we were referring to? - Yes.

You see at the start of the first paragraph there is a reference to the enquiry as to who the Patron of the Association was and your reply that it was the Queen? - That is right.

And,/

And, as you said, he then asked whether there were any other persons in high office to whom he could write? - Yes.

It says there that you offered to send him a copy of your Annual Report? - Yes, that is right.

And what was the purpose of that? - Well, I didn't realise at first what he wanted or the reason for his phone call, and sometimes if they are doing their memoirs or something, if they have been in the Scout Association a long time, they are quite happy to have the Annual Report, and it goes into their portfolio.

Did Hamilton give you the reason for his call? - Not straight away, no. He just told me the Annual Report wasn't of any use to him, and I thought this was a little unusual, because they are normally quite happy to have the Annual Report.

And what did he discuss after that? - I asked him why he wanted this information, and he then told me that he wanted the Queen or other high ranking officials to know about the mal-administration of the Scouts.

Did he say what mal-administration he considered had occurred? - He just said it was being put about that he was a pervert, and that David Vass was going around the schools telling everybody he was a pervert when he was only actually an enthusiastic and friendly Leader.

Did he say what he meant by the fact that he was an enthusiastic and friendly Leader? - No.

Did he refer to his boys' club? - Sorry?

Did he refer to boys' clubs which he had started up? - Yes. He said he tried to start them up on numerous occasions, but because David Vass had gone into the schools it was very difficult for him.

He blamed all these matters on David Vass? - Well, he said David Vass was to blame -- he knew for a fact, that is what

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he told me, that David Vass had gone into the schools and approached the headmasters.

In/

In the second paragraph of that report you have made reference to allegations he had made against Comrie Deuchars? -

Yes. He had said that David Vass and Comrie Deuchars had said he was a pervert.

It is noted in the second paragraph that you offered to let Mr. Hamilton speak to David Shelmerdine, the Chief Executive? -

Yes.

What did he respond to that? - He responded by saying it was too late for that.

And later on, in the final paragraph of that page of your note, it is noted that you again suggested he should have a word with the Chief Executive. What did he reply to that? - He said he had sent letters to them before, and they had done nothing about it. I then asked him who he had written the letter to and who he had spoken to before.

Who did he say he had spoken to? - He said he couldn't remember all the names, but the one he could remember was Jefferies.

Who is Jefferies? - That is David Jefferies, a former member of staff.

What was his position in the Scout Association? - He was the Executive Commissioner.

At the top of the second page of that note you have again referred to the statement he made to you as to the effect of the various rumours. You have noted there he said he could no longer walk down the street, his reputation had been ruined, and he was close to bankruptcy because of the Scouts? - That is right.

Were these his actual words? - Yes, more or less, from what I can remember now, yes.

He blamed all these things on the Scouts? - Yes.

Is that the Scouts as an Association, or the individuals he had referred to previously? - That I don't know. He just said "The Scouts".

You/

You have then noted he said he wanted the Queen to know what kind of organisation she was Patron of? - Yes.

And finally it is noted that he asked you to send him names and addresses of all the high ranking officers? - That is right.

Did you do that? - No, I did not.

Why not? - I reported the conversation to the Chief Executive and he said "Don't send them".

When did you report the conversation to the Chief Executive? - The following day.

Did he give a reason for not sending them? - He just said "Oh, I know about Thomas Hamilton".

Did he say what he knew about Thomas Hamilton? - No.

Had you come across Thomas Hamilton before that telephone call? - No.

How did he sound to you on that call? - Normal. He wasn't aggressive or unusual in any way.

Were you able to gauge what kind of mood he was in? - I think he was -- I felt he was actually after sympathy.

No cross-examination.

DAVID JOHN CHARLES SHELMERDINE, (48), Sworn,

EXAMINED BY MR. LAKE: Do you live in Dunfermline? - No, I don't live in Dunfermline. That is my office address.

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What is your employment? - I am the Chief Executive of the Scottish Council of the Scout Association.

Is that a full-time post? - That is.

And what do your responsibilities include?/

include? - My responsibilities include the day-to-day management of the Association in Scotland, and also the development and implementation of policy.

When were you appointed to the post? - In April, 1987.

And who was your predecessor? - My predecessor was David Jefferies.

Prior to considering the operation of the Scout Association in relation to the appointment of Leaders at the present day, I would like to look first at the relationship between the Scout Association and Thomas Hamilton. Are you aware when Mr. Hamilton first approached the Scout Association to become a Leader? - Yes, I am. We have a record that he approached the Association in July, 1973, when a warrant was issued to him.

You weren't in the post of Chief Executive at the time? - No, I wasn't.

On what do you base your knowledge that he became or applied to become a Scout Leader at that time? - We have a record system that keeps records of Leaders who are appointed within the Scout Association.

Perhaps if I could then refer you to some of those records? Are you aware when a warrant was first issued to Hamilton? - Yes. That is the 11th July, 1973.

And could I ask you to look at document, reference DSA2, which is D1 in the folders? What is that? - This is the Leader Warrant Record Book which is issued to Leaders on appointment within the Scout Association and it is dated the 11th July, 1973.

And are you aware from the records that that warrant was subsequently withdrawn from Hamilton? - Yes, I am.

Are you aware what the reason for that withdrawal was? - The record on file suggests that the warrant was withdrawn because of concern over a couple of activities in Aviemore where the Association's rules in terms of adventurous activities/

activities seemed to have been broken.

What form does that record of activities take? - That record is a report from the then Area Commissioner, Mr. Fairgrieve.

And could I ask you to look at DSA9, which is D6, and at the same time if you also have DSA4, which is document D2? Firstly, dealing with the one that is marked D2, do you see that is a letter dated the 24th of May, 1974? - 24th May, 1974, DSA4?

Yes -- sorry, you are on different numbering? - Yes. This is a letter from my predecessor, Mr. Jefferies to our Warrant Department at Headquarters.

What is the purpose of that letter? - This was to record that the then County Commissioner of Stirlingshire had withdrawn the warrant of Mr. Hamilton.

And what was the reason for the warrant having been withdrawn? - It is indicating here that there was an indication of improper behaviour with boys, and also that "The County Commissioner, who is a medical man, thinks that Hamilton is mentally unbalanced" -- to quote.

And looking then at the document that is DSA9, you will see that is a letter dated 29th June, 1974, and that is addressed to your predecessor, Mr. Jefferies, from Mr. Fairgrieve? - That is correct.

And in that he gives his opinion as to Hamilton's state of mind? - That is correct.

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Attached to that letter on the second page -- could you say what that is, please? - This is what at the time was known as a descriptive form which recorded for the confidential files at Headquarters a list, of build, colour of eyes, hair, etc., of Mr. Hamilton, so that a record is put on file in case an individual tries to get additional certificates elsewhere in the Scout Association, potentially under his own or an assumed name.

And if a person did that you would be able to reject the application? - We would.

We/

We have heard reference this afternoon to something known as the blacklist. What is the blacklist? - This was a term used at that stage for a confidential file, confidential service record of Scout Leaders.

And those letters to which you have referred, are they part of the blacklist? - They would have formed part of the confidential file then called the blacklist, yes.

Are those the only letters that make up the blacklist against Thomas Hamilton? - No, there is a series of other information that has been kept since that time, in terms of correspondence or other information related to Hamilton's other activities.

Are you aware in general within that correspondence whether there are any complaints other than those referred to in these letters, made against Mr. Hamilton? - The complaints in the letters from Scout colleagues to the Records Department through Scottish Headquarters, are the only Scout complaints; but we were asked on a number of occasions to give references to a number of other enquiries that were made.

What enquiries were these? - There was an enquiry I believe -- if I could just give the date -- back in August, 1984.

Who was that enquiry from? - That was an enquiry on a draft report by the Commissioner for Local Administration, who was carrying out an enquiry as to the cancellation of school lets by

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Central Regional Council. Mr. Hamilton had apparently at that time been stopped from using school premises.

We have already heard from Mr. Fairgrieve that the concern that he had about that regarded the method of the circumstances in which Hamilton came to leave the Scouts? - That enquiry was not about the main thrust of why Hamilton left the Scouts, no.

What other enquiries had been made to the Scouts? - There was an enquiry in June, 1993.

Who was that enquiry from? - That was by/

by Central Scotland Police, who were carrying out an investigation.

What were they investigating? - I do not know the nature of the enquiries, only that Mr. Hamilton was connected to that enquiry.

Who, within the police, did that enquiry come from? - The original enquiry came from Detective Constable Taylor, I believe it was, from the Child Protection Unit, which I believe is based in Bannockburn.

And what was the nature of the enquiry? - The nature of the enquiry was to ask if Hamilton had been a Scout Leader, which we confirmed, and we also made available to them information which we had on the file -- for example the information about the Commissioner for Local Administration's report, and a number of the articles that had appeared in the Scotsman related to that enquiry.

Were the policemen permitted to have access to the files? - Yes, they were.

The Inquiry was adjourned until tomorrow morning at 10 a.m.

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