

SIXTH 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

WEDNESDAY, 5th JUNE, 1996

within

THE ALBERT HALLS,  
DUMBARTON ROAD, STIRLING

.....

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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, Hughes Dowdall, Glasgow, for the Scottish Police Federation, and Lothian and Borders Police.

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WEDNESDAY, 5th JUNE, 1996.

SIXTH DAY.

DOUGLAS GEORGE JEFFREY,

EXAMINATION CONTINUED BY MR. LAKE: You said yesterday afternoon that you made enquiries of Mr. Beaton at the Boys' Club of Scotland. Did you make any other enquiries regarding Hamilton? - I spoke to Mr. Baxter of Fife Regional Council in Dunfermline.

What made you approach Mr. Baxter for information? - The fact that there was a club of a similar type in operation in Woodmill Centre.

How were you aware of that club's existence? - By information that Hamilton himself had supplied.

What was Mr. Baxter able to tell you? - Virtually it was exactly the same story as was emerging throughout the rest of that week when I was talking to people. It was a situation of unease about the approaches and activities with the fact that the person that I was told would be helping in the Linlithgow Club was no longer operating, the woman was no longer operating in the Dunfermline Club which raised my suspicions further.

Did Mr. Baxter indicate whether he had any complaints regarding Hamilton? - He indicated that there had been some complaints around aspects of a camp which had been investigated by our Rights Office in Dunfermline.

Were you aware prior to that that there had been camps run by Hamilton? - Oh, yes.

Did you make any other enquiries? - I believe I spoke on the phone..... my memory fails me in terms of the name of the person in Central Region's Youth and Community Service.

What were you asking them? - Basically their knowledge of Hamilton and his activities. Basically we had been given information about the Ombudsman's/

Ombudsman's investigation. That was another piece of information that I did go and get, a copy of the Ombudsman's final report into Central Regional Council's actions and findings.

What was the purpose in obtaining that report? - That it struck me that we were potentially going to be in a similar situation in that we had unsubstantiated to an extent innuendo and unhappiness rather than objective details that we could take action on and I felt it was important to get, in terms of the papers that I could hand on to my superiors, detail of the Ombudsman's findings.

Were these all the enquiries you made or were there others? - That was the extent in that week.

What did you do with the information you had obtained? - I met with my senior officer, Mr. David Sinclair, and went through in some detail my findings from discussions with colleagues in other Regions and indicated my professional concerns about the club and its operation. Mr. Sinclair then sent a note to the head of the Community Education Service in Lothian at that time.

What was the purpose of that note? - To inform the senior officer of our concerns and to raise with him the potential for ensuring that Hamilton would not operate further in Linlithgow Academy.

Can I ask you please to look at Document DLR3/CE/7/1. That is Document D5 in Volume J(III). Do you recognise that? - I do indeed. That is the document that was sent as a result of my detailed conversation with David Sinclair.

Do you see in the first paragraph there Mr. Sinclair narrates that you have inspected the club and then he goes on to make certain reports in respect of it? - Yes.

He first notes that he had no assistance in running the club. Do you see that? - Yes, I do.

Do you see over the page at Point 7 in sub-paragraph (a) there is reference to the fact that/

that Hamilton's warrant had been withdrawn by the Scouts? - That is correct.

And that was on the basis of information which you had received from Mr. Willoughby? - That is correct.

And in sub-paragraph (c) there is a reference to the Ombudsman's report. Do you see that? - Yes, I do.

And the reference there is to the effect that Hamilton, as it is put, "survived the scrutiny" of the Ombudsman's report in that connection? - Yes, indeed. Certainly in my conversation with staff from Central Region certainly indicated that their Legal Department had a view that they could not make further comment but they had, as it says there, "severe reservation" and they would not recommend his clubs to me.

You see on the third page of that letter at the foot of the page there is a recommendation that the Boys' Club is deregistered forthwith. Do you see that? - Yes, indeed.

And I think there are four reasons given. The first is the ratio of leader to members and the second is that there was no Parental Committee? - Yes.

The third is that other Regions do not or cannot recommend Hamilton's clubs. The fourth is that Hamilton is not affiliated to the Boys' Club of Scotland and the fifth is that there is no insurance. Were these all matters that you discussed at your meeting with Mr. Sinclair? - They are indeed.

Were there any other reasons for you reaching the view that the let should be discontinued? - No, these were the reasons that we were putting forward.

I referred yesterday to correspondence you received from Hamilton regarding your investigations of the complaint that was made to you. Do you recall that? - I do indeed.

Do you recall Hamilton copying to you his correspondence/

correspondence with the woman who had made the complaint? - No. Sorry, yes, he did copy a letter that he had sent in relation to that complainant.

Can I ask you please to look at Document D4 of Volume J(III) which is DLRC/CE/5. Do you recognise that? - This is the first letter that I received from Hamilton. It was just immediately after my visit to him.

Is that letter addressed to you? - It is indeed.

BY LORD CULLEN: What is the date of that letter please? - 25th May 1988.

EXAMINATION CONTINUED BY MR. LAKE: Can I ask you please to look at Document Reference DLRC/CE/5. The reference for that is D4 of J(III). Do you recognise that? - Yes.

Is the first page of that a handwritten letter to you from Mr. Hamilton? - No, the first page of this is a letter to the person who made the original complaint.

Perhaps I should have my copy put on to the imager to make it easier. The first page please? Can you see the top of the page? Do you recognise that document? - Yes, I do.

Is that a letter received by you? - It is indeed.

From Thomas Hamilton? - On the 31st May.

Can we see the second page of that document please? Was that a letter attached to the handwritten letter we have just seen? - It was.

And did you have a chance to consider that letter when you received it? - Yes.

And without going into the tone of that letter, the letter is sent to the woman who had complained objecting to the fact that she had complained? - That is correct.

I think if you look at the very foot of the/

letter, the last paragraph, Hamilton threatened her there that he will seek recovery of costs from her? - It was in my view an intimidatory letter.

Did the fact that Hamilton had written such an intimidatory letter influence your deliberations on the question of whether he should have a let of the school? - It was my opinion that such an approach to parents was not warranted and certainly influenced me in my view of this person being an appropriate person to use school premises.

LORD CULLEN: Mr. Lake, can I be clear. You referred a moment ago to the letter from Mr. Hamilton which is supposed to be the first one after the visit and apparently dated the 25th May. What is the number of that letter?

MR. LAKE: The two references for that are D2 in Volume J(III) and the alternative reference is DLRC/CE/3/1.

LORD CULLEN: Thank you, yes.

EXAMINATION CONTINUED BY MR. LAKE: What action did you take in respect of Hamilton' let after your enquiries? - To an extent my actions were at a conclusion at that point. I had conducted the investigation as requested by Mr. Sinclair and reported to him.

Are you aware of what was done in relation to the let? - My understanding was that the decisions were that we were in a similar position potentially to Central Regional Council and whilst we had the concerns raised in the four points in David Sinclair's letter, we did not have enough hard evidence to move to making a withdrawal of the let. It was at that point only a matter of a couple of weeks before the end of the school term and we were of the opinion that we in the Community Education Service required full use of Linlithgow Academy for the term after that summer for our own Community Education Evening Class programme.

So what was the effect of that? - That there would not be available school gym accommodation for Mr. Hamilton's club.

And/

And that would be in the following year? - In the September of 1988.

So is it correct to say although you didn't cancel the let you were able to make sure he didn't gain a let for the next year? - At the point at the end of my investigations that was our intention.

CROSS-EXAMINED BY MR. GIBB: One of the remits of this Inquiry is in relation to the vetting of those involved in the supervision of under 18s. You have obviously worked in this area for most of your career presumably? - Entirely, yes.

Clearly you had a gut feeling about Hamilton and you took an individual initiative but am I right in thinking there was no protocol as such within the Region about vetting or going about checking of prospective applicants for let of school premises? - That is correct.

You will recall in evidence-in-chief it was suggested to you that the fact that someone was using school premises of itself gave them an aura of respectability which they might not otherwise have. Maybe it wasn't you. Maybe it was a previous witness. Is it perhaps the fact that if they are using local authority premises parents may have an understanding that such people have the approval of the local authority? Could that be a legitimate understanding of parents, do you think? - It would not be my interpretation, no.

I know but you could understand parents who felt that since it was in school premises it somehow had the imprimatur to some extent of the local authority? - I can see what you are saying but I would not necessarily accept it.

Oh, I know you wouldn't accept it. Even on the question of insurance, clearly in such clubs an accident could happen quite easily and at that time there was no requirement for those letting school premises to even exhibit a certificate to show that they had public liability insurance? - That is correct.

Indeed, there was no vetting process at all in place? - At that time.

Is/

Is there a vetting process in place now? - There are procedures which we have put in place but they are not detailed as of yet. There are detailed discussions ongoing at the present moment in Edinburgh and work on detailed procedures for working out use of educational premises, including school lets.

But/

10.20 a.m.

But there was no general protocol which had been put together for the assistance of local authorities? - No.

Do you think such a general protocol might be of use to local authorities? - I think it would be of certain use to local authorities and to volunteer organisations, legitimate volunteer organisations, all of whom wish to ensure that the best interests of children and young people who use the services are maintained.

Might it therefore be a possibility, as far as local authority premises are concerned for a recommendation to have a general protocol to assist local authorities? - It would indeed.

And that assistance, one of the requirements might be to exhibit, prior to the let, a certificate of insurance? - That would be an indication of an organisation prepared to offer protection to the staff and volunteers for young people.

You also mentioned concerns that there was no parent committee as such, no parental involvement; again would it be of use if that matter was investigated before a let was granted? - Yes, I think parents and interested adults in the community, not necessarily only parents.

I think as far as you were concerned there was no involvement of parents at all in the Linlithgow enterprise? - That is correct.

Mr. Jeffrey, you spoke in evidence- in-chief of your name coming up I understand, and your involvement in this Inquiry is looking into the whole matter; is there anything you wish to assist the Inquiry with in terms of vetting procedures other than what I have asked you? - Since my investigations, my job duties since I have been involved in the development of training in child protection procedures with the community education staff both full time and part-time, that work has led me to contribute to a major submission to Lord Cullen, a written/

written submission based on national agencies and Scottish wide agencies and from ourselves in terms of the local authority we contribute a major written submission in terms of possible ways forward in working with children.

BY LORD CULLEN: In what particular name has that submission been made or has it to be made? - It has yet to be made, it is in the final stages of draft under the name of Scottish Education Council for Voluntary Youth Organisations.

You have been asked some questions about procedures for vetting arrangements being made for these lets; do I take it that local authorities such as those you have been involved with will have a procedure for vetting those who are employed or to be employed by them? - Every employee through a local authority who has substantial access to children is deemed to be, under terms of the guidance of the Scottish Office, under reference to the Scottish Crime Records Office checks. None of the volunteer organisation staff are covered by those and there are differences in approach between the Departments of the same authority because guidance comes from the Social Work group of the Social Work Department and the Scottish Office Education Department.

At the moment authorities have access to records which are not available to voluntary organisations? - That is correct.

CROSS-EXAMINATION CONTINUED BY MR. GIBB: In terms of interviewing someone before they take a let is that part of the consideration being given to the submission to the Inquiry as to a number of more detailed steps that could be taken to investigate someone's background and satisfy yourself? - Yes, the submission is looking at the more detailed use of volunteers in total to ensure that certain people who would have access to children would not have unsupervised access immediately; in order for there to be continual development someone could be monitored rather than go immediately unsupervised to have access to children.

Clearly you have concerns right from the outset but then you had your concern about the Ombudsman's involvement and you thought you might be going/

going down the same route? - We had exactly the same concerns as Central Region and certainly from the correspondence from Mr. Hamilton it was likely he would take this to the Ombudsman which he did do eventually after his let was cancelled but the Ombudsman held in Lothian Region's favour at that time.

BY LORD CULLEN: Does your submission cover the situation where there is more than one local authority that might be involved; for example, a let is taken at Linlithgow Academy but the organisers have a trip to Loch Lomond where something is taking place, some excursion; is there some contemplation of co-ordination between different authorities where activities might take place in different areas? - In my opinion there should be some Scottish, if not UK wide, register of people involved with young people operating in transferring information across local authority boundaries; it was difficult enough before the 1st April but it is going to be more difficult now.

I was thinking in particular, for instance, monitoring where you have an activity of an organisation in more than one local authority area; you would need co-ordination of some sort so you are getting the full picture? - Yes.

CROSS-EXAMINATION CONTINUED BY MR. GIBB: Is it contemplated at all, I appreciate I am pre-judging the submission which I have no involvement in, that the local authority might have any involvement in vetting those who will be involved with young people but not necessarily using local authority premises -- for instance, using church halls or premises which are not subject to the control of the local authority? - It would not be my view that the local authority had a role to play in that respect -- it is not local authority premises and a local authority service; I think that the view of the submission is that there are potential parent bodies or umbrella organisations within the voluntary sector that could have a part to play in such organisations; I wouldn't wish to be involved in discussions about either the Scouts group or the Boys Brigade company in the whole of the City of Edinburgh, I am one person.

It might be perhaps it is possible to distinguish what one might call a mainstream organisation/

organisation but here we have a man who was certainly not a mainstream organisation; there must be people who are not under the Scottish Association of Boys Clubs and it might be if they had no mainstream organisation it would be difficult for them.....? - In every community in Scotland there are a number of adults who wish, for the best reasons, to give their services to support young people through very difficult times in view of their transition from childhood to adulthood; I wouldn't want these people, who give their time freely and to the benefit of the community, to be deterred from that work, that is a concern of mine, that we have an over-reaction with people serving young people being suitable rather than simply protecting them.

Had you any involvement at all with the question of school security, either in your present post or in another post? - None.

RE-EXAMINED BY MR. LAKE: You said that Hamilton made a complaint to the Ombudsman in relation to the cancellation of his let, of which you were responsible; when was that complaint made? - It is my understanding and I was peripherally involved -- this happened one year after I carried out the initial investigation into Hamilton's clubs in Linlithgow; despite our best efforts in June, 1988 Hamilton continued with that let at Linlithgow Academy into the next year, into 1989; by this time I had left my job at West Lothian and was now working in Headquarters of the Educational Department with a regional remit in respect of Bathgate Community Education Office and there was an incident report in 1989 where Hamilton had been technically, I believe, assaulted in terms of a concoction of suncream oil thrown at him; I received a report about Linlithgow Academy and I also received Press cuttings indicating that incident; in the Press cuttings it was acknowledged that there was a police investigation into the activities of the camps in Loch Lomond the previous summer; when passing that information on to my superiors within the Education Department a decision was taken to cancel the let at this point because there was a police investigation into Mr. Hamilton.

So the assault that you have been referring/

referring to, that took place in the context of one of the clubs run within the local authority premises? - That took place in Linlithgow Academy almost one year on from when I conducted my initial investigation.

You said you carried out your initial investigation in about May? - May, 1988.

So this would have happened in May, 1989? - Yes, May, June, 1989.

So when you said that the community education programme had taken on the let of the school that wasn't that same time? - It was my understanding that at that time we had programmed Linlithgow Academy to the full; however, it would appear there was an hour left which was not programmed which Mr. Hamilton got and continued to operate his club from.

So he was operating the club continually up until May, 1989? - Presumably from August, September, 1988.

When was the decision actually taken to terminate the let? - In April, June 1989 when I received the information from the Press cuttings.

And there was information in the Press cuttings that led to the termination rather than what you had uncovered previously? - That is correct.

When did Hamilton make a complaint to the Ombudsman? - I understand it was thereafter in terms of his complaints about the authorities cancelling his let.

What was his complaint in relation to the cancellation? - That he had not had an opportunity to put forward his side of the case.

What did the Ombudsman do in relation to that complaint? - I didn't see any details of the Ombudsman's finding; my only understanding is that he found in Lothian's favour.

Was there any subsequent lettings to Hamilton? - No.

MARGARET/

MARGARET ALAND, Sworn:

EXAMINED BY MR. BONOMOY: You are a Social Worker? - Yes.

You work within the Balfron office of Stirling Council?  
- Yes.

Before the change in local government what authority did you work with? - Central Region.

In the same office? - Yes.

What age are you now? - 46.

How long have you been qualified in Social Work? -  
16 years.

Have you been working as a social worker throughout that period? - Yes.

I think you became involved as one of the liaison teams to tell families of the deceased children about the death of their children? - Yes.

Were you teamed up with two police officers for that exercise? - Yes.

And did you deal with one family only? - Yes.

When were you first brought along to the school? - Before going into the school we were sent first of all to a house where the parents were and then we were told to go to the house on the other side of the road and I think it was about one o'clock we were taken up to the school.

So you must have been at one of the houses at 11 o'clock? - Yes, just after 11.

And then about one o'clock up to the school? - Yes.

While you were in the second of the houses was there a feeling of anxiety, of concern rather, that not enough information was being conveyed? - There was certain concern, I think there/

there was a lot of anxiety and I think people were quite honestly stunned; I presume if the information was available we would be given it.

How long do you reckon it was that the group of Primary 1 families spent in the second house? - I can't say, I was aware when we were in the other house that we saw transport, minibuses, taking them up to the school.

Were you not actually in the second house? - When I arrived at the school my colleague and I went to the police cordon and we were directed to go into the white house which I think was called Rockvane; when we arrived there we met up with the rest of our team; I think it was Detective Sergeant Moffat advised us that the parents were in the house and directed us to go to the house on the other side of the road where we waited together with the nurses and psychologists there.

And then were a group of Primary 1 parents brought into that house? - No.

At no stage? - No, not that I am aware of.

So I had better go back to the starting point; when you arrived about 11 o'clock you are met by a number of colleagues, is that right, your own colleagues? - Well, I travelled with one colleague from Callander to Dunblane; when we arrived we walked up to the school, the cordon was there, there was a police on duty and we identified ourselves and he advised us to go to the white house which I think half the Primary 1 parents had been directed to.

Would you recognise the house in a photograph if you saw it? - Yes, I think so.

1/

10.40 a.m.

I wonder if you would look at R3, which will be put on an imager and shown on a screen to you. Now, do you see in that photograph the house you went to when you first arrived? - It would be the house -- I can't see it entirely. It is the one in front of the janitor's house.

Can we come down that photograph a bit -- or is that it? Can you go over to the imager please and point to roughly where the house is that you were in? - It would be this house here.

So that is on the right-hand side of the road as you look at the photograph? - Yes.

And that was about 11 o'clock? - Just after 11.

Now, can you point to the house where you understand the parents were -- that is beside it? - No, the same house.

So that is the house you go to at first? - At first, but we were quickly redirected to the other house.

And which is the one you were redirected to? - That one there.

And when you went over there it was professional people and medical people that were there? - Yes.

Roughly what time was that? - I think it would be roughly about 12 o'clock.

Could you sit down again please? When did you first, or when were you first in the presence of parents of the children in that particular house? - I wasn't.

Not at any stage? - No.

So you were aware of parents being taken by bus up to the staff accomodation in the school? - Yes.

And where did you go at that stage? - We were/

were escorted up into the school.

Now, what happened at the school? - When we arrived at the school we were shown into a classroom, and there were police officers and social workers present. And I think it was round about half past 1 or quarter to 2, or between that time, there was a briefing, and we were advised at that point there was 18 fatalities, and the parents at that point didn't know who had been killed, and that there had been problems with identification, and they were planning to draw up teams of three for each family.

And how long did it take to assemble the teams? - It didn't take very long at all, because we had given our names in. It was just a matter of matching up the names.

And is it after that you first meet the parents that you have to convey this information to? - Yes.

Now, what time was it that you first met the parents that you had to deal with? - To the best of my recollection it was 3.30.

Sorry? - 3.30.

Before you ever met them? - Yes.

Now, between 2 o'clock, say, just after the time you were briefed, and 3.30, what was happening? - I think it would be round about 2 o'clock the first teams were called out. The process seemed to go fairly quickly.

Round about what time, sorry -- I missed that? - It would be between quarter to 2 and 2 o'clock the first teams left to see the families. Initially it went quite quickly, but then it slowed down and I was -- our team was the last team to leave the room.

This is a classroom that all the professional people are sitting in -- or the police officers, rather, and the social workers? - Yes.

At any stage while you were there were you checking the time? - Yes.

By/

By your watch or clock or what? - I wasn't wearing a watch that day. There was a clock in the classroom, and my colleague in the office, Marie Sinclair, had the second-last family to be seen. So she and I naturally were together, and I can recall after 3 o'clock we were both sharing anxiety, naturally, about the task we had in hand, and also the fact that time was marching on.

She and the officer she was with left the room before you? - Yes.

Can you tell me what time that was? - It was a few minutes before we left.

And what time did you leave the room? - I can't be exact. I know that I saw the family at 3.30. I don't know whether that was because I looked at the clock in the classroom or I looked at the clock in the staff room when we arrived in the staff room; because our family was the last family we actually saw the family in the staff room, we didn't need to take them through to another room.

Were you aware, or are you aware now, of having checked the time at all on the clock? - Yes.

At what times did you do that? - I was aware at quarter to 2 we heard how many fatalities there had been, and the fact that the parents had not been told. That is fixed in my mind.

Did you check the clock at any other time between then and half past 3? - Yes, around -- it was after 3 o'clock my colleague Marie Sinclair and myself -- we talked and shared our anxieties about the fact it was now after 3 o'clock and we hadn't seen the families.

And that was after 3 on a clock in the classroom, was it? - Well, it was also by my colleague Marie Sinclair's watch.

But was there indeed a clock in the....?  
- There was a clock in the classroom.

So you never actually had to leave the classroom to carry out the task you had, you did it in that classroom? - No, no, sorry. The other workers/

workers had to leave the classroom, go to the staff room, ask the family to come with them, and then escort them to a private room where they could give them the news. Because our family was the last family we walked to the staff room and saw the family in the staff room.

In the staff room -- right. Now, who were the police officers who were with you? - P.C. Pearson and P.C. Clair.

How long do you reckon you spent in the staff room? - Not more than 20 minutes.

And where did you go to after that? - The family -- we separated, because the family had arrived in two separate cars. They did not wish to drive home and P.C. Pearson arranged for transport, and accompanied them home. On the way home he dropped P.C. Clair off to collect one of the cars, and he dropped myself off to get the other car, the family car, to drive up to the family house.

And who actually took both parents home? - P.C. Pearson.

So they remained in the same car as it left the school? - Yes.

And each of the other two of you drove their car? - Yes. We were dropped off by P.C. Pearson, who had the family in the car.

How far was it home? - I would say no more than five minutes, but in Dunblane at the moment there is roadworks over a bridge, and you can get held up at the traffic lights.

Do you know what time the family got home? - I couldn't be sure, but I know when I got into the family car the clock was round about 4 o'clock.

Are you conscious of any particular problem in locating the cars or making arrangements for getting the car home?  
- I think there was a slight delay in getting the car. At that time P.C. Clair and myself, because we were in the staff room, we were able to make tea for the family, a cup of tea for the family. When they finished that we left.

So/

So when you say "difficulty", was that in relation to getting a car that would come to the staff room and take you home?  
- Yes.

No problem in actually identifying or locating the other two cars or making any particular arrangements in regard to them?  
- No. The parents were able to give us the exact location of them and the registration numbers.

And Pearson was able to drive to where these cars were? - Yes. It was on the way to the family's home.

And were the cars parked in Old Doune Road? - No.  
One was parked -- I don't know the name of the road, but it is just off the main road near Tesco's, and the other car was parked in Tesco's car park.

Now, do you know why there was a delay in you being put in contact with the family you were to deal with? - I think there was four social workers left at half past 2. Two went between half past 2 and 20 to 3, which left two of us in the classroom. My recollection is that someone at some point went into the classroom and said words to the effect that there was a problem with accommodation, and they were trying to remedy it as soon as possible.

And that was at what time? - I can't really say. It was after the other two social workers left, and went to see their families, so it was after quarter to 3.

Once the other two social workers had gone and there were only two of you left would I be right in drawing a conclusion

that there must have been two families in one staff room and two social workers in a classroom? - Yes.

And therefore two rooms available and two families to be told? - Yes -- I hadn't thought of that at the time.

But that is how you imagine, at least, or conclude the situation must have been by that time?

- Well, I know that the two families were sitting in the staff room and the two social workers were sitting/

sitting in the classroom.

CROSS-EXAMINED BY MR. CAMPBELL: Is it Mrs. Aland or Alland? - Aland.

Since the events of that terrible day I think you have continued to be in contact with the family that you were assigned to? - Yes.

And without going into any details have you also had some contact and communication with the family groups as a whole? - Yes.

Can you help us with this: everybody appreciates that all of those involved on that day were operating under great strain in the most terrible circumstances, but have you become aware that the families were deeply unhappy about the way in which they were treated that day? - I can only speak about the family that I liaised with. They certainly have made it clear to myself and the police officers that they were very unhappy about the delay, and the reason for the delay in being told news of their child. The feedback I have had since then is that since being told they feel the level of support offered to them was appropriate.

Yes. I think there is no complaint in relation to support since then, nothing but praise, but so far as the events of the day themselves are concerned, do I understand, at least so far as the family you are concerned with, there is considerable concern about the delay in giving the information to that family about the death of their child? - Yes. I have been more aware of that since

the Inquiry started.

Have you been made aware of any concern relating to the giving of information about what has happened to a child to persons other than the child's parents, in advance of giving that information to the parents themselves? - I am sorry, I don't understand the question.

It is a very bad question. I will try it again. Have you become aware of a deep unhappiness about the events of that day, and in particular the fact that information about a child was given to other persons before that information was given to the child's parents? - I have been aware of it in one/

one case, but I think it happened more.

Are you aware of any concern relating to a delay in giving information to the parents of injured children, is that a matter really outwith your knowledge? - I couldn't comment on that. I only dealt with my own parents.

Given your participation in that day's events and your qualification as a social worker, can you help us with any lessons that might be learned should, heaven forbid, some similar tragedy occurred elsewhere -- I am thinking particularly in terms of how to deal with those most affected by the events? - I think if I do -- I wasn't involved in -- I didn't know what was happening, except from the briefing, but I think with hindsight an important factor is -- I think the setting up of the police and Social Work team is a positive thing.

I feel that that worked well, and was able to cover a variety of issues for the parents; but I thought it would have been better had the parents been told earlier. I don't know whether that was possible or not, but they should be told as soon as possible.

CROSS-EXAMINED BY MR. GIBB: Can you tell me, was there an officer who appeared to be in charge of the line of communication to the parents, or was there anyone apparently with that specific task on the day? - I couldn't comment on that. We were waiting in the classroom and knew what our task was, and I wasn't aware of what other people were doing.

Who did the briefing, can you remember? - I honestly can't remember the name. I know that D.S. Moffat was there and Chief Inspector Hughes, and I think it was Superintendent Holden.

Yes, but did you have any further dealings with

Superintendent Holden other than the briefing? - On the day?

On the day? - No.

CROSS-EXAMINED BY MR. TAYLOR: I take it that you would agree that breaking news about tragic death such as occurred on the 13th is a matter which requires a degree of sensitivity? - Yes.

And/

And would it be fair to say that some thought has to be given as to what is to be said to the parents, how it is to be said, and the circumstances in which -- sorry, the surroundings in which the news is to be broken? - Yes.

And it would be appropriate, would it not, for there to be appropriate support given to the parents? - Yes.

Would you agree with the proposition that the news ought to be broken to the parents as privately as is possible? - Yes.

It wouldn't be good practice, for example, to read out a list in a large assembled company? - No.

And is it also appropriate that some time must be spent with the parents after the news has been broken, in order to discuss the issues which arise with them? - Yes, if that is what the parents wish. I think it should be offered.

And on the occasion which you unfortunately had to deal with on the 13th March, you told us in your evidence-in-chief that a variety of issues had arisen with the parents which you were able to deal with because of the creation of the liaison teams. Approximately how long did it take to discuss these issues? - I think it was an ongoing process, and when we took the family home we spent some time with them in the house and then we left them, with the understanding we would be back later, and take them into the hospital to see their child; and then from then on we had daily contact, and it was an ongoing process.

And/

11.00 a.m.

And did that involve yourself and the police officers as well? - In the first day it was the three of us. Thereafter it was P.C. Pearson and myself.

And have you continued in contact with the parents up until the present time? - Yes.

I think on the day in question there was a bit of a delay in obtaining a car to take the parents home? - I was aware of P.C. Pearson leaving the room to get transport. P.C. Fair and myself made the family a cup of tea and I couldn't honestly say how long after that it was that the car was available.

If it was P.C. Pearson's recollection that it took him approximately 20 minutes to go and collect a car and come back, would you agree with that? - I wouldn't have thought it was as long as that.

Approximately how long would have elapsed before P.C. Pearson left to collect the car after you had broken the news to the parents? - It was quite quickly.

Would a period of time in the order of 20 or 25 minutes accord with your recollection? - It would be. On the day when we told the parents every minute seemed to be a long time and looking back probably he left after about five minutes to get the car and my recollection is that the interview didn't last more than 20 minutes so it was probably 15 or 20 minutes I would have said.

Do you recall the mother of the child at any point commenting that the time was now 3.30 and that she had been there since about 10.30 that morning? - They commented on the wait. I can't honestly say I remember her saying it was 3.30 but my recollection is that it was 3.30.

And am I right in thinking that all five of you as it would be travelled in the one car at first? - Yes.

Were there still people milling about the/

the school at that point? - Yes.

Did that cause any delay in exiting from the school? -  
No.

And your recollection is that it was in the order of 4 o'clock when you reached the parents' house? - Yes.

Can you say when you left the house? - It would be an approximate figure. I think we were there about half an hour.

So that would be approximately 4.30 you would have left the house? - Approximately, yes.

Was there any particular reason why you left at about 4.30? - I think the team felt that the parents needed time to themselves. They were all so anxious to go to the hospital to see their child and we were returning to the primary school to find out what arrangements had been made. Before we left, P.C. Pearson telephoned the family GP and asked them to visit at the family's request.

Can you recall if the family was expecting a visit from relatives? - Yes, the grandparents were travelling from England.

And can you recall what time it was estimated that they might arrive? - They were expected to arrive around 5.30.

Is it a possibility that discussions which you had with the parents in the staffroom would have commenced at about 2.45 or 2.50 that day? - No.

You just don't admit to that possibility at all? - No, because I am aware of being in the classroom with my colleague, Marie Sinclair, and discussing the fact it was after 3 o'clock and we hadn't seen the families.

RE-EXAMINED BY MR. BONOMOY: After remarking on the time with your colleague, was there a significant lapse of time before you met the family? - It is hard to say what is significant. It seemed a long time.

What/

What I am trying to establish is how you are so confident about the 3.30 time? - I have a recollection of seeing a clock. Other times I can remember looking at the clock but I can't remember looking at the clock, whether it was in the classroom or the staffroom, but I am very certain in my own mind that I was with the family at 3.30.

I doubt if there will be any dispute about that but do you mean with the family in the staffroom? - Yes.

Commencing the job of telling them at 3.30? - I couldn't honestly say whether it was commenced or five or 10 minutes into the interview.

The other thing I want to ask you is this; you were asked and said you were aware of a complaint about information being given to other people? - Yes.

Before it was given to the families. Now, can you tell me the type of person or who the people were to whom information was being given before it was given to the families? - I understand it was a relative.

So that is the complaint that you have heard of and is that a complaint about a relative being told officially by police officers about the death before the family were told officially? - I understand that the relatives received information from the hospital. That is my understanding.

And do you know if that was about an injured or a dead child? - A dead child.

Now, can I take it so far as you are concerned the setting up of these teams, both for the purposes of conveying the dreadful news and then supporting the families afterwards, was a good idea? - I believe so.

And can I take it that to enable the team to work properly it was necessary for the team to be briefed with as much information as possible about the death of the family's child before speaking to the family? - Yes, the briefing did not take long. I think really we only needed to know the basic facts.

So/

So we have a short briefing telling you the basic facts about the death of the child? - Yes.

And were you told what you needed to know? - Yes.

And no more than that? - I think we were given sufficient evidence to see the parents. I don't know what other information could have been given at that stage.

Well, do you think it could be said you were given more information than you needed to have? - No.

So were you simply given what you needed? - We were simply told the number of children who had died and the fact that we were to be put into teams and that these teams would go to tell the family and continue to work together and support them.

GEORGE GUNN (39), Sworn:

EXAMINED BY MR. BONOMY: Are you a Constable in Central Scotland Police? - Yes.

Are you still based at Dunblane? - Yes, I am.

Were you based in Dunblane on 13th March of this year? - That is correct.

Where were you based in 1988? - Balfour Police Office.

How long have you been with Central Scotland Police? - 15 years.

Now, I think that you have two boys at Dunblane Primary School? - That's correct, yes.

And you had been on the night shift on the 12th into the 13th and I think roused by a phone call from your wife? - That is correct, yes.

About/

About 10.15? - It would be round about that time.

And you were at the school? - That is correct.

I don't want to ask you about that beyond establishing that fact. What I would like to ask you about is your duties on the evening of the 17th July 1988 when you worked at Balfon? - Yes.

Do you remember that evening? - Yes.

And I think you got involved in the saga of Thomas Hamilton as a result of a telephone message to your police office? - That is correct.

Is that the first you had ever heard of Thomas Hamilton? - Yes, that is correct.

Who did the phone call come from? - I don't recall the name of the person but it was a parent whose child had been at a camp on one of the islands in Loch Lomond.

Well, was it a parent on the phone to Balfon or was it another policeman? - I believe it was actually another policeman. The parents had called at Drymen Police Office and he was relaying the message to ask us to call over at Drymen Police Office.

Did you go to Drymen? - Yes, we did.

When you got to Drymen what did you have to do? - I interviewed some families, some parents and children, and obtained statements from them relating to the camp which had been held on Loch Lomond.

How many families were there? - I don't recall.

Roughly? - Four or five or six. I'm not sure.

And was that parents of the children who had been at a camp of Thomas Hamilton? - Yes.

Where had the camp been? - Inchmoan, Loch/

Loch Lomond.

And this was a Saturday night, was it? - I believe it might have been.

Was it at the end of one stage of the camp as it were?  
- Yes, they had left the camp and that was them returning home.

And the parents would have to go and collect these children from the camp? - That is correct.

What was the gist of the complaint they were making about the camp? - They weren't happy regarding the conditions of the camp and in particular that some of the boys had been chastised by Hamilton.

In what way? - Smacked across the bottom with a table tennis bat.

So far as the conditions of the camp were concerned, were they more specific than simply bad conditions? - Just simply that it was untidy and bad conditions.

Did you take certain statements at that stage? - Yes, I obtained statements.

Have you been unable to locate these particular statements since? - Yes, unfortunately the notebooks from that period have been destroyed.

So these were statements written in a police notebook at the time? - That is correct.

Now, the camp had been on Inchmoan Island. In whose jurisdiction is Inchmoan? - It is within the Strathclyde Police area.

So effectively who had to carry out the investigation into this complaint? - The initial investigation, yes.

But who had to do that, though, thereafter? - I took the initial statements and contacted the police office at Dumbarton and they sent a Detective Constable through to Drymen to carry out enquiries.

Who/

Who was that Detective Constable? - I believe it was Detective Constable Harold.

And did you pass the statements you had got to him?  
- Yes, I did.

You would keep your own notebook and write them out in some other form? - That is right, I wrote them out on a sheet of paper for him.

So you are out of it at that stage? - That is correct, yes.

But you are back in pretty quickly? - Yes.

What happened? - On the 20th July Chief Inspector Hay from Dumbarton CID contacted myself at the Police Office in Drymen and asked if I could attend at Inchmoan Island on their behalf to inspect it.

Why should they get you to go to Inchmoan and not do it themselves? - Chief Inspector Hay informed me that they had problems getting a boat to take them out to the island and believed it might be easier for myself because the Balmaha mailboat operates from Balmaha and does the rounds of the islands.

And that is in your jurisdiction? - That's correct, yes.

Did you go to the island? - Yes, I did.

When did you go? - Later on that afternoon. I can't remember exactly.

So that is Wednesday the 20th of July. Who did you go with? - Constable Sloan or Duncan as she was at that time. She is now married.

Is Inchmoan inhabited at all? - No.

Is it very big? - No, it is quite a small island.

Do you know roughly its dimensions? - Possibly half a mile to a mile by quarter of a mile to/

to half a mile. It is not a particularly big island.

When you got there were there boys to be seen? - Yes, there were some small boys playing on the beach.

Ages? - Round about nine years of age.

Consistent with the ages of the children you had seen earlier? - That is correct, yes.

The week before. Now, what were these children doing? - Just playing on the beach as young boys do. Throwing stones into the water and just generally playing.

Were they in the water? - Paddling. Not swimming but they were in padding.

Were they dressed for the water? - They had swimming trunks on, yes.

Was that all they had on? - Some of them had T-shirts on.

How far from there was the camp? - Probably about 20 or 30 yards. It was more or less on the shore.

Could you see it when you landed? - Yes.

Did you find Mr. Hamilton? - Yes, I went to the camp. The boys took me.

Was he there? - Yes, he was within the camp.

Were there any other adults within the camp at that time? - No.

How many children were there? - 13 I believe.

Throughout the time you were there that day investigating, were there any other adults turned up? - There were some other adults camping on the island but they were not part of Mr. Hamilton's camp.

So/

So no other adult connected with this camp turned up?  
- No.

How many tents were there? - Three tents.

Did he welcome you? - Yes.

Did he show you round? - Yes, he did.

Were you in all the tents? - Yes, I was.

Can you tell us the general state of the camp site around the tents and the general state of the tents themselves? - The camp site I found generally to be untidy. There were tables set up obviously where the boys ate and they were strewn with dirty dishes. The camp site was generally messy. The tents, again they were messy and the sleeping bags within the tents I found slightly damp to the touch and generally I just got the impression it was not a particularly well-run camp.

Were these three tents assigned to particular purposes? - Yes, Mr. Hamilton said they were.

Could you see that these were the purposes? - Yes.

Now, what were they? - One of the tents was used as a store tent where they kept their foodstuffs and another tent was what Mr. Hamilton called the mess tent which was used for general eating in if the weather was bad and the other one was sleeping tents. However there were sleeping bags in all the tents. All the tents were used for sleeping.

So it looked as though there was somebody sleeping in all of them? - They were all slept in. Hamilton said they had been using them all to sleep in.

Did you determine where he slept? - I can't recall specifically which tent but he said he did sleep in a tent with the boys.

What did you make of the foodstuffs that were/

were available to the children? - I was not particularly impressed with it. It was all mainly dried foodstuffs. I couldn't see any fresh food at all.

When you say dry food, do you mean tins? - Yes, tins and powdered food. Sort of powdered milk. Just powdered foodstuff.

What about basic things like potatoes? - I didn't see anything like that.

Cereal? - There might have been something like cornflakes.

Did you speak to the children? - Yes, I spoke to them all.

How did you go about that? - It was just a general chat with them.

Was that apart from Hamilton? - Yes, it was.

When you were talking to them did you notice anything about the general state of them that concerned you? - They all appeared quite cold. It wasn't the warmest of weathers the day I arrived and they were all a bit chittery and cold. They were all dressed in what I would have said was not proper clothing for the weather conditions and they had scratches on their legs. Obviously they got them from having gone through the bracken on the island.

Did you ask them why they were dressed the way they were? - Yes, I did.

What reaction did you get? - They said Hamilton told them to dress that way.

Did you ask them about even putting on trousers? - Yes, I did.

What reaction did you get? - Hamilton said he didn't let the boys dress in trousers because if they were running in the bracken then the trousers or jeans would get wet and it would be harder to dry them than it would be to dry their legs.

Did/

Did you find out whether of the 13 boys any of them were enjoying themselves? - Yes, I asked them all if they were enjoying themselves and I think three said unreservedly that they were enjoying themselves and the rest of them were generally homesick and complaining about the food and lack of being able to contact home.

Were you able to establish how long they had been there? - If I recall it was two or three days.

Now, I suppose homesickness can take a number of forms and be to a number of degrees. In this case, could you tell whether any of them were particularly upset and wanted home? - I would say none of them were particularly upset. I did ask if anybody wanted to be taken home and none of them wanted home.

So they all chose to stay? - Yes, they did.

Were/

11.20 a.m.

Were there ever any complaints about communication home? - Yes, they said that Hamilton wouldn't allow them to telephone home on their trips to Luss.

How did they get to Luss? - On a boat, there was a boat on the island.

What kind of boat was it? - It was an old type rowing boat, sort of type lifeboat.

Did it have an outboard? - No.

How did they get to Luss? - Row.

Was it not a long way? - I am not exactly sure how far but it is fair distance.

Luss is on the Strathclyde side? - Yes, that is correct.

Were you concerned about the equipping of the boat with lifejackets? - Yes, I was.

Did you check on that? - Yes.

What did you discover? - I can't remember the exact number of lifejackets but there were not enough numbers for the children present.

How long were you on the camp site? - About two hours.

Was Hamilton pleasant or unpleasant to you? - He was pleasant enough.

And when you left what was your general view of the set up? - I didn't think the children were in any particular danger as such but I thought it was a particularly badly run camp and not of the standard that I would have liked any of my children to have gone to.

Were you concerned about him at all? - Yes and no, there was something about him I didn't particularly like but nothing that I could put my finger on.

Now, /

Now, on this occasion, this is the 20th July, did any of the children complain about being struck? - No.

The complaints that you had got on the previous Saturday night about being struck by a bat, did you discover where on the bodies these children had been hit? - They had been smacked across the bottom.

Did you regard that as an assault? - Yes.

Or did you regard that as a chastisement of a child that was reasonable? - No, I would say it was an assault on that occasion.

I think you went back to your own office at Balfron? - Yes.

Did you report that to Mr. Hay? - Yes, I did.

Did you send him a statement? - Yes, I did.

Could you look at Production D1K which is SPOL9; now, that is a substantial report, is that right? - Yes.

You have been given two documents; what is the one on the left? - The one on my left, that is a statement of mine.

That is your own statement? - Yes, but it is not in the form that I sent it to Strathclyde police so I haven't actually read this one.

Could you look at it just now and tell me if that is in the terms in which you reported? - Yes, I would say that is a fair assessment of my report.

You did mention that there was dried food but you also mentioned potatoes there in that particular report; you saw no fresh fruit, vegetables or meat? - Yes.

You also say that Hamilton told you that he/

he slept.....no, I am misleading you, I think he told you that there were sleeping bags on the floor and Hamilton said that some of the children also slept in the same tent as the mess tent? - Yes, that is correct.

You mentioned in the report on the third page about challenging Hamilton about the lack of lifejackets? - Yes.

And he agreed that was the case but he said that the boys were good swimmers and could do without? - Yes, the ones that were good swimmers didn't require them.

You also say "In your opinion the camp was in a dirty, untidy condition with inadequate drying and sleeping facilities for the children"? - Yes.

That was your view at the time? - Yes.

The food was unacceptable to young children spending their time out of doors all day? - Yes.

And then the last part, supervision of the children while at the lochside is inadequate; you mentioned that earlier; did you think it was inadequate that children were left at the lochside without supervision? - Yes, the children should be supervised at the side of the water.

He was 30 yards away? - Yes, he was in the main body of the camp.

You go on to make a remark "If a child of my own had been at this camp I would have no hesitation in taking him away"? - Yes.

Did that remark cause any difficulty at a later stage? - In what respect?

Was that regarded as a personal comment rather than.....? - Yes, that was a personal comment.

Rather than an investigation comment? - No, that was a personal comment.

You/

You didn't charge him with anything? - No.

No offence? - No.

Is it the case it wasn't really up to you? - Yes, that is correct, I was just asked to go and inspect the actual camp site.

If that had been up to you could you have put your finger on an offence that was being committed? - There may have been a contravention of Section 12 of the Protection of Young Persons Act.

In what respect? - Inadequate supervision and no proper foodstuffs.

Not giving proper care to children? - Yes.

Did you later learn that, in fact, the whole investigation became the subject of a report to the Procurator Fiscal in Dumbarton?  
- Yes, I did.

And that was with a view to his considering whether there should be any proceedings taken in Court? - I understand that.

Did you also learn that the Procurator Fiscal in Dumbarton decided to take no proceedings in respect of that camp? - Yes.

I think that production should stay with you for the moment. Now, could you go to the first page of the Production D1K and is that the first page of the report that was prepared for the Procurator Fiscal? - I haven't seen this document before.

Could you look and see if it is, in fact, and if you go to the second page can you confirm to me that it is addressed to the Procurator Fiscal at Dumbarton? - Yes.

And it is compiled by Detective Sergeant McBain? - That is correct.

Were you aware of Detective Sergeant McBain's/

McBain's involvement in this investigation? - No.

He is a Strathclyde officer and not a Central police officer? - That would be correct, yes.

Now, could you just look at the first page of that and can you confirm to me that the second paragraph deals with Sunday evening, the 17th July, 1988? - Yes, that is correct.

And that indicates that the police at Alexandria were advised or were notified that a summer camp on Inchmoan was being run improperly? - Yes.

That is when you first became involved? - Yes.

I think the third paragraph mentions one particular set of parents being most vociferous in their criticism of the camp and demanding that the police take immediate action against their two sons who just arrived to go to the camp? - I am not aware of that.

But that is what the report says? - Yes, that is in the report.

I think that the next paragraph, No. 4, deals with the situation after you had reported back to Mr. Hay so we are at Thursday, 21st July? - Yes.

And does it say that after contacting 10 sets of parents I, that is McBain, arranged for them to meet their respective sons and judge for themselves first hand if anything untoward was taking place? - Yes.

Does it go on to say that only six sets of parents, including the ones that were mentioned in the previous paragraph, attended at Dumbarton Police Office and spoke with their respective sons? - Yes.

And then does it go on "Four boys, including one of the families, refused to leave the camp and had no complaint to make"? - That is correct./

correct.

So we have a family split at that stage? - Yes.

"Indeed none of the boys interviewed at this time made any complaint, but several felt homesick and were taken home, in some cases reluctantly, by their parents"? - Yes.

Does it go on to say "All the parents present spoke with Hamilton who was quite happy to speak with them"? - Yes.

Does it then say "None of the parents present were prepared to make any complaints or malign Hamilton in any way"? - Yes.

"Indeed, some praised him"? - Yes.

That wasn't the end of your involvement? - No.

What was the next you heard about the whole business? - My inspector informed me that Hamilton had made an informal complaint about my statement which I had submitted to Strathclyde Police.

Who was your inspector? - Michael Mill.

What was Hamilton's complaint about you? - I had basically told a pack of lies.

So you had to give an explanation to Mr. Mill, I take it?  
- Yes, that is correct.

Did Hamilton go further than simply giving an oral complaint to Mill, did he start writing to the police? - Yes, he started writing numerous letters to Inspector Mill and to other officers at the Central Scotland Police.

What was the general tenor of the letter? - That I was an incompetent officer and told a pack of lies.

Did he also try to explain how he ran his camp and clubs? - Yes, he did.

Was/

Was any one of these letters circulated widely in your own area? - Numerous of these letters were circulated throughout Dunblane.

Mentioning you or just an incompetent officer? - No, mentioning me by name.

Did that correspondence get, to your knowledge, as far as his local MP? - Yes, I believe it did.

I think one of the senior officers in Central at that time was Chief Inspector Gunn? - Yes.

No relation of yours? - No.

Did he get involved? - Yes.

In what way? - He was the officer in charge of the division in which I worked at that time and Hamilton complained to him regarding my conduct and Mr. Gunn then carried out his own investigations regarding it.

So you could say that Mr. Hamilton tended to correspond with fairly senior officers or communicate with fairly senior officers in your Force? - Yes, he did.

Now, did he ever try to contact you? - Yes, he did.

When? - I can't remember the exact date but he called out at Balfron Police Office on one occasion.

Was that a reasonably short time after July? - Yes, within the month or so.

What was the purpose of his visit? - He wanted to discuss the statement which I had submitted to Strathclyde Police.

Did you discuss it with him? - No, I told him I was not in a position to do that.

Did you have any difficulty getting him to go? - Yes.

What/

What did you do? - He refused to go, I had to repeatedly tell him to go and eventually I told him if he didn't leave he might well be arrested and at that point he did leave.

Did he call on another occasion that you heard about when you were not there? - Yes.

What did he do that time? - He sat for three hours to wait to speak to Sergeant Moir.

Outside your office? - Balfron Office.

Was it outside or inside? - Outside.

Letters were continuing to be written? - He wrote numerous letters.

It got worse? - Yes, he seemed to get more and more obsessive about the incident.

It got worse for you? - Yes.

What was the next major thing that happened? - Regarding the complaint?

Yes? - He made it an official complaint.

What does that mean? - It then becomes an official complaint where it gets investigated by the Discipline Officer.

When did he make that complaint? - I believe it was December, 1988.

In February did you, in fact, get served with formal discipline papers at the instance of the Chief Constable? - That is correct.

I think that the man responsible for the complaints and discipline investigation matters would be the Deputy Chief Constable?  
- That is correct.

He would have to assign an officer to look into Hamilton's complaints against you? - Yes.

Who/

Who was that officer? - At that time it was Inspector Keenan.

Can you tell me what the charges were against you?  
- I believe there were three charges; one was that I had made a misleading statement to Strathclyde Police and the second charge, I can't remember the exact wording -- I had been uncivil towards him.

Is that just the two charges? - I think there were three.

What is the third? - I can't recall.

What was the uncivil remark? - I think it was along the lines about I had sworn at him and thrown him out of the office at Balfron.

Did you swear at him? - No.

Did you have to throw him out of the office? - I had to threaten him with being thrown out.

I think you were insistent that Mr. Keenan should speak to a wide range of witnesses in his investigations? - Yes, I was.

And as far as you were concerned did he do that? - I believe he did.

That would mean that Mr. Keenan would speak to all of the people that he could identify, I suppose, who had been involved in the complaints which were investigated back in July? - Yes, I

gave him a note of all the children I had spoken to on the 17th July at Drymen Police Office and also the names of all the boys that were on the island on the 20th July.

It may be that I am guessing a little here but some of these represented parties here will want to know some of the details of these statements; I suppose Mr. Keenan would be the best person to ask about what was in the statements made in 1988, 1989? - Yes, he will; I would imagine they will be recorded where my own notebook at the time, we destroy notebooks after five years, it is not available.

You/

You only spoke to the witnesses that you have told us about so far? - Yes.

Whereas we have seen already McBain's report and he had been sent out to conduct a much wider investigation? - Yes.

I take it you would assume that Keenan would have access to Mr. McBain's report? - I would have thought so, yes.

Now, after February, 1989 when you got your papers served on you when was the next time you encountered Hamilton? - There was a time when I was off duty I encountered him at Stirling; I was off duty with my wife and my young children in Stirling and I can't be specific of the dates but I had called in to Burger King within Stirling Town Centre; seated in there there was Hamilton.

What happened? - I didn't know he was actually there; I was sitting with my wife and family and we were having burgers and my wife looked uneasy; I didn't think much about it at the time but as we were leaving I noticed Hamilton sitting behind me and when I actually asked my wife what was wrong with her she said that the man behind had been sitting staring at her and made her feel uneasy; knowing Hamilton I turned to speak to him and to ask him what he was playing at but he had left the shop.

Did you retain any further interests in Hamilton's activities after that? - Yes, I was still working out at Balfron and I became aware he was running camps at Milarrochy Bay caravan site.

What did you do about that? - I made him aware of the fact that I knew he was running these camps, I would go into the camp site and drive around.

That one isn't on an island? - No, it is not.

Was it on your patch? - Yes, it was.

And in 1989 did you do that? - Yes, I did.

How many times did you do that? - I am not/

not sure, maybe once or twice a week.

Off your own bat did you do it? - I was not ordered to do that, no.

Your own initiative then? - Yes.

Can/

11.40 a.m.

Can I take it that in 1989 his camp was of a similar style -- let's take the word "style" for a moment -- to 1988? - In some respects. It was actually within a proper caravan site on this occasion.

But I take it it was still in tents? - But there was still two or three tents, and young boys. We never actually spoke to Hamilton or inspected the camp. I just drove around the caravan park, which I would do in any event -- we were often invited in, and asked to patrol the caravan park by the owners at that time.

Was one of the things you had in mind to let him see you were maintaining an interest? - Yes, to make him aware the police were still around.

And was one of the other things you had in mind to see what the conditions were like? - Yes and no. I was never that close to see within the tents or anything, so I wasn't inspecting it as such. I was just driving by to make him aware the police were around.

By that time were you aware that there were no proceedings in relation to the year before? - I can't recall if I knew then or not.

I mean, was it a surprise to you, for example, that he was still running camps, and can you explain why? - I was surprised he was running camps at all, to be honest.

Why? - Because the state of the camp, I felt that there should have been some form of governing body to run boys' clubs, and there didn't appear to be one at that time.

And yet some parents who went to the camp sites, from what we have just read, seemed to leave their children there? - Yes.

Even after they had seen them? - Yes.

Over what period in 1989 did he run the camp at Milarrochy Bay? - It was in the summer, the closed school term, the summer months.

For/

For the whole summer holidays? - Yes, I believe he was probably there for about eight weeks or so -- maybe slightly less.

Was the 1988 camp as long as that? - I don't know how long it went on for.

Can I take it the boys went and stayed for maybe a week and then another lot came? - Yes. I remember from what Hamilton said the children paid for one week and they could have the second week free, or some kind of deal along those lines.

Did he do the same thing in 1990? - Yes. No, I am not sure if he was there the following year. He may have been, but I can't recall.

So, so far as Loch Lomond was concerned, do we stop at 1989? - Yes, I think possibly.

But you have come across his activities once more? - That is correct.

When was that? - That would be 1991 I think it was in Dunblane.

I take it that you are going to tell me about something that you first came across -- a boy you first came across in Old Doune Road in Dunblane? - That is correct.

Could that have been in 1992? - It may have been. I didn't actually record it, so I don't remember.

Can you take a minute just to think about that because there is evidence before the Inquiry about events that sound very similar to what you are going to tell us about in 1992 rather than 1991? - I can't think of a way of pinning it down.

Even in relation to the ages of your own kids at the time you discovered it, or some stupid, some silly way of working out the time? - I have thought about this previously, obviously, before coming today.

So we are not going to improve on 1991 or 1992? - No, I'm afraid not. It could have been 1991 or 1992.

When, /

When, in whatever year it was, did this happen? -  
Pardon?

When did this happen? - I think it was 1991.

Yes, but what time of year, sorry? - Sorry, the  
summer. I can't remember when.

Were you on duty? - Yes, I was.

And by that time were you based in Dunblane? - That  
is correct.

The time of the day? - It was the evening, possibly  
8/9 o'clock at night.

And what did you encounter? - Two young boys  
walking down Old Doune Road in their pyjamas.

Only two boys? - Yes, only two.

Again we have a report of an incident with three boys,  
but this is only two? - Definitely only two.

Walking along the road in their pyjamas? - That is  
correct.

Anything on their feet? - I think they were barefooted  
from memory, yes.

Not an everyday occurrence in Dunblane? - No.

What did you do about it? - Obviously I stopped and  
approached the boys and asked what they were doing, and they  
informed me they had been at a boys' camp being held at the  
Dunblane High School and that they were wanting to go home,  
basically, and they were making their way down to the phone box to  
try and contact their parents.

Apart from the way they were dressed, did they look

as though they were upset? - Not particularly. They weren't in tears or anything.

Were you on your own? - At that time, yes.

What/

What did you do about it? - Obviously I placed the boys within the police vehicle and took them up to Dunblane Police Office and made arrangements to contact their parents.

Did you find out from talking to the boys why they wanted to go home? - Yes. They were generally homesick and they didn't like the discipline that was being imposed upon them at the camp they were at.

Did the parents come and collect them? - Well, I believe they did.

Was that done at the school? - I think they came to Dunblane Police Office. I am not sure. Once I heard Hamilton was involved I passed it on to another officer to deal with. I felt it best if I didn't become involved with Hamilton.

Who was the other officer? - That evening?  
Constable Jack McGregor.

Now, could you answer this yes or no for the moment.  
Do you remember the names of these boys? - No.

Do you remember where their parents had come from?  
- I believe it was possibly the Dunfermline area.

Did either of them make any complaint to you about any form of violence towards them? - No.

Did they mention anything that you could formulate as a sort of criminal charge? - No.

BY LORD CULLEN: Can you tell us what time of year it was you met these boys? - It was summer.

Just summer -- you can't go any further than that? -  
No, just summer -- June or July.

CROSS-EXAMINED BY MR. CAMPBELL: If I could go  
back to the beginning, you were telling us about your investigation  
of the camp at Inchmoan in Loch Lomond? - Yes.

Thereafter/

Thereafter you submitted a report and in due course  
you were the subject of a complaint and then an official complaint  
by Hamilton? - That is correct.

And if I have understood your evidence correctly, the  
gist of that complaint by Hamilton was that you had told a pack of  
lies about him? - That is correct.

And that you were incompetent? - Yes, that is  
correct.

Now that complaint I think was subsequently fully  
investigated and you were wholly exonerated? - That is correct.

What does the fact that Hamilton made this complaint  
about you tell us about his character? - I don't know what it tells  
you, but it tells me that he is a liar.

Would you agree that it tells us he was an  
untrustworthy individual? - In my opinion, yes.

That he was vindictive? - Yes.

Wholly unreasonable? - Totally.

Malicious? - Yes.

And obsessive? - Yes.

A few points of detail, if I may. What was the name of  
the Deputy Chief Constable who was involved in serving the  
disciplinary papers in early 1989? - McMurdo.

When you were investigating the camp at Inchmoan --  
this is not an easy matter -- I am not here talking about any sexual  
impropriety or anything of that nature, but did Hamilton appear to  
display any natural affection or kindness towards the boys in his  
care? - I don't know, because I never actually saw him with the  
boys as such.

The complaints that were made in relation to the punishment on the bottom -- can you remember, did those complaints relate to hitting on the bare bottom or just the bottom with trousers on? - The bare/

bare bottom was never mentioned, so I assumed it was on top of the trousers.

Did you, or were you aware, of anybody else, ever giving consideration to whether what was reported amounted to a breach of the peace on the part of Hamilton? - At that time, or later on?

Well, I am thinking particularly of at that time at the moment? - No, not really, no.

Subsequently? - I believe the Deputy Chief Constable took the investigations made against myself -- I believe he took that down to the Fiscal at Dumbarton with a view to having proceedings re-instituted against Hamilton.

When was that? - I'm not exactly sure.

This is after the.....? - After the investigation had commenced, yes.

So Mr. McMurdo took the matter back to the Fiscal at Dumbarton for a reconsideration? - Yes.

And was breach of the peace mentioned at that time? - I don't know the charges.

And the outcome of that request? - I believe the Fiscal again said no.

So on two occasions the police placed a report before the Fiscal relating to the events at Inchmoan? - I believe that, yes.

Could you look again please at the front page of D1K, which was the report to the Fiscal from Strathclyde Police? - Yes.

We can read this for ourselves, but if we turn the page, could you possibly read out please the paragraphs seven and eight? - "Although many of the complaints are non-criminal in themselves, it does seem that the camp conditions are extremely primitive, with the lack of ease of access and communication being a prime concern. In this respect it could be argued there is serious concern for the boys' moral and physical wellbeing. As yet no charges have been preferred". Paragraph eight: "I respectfully request that this report, together with/

with the attached statements and accompanying leaflets in connection with the summer camp, be forwarded to the Procurator-Fiscal, 3 High Street, Dumbarton, and the Reporter to the Children's Panel, McLean Place, Dumbarton, for their information and any further action they may deem necessary."

The view from that: "It may be argued that there is serious concern for the boys' physical and moral wellbeing" -- would you quarrel with that as an assessment? - Well, I didn't actually fully investigate that aspect of things, so I don't think I could possibly comment on that fairly.

Reverting to the statement which you did provide to Strathclyde Police? - Yes.

Which my learned friend Mr. Bonomy asked you to look at earlier, could you have that in front of you again please? - Yes.

Just before I go on to that, I am sorry, there is something I meant to pick up when we were in the context of the previous document -- has it been taken away from you? - Yes.

D1K again, and paragraph eight, the last paragraph that you read out? - Yes.

Do you see there that in addition to the matter being reported to the Procurator-Fiscal, I think the matter was also reported to the Reporter to the Children's Panel in Dumbarton? - That is correct.

Now, this may be something which you are unable to help me with, and if so please just let me know, but would it be normal practice if there is complaints relating to the care given by a non-parent to a child -- somebody like Hamilton towards the young people in his care -- for that complaint to be brought to the attention

of the Reporter to the Children's Panel? - I don't know.

Would it be standard practice to do that if there was a concern or a complaint relating to the conduct of a parent towards his or her child? - If there was a report being submitted, if there were offences, yes -- and likewise if there were offences by a non-parent, it would be to the Reporter; but I don't/

don't know if there were no offences, if it was just for information -- I don't know if that would be done to the Reporter.

Are you aware as to whether or not the Reporter makes a difference, or distinguishes in some way between complaints, on the one hand, of parental abuse, if I could put it that way, and on the other hand complaints relating to third parties such as Hamilton? - I have no idea.

So if, for example, Hamilton had had children, and if one of his children had been a member of the camp, you are unaware as to whether that would have made any difference to how the Reporter would have responded? - I have no idea how the Reporter would have responded.

Well, that is obviously a matter we can pursue with others, but thank you for your help with that. Can I turn again please to the witness statement which you provided to Strathclyde Police in connection with the Inchmoan Island episode -- I take it you simply prepared this yourself and sent it through? - Yes, although as I say this is not the statement I sent, but it is a copy.

Is it an accurate copy of what you sent, the best of your recollection? - Yes, I think so.

It purports to be your witness statement? - Yes. I mean, it is accurate.

It has simply been transposed on to a Strathclyde Police Witness Statement Form; is that right? - Yes.

If we turn to -- again we can read this for ourselves to a large extent, but if we turn to the bottom of the second page, do you say that you spoke to the children that were at the camp? -

Yes.

All were dressed in black swimming trunks supplied by Hamilton? - Yes.

Some of them also wore tee shirts? - Yes.

You then say they all looked extremely cold/

cold and wet? - Yes.

And you were told that Hamilton had indicated that they were not allowed to put on trousers? - That is correct.

He said because their trousers would get wet? - Yes.

You obviously investigated the state of mind of the children, and you tell us that of the 13 children only three said that they were enjoying the camp? - That is correct.

And most of them, you tell us -- the words you used were "were extremely homesick"? - Yes.

So far as food is concerned, my learned friend Mr. Bonomy has taken this from you in the main, but we do see that they had no supper or warm drink prior to retiring for the evening? - That is correct.

And a number of the children complained of feeling cold and wet all the time, and had not been allowed to phone home or write postcards on their visits to Luss? - That is correct.

Did that cause you any concern, that the children were being prevented from making contact with their parents? - Yes, and I challenged Mr. Hamilton about that. He said if the children phoned home it made their homesickness worse, so he felt it best not to allow them to phone home till towards the end of their stay.

You/

12 noon

You tell us towards the foot of that page that in your opinion the camp was in a dirty untidy condition with inadequate drying and sleeping facilities for the children? - Yes.

Did you investigate the toilet facilities? - I was aware that there was a chemical toilet but I didn't actually go into it.

What was the position so far as drinking water was concerned? - I don't recall.

The episode in Burger King, did that disturb you? - Not so much disturb but annoy.

How did Hamilton behave on that occasion? - Well, he was sitting behind me so I don't know what he did actually at first-hand but my wife told me he was just sitting staring intently at her and my children.

And that was after the complaints and the investigation? - That's correct, yes.

You were asked certain questions relating to the events in Old Doune Road in Dunblane when children were found wanting to make contact with their parents and the parents came to collect them. Were you made aware at this time that the camp they came from was being run by Thomas Hamilton? - Yes, the children told me it was Hamilton who was running the camp.

What happened about this? - I don't know. As I say, I passed this on to Constable Jack McGregor I believe and then I went off duty. I think I was on backshift or whatever. I went off duty and the next morning I was aware that the Sergeant had gone up to the camp site or the school and had spoken to Hamilton regarding how to look after the children. You know, how could two young children get out of the school without him knowing it and I'm not exactly sure what was said obviously but I believe it was along the lines of he can't have eyes in the back of his head or something like that. I don't know what the Sergeant said to that. I'm not aware.

So/

So was there any follow up investigation or any action taken as a result of this episode? - As I say, I believe the Sergeant went up the next morning to speak to him but as regards any further action after that, I don't know.

LORD CULLEN: Mr. Campbell, it may be, I don't know, there will be other evidence about this. I don't know if you can pursue it much further with this witness if it is out of his ken.

MR. CAMPBELL: I am simply taking up the point as there is some dubiety I think as to whether this was the same incident that was mentioned.

LORD CULLEN: Oh, I see. Yes.

THE WITNESS: I don't believe a report went in if that is what you are getting at. I don't believe there was any formal report.

CROSS-EXAMINATION CONTINUED BY MR. CAMPBELL: You knew Hamilton? - Yes.

Well by this time? - I wouldn't say well. I didn't have many conversations with him.

I don't mean it that way but you were well aware of Hamilton and what type of person he was, is that correct? - Yes.

There was the incident when three young boys were wandering about.....? - There were only two boys the night I saw them.

Two boys wandering about the street from one of these camps at night. Now, I take it that was a matter of concern for you? - Yes.

So did you make it your business to find out what, if anything, was done as a result of this incident? - Yes, as I said, I spoke to the Sergeant the next day and he told me he had gone up to see Hamilton. I then left it to the Sergeant to deal with it. I didn't check up on him as such so I don't know what was said to Hamilton.

But leaving aside your ignorance of what was said to Hamilton, do you know what happened in general/

general terms as a result? Was any action taken to your knowledge?  
- Not that I am aware of.

Would you have expected to have known or to have been informed if any action was being taken? - Not necessarily, no.

Not even although you were the officer who found the children in the first place? - Had there been action taken I dare say I would have been told about it but, as I say, I don't know the extent of what action the Sergeant took. I don't believe a report was submitted if that is what you are getting at. I don't think there were any charges preferred against Hamilton. I am sure I would have been aware if there had been.

CROSS-EXAMINED BY MR. TAYLOR: As I understand it, after you had made your visit to Inchmoan in 1988 you passed the papers on to Strathclyde Police Force? - That is correct.

And at the time you passed the papers to them you believed that there was a possibility of some charge being made under the Children and Young Persons (Scotland) Act? - Yes, I would assume there would be.

And presumably that would have required some investigation before a final view could be taken? - Yes.

But that investigation was undertaken by Strathclyde Police? - That is correct.

And they then, if I have understood your evidence correctly, submitted a report to the Procurator-Fiscal at Dumbarton, is that correct? - Yes, I believe that is correct.

And the Procurator-Fiscal's decision was to take no proceedings? - I believe that was the case, yes.

And following that, Mr. Hamilton took issue with the manner in which you had investigated the incident? - He took issue prior to no proceedings being taken.

Prior to the investigation which Inspector/

Inspector Keenan conducted, and which you have told us about, was there any informal investigation undertaken by Central Scotland Police? - Yes, there was.

Can you tell us just a little about that? - Well, Inspector Mill informally investigated it by obviously asking myself and Constable Sloan what had taken place.

Constable Sloan who was at that time Constable Duncan? - Duncan, that is correct. Thereafter Chief Inspector Gunn also questioned myself and Constable Sloan regarding the incident on the island and again that was if you like an informal investigation.

And then there was an investigation by Inspector Keenan, is that correct? - Yes, that is correct.

And presumably you had to be interviewed by Inspector Keenan in the course of that investigation? - That is correct, yes.

Was there any further complaint to your knowledge made by Mr. Hamilton in relation to the conduct of Central Scotland Police Force? - Yes.

Can you tell us what that was? - I believe he complained that Inspector Keenan's investigation was a whitewash and was not getting to the truth.

And I think Mr. Moulson then investigated the matter on behalf of the Inspector? - Yes, I believe that is correct.

Did that involve you being interviewed by Mr. Moulson? - No, I was not interviewed.

Following the circulation of the letter by Mr. Hamilton in which your name appeared, did you contemplate any action on your part? - Yes, I did.

Can you tell us what action you had in mind? - I had a view on possibly pursuing Mr. Hamilton through the Courts for defamation of my character.

And/

And did you take such a course of action? - No, I did not.

Can you say why you didn't take such a course? - Yes, I requested an interview with the Depute Chief Constable obviously to explain my feelings regarding the matter and we discussed it at length and we formed the opinion that there would not be much point.

And you were happy with that decision or you accepted it? - I was prepared to accept it, yes.

So by this time would it be fair to say that Mr. Hamilton had become what might be described as a bit of a thorn in your flesh? - Yes and No. His actions were becoming a pest by the circulation of his letters. I mean, I have no personal dealings with the man, just the fact he was putting these letters around and just wouldn't seem to let go.

Might it be that you would not be able to take the most objective view of the man's character given his activities? - Yes, I would say that is fair.

Now, if I can ask you a question about the incident at Dunblane in 1992. If a report had been sent to the Reporter to the Children's Panel following that incident in Dunblane in 1992, might that have happened without your knowledge? - It may have done but I would have thought had a report been submitted I would have been asked to submit a statement regarding my part in it.

RE-EXAMINED BY MR. BONOMOY: You said something about one matter being sent back to the Procurator-Fiscal to reconsider? - Yes.

And that was by whom? - The Depute Chief Constable, Mr. McMurdo, I believe took the investigation which Inspector Keenan had done against myself down to the Procurator-Fiscal because obviously he had re-interviewed all the witnesses concerned.

And that would be the Dumbarton Procurator-Fiscal still? - That is correct, yes.

Now/

Now, if you could look again at DIK which is that report by Mr. McBain and can you look at the second page and the last paragraph and can you confirm that it does say that it should be submitted to the Reporter to the Children's Panel? - Yes.

As well as the Fiscal? - Yes, it does.

Now, the Burger King incident you referred to, did you report that to anyone? - No, I never.

MR. BONOMOY: Sir, there is being circulated just now a document which has the number D4/I(I) and on the backing is the number DFRC/3I. You will not find it in any of the volumes. A copy is hopefully coming to you, sir, to try and clarify the position about the Dunblane High School camp.

RE-EXAMINATION CONTINUED BY MR. BONOMOY:  
Now, will be put in front of you and you will see that that is dated the 3rd July 1992 and is a Central Scotland Police document from Sergeant Fleming at Dunblane to the Chief Superintendent of 'A' Division. Was Sergeant Fleming the Sergeant you were referring to?  
- That is correct.

You will see the second paragraph says "About 10.15 p.m. on Monday, 29th June, 1992, Constable 340 Gunn, Dunblane, came across three young boys dressed in pyjamas sitting on the pavement in Old Doune Road at its junction with Doune Road, Dunblane. The officer stopped to investigate". Is Constable 340 Gunn you? - That's correct, yes.

Do you think you might be wrong about the number of boys? - Yes, I might well be.

Because we also have three names as well and that they all came from Inverkeithing so this must be the same situation but it is not as I recall it.

It does say that one was barefoot and the other two were wearing shoes? - Yes, that would be fair.

Does that ring any bells? - I still recall/

recall it as I have said but I wouldn't argue that is more accurate.

It also says that one was clutching a tube of toothpaste? - I don't remember that.

And it also says "They had already telephoned their parents and were waiting outside the telephone box for them to arrive"? - No, they had not contacted their parents.

That is wrong, is it? - Yes, I believed we phoned them from the police office.

Then I think it says in the next paragraph "Contact was made with Force Control Room and it was established that the boys' parents had left for Dunblane"? - Again, it may well be the case, yes, but as I recall it either myself or Constable McGregor telephoned.

In any event, if we move on you will see a large paragraph which says "About 11.30 a.m. the following day, Tuesday, 30th June, 1992, accompanied by Constable Smith, I called at Dunblane High School and spoke to Mr. Hamilton"? - Yes.

That is Sergeant Fleming reporting to the Chief Superintendent? - Yes.

He then goes on to say that he, that is Hamilton, "informed me that he had spoken to the parents the previous evening and the three boys would not be returning"? - That is correct.

And then he goes on "On enquiring about supervision, Mr. Hamilton said that all the boys slept in sleeping bags on the floor of the dining hall and that he slept on chairs in the corner. After a head count all the boys were seen to be in bed and instructed that they could not go anywhere without his permission except to the toilets which were in the hall immediately outside the dining room"? - Yes.

Does it also go on to say "Mr. Hamilton explained that the three boys had gone to the toilet together and had probably left the building by the fire exit next to the toilets"? - That is correct.

What/

What does Sergeant Fleming then say? - "At that time I was satisfied by the explanation given by Mr. Hamilton. Constable Gunn did express the opinion that he thought the boys were homesick. Taking this into account and the fact that the camp only commenced the previous Sunday, I took no further action".

So we have there an indication of no further action at that stage, is that right? - Yes.

Can you then read the last paragraph? - "On Thursday, 2nd July, 1992, Constable Metcalfe from the Child Unit, Dunfermline, reported that she had received a complaint....."

Don't give me the name of the next person. Just read past that? - "That she had received a complaint (from a person) regarding her son who had been attending the camp at Dunblane High School. (The person) had removed her son, complaining about the regimentation and lack of supervision. Constable Metcalfe was informed of the incident involving the three boys as described above and is making arrangements to have statements obtained from them."

Does it go on to say "The Child Protection Unit at Bannockburn have been informed and they are in contact with their counterparts in Fife"? - That is correct, yes.

Do you know who was in the Child Protection Unit at Bannockburn at that time? - No, I can't recall. I can see by obviously the handwriting down below it says D.C. Brown and I am aware D.C. Brown would have been in it round about that time.

I think at the very bottom there is a note by a Detective Sergeant and Detective Chief Inspector Hughes which says "Copy to Mr. Harris, Reporter, for information"? - Yes, that is correct.

So does that sound like the same incident? - I would say almost certainly.

As the one you were speaking about? - Yes/

Yes.

BY LORD CULLEN: Just for the notes, I think there is a stamp on the front page showing that the Reporter received that on the 10th August? - Yes, that is correct.

That is the Reporter for Fife Region? - Fife Region, yes.

DOREEN/

12.20 p.m.

DOREEN HAGGAR, Sworn:

EXAMINED BY MR. BONOMOY: Are you now 46 years of age? - Yes.

I think you stay in Aberdeen? - Yes.

When did you first ever hear of the name of the person, Thomas Hamilton? - It was 1988 when my son went to one of his boys clubs.

Where was that club? - Linlithgow.

As a result of your son being at the boys club did your son also go to a summer camp? - He had only been at the boys club a couple of weeks when he got a form stipulating that to remain in the boys club he had to go to this adventure camp.

Did you allow him to go to the camp? - Yes.

What age was your son then? - 10½.

What was the price? - It cost altogether £110 for two weeks.

Did you meet Mr. Hamilton before the camp took place? - Yes.

Where did you meet him? - At the gym hall.

That is where the club was taking place? - Yes.

That is at Linlithgow Academy? - Yes.

Did you watch any of the activities? - Well, you went up to collect them and we saw them through a glass door just throwing a ball about and running about.

On any of these occasions when you went to collect your son did you speak to Hamilton? - Yes.

How/

How did he appear to you at that time, was he pleasant? - He was quite jolly, yes, the kids were all excited about the camp.

Did you inquire of him what the camp would be like? - Yes.

What did he tell you about it? - He told me that it was on an island, they had indoor facilities if it rained for the boys, they had radio contact off the island in case of emergencies, he said there was showers and indoor cooking facilities if it rained, it seemed okay.

Did you know or did you get at that time a name for the island, where it would be? - No, it was just an island on Loch Lomond.

Did you take your son to the camp? - No -- well, we had to take him to Balmaha boatyard.

Was Mr. Hamilton there? - Yes, with a boat.

Did he take all the kids away over to the island on the boat? - He took all the children who were allowed on the boat, you had to say goodbye to them at Balmaha.

That was about when -- the beginning of July, 1988? - Yes.

He was supposed to be away for two weeks? - Yes.

Was he? - No.

When did he come back? - Less than a week.

How did he get back? - I never met the person who brought them back, I wasn't at home when he was brought home; it was a female that brought him home and left him with Uncle Jimmy and Uncle Jimmy had spoken to the police officer on the telephone that said that he would be coming home.

Sorry, Uncle Jimmy spoke to? - A police officer when he telephoned he told him that he would be coming home.

So/

So he got a warning he was coming? - Yes.

Now, did you see your son as soon as you got home?  
- He was at home when I got home, it was later I got home.

What state was he in when you saw him? - Tired, he looked very agitated.

Did he say anything about the camp? - It was horrible.

Anything more specific than that? - He said that they had been in a cinema and the police came into the cinema and took them all out and asked the boys names and if they wanted to go home they could go home.

Was he able to tell you how many of them went home?  
- No.

The following day did you get any more information out of your son? - Sorry?

The following day did you get any more information out of your son? - I waited till he had a sleep and then he told me about thrown off a boat into the loch; when they arrived on the island Hamilton made him take all his clothes off, took off all their kit and their money and they put shorts on.

What kind of shorts? - Skinny things like swimming shorts.

Did he say whether he was able to wear anything on his upper body? - No, just his shorts, they were told to strip completely naked and that is all they got back was a pair of shorts.

Did you find out whether any of the boys had been hit at all by Hamilton, according to your son? - Yes, he told me that if they didn't eat the slop they were being fed they were hit with a wooden spoon.

Did he say where they were hit with the wooden spoon? - The legs.

Did/

Did he ever get that done to him? - He said he got hit once when he refused to eat smash.

Did he tell you about something that had happened with a boat and been thrown into the water? - Yes, they had to go on the boat with their shorts on and there was one towel between them all and they were given a lifejacket and they had to stand on the edge of the boat and jump in and I said to Andrew.....he said "I was terrified" and I said "But didn't you tell him you were terrified?" and he said "I was trying, mum, I told him and he pushed me off the boat with his foot into the water"; my son has a great fear of water.

How did he get him back on the boat? - Just pulled him.

With what? - Just lifted him in; they were all frozen he said.

Now, we are now at the day after your son comes home; at that stage did you do anything about this? - Well, at first I thought Andrew never had been away from home, I put some of it down that he might be over-reacting, a bit homesick; he didn't tend to go out of the house a lot anyway, he didn't have many friends, he didn't know any of the boys at the camp and I thought maybe he was blowing it up a bit in case he had to go back.

Were any of his belongings missing when he returned? - Yes, he didn't have his own clothes, somebody else had his jumper and that and I said to him "Where are your clothes?" and he said "Hamilton has got them all, he took them all off us" and he didn't get anything back.

Did you not do anything about that? - Well, I couldn't get hold of Hamilton; Hamilton phoned the next day and said that if I wished to go out to collect my son's stuff he would explain about the place, about what happened, explain it all to me.

And did you go? - I made an arrangement, he said he would take the boy's stuff to Balmaha so we went down; Andrew wouldn't go, Andrew flatly refused to go with us; I got there and Mr. Hamilton didn't have his stuff; he then said/

said to us "Look, all the stuff is out on the island, if you come out we can have a cup of tea and I will explain in detail what has been going on".

Were you on your own? - No.

Who was with you? - My daughter and Mr. Sam Davie.

Did all of you go over to the island? - Yes, we went on to the island.

When you got there was Hamilton the only adult there or were there any others? - Yes, except for a young teenager.

Aged about what? - 16, 17.

Did you ask him at all about the incident involving your son in the water? - He said it was necessary for lifesaving drill, they had to be able to fit a lifejacket, know how to use it; I had told him I didn't think that was necessary to push somebody into the water.

What was Hamilton's reaction to that? - It was necessary, everybody had to do it.

Did he not say anything about it being a stupid thing to do in hindsight? - I told him that Andrew had nearly drowned when he was little, he had an absolute terror of water because he fell into a harbour and he said it might help him to recover and I said to him that he was terrified.

So he didn't accept that he had made a mistake? - No, I asked him about where the showers were and where the chalet buildings were supposed to be and he said oh, he was supposed to get another island but at the last minute somebody had let him down.

So there were no showers? - There was nothing.

What was the state of the camp? - There was a couple of tents, a wooden fire, a railway sleeper and a couple of boxes and where the boat came in it was filthy with rubbish.

Did/

Did you offer to do something to help him? - No, he said to me.....I asked him about food, you know, and he said that somebody was supposed to come with him but his foot or his leg got broken and he let him down at the last minute; he said that the police had raided his camp, he was really uptight about that, he kept going on about it; he needed some adult help in case the police came back; he offered myself and my daughter and my son a holiday and the whole camp would be free and everything would be provided if I would help him with the cooking.

Did you do that? - I said to him I would think about it because I hadn't been too well myself, I wouldn't manage it all myself; I told him I would go and discuss it with my friend, Janet, and if she was willing to come I would come, I didn't want to be the only female with all his boys and that so when I went back -- I left the island, I went back and I said to Janet.....Hamilton had already said that Janet's son could come but Janet didn't want to bring her boy.

So did you go back with Janet, did you and Janet go back? - We went back.

Who all else went with you? - Mr. Davie, my daughter and my son.

What age was your daughter? - 7, she was 7.

And your son at that time? - 10½.

How many days after you had left the island was it you went back? - I am sorry?

How many days after you left the island was it you

went back? - About three, three I think.

How long did you stay? - Quite a few weeks, four or five weeks.

How did you get on over that period of time with Hamilton? - I didn't.

Why did you stay? - I am a mother, I couldn't leave these kids.

Did/

Did you stay till the end of the camp? - No.

What made you leave? - He threatened me once too often.

What was the threat? - I told him I wanted off the island first thing in the morning, there was no discussion this time, I wanted off, I was going to the local authority, the police, anybody else that would listen and tell them what he was doing to these children and he just calmly turned round and said the very words "I hope your tent doesn't catch fire tonight" and that was it.

Where did you go to when you left the camp? - I asked the boy to take us away in the early hours of the morning, he took us across to Balmaha in a boat to the boatyard.

Where did you go from there? - To the car, it was locked so we had to stay there all night and then drive to Alexandria.

Was that the police office? - Yes.

Did you speak to Sergeant McBain? - I can't tell you the man's name -- yes, I did speak to a policeman.

Did you also, once you got home, get a phone call from the police to get more information from you? - I am sorry, I have to see your face.

When you got home did you get a phone call from the

police for more information? - From Alexandria?

Yes? - They told me it was being looked into; I phoned Alexandria several times and I began to feel a nuisance.

Do you remember when you actually got to the Alexandria Police Office and you were looking for a Detective Sergeant McBain? - Yes, because I think that is the one Hamilton kept ranting and raving about.

And did you find him? - No.

Did/

Did you speak to another policeman? - I spoke to a policeman.

Do you remember McBain phoning you later when he came on duty? - I think it was Detective Inspector Hay I spoke to.

What was it you were reporting to the police? - The condition of the camp; when the children found out.....they had heard me saying I was going and the children wasn't to go too, they didn't want to be left on the island with Hamilton; some of them were crying, the youngest ones were upset, they wanted me to take them with me which I couldn't do; I told the kids, I said "I can't take you but I will go straight to the police station and I will tell the police officer you want to come home and they will come for you and take you home".

So/

12.40 p.m.

So what was the general nature of the complaint you were making to the police at that time? - His thumping kids.

Thumping the kids -- you saw that happen? - Yes.

Whereabouts did he hit them, whereabouts on the body? - One boy got a right slap on his leg with his hand, and another one got punched between his shoulder blades, because his fingernails were dirty.

Did you ever see him slap anyone on the face? - Yes. It was at the top of the camp by the water.

Sorry? - He was at the top of the camp, he was away from the fire and he started roaring and shouting at the top of his voice at these boys for speaking. He didn't like the children speaking.

And did he strike any of them on the face? - Yes, he slapped that boy.

One boy? - Yes.

Have I rightly noted you as saying that he, Hamilton, was the person who threatened you before you left the camp? - Yes.

And he threatened you that you should watch out in case your tent was burned? - Sorry?

Did you say he told you to watch out in case your tent was burned? - Yes.

Now then, after you went to the police did he contact you? - He was at the camp.

Did he phone you at all? - There was a phone call.

What was that about? - I really can't remember, it is that long ago. A couple of times when the man phoned I told Uncle Jimmy "Just tell him I am not here".

Did/

Did you get the impression that Hamilton felt victimised by Detective Sergeant McBain? - No. He was sitting laughing about it. He said "Aye, the clod came, but they went away with their tail between their legs". He said "I outsmarted him".

I am reading at the moment from a statement which McBain took from you -- this is a note of your statement on the 26th of August, 1988 when he phoned you to take the statement. Now, do you remember McBain taking a statement from you then? - Over the telephone?

Yes? - No. I remember discussing with one policeman certain aspects of the camp.

One of the things that it says in this statement is that "During my ten-day stay". That suggests you were ten days at the camp? - Sorry?

Do you think you were longer than ten days at the camp? - I was longer.

Well, the statement says "During my ten-day stay I only saw one child being chastised by Hamilton, and in my opinion the boy deserved punishment as he had been bullying other children"? - No. What I have told him was he wasn't bullying other children. He was Hamilton's friend.

The statement also says that you left at 4 a.m. on Sunday, 6th August. Now, 4 a.m. would be the time when you actually left the camp site; is that correct? - During the night.

Just as it got daylight? - Sorry?

Just as it got daylight? - It was pretty dark when I left.

And the reason you gave to the police for leaving was that two other people, not Hamilton, but Williams -- somebody called Williams or William -- Davie and Willie sat drinking cans of beer, and Davie came into our tent very drunk and tried to pull Janet's sleeping bag off her camp bed as he couldn't find his

sleeping bag", and that it was Davie that threatened Janet that he would put an axe in her head. Now, did you report that to the police?/

police? - That was part of a statement. That isn't my reason for leaving camp. That was part of a statement, and that concerned the drunken barbeque party that Hamilton and his friends had on the island.

You see, the statement went on to say "Williams" -- this is a person called Steven Williams -- "said he would sit up all night and make sure that Davie wouldn't harm us"? - No. That is for Janet. Janet used to speak a lot to Steven. It was him that we persuaded to take us over on the boat.

Yes. "At 4 a.m. Steven Williams took Janet and I and our children off the island" -- so that bit is right, but was the nature of the complaint you were making.....? - He wouldn't take us earlier, he said he was waiting to make sure Hamilton was sleeping.

So your fear wasn't of Davie, it was of Hamilton? - It was of both of them.

Is it possible you didn't mention the Hamilton threat to the police? - I am sure I did. I don't remember making a statement over the telephone. I do remember going into a room at Alexandria and making a statement.

This statement also makes it clear that you were disgusted by the camp -- would that be right, you were disgusted by the camp? - Yes.

And that you did intend to go -- you told Hamilton you did intend to go and report him -- that is right? - I told him when I left the island I would report him, and that is when he said about my tent getting fired. I had a few stand-up fights with the man concerning plasters for the children's feet, etc.

After you got back from Inchmoan Island you were at home. When was the next time you saw Thomas Hamilton? - I don't know if it was a week or a couple of weeks after we left the camp.

Where did you see him? - He came to my house.

Why did he come? - To tell me he didn't like people talking to the police about him, making statements/

statements to the police.

Did he say anything else? - He said he had friends that didn't like people doing that.

And who were the friends he was referring to? - I don't know.

And what else did he say? - He told us he had guns.

Was that the first you had heard about guns from him?  
- No.

You had heard before? - Well, he used to rattle on at the camp fire about a lot of things, and I just thought he was a windbag.

On this occasion what did he say about guns? - Just that his friends didn't like people talking about him.

And who did you think he was referring to as "his friends"? - His guns, because he told us at camp the guns were his friends.

Did he frighten you at that stage? - No.

What did you do? - I told him I had nothing more to say to him.....

BY LORD CULLEN: I am sorry, we are missing that. The shorthand writer has got to hear clearly what you are saying, so could you repeat yourself and try to speak as slowly and distinctly as you can. (Shorthand writer repeats uncompleted answer). What did you say after that? - .....and he had better leave.

EXAMINATION CONTINUED BY MR. BONOMOY: I

think that you do have an illness that makes it difficult for you to communicate; is that right? - Yes, my hearing.

And also to speak very clearly? - Yes.

What was the next time after that that you saw Hamilton? - After I had a visit from Inspector Keenan.

Now, /

Now, when was it that you reckon Inspector Keenan came to see you? - January, 1989.

And what was his reason for coming? - He was investigating complaints.

Against whom? - Mr. Hamilton.

Yes. Who had Hamilton complained about? - No. People had made complaints against Mr. Hamilton.

That is how you understand it -- you didn't realise he was investigating a complaint against a policeman? - No.

Or in fact against two police officers -- you didn't get that impression? - I didn't know that.

What people in your family did Mr. Keenan interview? - Myself and my son.

Now, in the course of interviewing your son, did things emerge that you hadn't heard about before? - Yes.

What things emerged? - Well, what he had asked the boys to do.

Well, can you tell us what it was he had asked the boys to do, please? - Rub suntan oil all over him.

And was that something you were hearing about then for the first time? - Yes.

Now, in all the weeks that you were at the camp did you see that happening? - No. Our tent was a good bit down from his. He slept in the same tent as the boys.

After the visit of Mr. Keenan you say that you had another encounter with Hamilton? - Yes.

Where was that? - Bridgend.

And where is Bridgend? - Linlithgow, West Lothian.

What/

What happened then? - Janet Reilly and me were coming back from the shops and we were just getting into my gate when a van slammed up at the pavement and I turned round and it was him, Mr. Hamilton.

What kind of van was it? - A big van -- a Transit.

Do you remember the colour? - No. I know it was light-coloured.

And it was Hamilton that was in it? - Yes.

What happened then? - He rolled the window down and he said "I hear you have been making statements about me to Keenan?". I said "That's right". I said "I just told him about the state of the camp, how you treated the kids, and my own personal opinion of you". And at that he leaned forward, his face was all puffy. When he used to get in a rage his face would go puffy, would blow up and really bulge.

And then what did he do? - He leant forward and I thought he was away to start the engine up, after the mouthful I gave him, and the next thing I heard a click of metal hitting glass, and I looked down and there was a bit of metal there. It didn't register with me right away, and I just looked at him and he said "My friends don't like it".

And then what did you realise? - I looked again and that is when I realised that was a barrel, and I said "Dinnae point that f'n thing at me. I will ram it down your throat". And he just got really bulging and never said a word, off he went.

His face was bulging; is that what you are saying? - Yes. When he got in a temper his face would blow up and he would stare at you -- not stare -- like his eyes coming together, you

know.

How long after Mr. Keenan saw you was this? - I can't pinpoint the exact date on that, because Uncle Jimmy died in April, and I went through a distressing time and didn't go anywhere, and I can't really pinpoint the time.

Well, /

Well, was it before or after Uncle Jimmy died? - I think it must have been after.

Do you know the date of his death? - April the 1st.

1989? - Yes.

Was it long after that? - I can't even say truthfully if it was before or after. I can't remember, because Uncle Jimmy took a stroke in the middle of February and I was virtually nursing him 24 hours a day.

What time of the day was it? - It would be between half 2 and 3 o'clock, because we picked Vicky up -- the school bus used to drop Vicky in the main road of the village, and I used to meet her.

And what time did the bus drop her off? - She would be in the village about quarter to 3, 10 to 3.

And she was with you at the time? - Janet?

Yes. Was Vicky with you when it happened too? - Yes. When we came back we picked her up.

And was Janet beside you? - Janet was standing -- she would be at the back of me nearer the gate than I was.

And was that the gate to? - To the house.

So this is right outside your own door? - Sorry?

Right outside your own door? - Yes.

BY LORD CULLEN: What age was Vicky? - Sorry?

What age was she at the time? - Seven.

EXAMINATION CONTINUED BY MR. BONOMY:

Now, do you know what day of the week it was? - Sorry?

Do/

Do you know what day of the week it was? - I can't -- I have a feeling it would be the beginning of the week.

Was there any other reason for you being in the street other than to pick up your daughter? - No.

When Hamilton's van drew up, was it on the same side of the street as your own house? - Yes.

Which window of the van did he open? - The driver's side -- he was driving the van and I was here and he was there.

Was the driver's side right beside you? - Yes. His van was facing up the way, up the crescent.

So it would be on the wrong side of the road then, so that the driver's door was at the pavement? - It would have come up the way, up from the bottom of the crescent towards my house.

But was the driver's door at the pavement side of the road? - Yes.

And this all happened at the driver's window? - Yes.

Now, what did you think he was doing with whatever it was that you saw? - I didn't think anything. I thought the man was a complete idiot. He didn't bother me. We treated him as a joke, a pathetic joke, a bully.

Did you do anything about this incident? - Sorry?

Did you do anything about the incident? - I went into the house.

Yes? - And I said to Janet -- I says "That's not legal. He shouldn't be running about with a gun in his van". And I said "I don't know much about gun laws or that, or anything about guns", but I said "I don't think you can go about, driving about pointing guns"; and we both agreed that we call the law, phone the police station.

And/

And did you? - Yes.

Now, what was the result of phoning the police station? - We got a visit.

Who came to see you -- who came? - Police officers.

In/

1 p.m.

In uniform? - Yes.

More than one officer? - There was a couple of them.

More than one officer came? - Yes.

And do you know the names of these officers? - No.

Which police office had you phoned? - It would be Linlithgow.

Well, was it? It is important to be clear about this. Was it Linlithgow? - I'm sure it would be Linlithgow unless it was unmanned and I couldn't get an answer which it often used to be so we would either have phoned Falkirk or Livingston. I really can't remember which office we phoned.

And you don't know the names of the officers who came from wherever they came? - No.

Can you give me any description of them that would help identify them? - Just police officers. One of them was taller than the other.

Significantly? I mean, was there something significant about the height of either officer? - Not really, no.

What did you tell the police? - I told them about this chap Hamilton. I told them that he had just been up at Bridgend and he had a gun in his van. I said he pointed it out the window. The police officer asked me what kind of van it was. You know, the colour. He asked me why I thought it was a gun, what colour it was, what length it was and did I see the handle. What kind of gun. I couldn't tell him. I don't know one gun from another. I knew it wasn't a rifle because they are big. I told him it was a darkish grey and I told him it was round and he said "That's fine, we'll go and check it out". He asked me if I felt threatened and I said "No, I didn't because he never scared me".

Did he also ask if he had threatened to shoot/

shoot you? - I said no he hadn't.

So as far as you were concerned, this was not a threat? - Hamilton just put a bit of metal there. He never said to me "I'm going to shoot you" so he didn't threaten to shoot me but I took it that I was meant to be a bit worried about him.

Just lastly for the moment, I will continue after lunchtime, did the police come back? - Yes, I am sure it was either the next day or the day after that.

What did they tell you? - They told us that they had looked into it and that he was going to a gun club and he was moving the gun from A to B and didn't mean to scare us.

LORD CULLEN: Mrs. Haggar, we are going to break now and resume at 2 o'clock. You must be sure you are back in time to resume your evidence at 2 o'clock.

THE WITNESS: 2 o'clock, yes.

After an adjournment for lunch:

2 p.m.

EXAMINATION CONTINUED BY MR. BONOMY: If we can now move on from the incident that we were discussing. Can you tell me when you next after that had dealings with Mr. Hamilton? - Sorry, can you say that again?

Yes, what was the next occasion on which you had dealings with Mr. Hamilton? - When I went after him at Linlithgow Academy.

Do you know when that was? - It must have been in May.

In May of 1989? - Yes.

So does that mean that the incident we have just been dealing with was between the 2nd April and the date on which you went after Mr. Hamilton at Linlithgow Academy? - Yes.

So/

So the incident when he turned up at your house in the van must have been some time between these two dates? - Yes. It wasn't the last two weeks in February and it wasn't on to April.

Could it have been in March? - It could have been. No, sorry, it would not have been because Uncle Jimmy took the stroke the third week in February and I was constantly nursing him. I never saw anybody.

Could it have been before the third week in March? - Yes.

Well, if we can now turn to the incident at Linlithgow Academy which was on the 16th May. Now, why were you going after Mr. Hamilton at the Academy? - Because I had been told he had organised another boys camp.

That would be for the summer of 1989? - Yes.

What were you trying to do about that? - Stop him because he was going to get his hands on them.

How were you going to stop him by going after him? - Trying to expose him.

What did you think would happen as a result of what you intended to do that night? - I was told by doing that I would end up in Court and a judge would listen to what I had to say and a proper investigation would be ordered.

What was it you did? - I threw buckets of stuff over him.

What was in the bucket? - Sun tan oil, liquid manure, vinegar, flour and fish manure. Any rubbish stinking stuff I could put my hands on.

Who was with you? - Janet Reilly.

Did you have more than one bucket? - We had a bucket each.

Did you both hit him? - I went after him/

him first and I let him have most of mine and then Janet let him have hers and then I emptied the rest of mine on him and kicked him up the backside.

Did he report it to the police? - I didn't. I believe the school janitor did. He phoned the police.

What did Mr. Hamilton do when the police contacted him? - Sorry?

Do you know what Hamilton did when the police contacted him? - No, I just drove home with Janet and waited to see if the policemen came and they did come and they said they had spent more than half an hour with Hamilton and asked him to charge us and he wouldn't so we weren't being charged. I said "Well, that's ridiculous" and Janet said "Are we not even getting cautioned?" and he said no and that was it.

Did the camps go ahead in the summer? - Not that I know of. They withdrew his.....he wasn't allowed to have his boys club in Linlithgow Academy.

Do you know what happened about the camp? - No.

Do you know if by that time people were taking their children out of the club anyway at the Academy? - I don't know because after we hadn't been charged we didn't know anywhere else to go to get him. I had done all I could.

Now, I would like if possible to avoid getting into names of other people involved but I think you were aware of Hamilton having his guns in another family's home in Linlithgow, is that right? - Mrs. Smith was on the phone to me and told me that she had been out somewhere, come back and Hamilton was in the house with her sons and he had either two or three guns.

Can I ask you not to name names now please. Can we avoid if possible disclosing the names of anybody involved in this?

- Yes.

No. The lady in question, was she a friend of yours? -

How/

How did you find out about it? - Her son was at the boys camp.

In 1988? - Yes.

And how did you get to know about Hamilton visiting the house with his guns? - She phoned my house and I told her to report it to the police.

Do you know if she did? - No.

Did you not actually report it to the police? - No, I couldn't. I didn't know where the woman stayed.

After the incident at Linlithgow Academy did you see Hamilton again? - No.

Did you ever hear anything of his activities again? - No, just that some authorities had taken away his lease, you know, for the schools.

LORD CULLEN: Yes, Dean of Faculty?

THE DEAN OF FACULTY: My lord, in the light of the evidence-in-chief I would ask to become a party at this stage in respect of this particular matter. I should advise your lordship that those instructing me have this morning received instructions on behalf of Lothian & Borders Police and they are satisfied that as far as this particular matter is concerned there is no conflict between the police force and those for whom I was originally instructed and I have been instructed to represent both interests in this matter. The nature of the evidence, my lord, does tend to indicate that there may as a result of this evidence be criticism either of officers or the police.

LORD CULLEN: Is this purely for the purposes of

putting questions to this witness or is it for some further purpose as well?

THE DEAN OF FACULTY: Well, my lord, at this stage it is for the purposes of cross-examining this witness and depending on what transpires as a result of cross-examination, consideration may require to be given to see whether further evidence should/

should be led through the Crown.

LORD CULLEN: So for the time being are you content that it be limited to your role in putting questions to this witness on behalf of the interest that you have explained to me?

THE DEAN OF FACULTY: Yes, my lord.

LORD CULLEN: Yes, I'm quite happy that you should proceed, Dean of Faculty. Would you prefer to take some other seat? There is a space over here which has been vacated, if you would like to have that, and bring whatever papers you have with you. Now, are you ready, Dean?

THE DEAN OF FACULTY: Yes.

CROSS-EXAMINED BY THE DEAN OF FACULTY:  
Can you hear me all right? - Yes.

Can I just be quite clear; you have told the Inquiry about the incident when Mr. Hamilton came in his van and had a gun. Do you remember that? - Yes.

Was there only one incident where a gun was produced? - Janet said that the first time he came to the door she thought he had a gun in his pocket, in his anorak pocket, but I didn't see that.

Well, I think that is quite important. What I am interested to know is what you yourself saw? - I didn't see it.

So the only occasion on which you saw a gun was in the van, is that right? - That is right, except at the camp he had a rifle.

Sorry? - Except for at the camp he had a rifle.

At the camp he had a rifle? - Yes, at the camp.

Now, was there an occasion when Mr. Hamilton came to your door, actually on the doorstep of your house, and you sent someone to go for Janet? - I sent one of the children to go down for Janet because I saw him coming.

And/

And is that the occasion that you say that Janet mentioned some time afterwards that there was a gun? - Yes.

Or she thought there was. Can we go back then to the van incident? - Sorry?

Can we go back to the incident where he is in his van. You have told us that your Uncle Jimmy died on the 1st April of 1989? - Yes.

And for some time before that you were nursing your Uncle Jimmy and really were not out of the house, is that right? - To the supermarket and that, yes.

Now, can you think back and can you remember whether your Uncle Jimmy was alive at the time that the van came to the house? - I'm sorry, I can't. He was alive the first time Hamilton came.

This was when he was on the doorstep, was it? - That's right.

What I'm interested in is the time he came in his van and sat in his van that you have told us about. Was your Uncle Jimmy still alive then or had he died? - I couldn't say for certain.

Have you been asked about this by other people, by police officers? - Yes.

Can you remember what you told them as far as the date is concerned? - No, we tried to work the dates through but we still weren't satisfied. The officer said somewhere about then and I said it could have been.

And was the best that you could do that it was probably after your Uncle Jimmy had died? Was that the best that you could do at that time? - As I told the officer, I couldn't tell him.

At any rate, you are quite clear that it was before the incident in Linlithgow Academy? - Oh, yes, because I never saw him after that.

And was it some time before that? - Yes.

A/

A good few weeks? - Yes, it would have been.

Now, thinking to the incident at Linlithgow Academy and trying to work back to the time that the van came to your house, are you able to say that we are talking about weeks rather than months? - Well, when he came I know it was after Inspector Keenan had been because he said he knew we had been talking to Keenan. I think it must have been before Jimmy took the stroke which would have been at the end of February.

So we are talking now about a time span of somewhere between February and the 16th May if that was the date of the Linlithgow Academy incident? - It would have been weeks before Linlithgow. It would have been because after Uncle Jimmy died I was emotionally upset because he was like my father and I rarely ventured out anywhere.

Now, as far as the time of day is concerned that this van came to your door, you have told us that it was in the afternoon after you had collected your daughter from the bus, is that right? - Yes, that is right.

Was that always your recollection or did you ever think it was a different time of day? - No, because the bus used to come an hour later and Vicky's school finished and she would be home just before three.

No, I don't think that we are thinking about the same point. You have given a statement about this matter to other people, is that right? Police officers? - Yes, I have.

And when you gave a statement to the police officers

did you think that it was in the morning or the afternoon? - No, the only reason I might have said it was in the morning was if Vicky had not been at school, if she was off unwell then she would have been with me but otherwise, to come back from the bus at that time, it would have been when I picked her up from the bus.

So there is no doubt in your mind that it was the afternoon that this incident took place. If anyone else suggested that it was the morning that/

that the van was there, would that be wrong? - I couldn't truthfully answer that yes or no.

Have you spoken to Janet about this incident since it happened? - There was a woman from London actually badgering me to go on a programme and I wouldn't. She got somebody down there to get Janet to phone me to try and persuade me. That was the first time I knew she had heard from Janet. I wouldn't.

You say that after this incident you contacted the police, is that right? - Yes.

Was it you who telephoned the police? - It would have been me that phoned. Janet didn't have a phone.

Was Janet present when you telephoned the police? - Janet was in the house, yes.

Before you went back into the house you say that Janet was standing nearer the gate than you, is that right? - She was standing with my daughter. She would be back from me.

And would your daughter and Janet be able to see the van window? - If they were looking at him, yes.

So if they were looking they should have been able to see the gun as well? - They would have seen the bit of metal in the window, in the glass.

A bit of metal in the shape of the barrel of the gun? - That is right.

BY LORD CULLEN: Just to be clear; where was this bit of metal inside the van? - It was about that much just hanging over, you know, the window. The window was wound down and there was about that much of glass still up and the metal was resting on the window.

CROSS-EXAMINATION CONTINUED BY THE DEAN OF FACULTY: So the metal would be partly inside and partly outside? - Most of it was inside.

But it would be just sticking out? - About/

About that sticking past the glass on the outside.

Indicating what, about 2 inches or something? - A couple of inches, yes.

Yes, so it was clearly visible to you? - The metal was, yes.

And it would be quite clearly visible to Janet and your daughter if they were looking at the driver, is that right? - Yes.

Would it surprise you that Janet does not appear to have any recollection of seeing a piece of metal although she does speak about looking into the van? - No, it wouldn't surprise me.

Why not? - Janet and I had a conversation on the telephone about that.

When did you have a conversation on the telephone about that? - A week ago.

Now, how did you know that there was a difference in the story that you were giving and that Janet was giving about this piece of metal? - Because the policeman from Stirling told me.

And when you were told that, did you telephone Janet? - No, I can't telephone Janet.

Well, how did you come to speak to her on the telephone? - She always phones on a Monday from the pub and I said to her what the Stirling policeman had said to me and she said "That's a load of f---ing rubbish" and I said "Well, you better phone Stirling and get it sorted then and if they are telling lies or is it just the fact that you are doing the same as you did before".

What/

2.25 p.m.

What do you mean by that? - Well, there was a big case in England where Janet changed her testimony at the last minute but when she went into Court she admitted that the statement that she gave, chopping and changing, was because she was frightened of people.

Well, Mrs. Haggar, why did you think it necessary to mention this difference in your evidence when Janet telephoned you? - I just wanted to hear why she did it, that's all.

Apart from speaking with Janet about this matter have you spoken to anybody else? - I spoke to Steve about it.

Who is Steve? - A friend of the family.

As far as you know is he on the List of Witnesses for this Inquiry? - No.

Anyone else? - Netta.

Who is Netta? - My friend.

As far as you know is she on the List of Witnesses for this Inquiry? - No.

And just for the record are you aware that Janet is on the List of Witnesses? - She phoned me up on Friday telling me she wasn't f'ing going, she said the only reason she told Stirling or she said that she would go was she wanted no part of this.

Can you answer the question; are you aware that Janet is on the list of witnesses whether she is coming or not? - Yes, I am.

Have you spoken to anyone else who is on the list of witnesses about this matter? - No.

What about your daughter? - No, well, she would hear the conversation in the kitchen and on the telephone.

So apart from hearing the conversation between/

between..... is that a conversation between you and Janet? - Yes.

Is that a conversation that you say took place last Monday? - Last Monday?

Yes? - It was either last Monday or the Monday before.

Is your daughter always in the kitchen when you were on the telephone with Janet? - Well, my daughter usually answers the telephone or Steve -- in fact, it was Steve that answered the phone on Friday.

Let me just concentrate on the telephone conversation that you were telling us about that you had with Janet; was your daughter in the kitchen when you had that conversation with Janet? - The kitchen or the dining room.

What I want to know is have you spoken to your daughter about the evidence that you are going to give at this Inquiry about that incident in the van? - My daughter and I rarely speak.

Would you like to answer the question? - No, I didn't.

Have you spoken with your daughter about the incident, about the evidence that you were going to give relating to the incident in the van? - No.

Are you aware that your daughter gave a statement to police officers? - Yes.

How old is your daughter now? - 15.

Are you aware that a statement was taken from your daughter at your home by Detective Constable Mitchell on the 11th April 1996? - By whom?

By Detective Constable Mitchell, a police officer? - Is that from Stirling?

Yes? - Yes.

Are you aware that your daughter said that she didn't remember ever seeing the incident in relation/

relation to the van but depended upon what you had told her? - No.

Well, did you tell your daughter about Mr. Hamilton coming to the house in a van on the occasion you have spoken about? - No.

Did you tell your daughter that Mr. Hamilton had a gun? - No.

So are you saying that at no time between 1989 and the present day did you tell your daughter that Mr. Hamilton had come in a van and had had a gun? - My daughter was there.

Well, listen to the question and remember at the beginning you took a.....? - She would have heard me saying.....

Could you let me finish please; can you remember that you took an oath to tell the truth today; did you between 1989 and today at any stage tell your daughter about Mr. Hamilton coming to the house in a van? - My daughter was there when he came in the van, I didn't have to tell her.

Do you understand the question, Mrs. Haggar? - No.

Can I repeat it and could you answer it Yes or No please; did you at any stage between 1989 and today tell your daughter that Mr. Hamilton had come to your house in a van? - No.

Would you answer this question Yes or No please; did you at any stage between 1989 and today tell your daughter that Mr. Hamilton had a gun when he was in the van? - No.

Before asking you more questions about the van incident could I ask you about one or two other matters. Was your house one which was frequently visited by police officers following upon requests made by you for the police to attend? - Yes.

And in case anything wrong is read into that did that mostly relate to difficulties with neighbours that you had? - Yes and No.

Well/

Well, let us leave that then; can you give the Inquiry some indication of the frequency of attendances of police officers at your house? - When Uncle Jimmy was..... that is the man I looked after, I got the police then, when Uncle Jimmy crashed his car, when the hunt got my cat, when Janet was on a bender, when the windows..... when Janet's windows were smashed and my windows were smashed, when the next door had a broken greenhouse, a fire, I had a fire, when I got my bench and table stolen out of the back garden, my son had a motor bike thing, a scrambler he shouldn't have been on, my daughter being on a digger which she shouldn't have been, when a police officer got attacked and Mr. Davie, when I phoned the police about him when he assaulted my son -- that is about it.

And is it fair to say that you got to know the local police officers quite well as a result of their not infrequent visits to your house? - I knew some of them by sight, Janet knew them all by name, she would tell me which one was which.

And once you had been involved in an incident of whatever type was it your practice to phone up to find out how things were going? - Yes, when Davie was badly kicked when he was burning his stuff out the back because the man was taunting us all the time and I asked one of the police officers could he put a stop to it.

No, what I am suggesting to you is that once you made a complaint or asked the police to come to the house you then phoned up for a progress report to find out how things were getting on as far as the police were concerned? - No, not always I didn't.

But that happened quite frequently, didn't it? - When I wanted to find out what was going to happen to Uncle Jimmy because he had a stroke seemingly when he was driving I had to phone them then because police officers told me if I hadn't approached them to let them know I had the hassle with David getting taunted and I wanted to know what they were going to do about it; the police came to my house when my son was attacked at the Youth Centre; I told a boy off and I was charged with it, my nails caught his neck so I was charged/

charged.

I don't want to go into that but as far as Mr. Hamilton is concerned did you contact Inspector Keenan at Stirling Police Station after you had been at the camp? - Would that be Central?

Central, yes? - Yes, I did.

And you wanted to find out what progress was being made about your concerns about the camp? - No, I wanted to find out what was happening.

About Mr. Hamilton's behaviour at the camp? - That's right.

Is that right? - Yes.

Now, that was after the incident involving the van that you have told us about? - Sorry?

That was after the incident involving the van? - Yes, it would have been.

When you spoke to Mr. Keenan to get progress did you mention to him that you had been threatened? - I actually couldn't tell you.

So just to be quite clear, did you mention to him that Mr. Hamilton had had a gun in the van outside your house? - I may have done, I couldn't tell you.

Well, after the incident that you have told us about with the van there was an incident at Linlithgow Academy, is that right? - Yes.

And before that incident, between the incident of the van and the Linlithgow Academy incident, you contacted a reporter, is that right? - I had spoken to someone who told me that he had another camp organised and it was suggested that he should expose.....

He should what? - It was suggested he should be exposed to try and stop the camps.

Well/

2.40 p.m.

Well, I wonder, Mrs. Haggar, if you can just listen to the question, and if possible answer it yes or no, subject to any explanation you feel necessary. Before the Linlithgow Academy incident but after the incident you have told us about with the van you contacted a reporter at the Lothian Courier newspaper; is that correct? - Yes.

Was that someone called Butterwick? - It may have been.

Was it a man or a lady? - A woman.

And when you spoke to that lady did you tell her about Mr. Hamilton's camps and your concerns about the camps? - Yes.

Did you tell her about Mr. Hamilton having a gun outside your house in the van? - No.

Why not? - Because I wanted the woman to come to Linlithgow when we went and threw that stuff so that she would put it in the paper and parents would see it, read it and make up their own minds whether to send their children there any more.

But if Mr. Hamilton had pointed a gun at you, do you not think this is something that parents would have been concerned about and would have stopped their children from having anything to do with him? - The time that was taken for investigations -- time was running out, to stop the camp.

Mrs. Haggar, because time was running out presumably you would be anxious to tell the reporter about all the bad things that Mr. Hamilton was doing and why parents should not send their children to his camp? - I would tell the woman about his treatment of the children. They were my main concern.

But didn't you think that his having a gun and pointing it at you was also a matter of concern which parents might take on board? - No, because to molest a child is worse.

Very well. At any rate, after you had contacted/

contacted Miss Butterwick at the Lothian Courier you explained to her on the telephone your concerns and then she came to see you; is that right? - No. We met -- yes, she did come.

She came to your house? - Yes.

So there were two opportunities, there was a telephone call and then there was a detailed interview at the house, before Linlithgow Academy? - She didn't stay long.

But there was an opportunity for you to say what you wanted? - About the children, yes.

About anything you wanted? - No. My concern was the children.

But if you had wanted to you could have said about the gun? - I could have, but the children was my main concern.

Well, when you went to the Academy the Press were there and took photographs of the incident; is that correct? - I didn't see anybody taking photographs.

Were you annoyed when the police decided not to take any proceedings against you? - Yes.

Was that because you were anxious to have a platform from which you could decry Mr. Hamilton? - Yes. I wanted to be arrested. I was told if it was brought into court I could say what I knew and what I had heard my son say and that somebody, the judge, would order an investigation. That is what I was told, and that is the reason I did it.

And when you discovered that you were not to be prosecuted and that you didn't have this opportunity, did you speak to Miss Butterwick again with a view to getting a further article in the newspaper? - I don't remember. I think I asked her why it hadn't appeared in the paper.

And is it fair to say that you have never mentioned to Miss Butterwick in any of your interviews or conversations with her about this incident in the van? - This incident?

In/

In the van? - No, I didn't.

And the first time that you mentioned this alleged incident in the van was on Friday or Thursday, rather, the 14th of March of this year, and a report of your allegation appeared in the popular Press on Friday the 15th of March; isn't that correct? - It was my daughter that said first.

Well, Mrs. Haggar, the first time that you mentioned to the Press about this allegation relating to the van was the day after this tragedy, the disaster that we are enquiring into; isn't that right? - Yes.

And it appeared in the popular Press on Friday 15th March of this year; is that right? - Yes.

And in one newspaper you were quoted as having said that the gun was held to your head? - That is right.

Now, was that true? - No.

I want you to think carefully about this, Mrs. Haggar. As far as the alleged incident involving the van is concerned, you have told us that that was some time in the afternoon, and certainly after 3 o'clock because that is when you picked up your daughter, at quarter to 3; is that right? - If she was at school, yes.

Yes. And as far as the time is concerned, are you talking about somewhere between 3 and half past 3 or what? - At quarter to 3 -- well, the bus would have got to the village at quarter to 3. It could have been 3 or just after.

Just after 3 o'clock? - 3.

And this incident at the gate wouldn't take very long, would it? - No.

A matter of a few minutes? - Yes.

And then did you go straight into the house? - Yes.

And/

And did you phone immediately to the police? - No. I think I talked -- I was a bit thingummied and I talked it with Janet.

You were a bit what? - Fed up, annoyed at him.

And how long did you talk with Janet about it? - About five minutes.

So that you would telephone the police what -- certainly before half past 3, on that time scale? - About half past 3.

And do I understand that you would normally phone Linlithgow Police Station? - That is right.

If you ever had any complaints to make? - Yes.

So your recollection would be that some time about half past 3 you phoned Linlithgow Police Station? - Yes.

You see, you mentioned other police stations in your evidence-in-chief? - Sorry?

When you were giving evidence this morning you mentioned the names of other police stations -- Falkirk and Livingston? - No. If Linlithgow Police Station -- if you couldn't get through, you phoned Livingston.

And can you remember if you could get through that afternoon? - No.

Do you know whether Linlithgow was usually manned in an afternoon because it was linked to the Sheriff Court? - Sorry?

Did you know whether Linlithgow Police Station? - Yes.

Was the office which dealt with the local Sheriff Court? - They are next to one another.

Next to one another? - Yes.

And do you know that the Linlithgow Station/

Station is usually manned during the week in an afternoon? - No, I don't know.

So that if it was manned and you phoned Linlithgow at 3.30 then the likelihood would be that you would speak to someone at Linlithgow? - Yes.

Are you aware that there was a system of logging calls at Linlithgow at that time? - I don't know the procedure.

Would it surprise you that there is no record of any call having been received from you relating to an incident at a van? - No.

Why not? - Because I have already been told there isn't.

Well, doesn't that suggest to you that there wasn't any such call made? - There was a call made.

You see, might it be with your frequent involvement with making calls to the police about different matters, that you are confusing this with some other incident? - No.

And that in fact at no time have you reported to the police in Lothian and Borders that Mr. Hamilton had a gun or anything that looked like a gun and pointed it at you from his van -- you just never reported that at all, did you? - I did phone.

Would you accept that if you made such a report, that that is something which would be -- which should be taken seriously by police officers anywhere? - Sorry?

Would you accept that the pointing of a gun at someone is something which should be taken seriously by police officers? - Yes.

Would you accept that in the context of Linlithgow it is

an event which would probably stand out in the memory of police officers, the use of a gun? - Yes.

Would it not therefore surprise you that there is no record of any such incident having been reported?/

reported? - No.

Why not? - Because I have been told there isn't.

Is that the only reason why it wouldn't surprise you? - Yes.

So when you were told that there was no record of this call or this complaint by you, were you surprised? - Yes.

Did it occur to you that you might be confused with the passage of time and the distress caused by the report of the incident at Dunblane? - Could you say that last bit again?

Were you distressed when you heard about the incident at Dunblane Primary School? Were you upset? - Yes.

And did it occur to you that this upset might have caused you to think that you may have reported an incident relating to Mr. Hamilton when you hadn't? - No.

I think I put it to you earlier that you spoke to Inspector Keenan at Central Police Office. Was that in early May, before the Linlithgow incident, before the Academy incident? - He came to my house at the end of January.

Yes, but you also telephoned him about May shortly before the incident at Linlithgow Academy; is that right? - The last time I spoke to him, he phoned me.

Well, there was a telephone conversation between you and him sometime at the beginning of May shortly before the Academy incident? - That is right.

And in the course of that conversation did you ask him

how investigations were going into the complaints about the camps?  
- Yes.

And is it also the case that you never, at that stage, made any mention of the van incident? - I didn't.

I/

I think my learned friend Mr. Bonomy, the first gentleman who asked you questions, asked about the identity of the officers that you say came to your house about the van incident. Now, can I ask you a few more questions about that? You knew many of the officers from Linlithgow; is that right? - By sight.

By sight. And isn't it also the case that on occasions if you didn't get a satisfactory answer when you phoned up about one of your outstanding complaints, you would ask to speak to another officer by name? - The one that I knew was dealing with it, yes.

But if he didn't give you the right answer would you not also ask to speak to someone else, by name? - No. He wouldn't know what I was talking about.

Do you know a Sergeant Lynch? - Yes.

What is his first name? - I don't know. I know him by his face.

What about his face? - It is like burned.

He has got a burn mark on his face? - I think it is burned.

Was/

3.00 p.m.

Was he one of the officers who came? - No.

Are you quite sure about that? - Yes.

If anyone else was to suggest that the officer with the burn mark came to the house that would be a mistake? - It wasn't Lynch.

Now, you were asked this this afternoon about a telephone call made to Central Scotland Police about Mr. Hamilton having taken a gun to somebody else's house; I don't want you to name names but do you remember being asked about that? - Yes.

Was that about the 20th May, 1989? - I couldn't tell you.

Wasn't it you who made that telephone call? - No.

If the caller gave the name, Mrs. Haggar, can you explain that? - No.

If the caller said that she was concerned that Mr. Hamilton was in Linlithgow with a gun and would use the gun against her, that is the caller, having given the name Mrs. Haggar can you explain that? - No, I would have to give an address and I didn't know the person's concerned address.

What about Janet Reilly, would she know the address of the person concerned? - No, Janet didn't really know people outside the village.

Did it surprise you, having reported this matter as you say, that is the matter about the van, to the police, did it surprise you that you didn't hear of any action apparently being taken? - I told the officers, it was a couple of days later, there was two officers came back to the house and said they had looked into the matter and he was a gun club member and he was transporting the gun and it wasn't meant to frighten anybody.

Did that surprise you, that explanation, that/

that no action was being taken? - No, because he never threatened me with a gun.

Well, he pointed it at you, according to you? - But he didn't say he would shoot me and he was laughable anyway.

Are you saying that you didn't treat it seriously? - No.

Just to be quite clear, did you treat it seriously? - No.

Well, I have to suggest to you that whatever happened outside your house in relation to the van incident, if anything happened, that there was no report ever made by you to officers of Lothian and Borders Police; that is what I am suggesting to you? - Well, you are free to do that.

And for whatever reason you have decided to come forward after the tragedy at Dunblane and disclose this matter to the National Press? - It wouldn't have been brought out if it hadn't been for my daughter saying it first.

And if your daughter has no recollection or didn't see any such gun or anything of that sort and is basing her version of events entirely on what you have told her.....? - My daughter made a complaint about the way the first statement was taken from her by Stirling Police.

And that Janet Reilly has indicated that she didn't see any gun on the occasion that the van was there and certainly not any gun being pointed at you? - Janet Reilly spoke about the gun on the programme..... to a World in Action reporter.

Have you received any benefit as a result of your statement to the Press? - Sorry?

Have you received any benefit as a result of your statement to the Press? - I was offered several sums of money; the photographs that first came out in the newspaper without my permission, I came to an arrangement with the newspapers that all the money that came from that was to go to the Dunblane Fund and I haven't received/

received one penny and I don't want any money.

There was an offer of money? - I was offered money.

And something was published without your permission, is that right? - That's right.

It was in that context of the publication of something without your permission that you secured an arrangement that the money would be paid to the Dunblane Fund? - That is correct, everything.

CROSS-EXAMINED BY MR. CAMPBELL: Without going into the details of this I understand that you are suffering from quite a serious illness, is that right? - It is multiple sclerosis.

That has affected your hearing? - It has affected my sight a bit and my legs and my arms and I have accidents now and again and my waterworks.

Just to let you know I understand that this isn't an easy experience for you and if you don't hear anything I am saying or understand what I am saying please just take your time and I will repeat matters for you -- okay? - Yes.

Could we go back to the camp on Inchmoan Island at Loch Lomond; I think that you were asked some questions earlier on today in connection with a statement that you gave to Strathclyde Police, Alexandria, about your experiences and about Hamilton at the camp? - Inspector Hay.

No, I am going back to the Alexandria Police, back to the camp, the summer camp, that you attended with Hamilton and the boys; you will be provided with a copy of that statement which is in KI; now, we can read this? - Yes.

If you take it from me this is a statement that is prepared by the police in Alexandria after their conversation with you and if you look please at the fourth page of that document, the top of the page there, it is recorded that you make reference to drinking water facilities that were on the island? - Yes, fresh water.

You/

You say there that "There was no fresh water on the island. A bucket of water was drawn from the loch and this was used for washing and cleaning teeth. Another bucket was used for drinking water, but the water wasn't boiled first and one cup was shared by everyone when they wanted a drink"? - When they were cleaning their teeth they had to pass the cup along.

And is that an accurate summary of the arrangements on the island for drinking water? - Drinking water, he just took the bucket out of the loch.

What were the toilet arrangements? - They had to go to the woods until Mr. Davie dug a hole.

There is reference in your statement here to a dry chemical toilet in a filthy-smelly condition? - Yes, that is correct, Mr. Davie fixed that.

If we turn on to the next page of your statement please towards the bottom of the page, do you see it? - Yes.

There is a reference to some alcohol drinks being brought to the island; do you see that, just look at the statement with me; there is a reference to bottles of Bacardi, Vodka, a bottle of Martini, 15 to 20 cans of beer and they offered a drink but you refused because you don't drink -- do you see that? - I do drink Bacardi but they only had beer and spirits.

What I want to ask you is whether Hamilton or others would bring drinks on to the island? - They used to go off at night; it was a laugh, they used to say they were away for dry firewood but they were away to the hotel for a drink; the only night there were boxes of drink brought on was that night when there was a barbecue when strangers were there.

You then became concerned about what was happening in the camp when Andrew was sent home and told you what was happening? - Yes.

And then at a later stage Inspector Keenan/

Keenan was in your house asking Andrew some questions about his experience at the camp, do you remember that, do you remember Inspector Keenan coming to your house? - I remember I got a shock today when he told me why he was there, that is not what he told me.

You remember you told us that one of the things that Andrew said happened was that Mr. Hamilton would ask the boys to rub suntan lotion over his body? - Yes.

What clothes did Hamilton have on when this was being done, according to Andrew's recollection? - Pants.

I am sorry? - Pants, underpants.

So Hamilton had some clothing on when this was being done? - Sometimes not.

Sometimes not -- so sometimes are we to understand that according to Andrew's recollection Hamilton sometimes asked the boys to rub suntan lotion on his body when he was naked? - Yes.

Whereabouts on his body? - All over.

I am not talking about anything improper here but did Hamilton appear to have any natural affection or show any kindness towards the boys; what was the general attitude towards the boys, as you saw it? - He had affection for two, the rest he bullied, made their lives a misery.

You have been asked a lot of questions about an incident when Hamilton had a gun in his van and I think you told us that you saw the barrel of the gun? - Yes.

I want you to think very carefully, can you remember anything else about the barrel of the gun; was there anything about it in particular that you remember? - It had a bit sticking up at the end of it.

Well/

3.15 p.m.

Well, you are indicating -- how big was this thing sticking up? - It was small.

Was it on top of the barrel? - Yes, at the end of it.

At the end of the barrel? - Yes, because at first I thought it was just a bit of metal.

What did it look like to you? - It was round.

How big was it? Can you give us any indication how big it was -- I know it is difficult after this long time? - About that length.

Are you referring there to the piece of metal on top of the barrel, or the length of the barrel itself? - No, sorry, the length of metal that I could see.

I just want to be clear about this. There are two things we are talking about. One is the barrel of the gun itself and the other is the piece of metal on top of the barrel. How big was the piece of metal on top of the barrel? - About that.

About half an inch? - Just sticking up.

How long was that piece that was sticking up, can you remember, roughly? - Just about that.

About the same again. You remember you were asked certain questions about the occasion when a lady made mention of Hamilton taking his gun to her house. Perhaps trying to measure it by reference to the Linlithgow Academy incident, how long before -- this was before the Linlithgow Academy incident; am I right? - I think it was.

How long before? - I couldn't tell you.

Was it a long time before, or was it round about the same time as the Linlithgow incident? - I really can't remember.

Could you look please at Production D76L? - Sorry?

The/

The Production will be given to you -- D76L, which is in Volume L(iii). Now, this is a copy from an incident log of Central Scotland Police, and you will see in the top right-hand corner it is dated the 20th May, 1989 and it bears to be from Doreen Haggar, 57 Auldhill Crescent, Bridgend, Linlithgow -- do you see that, in the top left-hand corner? - Yes.

And then there is a telephone number there? - Yes.

If you look over that document, does this help you at all -- do you have any recollection of this? - Can I read it?

Yes, take your time? - No. This doesn't mean anything.

There is a reference at the bottom of that document to an incident that happened in October, 1988; do you see that -- it just says at the bottom "Incident happened October, 1988". You may be unable to help us with this, but now can you recollect what that is a reference to? Can you help us with that at all? - Sorry?

Can you help us -- what is that referring to. If you can't help us, just say, but there is a reference there in this log dated 20th May, 1989 at the bottom of the page to an incident that happened in October, 1988. Now, the main comment relates to the lady who had the visit from Mr. Hamilton bringing the guns -- do you see that, in the main body of the document, and then at the bottom of the page do you see the words "Incident happened October, 1988". If you can't help us, please just say, but do you know what that is a reference to? - No.

Did you ever know what kind of guns Mr. Hamilton had? - No. I am reading this here, but I couldn't tell you one from the other. All the woman said to me was he had three guns in her house -- two or three.

You see the document says again, just towards the bottom of the main paragraph, just about halfway down: "Mrs. Haggar thinks Hamilton could become violent and use weapons against her as she was/

was involved in reporting Hamilton for complaints involving children"; do you see that? - Yes, I see it.

Now, is that something which you said to the police, or has somebody else told the police this? - When the woman phoned me, I advised her to contact the police.

I am sorry? - When the woman phoned me and told me about these things I advised her to contact the police. She said she would discuss it with her husband, and that is the last time I heard about it. I don't know where that woman stayed. I knew she was from Glasgow, but I didn't know -- all I know is it is one of the better areas.

Again I know it is very difficult at this long remove in time? - Sorry?

I know it is difficult because these are events a long time ago we are talking about. Can you help us with this: the document says "Mrs. Haggar thinks Hamilton could become violent and use weapons against her as she was involved in reporting Hamilton for complaints involving children". Now, we can read that on the document. It would appear the police officer has written that down as a result of the report which was made to the officer. What I am wondering is: do you recollect ever saying that to a police officer at that time, May, 1989, in a report relating to this lady? - No.

I think you told the learned Dean of Faculty earlier that you don't recall contacting the police at all about this incident when the lady had a visit from Hamilton with the guns? - I couldn't, because I couldn't tell anybody where she stayed. All I had was the woman's phone number.

So if that is right, it must follow that somebody else made this report and said what we read here; is that right? - The man from Stirling told me.

You have told us about the time when you decided to take action yourself and throw unpleasant material over Mr. Hamilton. At that time did you have a concern that nothing was being done about Hamilton? - I was told by Keenan that he had 40 statements/



statements taken from boys. By the time they got to his superior and then to the CPS, if they were going to prosecute him, it would be too late to stop the camp, and I said "Well, you have got to do something".

We heard this morning that as a direct result of your action Lothian Region decided to stop Hamilton from using their premises? - Yes.

Were you aware of that? - Not till later. I had phoned Melville Gray before that, and I told him what I had heard by son say, and Melville Gray said to me "We had heard something like that, along the lines, before" -- about Mr. Hamilton, but he hadn't any proof.

Now, going back to the incident at the van when you saw the gun, I think you have told us that you yourself didn't feel threatened -- in fact, I think you told us you said something like you would ram the gun down Hamilton's throat if he didn't stop pointing it at you? - I said "pointing that thing at me".

Now, after the terrible events of the 13th of March this year did this incident seem to be more important than it was before? - No, because it was always a threat to children. You haven't been there and seen him. He was in his glory when he got a child crying. I had many a stand-up fight with him.

You have told us that you didn't tell the Linlithgow Academy incident reporter about the time when Hamilton pointed the gun at you? - That is right.

I think you have told us that at that time your main concern related to his conduct towards young boys? - Sorry?

I think you have told us that at that time your main concern was his conduct towards young boys? - What I heard my son say.

But after the terrible events of the 13th March did you think back about the time when he pointed the gun at you? - No, I thought about the camp, those kids at the camp.

When/

When you were being asked questions by the learned Dean of Faculty, he reminded you I think about a quote in the newspaper after the events of the 13th March, when a newspaper quoted you as saying that Hamilton had held a gun to your head? - That is right.

That was quoted in the newspaper? - Yes, that is right.

Did you say that to the newspaper reporter? - No. I phoned him up and asked him why he had printed the rubbish. I even consulted a lawyer about the Sun, the P. & J. and the Record - the Press and Journal.

The officers who came to see you about the incident with the gun in the van, do you know whether they came from Lothian and Borders Police or from Central Scotland Police? - That is what I have been trying to rack my brain, but at the time -- are you referring to at the time?

Yes, you had the incident, the gun was pointed at you. You saw the gun in the van, you reported it to the police. Police officers came responding to your call. Did you know at the time whether they came from Lothian and Borders or from Central Scotland Police? - I said to the chap at Stirling "It bugs me because that is why I can't remember the names, because I should have remembered the names".

What I am wondering is whether at the time you knew which police force they came from? - I took it it would be Linlithgow, if I phoned Linlithgow.

I think you have told us that you told them you didn't feel threatened by this incident? - No.

And I think you have told us today that you didn't treat it as a particularly serious matter yourself? - No.

Did you gain any impression as to whether the police officers were treating it seriously -- did they regard it as a serious matter? - They did ask questions about it, yes.

Did they seem to be -- if you can't remember, please just say, but did they seem to you to be regarding this as a serious incident? - I can't remember.

Can/

3.30 p.m.

Can you remember how your son found out about the boys club at Linlithgow? - It was a leaflet, there was lots of leaflets put in the primary school, someone was handing them round.

And you allowed him to go? - There was nothing else for him to do and I thought it would be good for him.

Did you think because it was being held in the school premises that it had been checked? - At first I thought it was to do with the school because he had brought it home from school; it wasn't until the next week that I found out that it was not anything to do with the school, it was a private run thing.

Did you think at that time because it was in the school that someone would have checked it out before it was allowed to happen? - Yes.

LORD CULLEN: Now, Mr. Taylor, this witness has already been cross-examined fairly thoroughly.

MR. TAYLOR: Yes, my lord.

LORD CULLEN: Are there any questions that you wish to put particularly directed to Central Scotland Police.

MR. TAYLOR: Yes my lord but I don't wish to trample over ground already covered.

CROSS-EXAMINED BY MR. TAYLOR: Mr. Haggar, can you tell us why it was you sent your son to the camp in the first place? - It was an adventure, he liked being out in the country, it was a holiday and other boys there, you know.

Did you think that the camp might toughen him up a bit? - Well, it is an experience for him, hiking and making him stronger, keeping them away from t.v. and that.

Did you consider that at the time before your son was sent that he might be in need of a bit of toughening up? - Yes.

And/

And when your son returned am I right in thinking that his principal complaint was one of homesickness? - I thought it was because it was the first time he had been away from home.

You have told us you then visited the camp and had spoken to Mr. Hamilton and agreed that you would return some days later? - I am sorry?

You have told us after your son's return to home you then visited the camp and at Mr. Hamilton's request agreed to go back to help out? - Yes, I went over there to pick up my son's stuff.

And you agreed after that to go back and stay for a period of time at the camp? - Yes.

When you visited the camp for the first time to see Mr. Hamilton and collect your son's stuff did you form an adverse view of it? - I asked him where all the stuff was and he said it was on the island and I asked him about throwing him off the boat and I asked him about the food he was giving them and that is when he told me he had been let down, the person who normally does the cooking wasn't there and he couldn't get the bit he was supposed to go to with the buildings, the indoor facilities; I believed him.

And you then returned presumably to help him, is that right? - Yes.

And you spent, as you told us this morning, some four to five weeks at the camp and you told us again today and to a question put to you by Mr. Campbell a few moments ago that the camp was, in your view, not a very hygienic place; is that a reasonable way of putting it? - When we first arrived the boys clothes and everything was dumped lying on the ground.

Did the camp improve when you were there? - Yes.

Was your son pleased to return to the camp? - He would only go back with me on the condition that he wouldn't have to go anywhere with Hamilton, he wouldn't have to sleep in Hamilton's tent.

You/

You were accompanied by Mr. Davie? - Yes.

Who is he? - Mr. Davie?

Why did he accompany you? - He and I had a friendship for a while, he drove us there.

Mr. Campbell asked you if you would read part of the statement which you had given to Strathclyde Police; I wonder if you could have before you, I think one finds it in D1K, I think we see on the third page which in my copy is 61 at the top right hand corner there is a reference to there having been no food and no fresh fruit or vegetables, do you see that?

LORD CULLEN: What it says is "Hardly any food".

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: Sorry, there was hardly any food, no fresh fruit or vegetables, do you see that? - I am sorry.

LORD CULLEN: I think the witness's eyesight is not very good; could you put the point without forcing her to read.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: I have just realised that, my lord. I think when you visited the camp you formed the view that there wasn't a great deal of fresh fruit or vegetables, is that correct? - That is correct.

And one of the conditions which you stipulated for you to remain on the camp was that fresh fruit and vegetables were purchased? - If I made a list he would get them.

By virtue of the fact you remained such fruit and vegetables were obtained? - Yes.

LORD CULLEN: I am not sure what your interest in this, Mr. Taylor; are you protecting Central Scotland Police Force by asking questions about food.

MR. TAYLOR: Perhaps I was taking it slightly longer than I needed to.

LORD/

LORD CULLEN: It did strike me that way.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: When you were at the camp what was it that the boys were wearing when you were at the camp? - Like swimming trunk things.

And that is what you had been told by your son I think and when you were there that persisted, that they were wearing swimming trunks and not much else? - Nothing else.

Now, it was also suggested to you that there was some drink taken on to the island? - It wasn't suggested, I saw it.

Am I right in thinking that Mr. Hamilton didn't consume that alcohol to any extent? - No, he didn't.

It was others who consumed the alcohol? - Yes.

Did you say to the person who took the statement from you that the only occasion on which you saw a child being chastised by Hamilton was on one occasion and that he deserved the punishment, that he had been bullying other children? - No, I told him about a boy getting his face slapped when they were talking, he didn't like them talking together and I told him about seeing that boy in the tent getting hit with a hairbrush.

Were these two incidents which you have referred to incidents which shows that these children were, to some extent, misbehaving? - Talking together is not misbehaving, he didn't even allow them to talk to each other at the table.

Put it this way, for breaking his rules? - Yes.

And these were the two incidents which you told Inspector Keenan of, you say? - Yes.

Was it Inspector Keenan or was it Sergeant McBain you told that? - Inspector Keenan in January I told and I told, I couldn't tell you who it was in Alexandria about his bullying and ill-treating/

treating the kids and I wanted him off the island, the kids wanted the police to come and get them.

When you met with Inspector Keenan you told him about there having been two boxes of suntan oil which were kept by Mr. Hamilton? - There was suntan oil in his tent and in the box outside his tent.

Did you tell Inspector Keenan that Mr. Hamilton used to rub that suntan oil on all the boys and they in turn had to rub suntan oil on to Mr. Hamilton's back? - My son made a statement about suntan oil, he had rubbed suntan oil on the boys.

Did they then have to rub suntan oil on his back? - No, I never saw them rub suntan oil.

Now, you will remember that you have been asked some questions today about an article which appeared in the National Press which had headlines to the effect that a gun was pointed at your head and you have told us you made a telephone call to the reporter after that article had been published? - Yes, that's right.

Can you remember the name of the reporter to whom you spoke? - Sandy Gall.

In the course of the conversation you had with Mr. Gall what did you say to him? - I said "What is the big idea printing that rubbish in the headlines" and he said that he wasn't responsible for the headlines, somebody in Glasgow does the headlines.

Did you say to Mr. Gall in the course of that telephone conversation that Hamilton had, in fact, been across the street from you? - No.

At the time when the gun was allegedly shown to you?  
- No.

You didn't say that to him at all? - No, I did not.

Now, you have informed us today of an incident in which you threw some flour, etc. over Mr. Hamilton? - Yes.

Am/

Am I right in thinking that this incident was on the 16th May, 1989? - Yes.

And from the evidence you have given I understand that to be after the event which you say took place at Bridgend in relation to the van and the gun being shown to you by Mr. Hamilton; were you there at Bridgend? - Sorry, could you repeat that?

The incident involving the flour, am I right in thinking that was after the incident when Mr. Hamilton showed you a gun? - Yes.

I think you were visited by the police sergeant that evening, is that right? - I think so, I can't be certain who came to the house.

Could it be the case you were visited.....? - I think there were two.

There may well have been two and I think you were in the company of Mrs. Reilly at the time? - Yes, Janet Reilly.

And it was on that occasion that you were informed that Mr. Hamilton was not to make a formal complaint? - That's right.

How did you react when you were told that there was to be no complaint? - I was really annoyed because it was like banging a head off a brick wall.

Did you start to tell the police sergeant at the time about the manner in which Mr. Hamilton ran his clubs? - Yes.

And generally you attempted to blacken Mr. Hamilton's name, if I could put it that way? - No, I tried to explain to the police officer why I did it and why I wanted charged, I broke the law.

You didn't mention to Sergeant Carson at the time anything to do with the incident at Bridgend, about being shown a

D. ~~760~~ggar

gun? - No.

That would have been an opportunity for you to do so if you had chosen? - If I thought it was important enough, yes.

Could/

3.45 p.m.

Could you have Production D76L in front of you again? - Sorry?

D76L. It is a Production which will be shown to you. That is a document which was shown to you when Mr. Campbell was asking you some questions a few moments ago, and we see in that document in the top left-hand corner your name, and I think that is also your address, is it not? - That is right.

And then we see what would appear to be a telephone number? - Yes.

Is that your telephone number? - I couldn't tell you.

LORD CULLEN: Read the number out if you want to put this point.

CROSS-EXAMINATION CONTINUED BY MR. TAYLOR: Well, can you tell us what your telephone number is.....

LORD CULLEN: Is there any difficulty about that?

MR. CAMPBELL: It is actually her former address. The witness now lives in Aberdeen.

LORD CULLEN: Perhaps it is of no moment -- do you want to read out the number?

CROSS-EXAMINATION CONTINUED BY MR. TAYLOR: The number which would appear there is 0506 834996. Is that your telephone number when you stayed at Bridgend? - It might have been.

But you can't recall? - No, I can't remember.

On hearing the evidence, it would appear that there are two incidents, one of which you say you reported to the police, but no record can be found of it, namely the incident at Bridgend in relation to the van, and the other incident is in relation to Mrs. S. whose children were shown some guns, which you say you didn't report -- is that the sum and substance of it? - I would have have to know/

know what is written here. I didn't know all these names of guns and I didn't know where the woman stayed. All I know, she stayed in Linlithgow, but not the street. I only ever went to Linlithgow to the supermarket in the Centre and to the school.

Could it be that you are confusing which of the two incidents you reported to the police? - No, because I did not have anything to do with this.

RE-EXAMINED BY MR. BONOMOY: Two points only. First of all, while you were at the camp was there any illness? - Sorry?

While you were at the camp was there any illness? - Any?

Illness? Was anyone unwell? - Just boys' blistered feet and that, and cuts -- and I had a bad bout of 'flu. That is all.

That is all? - That is all, except for the odd upset stomach.

Well, that is really what I was wondering. Was there no outbreak of upset stomachs? - No, it was just the odd one.

And the only other matter I want to ask you is: you mentioned that the person who first told the Press about the gun incident was your daughter? - Sitting in the living room, yes.

Were you there? - I was sitting there.

What did she say? - She said "Do you remember he pointed a gun at you".

That is what brought it up? - It was her.

JAMES KEENAN, (45), Sworn,

EXAMINED BY MR. BONOMOY: I am a Superintendent with Central Scotland Police based in Clackmannan.

How long have you been in Central Scotland Police? -  
24 years.

Prior/

Prior to December, 1988 had you heard of Thomas  
Hamilton? - No.

How did you first come to hear about him? - When I  
was spoken to by then Chief Superintendent Mr. Gunn at Stirling.

And what did he say to you about him? - He told me  
that there had been an ongoing informal complaint for some months  
made by Mr. Hamilton against officers of Central Scotland Police,  
and he requested that I contact Mr. Hamilton and take a formal  
statement off him.

Did you do that? - I did.

Where did you contact him? - I contacted him at his  
home address in Kent Road, Stirling.

Do you remember when that was? - It was I think the  
first week in December, 1988.

And what did you do with the statement? - I  
submitted the statement through Mr. Gunn for the information of the  
Deputy Chief Constable.

And following on that did you get further instructions?  
- I did.

What were they? - On the 13th December I was  
advised that I had been appointed investigating officer into the  
complaints made by Mr. Hamilton.

Against whom? - Against two officers, Constable  
George Gunn and Constable Donna Duncan, both of Balfron.

And can you summarise the complaints for us? - The  
complaint basically from Mr. Hamilton was that both these officers,  
at the request of Strathclyde Police, had called on the Island of  
Inchmoan in Loch Lomond on the 20th of July, 1988 to make  
observations on the conditions of the camp, and to report these  
back to Strathclyde Police.

But what was it alleged they had done wrong? - Mr.  
Hamilton alleged that they had used unlawful and unnecessary  
exercise of their authority in the investigation of his camp.

By/

By doing what? - Basically by speaking to boys outwith his presence and the presence of other leaders, and going round the camp observing conditions.

What other complaints were made? - That he alleged they had made a false, misleading and inaccurate statement regarding their observations on the camp to Strathclyde Police.

And then there was another one tagged on the end? - Yes. When I was given correspondence relating to the complaint, there was a further complaint made by Mr. Hamilton to Mr. Forsyth, M.P.

What was that one? - That Constable Gunn had been uncivil towards Mr. Hamilton in September, 1988 at Balfron Police Office.

Did you have occasion to interview Hamilton again in the course of your investigations? - No. I was aware that he wished to see me on a number of occasions throughout my enquiry but on the advice of my Deputy Chief Constable I had no further contact with him.

And the Deputy Chief at that time was Mr. McMurdo?  
- It was.

On the occasion you did interview Hamilton how did you get on? - I had been given quite strict guidance on how to deal with Mr. Hamilton by Mr. Gunn, and my instructions were that I was not to enter into any conversation or discussion, or pass any views or opinions to him, but merely to take a statement of his complaints from him. So I had no conversation with Mr. Hamilton.

And was that an easy exercise? - Mr. Hamilton appeared to know exactly what he wished to say, and spent about three hours telling me it.

Now, as a result of your investigations were there grounds established for disciplining either of the two officers? - No.

Was it a narrow decision? - That decision ultimately was taken by the Deputy Chief Constable. My opinion was there was insufficient grounds to justify the complaint.

And/

And was that clear, in your view? - It was, in my view.

Who were the two officers? - Constable George Gunn and Constable Donna Duncan.

And can I take it that following your report to the Deputy Chief Constable the complaint was dismissed? - Yes it was.

Did it get any further than him -- for example, to the Fiscal? - The Deputy Chief Constable, in view of my report, advised me that he would be submitting it to the Procurator-Fiscal at Dumbarton.

Who actually made the decision on it, do you know? - To send it to the Procurator-Fiscal?

No, no, to dismiss it? - The discipline complaint?

Yes? - The Deputy Chief Constable.

He made that decision? - Yes.

And as far as you are aware he then submitted the papers to the Fiscal? - He told me he did.

Could you now have a large bundle of papers in front of you called D2/K? Are these the papers relating to your investigation of the complaint? - They are, yes.

Now, a lot of them have a number at the top right-hand corner? - Yes.

And these numbers run from 1 to 275? - Yes.

And these are statements? - Yes.

So you have got 275 pages of statements; is that right? - That is right.

Before that there is an index, there is lists of witnesses, there is a summarised version, and there is some odd, or there are odd bits of paper and correspondence? - Yes.

And/

And that all goes to the Deputy Chief Constable for him to make a decision? - Yes. There was three files -- statements, and two documentary Production files.

And this is the lot there? - No, it is just the complaint, not the documentary Production files.

What else did you have? - Two documentary Production files.

What did they include? - Various letters and correspondence from Mr. Hamilton to various people.

How long did the investigation take? - As I say, I was appointed in December, 1988, but I then became involved in a major enquiry, and it wasn't until February, 1989 that I commenced enquiries, and I concluded these in May, 1989.

Now, would I be right in thinking that the result of your investigation was submitted to the Deputy Chief Constable on the 14th of May? - The 22nd of May is the date of my report.

That is the final date? - Yes.

Right. Before you submitted the report did you have a telephone conversation with a lady called Doreen Haggar? - I did.

Had you interviewed her in connection with the investigation? - I interviewed her and her son.

And did you interview her on only one occasion? - Yes, that is correct.

Did you interview her daughter at all? - No.

Was the daughter in the house when you interviewed her and her son? - I am not sure. There was a family friend there.

So can I take it it is subsequent to that interview of her that you spoke to her on the telephone? - She spoke with me, yes.

Well, /

Well, who contacted whom? - She phoned me.

Now she has told us that you phoned her? - No.

Any doubt about that? - None at all.

Do you remember the date of that call? - Not exactly, but within two or three days prior to the 16th of May, 1989.

What happened on the 16th of May? - Well, if I could take you to the telephone conversation, I will explain the basis of what happened on the 16th of May.

Well, we have heard something of that. I take it you are referring to the incident when she threw stuff at Hamilton? - That is correct.

That is 16th May? - That is correct.

Right. Tell us about the telephone conversation? - She telephoned me, as I say, three days before that, asking on the progress of my enquiry and my view of whether there would be any criminal proceedings against Mr. Hamilton. I had explained at the time I took the statement from Mrs. Haggart that it was a discipline enquiry I was conducting and not a criminal inquiry against Mr. Hamilton, and so any evidence of criminal conduct would be a matter for the Deputy Chief Constable to send to the Procurator-Fiscal. I told her my enquiry was reaching a conclusion. She was concerned that Mr. Hamilton was still running his boys' club at Linlithgow Academy, that we were nearing the summer for the 1989 camp, and she felt that if the various authorities could not prevent Mr. Hamilton running his club and camp, that she would do something about it personally. She told me that "If he likes suntan

cream that much, I will show him exactly what I think about him and his suntan cream at his next club at Linlithgow Academy", which she told me was to be the 16th of May. She left me in no doubt that she would be attending that meeting, and that basically was the end of the conversation. I tried to counsel her, obviously, that that conduct could get herself into trouble, but she seemed to believe that if that was the/

the only way that she could bring Mr. Hamilton to the attention of the court, that she was prepared to do so.

Was any arrangement made for a police presence at the club? - Following my conversation with Mrs. Haggart I was in no doubt, as I have said, that she was capable of attending that club to disrupt it, and I contacted the duty inspector at -- I am not sure, I think it was Livingston Police Office that day, and gave him the background to my enquiry and the content of the conversation I had just had with Mrs. Haggart. I suggested that it may be appropriate if there were a couple of police officers available, that they attend the club meeting at Linlithgow Academy on Tuesday 16th May; and he said he would put a note in the log book at Linlithgow Police Office to that effect.

Did/

4.05 p.m.

Did you follow the matter up later? - Yes, again I am not very sure of the exact date but it would be days after the 16th May, I didn't hear anything back and I contacted the same inspector again and asked him if there had been any incident at the club and he was able to advise me that there had been an incident involving Mrs. Haggar and another female with Mr. Hamilton.

Do I take it you didn't follow this up at all by contacting Hamilton? - No.

Now, had the question of suntan oil arisen earlier in the course of your investigations? - Yes, it had.

Did it arise in the context of speaking to Mrs. Haggar and her son? - When I spoke to her son, yes.

He said something about Hamilton and suntan oil? - Yes.

Can you remember what that is? - Yes, I can.

Can you tell us? - During the taking of the statement from Mrs. Haggar's son he said to me that when we were talking about the sleeping arrangements at the camp he said the majority of boys slept with Mr. Hamilton in one of the bigger tents in the camp and most evenings in his presence and in the presence of other boys there one of the boys in particular had been asked most evenings by Mr. Hamilton who was lying on his cot bed to rub suntan cream into Mr. Hamilton's head and shoulders for about 15 to 20 minutes each evening.

Was that a reference to other boys rather than him doing it? - It wasn't him, no -- it was another boy in particular.

This was done by, was it one boy in particular did it most often? - That is correct.

Did you form the impression that there was something indecent about that? - Suntan oil was only the head and arms, it was a question of interpretation, /

interpretation, there was nothing other than that.

At what time of day did he say it was being done? - It was in the evening when they were all bedding down for the night.

When the sun doesn't shine in Loch Lomond? - That is exactly what Mrs. Haggart said.

Could I now ask you to look at the AD2A form which is your report of 22nd May, 1989; now, is this the summary of the results of the 275 pages? - Yes, it is.

We will do our best not to get to the 275 pages and to look at the summary and hopefully if there is something you think is in the list you can interject to tell me? - I will do my best.

I think that as part of the background here we had a record that Mr. Hamilton was in charge of the boys sports clubs in Dunblane, Linlithgow and Dunfermline at that time? - Yes.

In that he was also reported to be operating in Falkirk?  
- Yes.

I think you also record information that you were getting from Hamilton about the purpose of his camps? - Yes.

What did he tell you the purpose of these were? - Basically to develop independence in boys, to organise boat trips, outings to the mainland, character forming.

I think on the second page you indicate that the camp was for 12 boys a week supervised by three leaders? - Yes.

And are for sports training and leisure time activities as well as an adventure holiday camp? - Yes.

Now, did you ever establish in this Inquiry whether there were other leaders in the true sense of the word involved? - There were two teenage boys assisting Mr. Hamilton with his camp at the time that I was involved in when Constables Gunn and Duncan called at the camp.

You/

You then refer to the complaints that the parents made on the 17th July, 1988 which was in fact a Sunday, is that right? - That is right.

And by this time you have established that there were actually six boys who had just come back off the camp whose parents were making complaints, is that right? - You say I established that.

No, by the time you got to your investigations you were able from all the material before you to conclude that there was six complainers? - Yes.

And they were complaining about the organisation of Mr. Hamilton and they were alleging assaults by him? - Yes.

And the refusal to allow the boys to phone home or send postcards? - Yes.

They were complaining of the general condition of the camp and the poor food? - Yes.

And also concerns that came from the parents that the boys were issued with black swimming trunks and were expected to wear these at all times in the camp? - Yes.

Now, can you tell us and we may need to look at the details but if we can avoid it it would be helpful, can you tell us the nature of the assaults that you discovered had been complained to you? - These assaults, basically, as I understand it related to slaps on the side of the face for not standing to attention or standing in line, for being cheeky, again slaps on the backs of the legs and there was a suggestion that a wooden spoon was used as well to hit some of the boys.

You discovered that the matter had been investigated under the supervision.....well, by effectively Strathclyde Police and you had all the papers from that investigation? - I asked for these and they were sent to me, yes.

Now, can you go towards the foot of page 3 and we will try to fill in the gaps that Constable Gunn hasn't already told us about; you record at the/

the foot of that page Sergeant Moir instructed Constables Gunn and Duncan to go to Inchmoan on Wednesday, 20th July? - Yes.

And he briefed him to interview all the boys at the camp and to check the condition and facilities at the camp? - Yes.

What was the other thing or things that Sergeant Moir emphasised? - Sergeant Moir said to the officers that if they thought any of the boys were in immediate or physical moral danger to contact him direct and he would make arrangements to have the CID at Dumbarton informed and the boys removed from the island.

Following the report back by Gunn and Duncan what steps did Sergeant Moir take? - He instructed these officers to report their findings to Detective Chief Inspector Hay.

Was he the man who had decided what to do? - Yes, that is correct.

I think just after halfway down page 4 we get the result of their investigations into that? - Yes.

What do you describe? - Constables Gunn and Duncan were asked to prepare statements regarding their visit to the camp and these were submitted to Strathclyde Police.

Was it Hay.....? - Chief Inspector Hay subsequently requested that Detective Sergeant McBain contact the parents of the children that had gone over to the island basically to explain that there was concern about the running of the camp and to make them aware of it and to go with the Strathclyde officers to the camp to inspect it for themselves.

Sorry, tell me that again, what exactly were Hay's instructions to McBain? - Well, Chief Inspector Hay's instructions to Sergeant McBain were to contact as many of the parents of the boys on the island and invite them to go with the Strathclyde police detectives over to the island to see their sons.

You/

You see in the next paragraph "Detective Sergeant McBain advises that none of the boys interviewed that day had any complaints to make"; how did the boys get to Dumbarton Police Office? - The Strathclyde detectives and a number of the parents attended at Balmaha Boatyard to be ferried across to the island only to find out, I think it was, from one of the youth leaders at the camp that the boys had been taken by Mr. Hamilton to the pictures in Alexandria.

What did the police do? - There were a number of anxious parents by this time so they decided to take everyone to Dumbarton Police Office and to make arrangements to have Mr. Hamilton and the boys taken from the cinema to Dumbarton Police Office.

Did they find them in the cinema? - Yes.

In Alexandria? - Yes.

Where had they been before they went to the cinema?  
- I think they had been to the swimming pool.

Now, the boys were taken to Dumbarton Police Office?  
- Yes.

And were they interviewed? - Yes.

Now, did any of them make a complaint about Hamilton's conduct? - No.

Did any of them want to go home because they were homesick? - Quite a number of them, I think nine of the 13.

Was Hamilton at the police station? - Yes.

Were the parents able to speak to him? - Yes.

Did any of them make complaints about him? - No, I think they had a lot of questions to ask of him.

If you go to the last three lines on page/

page 4; what you have recorded there is the report you got from Strathclyde Police? - The report from Strathclyde Police is that "None of the parents present were prepared to make any complaints or malign Hamilton in any way. Indeed, some parents praised Hamilton and his running of the camp."

Now, I think McBain then gets information from Hamilton himself about what he was doing at that stage in the way of running clubs, is that correct? - Yes.

You have already told us that at one of the points Hamilton said that the club in Dunblane had been in existence for almost 15 years? - Yes.

Now, if you could turn to the second paragraph on that page, at the bottom, can you read out what you established where McBain's conclusions at that time? - "Detective Sergeant McBain concluded that although he felt many of the complaints were non-criminal in themselves that the camp conditions were extremely primitive with the obvious lack of ease of access and communication being a primary concern as it could be argued in this respect that there was a serious concern for the boys' moral and physical wellbeing".

Now, did he submit the report to the Fiscal at Dumbarton? - Yes, he did.

And that had the statements from the boys who came off the camp on the 17th July? - It did, yes.

What action did the Fiscal take? - I was advised that the Fiscal took no proceedings.

Now, you then on page 7 record the enquiry you made initially, interviewing people whose names had been given to you by Hamilton? - Not directly by Mr. Hamilton but they were in correspondence that he had previously submitted to our Force.

These were people who largely camped in the same area as he had his camps, is that right? - That is correct, and I think somebody who had a cruiser on the loch as well who visited the camps from time to time.

In/

In general terms what was their view of his camp, of his conduct of his camps? - They spoke highly of his organisation, food and equipment in the camp and of his capabilities as a leader.

Now, I think thereafter you have summarised a number of statements, many of which have complaints to make about Hamilton's conduct on his camps and his conduct towards the boys? - Yes.

And in these do we find evidence of the assaults, for example, that you have referred to? - Yes.

And do you have a view yourself about whether these assaults were simply a reasonable chastisement of children misbehaving or whether there was more to them than that? - My personal opinion that there was more to them than that.

It went beyond the point of reasonable chastisement? - My boys at that time were nine and 10 and I didn't smack them.

At all -- here we are talking about smacking them on the face and using something against them like a wooden spoon? - Yes.

I wonder if you could now have a brief look at DIK which is a report by Mr. McBain of his original investigations; do you see there that report is dated 30th August, 1988? - Yes.

And is headed "Complaints received by Police in relation to Summer Camp held on Island of Inchmoan on Loch Lomond"? - Yes.

Signed by McBain and sent to the Sub-Divisional Officer but for the Procurator-Fiscal? - Yes.

Now, can you just confirm to me that in the course of that investigation at the foot of the page McBain recorded that Hamilton did not deny striking some of the children maintaining that he had only enforced discipline in the absence of the boys' parents? - Yes, he told the parents that as well.

And did he also go on to say why he had to/

to discipline these boys? - Yes.

Why was that? - Because they were being disruptive, bullying and being cheeky.

Now, there were allegations of indecency made in the course of that investigation; is that right? - Yes.

Can you confirm that these allegations were not made against Hamilton? - They were against the two youth leaders.

And these were never established, were they? - No.

Adjourned until tomorrow  
at 10 a.m.