

TENTH 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

TUESDAY 10th JUNE, 1996

within

THE ALBERT HALLS,
DUMBARTON ROAD, STIRLING

.....

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.....

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

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

MR. A.T.F. GIBB, solicitor, Edinburgh, for the representatives of Mrs. Mayor (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 individual officers of the Scottish Police Federation, and Lothian and Borders Police.

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TUESDAY, 11th JUNE, 1996.

TENTH DAY.

LORD CULLEN: Let's begin again. What point had we reached? Who was to cross-examine next?

MISS DUNLOP: I think I was just about to ask one question or perhaps more accurately to raise one matter rather than one question.

LANCE RATTRAY (Recalled)

CROSS-EXAMINED BY MISS DUNLOP: Mr. Rattray, I would like to ask you about AB2A that is attached to D52. Do you still have that in front of you? - Yes, I do.

This was the explanation as to why Mr. Hamilton needed an additional weapon, in particular an additional 9mm pistol, given he already had a 9mm pistol. Do you remember this? - Yes, I do.

The only question I wanted to raise was we see that an explanation is given of the advantages of a new 9mm pistol, that is that it is advanced in design and it includes a weighted handle for greater accuracy. But the memorandum doesn't explain why he needs to retain the old pistol. One can understand why he is buying a new one but why does he have to keep the old one too? - Members of pistol clubs frequently ask for a second weapon of similar calibre, and the explanation given by most is that the second weapon is required as a back-up for the first weapon or, as it appears in this case, the particular weapon that he is requesting may well be a weapon that he needs for a particular discipline, a type of target practice within range.

But would you agree that if the question was why does he need two 9mm pistols, this doesn't completely explain why, it simply explains what is beneficial about perhaps the new pistol but not why he should retain the old one? - I would still argue he is asking for a second 9mm pistol which he may need, if his weapon failed or non-functioned, he could still use it.

Indeed, but I am simply asking whether this explained in this memo. I don't see that explained/

explained there? - The interpretation I am giving you this morning is how I feel that is how I probably saw it 10 years ago.

CROSS-EXAMINED BY MR. TAYLOR: Can you have D35 before you please. It is a document which is otherwise known as FA18. That should be a copy of a firearms certificate which was granted on 6th November 1984; is that right? - Yes, it is.

Is there as part of that certificate a section which deals with the purchase by the licence holder of ammunition? - Yes, there is.

And is that section completely filled in the copy which you have? - It is, yes.

BY LORD CULLEN: Just to be quite clear, this is a variation, is that right, rather than a grant or a renewal. Have I got that right? - Well, it is the schedule which is attached to the firearms certificate which shows various purchases that the applicant Mr. Hamilton has made in the course of the duration of that certificate.

But what happened on 6th November, was a variation?

MR. TAYLOR: That is correct, sir.

THE WITNESS: It is a variation.

BY LORD CULLEN: The Table down on the left-hand side at the bottom which on my copy is very indistinct, is that a table of the ammunition as varied? - It is a variation of weapons and ammunition.

CROSS-EXAMINATION CONTINUED BY MR. TAYLOR: But looking at the page which contains the tables of purchases, we see that these purchases have been spread over a period between December 1979 and December, 1984? - That is correct.

If we look at Production D49 which should be AD2A from Constable Brown to the Chief Superintendent of A Division, perhaps you could just read that out for the Inquiry? - In this memo from Constable 403 Brown he is advising his Chief Superintendent on 10th December, 1984 Thomas Watt Hamilton/

Hamilton of 39 Forth Crescent, Stirling, called at the police office in Stirling and requested a new firearms Form 2 to be issued to him as he had completed Table 2 which is the ammunition section of the form. The memo continues to say the firearms certificate is attached and indicates it be referred to the Firearms Department.

Was this unusual, for the firearms certificate to be surrendered for the purpose of having a new Table 2 appended to it? - It was relatively unusual inasmuch as the section which contains the part for the ammunition is quite lengthy and in normal circumstances would last several years.

If we move on through the paper trail to D50L this should be the firearms certificate with a variation on it? - Yes, I have it, for 31st January, 1986.

That's the one. Again if we have a look at Table 2 can you tell us what we find there? - It is in many respects similar to the previous certificate. It shows he made a fairly large number of purchases of ammunition between the period December, 1984 to October, 1986.

So we see that from the period covered in the two Table 2s, that is from 1979 to 1986, the Tables have been exhausted of any space; is that fair to say? - Yes, that's right.

Do you think that aspect would have had any bearing upon the thought processes in increasing the number of rounds of ammunition which Mr. Hamilton had authority to possess? - I would say so. It think it clearly shows he is a frequent user of ammunition.

I take it going back through the period of time it is difficult for you to say categorically that's the reason; is that so? - It is impossible for me to remember with any clear certainty, but on reflection you are looking at the certificate, that information would be there, and on the basis of that I would have been satisfied that his reasons for increase in ammunition were in order.

This morning you were asked some questions/

questions in relation to Mr. Hamilton having permission to hold two hand guns of the same calibre. Can you say how usual or unusual it was for a licence holder to have such permission? - Relatively unusual. We always examined very carefully any requests for a second weapon of a similar calibre. I am not just talking about gun clubs; I am talking in respect of all applications.

RE-EXAMINED BY MR. BONOMOY: The firearms certificate number D35 has an oddity about it that doesn't seem to apply to the others. Have a look at the last page? - Are we talking about the firearms certificate which was granted in January, 1986?

No. It is the earlier one which has FA18 on the backing? - I do have that, sir. It is the firearms certificate granted in November, 1984 for the variation.

If you go to the back page of the certificate where you see the renewal section we see it covers the renewal granted on 14th February, 1980. Do you have that? - No, I'm sorry, sir, I don't follow that.

The back page of the certificate. You see at the bottom right-hand side "Renewal of certificate"? - Yes.

And it says, "I hereby renew this certificate for three years from 14th February, 1980"? - Yes, and further down from 1983.

And it says below that, "I hereby renew this certificate for three years from 14th February, 1983"? - Yes.

So we have two renewals on one certificate. Is that unusual? - I honestly can't answer that question. That is an administrative sort of.....

Would that not explain why the ammunition section got overloaded? - It may well -- obviously if the certificate has run for the duration of six years the certificate has obviously run because the period that he has been drawing ammunition is over at least a five year period.

The/

The point was being put to you -- I quite accept you can't actually remember a great deal about it -- the point was being put to you it would be because of this cluttering-up of the ammunition section on the certificate that perhaps Mr. Hamilton was allowed this huge increase in the amount of ammunition he could hold and acquire and this is a certificate which became cluttered because it was used for six years rather than three? - I never used the term "cluttered".

Sorry, it was my expression? - I am using the term he appeared to be using a reasonably large amount of ammunition during that period.

Is it also fair to say if you look at the ammunition section that the ammunition he was acquiring exclusively between the end of 1979 well into 1984 was .22? - Yes.

And over a period of four years there is actually no sign of him purchasing 9mm ammunition although he had authority to hold 9mm and .357 at that stage? - I don't know if he possessed it at that time.

Well, if you look at the ammunition section further up, in 1979 he was purchasing .357 Magnum ammunition? - Yes.

The 9mm creeps in I think because it has been put in out of order at 1984? - Yes.

He certainly was able to acquire .357? - Yes. He buys the 9mm in November, 1984.

Now, what is the extent of your knowledge of the practice of marksmen to re-load their cartridges? - I am aware of that practice but I have no technical knowledge of it.

Could that again be an explanation for the large number of purchases on Hamilton's certificate, that he wasn't a re-loader and only bought commercially produced ammunition? - That is correct, yes.

Lastly the memo which Miss Dunlop asked you about. You do accept that that simply explains why Hamilton wanted an additional weapon but doesn't really/

really when you look at the memo explain why he needs to keep the old one? - It doesn't clearly explain in the memo, I accept that, but I still would argue that it may well be, although it is not recorded on paper, that the explanation was he required it as a back-up weapon.

This is not a criticism, it is an attempt to find out what was the approach of the police authority to these applications. Do I take it from your answer that you were prepared to make an assumption in favour of the applicant in dealing with applications for renewal? - Well, I don't know what you mean by the term "assumption".

Well, you have said a number of times that you assumed that he needed to have one as a spare? - Yes.

Now, my question is, is that indicative of the approach that was taken to renewals around the time we are talking about, that you made an assumption in favour of the applicant rather than against the applicant? - All I can say is it was not an unusual practice to allow a member of a gun club to have a second weapon of a similar calibre.

IAN/

10.20 a.m.

IAN MacKENZIE (49), Sworn:

EXAMINED BY MR. BONOMY: I am a retired police officer. I retired from the police in 1995, at the end of July last year.

And what rank did you hold then? - A superintendent.

And are you now employed in a civilian capacity by the Central Police Force? - Yes. I am now the Force Data Protection Officer.

And it was Central Police that you were a superintendent with? - That is correct.

How long did you actually serve with the police? - I served as a cadet, up to retirement, in total -- 1963 I joined the cadets, so that would be 32 years.

Now, I want to ask you about a stage first of all around 1989 when you were Chief Inspector within the Headquarters Administration Unit? - That is correct.

In that role did you have responsibilities for firearms administration? - Yes, that is correct. That was one of my roles.

What were your responsibilities? - With regards to firearms?

Yes? - I was responsible for supervising the staff within the Firearms Department. I was also responsible for ensuring the accuracy of the records and also for ensuring the accuracy of firearms certificates that were submitted to the Deputy Chief Constable for signature.

In February 1989 you were acting superintendent in that role. Is that coincidental -- was the role actually the role of a Chief Inspector and you happened to be doubling up as an acting superintendent? - That is right. At that time the superintendent was absent on a course and I was doing his job as well as the job I had.

I wonder if you could have some documents/

documents in front of you please? Could you have first of all FA43, which is -- is that actually two documents? - No, it is one. It is a firearms certificate application.

And it has got a note attached to it; is that right? - Yes.

Could you also have FA44? Is that the RL3a that relates to that application? - Yes, that is correct.

And is it one sheet or two sheets? - One sheet.

Would you also then have -- I don't know if I have the number for this. I suppose I could try FA45.

LORD CULLEN: Can you give the alternative reference of these?

MR. BONOMOY: If you just give me a moment, Sir, in case I give the wrong references here. I just want to be clear I have the right Production.

EXAMINATION CONTINUED BY MR. BONOMOY: Is that an additional RL3a or other similar type of form which was used for this application? - That is correct.

MR. BONOMOY: Sir, the references for all of these are D65L, which should be a note, followed by the application form D68, which is the RL3a and D69, which is the last document which was being used at that time as a supplement to the RL3a. It is a pity the documents are separated by another two which don't directly relate to this particular point.

EXAMINATION CONTINUED BY MR. BONOMOY: Now, the FA43, which is the application, is an application by Thomas Hamilton? - That is correct.

And what is it for? - It was to renew his firearm certificate.

With effect from what time? - It says "Renew before 14/2/89".

2Now, /

Now, the note that has been attached to the outside of it says what? - It is from the Chief Inspector. It says "The officer who did the inquiry the last time of renewal obviously didn't check the serial number. The wrong number is shown on the certificate".

So one of the guns has a mistake in the serial number? - That is correct.

I think it is just one letter that is wrongly recorded; is that right? - Yes. The serial number was given as FNO instead of FND -- sorry, it should read "FNO", and in fact it read "FND".

Were you that Chief Inspector? - No.

Somebody else? - Yes.

Which Chief Inspector was it? - Oh, sorry, my mistake, it looks as though it is addressed to the Chief Inspector from the sub-divisional sergeant.

So it would be addressed to you in fact? - No, it is addressed to "Chief Inspector", and looking at the form it would be addressed to Chief Inspector Paterson.

If you go to the RL3a -- I am jumping ahead a little -- at the foot of it your signature appears as "Acting Superintendent"? - That is correct.

And somebody has actually written in "Note correct serial number"? - That is me -- that is my note to the Firearms Department.

But that is not because the outer note was addressed to you in particular, but would be with the papers when you saw them? - Yes.

Can I take it that when it came to your responsibility to look at this application you would have all the documents that you have got there in front of you? - Yes.

Is that all you would have? - No, I would have his complete file.

Was/

Was that routine in 1989? - Yes.

Whose responsibility was it to put the whole file in front of you? - All these forms that you see here would be addressed to the Firearms Department. The staff in the Firearms Department would go to the file and bring out the relevant file and put the relevant file and these documents up to myself.

In 1989 what was the complement in the Firearms Department? - Two.

Who were they? - It would be Maria McEwan, and I think it was Ann-Marie Hunt.

Were they both civilian officers? - Yes.

When was the gradual civilianisation of that Department started? - I believe 1991.

Well, is this one not 1989? - No. The civilianisation wasn't in relation to the administration. The civilianisation was in relation to the inquiry.

So the person who now holds the administration post is Maureen Johnson? - Correct.

Which of these two ladies was her equivalent? - Well, none of these ladies did the job that Maureen Johnson now has.

A different job? - Yes.

Well, did they do part of the job she now has? - Yes. They would do, as I say, getting the file together and then typing up the certificates.

They are clerical staff? - Yes.

And it was their job to put the whole file in front of you? - Yes.

If we have heard in the Inquiry that that doesn't happen now, except in cases where there was a problem, then that would be a change? - Yes.

Is/

Is that a change you were aware of, that the file doesn't always get laid in front of the Chief Inspector now? - Yes. I have become aware of it over the years, but it wasn't the case when I was there.

Were you there, though, when that change took place? - No.

As a result of having the file you would have a file copy of his existing firearm certificate? - That is correct.

Did you pay attention to that when you dealt with the renewal? - I checked back to the time of the last renewal, normally, and I would check in the interim period between the renewal and this renewal, any variations that had taken place, any changes in his ownership of weapons, to make sure that all the details of transactions were properly and accurately recorded.

Could you have FA57, which is D50? Is that the previous certificate? - Yes. That was issued on the 31st January 1986.

Now, it has got some variations on it? - That is correct.

But they relate to the weapons and then the deletion of .22 ammunition, and the inclusion of additional ammunition because there was a 7.62 rifle added? - Yes.

But when you came to consider the renewal in 1989 the amount of ammunition that Hamilton could either hold or acquire would be the amount that we see on the outside bottom left of this firearm certificate? - The outside?

The front page, bottom left, we see the amount of ammunition he was entitled to either acquire or possess at the time he made his application to you for renewal -- subject to the variations on the right-hand side.....

LORD CULLEN: Mr. Bonomy, this is 1986, as varied then.

THE WITNESS: There was a variation in 1987, I understand.

LORD/

LORD CULLEN: Which is what we looked at yesterday. I think that might be covered by D59, is it? That may be nearer the application -- 59 is the application for variation. I am not sure we have a text for the certificate as varied in these papers. I may be wrong about that. I haven't seen it yet -- and Mr. Taylor I think agrees with me.

MR. BONOMOY: Yes, that is right, because I do have the certificates here in a bundle, and it is not one of them.

LORD CULLEN: I am simply going on the application and the fact it was shown as passed. I am assuming that would be incorporated as a proper variation at that time in 1987.

EXAMINATION CONTINUED BY MR. BONOMOY:
Could you also have in front of you please D59, which is FA43? - The application form?

That is an application for variation? - It is a renewal application, 1989.

BY THE COURT: Are you looking at a document that has a date at the top 31.3.87? - No, I am looking at a document that has got.....

LORD CULLEN: You should be looking at D59L, whatever that is in the other language.

MR. BONOMOY: The problem is the other language isn't clear on the backing.

THE WITNESS: I have now got a variation in front of me dated 31/3/87.

LORD CULLEN: That is the one.

MR. BONOMOY: That is the one.

EXAMINATION CONTINUED BY MR. BONOMOY:
Now, if you would look back then at the application form you were dealing with, and compare it with the variation application which you now have in front of you? Can you tell us whether your application was simply a renewal of what apparently Mr. Hamilton had authority for when he made his application to you? - Well, I would expect from the variation of 1987 there/

there to be another certificate showing these variations. I don't have that.

I appreciate that, but since we don't have that at the moment, if you can just assume it was granted on the strength of the application you have been given? - Yes, I would assume that that was granted, and then I would have a certificate which accurately reflected what that variation said, yes.

Now, was he simply asking for a straightforward renewal of what he had at that time? - Yes, that is correct.

Now, would you look then at the RL3a, and the additional, supplementary form which seems to go with it? - Yes.

Now, why on this occasion was there an additional form over and above the usual RL3a form? - I believe at that time there was a change to try to introduce more standardisation into the administration procedure, to keep the inquiry officers aware of the type of questions they should be asking when they go to visit an applicant, and to look for reasons for duplicate calibre, to indicate the level of security and any other relevant information they may have.

Had this anything to do with legislation passed in 1988? - Yes, I believe that would be the case.

Can you remember that now as being the reason for this? - There was certainly a change in the level of security, and my understanding would be that would be the reason this was introduced.

If we look at the RL3a form, that has been completed by a Constable called Brown? - That is correct.

He has answered the various questions; is that correct? - Yes, he has.

But one of them this time has the answer "No". The other five have "Yes"? - That is correct.

And/

And the "No" relates to the serial number for one of the guns? - That is correct.

You have already dealt with that? - Yes.

Could you look at the form? - Yes.

Now, it requires additional information in relation to some of the matters which are the subject of the RL3a? - Yes.

Is that right? - Yes.

And none of these am I right in saying relates to the first question, which is whether the applicant is a suitable person to hold a firearms certificate? - No.

I think at the top of that form there is a column where each of four weapons is specified? - That is correct.

And that is the weapons which he possessed at that time? - Yes.

There is then a separate question dealing with the issue of duplicate calibre? - Yes.

Now, why was that introduced? - As I said earlier, I think it was a reason to standardise procedures and to make sure that where someone asked for duplicate calibre, the inquiry officer had to find out the reason for it.

So this was a form which the inquiry officer had along with the RL3a form? - Yes.

There is some guidance under the heading "Duplicate Calibre" given to that officer. What is the guidance? - "If applicant has/is applying for duplicate calibre -- C.G. competition purpose, i.e. balance-precet sights, etc., see below".

And what do we see below? - "If holder states firearm is for competition he must be a member of a Club. If holder states firearm is for sport he must have land permission".

There/

There is also an asterisk, but does the asterisk actually mean anything? - Where is that?

Before the words "see below" there is an asterisk. Do we see that asterisk further down? - Yes.

Now, that particular section has been completed by the inquiry officer. Could you read out what he has written in? - "Duplicate Calibre", it says, "Nos. 2 and 3 are required as 2 has an adjustable site for target shooting and 3 is required for competition shooting".

So Nos. 2 and 3 refers to the two weapons above that; is that correct? - Yes, the 9 mm Browning and the 9 mm Beretta.

So we have two self-loading weapons, both 9 mm, and we here have an explanation why both of them are required? - Yes.

What is the explanation? - "Nos. 2 and 3 are required as 2 has an adjustable site for target shooting and 3 is required for competition shooting".

Does/

10.40 a.m.

Does that mean anything to you? - It means that this applicant had a weapon which perhaps the sight had been adjusted for a specific discipline and kept for that discipline and the other one would be for any other use in the club.

Does it actually say that? - No.

What is the difference between target shooting and competition shooting? - Well, there is not a lot of difference in the actual shooting. I would say the difference in target shooting is that you would go along to a club and shoot at targets. If they wanted to progress from that and enter competitions either at that club or other clubs, that would be classed as competition shooting.

Well, No. 2 which is the one for target shooting, is the one on which there is more specification than an adjustable sight? - Yes.

But you seem to be suggesting that is for the simpler discipline and No. 3, about which there is no specification, is apparently for the more complex discipline? - I am not saying one is simpler or complex. I would say in competitions you are competing against others and target shooting is just when you go and shoot targets, various disciplines with a target.

Does it come to this; that you don't really understand the difference? - Between what?

Between these two concepts of target shooting and competition shooting? - Well, I know there is a difference in that people shoot at targets and never compete. Other people shoot at targets and compete. People who compete may have a weapon they like to use for that competition because the action on it is suited to them or whatever.

Would it not follow from that that you would expect them to use that same weapon, if it is the accurate one, for what they describe as target shooting? - Say that again?

If you are suggesting they need a really comfortable/

comfortable and good weapon for competition shooting, would it not follow that they would also want to use that weapon for target shooting? - I don't know. It would be up to the individual what he felt comfortable with when he used it for competition.

But why would he want a less comfortable weapon for target shooting? Can you think of any logical reason why anybody would want a less good weapon for target shooting? - Well, all I can say to that is if I was going along and shooting on a regular basis and I was also involved in competitions, I might prefer to keep my good weapon for the competitions.

Now, please tell me if you think this is unfair but would it be fair to suggest that you are making certain assumptions on very limited information conveyed to you by the enquiry officer? - Well, personally I think the enquiry officer has conveyed me a reason why that person requires two weapons of similar calibre.

You are giving the impression that for a marksman there might be good reasons for keeping your weapon good, as if it might deteriorate in some way if you used it for practice. Is that what you have got in mind? - I am not saying it would necessarily deteriorate but anything can happen when you are shooting. I mean, there may be a jam or there may be anything in the weapon. I am not putting myself forward as an expert in shooting. I am not a shooter and have never been involved in club shooting. What I am saying is in my opinion the officer here has conveyed to me a reason that I would accept at that time for a duplicate calibre.

Yes, but would it be fair to say that if you just use the words target shooting for one weapon and competition shooting for another, at the time we are talking about, 1989, the police would accept that as a good reason for having duplicate calibre weapons? - For just mentioning the two?

Yes? - No, not necessarily.

Well, that is all this says? - That is what he said at this time. You said on all occasions.

But/

But if all that was ever advanced as a reason for having duplicable calibre is "I want it for target shooting and I want another for competition shooting", that would be good enough for the police in 1989? - Yes.

Now, there is also a section in this form which says "Other Relevant Information". For example, intended purchases? - Yes.

What did the enquiry officer have typed in at that stage? - "The applicant is authorised to possess a 7.62 rifle and a .22 rifle. He may purchase a .22 rifle in April 1989 when he disposes of his .223 rifle.

What is a 7.62 rifle? - What do you mean what is a 7.62?

What is it? - It is a rifle with calibre 7.62.

Is that for long-range shooting or target shooting or what? - On this occasion it is used on an authorised range so it is suitable for that particular weapon.

Now, what good reason is disclosed on this application form for giving authority to Thomas Hamilton to possess a 7.62 rifle? - The reason that he has been given authority to purchase, possess, a 7.62 rifle is that he is a member of a rifle club at which he can use that weapon.

What indication is there that he is going to acquire one? - On that, nothing.

So why should he be allowed to possess one? - Because I would expect the enquiry officer to ask him, "You put down here you want a 7.62 rifle" and I would expect the enquiry officer to say to him if he was going to purchase one.

Why did you not send it back and ask if that was going to happen? - That wasn't my role. My role was in the administration of the firearms certificate procedure. The enquiry and the recommendation of the weapon finished in this case with Mr. Matchett where he has got "Chief Constable recommended".

So/

So what were you actually doing with this paperwork?
- As I said at the very beginning, my job was to ensure the accuracy of the records and the accuracy of the certificate. My job was not to do the enquiry or anything with the enquiry.

So you were not even supposed to check whether there was a good reason advanced for possession of a 7.62 rifle? - No.

Well, whose job was it to do that? - The enquiry officer and his superior officers up to Mr. Matchett.

Who is above you, is it, or below? Where is Mr. Matchett in the chain? - If you look above my signature, the one before that says "Chief Constable recommended" and that is the enquiry as far as that part of it is complete. The bottom part is my instruction to the Firearms Department.

Who would deal with it after you? - Deal with what?

The application? - I would pass that into the Firearms Department. They would complete the certificate and it would come back to me for checking for accuracy and it would go to the Depute Chief Constable.

Would he be expected to think about questions like good reason? - No.

So he just signs what is stuck in front of him? - He would expect the officers below him to do all the necessary enquiry and in my case to make sure that it was accurate.

And you would expect the officers below you to make the necessary enquiry, is that right? - Well, there were no officers below me in the administration part of it.

Oh, I see. All right. So it would be the job of the sergeant whose initials are on the right-hand side. Who was he? - It is just.....

Not clear. It may be the Inspector in fact? - It may be.

His/

His job and the job of the Sub-Divisional Officer and the job of the Commander? - Yes.

To make sure that the thing was checked out properly? - Yes.

Now, can you part with these various documents and we will turn to another renewal. Can you have FA55 which is D83. Now, that is another application for renewal, is it? - That's correct, yes.

Is there any other document with that application? - No.

But there are two photographs? - There are two photographs, yes.

This is a new style application, different from the last one we looked at? - Yes.

Dated 12th January 1992? - That is correct.

Can you also have FA56 which is D85? Is that an LR3a form with that application? - Yes, that is correct.

Does it now incorporate the material in the two documents we looked at in the last renewal? - Yes.

Now, what was your responsibility in respect of this renewal? - My responsibility was to ensure the accuracy of the firearms certificate once it was prepared. There is a difference on this occasion from 1989 and you will note that Mr. Norman Lynch has now become the enquiry officer and there is not a police involvement in the enquiry so Norman Lynch would prepare this application for me and I would check it and make sure that the certificate accurately reflected that.

This time, though, did you have responsibility for checking things like whether there was a good reason and so on? - I was responsible for making sure that Mr. Lynch made all these enquiries, yes.

So/

So are you doing the job that the Inspector, Sub-Divisional Officer and the Commander were doing or supposed to do in the other cases? - Yes, for renewals only.

So this time you would be responsible for checking that there was a good reason? - Yes.

And you are quite clear that that was not your responsibility in relation to the earlier one? - Yes.

Now, on the LR3a form this time the reason for requiring the firearms are giving as for target shooting only at Stirling Rifle and Pistol Club, is that right? - That is correct.

Now, we still see this 7.62 calibre rifle on the application form? - That's correct, yes.

And no sign of buying it? - No.

It has been around for a while? - Now for three years.

It has been around for..... sorry? - Is it three years since the last one? Does it go back further than that?

A bit longer than that? - Yes. Sorry.

I think we saw it being added on the variation in 1987, if you remember. Do you remember we looked at the 1987 variation so that is when it was added? - Was it? Right.

So it has been around for four to five years? - Yes.

Ought you not to have been asking questions about that? - Yes, I would expect the enquiry officer to ask the question of Mr. Hamilton in this case, if he still wished authorisation and it is marked on the application form "If you still wish to retain authorisation please tick" and he has ticked the box Yes and I would expect Mr. Lynch to ask him for a particular reason why he hadn't bought it or when he was likely to buy it.

But/

But there is no record of that having been done? -
No.

And you assume that he would do that? - Yes.

And be satisfied? - Yes.

So your check is really back to the original type of check in 1989, that everything looks as if it has been completed properly on the face of it? - Yes, although I would say the added difference is that Norman Lynch would come directly to me if he had any questions and I would speak to him if there was anything raised that I was not happy with.

But if Mr. Lynch is a good form-filler and he provides an answer to every question and ticks the right boxes and does not raise any queries with you, you would tend just to push that to the Depute Chief Constable for signature? - I would accept that Mr. Hamilton having specifically indicated that he still wished to retain authorisation for that, I would expect Mr. Lynch to have asked him that. You are right on that. I would expect him to do that but I would not with every application that came through stop and say "Now, did you do all the checks?" No.

Had you had any dealings with Mr. Hamilton? - No, none.

The 1989 and 1992 renewals followed incidents which were the subject of very extensive police investigation into Mr. Hamilton. Were you aware of these investigations? - No.

Not at all? - No.

I suppose you know now what these investigations were about? - Yes.

And indeed I think on my instructions you have had to look at the papers in connection with these incidents? - Yes, I was shown them last week.

Now, I appreciate that you are being asked with the benefit of hindsight to look at certain/

certain things and therefore there is a limit to what it is right to ask you about this but can I ask you first of all having seen these documents whether it surprises you that information about these investigations did not percolate through to the person dealing with firearms? - Do you mean all the investigations in general or specifically?

No, the very fact he was subject to police investigation at a very extensive level. Running into hundreds of pages? - Are we talking about the incident in 19.....?

Well, both of them. There is one in 1988? - Right.

And that has two very substantial reports relating to it?
- Yes.

And there is the one in 1991 and that also has two substantial reports relating to it? - Right.

Now, is it surprising or is it odd that you didn't know anything at all about the police investigations of these two matters? - I find it difficult to answer that one. If somebody is investigated and there is no reason to believe as a result of the investigation that there is a suggestion that his firearms certificate should be revoked, I would not necessarily expect that to be in the firearms file. If there was a suggestion that the person was a danger and his firearms certificate should be revoked, I would have expected it to be in the file.

The Inquiry has heard, and you will have read, of Detective Sergeant Hughes' memo which was in November 1991? - That is correct.

And that is dealing with the question of firearms certificate? - Yes.

So it is obviously within the knowledge of the investigating officers at that time in that particular enquiry that Hamilton had a firearms certificate? - Yes.

What you are confirming I think is something we already know, that that particular memo never/

never found its way on to the firearms file? - That is correct.

Now, because the firearms certificate is mentioned in it and because the memo expresses anxiety about whether he should have his firearms certificate revoked, I take it it should have got on to the firearms file? - Yes, I would have expected it to be.

Have/

11 a.m.

Have you read it? - Yes.

Would it have made any difference to the renewal in 1992 if it had been on the firearms file? - In my opinion, no.

Would it have made you either instruct or yourself carry out further inquiry? - Into what?

Any element of the subject matter of the memo? - I wouldn't have re-visited the memo itself. I would expect the procedure to be if anybody came up with any new information that would be brought to the attention of the Firearm's Department.

The memo says that Hamilton seemed to become increasingly stressed and had difficulty maintaining the group. It was during one such camp that he became increasingly angry and assaulted one of the boys. This particular child was in fact assaulted three times by Hamilton during the first few days of the holiday and was eventually removed by his parents. You didn't think to look any further at that? - After the decision for.....

No, if you had got this? - Sorry, I thought you were asking what would I have done in 1992 given the Chief Constable had marked it "No action" in 1991.

Yes, well, that's the question. That's the right question to ask you? - My answer would be I wouldn't have gone back to re-examine evidence that had already been examined by the Deputy.

That is because by the time you would have seen this memo for renewal in 1992 the Deputy Chief Constable who decides on renewals would have marked this for "No action"? - Yes.

Had marked it for no action? - Yes.

So it wouldn't have been your job to re-check the situation at all? - (No answer).

In 1992 were you still a Chief Inspector? - Until the end of 1992.

So/

So when were you promoted Superintendent? -
December.

One of the things we have heard that wasn't checked certainly in regard to some applications was the previous firearms licence. Can I take it that while you had a copy of the existing firearms certificate on file you would not ask to see Hamilton's existing certificate before deciding whether to renew it? - I would have possession of the existing certificate, yes.

It would come in with the application? - Yes.

Well, we have had evidence yesterday that it didn't, because the applicant had to hold it to support his continued retention of the firearm. Is that wrong? - That's wrong.

So you would have the certificate and therefore would be aware of the fact he wasn't buying ammunition? - Yes.

Didn't cause you any concern? - Well, not particularly, because his ammunition was dropping albeit slightly.

Well, can we just look at that. Could you perhaps have D58 which is FA42. Is that the one you dealt with, the renewal for 1989? - Yes.

So when it comes to 1992 you would have this in front of you? - Yes.

What does the certificate disclose about ammunition? - I haven't got that page.

FA41. What does this disclose about ammunition? - He had purchased ammunition in 1987.

Can that document relate then to that certificate if it appears to cover 1987? - This firearms certificate was issued first of all on 31st March, 1987 and it was varied -- it was renewed in 1989, on 14th February, 1989, and it was also varied at that time to alter the serial number.

Yes, but the one you have got should on the back page say "Renewal"? - Yes.

LORD/

LORD CULLEN: Yes, but on the outside of that it shows when it was first issued.

MR. BONOMOY: Yes, 31/3/87.

EXAMINATION CONTINUED BY MR. BONOMOY: You have a certificate that actually covers March 1987 until its renewal in 1992? - Yes.

And all we have is three purchases of ammunition in 1987? - There are three dates, yes.

Five separate purchases? - Yes.

Nothing after that? - No.

Did that not cause you, raise any questions in your mind? - Well, as far as persons who are members of a club, there are obviously some people who get ammunition at clubs, members of that club, and it wouldn't necessarily raise doubt in my mind.

We have seen some history of substantial purchases to the point where Hamilton had to get additional sheets on Schedule 2 for his firearms certificate? - Yes.

And he had authority to hold 1500 of each of the calibres and acquire 1,000 at a given time? - Yes.

Take that along with the fact that there is absolutely no sign of commercial purchases between 1987 and 1992, is there any ground in your view for asking a few questions? - As I say, I wouldn't have at that particular time, no.

BY LORD CULLEN: Is this something you might expect to be asked by other persons in the chain? - I would expect the inquiry officers to do any of these inquiries and find out if he is using a weapon and if he is still a member of a club, does he go to the club.

So far as the position about purchasing ammunition is concerned, is that the kind of matter you would expect the enquiring officer to ask questions about? - Not in great detail.

What/

What do you mean by "not in great detail"? - I wouldn't ask -- I would expect the enquiry officer to say "Are you buying a lot of ammunition at the moment", or whatever.

So you wouldn't really expect him to raise any question because of the possibility that he was purchasing in some other way? - Yes.

EXAMINATION CONTINUED BY MR. BONOMOY: The only other piece of material that might have been expected to get on to the firearms certificate relates to movement of a firearm and the taking of it by train to a house in Linlithgow. You weren't aware of a firearm being taken to a house in Linlithgow and shown to children whose photographs were taken with the firearm? - Not at that time, no.

You know now about that incident? - I have heard about it since.

Would you have regarded that as something which should have got its way on to the firearms file? - Yes.

What significance would that have had on the subject of renewal? - Obviously I don't know the full details of it and I don't know if -- well, I presume Hamilton wasn't spoken to so I don't know his side of it. But looking at the incident, given that the parents were there at the time, given there was no ammunition, and he was present, there didn't appear to be any danger, and I wouldn't have expected that to affect my decision to renew.

But it is something you might like to have had an opportunity at least of considering? - Yes.

CROSS-EXAMINED BY MISS DUNLOP: You were asked some questions about the applicant giving as his reason for having two similar guns of the same calibre that one is for target shooting and the other is for competition shooting. Are there any forms of competition shooting to your knowledge which don't involve shooting at targets? - Not to my knowledge.

So in fact the difference is more apparent/

apparent than real. You have competition shooting, you have target shooting. It is just different words? - Yes, but you are competing against others.

But when an applicant is giving as his purported reason for having two guns the same, competition shooting and target shooting, that doesn't seem to matter as long as he just uses a different word? - Some people genuinely want to use a weapon for competition.

But you've already told me competition shooting is target shooting. Competition is shooting at targets and competing against other people? - They are all shooting at targets. Competition is putting yourself up against somebody else.

Now, in relation to an applicant having to carry forward at a renewal authority which he has previously obtained to buy a weapon, carrying it forward because he has not yet purchased that weapon, you said that you would expect the enquiry officer to have asked the applicant "Are you going to buy this gun". Is that your evidence? - Yes.

And this is something you would expect to be done as a matter of routine? - A matter of routine at renewal.

So does that not mean on a previous occasion the applicant has been asked "Are you going to buy this gun" and has said "Yes" and he hasn't bought the gun? - That is correct. There may be many reasons for that.

Does that not necessarily raise a question about why he had said the last time he was going to buy a gun and hadn't bought it? - Not necessarily. It may be the case that the applicant sees a gun he would like to purchase and he then has to apply for a variation to his certificate.

Yes, but you are answering for the applicant. What I am asking you is do you not ask the question? - What question?

Do you not say to the applicant "Why did you say the last time you were going to buy this gun and/

and not buy it"? - Yes, I would expect the enquiry officer to ask that question. That question can be answered in many ways. I wouldn't personally ask the question.

But each time somebody such as an enquiry officer is looking at a certificate which is for renewal which already has authority to buy a gun which has not been purchased, would you not expect the question to be asked more forcefully, "Why are you continuing to ask for authority to buy this gun and not buying it"? - I would certainly expect it to be asked. I wouldn't have used the word "forcefully".

Now, you have explained to us that there is a chain and at the bottom of the chain there are officers making the actual inquiries and then presumably as one moves up the chain there are more senior people who are not required to make inquiries personally but are making judgements and assessing whether someone is or is not a fit person to hold a firearms certificate. Is that a fair way of putting it? - The enquiry officer does the inquiry and he would then put it up to his superior officer, yes, and he has to decide on the evidence of the enquiry officer whether it should be recommended for renewal.

What I am interested to know is where in this hierarchy is the person who has all the information about the applicant and the power or responsibility to make a judgement. Who is that individual? - Well, if you look at the application the Divisional Officer at the time in 1989 was the person and he recommended to the Chief Constable that this person should be granted renewal of his certificate.

So the answer to my question is the particular individual in this hierarchy who has all the information and the power and responsibility to make judgements is the Divisional Commander? - He has got all the information from the inquiry, yes.

And he has the file in front of him? - Not the file.

Well, is there any individual who has the applicant's file and therefore access to all the information/

information that is held and has the power or responsibility to make the decision on the applicant? - I would have all the information in front of me at the time of any renewal. I would have the previous certificate and I would have the full record of him being recommended from the Division. If the Division recommends this person, is satisfied with the weapon, they are satisfied with the inquiry, and I am satisfied having looked at the applicant's file, satisfied there is nothing there to the detriment of the individual, then I would tell the Firearms Department to process the application and it would be submitted to the Deputy Chief Constable for signature.

You have already been asked in evidence-in-chief about a number of areas which would appear to have required closer scrutiny. I am thinking in particular verifying there is good reason for every firearm on the certificate, and we have just spoken about good reason for a firearm for which authority was previously granted but which firearm was not actually purchased. That may be one area that would be looked at. You also have been asked about the question of the applicant not buying ammunition. But is it your position that you didn't see it as any part of your function to initiate inquiries on these matters, you simply assumed that those below you would have done all that was required of them in making inquiry? - I would expect the officers to inquire into the purchase of firearms and ammunition.

Do/

11.20 a.m.

Do you accept, however, that there is nothing in the paperwork which reached you to confirm that these inquiries have been made, that is more specific inquiries about why the applicant wasn't buying ammunition, or why he continued to require authority for certain types of gun? You are simply assuming in general terms that those below you have made the inquiry required of them? - Yes, I assumed they had carried out the inquiry, yes.

You were asked about Detective Sergeant Hughes' memorandum, and you said that it would have made no difference to you at the time of the renewal in 1992, because no action had been taken on the memorandum when it was submitted to the Deputy Chief Constable; is that correct? - Yes.

I would like you to consider the position without that knowledge -- that is without the knowledge that the Deputy Chief Constable has seen it and decided to take no action. So assume that you had opened the Firearms File and seen this memorandum. Would the memorandum have caused you to recommend that the applicant not receive a renewed firearm certificate? - The memo from Detective Sergeant Hughes would have raised concerns in my mind and from that I would have asked for further clarification on a number of issues in the memorandum.

Perhaps if you could have the memorandum in front of you. It is D82L. Now, put shortly you see that Detective Sergeant Hughes has been investigating allegations connected with a summer camp run by Hamilton in July 1989, and you see in the third paragraph that Detective Sergeant Hughes feels compelled to make this report because of the impression left with him by this man. Can I ask you firstly, how common an occurrence was this, that a police officer would make a report about the holder of a firearm certificate because that person had made him feel so concerned? - I would say it was most unusual.

In your experience is it unique? Can you think of another occasion in your working life when this has happened? - I can recall occasions when/

when officers submitted reports indicating that an individual had committed a crime and that they thought the firearms certificate should be revoked, yes.

But can you recall an occasion on which an officer submitted a memorandum in which he said "This person in my opinion should not have a firearm certificate because of the type of person he is"? - "Because of the type of person" -- no, I can't recall any other one.

Now, you see in the fifth paragraph that Detective Sergeant Hughes considers that Hamilton is an unsavoury character and an unstable personality? - Yes.

You referred earlier to matters which might have caused you to want to make further inquiries. Can we take it that those comments would be such matters? - Yes, particularly the unstable personality.

We then see that Detective Sergeant Hughes refers to Hamilton becoming increasingly stressed and having difficulty in managing the group; and that stress apparently causing him to assault one of the boys -- so somebody resorting to violence under stress. Would that have been something that would have concerned you? - Yes, it is something I would have been looking for further information about, yes.

Well, there is already quite a bit of information there, is there not? - No, I don't think -- I mean, there is no mention of the level of violence. Was it serious? Was it unprovoked? Was it substantiated? There is nothing there that I could go to the Chief Constable and say "There is enough evidence on which you could make a recommendation".

Well, suppose it was substantiated. Supposing there were two sources of evidence this had happened. That takes away your concern about whether it was substantiated. Are you then saying that it might not be a problem that a person had resorted to violence under stress if it had been not much violence; is that what you are saying? - I have some difficulty here, because not only have I seen/

seen this memo, but I have seen the report by Sergeant Hughes, so I have read the report and I have looked at the evidence he had put forward for this, and I am not convinced there is sufficient evidence for that. You talk about evidence of assault. It was one assault. It was assault on one boy who, according to Hamilton and other witnesses, was a bully, who had assaulted other boys, and that this was done by way of chastisement. Now, in these circumstances what I am saying is that on that evidence I would not have considered that to be grounds for a revocation.

So it wouldn't particularly have concerned you that somebody who is not a parent of a child has struck a child, including striking a child on the face, under stress? - Well, again I didn't see evidence of stress. From the evidence that I saw, my reading of the evidence, albeit it was only last week when I did see it, was that the boy was taken from the group and was punished, chastised as Hamilton put it, away from the group. I didn't see any evidence that it was a case of coming forward and just striking the child.

Can you perhaps turn to Page 2? I should have asked you to cast your mind over the last paragraph on Page 1 which refers to the taking of photographs of the children, and then the first paragraph on Page 2? - Yes.

In which the officer explains that he has not been able to recover all the photographs despite Mr. Hamilton's claim that he has handed them all over. Now, would you agree with me that that raises a question mark about the truthfulness of Mr. Hamilton? - I have got difficulty with that evidence, because what we are saying is that it is corroborated because we can't find it.

All I am asking you is would you agree with me that that raises a question about the truthfulness of Mr. Hamilton? - Oh, Mr. Hughes has raised that, yes.

Surely whether someone is truthful or not is very important in considering whether or not they should have a firearm certificate? - Yes.

And when Sergeant Hughes goes on to say as/

as his final comment that Hamilton is a scheming, devious and deceitful individual who is not to be trusted, as a matter of common sense would you not agree that such a person should not have a firearm certificate? - Well, whether it is common sense or not, as far as I am concerned my decision would be based on the Firearms Act and whether or not I considered the person unfit to be entrusted with a firearm. The evidence that has been provided to me has not suggested that he is unfit to be entrusted with a firearm; and there is no evidence here that would suggest that Mr. Hamilton would commit further offences using a firearm.

But if the Act itself uses the word "entrusted", then is it not relevant that the person cannot be trusted in other circumstances? Would you not extrapolate and say "If he cannot be trusted in certain circumstances then maybe he should not be trusted with a firearm"? - No, I wouldn't accept that. To say that somebody has told a lie on an odd occasion -- to take that forward and say "Because they told a lie they should not have a firearm certificate", I wouldn't. I don't think the act allows that to happen. That is my opinion.

So is it your view of the legislation that it is necessary to wait for some incident involving a firearm before action can be taken? - No. My evidence is you are looking for evidence where there is violence or serious public disorder are two instances where I would expect to look for evidence, to substantiate that, and put that forward for revocation.

So is it your evidence that this memorandum, that what is being said, is not sufficiently adverse to the applicant? - Correct, and was not supported by the evidence that I had seen.

So really you think that this is not sufficiently adverse to the applicant, and that it wasn't warranted on the evidence collected by Detective Sergeant Hughes? - Correct.

Well, do you not think that as a matter of common sense somebody who fits all these characteristics should not have firearms? - I go back to the point, whether it is common sense or not,

not, what I have to decide -- this is my view. What I have to decide is what the Act says, and what is the case law regarding revocation of firearms, and I could find no evidence in the report from Detective Sergeant Hughes which would lead me to recommend or suggest or advise to the Chief Constable that he should revoke.

Well, irrespective of whether or not what is said in the memorandum can be substantiated by evidence gathered, you don't think that fitness to be entrusted with a firearm covers matters such as untrustworthiness, deviousness, deceitfulness, violence? - Well, you add "violence" in at the end -- scheming, devious and deceitful, yes, they are all adjectives that have described Mr. Hamilton; but I would be looking for evidence that you could take that forward and say "Because of these things he cannot be trusted with a firearm", and I could not find any evidence of that.

So what sort of conduct would cause you to say that somebody is not fit to be entrusted with a firearm? - Well, as I said earlier, somebody who has committed a violent act, a serious violent act, or serious public disorder, would be examples of something.

Well, we know that convictions are relevant and we know that unsoundness of mind can prevent someone from having a firearm certificate, or intemperate habits? - Yes.

But there is another category of "Fitness to be entrusted". What do you think that means? Is that not talking about exactly this sort of thing? - No, I don't think so. My opinion is that you have got to have evidence that the person has committed, for example, a violent act, and that this is a likelihood, a danger, to the public safety, that the person will commit a further violent act and use that weapon.

Is it not simply a question of the character of the person? - What is the character of the person? What I am saying is that I didn't find evidence supporting what Sergeant Hughes has said.

But if Sergeant Hughes was right in his selection/

selection of adjectives, and this is a scheming, devious, deceitful character, then is that not what the Act is meaning when it is talking about fitness to be entrusted? - I mean, he could be deceitful in his applications for firearms, there could be some form of deceit, but the evidence that was provided here I don't think these adjectives could be taken forward and used in that manner, no.

Would you agree that in considering whether somebody should have a firearm such issues as general temperament, stability, relationships, and judgment are important? - Yes.

And you don't think that these sort of things are covered by the categories.....? - I don't think Detective Sergeant Hughes has put forward, or there was no evidence in the report that I saw, of instability.

So if you had opened the Firearms File and if you had found this memorandum, even without the knowledge that the Deputy Chief Constable had previously seen it, and taken no action, you yourself would also have taken no action on it? - No, that is not what I said. What I said was if I had opened the file and found that AD2a, that memorandum there, I would have sought clarification of all the points that I have mentioned already with either Detective Superintendent Millar or back down to Detective Sergeant Hughes himself. I wasn't given that opportunity to do that. I was speaking in hindsight, obviously with the events of Dunblane as well, and it is very difficult to do that. But I am trying to place myself in the position in 1991, when this came in, what would I have done in 1991 with this report? And what I am saying is that I would have sought clarification of all the points that we have discussed this morning, and if I had been satisfied that there was evidence to go forward, that would have backed it, I would have put it forward to the Chief Constable. What I am saying is I have now been shown the report by Detective Sergeant Hughes which was prepared for the Procurator-Fiscal, on which no action was taken, and I don't think there was evidence in that to stand a revocation.

It is your position, is it, that you don't think that the evidence in those reports justified/

justified what Detective Sergeant Hughes had written in the memorandum; is that your position? - Detective Sergeant Hughes was obviously of that opinion, and he quite rightly put that memorandum in. What I am saying is in my opinion the evidence wasn't there to back it up to the Court.

CROSS-EXAMINED BY MR. GIBB: Is it fair that I get the impression so far as the 1989 application is concerned you simply pushed paper? - What I did in 1989 -- my responsibility in 1989 was to ensure the accuracy of the records and to ensure the accuracy of the certificate that went through to the Deputy Chief Constable, yes.

So you simply checked that (a), the firearms, (b) the serial numbers, and (c) the details of ammunition, were the same on the certificate as were on the application? - Yes, and that the inquiries had been carried out to the satisfaction of the Divisional Officer.

But so far as the 1992 application was concerned, you have indicated your role was different? - Yes.

And that your examiner reported direct to you? - Yes.

Could I ask you please to look at 79L? I think probably there are photos there of a child and an adult; is that right? - Yes, that is correct.

Holding a Smith and Wesson, and also a revolver; is that right? - I have got photographs of children holding weapons, as well as an adult, yes.

Now, you were not aware of the Linlithgow incident when you renewed the certificate in 1989? - No, I don't think it had actually come to light then, had it?

Well, whenever it was, it certainly was before 1992? - That is correct, yes.

Am I right in thinking that so far as carriage is concerned, that people can carry firearms in a loose container, a canvas bag? - As far/

far as I am aware, yes.

And I think we know that Hamilton went by train to Linlithgow? - Yes.

Are you seriously suggesting to me that someone who carries weapons like that in a public vehicle is a fit and proper person to hold a firearm certificate? - Well, the Firearms Guidance specifically mentions people carrying weapons on public transport, and indicates that they should be securely covered and held in an appropriate container.

But/

11.40 a.m.

But we have certainly heard on other occasions that there is no requirement I think. You have got to have a secure container at home and you have got to have a proper lockfast cabinet at home? - That is correct.

But there is no rule about the carriage of weapons? - And what the guidance says is you can carry them on public transport provided they are covered and held in an appropriate container.

If you had known of the Linlithgow incident prior to the 1992 renewal, what would you have done? - If I had known about the 1992 incident?

If you had known about the Linlithgow incident where he handed these weapons to children and carried them on a public service vehicle without going to a gun club or anything of the likes, what would you have done about the renewal at that time? - As I say, there is nothing wrong with carrying them on a public service vehicle. As I said earlier I think when asked about this, I would have looked at the photographs and statements and I would have been concerned to find out whether the parents were there, were the parents happy about it, was there ammunition and was there a danger. All these things before I made a decision. I would also have liked to have spoken to Hamilton or have someone speak to Hamilton, an operational officer speak to Hamilton, to ascertain what his position was. And also warned him that this was not conduct that he should carry on as a firearms certificate holder.

So clearly he would have been at risk of failure of renewal because of that? A question mark would have been raised? - There would certainly be a question mark as to whether or not he had been reported at the time.

Parliament has told the police that one of the criteria is whether an applicant was entrusted to hold a firearm? - Yes.

And you tell us your criteria on that would be whether someone had been subject to violent conduct or serious public disorder? - Or other serious/

serious crimes.

But that is not what the section says. There is a separate section dealing with convictions? - In what respect?

Section 21 of the Act deals with lifetime disqualification for certain convictions? - That is correct, yes.

So you don't need convictions at all, do you? - I didn't say you needed convictions, I don't think.

But the police are given a discretion and one of the things they have got to consider is whether someone can be trusted with a firearm? - That is correct.

Are you seriously telling me that if you had seen the four reports to which Mr. Bonomy made reference, the two reports from the 1989 Inchmoan incident and the two reports of the Milarrochy 1991 incident, if you had seen all of these are you seriously telling this Tribunal that you would not have had considerable concerns about whether Hamilton could be trusted to hold a firearms certificate? - What I am saying is that the evidence that I was shown with regard to the two summer camps revolved around minor assaults on a child by way of chastisement which I would not have considered for revocation. The incident with regard to the photographs are entirely different and although it is not a proper way to handle firearms, I think that could have been dealt with by way of warning letter but I wasn't involved at the time. It wasn't my decision. Taking together these three, I would not..... I still don't think it was sufficient grounds to revoke.

Even the fact that Hamilton had at least a vendetta against the police and had been to the Inspectorate over complaints about senior officers? - I certainly would not have used that as a reason for revocation.

Are you serious? - To say that.....

Are you seriously telling me that someone who has made complaints about a senior Police/

Police Constable or Depute Chief Constable and makes complaint to the Inspectorate in Edinburgh is not someone you would not consider to be unfit to hold a firearms certificate? Are you actually telling this Tribunal seriously that that is your evidence? - Certainly if somebody complains against the police and takes that complaint forward to Her Majesty's Inspectorate I certainly would not use that as a way to revoke a certificate.

Someone who is seen as irrational and has a vendetta against the Scout Organisation, against the Local Authority and against the Police, is that not someone who there are very considerable question marks about? - (No answer).

MR. TAYLOR: I request the witness does not answer that question until the witness can establish a basis for the assertion that there is a vendetta against the Scouts and that there is a similar word used in relation to the Local Authority because as yet we have not heard what this witness's knowledge is in relation to these two aspects.

I think it would be necessary before he could answer this question that we have the proper understanding of the witness in relation to the two aspects.

LORD CULLEN: Mr. Gibb, are you putting this question to the witness on the basis of what he knew at a certain stage?

MR. GIBB: No.

LORD CULLEN: Or are you putting it to him hypothetically?

MR. GIBB: I am putting it to him hypothetically.

LORD CULLEN: Well, I think if you can make the hypothesis a little more specific then that might meet the point that Mr. Taylor is making.

MR. GIBB: Yes.

CROSS-EXAMINATION CONTINUED BY MR. GIBB:
If you had been aware that of the four detailed reports which were in the possession of Central Scotland/

Scotland Police Force.....

LORD CULLEN: You may say what they are so that we are quite clear what you are asking.

CROSS-EXAMINATION CONTINUED BY MR. GIBB: They related first of all to the Inchmoan camp incident where there was a complaint against Constable Gunn which was reported on by Inspector Keenan and I think you have had an opportunity of seeing these papers, have you? - No.

You haven't? - No.

I had understood you had? - I was shown the initial report by D.S. McBain and the statements that he took regarding that summer camp. I haven't seen or been made aware of the contents of Inspector Keenan's report.

Have you seen anything of the detailed precognitions on which Detective Sergeant Hughes' memorandum, D82L, was based? Have you had an opportunity of seeing these documents? - I have seen the statements Detective Sergeant Hughes submitted in 1991.

Well, in fairness, if all you have seen is these, did it not cause you very considerable concern about the rationality of Mr. Hamilton? - No.

If, and I appreciate you were not aware, if you were aware that the 1991 reports had resulted in further complaint to the Chief Constable of Constabulary against Inspector Keenan, would that have caused you to have any concerns or warning bells about Hamilton's rationality? - To pursue a complaint, no, not necessarily.

LORD CULLEN: Well, this is a complaint that is found to be without foundation?

MR. GIBB: Yes.

BY LORD CULLEN: Does that make any difference to your view or not? - Sorry?

The mere fact that a person makes a complaint you say is not enough and I think I can understand/

understand you saying that but if the complaint turns out to be without foundation, what is the position? - I am sorry. Are you saying that because Hamilton advanced this complaint and took it to the Inspectorate and that was found to be without foundation, would that have led me to believe that he was unstable or not? Is that the question?

I am simply adding a bit on to the question Mr. Gibb put to you? - I would say he was very determined but I would not necessarily say he was unstable.

CROSS-EXAMINATION CONTINUED BY MR. GIBB:
I think you are aware that when a renewal or a new application is made, the Scottish Criminal Records Office will also have details of any charges pending against any individual? - That is correct.

And that would come up as well? - Yes.

You have made a lot about the fact that there was no substantiation of the memo from Mr. Hughes? - Yes.

Do you mean by substantiation corroboration? - From the evidence that I saw the fact was not denied that he had assaulted the one boy but there was other evidence which said that he was justified in assaulting the boy by way of chastisement.

But there was a lot more to the precognitions that had been taken and formed the basis of Sergeant Hughes' memorandum than that? - That is correct and there were many discrepancies in it which he acknowledged in his report.

But his report was substantiated by the precognitions, wasn't it? There was substance to it if that is what substantiated means? - There was substance to the effect that he submitted the report to the Procurator-Fiscal with charges which I understand he would like Mr. Hamilton charged with. My understanding was that he was never charged and as such that would not appear on the SCRO computer.

But there was substance to what Sergeant Hughes said in his memo, albeit a decision was taken to not proceed with a prosecution? - Yes.

So/

So there was substantiation if that is what that adjective means? - There was substantiation he had assaulted the boy, yes.

All of the other things were substantiated as well. His apparent loss of control? - No, I didn't find that to be substantiated.

But there was evidence of it from Sergeant Hughes that he had seen that himself in the accompanying papers? - That he had seen?

An apparent loss of control. Is that not what Sergeant Hughes said in his memo? - Is this the memo dated 1991?

Yes, D82L? - Is that his memo of 1991?

Yes? - Yes, what is the point?

I had understood he had in fact seen Hamilton in a state of perhaps some loss of control but you were not aware of that? - No.

MR. TAYLOR: If this is being put to the witness, I think we should ascertain where it comes from because it is certainly the first time it has been aired at this Inquiry. It was never taken from Sergeant Hughes and from my reading of the papers it doesn't exist.

MR. GIBB: I am happy to depart from that line.

LORD CULLEN: I have to say I do recollect something of that kind.

MR. GIBB: I certainly recollect the words but I am certainly happy to accept Mr. Taylor's position on that.

CROSS-EXAMINATION CONTINUED BY MR. GIBB: As an experienced officer dealing with firearms, would your view on the test to be applied to renewal be any different from that test to be applied to possible revocation? In other words, if you were looking to revoke a licence would you perhaps think it was insufficient to revoke it but when it came to renewal slightly different criteria would apply? - (No answer).

LORD/

LORD CULLEN: Mr. Gibb, is that asking about the statute as we can read the statute and we can notice the difference?

MR. GIBB: I am just asking the witness to tell us what would be done.

LORD CULLEN: Are you asking him for an opinion on a matter of law or what?

MR. GIBB: I am just asking him from his knowledge of the law when it came to renewal whether he dealt with it differently from revocation. It may be this officer cannot answer that I accept, sir. He was the one who was dealing with it. I just wondered whether he applied a different test to revocation from the one which came at renewal?

MR. BONOMY: Well, it seems to me that is a fair way of putting it to the witness, whether he himself approached both matters in an identical way.

LORD CULLEN: I think if it is a matter of fact as to what his practice is that is perfectly all right.

Mr. Taylor, do you wish to enter this fray?

MR. TAYLOR: No, sir, if it is to be put as a matter of fact as to what he did.

LORD CULLEN: I am sorry to have interrupted you but you will have to rephrase it as a pure matter of fact.

MR. GIBB: Yes.

CROSS-EXAMINATION CONTINUED BY MR. GIBB: Did you deal with revocations any differently than you dealt with renewals as a matter of fact during your years in this post? - No.

CROSS-EXAMINED BY MR. TAYLOR: You were asked some questions this morning about the number of rounds of ammunition which a certificate holder was entitled to have in his possession at any one time? - Yes.

And/

And I would like to take from you what you understand the guidance you received from the Scottish Office to be in that regard and therefore if you could have Document DIL before you. Is that now in front of you? - Yes.

Can you look please at paragraph 6.8 and sub-paragraph (j)? - Yes, I see that in front of me.

And the first sentence is to the effect that it is not possible to give firm guidance to the amount of ammunition which may be authorised by a certificate and it goes on to say that each case has to be dealt with on its own merits? - Yes.

Can you just summarise for us what the paragraph then goes on to tell us or tell you more particularly? - Do you want me to read it or just summarise it?

Maybe if you could read it that would be as well? - "While account should be taken of the fact that it is normal practice to purchase ammunition by batches for consistency of performance and that reloading or buying ammunition in bulk is cheaper, Chief Officers will wish to pay regard to the risks attendant upon unnecessarily large quantities of ammunition being held on private premises. Where larger quantities are authorised, particular attention must also be given to the security arrangements".

Now, from reading that paragraph are you able to form a view as to the underlying risk which is perceived in the event of there being large quantities of ammunition held on private premises? - Yes. Well, my reading of that would suggest that the risk was not for the holder using large quantities of ammunition. I would suggest that my reading of that is that if a person does hold large quantities of ammunition at home then the security must be of a particular standard to prevent any unauthorised access to or theft of that ammunition.

Can you now have D60L before you which is LR3a? I think we have looked at this document before in your evidence. The point I would like you to have particular regard for is in the second of the two pages and it is in the continuation of Answer/

Answer 7. Can you tell us what you find stated in the last few sentences there, starting in the middle at "With reference to 2 i and 2 iii on certificate"? - "Applicant would like to have maximum for weapons he possesses and those which he would like to purchase. Applicant's security for weapons and ammo has been checked and is very secure".

So does that indicate that the enquiry officer has ascertained how the ammunition is to be stored and retained? - Yes.

And it is putting into practice what one finds set out in the guidance at the paragraph we have just looked at? - That is correct.

Now, do you have the guidance before you still? Can you look please at paragraph 3.36? Albeit that this is dealing with variation, what is it that 3.36 tells us in relation to the time by which firearms require to be purchased when they have been authorised? - Well, 6.36 reads "Each case should be dealt with on its merits and, provided the good reason requirement is met, no general arbitrary limit should be applied in considering any of the following. (a) Number of rounds of ammunition to be held; (b) total number of firearms to be held; (c) number of firearms per calibre; (d) time by which firearms should be purchased".

Now, we have heard some evidence in relation to the intent of the firearms certificate holder, the applicant, at the time when he makes his application either to acquire a weapon or to vary his certificate to enable him to acquire a weapon. Can you tell the Tribunal, the Inquiry, from your understanding what the time frame for his intention to acquire should be? - Well, my understanding would be that the time would be within the life of that certificate so that if somebody applied for a grant or a renewal I would expect that they would have reason to purchase within that three years. Well, now five years but three years when I held it.

And that renewal of that certificate, if the intention did not materialise and the weapon had not been acquired, what would you expect the enquiry officer to do? - I would expect him to ask the applicant whether or not he still wished to retain that/

that authorisation although it is ticked on the new application and to confirm with him that he was wishing to purchase within the lifetime of the renewed firearms certificate.

And/

12 o'clock.

And in your view that would be enough to comply with the terms of the guidance which we have just looked at? - Yes, that's my view.

And would it be the case that he, the applicant, would require to be a member of a club which had access to a range where that particular weapon could be fired? - Yes. The applicant -- or a rifle in this case would have to be a member of a club which had access to a range suitable for that weapon.

And would that be the good reason to which reference is made in paragraph 6.36 on the second line? - Yes, that's the good reason.

Now, if I have noted your evidence correctly this morning you said that you wouldn't ask the enquiry officer in every case if he had carried out the checks which you would have expected him to have carried out? - That is correct.

Does that mean that there would be some occasions that you would ask him if he had carried out these inquiries? - It would depend on the circumstances of the application and the renewal. We were in day-to-day contact, and any question that came up either from him or from myself would be dealt with by way of conversation.

How did you assess any quality control aspects? How did you fulfil any quality control aspect of what was being carried out by those officers answerable to you? - Well, as I said, I had responsibility for checking all the firearm files and I checked all the firearm files on every applicant that came through.

Did you, for example, have any sample checks of the officer to ascertain on random occasions he had made the inquiries you would expect? - You mean by that go and visit or speak to the applicant?

No, just ask the enquiry officer on a random basis from time to time? - I spoke to him -- I don't recall specific incidents -- but I would expect on a fairly regular basis to speak to him about/

about applications and ask what like was the security for that one and what was the reason for another one.

You would be actually carrying out some form of check from time to time? - Yes.

BY LORD CULLEN: What would lead to that? Would that be sometimes you are checking and that you have raised a question on your part? - Yes, it may not be particularly clear from the documentation and I would speak to Norman Lynch.

That is to clarify some documentation that isn't quite clear. I think what Mr. Taylor was asking you was about monitoring, some form of test check where there is nothing on the document to indicate anything is amiss but you are actually simply checking to make sure things that aren't spelled out are in fact otherwise as they should have been. Did you do that? - No.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: But on occasions, however, as his lordship has indicated, you did have cause to make inquiry of the officer? - Yes.

Would you be making inquiries consistently with one officer in these matters? - There was a very close relationship. It was virtually a one-to-one basis, and it was a daily occurrence to speak about firearms matters.

Are you able to indicate approximately how often you would have occasion to make inquiries of the officer as to whether he had fulfilled the functions which you had expected him to fulfil. Is it once a week or twice a week or once a fortnight? - As I have explained, did I have random samples at any stage -- I didn't do that, but I would speak to him on a regular basis about firearms certificates that came through.

And presumably you would have been able to form a view as to the capabilities of the officer? - Yes.

And if that officer enjoyed your confidence then presumably the need to carry out sampling would diminish? - Yes. I was confident having/

having spoken to him on a number of occasions about security and types of weapons used that his knowledge gave me confidence in what he was doing.

His knowledge may be one thing but his thoroughness may be another. Was that something you were also confident about?
- Yes.

I take it that throughout this period which we have been examining today your actions would have been in accordance with the normal procedures set down by the Force? - Yes.

Some question arose in relation to the difference between competition and target shooting. I confess I know virtually nothing about the handling of firearms and competing in competitions. Could it be the case that if one is competing in some form of competition such as at Bisley for a particular discipline that the weapon which one is using, the gun which one is using, requires to conform to certain prescribed rules? - Yes. It is my understanding it is different disciplines using different weapons firing at different targets.

Might it be the case -- and please feel free to disagree with this -- might it be the case that the reason why the more sophisticated of the two weapons is being used for target as opposed to competition shooting, was that the rules for the particular discipline did not permit the more sophisticated weapon to be used? - That is certainly one contention, yes.

I suppose the other possibility of course might be that when completing the RL3a which was D65L they just got the weapons the wrong way round? - It may be. I don't know.

That would be a possibility though? - It could be a possibility.

And it would be an explanation for what was thought at one stage to be perhaps a conundrum? - Yes.

You were asked some questions about your part in the renewal of Mr. Hamilton's licence in 1992. I would be right in thinking, would I not, you did not actually sign his firearms certificate in/

in 1992? - That is correct.

I think if we look at D87L, which is the firearms certificate which was issued, you see the date on that is 17th February, 1992? - Yes.

And the signatory is Mr. John Adamson? - Correct.

And presumably he too would have to exercise his mind as to whether or not he could append his signature to the certificate before doing so? - Yes.

And he would take into account the knowledge he had at the time before the certificate was issued? - Yes.

And, generally speaking, is that the reason why we find a number of signatures on various forms of RL3a all the way through, it goes up the ranks, and each person who signs it has an opportunity to comment if they consider there is anything adverse in relation to the application? - Yes.

BY LORD CULLEN: Just one matter before you are re-examined by Mr. Bonomy: you were looking at the guidance which was issued by the Home Office. If you look at paragraph 6.7 it points out that the Chief Officer of the police has to satisfy himself that the applicant has a good reason, and you will see that good reason applies not merely to the firearm but also to the ammunition in respect of which the application is made? - Yes.

I think you would have seen the guidance goes on to indicate that good reason applies to the number of rounds of ammunition to be held? - In that section.

If we go on to Section 6.36, for example, that was referred to you by one of those who was cross-examining you? - Yes.

So is this right then, putting these two things together, the Chief Officer of police has to be satisfied that there is good reason for the number of rounds of ammunition which are proposed to be held or acquired as the case may be? - Yes.

When/

When it comes to, for example, a renewal application how is it, by what method is it that it is found out that there is good reason for the number of rounds of ammunition to be held or as the case may be acquired? - Again the enquiry officer would be the person who asks specifically, did he propose in the lifetime of that certificate to purchase ammunition up to those amounts.

And if he was aware -- as I assume he would be aware -
- of what was shown on the existing certificate as to the amount of ammunition that had been purchased commercially, and it appeared to be very little indeed, would you not expect him to be asking for some explanation as to the situation bearing in mind the good reason had to be demonstrated? - Yes.

RE-EXAMINED BY MR. BONOMOY: Following on from that, Mr. MacKenzie, could you have D65L in front of you which is the application for variation FA43. It is actually disclosed in that application in 1987 that he is in possession of 100 rounds of 7.62 calibre ammunition? - Yes, that is correct.

Did he have a weapon he could use for that? - No.

But he was seeking one? - Yes.

Would you have a look at the renewal for 1992 which is D83 (FA55). He still declares 100 7.62 rounds? - Yes, that is correct.

And hasn't acquired a weapon? - That is correct.

I assume the good reason for having this must be an intention to acquire the weapon? - Yes.

You said to Mr. Gibb that the role you played in 1992 was different from 1989. I know in theory there is a difference and there are missing personnel between you and the enquiring officer, but in fact it was established earlier that you really didn't do anything different between 1989 and 1992. Your role in fact was the same? - The role is different in that I now speak to the enquiry officer about any aspect that came up, as opposed to 1989 when any questions on the enquiry side would be dealt/

dealt with by the operational officer.

But there is no sign you did ask the question in relation to the 1992 renewal? - No.

You have no recollection of doing so. Given the various questions you were answering of Mr. Taylor about your confidence in the enquiry officer and so on, were you speaking about one particular officer? - Yes, the enquiry officer -- there is only one to do renewals.

That is Mr. Lynch? - Yes.

So this question was related really to the period after 1989? - Yes.

You were asked also by Mr. Gibb about the photographs of the families with the guns and in regard to the guns being in the house. What is actually wrong with that? - About taking guns to the house? My understanding, although it is based on knowledge going back, would be that guns should be kept secure unless they are going to be used.

So they should not have been taken out in that household? - No.

Is that sort of behaviour in practice a ground for considering revocation? - I think the whole circumstances surrounding it would be examined to see whether or not it was serious enough to warrant revocation.

In the course of your time as Chief Inspector in charge of this procedure did you actually have occasion to recommend revocation of firearms licences? - Yes.

On a number of occasions? - Perhaps a handful each year.

So you are speaking from direct experience? - Yes.

Mr. Gibb also asked you about your view of Chief Inspector Hughes' investigation, and some question arose about whether Hughes had actually himself experienced Hamilton's reaction to stress. At page 900 of the transcript he was being questioned/

questioned about that and one question he was asked was, "Did he appear to be somebody who was able to cope with a stressful situation?" and the answer Mr. Hughes gave was, "I got the impression on dealing with him on a number of occasions that he was actually quite angry when I was speaking to him, but he came across as quite calm underneath, so in that respect I suppose he was coping: and I don't under-estimate the job of having to look after so many boys on his own. At one point during the course of the week he evidently lost control to a degree, but I mean I don't know, he would maintain that he was acting in loco parentis, and that he was administering discipline and chastisement which was necessary to control a group of children such as the one he was having to care for. And it may well be the case, and obviously was the case, that he was maintaining at that time that he was exercising control and not in effect losing control".

MR./

12.20 p.m.

MR. TAYLOR: Sir, I wonder if it might be fairer if the witness actually had the passage before him? Presumably Mr. Bonomy is now going to ask him a question based on that fairly lengthy passage he has read out.

LORD CULLEN: Yes. Perhaps in the meantime we could try and straighten out what seems to be going wrong with the sound system.

RE-EXAMINATION CONTINUED BY MR. BONOMOY:
Now, it does indicate some direct dealings between Hughes and Hamilton, but that is the extent of it, I think. Can you tell me whether that makes any difference to your assessment of his fitness to continue to hold a firearm certificate? - No -- reading that, as I am reading it just now.

I think that may be what Mr. Gibb had in mind when he was referring to direct dealings between Hughes and Hamilton, but that makes no difference to your view? - No.

Now, can I ask you to look at the Guidance document, which is D1? You were asked to look at 6.8, letter J, and the part about "Chief Officers will wish to pay regard to the risks attendant upon unnecessarily large quantities of ammunition being held on private premises". Do you see it goes on "Where larger quantities are authorised, particular attention must also be given to the security arrangements"? - Yes.

Which suggests perhaps that the word "risks" in the previous sentence is wider than simply security arrangements. What risks do you think are envisaged there? - Well, reading it here, I mean, I read it as risks attendant on the ammunition being held on the premises, and I would equate it to the security and to the unauthorised access to or theft of the ammunition.

So the last sentence is rather curiously worded in these circumstances, "Where larger quantities are authorised, particular attention must also be given to the security arrangements", as if the previous sentence had something to do with matters other than security? - I don't know about that./

that.

Now, can you look at 6.9 while you are there. Do you see on the first line the first sentence provides: "In deciding whether a person can be permitted to have a firearm or ammunition without danger to public safety or to the peace, the main consideration is his character"? - Yes.

That is your understanding, is it, of the approach that ought to be taken? - Yes.

And that is before we ever get to questions of "Otherwise unfit to hold a firearm", we are already, in relation to public safety, and without danger to the public peace, obliged to consider, as the main consideration, the man's character? - Yes.

Can you look now please back at 6.36, and just confirm to me that that is concerned with no general arbitrary limits being applied on considering the various things referred to there; is that correct? - No general limit, yes.

Arbitrary limit? - Arbitrary limit, yes.

Why do you say that that means that if a person says he intends to acquire an additional firearm he has got the full period of the forthcoming licence to acquire it? - Because once it is granted it is on his certificate. He can then, throughout that period, make his decision when he is actually going to buy it, depending on the amount of money he has, or the particular weapon he wants to buy.

That seems to me that you were employing a general arbitrary limit, which was a generous one, which was the full period of the licence. You weren't actually applying your mind to it at all, you were applying a general arbitrary limit? - Well, I know of no way in which you can authorise someone to purchase or acquire a weapon and then during the course of that licence decide that he hasn't purchased it.

You can't be sure before you actually grant him the authority at all that he is going to do/

do it within a certain length of time? - Well, you have to take the applicant's word that that is what he is wanting to do.

You wouldn't regard that as a condition you could impose? - I wouldn't, no.

And Mr. Taylor I think asked you what in that connection was meant by the expression "The good reason", or "the good reason requirement" in regard to proposed acquisitions of firearms. What do you regard, for a marksman, as being the normal good reason you would expect him to advance for wanting to acquire another weapon? - He may require a duplicate calibre, you mean, or another weapon?

An additional, a different type -- or a duplicate calibre, either. What would you normally expect to be advanced as a good reason? - Well, if it was a different calibre, that he wanted to start participating in shooting at targets in a new discipline.

You don't think what you should be looking for to satisfy the test of "good reason", is an intention to actually participate in or take up the sport within a certain time limit? - Going by the Guidance at that time, as I understand it, the good reason was simply that he had the opportunity to take up the use of the weapon.

Now, a number of questions were asked of you at the end about people exercising their minds on applications, and one of the answers you gave was that the Deputy Chief Constable, when he had the form placed in front of him, would be expected by you to exercise his mind on it, which I think is an entirely different answer from the one you gave me about the role of the Deputy Chief Constable. Can we be clear about what you would expect the Deputy Chief Constable to do, once you have passed on the recommendation that it be granted? - Yes. I would expect the Deputy Chief Constable to read through the completed firearm certificate, look at the weapons possessed, the weapons authorised to be purchased, the ammunition, and then sign the certificate if he is satisfied with that.

Does he get the application form? - No./

No. He only gets the firearm certificate.

Does he get the RL3a form? - No.

Does he get the file? - No.

Unless he asks for it? - Unless he asks for it.

And in some cases I dare say he will? - Yes.

THOMAS BARKER (39), Sworn:

EXAMINED BY MR. BONOMY: I am presently the Deputy Director of Junior Training at the Scottish Police College in Tulliallan.

I take it you are a policeman? - I am indeed. I am a Chief Inspector.

Are you a Chief Inspector in a particular force or are you a Chief Inspector in the police college? - No. I am a Chief Inspector with Central Scotland Police, but currently on secondment to the police college.

And how long have you been Deputy Director of Junior Training there? - Since December 1993.

How long in the police all together? - I am in my 19th year in the police.

At the police college do they run any courses to train police officers in firearms administration? - There are no courses specifically to train in firearms administration, but as part of the basic training of new recruits to the police there is an element of training in firearms administration, yes.

Do all new recruits to the police force go through training at Tulliallan? - Yes, all new recruits./

recruits.

And do they all have to go through the course you are talking about? - They do indeed, yes.

Is there no way of avoiding it by joining at a particular age or something like that? - No. I know of no means whereby it can be circumvented.

Now, how long has this course included any training in firearms? - My understanding is since training started at Tulliallan, which was 1958.

Well, when you joined the police did you get some training in firearms? - I did, yes.

At Tulliallan? - At Tulliallan.

Now, can you tell me anything about the stage in the training of a police officer at which they go on this course? - The initial course the police officers go on is called the basic course and would generally be undertaken in the second week of police service. So officers coming on the course have no operational experience at all.

How long does it last? - It is a 10 week course at present.

How much of it is devoted to firearms? - In total five 50-minute periods will be devoted to training on firearms.

What sort of things are officers trained in? - Initially just a general introduction to firearms, what a firearm is, and thereafter we move on to the certification, for the Section 1 firearms and shotguns, and we also cover offences involving firearms.

Would you look please at Production D7, which no doubt has another number. It is also known as the Junior Division Basic Training Course, lesson notes, and is FA154? - Yes.

Now, what is that document? - The document here is a section from a more comprehensive document,/

document, which is issued to all basic students on arrival at Tulliallan for basic training.

And is it used in the course of the training course? - It is indeed. It is the basis of the firearms training.

And the section we have got relates to what? - The section we have here is the section that covers firearms on the basic training course itself.

And we see it is amended as at 9th October 1995? - Yes -- well, the first part is. Different parts have been amended at different times.

So this is the up-to-date version? - This was the most up-to-date version. It is constantly being updated. There is a new version to be issued in August this year. It is currently being updated.

I see it says "A computer assisted learning package is available in this subject"? - That is correct.

Would that give us more.....?

- The computer assisted learning package is for students use in their own time in the evenings, whereby there are graphics, etc., available on the computer package which will further expand on what is here; and there is also a question and answer session whereby the students can test themselves on what they have learned.

Do they have to pass a test on this at the end of the course? - There is an examination halfway through the course and at the end of the course, in which firearms will be incorporated, with other subjects.

Can I ask you to look at the introduction, and could you read out the first paragraph of the introduction please? - "Firearms are used for a wide variety of lawful purposes such as for sporting purposes, for pest control, and in connection with rifle Clubs etc. The law does not attempt to curtail these legal activities, but it is necessary to have some form of control over lethal weapons/

weapons which can be used for criminal purposes. The Firearms Act 1968 and the Firearms (Amendment) Act 1988 controls the possession and use of firearms and ammunition in Britain". Do you wish me to continue?

No, no, that is what I wanted you to read at the moment. We also have the Firearms Act 1992 now. You haven't got into that? - No, it is not referred to in this particular one.

This is basic stuff; is that right? - It is, it is basic training.

Can you confirm please that there is a section dealing with safety precautions for handling firearms? - There is, yes.

And then can you go to "Practical Considerations", and read the first two paragraphs of that section? - "When dealing with firearm inquiries all these circumstances must be considered, and an element of caution used. The safety of yourself and others is of paramount importance. If an officer is dealing with a routine firearm certificate renewal inquiry, it may be prudent to allow the owner of the weapon to break and prove it, and indicate identifying marks/serial numbers".

Now, I think it goes on to set out the definition of a firearm and to give examples of firearms? - It does, yes.

Including prohibited weapons? - Yes.

And it then goes on to give examples of ammunition?
- Yes, it does.

Again all fairly basic training? - Yes, very basic.

And then there is a section "Firearms: Certificates"? -
That is correct.

Can you read the first paragraph of the introduction to that section please? - "One of the ways that the Firearms Act 1968 and the Firearms (Amendment) Act, 1988 controls the possession and acquisition of firearms is by requiring persons to hold/

hold a valid certificate authorising the possession of particular types of firearms and ammunition. The type of certificate required, if any, depends on the type of firearm concerned".

I think it then goes on to deal with the difference between firearms with rifled barrels, shotguns and air weapons? - Yes it does.

And is there then a section telling the student what Section 1 of the 1968 Act is all about? - There is, yes.

And then if we go over the page is there a section headed "Grant & Renewal of Firearms Certificates"? - That is correct.

Could you read the first part of that down to the end of the bit that is numbered "3"? - "Before a person is granted a firearms certificate, or before the certificate is renewed, the applicant must satisfy the Chief Constable of the following:-

(1) he has good reason for possessing or acquiring the relevant firearm and ammunition -- e.g. member of a shooting Club, permission to shoot game/vermin over suitable land, etc.; and (2) he can be permitted to possess the firearm or ammunition without endangering public safety or peace -- e.g. he is of good character, etc.; and (3) he has paid the appropriate fee for grant or renewal".

Now, can you just look through the rest and confirm to me that that is all that is said about what the test is for the Chief Constable in deciding whether an application for a firearm certificate should be granted? - Yes, that is all that is said.

And it doesn't say anything about not granting it where the Chief Officer has reason to believe that the person is a prohibited person? - No, it does not.

Or/

12.40 p.m.

Or if he has reason to believe he is of intemperate habits or unsound mind? - That would be covered in the section, the good character section. It doesn't actually say it in the notes but that would be expanded on in the class. The notes only put the basis.

Do you do this particular class yourself? - No, I don't.

And it doesn't actually say anything about the general proposition if for any reason he is unfitted to be entrusted with such a firearm? - No, it does not.

Now, I suppose students will rely to some extent on the notes that are distributed to them? - They do, yes.

Do you not think it might be a good idea to look at updating this aspect since there are not too many categories to be covered as a basis for not granting an application? - The notes are only a base for the classroom instruction which is expanded on by the instructor and he does that in conjunction with the Scottish Criminal Law Manual.

And does it contain the full Firearms Act? - It does not contain the full Firearms Act, no, but it is more comprehensive than the notes you have in front of you.

Will it contain sections dealing with applications for the grant and renewal of firearms certificates? - I think it concentrates mainly on offences.

Now, I think this document goes on to deal with the sale and transfer of firearms? - It does, yes.

And then it goes on to deal with shotguns which we don't need to look at here today. Then it goes on to deal with circumstances in which an officer can insist on the production of the certificate, is that right? - That's correct, yes.

There is then a section on the exemptions/

exemptions from requiring a certificate? - That is correct.

And then examples of the forms which are used, is that right? - Yes, that is correct.

And that includes the schedules to the form which are important? - It does, yes.

Or tables rather? - Tables, yes.

Is there then a section dealing with firearms offences? - That is correct.

And does that complete this extract from the training notes? - It does, yes.

Now, that course you have told us all officers who join the force require to undergo. Are there any other courses? - There would be the advanced course after one year of police service. The officers would return to Tulliallan for further instruction.

Is that compulsory? - It is compulsory, yes.

Can you look please at FA155 which is also D8? What is that document? - That is an extract of the advanced training course notes which would be issued to students on arrival to undertake the advanced training course.

Is that again on firearms? - Yes, the section on firearms deals with miscellaneous aspects.

BY LORD CULLEN: Look at page 5 if you would please of the advanced manual. It deals there I see with revocation? - Yes, my lord, it does.

It says "A chief officer of police may revoke a firearm or shotgun certificate of a person living in his area if the person has become:- (1) a prohibited person; or (2) a danger to public safety". Do you see that? - Yes, my lord.

Have you had occasion to compare that language with the provision of the Act which deals with/

with revocation of a firearms certificate? - No, I have not.

EXAMINATION CONTINUED BY MR. BONOMOY:

Well, that is really the same point as the one I was making to you earlier. You will see that there are only two categories mentioned in the section you have been referred to? - Yes.

Can you just read out what these are? - "A chief officer of police may revoke a firearm or shotgun certificate of a person living in his area if the person has become:- (1) a prohibited person; or (2) a danger to public safety".

Now, the additional features that relate to revocation, while not expressed the same way, are again to do with the chief officer's satisfaction that the holder is of intemperate habits or of unsound mind or otherwise unfitted to be entrusted with such a firearm and again we see no reference to this? - That would be covered in the context of the lesson under the section of danger to public safety.

Now, do you actually instruct that particular group? - I don't, no. I have no instruction role at all. I purely manage the training.

Is there someone specialised in firearms who instructs both these courses? - At any given time there will be sergeant instructors who specialise in firearms and who will instruct the basic and advanced.

Now, the lesson notes this time deal with different subjects largely from the earlier one, is that right? - This time on the advance course concentration is on firearms dealers which was not touched on at all on the basic training.

Well, I see mention of dealers but it does say "Dealers and miscellaneous aspects" and after dealing with dealers it actually quite quickly moves to other things, doesn't it? - It does.

It deals with foreign visitors? - Yes.

Borrowing rifles on private premises? - That/

That is correct.

And then there are the particularly important criminal sections on the criminal use of firearms? - That is correct.

Then it actually sets out what prohibited persons are?
- Yes, it does.

And then revocation and search warrants. So it covers a wide variety of subjects? - It does, yes.

Now, can you tell me how long the course is this time?
- On this occasion it is an eight week course.

And how much of the time concentrates on firearms? -
On this course only three periods would concentrate on firearms.

And each how long? - 50 minutes long.

In view of the additional criteria for revocation, do you not yourself find it at least unfortunate that the section to which Lord Cullen drew your attention is restricted to prohibited persons and danger to public safety? - It could be expanded upon in the notes.

Well, I appreciate that would happen but I think you have already told us that students will pay considerable attention to these notes. They will remain with them perhaps longer than the spoken word? - I accept it, yes, that that may be.

And it may well be worth considering whether there could be greater specification in the notes, bearing in mind there only are I think five categories in there including the two here. Do you not think that is worthy of consideration? - I think it could be worthy of inclusion, yes.

Do you have any input into the drafting of this document? - I would myself authorise any changes to it. There is a unit specifically for drafting changes but they would have to be approved by myself before circulation to staff.

In view of what has been said to you this/

this morning, do you think it would be an idea to put Sections 27 to 30 of the Firearms Act 1968 as amended or whether the two Sections we have looked at, the section in each relating to grant and renewal in the one instance and revocation in the other, might require revisal? - I think it is worth consideration to expand on it but I am satisfied those points are covered in the course of the instruction.

Now, are there any other courses at Tulliallan relating to firearms? - No, there are none at all.

CROSS-EXAMINED BY MISS DUNLOP: If I can take you back to D7. That is the basic training notes? - Yes.

On page I there is a section headed "Safety Precautions" and you were asked about that. Generally speaking, these five safety precautions are alerting readers to the fact that guns can cause death or injury by accident, aren't they? - They are, yes.

So they are saying things like "Treat a weapon as loaded and don't touch the trigger" but at the heart of that section in block capitals we see the slogan "Guns don't kill people. People kill people". Do you recognise that slogan? - I am familiar with it. I have been familiar with it since the start of my police service.

Is it fair to say that it is often quoted by members of what might be described as the gun lobby? - I have heard it quoted by many people but, yes, I think that would be fair comment.

Why is it there? - It is simply a reminder to students that it is people who kill people and therefore what comes after certification etc. is important. It is important to know about the mechanics of the firearm and about their performance but certification etc. is of more importance as well.

But the points immediately above that all relate to treating guns with caution? - The safe handling of weapons and the careful handling of weapons.

CROSS/

CROSS-EXAMINED BY MR. GIBB: Perhaps I can just clarify one point raised earlier. In your previous incarnation were you involved with firearms? - Never at all.

I think if you look at the initial guide to which you made earlier reference, which is D7L, there are I think 15 pages of it and then it goes to a page headed "Firearms: Offences"? - Yes.

And that quotes Section 19 of the Act and says that it is an offence to carry either a loaded shotgun or a loaded airgun or any other firearm loaded or unloaded if the person has suitable ammunition in his possession? - Yes, that is correct.

I wonder if you could look at D79L again please. That is the photographs. I think we have heard evidence that Hamilton took these two weapons to a house in Linlithgow but we have no evidence that he had ammunition with him and we have certainly had evidence that the weapons were unloaded. Would the information that he had done such a thing cause you any concern? Is that something you might draw your pupils' attention to as being something which is not conduct which you would expect a firearms holder to carry out by carrying weapons on a public service vehicle or a train or a bus, even unloaded? Is that something which would cause concern to you? - I would think it was simply an incident worth reporting and for consideration thereafter.

I appreciate you were not involved in the day-to-day administration but do you think that such behaviour might be relevant to the question of renewal of a firearms certificate? - I think depending on the circumstances it would be relevant. I don't know the lead-up to why the weapons were there or what the purpose was, what the lead-up to the weapons arriving at the house was.

All we know is they were taken to show the children. Would that cause you concern? - (No answer).

MR. TAYLOR: Well, sir, with the greatest of respect we know an awful lot more than that and I think if Mr. Gibb wants to pursue that further/

further he must in fairness put the whole facts to the witness.

MR. GIBB: I don't need to pursue that any further.

RE-EXAMINED BY MR. BONOMOY: Do you know the source of that slogan "Guns don't kill people. People kill people"? - No, I don't.

AUSTIN FISHER (38), Sworn:

EXAMINED BY MR. BONOMOY: Are you a Sergeant with Central Scotland Police? - Yes.

Now, you are in Police Headquarters? - That is correct.

How long have you been a police officer? - 20 years.

Your present responsibilities are what? - I am responsible just now for the officers' safety programme for the force training officers and in that also have involvement with probationary training and training outwith probation as well.

How long have you been involved in a training role? - Four years at local level and I did three years at the Scottish Police College.

When were your three years at the Scottish Police College? - 1989. For three years thereafter.

Which officers is it you actually train? - Just now personally I train officers outwith probation.

Who are on probation? - Outwith probation.

And have you previously been involved in the training of probationary officers? - I have, yes.

Now/

Now, how long does a new recruit to the police force remain a probationer? - For two years.

During that period does the officer have to attend the Police College at Tulliallan? - He does, yes.

How many courses does the officer have to undergo there? - He will do two courses.

During those two years does he get further tuition or training in your Force Headquarters? - Yes, he returns to us for training.

In relation to firearms is there any training during that two-year period? - There is, yes.

What is the nature of that? - The students do a two-period input on firearms legislation and they also have a practical exercise which is over three periods. In addition to that he will also have another two-period input by trained firearms officers about firearm safety.

Now, is any part of the training they get related to the procedures to be followed when acting as an enquiry officer in relation to an application for grant, renewal or variation of a firearms certificate? - Yes, that is actually done by the Firearms Registration Department.

Who in there would give training? - Mr. Lynch and Miss Johnson

Now, for probationary constables are there set lessons that are instructed by these two persons? - They do revision to try and bring it back down to local level from the Scottish Police College.

Does that involve a formal class session? - A two-period input, yes.

Now, what is the on the job training that the officer might have in carrying out that particular enquiry? - When they start probation they are allocated a tutor constable to work with them for about 18 months to two years and during that/

that period if they have any firearms enquiries they would follow them through with the tutor constable.

And if they don't have they won't actually get any direct experience in carrying out that type of enquiry? - That could be the case.

Is that likely to be the case? - It is unlikely. The probationers do spend a period in town centres such as Stirling and Falkirk but they do migrate to the small stations where there is more likelihood of firearms enquiries.

During the two-year period as a probationer, how much of the time is spent actually on the job, either on the beat or in a vehicle or in the office just doing work or watching the work of other officers? - If you take into account the 16 weeks at the Scottish Police College and the six weeks with us over the two years, the remainder is on operations.

What tests do probationary constables undergo before the end of the probationary period? - They will have a written test. They have tests at the end of each visit to us, the six-week course, but before they are confirmed they will have to undergo a test at the Training Department covering the subjects.

That is the Central Scotland Training Department? - Yes.

Does that test cover firearms at all? - I believe it does, yes.

You are no direct knowledge of that? - No.

And did you say there are other tests in the course of the six-weeks training they get? - Yes, at the end of each module each week they are tested not just on what they have been taught that week but again on general knowledge.

No cross-examination.

After/

1.50 p.m.

After an adjournment for
lunch.

LORD CULLEN: Before we pass to the next witness there is a statement I would like to make in regard to certain matters. At the Preliminary Hearing on 1st May I invited written submissions on various topics and I stated that I would select what should form part of the evidence, that is to say the written evidence for the Inquiry.

I have considered the written submissions which I have so far received and a list of the organisations and the persons whose submissions have been selected for this purpose has been prepared. This is sub-divided by reference to topics to which they relate. Copies of that list along with a full set of copies of the listed submissions are now available for inspection by the public and the Press and they are in boxes at either side of this hall. I will, of course, be prepared to consider additional or supplementary submissions as the Inquiry proceeds where these are considered necessary.

I should add this, that in view of the range of subjects which some of the submissions have addressed I should point out that consistently with my terms of reference I am concerned with issues which arise from circumstances leading up to and surrounding the events of the 13th March, 1996, and accordingly I will be concentrating on matters which have some tenable connection with those circumstances.

Now, Mr. Bonomy, can we resume.

ANN KEENAN (42) Sworn

EXAMINED BY MR. BONOMOY: I think you work as a store detective? - That is correct.

You were formerly a police officer? - Yes.

With Central Scotland? - Central Scotland, /

Scotland, formerly Stirling and Clackmannan.

How long were you in the police? - I was in the police a total of six years.

Over what period? - 1974 to 1980.

During that period did you deal with one of Thomas Hamilton's applications for a firearms certificate? - I believe that is correct.

Would you look please at two documents which are FA1 and FA2, D22 and D23. Is one of these an application for a firearms certificate that you dealt with? - Yes.

I think it is dated 5th February, 1977; is that right? - Yes.

And is the other document that you have been given the RL3a form relating to that enquiry? - Yes.

Does it show that you were the enquiry or reporting officer who signed it? - Yes.

Do you have any direct recollection of this at all? - None whatsoever.

Can you remember what your duties were in those days in relation to this type of inquiry? - I was based at Stirling Police Office where I underwent general police duties which would include firearms licensing inquiries.

And this one was.....? - I am unable to recall this one. It was one of the routine duties I did undertake.

And so this would just be one in the course of your service? - It would be.

If you look at the RL3a form you will see there are six questions to be answered? - Yes.

And each one has been answered Yes? - That is correct.

The second of these questions is, "Does the applicant have a good reason for requiring the firearm/

firearm or ammunition for which the application is made"? - Yes, I can see that.

Can you tell me how you would go about in those days dealing with that particular question? - I think in the application it asks as well why he has reason for it, and on the application form he said he was intending to use it at Callendar Rifle and Pistol Club, or other suitable club, firing ranges. I would think -- it is difficult to recall -- I would surmise I would be in touch with one of these clubs to find out if Mr. Hamilton had in fact made application for the club.

Is that how you would normally do that job, dealing with question 2? - It is nearly 19 years ago. I would suppose that is how I would have done it.

Have you no recollection that was perhaps the way you did these generally? - We would make inquiry at the clubs to find out if the applicant had in fact made application with it.

In those days can you remember whether the police kept a list of club members? - No, I am unable to recall that.

Was there a Firearms Department in those days in Central Scotland Police? - I am unable to recall that.

That was in the very early days of the Central Scotland Police? - Yes, it was.

Have you any recollection of how important the task of the reporting or enquiring officer, how importantly it was regarded by the officers further up the chain to whom the form was submitted? - I would think any application for any form of firearm would be dealt with as quite an important document.

Were you aware how much weight was placed on the enquiry or enquiry officer? - Yes.

What is your understanding of the weight that was placed on that? - If I had any problem with that I would put it up to my supervisory officer and seek advice.

Did/

Did you realise that those superior to you relied on you carrying out the necessary and appropriate inquiries because the answers to the questions didn't really give any indication of the degree to which the matter had been investigated? - I would have investigated according to the form, and any problem I had I would have referred it to the supervisory officer, but I would have made any enquiry that was relevant according to the application form.

Did you expect any check on your work to be done? - I would presume the supervisory officer would have looked at the work I had done, and if he had any problem he would have got back to me.

Seeing the form in front of you, does it make any difference to your recollection? - No, none.

You can't remember the incident at all? - No.

Did you ever encounter Thomas Hamilton to your knowledge apart from that occasion? - Not personally, no.

Had you heard about him? - I had.

Is that because of where you live? - Yes.

Before this investigation by you had you heard of him?
- No.

The second question on the form is "Is the applicant a suitable person to hold a firearms certificate"? - Yes.

Which is answered Yes? - Yes.

Was your state of knowledge of Hamilton at a later stage such that you would have answered that question any differently? - At that time he in my opinion would have been a suitable person if I had answered that Yes.

But some time later, when you came to know or heard of him, did you know of anything that would have led you to answer the question at a later stage/

stage No rather than Yes? - Are you referring to because I live in Dunblane and there are all sorts of innuendos.....

I was wondering about the state of your knowledge because you have heard things about him? - In answer to that, it was all innuendo, it was all rumour, there was no fact.

Were you ever in possession of reliable factual information that suggested he was not a suitable person to have a firearms certificate? - No, never.

No cross-examination.

WILLIAM STEWART WISDOM (57) Sworn

EXAMINED BY MR. BONOMOY: I think you are a retired police officer? - Yes.

And you live in Alva? - Yes.

And you work as an area manager? - Yes.

What rank were you when you retired from the police force? - Chief Inspector.

When was that? - It was on 30th November, 1990.

How long did you serve as a police officer? - Just short of 32 years.

Now, would you look please at certain documents relating to your involvement in Hamilton's firearms applications. First of all, at FA9. What is that document? - This is an application for variation of a firearms certificate.

That is D29. Would you also have in front of you FA10 which is D30. Is that the LR3a form which relates to the application for variation? - Yes. The dates appear to coincide.

The date of the application for variation is 19th August, 1977? - That is correct.

The/

The dates around that time compare with the RL3a form? - That is correct.

And the words "grant" and "renewal" have been taken out of the RL3a so that "variation" remains in? - Yes.

Do we see your writing on that document? - Part 7 is my writing.

7 is where it is stated to be additional information? - That is correct.

You have written something that you considered important I think at the time. Can you tell us what you have written? - Paragraph 7 says "Hamilton seen and warned verbally by me on 26/8/77 that he should not have acquired a .22 Smith and Wesson revolver without firstly applying for variation of his certificate. Hamilton fully accepted responsibility but states he was misinformed by the firearms dealer in Glasgow regarding proper procedure. Existing certificate will now require variation to delete reference to .22 Bostock pistol K3573P. This matter was reported on by PC556 (Anderson), Stirling, at which time (6/4/77) the necessary amendment should have been made to this certificate".

Now, tell us what that was all about? - Well, I don't have the firearms certificate but it would appear that at the time I was checking these documents the applicant had disposed of a weapon and acquired another weapon in its place without the proper variation procedures having been carried out.

So you warned him? - Yes, I did.

What did you say to him? - Quite honestly, I have no recollection of this event whatsoever. But having stated that in paragraph 7, I can still more or less imagine what I would say. I don't even recall where the warning took place but I would suspect it would be at the police office.

Do you remember other occasions when you had to warn people about their behaviour in terms of their firearms certificate? - I don't recall specific instances but I am certain that this was not a unique or only occasion.

So/

So in a situation like that what is the nature of the warning that is given? - Well, it is more or less a re-appraisal of what the requirements are under the Firearms Act and the proper procedure relating to acquiring or disposing of weapons, and it should be made clear to the person who has defaulted what the proper procedures were.

What rank were you then? - I was an Inspector.

As a result of this you were happy that the application for variation should be granted? - Yes. I saw no other reason that the application was faulty.

The end result was that he had a different .22 weapon from the one he originally got? - Yes.

Would you look at one other document in that same connection, it is not one I have got a number -- it will be FA7, which should be D28. It should be a memo from Constable Anderson to the Chief Superintendent dated 6th April, 1977. Do you have that? - Yes.

This is a note from Anderson to the Chief Superintendent dated 6th April, 1977. Anderson is the officer who investigated this matter; is that right? - Yes, that would appear to be the case.

It says there that Hamilton stated to him he had sold the .22 Bostock and purchased a Smith and Wesson .22? - Yes.

That is consistent with what you have reported on the other form? - Correct.

It says that he produced a receipt, and then Mr. Anderson says at the second-last paragraph "I checked Hamilton's firearms certificate and found it to be in order and did not require to be amended". That is not correct, is it? - It is not, no.

But that would explain why in April, this having been discovered, Hamilton did not apply for a renewal or variation of his certificate? - I am thinking that it would have been a retrospective variation/

variation in any event.

Indeed, but it would have made sense for it to be done in April rather than August? - Yes, it would have.

And do we have here a possible explanation for it not being done in April? - An oversight is all I can put that down to.

It appears to be the officer didn't understand what you needed to do with the firearms certificate when you got a new weapon? - Yes, I would accept that.

Now, in August, 1977 what was your role in regard to firearms? - My role as the duty inspector would have been to check and examine applications presented through the chain of command by the enquiry or reporting officer. Normally it would be carried out by a constable initially, checked for accuracy by a sergeant, and then further checked by the duty inspector; that would have been my role.

No cross-examination.

LESLEY BELL (35) Sworn

EXAMINED BY MR. BONOMOY: I think you live in Stirling? - That is correct.

A former police officer with Central Scotland Police? - Correct.

During which period did you serve with the police? - I served from 1981 until March of last year.

And were you a constable throughout that period? - I was, yes.

I think you dealt with one of Hamilton's application in 1986? - That is correct.

Could you have before you FA34 and FA35 which are D51A and D52. Are these the applications for renewal in January 1986 and the RL3a form dealing/

dealing with the renewal? - Yes.

Those days I think you signed Lesley Johnson? - Yes.

Is it also your signature as reporting officer on the RL3a form? - It is.

Dated 12th January, 1986? - That is correct.

Do you remember dealing with this application? - I am sorry, no, I have no recollection.

Do you remember meeting Thomas Hamilton? - I do not, no.

In latter years after this date did you come across him at all? - No.

Did you ever hear things about him? - Not that I am aware, no.

Part of the application on this occasion was to acquire an additional weapon, a 7.62mm rifle and a 9mm pistol. You see that? - Yes, I do.

And at that time he had a pistol, a 9mm revolver, a .357, a Browning rifle? - That is correct.

Do these features of the application help to remind you of dealing with this at all? - No, I am sorry, they don't.

In the course of your service did you deal with a number of firearms applications? - Yes, I would have done.

Can you remember how you dealt with the question of the good reason any applicant had with the issue or whether or not he should be authorised to acquire additional weapons? - If it appeared that he had good reason, for example, he was a member of a gun club, perhaps wanted an increase in weapons for target shooting, then that was quite likely, that was a good reason.

What would the position be in those days when/

when he was asking for authority to have an additional weapon which was of the same calibre and type as one of the other weapons he had?
- That wasn't unusual.

Have you any understanding of the circumstances in which people would wish to have two more or less identical weapons?
- Not being a person who shoots regularly I suppose if you are having a collection it would be quite usual to want more than one.

BY LORD CULLEN: Why more than one? - Well, people tend to build up collections.

Just building up a collection? - There may be minor differences perhaps in the way they fire.

EXAMINATION CONTINUED BY BONOMY: Do you remember whether you actually went to see Hamilton's house and his security arrangements? - I don't remember specifically doing so but I would have done.

Was it standard practice always to do that. - It was, yes.

When you did that did you make an appointment to go and see the person? - Yes.

It was never a situation where you would perhaps call in unexpectedly just to see what the normal routine arrangements of the household were? - Well, normally a phone call beforehand to save a wasted journey.

BY LORD CULLEN: Can I ask how much of your work at that stage was concerned with firearms? - It was the usual inquiries. They came up perhaps five or six in the year at the most.

EXAMINATION CONTINUED BY MR. BONOMY: Do you remember whether it was common practice to check up on an applicant's membership of a gun club? - Generally I would have done so, yes.

How did you do that? - If there was a specific club mentioned I would have contacted perhaps the secretary or some other club member.

Was/

Was there any indication in this case of membership of a club? - Unfortunately there is nothing on the form and I can't recall.

BY LORD CULLEN: When it came to a renewal as a matter of routine would you check up in regard to a club if it was mentioned or would you just assume that the situation remained the same? - Generally I would check.

EXAMINATION CONTINUED BY MR. BONOMOY: Can I take it that check would be confined to establishing membership, not to the extent to which the individual applicant actually used his weapon? - Yes, it would be establishing if he was a member or not.

CROSS-EXAMINED BY MISS DUNLOP: If I could just ask you briefly: you said not being a person who shoots regularly. Did you shoot at all? - I have done in the past, yes.

So at the time you were making these inquiries were you a member of a gun club? - I shot with the police, at the police ranges during my probation, and I gave it up because I had problems with my ears, but I regularly shot.

So if you were questioning somebody about their shooting habits or something of that sort you would have some knowledge of the.....? - If I thought there was something not ordinary I would have asked other questions and passed it up to a superior officer.

No re-examination.

IAIN HUGHES BINNING (48) Sworn

EXAMINED BY MR. BONOMOY: Are you an Inspector with Central Scotland Police? - I am.

How long have you been in the police? - 29 years.

I wonder if you would have three documents in front of you please: FA34, 35 and 36 which are D51a, 52 and 53. You have seen these in the course of the Dunblane Inquiry? - Yes.

Do/

Do you remember the circumstances they relate to? I see the documents in front of me and can relate them to what would have happened in 1986.

Do you remember doing the job in 1986? - No sir.

In those days were you a sergeant? - I was a sergeant in Stirling.

D53, which is AD2a, that has a handwritten note attached. Have you got that? - Yes.

There is a handwritten piece on it addressed to Sergeant Binning? - Yes.

Whose handwriting is that? - It looks like Inspector Marshall I think it is who has initialled that.

What does he say? - "Apparently it is unlikely that a second 9mm pistol will be granted. See Mr. Hamilton and obtain full details of the reasons for requiring two pistols of the same calibre, i.e. why is one not sufficient, and re-submit attached to me ASAP".

This is in connection with an application we have just heard something about from a previous witness, renewal and variation application in 1986? - That is correct.

And it includes a request to acquire or to have authority to acquire an additional 9mm pistol? - That is correct.

And this is a query that is being raised by Inspector Marshall? - That is correct.

What would you then be expected to do about it? - From that note it is asking me to go down and see Mr. Hamilton and ask him why he requires another 9mm pistol.

Is that what happened? - Well, I see from the AD2a on 28th January, 1986 from Acting Chief Inspector Mill, Stirling, it would appear that he has actually carried out that inquiry and not myself.

Could/

Could you read out his response? - This is the AD2a from Acting Chief Inspector Mill, Stirling, to the Chief Superintendent, A Division, dated 28th January, 1986. The memo from Inspector Marshall would appear to have come some time after the 13th January, and it refers to a variation in the firearms certificate granted to Thomas Hamilton, 32 Forth Crescent, Riverside, Stirling, "I refer to the above application in which Mr. Hamilton is applying to vary a certificate to include a purchase of a 7.62 rifle and an additional 9mm pistol. Mr. Hamilton is active in competition shooting throughout the country and it is his intention to purchase the additional weapons for this purpose. The additional 9mm pistol is of a type which is advanced in design to his existing one and includes a weighted handle for greater accuracy. The additional weapon would only be used at recognised ranges for that type of weapon". It is signed by Acting Chief Inspector Mill on 29th January, and on 28th January there is a signature there Chief Superintendent Rattray.

If you go to the RL3a form just after that I think the stamp of Mr. Bell of the Firearms Department is added to the RL3a form? - That is correct.

So it looks as if that information was available when the firearms renewal and variation has been granted on the 30th January?
- Yes.

Is/

2.30 p.m.

Is your name anywhere on the RL3a? - My name isn't. My signature is on the right-hand side of the RL3a after P.C. Johnson's signature.

Well, does that mean it is in the middle of the page? - It is in the middle of the page. I have initialled this and passed it on.

And what does that signify? - That signifies that I am content with the information that has been supplied by P.C. Johnson to me.

Now, what was the role of you as a sergeant in the context of this inquiry which led to you being satisfied and then applying your initials? - Well, in general terms if someone applies for a firearm certificate or a variation then you assign a constable to that task. When they come back to you, invariably you ask them regarding the security of the weapon, their permission to shoot, where they are likely to shoot, if their reasons for getting it are valid. You ask them to check crime intelligence. You ask to make sure they have checked their previous convictions, since the previous grant. And once you are satisfied these things have been done then you pass it on.

So you go through all these questions with the constable after the constable has done the investigation? - As a sergeant, yes.

Now, going up the chain, who gets it next? - At that time it would be Inspector Marshall who got it. He would be my inspector at the police office, Stirling.

Do we see his signature on it? - No, but we see his initials down below the word "station".

I am missing yours them. Are yours on the right-hand side off the end of my page? - Mine is the squiggle that says "IVPS 130" to the right of the date, dated 12/1/86.

I know it was a silly question for me to ask you, but you have given me the answer. It is off the edge of my page? - I take it yours is a photocopy, /

photocopy, sir?

Yes? - Right.

Anyway, the explanation is under the word "station", which is where I was looking earlier for yours.....? - That is Inspector Marshall's.

What did he normally do before applying his initials to the form? - In general terms he may have come back to me -- he may not. If he had had a query he would have asked me. If he didn't have a query he would have examined it as a normal application, signed it and passed it on.

He wouldn't routinely grill you the same way as you were asking questions of the constable?
- Not necessarily.

Not routinely? - Not routinely. If there is a degree of trust -- which I would have trusted P.C. Johnson to carry out that inquiry, therefore if I asked her "Have you checked for previous convictions?", and she said "Yes", I would accept that "Yes" as being valid.

CROSS-EXAMINED BY MISS DUNLOP: Could you just clarify the nature of the question that you would be asking Constable Johnson? Would you be asking her "What is this good reason?", or "Where is he going to shoot?", or would you just say to her "Have you checked he has good reason and have you checked where he is going to shoot?"? - I can't speak for this one on its own, because I can't remember, but in general terms because it is a firearms renewal and variation we ask these questions as a matter of course when the renewals come through with the certificates.

So it wouldn't be a case of asking her if she had asked the questions, you would pose the questions to her about the reasons and where he shoots? - I wouldn't check the whys and wherefores. I would ask "Have you checked where he shoots?" -- "Yes". "And is that valid?" -- "Yes". And if these questions are answered in the affirmative I would have accepted that.

So for something like the good reason to continue/

continue to possess, and authority to acquire certain firearms, for example, might it be the case that you would simply say to her "Have you checked that?", and she would say "Yes, he has good reason", and you wouldn't probe it any further? - We are speaking hypothetically.

I appreciate that? - If I were to say "Has he got good reason to ask for another 9 mm gun?". And she had said "Yes, it is for a different type of shooting than what his other one is used for", then given that quite often you get this in shooting circles, that they may have more than one firearm because it is a sport with different positions and different targets and what have you, that there would be possibly a valid reason for him at that time possessing that gun, or that extra gun of the same calibre.

But you have explained there is a degree of trust, so if you posed a question to a junior officer like that and she simply said "Yes", then you might just leave it at that, because you trusted her? - Yes.

CROSS-EXAMINED BY MR. TAYLOR: Can you tell us how this trust would be developed between yourself and the officer? - Well, every police officer in your charge is your responsibility, so it is your responsibility to make sure they are trained up to whatever level you would wish them to be -- not just for firearms, but for the whole spectrum of police work. If P.C. Johnson, for example, had proven to me over a period that she could answer the questions I would pose regarding shotgun certificates, firearm certificates, then it gets easier on her the more I trusted her, and once that trust is assured, the number of questions asked would obviously reduce.

So as your confidence in her to do the job properly grows, so your scrutiny of her can become more relaxed? - Yes.

So at the outset do I understand then that if an applicant wanted to have, for example, two guns of the same calibre and you inquired of her if she had checked if he had good reason and the answer was simply given in the affirmative, you would want to know a little bit more possibly? - You/

You see, the other aspect is.....

This is at the outset, when you are first dealing with the officer? - Yes, but you are also dealing with your own experience as well. When I was a policeman doing inquiries into firearms, if someone came and asked for, to use this example, "Another 9 mm pistol", then through your own experience you get to gauge what shooting sportsmen require and what their needs are, therefore whilst I may have known an answer, if I may have known an answer, I may have not asked the officer when I have trusted her anyway to carry it through.

But in the absence of knowing the answer you would have asked the officer, beyond just accepting her word for it? - Yes.

And you would have knowledge of when to ask the questions through your own experience? - Yes.

No re-examination.

HUGH PATERSON (53), Sworn:

EXAMINED BY MR. BONOMY: I stay in Blairdrummond. I am a retired police officer.

When did you retire from Central Scotland Police? - Almost three years ago.

After serving for how long? - 31, 32 years.

I would like you to have certain documents in front of you, FA43 and FA44, which are D65 and D68. Now, do you recognise that these are documents relating to an application by Thomas Hamilton? - Yes.

And that that application was made in January 1989 for renewal of his firearms certificate? - Yes.

I/

I should have asked you to have one more document, which is probably FA45. It is also D69. So that document, along with the other single document you have got there I think comprises the RL3a for dealing with that case; is that right? - Yes.

Now, the signature "H. Paterson" appears as sub-divisional officer? - Yes.

On the RL3a? - Yes.

Is that you? - That is right.

These forms were apparently used during an interim phase before the updated form was finalised by the force for use in these inquiries, and we can see there is quite a lot of detail on the second of the forms I gave you; is that right? - Yes.

Now, as the sub-divisional officer completing a document which says "I have no objections to this application", what did you actually have in front of you, and what did you do with what you had in front of you? - I would have that document in front of me and the other documents relating to this application for renewal.

You would have all the documents I have given you? - Yes, that is right.

Would you have anything else? - The firearms certificate.

Anything else? - That is all I am aware of that I would have.

Now, what was the job you were then to do? - Examine these documents and see that the renewal related to the documents submitted.

And that was it? - Yes.

No other checking would be done -- you would simply be looking to see if the application and the RL3a and its supplementary form appeared to be consistent? - Yes.

And the investigation appeared to have been/

been carried out properly? - That is correct.

And beyond that you would not go? - Beyond that I would submit these documents for further examination to my superior officer.

And who was that? - This, I assume, would be Mr. Matchett.

CROSS-EXAMINED BY MISS DUNLOP: You have given I think two statements to the police prior to today's appearance; is that right? - I am not aware of having given two statements. I was interviewed by the police on one occasion.

Right. Are you able to explain how I have been given two different statements with your name on them? - No, I am not aware of two different statements.

I wonder if you could just have a look at the statement? I will pass it over to you. Now, that statement bears to have been taken from you and has your name and address on it; is that right -- is that right, it has your name and address on top? - It has my name and address at the top here.

And then there is a section which says "Taken by". That is blank. It just says, "P.C.", and then the rest of it is not filled in? - That is correct.

And then if you could turn to the second page of that statement it says, "I formed the impression that Hamilton was a fit and proper person to have a firearm certificate"? - That is what it says on this statement. It also says I am 55 years of age on this statement, which I am not.

So you have no recollection of having given this statement? - Well, I certainly didn't give my age as 55 years of age.

On the second page it also has a section on it which says something about "Any other relevant information to be inserted" -- do you see that, or words to that effect? Can I ask you to read out the section about inserting other information? - It says "Any other information should be inserted here",/

here", and then a new sentence "The inquiry was carried out in a satisfactory manner and I signed the form and passed it on as per Force Standing Orders".

But you have no recollection of having given this statement? - I made a statement to the police. I don't know whether this is the statement, or any other statement.

So it may be that somebody else has compiled this? - I have no idea.

CROSS-EXAMINED BY MR. TAYLOR: Presumably -- can you tell me what rank you hold? - Chief Inspector.

In your capacity as Chief Inspector certain information about various people within the areas you had responsibility for would doubtless come to your attention in the course of your duties? - A lot of information came to my attention.

If some information came to your attention regarding somebody's non-suitability to hold a firearms certificate, when you came to process the certificate as you have described to us, would you consider it appropriate to draw your own personal observations to the attention of the person up the line from you? - I would.

And to enable you to do so, is that part of the reason why the certificate passes through a chain such as we have seen in the documents which were shown to you? - Yes.

RE-EXAMINED BY MR. BONOMOY: Do you remember who took your statement? - Yes. It was a D.C. from Stirling. I think - would it be Hamilton his name? I am not quite sure.

What about Mitchell? - Mitchell -- that is the one.

Do you remember when it was taken? - I honestly don't remember exactly when it was taken.

The incident we are inquiring into was on 13th March. Do you remember how long after, roughly, it was? - No, I couldn't honestly say -- a/

a fortnight, three weeks.

Would 2nd April fit into the period, roughly, that you recollect this statement was taken? - It could do, yes.

That is a fortnight to three weeks? - Yes. I remember the D.C. phoned up, made an appointment and came down and saw me.

GEORGE MATCHETT, Sworn:

EXAMINED BY MR. BONOMOY: Are you a superintendent with Central Scotland Police? - I am a Chief Superintendent.

And how long have you been with Central Scotland? - I have just completed 30 years' police service.

I wonder if you would have certain documents in front of you that we have just been looking at with Mr. Paterson? You will be given the same documents. Now, one of these is a renewal and variation application at the instance of Thomas Hamilton. The other two are an RL3a and a supplement to it. Your name appears on the RL3a? - Yes.

Do you remember the application? - Not in detail, no.

At that stage you were a superintendent? - That is correct.

Where? - At Stirling.

So are you a Divisional Commander at that stage - No. Under the old organisation I would be a sub-divisional officer, acting in capacity/

capacity at that time, in the absence of the Divisional Chief Superintendent.

Well, I see on the form we have already got a sub-divisional officer signing it in the form of Mr. Paterson? - Yes.

So why does the form come to you next? - Because I am the Deputy to the Chief Superintendent at that point.

You/

2.50 p.m.

You are standing in for him, are you? - That's correct, yes.

Now, do you remember in general terms what document you would have in front of you when you were considering the RL3a and whether to sign it? - Yes, I would have the RL3a and the yellow form together with the firearms certificate.

When you say the RL3a and the yellow form, is that the supplement to it? - That is the supplement to it, yes.

And did you also have the application in front of you? - I would have, yes.

And the firearms certificate? - Yes.

No other file? No other papers? - No other papers at all.

Now, how did you then in general terms in those days go about considering an application? - Well, the core factors within the application process are outlined in Items 1 to 6 initially in RL3a, to consider if the applicant is a suitable person to hold a firearms certificate and look at what in actual fact the enquiry officers are saying in that regard. The same follows up through the Questions 2, 3, 4, 5 and 6 and finally to Question 7.

So are you checking simply that it appears on the face of it that the enquiry has been done properly? - That is the purpose of my examination at that stage.

CROSS-EXAMINED BY MR. GIBB: Did Mr. Hamilton mean anything to you at this time? - No, Mr. Hamilton was only at that time one of many hundreds of names that pass across my desk.

No re-examination.

JOHN/

JOHN BROWN (35), Sworn:

EXAMINED BY MR. BONOMOY: Are you a Constable with Central Scotland Police? - That is correct.

Are you based in Stirling? - Yes, I am.

How long in the police? - 16 years.

Can you have certain documents in front of you please? FA43, 44 and 45 which are D65, 58 and 69. I think you have there an application by Thomas Hamilton dated 14th January 1989? - Yes, that is correct.

And that is for renewal and variation? - No.

Just for renewal? - For renewal.

And 68 is what? That is FA44. That is an RL3a? - That's correct, yes.

And the supplement is the other document which is with it, is that correct? - Yes, that is correct.

Now, you were the enquiry constable in this case? - That's correct, yes.

Do you remember it? - I have vague recollections of it.

What do you actually remember about it? - I can remember dealing with it, I can remember parts of it.

Do you remember being in Hamilton's house? - Yes, I do.

Where was that at that time? - It was at Kent Road in Stirling.

One of the things mentioned on the RL3a is that the serial number on the Browning rifle has been wrongly recorded on the firearms certificate? - Yes, that is correct.

Who/

Who discovered that? - I discovered that.

How did you discover it? - When I was checking the serial numbers of the firearm against the firearms certificate I noticed the discrepancy.

So you had the firearms certificate with you when you made the enquiry? - I believe so.

Or would that be checked later possibly? - It may have been possibly later, yes.

Now, if you look at the additional document, you are dealing there with the reason for duplicate calibre weapons, is that right? - Yes, that is correct.

Now, Mr. Hamilton already had authority for these duplicate calibre weapons, is that right? - Yes, that is correct.

But you were looking at that question again, were you? - The question on the left-hand side of the form is that he has applied for duplicate calibre for competition purposes and I have just specified why he had the duplicate.

Can you remember anything of the enquiry into that? - I don't recall that part of it, no.

So you can't help us on what the distinction between these two weapons really was or what the distinction between the purposes for which they were required was? - No, I don't recall that part.

Do you remember checking his security? - Yes, I do.

And were you happy with that? - Yes, I was.

We see a description of it there. Was it particularly good? - Yes, it was. I do recall that part of it.

There is then a question about intended purchases. Do you remember anything of the enquiry into that? - No, I don't recall that part.

Can/

Can you remember what the appropriate approach to the question of intended purposes was in those days? What information did you want to know about his intentions? - As I say, I don't actually recall that part of the form but I would probably ask him if he intended to purchase the thing in the near future and if so the reason for the purchase.

What would you mean in that context by the near future? - Well, probably within the life of the certificate.

The one you are about to renew? - Yes, that is correct.

Which nowadays would be five years? - Now it is five, yes.

Could you discover any reason why Mr. Hamilton should not be given the authorities he was seeking in terms of his application for renewal? - No, I did not.

There is one possible oddity in that application in respect that it says that he possessed 7.62 calibre ammunition but he didn't actually have the weapon at that stage. That was one of the weapons he wanted to acquire. Was there anything wrong in your view with his having ammunition for that weapon before he got it? - I see above it under the details of firearm to be purchased or acquired he has a 7.62 rifle that he would want to.....

Yes, I appreciate he wanted to buy a 7.62 rifle but ought he to have some of that ammunition before he actually has the rifle? - No, I don't see why he would want the ammunition. I don't know.

And I think I may be right in saying to you that he had indicated an intention to acquire that rifle at the last renewal. So he has obviously possessed the intention without implementing it for a while but that was not something you remember dealing with? - No, I don't recall that.

Now, you have recorded that he possessed a fair amount of ammunition. He had or at least it is/

is recorded on his form he had 930 rounds of 9mm ammunition at that stage? Is that right, on the application form? - He had now many, sorry?

930 rounds of 9mm. That is on to the right-hand side of the page, the front page of the application form? - Sorry, I see it.

Is that correct? - Yes, that is correct.

340 rounds of .357? - That is correct, yes.

Do you remember checking the storage of his ammunition? - I don't specifically remember the ammunition. I remember his general security.

Do you remember the security for the guns? - Yes, I remember the guns.

Do you remember actually handling the guns, examining them? - Yes, I do.

Is there any particular reason why one thing you do remember about this Inquiry is actually dealing with the guns? - I think it is maybe because, I don't know, it may be because it is the only one I have ever had where there has been a discrepancy in one of the serial numbers. It may be that.

Was it your job in those days to make behind-the-scenes checks on the record and other information about an applicant? - Yes, that is correct.

So what checks did you normally do at that time? - You would normally check SCRO, a Scottish Criminal Records Office check and a Police National Computer check and a local criminal intelligence check.

At that time how was the criminal intelligence check done? - I think it would be by phoning our Criminal Intelligence Officer then.

Can you now look at one further Production which is D49L, inevitably without a number. It is an AD2A document dated 11th November 1994/

1994. It is FA26. Are you Constable 403 J.R. Brown? - No, I am not.

So that is someone else's form? - Yes.

CROSS-EXAMINED BY MR. GIBB: When this application came in did you see your role as testing in any way the use that any applicant made of this firearms certificate during the previous period? - No, I would not do that.

There was not any question of saying "How often do you shoot or are you still a member of X club or Y club?"? - I don't recall asking him that.

And you would not have asked him anything about the use of ammunition or the certificate showing the amount of commercial ammunition checked during the currency of the previous certificate? - No, I would not ask that.

So there really would not be any testing of the applicant as to the use he is making of his certificate or his intended use of the certificate? He would simply be taken at face value on the form which said he wanted to do target shooting at a facility? - If there was a specified club I might have checked with the club but I don't recall that, I am afraid.

But would you as a matter of routine ask any applicant what use they had made of the facility during the validity of the previous certificate? - No, I would not.

So you would not ask them to show positively a good reason? You would see the application showing what they wanted to have and basically you would take that at face value? - If there was a specified thing I would check that.

Because you are really the only link between the applicant when your report goes up the line. You have got the information from the applicant. There is no one else has any dealings with the applicant other than the enquiry officer? - That is correct.

Were you aware at all of the name Thomas Hamilton/

Hamilton at that time from other dealings within the Force? - I don't recall that at all.

CROSS-EXAMINED BY MR. TAYLOR: Are you familiar with the prerequisites for being granted a firearms certificate? - I believe so.

Is one of these prerequisites that the applicant requires to have good reason to hold a certificate? - Yes, that is correct.

What is the criteria or criterion which is normally used to say whether there is a good reason on the part of an applicant? - Well, as I stated, if it was to join for instance a gun club you would check that side of it out.

And would you enquire of the applicant how he constituted good reason? - I am sorry, I don't understand that.

Would you ask the applicant what the reason was for him applying for the firearms certificate? - If he was applying for the grant of one?

Yes? - Yes, I would.

And if he said that it was his membership of a club, what would you then do? - You would then verify the details.

How would you verify them? - You would get in touch with the club and verify with them.

BY LORD CULLEN: Just taking that point a little further; under the head of good reason are you concerned also with the good reason for the holding of the ammunition to which the application refers? - Yes, you would be.

And does that include the quantity, the amount, of ammunition which is proposed to be either held or acquired? - I'm sorry, do you mean good reason for the ammunition.....

Good reason for that amount to be held or acquired? - I am afraid I don't know.

Well, did you have any role in examining whether/

whether there was a need for an applicant to have as much ammunition as the applicant asked for? - No.

If you were dealing with an application for renewal of the firearms certificate, would it be any part of your responsibility to find out the extent to which the previous authorisation for ammunition had in fact been used? - No.

So to what extent therefore were you involved with ammunition as far as good reason was concerned? - If it was wanted for say pest control and he had ground to shoot on, you would check that the ammunition asked for would be the appropriate type of ammunition to use for that.

If for example he was asking for renewal and he mentioned quantities of ammunition that were considerably larger than previously authorised would you think that was a matter which required to be looked into or not? - It would be but that would not be done by me. I wouldn't do that.

Who would do that? - I think the Firearms Department would look into that.

And which particular officer going up the chain? - I don't know what particular officer. If I had two applications at the same time and one wanted 20 rounds and one wanted 500 rounds for the same purpose, if it was target shooting, I wouldn't know if it was excessive to have that or whatever.

RE-EXAMINED BY MR. BONOMOY: Does the question of good reason arise on renewal applications? - Yes, it does.

HEATHER/

3.10 p.m.

HEATHER MARION MORTON (31), Sworn:

EXAMINED BY MR. BONOMY: I now live in Stirling.
In 1989 I lived at a former address in Stirling, 19 Kent Road.

How long did you stay there? - Nine years.

So when did you first move there? - 1984.

During your period in Kent Road did Thomas Hamilton
and his family move there? - Yes.

When was that? - 1986.

How far away was his house, No. 7? - It was one
block away.

Did you know him? - To look at.

Did you ever speak to him? - Yes.

Frequently? - No.

In what circumstances did you speak to him? - On
the passing.

"Hello", or did you stop and talk? - "Hello".

Did you know any other member of the family? - Did
he know any other member of the family?

No, did you know any other member of the family? -
Yes.

Who did you know? - Jimmy, his Dad.

Did you know him to speak to? - Yes.

How often did you speak with him? - Quite often.

Where would you normally meet him? - In the local
Stirling Miners' Welfare where I was employed/

employed at the time, or out in the garden.

Did you know what Thomas Hamilton did either for a living or what his main activities were? - No, I didn't. I thought he was unemployed.

What about spare time or leisure activities? - He was a photographer.

You didn't understand that was an occupation? - Well, he had said that he wasn't a professional photographer, he was just an amateur.

He told you he was a photographer? - Yes.

And in what circumstances did he tell you that? - When I was speaking to him.

So it was more than just "Hello" -- you did speak to him? - Yes, I would stop like at the garden as I was passing, and he offered to take pictures of my children.

Did you accept the offer? - No, I refused.

When was this? - This would be about 1987.

And why was it you refused? - I just didn't like the look of the guy.

Did you know anything of his interest in boys' clubs? - I had heard that he had a boys' club. He had put leaflets through the local doors, and he knew that I had one son and two daughters.

Did he do more than put leaflets through the doors? - He did, yes.

What else did he do? - He had put videos through my letter box.

Plural -- how many? - One video.

When was that? - That would be in 1987.

What/

What age was your boy then? - He was five.

What did you do with the video? - I went to Mr. Hamilton's door and chapped, and it was his Dad that answered it, and I told him to give it back to Mr. Hamilton.

Had you viewed it? - Yes I did.

What did it show? - It was boys running along like a beach area with short black trunks on.

What did you make of it? - I thought it looked ridiculous.

What did you think? - I just thought it wasn't the kind of video that a person in their right mind would make.

What did you think was his purpose, though, in showing it to you? - He thought obviously with me seeing that, that maybe it would interest my son to go to one of his clubs. He said he had a boat on Loch Lomond, and that maybe my son would like to go with him; and I refused.

But presumably he put it through the door thinking it would impress you or influence you favourably towards him? - Yes I think so.

But it certainly didn't do that? - No, it certainly didn't.

Did Hamilton ever try to take any photographs of your family? - Yes, he did. On a few occasions when my son was coming home from school he had to pass Mr. Hamilton's window, and my son had come in and said that he was trying to photograph -- take pictures of him through the window.

Did you check on that? - Well, I had asked my son if it was like a camera or if it was like a video camera that he was using, and he had said it was a video camera.

Did you check up with Mr. Hamilton? - No.

Did/

Did you do anything about it? - No.

Were you ever in his house? - Yes.

And you didn't raise that with him? - At that time, when I had got into his house, that was before I had known about that.

I went into his house -- well, I had went to the door to give him back this video that he had put through my letter box, and when I chapped the door it was his Dad that answered, and he asked me to come in, because he knew me quite well with working in the bar that he drank in. And when I got inside his son was there.

Now, were you speaking to Hamilton, the son, on that occasion? - Yes.

Can you remember what about? - Again he was trying to persuade me to get pictures -- to let him take pictures of my children.

Were there photographs on his walls? - Yes, there was.

What were they photographs of? - All of boys dressed in the black trunks on the left-hand wall, and like self-portraits (sic) on the right-hand wall, again all of boys, none of which were smiling, which I thought was very odd -- very creepy.

What was the difference between the ones on the right and the ones on the left? - What was the difference?

The difference? - The ones on the right-hand side were of boys with black trunks on, was on the fireplace wall, on the right, and the ones on the left -- no, sorry, the ones on the right were the ones that were like he said he had drawn them himself.

So were they sketches? - Yes.

And how were the children clothed in the sketches? - It was just bare skin -- it was like head and shoulders, and none of the kids were smiling, they were really frightened looking and I didn't like that.

Now/

Now, you were formerly related through marriage to a police officer involved in dealing with one of Hamilton's applications for his firearms certificate, Mr. Goldie? - That is correct.

What was the relationship? - He is my brother-in-law.

And you have got some knowledge I think of one investigation or one occasion when he was involved in dealing with a firearms application, have you? - Well, I am not so clear on that, but I remember when they first moved into the street my brother-in-law had made a comment that he was quite a shady character, that there had been an incident in his house, something to do with guns, but Mr. Hamilton never ever mentioned guns to me.

Did you know he had guns? - No, I didn't.

And is that as much as you can remember of this? -
Yes.

Roughly when was that? - That would be 1986 or 7.

And you think something was said about an incident in his house with guns? - In his house, yes.

Is it possible that you misunderstood what was said? -
Well, I don't know what was happening in the house. I didn't know the man then. I had just moved into the street at the time.

So is this a very vague recollection? - Yes.

No cross-examination.

EDWARD GOLDIE (36), Sworn:

EXAMINED BY MR. BONOMOY: I am a Constable with Central Scotland Police. I have been in the police for nearly 18 years now.

Where/

Where are you based at present? - At Dunblane.

Have you had a role to play in the Dunblane Inquiry?

- Yes.

I think we have heard -- I should have said to his lordship -- I think we have heard evidence from you already when you told us about arriving at the school; is that right? - Yes.

Now, I want to ask you about something else. You had some dealings with Hamilton in relation to firearms applications? - That is correct.

Do you remember it? - I can't recall that far back.

Do you remember meeting him at all? - I am afraid not.

Apart from dealings with a firearms application was there any other occasion you met him? - Not to my knowledge.

Or even heard about him? - No.

Now, your former wife's sister I think lived near him? - That is correct.

Did you visit there at all, so that you would have a chance of social contact with Hamilton? - I wouldn't have met him socially, no. I possibly just dealt with his file.

And that would be the only reason? - That would be the only reason.

Can you look at two documents, FA39 and 40, which are D59 and 60? Now, is this the application that you dealt with? - Yes.

Is it an application dated 15th March 1987 -- if you go to the third page of the form? - Yes.

And is it an application for variation of a firearms certificate? - Yes.

And/

And I think the other document you have is the RL3a?

- Yes.

And you were the enquiry officer and have completed it as the enquiry or reporting officer? - Yes.

You have answered the six questions "Yes"? - That is correct.

You have answered the seventh question, which is the space for providing supplementary information, at some length, so that it has been necessary to have two pages? - Yes.

Does seeing this help at all to remind you of the circumstances? - I am afraid not, no.

Now, this is apparently the stage at which Hamilton asks for a significant increase in his ammunition purchasing and holding power? - Yes.

And you have commented on that, as well as his plan to purchase a 7.62 rifle and a .22 rifle? - Yes.

It still doesn't ring any bells? - I am afraid not, no.

Now, can you read out to us what you have actually recorded as his reasons for the variation? - At Point 7?

Yes, please? - "The applicant has sold the .22 Anschutz rifle, No. I02541 and has purchased the 9mm Beretta pistol, No. C58230Z as shown. The applicant wishes to purchase one 7.62mm rifle and one .22 rifle. All weapons will be used for target shooting. With reference to 2(i) and 2(iii) on the certificate, maximum quantity of ammunition to be purchased or acquired at any one time is 1500 and 1,000 rounds respectively for each calibre. Applicant would like to have maximum for weapons he possesses and those which he would like to purchase. Applicant's security for weapons and ammunition has been checked and is very secure. With reference to the applicant's wish to be able to purchase and have 1500 .38 ammunition maximum, this is due to the fact that this .38 Special ammunition can be fired in his .357/

.357 revolver. There is no real basic difference in the ammunition in that the .38 Special is slightly less powerful".

Did you know that for a fact? - Yes.

So you were not just regurgitating what he told you -- you knew that? - I knew .38 Special can be fired in a .357.

The effect of this was to give him authority to hold 3,000 rounds that could be fired in that weapon? - That would be correct.

Now, it looks as though you have gone into it in some detail, but I still can't jog your memory? - I am afraid not.

Do you remember at all being in his house in the course of this enquiry? - I am afraid not, no.

Checking what weapons he had, for example? - I have no recollection.

CROSS-EXAMINED BY MR. GIBB: Constable Goldie, on this occasion would you, as a matter of routine, have tested out the need for the increase in ammunition? - No. I would submit the report through the chain of command.

Yes, but you wouldn't say to Hamilton "This is a big increase. How often do you shoot? Why do you need so much?"? - I would have asked at the time obviously why he wanted that amount of ammunition. It was obviously for target shooting, sporting purposes.

But would you as a matter of routine have said to him "What clubs are you a member of? How often do you shoot? It seems a large amount to have"? - I think I would have asked those questions, yes.

But there is no indication on the form of that? - No. I can only go by these two forms I have.

Did you carry out many enquiries either of authorisation or renewals, or for new applications/

applications for firearms? - I think mostly -- I can't recall how many I have done, but it was just usually applications for grants of firearms.

Would you consider your role to test out in any way the information on the application form as to whether or not in fact there was a genuine good reason, as required by the Firearms Act? - Well, if he was doing a lot of shooting he would require a number of bullets.

What/

3.30 p.m.

What I'm trying to get the flavour of is whether you would test him out and actually do a bit of probing as to why there was such a thing? - I would ask him why he would want that amount of ammunition but if he is firing on ranges and things and does a lot of shooting he would require a lot of ammunition.

But would you say to him "How often do you shoot a week or a month? What clubs do you go to?"? - Yes, I would obviously ask these questions.

Was any alert put on you because of the significant increase in ammunition he was wanting here? - I wouldn't have thought so, no. Not at that time, no.

BY LORD CULLEN: Do you have any recollection of there being an increase or are you simply dealing with these questions theoretically? - I can't honestly recall having dealt with the man at all.

If you are asking questions because you found that the applicant was asking for more than he had previously been authorised to hold or acquire in the way of ammunition, did you have any kind of yardstick by which to test whether it was any more than was reasonably adequate for the purpose or whatever? - I don't think there would be any yardstick to go by.

So was there any limit? I mean, suppose for example he asked for 10 or 15 times what he had been previously authorised. Were you in a position to say "Well, that is more than I am satisfied is reasonably required" or something like that? - I don't think there is any maximum under the Firearms Act in relation to that.

So does it come to this then; that provided he can give some reason to account for an increase you had no means of knowing how to measure how much was a reasonable request, is that right? - That is correct. That is right.

CROSS-EXAMINED BY MR. TAYLOR: Do you still/

still have D60L before you which is the LR3a? - Yes.

If we go to answer 7 we find in the first page that it says "Applicant would like to have the maximum for weapons he possesses". Do you see that? - Yes.

Can you give any meaning to that? - I think the maximum would be the maximum he wished to have, 1500 or 1,000 rounds.

So that is the maximum as contained in his application as opposed to a maximum which you might have in mind for the yardstick? - Yes.

Can you have D35L before you please. That is a firearms certificate issued to Mr. Hamilton. What I am particularly interested in is Table 2 which is the ammunition Table. Do you see that? - Yes.

And I think we see in the copy which I have that it starts to record sales of ammunition to him in December of 1979 and concludes in late 1984, is that right? - Yes.

And we see that he has virtually exceeded in space -- in fact not virtually exceeded but he has exceeded all the spaces available in Table 2? - Yes.

Can you then please have a look at document 49L. That should be an AD2A from I think Mr. Brown to the Chief Superintendent in A Division? - Yes.

And we see that Mr. Hamilton has handed his firearms certificate into the police because he has run out of space in Table 2? - Yes.

And he is asking for a duplicate to be issued to him I think and if we then look at Production 50L, that should be a further firearms certificate which was renewed on the 30th of January 1986, is that correct? - I can't see the date at the moment but it is the 14th of February 1986 it has got here. Until the 14th of February 1986.

Yes, I see that. I think the date is the 31st/

31st of January 1986. It is two lines below that. It says from the 14th of February 1986 and is signed Thomas G. Whitson, Police Force Central Scotland dated the 31st of January 1986? - It has got Thomas G. Whitson, Depute, Central Scotland 17/12/84. Sorry, I see it. It is on the right-hand side. I beg your pardon. 31/1/86.

And that is issued with effect from the 14th of February 1986? - Yes.

But issued on the 31st of January 1986? - Yes.

And if we look at Table 2 on this firearms certificate, again we see that Mr. Hamilton has taken up quite a large amount of the available space recording his firearms purchases? - Yes.

Now, is that in your experience unusual? - I couldn't comment on that.

Well, have you seen it before? - I can't recall seeing this before.

No, not this particular firearms certificate before. Have you seen the appropriate Table, Table 2, on a firearms certificate being filled up to the extent one sees in the document and a need for a duplicate to be issued? - I don't think I have seen as many as that.

Well, would you have seen those in the course of the inquiry which you made into Mr. Hamilton's application for renewal if you then looked at it? - There is a possibility I would have seen them but I can't say if I have seen them or not.

If you had seen them would that have influenced you in considering the amount of ammunition which might have been appropriate for Mr. Hamilton to have? - Well, it would tell me he was doing a lot of shooting but other than that I couldn't comment.

And if he was doing a lot of shooting would that influence you in your view on the amount of ammunition which he might have reason to hold? - Yes.

Are/

Are you aware of there ever having been an incident in Mr. Hamilton's house involving a gun? - No.

No re-examination.

NORMAN JOHN LYNCH (35) Sworn

EXAMINED BY MR. BONOMY: Are you employed by Central Scotland Police as a firearms examiner? - Yes.

Since? - Since April 1991.

Prior to your appointment in April of 1991 was there an equivalent post within Central Scotland Police? - No.

Since your appointment has anyone else joined you in the same post? - No.

Since 1991 have your duties been the same? - They were increased.

That is volume? - Yes.

But what you actually do, has that been the same? - That has increased from the original conception of it.

Was the job advertised? - Yes, it was.

Where was it advertised? - In several newspapers. Twice actually.

And you responded to the advertisement? - The second time, yes.

What were you doing at that time? - At that specific time I was working in a whisky bond.

What was the experience you had that made you think you might get the job? - I had almost 10 years experience in the gun trade in a Glasgow gunsmiths doing sales.

During what 10 years? - It would be from 1981 to 1988.

Had/

Had you chosen to give that up? - No, the shop closed.

Did that reflect some changes in the gun trade? - No.

Was it a voluntary closure or did it run out of business?
- We acquired a new managing director who was a financial wizard rather than a shooting man.

Prior to the closure of that business was there any noticeable trend in the sale of handguns? That is over the period of what, the eight years or so that you were there? - The particular company I worked for never sold handguns as such but there was a notable difference in the gun trade in general because of mail order.

And what was the effect of mail order? - Well, there was a greater discount offered for mail order guns rather than shops with their overheads.

Did the shop you worked for not even supply handguns to order? - Very seldom.

Did you have any training in the job of running a gun shop or is that something you pick up on the job? - Initially I was taken on as junior sales staff but I later became assistant manager in the Glasgow shop.

You just worked your way up really? - Yes.

I take it that gives you then a knowledge of weapons and ammunition? - Yes.

But no particular knowledge of handguns or was there a way of you acquiring that? - We never sold many but there were other shops that did that already had a market for it in Glasgow.

And did you have dealings with them so that you could gain some experience of handguns? - No.

When you joined the police did you have to undergo any training there? - There was in-house training.

And/

And what was the form of that? - The computerised system which was recently installed before I was installed and the current legislation and pending legislation.

What do you mean by the computerised system? - It is the computerised system that we use to keep a record of all firearms and shotgun certificate holders in Central Region.

Is there some way in which that automatically brings certain events to your attention such as the need for someone to renew his licence? - They have expiry dates on them which are highlighted by the machine, yes.

So you are trained in retrieving information from a computer? - To do with firearms and shotguns, yes. You can retrieve a person's certificate records.

Sorry, you did say the training involved training in the computer? - Well, learning the computerised system. Working on it.

Well, can you tell us what you were trained to do in that regard? - Well, I was trained from the paper applications coming into the office, processing it from the details on the forms on to the computerised system.

Now, what manuals or other documents did you have to hand for guiding you in dealing with applications for firearms certificates? - We have the 1968 Firearms Act and the 1988 guidelines, guidance to the police and the 1992 rules. That is about the most up-to-date.

If you look please at D1 which is the guidance to the police. Can you confirm to me that that is the document you are talking about published in 1988 I think you said? - Yes.

Now, from the time you started in the police what were the duties to be? - Originally I was six months learning the computerised system for licensing. I then had six to eight weeks instructions from operational officers and then I went out on doing inquiries myself for renewals.

What/

What were the instructions you got from operational officers? - It was the standard procedure, Force procedures for renewing shotgun and firearms certificates.

What ranks were you with? - Police constables.

So you were out doing inquiries? - Well, I was in the wings as it were. They were doing the actual inquiries and I was to be present with them to see.

So you went out visiting homes and so on? - Yes, just to see how the procedure was normally done.

What about the procedure followed by their superiors in the light of the reports that they made? - I would not have any involvement with that at that time.

Were you expected at that stage to deal with new applications? - No, only renewals.

So no new ones and no variations? - No grants and no variations, that is correct.

Is that still the position? - It is at the moment.

What if the renewal incorporates a variation? - Well, that comes under the.....the applicant has an opportunity to vary his certificate at renewal.

So that is a renewal? - It is classed as a renewal. You can make separate variations at any time throughout the term of the certificate.

Yes, but if the application for a renewal involves a variation you would deal with it? - If it was renewals, yes.

What then is the procedure that operates when someone's certificate is coming up for renewal? - The Firearms Department computer can be asked to generate an amount of renewals that are due between certain dates and we would then physically key in codes to allocate the printer to spool off renewal letters/

letters to applicants roughly six to seven weeks before the expiry of their certificate.

Who does that? - It is a colleague in the office.

What is her name? - Maureen Johnson.

And what is her designation? - Firearms and explosives officer.

And she works exclusively in the office? - Yes.

Once the letter has been generated to the holder who is due to renew his certificate, what action do you take? - I am slightly different from operational. What I do in particular is I would contact the applicant, as I say six to seven weeks before the certificate is due for renewal, and arrange at an agreed time to go out with the forms and the renewal letter to do a renewal inquiry.

And do operational officers do the same job or something different? - Because of their other duties they may have to just take the opportunity if they are passing in the area to call with the renewal letter and form and come back at a later date.

Now, it is implicit in what you are saying that you are not dealing with all renewals for Central Scotland Police. Can you tell us what ones you are dealing with? - At the moment?

Yes? - It is what they class or did class as B Division which is Falkirk, Bo'ness and Grangemouth.

Are you doing only these ones? - At the moment, yes.

Now, since when has that been the case? - Since December of 1994.

Until when will it be the case? - It will be December 1997 and by that time everybody with a three year term certificate will have been renewed with the new five year term certificate.

And/

3.50 p.m.

And why would you finish in B Division at that stage, when presumably -- you expect a two year gap, roughly? - There will be a two year lull with the new certificates. There may be new proposals on what I do then.

Now, prior to going on to doing B Division where were you? - In A Division.

And did you do all the renewals there? - No, not them all.

How many years were you there? - Three.

Well, you must have got pretty close to doing them all? - They are in different Divisions. The area I covered would have come under Stirling and Clackmannan.

So part of a Division? - Yes.

How many Divisions are there in Central Scotland Police? - There was only two, A and B.

So at the present time A Division's renewals are being done by officers? - Yes.

In the ordinary course? - Yes.

When did the system change from three year certificates to five year certificates? - On the 1st of January 1995.

Have you any idea why the system was changed to allow certificates to run for five years instead of three? - I have no idea at all. It was a Home Office decision.

Is there any system in Central Scotland Police for any sort of routine investigation of a certificate holder during the period between renewals? - None that I know of. If he came to the attention of the police then it would obviously have to be seen to.

Now, you said earlier that your duties had extended between 1991 and now? - Yes.

Can/

Can you tell me what the extension has been? - A great deal of in-house training for myself and my colleague Maureen, given to probationer police officers now in relation to firearms licences.

So you have a training role? - Yes.

But the actual on-the-job work you do is the same, but perhaps increased by volume? - Yes. I also do what they call -- there is paid variations and free variations. So free variations can be dealt with by me at the Headquarters, whereas a paid variation may involve other aspects being checked by enquiry officers.

What is a free variation? - It is an applicant who would like to surrender or give up a .22 rifle because it has seen the best, and replace it with a similar weapon. That is what they call a one-for-one variation.

So you do those? - Yes.

For the whole Force area? - Yes.

Now, your inquiry into an application for renewal is done by appointment? - Yes.

And you take the letter intimating the need for renewal with you? - Yes.

And what other documents do you take? - There would be a renewal form, a DMT101, which is a standard renewal form which is used nationwide. And I also used to take an example of the counter-signatory requirements for the back of the photographs, and I also use a freepost envelope facility for the applicant to return their application back to me direct, rather than go to operations, as I had been dealing with it.

So you always anticipate leaving the application form with the applicant? - Yes.

What is the purpose of the visit then? - Well, you have to maintain that the criteria are still being met for the guns that are held, and the security as well.

So/

So is that you doing the check before the application comes in? - I do the full inquiry before I see the applicant.

And that is before the application comes in? - Yes.

Do you ever get the application completed by the applicant and take it away with you? - No, because I wouldn't have time to fill that out, because counter-signatories would have to be got at a later date.

I take it that there are a number of matters you have to deal with in the enquiry at that stage? - Yes.

Could you take us through them please? - Yes. On arriving at the agreed time I would discuss -- well, I would explain the certificate was due for renewal at a certain date, it had to be renewed timeously. I would explain the form to the applicant, and run through the form with them explaining the different sections in it, and then I would usually proceed to check the weapons and the ammunition and check the security they were held in.

Would you have D91, which is -- I am sorry, I don't have the other number again (FA61). That should be an application form for renewal of a firearms certificate. It is dated the 15th of January 1995? - Yes.

Now, this post-dates the time when you were actually dealing with renewals for Stirling? - Yes.

I want you just to use this as an example -- it is the most up-to-date example we have of the procedure to be followed. You are looking there at the standard DMT101 form; is that correct? - Yes.

And we have the basic purpose of the application on the first page and then a question at No. 14 "Have you now or have you ever had epilepsy or any form of mental disorder"? - Yes.

Do you deal with that on your inquiry? - In what way?

By/

By asking? - Well, it is indicated on the form.

So you don't do it as an eye-contact enquiry in the course of your investigation at the home? - Well, once I receive the form back from the applicant I am required to complete an enquiry form to submit with the form, so I would check the application.

But these particular questions are left to the applicant in the quiet of his own home to fill in his own answers to? - Yes.

There are then at No. 16 -- sorry, 15: "Have you been convicted of any offence?" Now, can I take it that you do check that one out? - Yes.

How do you do that? - Well, at the time -- I am now qualified to check the PNC and SCRO records myself, but at the time the checks would be made by the Records Office.

How do you become qualified to do that? - I was trained in-house.

And since when have you been able to do the checks yourself? - Since early 1994.

Now, what can you learn from the Police National Computer? - The Police National Computer, if a person say residing in this area had committed an offence say in England, it would automatically be updated on the National system. And the SCRO system, the Scottish Criminal Records Office is for Scottish police use. It is a double cross-reference.

What about checking Criminal Intelligence? - I am not qualified to check Criminal Intelligence.

So what do you do about that? - That is done by Divisional Criminal Intelligence officers.

But do you do that by asking them to do it, or do you get the information some other way? - There is a form that I submit to Criminal Intelligence officers.

And/

And you do that for each case? - Yes.

Are they required then to do a check? - They would be, yes.

What are they actually checking for? - I don't know.

Well, what does your form ask them to do? - Well, it is a new form that is devised. It comes from the Records Department to different departments, to check if they have any information, I presume, on the system about a person.

I am not sure I have seen one of these. What is the title given to that form? - It is just a form I have devised myself for my own inquiries.

How long has it been in operation? - Since December.

You don't have one with you, I take it? - I don't.

Well, if you come back tomorrow, as I suspect you will have to, you could perhaps bring one with you. It would be helpful to see that. It may be somewhere I haven't located, but just in case we haven't got it, it would be helpful if you would? - Right.

The next part of the form, it then deals with the weapons the person has; is that right? - Yes.

And you would check these and the serial numbers on your visit? - Yes.

And it then deals with the weapons he wishes; is that right? - Yes.

Now, there is an oddity -- well, maybe it isn't an oddity, but it looks odd on this form, where the various weapons that he is seeking authority to acquire have both the "Yes" and the "No" after them ticked. Could you explain how that happens? - Yes, no problem. If you refer to the front of the form you will see that every entry by an applicant has been ticked, and that is my colleague Maureen ticking off the information as it is/

is checked on the computer system, the ones in the blue ink.

There is then a statement of the amount of ammunition in the possession of the applicant? - Yes.

Now, do you check that when you make your inquiries?
- I would check the ammunition he had at the time of the application when I saw him, yes.

It might be slightly different by the time the application comes in? - Yes.

There wouldn't be much difference, I shouldn't imagine?
- It would depend on the amount of shooting he was doing. It may be.

And there is then the calibre and quantity of ammunition that he wants to hold? - Yes.

Now, are there any rules about this? - On how much he is allowed to hold?

Yes? - There is no arbitrary limit set down in the legislation.

Well, I have heard that before, but is there a limit perhaps in the mind of the police as a sort of guideline, when a police officer, or yourself, is visiting a home enquiring into the circumstances of an applicant? - Not to my knowledge. Each one would be taken on its own merits.

So how high do these figures go, in your experience? - I wouldn't imagine much higher -- that is probably more than sufficient to cover most active members who are shooting.

Can I ask you that question again. How high in your experience do these actually go? - Well, I couldn't answer that specifically. They vary from certificate to certificate.

I follow that, but you must have seen a large number of certificates, and I would have thought you were the man to ask in general terms? - Well, it is not uncommon to have these amounts.

Have/

Have you seen them with 2,000 per calibre? - There could be the odd one or two that has 2,000, yes. There is the case of some club secretaries may have more than that, because they are buying in bulk for a club.

Well, we could perhaps review that differently, but taking the Thomas Hamilton individual marksman type of shooter, what is the most that you have seen authority given for such a person to hold for each calibre? - I really couldn't honestly answer an exact amount, but I have holders with smaller amounts and others with slightly more.

Just slightly more? - Yes.

And 1,000 at a time to purchase -- that is common, is it? - If they were shooting that much then it may be. I am a shooter myself. I shoot handguns. I don't purchase that much myself because I don't shoot that often. But some prefer to buy in batches to have the consistency of the ammunition, for accuracy.

Yes. So to buy 1,000 at time would be common in that situation? - It could be if they are offered a discount as well, yes, albeit it is through the club or through a registered firearms dealer.

So you anticipate that we might hear evidence in this Inquiry that it is common for marksmen to buy 1,000 of any given calibre of ammunition at any time? - Well, it is not uncommon.

You did say a moment ago that it would depend how much shooting a person was doing? - Yes.

You dealt with the 1992 renewal, which we will come back to in due course, and you would know at that stage that Hamilton hadn't been acquiring or purchasing ammunition? - Yes.

But there was no change made then in the authority to hold, and also the authority to acquire ammunition? - I would have asked him at the time if he still required those amounts, and he would have indicated yes at the time.

So/

So even although he had perhaps by that time a four to five year history of not buying any ammunition, you would be satisfied with that answer? - Well, at that time I wouldn't know if he had not purchased ammunition for four to five years beforehand. That would not be present on his renewal application.

Yes. Would you not in the course of the renewal application have sight of his existing firearms certificate? - Well, the existing one, yes, but not the previous ones. They are on file.

No, but the existing ones would tell you how much he had bought for the last three years at least? - It would have done, yes.

And if it ran for longer than three years, as I suspect that one did, it would tell you for longer than three years how much he had acquired? - It ran for three years, the previous one, 1989 to 1992 was the period.

If you have D58L -- it is FA42. Is that the certificate in force immediately before the 1992 renewal? - There would have been another certificate.

Is that not the one that was in force immediately before the 1992.....? - Beg your pardon, yes.

Is it? - Yes I think so.

And did it not run from March 1987? - No. I think this is a certificate that was replaced in 1987 -- in the bottom left-hand side, it has been dated "31st March 1987", with the expiry date 1989. So that is not a full -- that has been a replacement certificate.

Well, it may be because he needed a continuation of the ammunition section. Would he get a new certificate for that purpose? - He would normally, if all the entries had been taken up.

And if you go to the front page you will see the word "continuation" at the top. Now, if that is the explanation, it nevertheless is the certificate which he had from 31st March 1987? - Yes./

Yes.

Up until 14th February 1992? - 1989.

No, it is renewed -- it says on it "I renew this certificate for three years from 14th February 1989"? - Yes, but that wouldn't have shown the ammunition, if it had been replaced. That wouldn't have shown the previous certificate with all the ammunition.

No, but look at the ammunition Table, Table 2? - I don't have that here.

No, /

4.10 p.m.

No, it was missing earlier. It will be given to you separately. Do you have it now? - Yes.

That only records purchases in April, September and October of 1984? - Yes.

Would you not have that before you when you dealt with the 1992 application? - The applicant would have had that, yes.

Sorry? - In with his renewal application.

Yes, so you would have information that disclosed that he was not purchasing ammunition? - Well, the certificate would indicate that, yes.

Well, I can tell you that the extensive police inquiries in the case have not thrown up any other sources of commercial purchase of ammunition during the period from the last date on that form up until his renewal in 1992. Now, it must follow that you were satisfied in 1992 that he still ought to have authority to possess 1,500 rounds of each calibre and acquire 1,000 on any occasion of each calibre. Now, do you think there might have been a reason in 1992 to reconsider that? - On what grounds?

On the basis that he has not been buying any for four to five years? - Well, I would have noted at the time the amount of ammunition he had still in his possession and I don't remember exactly but it may have indicated he was not shooting as often as he was in the past but he certainly had ammunition still in his possession.

So as long as he has got ammunition in his possession and he says he needs this authority you would tend to approve it? - Provided all the good reason requirements were met, then yes. There is also the possibility that he might have been obtaining ammunition from the Club. That is quite normal. They would keep their own register for the transactions normally.

Yes, it might have been normal for normal people but was there any evidence known to you to suggest that Thomas Hamilton actually bought ammunition/

ammunition at the Club? - No.

Now, the next question up to No. 22 is about the reasons for requiring each of the firearms and the ammunition listed and that is simply stated there as target shooting and indeed the applicant is guided along these lines because immediately above these words appear the words "for example"? - That is correct.

"Pest control, target shooting etc."? - Yes.

Now, I take it that that sort of reasoning is enough to justify possession of all seven weapons that we see there? - If they were used exclusively or in a Home office approved Club, yes.

That question was wrong. There are six weapons there and can I take it that target shooting is a good enough reason to get authority to have all six weapons? - It is a good enough reason providing it meets certain other requirements.

What other inquiry would you normally make into that sort of statement? - There would have to be inquiry of the Club if the applicant was either a probationary member or a full Club member which would affect their firearm certificate.

Now, is that done on renewal each time? - They are usually not granted a firearm certificate until they become a full member of a Club.

But we have heard some evidence that the police office has a copy of the membership lists of some of the local Clubs? - That is correct.

And if Hamilton's name appeared on the membership list of one of the local Clubs, would you have occasion to inquiry any further? - Well, myself personally, I would inquire with the Secretary of the Club despite having a written list to ensure they are still a member of the Club.

And do you do that with every renewal? - Every handgun firearms renewal, yes.

So/

So has that always been your practice since 1991? -
Yes.

Why single out handgun firearm renewals for that additional inquiry? - Well, handguns should not be granted unless, as I say there are exceptional circumstances, unless the applicant is a member of a Club which is Home Office approved so they are only issued for that reason.

BY LORD CULLEN: Why does it have to be a Home Office approved Club? - That is the only Club that the police would recognise as having the appropriate safety certificates for operating on the ranges or military ranges owned by the MOD.

Is that a matter of practice so far as the police are concerned or is that a matter you have to follow? - Each police force should follow that.

No, is it a matter of practice or are you required? Are the police required to follow that? - That is a good question.

I mean, you said it had to be a Home Office approved Club and I simply want to know why? - It is the only Club that we recognise as a police force.

So all you are saying is that is what in fact is done? - Any group of people can become a Club but they don't have to be Home Office approved necessarily but the police should not recognise them from a firearms licence point of view to give them a Club membership.

But you say that is a line that is followed by the police? - Yes.

EXAMINATION CONTINUED BY MR. BONOMOY:
Now, I think that you as a police force require a sort of probationary period before a person can get a firearms certificate? - Well, that is stipulated by the Home Office, the probationary period.

Of? - It used to be six months and was changed last year. It is now reduced to three months probationary period.

Do/

Do you still adhere to the six months or are you.....? - Well, we would not give a firearms certificate if it was a probationary member. We would advise them if they did apply to wait until they were accepted as a full member and it would be up to the Club to notify us that they had been accepted or not. So it would be the Club that would have to decide whether they served the full probationary period, not the police.

What is your approach to the renewal of certificate where included is a variation which would result, if granted, in the applicant having two more or less identical weapons of the same calibre? - Target shooting is one of the few that you can grant duplicate calibre for. There are certain people would like them for sporting purposes but target shooting, good reason can be made for the different disciplines that they may have to shoot.

Now, we have heard the word disciplines a number of times in the Inquiry. What do you mean by different disciplines? - In target shooting there is slightly more than 50 different disciplines which may involve the use of up to 25 different weapons if a person was just to participate in each discipline at competition level.

Do you mean it is a different type of competition? - It is a different type of weapon used for each type of discipline. Different ranges and different response times between the targets and so on and so forth.

Yes, but when you are dealing with handguns there will be a number of different types of shooting done with these handguns, is that right? - Yes, there can be.

Different types of competition for example? - There is different classifications where you have to use specific weapons if you want to compete say nationally or at Bisley or inter Club shoots with certain weapons that need to have certain types of grips, barrel weights and trigger pull.

What evidence do you know of that Thomas Hamilton ever competed anywhere? - Well, I know that the Club itself shot with inter Clubs at various/

various ranges.

Yes, but what evidence is there that Thomas Hamilton ever competed anywhere? - Besides the Club?

Yes? - Well, he may have competed at the Club. The idea of the Club is to learn to be proficient with the gun.

Now, he had two Smith and Wesson revolvers and two Browning pistols? - Yes.

Why would he need two of each? - Well, at the time when I renewed his certificate the revolver he had stated that he wished to buy had a different barrel length. A 6 inch barrel absorbs more recoil of the gun and can give you slightly better accuracy and it would harder to shoot with a 4 inch or 2 inch barrel weapon.

So why did he need to have two of them? - If he was wanting to do different disciplines. That is what I was saying about different disciplines.

So what is the discipline you can only do with the shorter barrel Smith and Wesson revolver? - It would depend on the individual. I don't shoot competition myself. The people at Bisley are the ones that can maybe answer that for you.

So there will be different disciplines of shooting of revolvers? - Yes.

For 6 inch long barrel and 4 inch long barrel, is that right? - There is long barrel shooting done at further ranges and there are shorter ranges.

Is having a spare a good reason for having two identical weapons? - It can be with semi-automatic weapons because they can jam depending on the maintenance of the weapon that is kept so it would really depend and if you were in competition then quite often I would imagine a lot of shooters would have a duplicate weapon.

And do you know of a reason for having two/

two semi-automatic Brownings? - Well, in Mr. Hamilton's case it would be for the competition shooting.

What competitions were these? - Well, within his Club and I assume whatever shoots the Club organised through Bisley or whatever. You also don't have to be a member of a Club to shoot at Bisley. You can turn up as an individual and shoot on the day and compete in all disciplines. You don't necessarily have to be a member of a Club to do that.

Adjourned until tomorrow
at 10.00 a.m.
