

THIRTEENTH 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

FRIDAY, 14th 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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FRIDAY, 14th JUNE, 1996.

THIRTEENTH DAY.

DOUGLAS McMURDO (Recalled)

MR. CAMPBELL: I have no further questions for the witness.

MR. GIBB: Can I simply say, as I think I said previously, Mr. Campbell and Mr. Bonomy have ably covered the concerns I had on behalf of the Mayor family and in light of the police view they will review their procedures in-house I do not need to cross-examine on these matters.

CROSS-EXAMINED BY MR. TAYLOR: Mr. McMurdo, I would like to explore with you just exactly what it was that was in your mind at the various periods of time with which we are concerned. The starting point is the incident which took place at Inchmoan Island in 1988. Can you tell us what it was that you analysed the Inchmoan Island incident to amount to? - Yes. The Inchmoan Island event showed in my view a number of matters with regard to the running of boys camps which could have been improved upon. First of all, in my personal view there were insufficient supervisors at the particular camp. There were incidents happened there which ought not to have happened at a camp such as drunken behaviour, albeit not by Mr. Hamilton, but nevertheless it did take place at a camp. Whether there was total consideration of the children's comfort and interests, wet trunks, is a matter of opinion, but nevertheless they were things which we debated. We also debated the question of whether physical chastisement was right or was wrong in the circumstances. So we talked through a host of things and I thought it was a learning point there in terms of running a camp. I am not an expert on it but really it was about the way in which a youth leader conducted himself when running a boys camp.

But apart from your own ability to analyse the statements which had been obtained -- sorry, can I just check that with you, did you have the statements which had been obtained? - I certainly had a summary of the case and I knew a fair bit about it.

You/

You would have had an opportunity to have discussions with other officers? - Indeed.

In fact, we have heard that you requested Mr. Mill to have an informal look at the conduct of the two officers against whom a complaint was eventually made? - That is so.

Did you enter into dialogue with Mr. Mill after he had carried out that investigation? - Yes.

Did Mr. Mill at any time express any reservation about Mr. Hamilton's continuing to have possession of a firearm? - Not at all. The whole consideration was whether he was a suitable youth leader.

So after Mr. Mill had carried out his inspection, albeit informal, Inspector Keenan then became involved on a formal footing; is that correct? - Correct.

After Inspector Keenan had produced his report did you have dialogue with him? - Yes, I did.

In the course of that dialogue did Inspector Keenan at any time raise concern about Mr. Hamilton being a suitable person to be in possession of a firearm? - Again all his concern was restricted to his suitability as a youth leader.

Did you have respect for these two officers? - I did.

And when you came to form views as to whether or not there should be revocation or whether there should be renewal were these views taken into account by you in influencing your decision? - We take into consideration all we hear and see.

I think you told us yesterday this was Mr. Hamilton's 55th camp? - That is correct.

Had the manner in which he conducted himself at the previous 54 camps ever come to your attention? - Well, I wasn't in the Central Scotland Police area over all of that time but I have not ever heard anybody say there had been a complaint from the previous camps.

What/

What was the position to your knowledge taken by the parents of the children who attended Inchmoan camp? - They were mixed. Some parents were dissatisfied; others were satisfied. There were independent people who thought it was the best camp they had been to, they had been there for years, so there was a very mixed response from parents and people who visited the camp.

Did you later learn that the Procurator-Fiscal had elected to take no proceedings in relation to the Inchmoan incident; is that correct? - Yes. I hadn't heard anything up until the point that I had Inspector Keenan's report, and if you look at the summary which is at the start of that report Inspector Keenan suggested to me that perhaps some of the witnesses that he had interviewed might not have been interviewed in the course of the Strathclyde enquiry.

I think you told us this yesterday? - He suggested I send the report over which I did.

Now, you told us yesterday that you had a meeting with Mr. Hamilton on the 31st October, 1989? - That is so.

Can you tell me what the purpose of that meeting was from your perspective? - Yes. There has been considerable correspondence, as we heard yesterday, between us, and clearly there was just no way that by letter we could ever reach agreement. It was my hope that we could sit down and discuss in an open and frank way the various issues and come to some resolution of the matter.

Can you tell us very briefly if you can just what sort of points you were putting to Mr. Hamilton in the course of that meeting? - Yes. There were really two issues in it, because in the first instance he clearly thought our intervention at the camp was quite unjustified and that the camp had been run very well indeed. So the first part of the interview was with me saying to him various issues that had arisen to my knowledge at the camp which I thought were unsatisfactory. I told him too I was doubtful about the age, as young as eight, for the type of camp he was running, I didn't personally think it was appropriate.

What/

What was that type of camp? - Well, it was quite rugged. His view was it was boys who needed toughening up, he wanted to get discipline into them, healthy bodies meant healthy minds and all the rest of it. For someone of eight I just couldn't equate that point of view. But I am not expert in it, it was only a personal opinion. In the letter writing he was trying hard to get an assurance from me that I wouldn't intervene with a future camp but I couldn't give him that assurance, but I tried to help him on how we might prevent it.

When you were putting the various points to him which caused you concern in relation to the camp did he have answers for each of the points which you put to him? - By and large, but there were some points on which he gave way and accepted, yes, that ought not to have happened.

On the points which he didn't give way on and which he provided answers for did you accept these answers? - They were very logical. Whether there were some points that myself -- they were well reasoned.

Did you find in the course of the interview that you were forming a view about him that he was an irrational man? - Not at all.

Did you form the view during the course of the interview that he was in any way unstable? - No.

So does it really come to this, that you were expressing some views, he was expressing the opposite view in some respects which you could follow but which you didn't necessarily agree with? - Yes. I mean, the points I made that he ought to improve the camp, for example, he said, "Well, look, you are pricing this out of the market. I am trying to run camps in many cases for people who can ill afford the holiday I'm trying to give them." Some of my suggestions were going to make the camp quite a bit more expensive.

Did the impression which you formed of Hamilton at that meeting influence you in the decisions which you had to make on subsequent occasions? - Yes. We had a very good discussion, and at the end of it we shook hands and went away quite/

quite amicably. I mean, we fully disagreed or didn't disagree in an angry fashion. It was quite an amicable discussion.

After you had met with Mr. Hamilton on 31st October Inspector Mill came back on to the scene, as I understand it; is that your understanding? - I think that was in relation to one of the officers being a Scout leader as I recall. There was certainly that incident, yes.

Do you recall that Inspector Mill had occasion to visit Milarrochy camp? - We are not talking about the Inchmoan one. This is a later year he visited the camp, not that year.

We heard evidence from others in the course of the Inquiry that Mr. Hamilton had been extending interviews to the police to attend camps following the 1988 camp? - He was very keen we attend any of them that we wished.

And to your knowledge did the Inspector take that up? - That is so.

Did you hear from Inspector Keenan after he had taken that up? - He had no complaint to make at that time.

We heard yesterday of the fact that Mr. Hamilton wouldn't accept Mr. Mill's informal report and also Mr. Keenan's informal report and that subsequently there was a report completed by Mr. Moulson. I wonder if you could have before you the letter D61K (DCD102). You should have before you a letter from Mr. Sim, Her Majesty's Inspector of Constabulary? - Yes.

I think this is a letter in which he says that because of the circumstances of the complaints made by Mr. Hamilton and the very large correspondence which followed he deemed it appropriate that Superintendent Moulson prepared a detailed report for his consideration. "I am most grateful for the assistance he received from you and your officers in undertaking this task. I have now had an opportunity to study the report and Superintendent Moulson's statement and I enclose a copy of the letter I have sent to Mr. Hamilton"? - That is it.

It/

It does appear that supports the evidence you gave yesterday to the effect you didn't have sight of Superintendent Moulson's report? - No, I didn't.

Following the incident in 1988 we have heard of the considerable volume of correspondence which you had with Mr. Hamilton, but from that date until 19991 at the Milarrochy camp did Mr. Hamilton come to the adverse attention of you or any other member of the Force throughout that period in any way? - Not that I'm aware of.

So if it hadn't been for the fact he was making these complaints about the conduct of the two officers you wouldn't have had any contact with Hamilton in that three year period? - That is so.

Now, yesterday you were asked to have a look at some of the statements from the boys who attended the Milarrochy camp. Whilst I am not proposing to take up much of the Tribunal's time I think it may be helpful if we were to look at some of the alternative views which were expressed in fairness to yourself. I wonder if you can have D3K before you. I think we have established already this doesn't have an alternative number; it could be DFU145. You should have before you a report to the Procurator-Fiscal, Stirling, in the case of Thomas Watt Hamilton? - Yes.

I wonder if you could look please at a statement from a child which you will find at pages 41 to 43. The initials should be GW? - That is so.

We see there the child indicates that he is nine years of age? - Yes.

And says that he attends one of the sports clubs run by Mr. Hamilton? - Yes.

The last sentence on that first page says that he likes Mr. Hamilton? - Yes, "I like Mr. Hamilton".

I think when one goes to the second paragraph on the next page he says that he liked the camp but there was one of the boys whom he didn't like and he named that child? - Yes.

He/

He said he didn't like him because he was a bully? -  
Yes.

He kept bullying some of the other boys? - Yes.

He goes on to say he saw him kick and punch another  
child? - Yes.

The child who had done the kicking and punching had  
been taken into a tent and emerged crying? - That is so.

And then if we go on to the next paragraph where it is  
said they were playing football again and the same child kicked the  
person whom he had previously kicked; do we see that? - Yes, he did  
the same again.

And again the perpetrator of the kicking was taken into  
a tent? - Yes.

And/

10.20 a.m.

And if we move on to Pages 48 to 50 we have a statement there from the child who was subjected to the kicking and the punching; do you see that? - Yes.

And he states his age as being that of eight and states at the bottom "I like Mr. Hamilton. We play football and acrobatic stuff at the Clubs". Do you see that at the bottom of the page? - Yes I do.

And if we turn over the page we see in the third paragraph that the person giving the statement didn't like a particular individual because he kept on being bullied by him? - Yes.

And he was hit on the eye with a stone? - Yes.

And the person who had caused the witness to be hit on the eye with a stone was given a row by Mr. Hamilton? - Yes.

And then he goes on to describe the footballing incident which was spoken to by the other child? - Yes.

And he goes at the very end of the statement to say that he liked his holiday, he did like Mr. Hamilton but he didn't want to go back, he missed his Mum and he didn't like chicken curry? - Yes.

Now, those were the views which were expressed by two of the children? - Yes.

There were also in this report some statements from some of the adults; is that correct? - Yes, an adult leader.

And I think from some of the parents of the children as well? - Yes.

Could you very briefly look at Pages 70 to 72, and we find there a statement from somebody who has "D" for the first initial of his surname? - Yes.

And/

And he tells us that he has known Mr. Hamilton for about two years and he has helped Mr. Hamilton on a Friday night, and he has allowed his son to go to both Clubs which he knew Mr. Hamilton was then organising? - Yes.

And he then describes the activities as being football, swimming, relay racing and some exercises? - Yes.

He tells us in the next statement that his son has been on three camps? - Yes.

And he concludes by saying that he is more than happy with his son going on camp and more than happy with Mr. Hamilton's handling of the kids? - Yes.

And he had no problem with the supervision of the kids, as Mr. Hamilton can handle them? - That is so.

But in order to get a proper view and a proper perspective of this one would really need to look at them all, wouldn't one? - Yes. That was what I said yesterday. You can take selective items, but you have to take an overview of them.

And do I take it that you did look at all of the statements when they came to you at the time shortly after the camp incident? - Indeed.

Put briefly, what was it that the facts amounted to in relation to the Milarrochy Camp? - I think that it does again raise concerns about whether or not he was a suitable person to run a camp, despite some very favourable statements, there are others which are not favourable. And the whole problem I have got about it, I don't think there was sufficient supervision. Again, it is quite interesting that in the second week of that particular camp you can see some of the statements from the children who were at the second week, with the additional helper it went very very smoothly. And the root cause of this I think was there were far too many kids there for one person, no matter how capable.

In terms of assault/chastisement, how many children were actually subjected to such conduct/

conduct by Mr. Hamilton? - On this occasion, one.

And on each occasion was it after that child had done something which most would consider to be wrong? - Yes. One was the stone-throwing incident, and then there was the two times when he allegedly, one of the boys, kicked and punched one of the boys on the football field.

I think there was an incident on one of the boats as well? - Yes, but that is spoken to in different fashions, but it would appear that he was leaning over the side of the boat.

I think some of the statements suggested Mr. Hamilton might have been shouting and swearing on occasion? - Yes.

In the report is any explanation accorded by Mr. Hamilton as to why he might have been shouting and swearing? - He said the shouting and swearing came to him first, and he replied in kind.

And I think there was also some suspicion regarding certain photographs? - Yes.

What did you take from the statements in relation to the photographing of the children? - This is a difficult one. We never ever came across a photograph which anybody could describe as indecent, but he did seem to take a tremendous number of photographs, taking photographs of children in activities and poses -- this is something some of us don't feel comfortable about, but not something you could put your finger on and say it was an offence.

And on looking at the statements does one form the view that Mr. Hamilton might not have been fully forthright with the inspecting officers in relation to the number of schools? - It would appear so, yes.

Yesterday you were shown a document which was D94K and I don't think it is necessary for it to be before you just now. It was a memorandum from Mr. Holden, and was dated, from memory, round about 12th August of 1991? - Yes. This was an update on the inquiry report.

That/

That is correct, yes? - Yes.

Now, did I understand you to say yesterday that you had been aware of the investigation which was taking place in relation to the Milarrochy Camp before you received that memorandum? - Yes, indeed. I had letters from I think Mr. Hamilton, even, before that date, so I was getting constant updates about what was going on from my senior investigating officers.

And did that dialogue with the senior officers continue through their investigation? - Yes indeed.

I wonder if you could have before you document D154K, the alternative reference being DDH202. That should be a letter from yourself dated the 6th May 1992 addressed to Mr. Hamilton; is that it? - That is correct.

And this is a letter in which you are informing Mr. Hamilton of the fact you are aware of the formal complaint against the police pertaining to the police inquiry of the 1991 Summer Camp, and the fact that Inspector Ferguson had investigated the camp, and you now have his report? - That is so.

If one goes over to the second page of the letter we see in the second paragraph that you first of all narrate the assertion made by Mr. Hamilton that the police officers have, by tone and innuendo, influenced the parents of children into staying away from Clubs and summer camps wasn't borne out in the statements which had been taken? - That is so.

And then you go on to give a balanced view by saying that while some parents and children do not wish to return, and the reasons range from lack of supervision, being bullied, favouritism being shown, pumping them for information, and so on, you then in the next paragraph set out the alternative views? - Yes, that is so.

Can you just read what these alternative views are for us please? - "A number of the parents have in fact indicated their support for your Clubs and camps, and the following comments were/

were noted: 'My son still goes to the Club and I would not stop him going to the camps'. 'My son still goes occasionally to the Boys' Club and I would allow him to go to another camp'. 'Mr. Hamilton does good work and my son still goes to the Club and if he so wished would be allowed to attend another camp'. 'I personally think Mr. Hamilton's commitment to the Boys' Club is excellent'".

BY LORD CULLEN: Just for the notes, I think these are are a series of quotations, are they, all from different parents? - They are all from different parents.

You read them out without indicating they were -- it is just for the notes? - I beg your pardon.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: And again were the views of the parents which we see expressed in that letter matters which were taken into account by you in the decisions you made in relation to firearms? - Yes.

The next incident which one comes across when looking at this in chronological order is the incident at the summer camp which was held by Mr. Hamilton in Dunblane? - Yes.

What in your view did that amount to? - I think there was three boys had wandered out of the school, I understand.

And what time of day? - I think it was about 10 o'clock at night.

And what did you read into this in relation to Mr. Hamilton's character? - I don't know what you could read about his character.

Well, perhaps that wasn't a particularly well-framed question. What did this inform you of Mr. Hamilton, if anything? - Well, you could say perhaps a lack of supervision, that it wasn't what it ought to have been.

And after that I think we have heard evidence of a number of incidents at various Boys' Clubs which were run by Mr. Hamilton? - Yes.

Can/

Can you tell us just in your view and in your perception what these amounted to? - They all really had a similar vein, that he was taking pictures of boys in black shorts or black trunks and bare chests, and parents felt uneasy about this. On any occasion to your knowledge did the boys appear to be alarmed or concerned? - It usually came from the parents.

Was there any evidence of any improper act? - None at all.

I think it was at this point that you asked the officers in the Child Protection Unit if they would make some inquiries of the Procurator-Fiscal? - Yes.

And we have heard that they sought a search warrant in respect of Mr. Hamilton? - Yes.

To your knowledge was that search warrant granted? - I don't think so.

Did that say anything to you about the view which the Fiscal was taking in relation to the incident? - Well, I could understand the Fiscal's view, because I mean it is very very difficult to see any criminal offence in a child in swimming trunks or shorts and bare-chested. I mean, what was the Fiscal going to see in that?

And meanwhile, whilst these issues were coming to you attention, Mr. Hamilton continued to correspond with you in relation to this dissatisfaction over the conduct of the police; is that correct? - I didn't have all that much from him, I don't think, from about mid-1994. I can't really recall much correspondence from him from around that date.

Yes. I think it did start to taper off about 1994? - Yes. We had a sort of flurry when the new Chief came, but really from I would say somewhere about mid-1994, if my memory serves me right, I don't think I was in correspondence.

I think there might have been some letters, but nothing like the correspondence there was before? - Well, there could have been some copy to me for my information.

But/

But in any event there was the occasion when Mr. Hamilton made the complaint to the Scottish Office, and this resulted in an inquiry coming from them which you responded to by letter of 14th January 1992? - Yes, I did.

And I think it would be helpful if you did have that letter before you. It is D33K, and it is Production No. DCD174. Now, this is a letter which we have already spent some time going over in the course of your evidence? - Yes.

And I would just like to spend a little more time looking at it. The first paragraph, which was taken from you, was that contained on the first page, the second paragraph, where it says that "Every point repetitively and tediously dragged up by Mr. Hamilton has been examined and re-examined, explained and re-explained to the point where I am seriously considering referring the matter to the Legal Department of the police authority".

You/

10.40 a.m.

You told us yesterday that having taken advice you did not take the matter any further in Court? - That is so.

And then if we go over the page we see in the third paragraph, in the final sentence, you say "How Hamilton can draw a sinister inference from such a healthy and worthwhile pastime....." -- that is being involved in Scout and other youth organisations -- "..... is beyond my comprehension"? - Yes.

Now, this may seem a silly question perhaps but what do you mean by "comprehension"? What does "to comprehend" mean to you? - To understand.

So are you saying no more there than you could not understand Mr. Hamilton? Is that what it comes to? - I think I did say yesterday that if I learned one lesson from writing this letter, if you write it when you have lost your cool, leave it till the next day to sign it.

Yes, I mean, what I was trying to say was that he seemed to be of the opinion that we were biased because we had people connected with the Scouts which was not so and I couldn't understand that.

And over the page in the second paragraph, the second whole paragraph on page 3, it is stated in common with most right-minded people I am proud of the connection between Central Scotland Police and all the youth organisations with which we work". The phrase "right-minded" is one which I think you have used? - I use that quite a bit. I just mean ordinary people.

You are not there meaning any sort of psychiatric analysis, are you? - No. I mean, unfortunately this is a letter which was written in a totally different context and is being picked over word by word and it was written not with regard to his capabilities with firearms but because I was by this time totally annoyed with the number of letters written about complaints and I think we are looking at it in a totally different light today.

You see, you use the word "zealot" as we read/

read about yesterday. What did you mean by the word "zealot"? - Well, really somebody who pursues a cause with great determination.

And are we to read into it no more than that? - No.

You also just above that make reference to his "ever more irrational outpourings". Now, you have also indicated that in October of 1989 you did not consider him to be irrational. That is following your meeting with him? - I regret making that remark.

BY LORD CULLEN: When you say you regret it, are you saying that it was not justified or are you saying it is unfortunate you said it? - No, I am saying it was unjustified, my lord. Can I elaborate, my lord?

If you wish to, yes? - I thought he had taken things to considerable lengths and that is as far as I would go on that one.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: And you were trying to stop him from taking them to even further lengths, is that correct? - Well, that was the whole purpose of the letter.

BY LORD CULLEN: You see, on the previous page, you do say of Hamilton that his attitude indicated a certain lack of perspective. So was it your point of view that he could not, in certain respects, see matters in their proper perspective? That is the paragraph right in the middle of the previous page? - Yes, "For Mr. Hamilton to see his tiny local organisation as a serious rival to Scouting Movement indicates a certain lack of perspective". Yes, I mean, I may have been lacking a bit in understanding there as well. I mean, Mr. Hamilton as far as the local situation was concerned spent four and five nights a week with various boys' clubs and it was probably a bit churlish of me to say that his organisation could not be a serious rival to the Scout Movement which had been going for I don't know how many years and it is a world-wide movement but in terms of locality, probably Mr. Hamilton as an individual did a great deal for the youth and perhaps it was a bit churlish/

churlish of me to put it in that way.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: Well, perhaps Mr. Hamilton's little organisation might not have been a serious rival to the Scout Movement on a national basis but looked at locally from his perspective would it be reasonable for him to conclude that perhaps he was a rival? - Well, that is what I am trying to say. In terms of a world-wide Movement it clearly was not but in terms of locality he had quite a number of boys at various clubs.

But in any event, what is important at this stage is what your perception is of the facts. Do you still come to the view that describing Mr. Hamilton as having a certain lack of perspective was a fair summary to apply? - No, I have indicated you could take that view of a world-wide scheme but locally you couldn't say that.

Also in that letter you make reference to Mr. Hamilton taking a point which at one stage in the dialogue appears to have been settled but then finding that he reintroduces it in another guise and adjusts the facts selectively to suit his aims and it all begins again? - Yes.

Is that something or an attribute which is unique to Mr. Hamilton? - Unfortunately not.

Does one find such attributes relatively commonplace?  
- Yes. I am afraid that in my position as Depute Chief Constable we do have a number of people who complain about things and you write a letter of explanation and you get it back slightly changed, slightly altered, picked up on one or two words you have said in your letter and quite frankly it goes on and on and on and on. It is not all that strange. Indeed, since I've been in my present post I have seen similar people from all Forces in Scotland and I have only been there two months.

Is it not just a function of somebody looking at a set of facts from a different perspective from another person? - Yes, indeed.

BY LORD CULLEN: But we have heard yesterday and seen correspondence where he seemed to have/

have expressed satisfaction? - Yes.

And all seemed to be well and yet a matter of months later he returns with the theme with even greater vigour? - Yes.

Now, is that usual or unusual in your experience in dealing with awkward people? - Yes, they sit and think and brood over it and come up with another opinion.

Well, is it common or uncommon? - Yes, it is fairly common, sir.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: Now, in October of 1991, who was your Chief Superintendent? Can you remember? - I think it was John Adamson.

I wonder if you could have DI05K which is DCDI56 before you please. This is a letter addressed to Mrs. Mary Hogg at the Scottish Office and it is dated 3rd October 1991 and it appears to have been signed by a Chief Superintendent and the Chief Superintendent has initialled the copy letter which is what we have as a Production? - Yes, that is John Adamson.

How closely did you work with John Adamson? - At that time John Adamson was if you like my right-hand man and he was the person who always deputised for me when I was on annual leave.

How often would you be in conversation with your Chief Superintendent at that time? - I would say, if I wasn't away on other business, every day. I mean, I kept him informed on all that was going on because he undertook my duties when I wasn't there.

And would he have been aware of the actings of Mr. Hamilton? - Yes.

LORD CULLEN: Perhaps that is a matter we should ask Mr. Adamson about. We may have that opportunity.

MR. TAYLOR: Very good, sir, in which event we will leave that letter for the next witness as well perhaps.

CROSS/

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: Still looking at the matters which influence you, we have heard evidence that Mr. Hamilton first acquired his firearms certificate in 1977 and apart from the incident in Linlithgow in the early 1990s involving the photographs which we have already heard evidence about, has any other improper use of a firearm by Mr. Hamilton been brought to your attention? - No.

And was that a factor which influenced you in the decision which you had to make in relation to him holding a firearm? - I think I explained yesterday I thought that was innocent.

I don't want to go into the facts of that incident but leaving aside that fact and looking at the negative if you like, the fact that there was not anything else drawn to your attention during that period from 1977, was that a matter which influenced you? - I understand. Yes.

Now, yesterday the statement which you gave to a police officer was put to you and I wonder if you could have that again in front of you. It is Statement 909L and the page which I would like you to look at again, if it is numbered correctly, is page No. 12. It should start at the top with a paragraph saying "Looking back since 1991....."? - Yes, "Looking back since 1991....."

Yes, it is not that particular paragraph I would like you to look at, however. It is the next one which is the one where you say "In each and every case that I considered I held public safety as being paramount. However, I was also conscious of the freedom of the individual and remaining within the parameters of the discretion given to me under the law. I never revoked or refused an application unless I had reason to do so"? - Yes.

Now, you answered a number of questions which were put to you yesterday in relation to that paragraph and I wonder if the answers which you gave could be summarised as being that in that paragraph which has just been read you are no more than saying that you have to make your decision by applying the relevant statutory provision? - Indeed.

And that if an individual meets the criteria/

criteria set down in the statute for possession of a firearm you have a duty to issue to him a firearms certificate? - Yes.

Is that what you were meaning to convey in that passage? - Well, that was the full meaning, yes.

Now, you told us yesterday on a number of occasions that in your view there is no need for a conviction before you would be entitled to revoke a firearms certificate or refuse a firearms certificate, refuse to renew a firearms certificate? - Yes, that is so.

And that must be borne out by the statute because one does not see the word "conviction" appearing I think in Section 27 or 30 of the Act? - That is so.

And in a sense it will work both ways because whilst there is no need for a conviction before revocation or refusal, on the other hand you can have a conviction and still be entitled to have a firearm? - Yes, indeed.

So the mere fact of conviction on that analysis does not really say terribly much to the person who is deciding whether a firearms certificate should be revoked or issued? - It depends on whether the particular offence gives rise to an apprehension that the man might be a danger to public safety or to the peace.

BY LORD CULLEN: Is that the test for revocation? - No, I understand it has two parts to it.

MR. TAYLOR: I think, my lord, to be fair I said revocation or refusal.

LORD CULLEN: I'm sorry, I was thinking about revocation.

BY LORD CULLEN: It is right, isn't it, as far as revocation is concerned that the language is not that language? - Yes, if I could just enlarge on that point, my lord. While you are absolutely right in saying this, police officers and senior police officers in particular do take guidance/

guidance from cases which your lordship's or Sheriff's decide, and whether it is revocation or not we frequently refer to that, that evidence.

Yes, indeed, it is highly pertinent? - Yes.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: So if the conviction itself is not per se of importance, I think you have just said you look at the facts? In other words, you discard the label which is attached to the facts and look at the underlying facts themselves? - Yes, indeed.

Now, let's go back a little bit and take the Milarrochy incident, and in particular the issue of an assault or chastisement? - Yes.

On one view of the evidence there was a child who was saying he had been assaulted by Mr. Hamilton, is that correct? - Yes, that is correct.

And one had I think an admission from Mr. Hamilton that there had been some laying of his hands on to the child? - Yes.

Albeit it gives an explanation for why it is that he did it? - Indeed.

And perhaps on one view that might be thought to be an assault? On one view? - That is so.

But looking at the facts themselves, leaving aside whether it is an assault or not, looking at the conduct of Mr. Hamilton do you consider that such conduct as was described there in relation to that assault such as would warrant you to revoke his firearms certificate? - No.

Since there is a different test in relation to renewal, would it be such as to justify you in refusing to renew his firearms certificate? - No.

Now, if subsequent to you coming to a view that you were not going to revoke you learned that the Procurator-Fiscal had decided that he would take proceedings and that he subsequently perhaps even gained a conviction, what would that cause you to do, if anything? - It certainly would cause us to/

to review the case, because it would automatically be put in front of me for review.

But you may change your mind or you may not? -  
That is so.

And I suppose some cases will be quite easy to assess as to whether there ought to be revocation or a refusal to renew? - Yes, some are very straightforward.

If somebody had for example committed an act which could be described or given the label of armed robbery, it might be difficult in the circumstances to see how you would avoid coming to the view that there ought to be revocation? Would that be fair? - I think that would be a fair decision.

And if one went to the other end of the spectrum and considered an act of petty shoplifting, a single petty shoplifting commission, what would you do then? - No, I don't think that would give me any rise for concern.

And that would be concern in relation to the holding of a firearms certificate? - Yes, that is so.

And then there will be perhaps those circumstances, facts, which would come in the middle? - Indeed.

Tell/

11 a.m.

Tell me, what would your view be in relation to somebody who was charged or convicted with reset. Would that be something which you would need to enquire further into or is that something which would give rise to a clear-cut decision for you? - No. I think you have got to look at each one and know the background of it I know there is a stated case where his lordship makes it quite plain the convicted person has been convicted of receiving stolen property but nevertheless does not give rise to any concern about his safety to hold a shotgun I think it was; I think it was Lord Bingham who gave the judgement in that one.

You were talking about receiving stolen property? - It was an English case.

Which would be English equivalent. If we can just stick perhaps with the concept of reset meantime, from that answer you have given do I understand that somebody could be convicted of reset in your view and yet still in your opinion be a person who was fit in terms of the legislation at any rate to hold a firearms certificate? - That is so.

Now, reset I think can be defined as the retention of goods obtained by theft, robbery, fraud or embezzlement with the intention of keeping them from the true owner. Would you accept that definition of reset? - Yes.

What if theft, robbery fraud or embezzlement, one of these four constituents as go into the constitution of the charge, if you could apply labels to them, on these descriptions could one equally well be taken as deceitful? - Certainly so, deceitful.

Could it be in fact somebody might be devious? - Yes, could be.

Certainly might not be trustworthy? - That is so.

So anybody who commits the act of reset could have these labels applied to them; is that so? - Yes indeed.

You/

You have just told me it wouldn't necessarily be the case anybody convicted of reset would necessarily in your view lose their firearm certificate? - It would be a question of whether we thought he was unfitted to be entrusted with a firearm. The fact he is convicted of an offence per se doesn't mean to say you would consider him to be unsuitable to be entrusted with a firearm.

You see, yesterday Lord Cullen asked you very specifically if someone who could be said to be deceitful, scheming or devious or untrustworthy was somebody who per se was a person unsuited to be the holder of a firearm.

LORD CULLEN: I am not sure that was quite my question. I was simply referring to that description of Mr. Hamilton.

MR. TAYLOR: I haven't checked the transcript.

LORD CULLEN: I think it was rather more specific. I was referring to the passage in the memorandum. I am not sure if I was quite as general as that.

MR. TAYLOR: I stand corrected.

THE WITNESS: I think the word is "trust" there with a firearm.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: So if you could have D82L in front of you again please, if you could look please at the final paragraph of that memorandum you will see it says, "It is my opinion he is a scheming, devious and deceitful individual who is not to be trusted". Is that right? - Yes.

Do you consider, given the evidence which you have just given in relation to the offence of reset, if that description applied to Mr. Hamilton it would cause you to have doubts as to whether he ought to be the holder of a firearms certificate? - No, it is in the context -- scheming, devious and deceitful itself is not.

If that description could be applied to Mr. Hamilton do you consider that that ought to have caused/

caused you to revoke or fail to renew Mr. Hamilton's firearms certificate? - No.

LORD CULLEN: I have some difficulty because that seems to be essentially the same question I asked yesterday. The witness, as I recollect it, indicated it was not that that concerned him, it was the evidence that supported that conclusion. Could we possibly get hold of the question because I would like just to be quite clear what the witness's position is. I am afraid I don't have the notes with me.

MR. TAYLOR: Sorry, sir, we can perhaps move on and we could perhaps check in the meantime.

MR. CAMPBELL: It may be page 1509.

LORD CULLEN: Is that the passage, Mr. Taylor?

MR. TAYLOR: Yes, I think it is, sir.

LORD CULLEN: In that case perhaps we can deal with it now. Perhaps you could read the question and the answer to the witness and just let it be quite clear what he said and what was put to him.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: At 1509 yesterday his lordship put to you, "Just to be quite clear about this point: if you look at the last paragraph in that memorandum you see there the Detective Sergeant's description of Hamilton as an individual?" and you said "Yes".

And then question "If that was an accurate description of him, would that indicate somebody who on the face of it was unfit to be entrusted with firearms?" and you said "Yes, I would agree with that but what I am saying is that the underlying evidence wasn't there"? - Scheming, devious, deceitful in itself -- it may be the word "trust" should be added on. It all depends on the context of "trust" whether you are talking about trust in relation to something trivial or whether you are looking at it in relation to firearms. That is one of the essential facts, that the person should be being entrusted with a firearm. I am sorry if I am causing confusion. It is not scheming, /

scheming, devious and deceitful which I take issue with, the word "trust" does come in from the firearms section. That is perhaps where I was being confused.

BY LORD CULLEN: I want to be quite clear, do you stand by what you said or do you want to change it? - I can understand somebody may be scheming, devious and deceitful in itself in certain circumstances where it would have no bearing on whether you felt they could be entrusted with a firearm; that is what I am saying.

I simply want to know, do you stand by what you said or do you want to change it? - Change it.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: If I have understood you correctly, what had caused you difficulty was the use of the word "trust" as we see being the final word in the paragraph? - Yes indeed.

And if you came to the view that somebody wasn't a person who could be entrusted with a firearm then you would be honour-bound to revoke or fail to renew? - Yes indeed.

Does that mean that anybody who could not be trusted, using "trust" in the wide sense, is somebody who ought not to be entitled to have a firearm? - No.

If the facts were such that the label "lack of trust" could be put on them, and "untrustworthy" might be put on them, do you still need to look at the facts; is that what you are saying? - Yes.

Because you know of no circumstances in which lack of trust arose? - Yes. We use the word "trust" in so many ways. You can trust somebody to be there on time and that is quite trivial and you could be talking in terms of trust to be safe with something which is entirely different.

Just taking that on a little bit then, and applying it again perhaps to Milarrochy, you told us a few moments ago about the fact that persons Mr. Hamilton hadn't told the police officers everything/

everything about the photographs he had been taking in that he hadn't shown all of the photographs he had taken? - That would appear to be the case.

And on your understanding of the facts is that what gave rise to the trust or lack of trust which was narrated in the memo? - Yes.

Were there any other facts which you could identify in the report which gave rise to the view of lack of trust on the part of Hamilton? - I am trying to think of something else about -- the parents trusted there would be more youth leaders there. There weren't any serious issues that I can think of.

If we look at the facts as opposed to labels, do you consider if somebody says to a police officer that he has taken only six spools of film when in fact he has taken eight spools of film, that is somebody who is not fitted to hold a firearm? - No. He may be telling lies but that's it.

Does somebody who tells lies, again using the label of "lies", does that mean they ought not to be able to hold a firearms certificate? - No.

Again I suppose one has to look at the lie which has been perpetrated by them? - You have got to look at everything. It is very, very difficult to answer these questions without looking at the whole circumstances which arose.

You were asked some questions also in relation to whether the fact that Mr. Hamilton had a grudge against the Scouts would be such as to disqualify him from holding a firearm certificate. To your knowledge when was it that Mr. Hamilton was removed as a Scout leader? - I think it was around 1974. It was about 15 years before I arrived in Central Scotland Police and that was 1987, so about '74 as near as I can get it.

From your knowledge of Hamilton at the time, did you consider that he had borne a grudge since then against the Scouts? - Yes. I don't know if "grudge" is the right word or not but he felt he wanted to show that he could compete with the Scout movement.

At/

At any time in the course of that period from 1974 on when you came to be considering his firearms certificate did you consider that his conduct towards the Scouts was such that would justify you doing anything in relation to removal of his firearms certificate? - No, I did not.

Apart from writing letters in relation to the Scouts had he taken any other action to your knowledge? - No.

You were also in the context of "grudge" asked whether you would revoke or refuse the grant of a firearms certificate to a neighbour who had a grudge against his fellow neighbour; you remember that? - Yes.

You remember that question yesterday? - Yes.

Is the fact of a grudge sufficient or do you require to go beyond that? - I think it has got to be a bit more than that. There is a lot of neighbours don't get on with their neighbours but arguing over the garden fence is hardly a reason for not getting a firearms certificate.

I suppose if the grudge had manifested itself in threatening behaviour by one neighbour to another.....? - That is quite a different matter.

Then/

11.20 a.m.

Then you might consider that there would be reason to.....? - Yes. In each one you need to look at the full circumstances involved.

Now, yesterday you said that you would have to look at the facts to see if there was anything to suggest that a person would be a danger with a gun when you were coming to consider a revocation or refusal to renew; is that right? - Yes.

Now, it was pointed out to you yesterday that the criteria for revocation and renewal were slightly different? - Yes.

And I think you had answered the question in relation to revocation, where the concept of "Danger to the public safety or peace" does not enter the equation? - That is so.

Looking at the test in relation to renewal, where one does have the concept of "Danger to the public safety or peace", is it your view that any danger to the public safety or peace justifies a refusal to renew? - With the use of firearms.

It has to be a danger to the public safety or peace arising out of the use of firearms; is that what you are saying? - Yes, or if you perceive it could have.

Or the likelihood of that happening? - Yes.

Now, applying these tests which you have just given us to the facts, which you have also been telling us of today, and the various influences which bore upon these facts, you would have had to come to your view in 1995 as to whether Mr. Hamilton should have been granted the renewal of his firearms certificate? - That is right.

And you told us yesterday that it didn't take a great dealt of time for you to come to that view? - Yes. I knew Mr. Hamilton fairly well, I thought.

But for the avoidance of doubt, had the consideration/

consideration of Mr. Hamilton and the possession of firearms been something which had exercised your mind prior to 1995, when you came to consider his application? - Yes indeed.

So this wasn't the first time that you had to look at all the facts and consider and weigh up all the facts? - No.

I suppose it is easy for us now after the events of the 13th to say that the conclusion which Mr. Hughes came to in his memo was correct and that you were wrong, but on the facts then known to you, that is the facts known to you on the 12th March 1996, do you still consider that it was a reasonable exercise of your discretion to renew Mr. Hamilton's firearm certificate? - Certainly.

And is that looking at the incidents both individually and cumulatively? - Indeed.

I wonder if you can help me just a little bit in relation to the chain of command which exists in the force when one is making inquiry into the holding of a firearm certificate -- that is an application to hold a firearm certificate? We heard the evidence that the Detective Constable or the Firearms Officer goes out and visits the applicant at the first time that an application comes from that individual. Now, if we look at the role of the Detective Constable first.....? - The constable?

The constable, sorry. What is it that you are expecting that constable to do when he or she goes and visits the applicant? - Well, there is a number of things. First of all, he has got to satisfy himself that the form has been correctly filled in. He checks -- if it is an absolutely first application he checks the firearms. He has to establish the reason why he wishes the firearm, check it out that the reason is right -- say for instance he says he is going to shoot over land for vermin, has he got written permission? Is the land suitable for the type of weapon he wishes to use? If he is using it at a Club, has he got membership of the Club, and is the Club one which is suitable for that bore of weapon that he is applying for. He would make an assessment of the security arrangements for the firearm -- were they satisfactory? He would check the man out, using the/

the SCRO computer and the PNC, check out if he has had any criminal convictions or pending cases. He would check out Intelligence to see if there was anything there. In other words, he would make inquiries to ensure that all of those things were satisfactory. He would also check.....

What about -- sorry, carry on? - He would also check with the countersignatory to see if that was genuine, that it wasn't a forgery.

How significant to the police force and to the individual who has to make the decision is it that the countersignatory has certified as he is required to do? - Yes, it is important. As I say, it was a safeguard which was brought in by the Amendment Act of 1988, as I recall, in which a countersignatory was seen as someone who knew this man well, and he has got to say from his knowledge that the man is not unfit -- he has got no mental disorder and so on.

Do you know why that was introduced? - It was introduced as a safeguard so that we could have another view of him from somebody who knew him, who would be able to say that this person could be entrusted with a firearm.

How long would you expect the constable to spend in interviewing the applicant? - I don't know -- about half an hour.

And that would be the total -- potentially the total exposure of the particular applicant to the police force, in total, wouldn't it? - Yes.

And when the constable returns to the police station, armed with that information, and completes the RL3a, as we have seen? - Yes.

To whom does that constable then pass it on? - To his immediate superior, which is the sergeant.

And what role does the sergeant play? - Well, that is a difficult one, because on every shift you have officers of different ability. I mean, at one end of the scale you will have officers there who will have done that type of inquiry many many/

many times, and maybe you have recommended him already to be a sergeant. You know he is perfectly capable of doing this, you have checked it out many times before. You would probably give that a supervisory check over. But at the other end of the scale you might have somebody who is a very junior officer, and you would ask questions -- "Did you do this? Did you do that? How do you know that is right?", and so on. So what you would do -- it is not a simple answer. It would depend very much on the age and experience of the officer who did the initial inquiry.

And is that approach peculiar to firearm certificates, or does that come into play in other aspects of policing? - It pertains to the whole range of police duties. I mean, you have certain members of your shift who are highly experienced officers you can entrust with any type of job, and you have others who will be less experienced and less able, who you need to help along and give assistance. In fact, there might be somebody you could feel they might just not be capable of doing it.

And from the sergeant where does that then go to? - Well, the procedure changed and I really can't recall the exact date it changed. At one time it used to go right through the chain of command. Now the position is it goes from the sergeant to the local commander. Now, he could be of various ranks. He could be a Superintendent or a Chief Inspector.

And what role does the local commander play? - It is his duty to look at all the material that is in front of him and make a recommendation. I would also expect him to exercise his own knowledge of that particular area. Usually when you get to Chief Inspector or Superintendent you have a very good knowledge of the people and of the force.

And from there where does it go? - It would go to the Firearms Department.

And what function are they performing? - They look through carefully to see everything is there, and if there are any adverse comments at all -- by that I mean anything in there -- supposing it is/

is convictions, but they still say he should get it -- if there is something adverse there they would bring it for me to look at.

What different role does the Firearms Department play than that which was played by the local unit commander? - Well, it is the centre of administration for them, really. That is where they finish up.

And from there -- by "there" I mean the Firearms Department -- it goes to where? - It goes to me for signature -- although can I just make clear there is a staff officer in between them and me who checks it too.

So there is a further check? - Yes.

But again is that check more for administrative purposes? - To make sure there is nothing there that should be drawn to my attention.

Am I right in thinking that the system relies upon the inquiring officer and the sergeant, between them, making sure that all proper inquiries have been made? - Yes.

And thereafter it is other people inputting such information as they have to the final decision-making, but the inquiry is done at the lower end? - Yes. The recommendation is made by the local commander.

I asked you some questions earlier about what had influenced you, and I omitted to look at certain items which you didn't, I think by common consent of the Inquiry -- you did not see, and that was the local intelligence. I just would like you to have a look please at the various items of intelligence which were contained in the force's system at one time, at any rate, and to see if any of what is contained therein would cause you to have a different view. I think these items have been put before you. They are found in Chapter I, starting at D11(iii), or alternatively D INTEL FD1. I think it was known as the nominal card for Mr. Hamilton? - That is D INTEL F1?

D INTEL F1 -- that is D1? - Yes.

Apart/

Apart from the comment which is "OMO" and "INDCHE", the rest is of a purely factual nature, or formal nature. There is nothing in that document which tells you anything; is that correct? - Nothing at all.

I wonder if you could over to the next item which is D2 I(iii), and this is dated the 15th November 1981, before you had joined the force, and what we see is a flyer? - Yes.

And a comment is put in the top left-hand corner. I wonder if you could just read out what that comment is? - "Hamilton is a suspected homosexual and operates the above-mentioned Youth Club. Boys playing truant from school, and being members of this group, have been found in Hamilton's shop. He would appear to encourage these boys and is prone to influence them against their parents".

Is there anything contained there which was unknown to you when you were coming to your view in relation to the holding by Mr. Hamilton of a firearm certificate? - I am not actually sure that I read that particular one, but it would not have influenced me one way or the other.

The next item is D3 I(iii), and that is from Sergeant Lowe. Is that something which you had seen at any point? - Yes, I have seen that before.

Can I ask you this, had you seen it when you were coming to your view as to whether Mr. Hamilton ought to hold a firearm certificate? - I don't think I did see it, but it would not have influenced me at all.

The next item is a submission from Detective Sergeant McBain of Alexandria, and it is D4I(iii), and that relates to the Inchmoan Island incident, of which you were aware? - Yes indeed.

The next items is a press cutting, and that is D5 I(iii), and again I think that is further comment upon the incident on Inchmoan Island? - Yes. I knew about that.

And you knew about that. The next one is D6 I(iii), and that is Mr. Hamilton's response in relation/

relation to the previous news cutting which we saw? - I am aware of that.

And finally -- sorry, not finally, but the next one we have is D7 I(iii), which is another cutting from a newspaper dated the 20th January 1989, and relates to a dispute which has been ongoing with Mr. Hamilton and Central Regional Council regarding the letting of schools? - I am aware of that.

You were aware of that. And going through we next come to D8 I(iii), which is a further cutting from the Falkirk Herald of 31st March 1989, and that would appear to be the further information which came to light after the police inquiry, Inspector Keenan's Inquiry, into the Inchmoan Island incident? - Yes, indeed. I am aware of it.

And there is nothing there of which you were unaware. D9 I(iii) is a comment that Mr. Hamilton is suspected to have been involved in indecent practices with young boys at a Boys' Club which he runs. I think you were aware of that allegation, I think, having been made against Mr. Hamilton? - Yes.

Is/

11.40 a.m.

Is there anything else contained there which you were unaware of? - No, I don't think there is anything at all there.

The next item is D10 I(III) and that is dated in 1995 I think, is that correct? The 25th? - 1995, yes.

I think we have established it was 1995. The month I am afraid is still obliterated on my copy? - Yes, the 25th January 1995.

And again is there anything contained in that piece of intelligence of which you were unaware at the time when you were coming to your views? - No, not a thing.

D11 I(III) refers again to an expression of concern about a youth camp being run at Bannockburn High on a Tuesday evening? - I think that also was something which you have told us you were aware of even if you had not seen that particular piece of paper, is that correct? - Yes.

And the final item, D12 I(III) is an entry following a contact made by a reporter from the Daily Record? - Yes.

And it narrates that hand bills advertising the re-opening of Dunblane Boys' Sports Club were being circulated on the 7th September 1995. Sorry, the sports club was to be held on that date but leaflets were circulating advertising its existence but that the reporter was no longer interested in looking into the matter any further? - Yes.

Is there anything in that at all? - Nothing of any significance there at all.

Can you recall having seen that before, before it was shown to you yesterday? - Not really.

You see, I think it was suggested to you yesterday that this contains a document which you had asked to be inserted into the file after the events of the 13th and perhaps it might be taken in some/

some way that this was a devious act on your part to put into the file what ought to have been there but wasn't there. Can I ask you whether this document ever should have been in the file? - I mean, there is nothing actually in it in the first place and if it should be anywhere it should be in the Intelligence file where anybody can have access to it. If I understand the question, it is a totally innocuous document and could be got from where it should be got, the Intelligence file.

THE DEAN OF FACULTY: My lord, I wonder if I may just seek clarification. There were a series of questions from my friend, Mr. Taylor, on behalf of the Central Police about the system and commenting in a question to the effect that the system is relying upon proper enquiry being made by the investigating officer and the Sergeant and the witness agreed with that and it was left in the air at that. I wonder if there is any implied criticism of the investigating officer or the Sergeant in that question and perhaps I could seek through your lordship an assurance that there is not to be any suggestion that the proper enquiries were not made by the investigating officer or Sergeant.

LORD CULLEN: I am not aware of that. I think he was simply giving a description of what their respective roles were, that that was part of the exercise going through the chain, as it were. Is that right, Mr. Taylor?

MR. TAYLOR: That was certainly my understanding, sir, and I did give an undertaking in relation to this matter when Constable Anderson was in the witness box and I have no reason to depart from what I said on that occasion.

THE DEAN OF FACULTY: It was the fact the Sergeant was introduced as well. That would concern me but presumably that would be covered?

LORD CULLEN: Just for the notes, the role you are fulfilling at the moment I think is on behalf of the Federation?

THE DEAN OF FACULTY: Indeed.

LORD CULLEN: I think that is the first time you have actually donned that mantle.

THE/

THE DEAN OF FACULTY: No, the second time. I think the first time I secured an undertaking from Mr. Taylor in respect of the Constable. I am just seeking it to the extent of the Sergeant now.

LORD CULLEN: Yes. Very well.

RE-EXAMINED BY MR. BONOMOY: One suggestion emerging from your evidence was that there is no entry in Scottish Criminal Records if a person is not charged with an offence, is that right? - Yes, the way the system works is we put on pending cases with the various charges that have been put against an individual and then it is updated later on when either, you know, no proceedings are taken or if in fact he is convicted and the punishment, the sentence, goes on to it.

And if he is acquitted is it removed? - It is indeed.

No matter how suspicious it was? - Yes.

Are there also certain charges, even when a person is convicted, which don't get on to Scottish Criminal Records Office? - That is correct.

What are they? - Traffic offences which go on through the DVLC.

Now, serious traffic offences must get on to SCRO I take it? - Yes, we have a list of disqualified drivers for example which is on SCRO. That is used to indicate the more serious ones.

If someone is disqualified, can we take it that will be on SCRO? - Indeed.

One of the additional matters that you mentioned in cross-examination was the view, as you put it, of Mr. Holden of Mr. Hamilton after the benefit of a two-hour interview with Mr. Hamilton? - That is so.

Were you suggesting that at some stage in this whole history Mr. Holden's view might have changed? - Yes.

When/

When was that? - Subsequent to his interview of some two hours' duration with Mr. Hamilton following on from a complaint round about 1993 I think.

Right now, is that an interview that Mr. Holden had with Mr. Hamilton at Mr. Hamilton's home? - Yes.

Can you remember the nature of the complaint he was investigating? - It was regarding photographic activity.

Was this a complaint about a child being photographed in what were circumstances that disturbed a parent? - Yes.

Can I take it that following that interview Mr. Holden had a discussion with you? - Indeed he did.

And what was the change in his impression of Hamilton? - Well, he said to me that perhaps the man had been misjudged and that he had answers to all of the questions he had put to him.

Now, that is a gloss obviously on Holden's comments on Sergeant Hughes' memo? Would you agree with that? - I am sorry.

That is a qualification to the view that Mr. Holden had expressed when he put his piece on to Sergeant Hughes' memo? - No, this was long after that.

Yes, I appreciate that but at the time his position was "I do agree with Detective Sergeant Hughes' appraisal of Mr. Hamilton. Do we have any latitude for progress in respect of revocation of his certificate?"? - Yes.

So by 1993 are you saying that his position was different? - Yes.

Did that difference affect your overall judgment on your approach to Hamilton on the question of revocation if it was going to arise in 1993 and the question of renewal in 1995? - Yes, we take into consideration everything that comes to us and certainly I hold in high regard the officer's points/

points of view.

So if anything could be said it is that the concern of the officers below you by 1995 might be viewed by you as not so great as it was in 1991, the end of 1991? - No, I am not saying that at all. I am only telling you that the particular officer's view had changed.

Now, you were asked a number of questions about where lack of trust might be relevant to a firearms certificate and you have quite rightly pointed out that many of the questions are hypothetical and might be said to be posed after the event. However, do you agree with me that the only proper way to read Detective Sergeant Hughes' memo is that he was talking about trusting Hamilton with children? - Yes, that was the subject matter.

And indeed he uses the words "I would contend that Mr. Hamilton will be a risk to children whenever he has access to them"? - Yes, that is correct.

Now, if we then take the last words of the memo, "He is a scheming, devious and deceitful individual who is not to be trusted", I take it we can view that as not to be trusted with children? - Yes, in terms of that being the memo.

If that is an accurate description of him, does that provide a basis for saying that his firearms certificate should be revoked? - No.

Why? In what circumstances do you think he can be trusted with children? - We are talking about his abilities as a youth leader, whether he can be trusted as a youth leader, which is entirely a different matter to considering whether he could be trusted with firearms.

This is a man that you, by that time, know has exhibited his weapons to children? - Yes.

So how do you divorce the question of possessing a firearm from the care of children when you know these things about the individual you are dealing with? - I think I explained that I felt that that incident that you are referring to has been totally innocent.

"I/

"I would contend that Mr. Hamilton will be a risk to children whenever he has access to them". You say you can divorce that? - Yes.

From the possession of firearms? - Yes.

Now, you were also asked about trust in one other regard and that was in relation to lying about whether or not he had taken eight rather than six spools of film but that lie was in the context of an investigation into a complaint that a child had been filmed posing in compromising positions wearing scanty clothing. Now, taking that lie in that context, does that affect the question of whether he is a fit person to hold a firearms certificate? - No.

Have you during your period in Central Scotland Police had complaints about any other youth leader insisting on this type of scanty clothing and photographing children? - No.

So we have a complaint repeated on a number of occasions that is unique? - I am certainly not aware of another.

And that unique complaint is well known to you both in 1991, late 1991, and in 1995? - Yes.

Have the police in Central Region ever in your period of service had to attend at any other youth leader's camp because of complaints? - If they have I am unaware of it.

Have they ever had to attend at any other youth leader's clubs because of complaints? That is a general statement, complaints without qualification? - Quite frankly, all I can say to you is that if they have I am unaware of it. I won't want to give a categoric assurance that they have not.

You said at the end of your evidence yesterday that the only way to avoid a repetition of Dunblane or to be sure to avoid a repetition of Dunblane was to ban, I think you said, these semi-automatic weapons or did you say guns in general? - Yes, I was asked if there was, as I understood it, any/

any system which could be 100 per cent foolproof and I was asked what my preference would be to people losing the privilege of their sporting activities or banning all guns and my answer was to ban the guns.

That is guns completely. Can I just ask you a few questions which I think will arise in the minds of Lord Cullen in due course? That is whether short of that there are other methods of improving the system of regulation of gun control. You have described the system which exists at present which means that enquiries are done by a fairly junior officer, a decision is made by you as senior officer but without going back over the old ground as it were on the basis of what you know and have in your head about somebody. Can that system be improved upon? - There is no doubt that we would be moving every way in which we can to improve the situation. The trouble is that no matter how much you improve the present situation, within the definition of the law just now I can see no way of making it foolproof. I mean, there would be no system you can't improve clearly but readily off the top of my head I don't know what we can do under the present legislation.

There is a suggestion we may hear a little more about later on today that the decision should be delegated further down the line to the civilian officers or civilian staff that police forces are being encouraged to employ? - It has been suggested.

Is that a good idea? - It is an onerous responsibility.

But it goes then to the person who is actually conducting the enquiry to make the decision? - Yes.

Is there no room in this for a suggestion that the person who makes the decision, whether he be at a more junior level or whether he be the Depute Chief Constable, should undoubtedly interview an applicant at every renewal stage? - Well, the opposite has been suggested as you are well aware. I mean, we are being encouraged to do it by postal method. We didn't go down that particular road. I think it is important that they are spoken to at each renewal but we are being encouraged/

encouraged to take an opposite view. We have not adopted that although some Forces have.

Well, it is not for me to give evidence. All I was trying to do was to see if you have identified any particular thing that the officers of your Force might have done or could do in the future in relation to improving the way in which the system works to try to avoid a repetition of this. Now, can you think of anything such as further interviews and so on that would help? - I honestly can't think of any.

Now, just lastly you were asked to describe the system as it is or at least as it was just before the Dunblane tragedy. Would you look please again at FA63 which is DI06. That is the RL3a form relating to the 1995 renewal and if you look on the page with the signatures on it you will see we have got Constable Anderson? - Yes.

Sergeant Cowan, Inspector Cameron, Chief Superintendent Moffat, is that his initials? - Superintendent.

Superintendent Moffat, sorry? - Sorry, you are correct, yes, he was not at that time.

But as Superintendent Moffat he has signed it as Unit Commander? - Yes.

And then Mr. Mather, the Chief Inspector in the Firearms Department, is that right? - Yes.

The only difference I think there from the list you gave was that the Inspector has got involved down the line here? - Yes.

In addition to the Unit Commander? - Yes, I wouldn't have expected that.

BY LORD CULLEN: Just one or two matters about procedure I would like to get clear in my mind; so far as the enquiries are concerned, do I understand from you that there may be circumstances in which a Sergeant may make some enquiry of the enquiry officer? - Yes.

As opposed to merely taking the paperwork which appears to be all in order, is that right/

right? - Yes, my lord, it depends very much on the experience of the officer.

It is a variable thing depending really on the discretion of the Sergeant? - And the confidence he has in the officer.

And according to the procedure you have now, neither the Sergeant nor the enquiry officer has the file, is that right? - Yes.

But that will be before the Superintendent and the Chief Inspector, is that right? - Yes.

So/

12 o'clock

So far as the counter-signatory is concerned what enquiries are to be made of the counter-signatory? - To see if in fact he has signed the form and he is happy with the applicant.

He is happy with the applicant? - Yes.

What does that mean? - Well, just to make sure he has read the form through and knows exactly what he is signing.

Do you mean that he is confirming to the enquiry officer that he fully appreciates what he is putting his signature to? - I agree with what you say.

So it is not just a question of asking him "Is that your signature? Did you sign this" but asking, going further than that, making sure he is fully aware of what he is putting his signature to? - I would expect that.

Presumably that would involve drawing attention to the substance of the guidance notes? - Yes. It does say so on the form.

And was that the practice? - That is what I would expect.

Is that laid down in Standing Orders? - In the Standing Orders it says you have to validate the counter-signatory.

What does that mean? - Check it and make sure the person who signed the form -- I would say I would expect them to phone the chap up and make sure he has signed it, make sure he is spoken to and understands what he has signed.

Is that what validate means? - Maybe I am expecting too much. I am only saying that is what I would expect.

You have been asked a number of questions about the terms of Section 30 which uses the expression about being a person unfitted to be entrusted with a firearm? - Yes.

If/

If a person is entrusted with a firearm does that involve certain responsibilities are expected of him? - Yes.

And I suppose to be unfitted to be entrusted with a firearm means that a person is unfitted to discharge those responsibilities? In other words, he couldn't be trusted to discharge those responsibilities? - Yes.

Can we perhaps just explore for a moment what those responsibilities might be. Can you give me some indication as to what they might include? - Well, it certainly would include safe handling of the weapon, safe storage of it.

Safety is one? - Yes.

Presumably that means the safety of everybody, whether it is a member of the public or a fellow shooter? - Yes indeed.

I suppose obedience to the law would be another so far as was concerned with the use of a firearm? - Yes.

Or anything involved with a firearm? - Yes. Poaching, for example, would be one.

One responsibility is to act safely; another is to comply with the law. Can you think of any other responsibilities that would be effectively undertaken by a person who gets a firearm certificate? - (No answer).

What about his relationship with those in authority particularly so far as firearms are concerned. Are there certain responsibilities which would be expected, which you would expect of somebody holding a firearm certificate? - In relation to authority?

Yes, the police authority in particular? - I really don't understand the question.

For example, would you expect him to be honest in his dealings with the police authority? - Yes. I think that is expecting a bit much.

Well, if one can't rely upon a person to be/

be honest in his dealings with the police authority is he fit to be entrusted with a firearm? - You get many people who have dealings with the police and are not 100 per cent honest but doesn't in any way make him, mean this person is a danger with a firearm.

I don't know whether this applies to Central Region but I suspect that some police authorities do issue some kind of guidance to certificate holders as to what is expected of them. Is that the case in Central Region? - No.

Are you aware of any authorities issuing any form of written guidance to certificate holders to show in black and white what are the responsibilities of a certificate holder? - I know there is some guidance but whether it goes as far as that, my lord, I am not too sure.

Thank you very much. I am much obliged to you.

JOHN SHARP ADAMSON (50) Sworn

EXAMINED BY MR. BONOMOY: Do you live in Stirling?  
- Yes.

Are you a retired police officer? - Yes.

I think you work with the Scottish Office? - Yes.

When did you retire from the police? - I retired from the police in April, 1995.

After how many years service? - 30 years service.

What rank did you hold then? - Chief Superintendent.

Could you please have a document in front of you which is FA64 (D101). You will see that is a firearms certificate of Thomas Hamilton which was current at the time of the Dunblane tragedy. I think you actually signed that certificate? - No sir.

Whose/

Whose signature is it you see there? - Douglas  
McMurdo.

Sorry, I have given you the wrong document, my mistake. I should have asked you to look at D87 which is an earlier certificate in 1992 (FA57). Is that one where we see your signature? -  
Yes.

And at that stage were you a Chief Superintendent? -  
Yes.

And what role would you be fulfilling when you completed that certificate? - I was Chief Superintendent in Headquarters Division and in the absence of the Deputy Chief Constable I had received a memo from the Chief Constable asking me to act in his stead for discipline matters and to sign papers acting as Deputy Chief Constable.

And did you regularly do that in his absence on leave?  
- Yes, I did.

Can you remember dealing with this document? - Not in particular, no.

Was it common for you to have a firearms certificate, whoever be the applicant, to sign in Mr. McMurdo's absence? - Yes, it was.

What documents did you have in front of you when you did that? - In the majority of cases I would have no documents other than the certificate itself.

In what circumstances would you have any other documents? - If the enquiry into the application or renewal had raised any question as to the suitability of the applicant then I would have been passed the file.

In the absence of a file what did you have to do before signing the certificate? - I had to be satisfied that the enquiry into the application and into the renewal had raised no facts which affected that renewal.

And how would you be satisfied about that? - The file was not passed to me.

So/

So in other words you are just having a piece of paper put in front of you for you to sign automatically? - The enquiry would have been carried out by officers and would have been checked by senior officers who would have recommended the certificate be renewed. It would have been checked by Headquarters and passed to me. I would only expect the certificate to have gone through if the process hadn't shown up any facts which.....

That means you didn't make the decision, you were signing the document as a formality? - No, I was making a decision inasmuch as I was satisfied the enquiry had been completed.

Only because nobody handed any other documents to you? - Yes.

CROSS-EXAMINED BY MR. CAMPBELL: Would you have a look at D82L. That is a memorandum dated 11th November, 1991 from Detective Sergeant Hughes. Have you seen this document before? - No, I haven't.

Could you just take a moment to read through from the beginning of the memorandum. You will see it relates to Thomas Watt Hamilton in relation to his firearms certificate. Were you aware when you were carrying out the renewing process in 1992 that in terms of the legislation you were required to consider whether you had any reason to believe that Hamilton was unfitted to be entrusted with a firearm? - Yes, I was.

If you had had in front of you Mr. Hughes' memorandum would that have provided a reason to believe that Mr. Hamilton was unfitted to be entrusted with a firearm? - No, it wouldn't.

Why not? - In my view the information contained in the report wasn't sufficiently factual to prevent the renewal in terms of my understanding of the Act.

I thought a moment ago you told me you hadn't seen the document before? - I was aware that the document had been submitted. I hadn't seen it before.

So you hadn't seen it but you were aware that/

that it existed? - I was told by Mr. McMurdo the report had been submitted and he had recommended no action be taken.

When were you told that? - I would assume that it was about the time that the report was submitted.

Let's just see if I am following this. You were aware in general terms that a report had been submitted about Hamilton's fitness? - Yes.

And you were aware that the decision was taken to take no action? - Yes.

Mr. McMurdo had mentioned this to you? - Yes, he did.

What -- just in the course of conversation or some specific reason? - I can't recall whether it was a specific reason or whether it was part of a conversation.

Now, when the matter then came before you for you to exercise your decision you were aware that this memorandum existed but you hadn't looked at it? - No, I hadn't.

Why not? - As far as I was concerned at that time the decision had been taken by the Deputy Chief Constable.

So when you say the material in this wasn't factual you are expressing that view having only seen the document for the first time five minutes ago? - Yes.

So/

12.20 p.m.

So what happened in 1992 was a rubber-stamping exercise? - I signed the form in 1992 in the knowledge that Mr. McMurdo had dealt with matters previous to his departure on leave; that the people who deal with matters, who directly reported to him and I would have expected to report directly to me, had brought no other matters to my attention -- in other words, the decisions that Mr. McMurdo had taken, nothing was given to me which indicated that those decisions could or should be altered.

At any time before you gave evidence to this Inquiry has anybody discussed the content of this memorandum with you? - No.

CROSS-EXAMINED BY MR. TAYLOR: Mr. Adamson, you were at the time the Chief Superintendent; is that correct? - Yes.

And Mr. McMurdo was the Deputy Chief Constable? - Yes, he was.

How often were you in contact with Mr. McMurdo in the course of your duties? - Daily.

And in the course of your discussions with Mr. McMurdo did you become aware of the dealings which he was having with a Mr. Hamilton? - Yes, I did.

Can you tell us what you knew of the dealings which Mr. McMurdo had with Mr. Hamilton? - I was aware that an inquiry had been carried out into a camp which Hamilton had run on a island in Loch Lomond, and later into a camp at Milarrochy Bay, again at Loch Lomond. In addition to that Mr. Hamilton was a prolific letter-writer to the Deputy Chief Constable, and it was almost a continuous process, as far as I was aware, in replying to his correspondence.

Were you aware of Mr. Hamilton having made complaints against the manner in which the Central Scotland Police Force had investigated the incident at the Loch Lomond Island? - Yes I was.

Can you tell us the nature of the incident/

incident which was investigated by Central Scotland Police in relation to the Loch Lomond Island incident? - As far as I was aware it was an allegation that the camp wasn't being properly run in terms of the environment and the conditions that the children were being exposed to at that camp.

Are you familiar with the nature of the complaint which gave rise to the investigation for Milarrochy Bay? - As far as I am aware the allegation was very similar. It was the nature and the regime of the camp that had raised the complaint.

In the discussions which you had had with Mr. McMurdo did he make reference to any reports which he had received in relation to Milarrochy Bay? - I can't recall a specific occasion, but I am sure he did discuss the matters at the time.

You have been shown a report from a Detective Sergeant Hughes. Were you aware that Mr. McMurdo had received that report? - Yes I was.

Had he discussed that report with you? - He, he did.

Had he expressed a view on that report? - Yes. His view was that the report in itself contained no evidence which was sufficient for him to make a decision on a revocation at that stage.

And were you aware of this at 1992, when you came to sign the renewal of Mr. Hamilton's firearm certificate? - Yes I was.

So you wouldn't have considered of new the facts which had been investigated in Milarrochy Bay and the content of that report which you have just looked at just now? - Sorry, can you repeat that please?

You wouldn't have looked further into the facts in relation to, or the facts underlying, the report which you have before you, D82L? - No, sir. The matter had been dealt with by Mr. McMurdo and as far as I was concerned he had made his decision on that basis.

So/

So although you may not have seen that report until just now, you were aware of its existence and you were aware of Mr. McMurdo's views on it? - Yes I was.

When you came to sign the certificate for the renewal of Mr. Hamilton's firearm's certificate, did you make the connection between the person whose name appeared on the form which you were to sign and the person who had been involved in the 1988 and 1991 incidents which you have talked of? - Yes I did.

MR. GIBB: Sir, there is one matter I meant to raise and I omitted it.....

MR. TAYLOR: Sorry, there is one document I meant to put to the witness as well -- if I might be permitted to do so.

LORD CULLEN: It seems to be catching.

MR. TAYLOR: Yes. I apologise.

LORD CULLEN: Right. Let's deal with you first and then Mr. Gibb can have his crack after that.

CROSS-EXAMINATION CONTINUED BY MR.

TAYLOR: I wonder if you could have before you document DCD156, which is D105K? That should be a copy of a letter addressed to Mrs. Mary Hogg at the Scottish Office, and it is dated the 3rd October 1991? - Yes.

And we see that it is signed by a Chief Superintendent and the Chief Superintendent who signed it has appended his initials to the letter. Do you recognise the initials which you see on that letter? - They are mine.

And can you recall the circumstances in which you came to write this letter -- to sign this letter to Mrs. Hogg? - As far as I can recall it was a letter prepared in response to an inquiry which had come from the Scottish Office, prompted by a letter from Hamilton. The letter, as I recall it, has been prepared by Superintendent Archibald for my signature.

And/

And the facts which one finds in it -- and feel free to take a little time to look at it -- were facts which were within your knowledge even although the letter may have been prepared by another officer? - Yes.

And having read the letter, are these facts facts which were within your knowledge? - Yes.

CROSS-EXAMINED BY MR. GIBB: If in fact there had been any doubts expressed anywhere down the line, would you get the certificate to sign just on its own, or would the file be made available to you? - No. Had there been any doubts then the whole file would have been passed to me.

Let us assume that administratively there had been a mistake and the file hadn't been passed to you, and you got the certificate simply on its own. Presumably then you would have signed it? - Under these circumstances I probably would have done.

Do you accept that that is not an entirely satisfactory system? - Yes I do.

You didn't even have the RL3a on which the firearm certificate was based? - As far as I can recall, I didn't.

MR. TAYLOR: A point arose out of the cross-examination by Mr. Gibb which I didn't fully understand, and I wonder if I could seek to clarify my own knowledge, perhaps, and it may be of benefit to the Inquiry.

LORD CULLEN: Well, if it is for the benefit of the Inquiry, carry on.

FURTHER CROSS-EXAMINED BY MR. TAYLOR: This may be my fault, but when the certificate in respect of Mr. Hamilton was put before you for signature did it come alone or did it come with anything else? - I can't recall specifically, but in the normal course of events certificates come in bundles.

Right. And it would only come with some other documentation if there was some concern expressed/

expressed further down the chain; is that a correct understanding? - That is correct. Had there been concern expressed anywhere in the administrative system I would have had it separately, with the file.

And can you recall if in relation to Mr. Hamilton's renewal in 1992 anything came before you other than the form for signature? - I can't recall that.

No re-examination.

BY LORD CULLEN: Just one matter. You told us you had been aware of the fact that the Deputy Chief Constable, Mr. McMurdo, had disposed of a certain suggestion that there should be revocation? - Yes.

That would be I think November of the preceding year. When it came to renewal you would have course have to deal with it as it was presented to you, namely an application for renewal of the certificate. So far as you were concerned was there any difference between the test which would require to be fulfilled for renewal as opposed to the test which might be applied in considering the revocation? - Yes. I would have considered if it had been a test for revocation then I would have been given the background and the evidence on which that was based.

What I am really thinking about was the approach you adopted towards the language of the statute -- you follow me? - Yes.

When dealing with revocation obviously you have to be satisfied that a certain matter is established? - Yes.

But when it comes to renewal what is the test? Is it the same kind of test dealing with the same kind of matters, or is it different? - In my view at that stage I would have expected that had there been anything whatsoever in connection with that renewal which had raised any doubt at all, the people who were reporting to Mr. McMurdo would have reported that to me, and in the absence of that I would/

would have accepted that the test had been carried out and this was the final part of the renewal process.

So as far as you were concerned, in the absence of any other information, you would dispose of the renewal in exactly the same way as the suggested revocation had been disposed of? - That is correct, if there was no other evidence then I would have.

LORD CULLEN: Now, Mr. Bonomy, what next?

MR. BONOMOY: The timing is not very good in this, because I may seek leave in the afternoon to interpose certain evidence. The next witness I propose to take now is Alexander Robertson, the Chief Inspector who investigated the firearms certification history, and he will not be anything like as long as Mr. McMurdo, but he will be quite a lengthy witness when compared with many of the witnesses in the Inquiry. It is quite convenient to start him, though, at this stage, and it may well relieve some of the tedium to get 20 minute of it done before lunchtime.

LORD CULLEN: Well, perhaps if we start him, and if evidence is available after lunch.....

MR. BONOMOY: Yes, if there is someone to be done I will do it immediately after lunch.

ALEXANDER ROBERTSON (37), Sworn:

EXAMINED BY MR. BONOMOY: I am a Detective Chief Inspector with Central Police and I have been a police officer for 18 years.

Where are you based at the moment? - I am based in the CID Department at Police Headquarters, Stirling.

Now, what was your role in the investigation in this case? - I was asked to investigate/

investigate Mr. Hamilton's involvement with firearms, basically every aspect of that.

And did that include looking at the force's involvement with Hamilton in so far as they dealt with the certification? - Yes, indeed.

I think in some areas the inquiry has gone outwith the Central Force area into other areas? - Yes.

Now, much of the evidence you gathered has been given or dealt with by other witnesses, and I just want to deal with certain aspects of the Inquiry that have not so far been dealt with. The first of these is to look at what was described as the report on a thematic inspection of the firearms licensing systems of the Scottish Police forces in general? - Yes.

Now, before I ask you to look at the document, can you tell me what a thematic inspection is? - I think it is really just an inspection of a theme, so that licensing is a theme, so it is a matter of inspection of firearms licensing.

And this was by Her Majesty's Inspector of Constabulary and his staff? - Yes.

Now, would you look at first of all FA195, which is right at the beginning of folder L7? - Yes.

Now, is that a letter enclosing a copy of the draft report for the Chief Constable of Central Scotland Police? - Yes it is.

And the letter is dated 8th February 1996? - Yes.

For comments by the 26th? - Yes.

And with it do you have the report itself? - Yes, I do.

Would/

12.40 p.m.

Would you also have FA194? Is that another letter, this time dated 22nd November 1995, also to the Chief Constable? - Yes.

But both of these letters came from the Chief Inspector himself? - Yes.

The November one I think was sent before the Inspection had been done before the report was available? - Yes.

I think if you look at the first paragraph of that letter it says "In the meantime, I thought it would be helpful to briefly highlight some of the main issues raised by the scrutiny of your own Force"? - Yes.

Can you read the next paragraph please? - "There is no doubt that the thematic report will encourage Forces to consider the civilianisation of their Central Firearms Licensing Registries and the appointment of civilian firearms examiners. Central Scotland Police have progressed well along this route and HMIC will continue to support the Force in relation to the appointment of a second firearms examiner to enable the majority of enquiries to be taken away from operational police officers. In addition, the difficulties within the Firearms Department resulting from a lack of permanent clerical support have been noted and, once again, the Inspectorate's full support will be given for the establishment of such a post".

I think the next paragraph really continues the same theme on the question of having a second firearms examiner by making the point that we have heard about, that the firearms examiner's work has been largely restricted to certificate renewals and he has been able to bring a consistency of approach which has not extended right through the whole Force area? - Yes.

It is noted that this issue will be resolved by the appointment of a second firearms examiner, is that right? I think that is the same paragraph? - Yes, it is. Yes.

The only other matter I want to ask you about/

about in this letter is at the foot of page 2. Can you read the bottom paragraph? - "The introduction of postal renewal arrangements have facilitated the administration process in a number of Forces and, once your firearms examiner has provided a solid foundation in terms of security, types of weapons held, etc., I would recommend that consideration be given to piloting a scheme in Central Region. One renewal initiative in your Force which is worthy of commendation is the provision of a Freepost return facility. I regard this as an element of good practice and will encourage its adoption by other Forces."

We have heard evidence that this was used in the context of Mr. Lynch actually going out with the application form and meeting the applicant for renewal before he sent in his form in that envelope, is that correct? - Yes.

Now, can I ask you to look at the report itself which is in a number of chapters. We will deal with the ones that are of relevance to the circumstances arising out of the Dunblane tragedy. The first thing I want to ask you to look at is the introduction and paragraph I.3. Can you read that to us please? - "The change is introduced by the Firearms (Amendment) Act 1988 allied to concerns expressed by the shooting public in relation to inconsistency and the way in which Forces dealt with firearms licensing across the country have provided the impetus for a number of reviews of practice in recent years. As a result, there is already a wealth of good practice guidance on firearms licensing which has provided the framework for Forces to develop and improve their administrative systems".

That is fine, thank you. Would you now go over the page to I.4 and read that to us? - "Although there was some input from Scotland to both the ACPO and the Home Office reports there has never been a detailed examination of the firearms licensing practice specifically aimed at Forces north of the Border. This is partly due to the fact that during the period 1992-1994 consideration was being given to the introduction of a national non-police Firearms Licensing Board to take over the firearms licensing activities carried out by the police. The proposal for such a civilian authority arose/

arose from a desire to produce a more consistent and arguably more effectively administered firearms licensing system at a reduced cost whilst at the same time enabling operational officers to devote more time to eventual police tasks".

Now, does it go on to say that this issue was resolved against having such a Board because the cost compared unfavourably with the best estimated costs of the police system? - Yes.

Now, would you read I.5? - "In view of the uncertain future at that time, HM Inspectorate considered it unreasonable to expect Forces to invest significant resources in their firearms licensing systems. However, now that the ghost of the Firearms Control Board has finally been laid to rest, there is no excuse and the Inspectorate therefore decided that the time was right in 1995 to examine the firearms licensing service provided in Scotland".

I think I.6 gives us some interesting statistical information. Can you read that for us please? - "At the end of 1994 there were 31,952 firearms certificates on issue in Scotland and Forces had dealt with 2,005 applications for a new firearm certificate during the year. There were also 70,424 shotgun certificates on issue and 3,653 new applications processed. The estimated turnover of renewal during the year was 9,210 firearms certificates and 21,140 shotgun certificates. Information on the number of applications for visitors' permits was collected for the first time in 1994 and Forces received 3,311 applications for a firearm visitor's permit and 5,428 applications for a shotgun visitor's permit. There are now 350 registered firearms dealers in Scotland, the highest number recorded in the past 10 years. Appendices 'A'-'D' provide full statistical information on firearm and shotgun certificates derived from the Scottish Office Statistical Bulletin published in December 1995".

Now, can you miss the next paragraph please and would you read to us I.8? - "Many members of the shooting public object to the fact that their pursuit of a lawful sport or hobby is governed by Acts of Parliament which, along with the involvement of the police in administrative procedure/

procedure, are seen as placing too much emphasis on the criminal aspects of firearm use at their expense. However, the main customer of the system is the general public at large and public safety and protection is the fundamental principle underlying the current arrangements. HM Inspectorate of Constabulary is therefore firmly of the view that firearms licensing should continue to be a police responsibility".

Now, I think the next two paragraphs tell you the method by which the inspection was carried out throughout the country and that included taking account of points being made by people with an interest in shooting? - Yes.

Now, can I ask you to look at Chapter 2 which is "Organisation and Management" and the second paragraph of that, 2.2, deals with the issue of civilianisation? - Yes.

The second half of that paragraph I think says "However, until recently progress towards civilianisation in firearms licensing has been hampered by legislation which did not exempt civilians from the need to hold a firearms certificate when possessing firearms in the course of their duty" and goes on to say that legislation changes have allowed that now? - Yes.

I think if you go to 2.3, at the middle there is the statement "The lack of knowledge of firearms among some of the officers tasked with firearms enquiries has certainly been a cause for friction in the past and contributed little to the professional image of the service in such matters"? - Yes.

"In order to address this problem the ACPO....." -- that is the Association of Chief Police Officers -- "..... scrutiny recommended that nominated trained staff should be used to deal with enquiries"? - Yes.

Can you confirm what I think is already fairly clear from the evidence, that in so far as Mr. Lynch did not carry out enquiries in Central, it was just whatever police officer was in the area and available to do the enquiry? - Yes.

Rather/

Rather than a specially trained officer? - That is correct.

Now, can you look at 2.5 at the foot. It says there "Although Forces have a wealth of civilian firearms licensing experience, the level of delegated authority varies enormously across the country" and we are looking there at the question of who actually makes the decision, is that correct? - Yes.

And in some areas it is the Assistant Chief Constable who does so, is that right? - Yes.

And indeed in relation to shotgun certificates an Inspector in some areas actually signs the shotgun certificate? - Yes.

There is also reference to one area where all the certificates are passed to a police officer in Headquarters for facsimile stamping? - Yes.

Now, the last sentence I think gives us the opinion of the Inspectorate to that procedure? - Yes.

What is that? - "Such an arrangement is completely unsatisfactory".

Now, I think we then look at the question of how an enquiry is carried out at 2.6. Will you read that paragraph please? - "One of the most important aspects of firearms licensing is the procedure used by Forces for making enquiries with applicants for a certificate. This is the practical interface between the police and the shooting public and the way in which such enquiries are carried out can have a significant influence on perceptions in relation to the professionalism and efficiency of a Force in terms of firearms licensing. In addition, the recent change to a five-year certificate and progression towards the increased use of postal renewal arrangements place even more emphasis and importance on the need for thorough enquiry to be made into all initial applications".

So what we are looking at here is thorough enquiry into applications for an original grant/

grant? - Yes.

Because there is the potential for postal renewal coming along? - In the future, yes.

And then it goes on "Forces can only be certain of achieving this if the personnel undertaking the enquiries are suitably qualified and knowledgeable about firearms issues"? - Yes.

Can you read the next part please? - Of the same paragraph?

Yes, from "Many shooters....." towards the right-hand side? - "Many shooters are able to regale any willing listener with anecdotal evidence of police officers who have very little knowledge or experience of firearms and their uses attempting to make 'thorough' enquiries regarding an application for the grant or renewal of a certificate".

And the word "thorough" is in inverted commas there, is that right? - Yes.

Carry on please? - "If a professional approach is to be achieved then it is no longer acceptable for Forces to delegate such enquiries to police officers who have not been sufficiently trained to do what is expected of them".

So the encouragement is towards civilianisation, is that correct? - Yes.

And is it also correct to say that the Inspectorate confirms that the civilians who have been appointed are good at their job? - Yes, experienced.

I think if you look at just over half-way through the next paragraph, "They are all well qualified to undertake firearms enquiries and have a strong commitment to providing a quality service. The Inspectorate was impressed by their approach and enthusiasm and, although it is early days yet, their introduction appears to have been very well received by the shooting public"? - Yes.

And then just to complete this chapter, can you go to 2.9 where the recommendations are set out and do the recommendations go as far, at the end of/

of 2.9, as "that Forces delegate both decision-making and signing authority where appropriate to authorised officers who are directly responsible for the administration of firearms licensing"? - Yes.

Now, what officers do you understand that the recommendations relate to? - The civilians within the Department.

So in your case it would be Mr. Lynch? - Yes.

And the proposal there is that he should have the responsibility for making the decision? - Yes.

Now, the next section deals with technology. Can you confirm the one thing that the Inspectorate was concerned about was the lack of an available terminal within the Firearms Department on which the necessary checks could be made on records kept by the Police and by Scottish Criminal Records? - Yes.

And that there is a recommendation that that sort of equipment should be installed? - Yes.

I think there are various other recommendations about improving the technology used for processing firearms certificates in the administration part of the exercise? - Yes.

And anyone who wishes can read the detail of that in these documents? - Yes.

Can I take you to 3.7 please? It is also being suggested that technology could be used to improve the storage of records? - Yes.

And there is a recommendation at 3.8 that "Forces review the level of technology provided to their Firearms Registries, particularly from the point of view of providing 24-hour access to the database to operational officers"? - Yes.

If we now turn to Chapter 4. That I think deals with licensing procedures? - Yes.

Now, the paragraph in the centre there I think deals with the fact that there has been a review/

review of licensing forms? - Yes.

Apart from those in relation to firearms dealers? -  
Yes.

"And following protracted legal consultation, it is now anticipated that the revised rules will be issued in mid-1996". Now, does that suggest that it was anticipated at that stage there would be new forms for applying for a firearms licence? - Yes, it appears to be.

Do you know what the position is in regard to these forms? - No, I am sorry I don't.

Now, can you go to 4.5 which deals with the amount of guidance given to enquiry officers who are carrying out the enquiry at the homes of applicants? - Yes.

Can you read that to us please? - "The level of guidance available to enquiry officers differs significantly from one Force to another. One Force has designed an excellent 'Beat Officer's Guide to Firearms' pocket book which provides information and advice on a wide range of firearms issues. In other Forces guidance is incorporated into instructional or Standing Orders. The quality of this guidance varies enormously and in one Force the Standing Orders have been revised to such an extent that information on firearms licensing is almost non-existent. Officers with difficulties in relation to firearms licensing enquiries are directed to contact the Registry for advice. However, outwith office hours the Registry personnel are unavailable. In all cases where firearms enquiries continue to be carried out by operational police officers....." -- and that is highlighted -- "It is essential that they receive appropriate training and guidance to enable them to undertake the task required of them. It is unsatisfactory and unprofessional to expect officers to muddle their way through a firearms enquiry by relying on other shift colleagues, or even supervisors, who may themselves not be well acquainted with what is required. Comprehensive but concise and user-friendly guidance is required, supported by an input to training courses by firearms administration officers. In addition, the Home Office 'Firearms Law: Guidance to Police' publication should be readily/

readily available to all enquiry officers. In order to provide a quality service, not only to shooters but to the general public at large, police officers undertaking firearms enquiries must know what they are doing and be confident to ask the necessary questions".

Now, is that document, the Home Office "Firearms Law: Guidance to Police" available to all Central police officers? - It is available at most stations, yes.

Do you know which Force has this excellent "Beat Officer's Guide to Firearms"? - I think it may be Grampian but I am guessing.

It is not Central which has that? - No.

And can I take it the Home Office Guidance is generally available to officers along with Standing Orders? - It would be available in stations but I would imagine there is only one copy per station.

What about the Force Standing Orders? - The Standing Orders would be available to every officer in each station.

Is every officer sent a copy of the Standing Orders? - No, there will be a copy held by each supervisor so each Sergeant, Inspector and Chief Inspector would have a copy for use by the officers.

These are supplemented by circular letters every so often? - Yes.

Are they held in the same way? - Yes.

After/

2 p.m.

After an adjournment for lunch.

MR. BONOMOY: Sir, I am sorry about the delay in re-starting this afternoon but a number of administrative matters have required attention and there are certain other matters I would like to deal with if I may.

The first of these relates to a witness who was invited to attend the Inquiry called Victoria Haggard who has been reported in the Press as missing from home. I have considered the position very carefully and have formed the view that the Inquiry would be put at no disadvantage by not hearing her evidence. From what I can tell of the police investigation it does seem to me that all the evidence that the Inquiry needs is covered by other evidence already before the Inquiry. So with that in mind I suggest to you, sir, that it will not be necessary, subject to comments that may be made by any other parties, to require her attendance here. I hope that that decision may give some reassurance to her if it is the invitation to this Inquiry that has caused her to leave home.

LORD CULLEN: Thank you. Any of the parties have any comment on that to make or any other alternative suggestion? Very well, we will proceed on that basis. I am content that should be the course of action.

MR. BONOMOY: All I can do in the circumstances is to intimate to her mother by letter that her attendance is not required.

The second matter I wish to deal with at this stage relates to a report which appeared first of all in the Daily Record, at that time an anonymous witness making certain allegations about evidence given by Constable Hamilton. That witness has been identified and has been interviewed and an invitation extended to him to attend the Inquiry and give evidence that he thought may be of assistance to the Inquiry. He has declined that invitation. He has given a reason for declining the invitation which on the face of it does not appear entirely satisfactory. In view of the fact that it does appear/

appear he may be able to attend personally I have extended a further invitation to him to come on Monday. If, however, he still declines to come what I propose to do is to read to you, sir, the statement that was taken from him by the police following the report in the newspaper. Now, intimation will be made to his solicitor that that decision has been made so he is fully aware of what I propose and hopefully we may well have his evidence on Monday.

LORD CULLEN: Any party want to comment on that particular matter? Very well, we will proceed again on that basis, I am content with that having considered the matter.

MR. BONOMY: The third matter is this: I have invited Dr. Hanley who was Mr. Hamilton's general medical practitioner to give evidence to the Inquiry. It would be most unfortunate if, with his responsibilities, he was kept waiting for the rest of the afternoon which he may well be while we take the evidence of Mr. Robertson. I would accordingly invite you, sir, to allow me to interpose his evidence at this stage.

LORD CULLEN: Certainly.

DR. ROBERT IAN HANLEY (34) Sworn

EXAMINED BY MR. BONOMY: Are you a general medical practitioner? - I am.

I think your practice is at Park Avenue Medical Centre in Stirling? - It is.

How long have you been qualified as a medical practitioner? - Nine years.

What are your professional qualifications? - M.B., Ch.B.

I wonder if you would look please at a Production which should be the medical records of Thomas Hamilton which are in file H(iii)D1 (DANT13). Are these your practice medical records for Thomas Hamilton? - Yes.

What address did you have recorded for him?/

him? - There was some confusion about that. The address in the records is stated as 13 Charter Street, Stirling. There is a handwritten note next to that telling us that we were advised of that address by the Health Board in May, 1993. But that is wrong, given the recent entry, the only entry in the notes for the Casualty attendance when he gave his address at Casualty as 7 Kent Road, Stirling.

Apart from the Casualty Department entry which is a hospital entry were you aware of that address? - He isn't a patient I have ever consulted so I wasn't.....

Am I right in saying apart from the hospital record his address 7 Kent Road doesn't appear in the medical records but there are certain older addresses? - That is correct, yes.

Now, that may be a reflection of the frequency with which Mr. Hamilton consulted the practice? - Yes.

When did he last consult your practice? - From recollection it was 21 years ago; can I just check that.

Just confirm that, would you? - Yes, 22nd January, 1974.

We have already had evidence about the records to the effect that he only really had minor skin complaints and had stomach upsets to attend the doctor with. Can you also confirm that you have got there the Glasgow medical records from the time before he moved to Stirling? - There is an address in Bellrock Street, which I believe is in Glasgow; it doesn't actually say. Just about that, the Charter Street address subsequently listed -- we had another patient called Thomas Hamilton and I suspect the Health Board was confused over that and I think that is where that address came from.

I take it this follows the fact the only attendance that you know of at either doctor or hospital in the last 21 years was the attendance at the hospital for the sprained ankle? - That is correct.

And that was when? - 16th March, 1993 -- 5/

5 o'clock in the morning was the attending time.

Do you know anything about shooting? - No.

Do you know if you have got any patients who have firearms certificates? - Yes.

Have you ever had to do anything in your capacity as a doctor that relates to the fact they have a firearms certificate? - I have one patient that on the past two occasions I signed the necessary form.

You are the counter-signatory on the application form?  
- Yes.

Because you know the patient you fell into the necessary category? - Yes.

Apart from that have you had any involvement professionally with the granting of firearms certificates? - No.

If someone had wanted information from you about the fitness, the medical fitness of an applicant wanting to hold a firearms certificate would you have been able to provide it? - Certainly not without knowing him.

You would have had to carry out some sort of examination? - Well, in those circumstances, I mean, I certainly wouldn't sign a form for somebody I don't know. It isn't actually so far as I know a pre-requisite that a patient needs to be examined but obviously it needs to be somebody that you know, have knowledge which I clearly didn't have of Mr. Hamilton.

So if it was something separate from the application form, more of a medical opinion about fitness from a medical point of view of the person to hold a firearm certificate, if you were asked to do that for Hamilton you obviously would need to see him? - Yes.

Do you think you could do that on the strength of the records there? - Certainly not on the strength of his records, no.

Could/

Could you do it for a patient who attended regularly without having a special examination of him for the purpose? - I don't think I would be qualified to medically examine somebody as to his suitability for firearms in any event.

I take it you don't see a role for yourself in the process for applying for or vetting for a firearms certificate? - Not necessarily. I certainly don't think we should be put in the position where we say this person is fit to have a firearms certificate. I have thought about this, and I can see where I may be in a position if I know something about this patient that perhaps nobody else would know that in our opinion would raise doubt about that fitness.

It may be very difficult to devise a proper question and a proper scheme for that, but would you see your role as covering the role of identifying the reasons which should prevent a person getting a firearms certificate? - I think that is perhaps more realistic than saying somebody is fit. I think almost perhaps some sort of veto to say they should not be allowed a firearm, he would be a danger in that situation.

Even in the situation where you knew the patient well? - I think, yes, personally I would still perhaps in the light of this event, still have reservations about the proposition I might not have had before.

Are you aware of a procedure that you might follow which relates to something being pointed towards one of your patients being a danger with a firearm for which he had a certificate? - As far as I know I don't know of any procedure because I have never come across the circumstances.

There is a suggestion in evidence which I think the Inquiry will consider that at the present time it is possible for a doctor to inform the police that a person does have a weapon which the doctor has cause to think may be misused or be dangerous to others? Are you aware that that would be an acceptable thing under GMC guidelines that a doctor should disclose to the police? - Yes. I think that would probably be a course of action for which you would have to -- I mean, most GPs will not know/

know whether their patients have firearms certificates in the first place.

What I am anxious to establish though is whether it is generally known by doctors who have patients with firearms certificates they wouldn't be breaking any pledge that they have taken if they were to disclose to the police that one of their patients was a suspected danger with a firearm? - I think there is a potential problem in that you would be breaching the patient's confidentiality by informing the police the patient had -- this is assuming you are doing it outside the patient's consent, which perhaps is slightly.....

I am advised or instructed by some evidence to the Inquiry that the GMC has guidelines on confidentiality which does allow doctors to disclose that type of information? - The over-riding concern is you are acting in the patient's best interests. Obviously there is a duty to the public at large as well, and if you can make a sufficient case to say in all the circumstances you may breach confidentiality then you have an obligation to do so, but I would not be very certain of the situation.

Is that similar to the situation that applies to patients who are drivers with licences and if you think they may be a danger on the road? - Yes. The obligation clearly rests with the patient to inform the DVLA if they have a condition, if they have any complications, to let them know. If you know, you are certainly allowed to breach their confidentiality and pass that information on.

If any system involving doctors were to work of course it would be necessary for the doctor to be told in every case where a patient had a firearm certificate? - Yes.

Do you see any problem about a requirement that a person should disclose to a doctor or the doctor should be told he has got a firearm certificate? - I don't see a problem with the doctor knowing that. Almost intrinsic in that is that the doctor does have some obligation in terms of the patient maintaining his licence which I think some people may have some reluctance with.

CROSS/

CROSS-EXAMINED BY MR. CAMPBELL: Do I understand correctly from some of your evidence that what you had in mind as a potential role for the medical profession is to participate in what could be described as information gathering by the police in investigations for suitability of an applicant for a firearm certificate? - Personally, speaking personally, I think that is reasonable, but I can envisage circumstances where the only person that might know something that would be extremely relevant where a patient has a firearm certificate will be that patient's GP. If they are excluded from assistance that information may never come to light.

To take a hypothetical example: if a patient has been referred by yourself to a consultant for treatment of a psychotic condition and that patient subsequently applies for a firearms licence I think plainly it would be desirable that the police authorities should know about his mental state? - Yes, I think so.

And in these circumstances an inquiry of the GP would seem to be a fairly basic and obvious step? - I would have thought so. There again, the confidentiality aspect comes into that. It would involve certainly the applicant for the licence giving permission for medical details to be released to a third party.

Unless perhaps one has the kind of guidance from the GMC mentioned a moment or two ago by my learned friend Mr. Bonomy which might provide some reassurance to doctors in that regard? - My understanding of that was in different circumstances where it would be that something came to light and you have an obligation perhaps to pass on that information: whereas if you are talking about the initial application process -- I mean, probably these are grey areas -- perhaps somebody had a drink problem in the past, should they be able to have a firearms certificate. I don't think many GPs would want to have the responsibility to say Yes, this patient is fit. As I say, providing the information and somebody else makes that decision is perhaps reasonable.

I can understand that entirely, and what you have in mind is responding to a request for information/

information rather than responding to an inquiry as to stability? - Yes.

Would you agree that when police authorities are considering whether or not a person is or is not suitable to be entrusted with a firearm the more information they have about that person the better? - Yes.

CROSS-EXAMINED BY MR. TAYLOR: I wonder if you could elaborate a little bit on the evidence you gave a few moments ago as to why it is you feel that you wouldn't like to certify that a patient you have seen regularly was fit to be entrusted with a firearm? - I have thought a lot about that because of my personal views perhaps as a general practitioner, and I suspect that there are general practitioners who would say no member of the public should have a firearm, which then puts them in an impossible position in deciding on a patient where perhaps another GP would seem perfectly satisfied. It is maybe too much of a personal decision based on a GP's personality as to his thoughts on the whole issue of the public having guns, rather than just the suitability of that one particular patient.

What would be your position in regard to the suitability of one patient -- this is leaving aside reservations which a GP may have -- from the ethical point of view? - I think they would be able possibly to say I have no particular reservations about the patient in the light of my knowledge of him, of his past behaviour and illnesses that he may have, whether he is or isn't fit to hold a licence. The problem is that you can have people from perfectly stable backgrounds who then develop mental illness and that will always be at the back of a GP's mind.

Would that mental illness not be detectable by the GP? - It may develop the week following the consultation. You can't predict who is going to get a mental illness. It can happen to anybody.

BY LORD CULLEN: Your concern really would be you may feel somebody may be fit at one point and become unfit later? - Well, also you are making a value judgement about something perhaps which you are not qualified to do. Some patients you/

you get to know very intimately; a lot of patients you don't get to know at all because you have seen them a very few number of times, perhaps they are fairly new applicants for a licence, and we are put in a position of not knowing enough about them to say they are fit to hold a gun licence. Perhaps Thomas Hamilton was an example of that. Had he attended his general practitioner at the normal rate for minor illnesses, I don't know, I don't see that I or anybody else would have been in a position to say this man is mentally ill or in any way predict what he may be capable of.

No re-examination.

ALEXANDER ROBERTSON (Recalled)

EXAMINATION CONTINUED BY MR. BONOMOY: We have dealt with paragraph 4 and 5 dealing with guidance of enquiry officers. Paragraph 6 deals with the question of the RL3a form by which the Force has developed its own style of enquiry report pro forma to assist in the processing of the application? - Yes.

I think there is a move afoot at the moment to standardise these? - Yes.

The Home Office seem to be working on that? - Yes, that is correct.

Can we move now to 4.8. That deals with background checks. Could you read the paragraph please? - "Before a firearm or shotgun certificate is granted Chief Constables must satisfy themselves that the applicant is not prohibited under the Firearms Act from possessing firearms. The police must also be satisfied that the safety of the public will not be endangered by an applicant's possession of weapons and ammunition. Forces therefore carry out full background enquiries on all applicants in order to establish their character. The Rehabilitation of Offenders Act 1974 does not apply to an application for a firearms certificate and applicants are therefore not entitled to withhold information on their previous convictions. In most Force the enquiry officers themselves are required to carry out the necessary checks with SCRO/PNC and details of any previous convictions need to be attached/

attached to the completed firearms report. If an applicant has resided within another Force area during the previous five years then background checks will also be made with the Forces concerned, particularly in relation to any cases where a previous application has been refused".

Was that last practice followed in Central? - As far as I know, yes.

The next paragraph deals with refusal or revocation. I wonder if you could read that please? - "The Police may refuse or revoke a certificate if they have good reason to believe that the applicant is of unsound mind or intemperate habits. All the relevant facts need to be taken into consideration and this includes drink-driving offences. Most Forces now automatically check with the Driver and Vehicle Licensing Authority (DVLA) and the use of such offences in consideration of an individual's suitability to become a certificate holder has been upheld by the Court of Appeal. Also of relevance are the applicant's antecedents and associates. For this purpose local Criminal Intelligence is of value. Although an applicant may not have any previous convictions local Intelligence may reveal a degree of involvement with criminal associates which would put public safety at risk. The level of guidance given to enquiry officers in this respect varies and HM Inspectorate would encourage all Forces to enhance the awareness of the importance of thorough Intelligence checks not only with local collators but with other colleagues who may have personal experience of the applicant which has not been recorded".

I think the rest of that paragraph goes on to deal with the civilian firearms officers who in the early days didn't have any personal contact perhaps that the police had, didn't know the police all that well, and stressing the importance of getting to know their colleagues and finding out all they can from police officers? - Yes.

And there is also encouragement there on operational officers to pass on information to enquiry officers and administration personnel? - Yes.

Now, there is a lot about security but that/

that really is not a subject I think that is of particular importance at the moment. If I can pass on to paragraph 4.25 which deals with counter-signatories? - Yes.

What I would like you to do is perhaps read the last six lines of the paragraph, "It is understood that"? - "It is understood that the ongoing revision of the firearms rules will probably abolish the list of appropriate counter-signatories and in future the requirement will be for such a person to have only known the applicant for two years, family members excluded. Notwithstanding this measure HM Inspectorate fully support the view that the current counter-signatory requirement should be discontinued".

So HM Inspectorate does not need a counter-signatory at all? - That appears so.

Now,/

2.30 p.m.

Now, can we move to Chapter 5 and 5.2? - Yes.

And do we see there the question of postal renewals?

- Yes.

And does it say there that both the Association of Chief Police Officers and the Home Office have encouraged forces to carry out the thorough investigation of all initial applications so that a postal renewal system, supplemented by home visits only where strictly necessary, could be introduced, thereby reducing the time, workload and cost of the renewal process? - Yes.

And 4 Scottish forces have introduced a postal renewal system for shotguns; is that right? - Yes.

Now, no one has it, or does anyone have it for firearms? - I think Lothians may have some sort of scheme, but I am not sure.

They are the only ones? - Yes.

And it is suggested that home visits could be done on a random basis; is that right? - Yes.

Just to check up on how the scheme is working? - Yes.

Now, then, read 5.3? - "There is no doubt that, with the recent increase in certificate life to five years, there is a need to provide an adequate system of checks and balances to maintain the integrity of the postal renewal procedure and guard against complacency. A 10 per cent to 15 per cent monitoring sample would appear to be adequate for this purpose. However, the effectiveness of such a procedure might perhaps be enhanced if steps were taken to ensure that future samples do not focus on the same individuals to any large extent".

Could I just stop you there. That is so that the reviews will be spread over the whole population of holders of certificates? - Yes.

Could/

Could you go just to the end of the paragraph now. Does it say there, "Discussions with the civilian firearms inquiry officers revealed that discrepancies were often identified at renewal time, for example the possession of shotguns which are now classified as Section 1 Firearms"? - Yes.

Now can you go to 5.5, over the page. I think there we do have confirmation of the one force which has introduced a postal renewal procedure for firearms? - Yes.

And that force "Considers the postal renewal is both appropriate and safe, provided that thorough inquiries and checks are carried out at the initial grant stage, supported by an efficient system of quickly flagging any certificate holders who adversely come to the notice of the police"? - Yes.

Can you tell me this, if you have investigated the system at Central for notifying the Firearms Department should anyone come to the adverse attention of the police in connection with something other than firearms? - Standing Orders contain an instruction that anything which may affect the suitability of a firearms certificate holder should be notified to the Firearms Department via a particular form or report.

If something gets on to Scottish Criminal Records, does that automatically end up on a firearms administrator's desk? - It should, yes.

If you now go to 5.6, does that tell us in the second sentence that some forces appear more willing to progress towards the introduction of postal renewal for shotguns, but are opposed to extending the procedure to firearms certificate renewals"? - Yes.

And then "It is perhaps surprising that some of the critics of firearm postal renewals are the civilian firearm inquiry officers themselves"? - Yes.

And I think the paragraph goes on to stress that shotguns do play a large part in criminal activity; is that right? - Yes.

And/

And more shotguns tend to be stolen and used in criminal activity even than handguns? - Yes.

And then there is a recommendation towards the end of 5.7. Can you read the recommendation in black? - "That forces which do not currently have postal renewal arrangements consider the introduction of such a scheme, in the first instance for shotguns certificates, but with a view to extending the procedure to firearm certificates once the shotgun initiative has been fully evaluated. Suitable monitoring arrangements also need to be implemented to safeguard the procedure."

Now can I take you to 5.12, which deals with refusal or revocation? - Yes.

And I think it would be best if I just invited you to read that paragraph? - "The incidence of certificate refusals or revocations in Scotland is not high, and during 1994 there were 14 refusals to grant a firearms certificate (0.7 per cent of the total applications received), and 23 revocations (0.07 per cent of the total certificates held at the year end). With regard to shotgun certificates there were 35 refusals (0.9 per cent) and 61 revocations (0.09 per cent). Although there is no statutory requirement for a Chief Constable to give his reasons for refusing or revoking a certificate, the Home Office Guidance recommends that these should normally be given. HM Inspectorate is satisfied that forces adhere to this Guidance and only withhold such information if it is deemed absolutely necessary. All refused applicants and revoked certificate holders have a right of appeal to the Sheriff Court. The number of appeals made in Scotland is relatively small, and the BSSC questioned whether this was due to there being less chance of success north of the border. However, the Inspectorate is of the view that forces are correctly using their discretion regarding refusals and revocations and making their reasons clearly known to applicants, holders and their legal agents. This obviously influences the decision of those concerned regarding the justification for proceeding with an appeal.

So what that says basically is you don't get many appeals in Scotland? - That is correct.

Now, /

Now, the next section I don't need to look at on registered firearms dealers. Just one -- not quite peripheral matter -- but it is perhaps not as directly relevant as some that I might invite you to look at -- is Paragraph 7.7. It is dealing with a European Community Directive in 1993 about moving firearms between countries? - Yes.

The second sentence -- can you read from the second sentence? - "Exports had to be declared to Customs who checked the documentation in every case" -- do you want me to continue?

I am looking at the wrong part of it, sorry -- have you got 7.7? I don't mean the second line, I mean the second sentence. I think it is at the end of the third line -- "The obligation.....?" - "The obligation to declare such movements of firearms no longer exists, and monitoring is by means of selective intelligence-based checks".

Read the next part please? - "Unfortunately, the participation of member states in the operation of the Weapons Information Exchange System (WIES), which was set up under the Directive, has been sporadic and this has not made the task of HM Customs & Excise any easier. Concern has been expressed by a number of forces regarding the checking of weapons entering and leaving the country under the Visitors' Permit Scheme. This concern is mirrored by HM Inspectorate".

This reflects a relaxation in Customs Controls within the European Union; is that right? - Yes.

And a concern by police forces about control of firearms coming into their areas? - Yes.

And can I then ask you to go on a bit now to certain miscellaneous issues, 10.3? - Yes.

And there we find a reiteration of the earlier problem associated with postal renewals that you can get discrepancies where perhaps weapons have changed hands in between renewal times? - Yes.

And can I then take you to 10.6? - Yes.

And/

And that is to do with the need for handguns as humane killers in certain circumstances, but could you read the last two sentences to see what the police view is -- "All forces"? - "All forces expressed extreme reluctance to issue a certificate for a handgun for any other purpose than target shooting, although every application is considered on its own merits. HM Inspectorate fully supports this stance".

So I think that takes us through the essential elements of that thematic inspection. I think that you recovered as part of your inquiry the Force Standing Orders. I think the ones that matter are D10 in Chapter L. In fact, it doesn't have a number on the back here. Are these the revised Force Standing Orders of 1990? - Sorry, yes, they are.

And I think the heading there is "Operations: firearms/shotguns: guidance on administrative procedures"? - Yes.

And is this a section of the standing orders that deals with firearms? - Yes.

I think if you go to 2.1, the standing orders set out for officers the circumstances in which a firearms certificate is granted? - Yes.

So we have there the test for the grant, the test for not granting, is that right, as well? - Yes, that is correct.

Go to 2.12. We have a statement there of what should be done or what the position is in relation to duplicate calibres? - Yes.

Can you read that one please? - "In normal circumstances the acquisition of two or more weapons of the same calibre including smooth bore guns (see paras. 2.26 to 2.27) will not normally be permitted. If, however, the applicant can show good reason for acquisition then his application may be viewed favourably".

And if you go to 2.15 you will see what Guidance is given in relation to renewals? - Yes.

Can you read that please? - "Applications for renewal will be made on Firearms Form/

Form 101 and afford an opportunity for reviewing the circumstances of each case and the extent to which the provisions of the Act have been complied with by the holder of the certificate and by the person supplying the holder with firearms and ammunition".

No. 16 as well? - "It is stressed that applications for renewals will not be granted as a matter of routine. The certificate will not be renewed if circumstances have changed materially since the original grant, unless a good and sufficient case is made for renewal. The same strict police inquiry must again be made in the same manner as that made into the original application, and a form RL3a submitted".

It doesn't spell out a renewal should be viewed in the same way as a grant. It rather suggests the circumstances in which you check up on renewals particularly are if there has been a material change in circumstances since the original grant; is that a fair summary of it? - It says each one should be treated as a review, so each one is really a review of the position, even if it is a renewal.

So the last sentence should be read as applying to all renewals, should it? - Yes I think so.

Perhaps it could be clearer? - Perhaps.

Now, could I ask you to go to Paragraph 6.9 with the heading "Firearms Certificates"? - Yes.

And here we are dealing with revocation? - Yes.

And I see the test for revocation is set out there? - Yes.

BY LORD CULLEN: Just while we are on that page at 6.7 -- is that the procedure which you referred to earlier? - Yes.

That is to say bringing to the attention of the Chief Constable any information relating to a firearm or shotgun certificate holder which may warrant revocation of that person's certificate? - Yes./

Yes.

Does it say to whom -- what the method of bringing that attention should be? - No. I think there are options. There is a form RL3e, which is a form devised for a report on the conduct of a firearm certificate holder. So that is a form devised for that purpose. But there is an option also just to submit an internal memorandum for his consideration.

Is that form part of the Standing Orders? - Yes, it should be in standing orders.

EXAMINATION CONTINUED BY MR. BONOMOY: Is it part of these Standing Orders or is it a separate chapter? - Yes. If you go to Appendix A in these Standing Orders you will see at the bottom of the page "Force Forms", and Form RL3e is a report of Inquiry into the conduct of a firearm/shotgun certificate holder".

BY LORD CULLEN: In effect it covers the situation where, in a non-firearms related situation, something may bear on the suitability of the holder? - Yes.

EXAMINATION CONTINUED BY MR. BONOMOY: Can you go now to Paragraph 9.20? That is dealing with approved Gun Clubs? - Yes.

And that says it is for the Secretary of State to approve these? - Yes.

And over the page, that approval allows the Club to obtain a firearm certificate free of charge? - Yes.

And then there is Paragraph 9.22, setting out the criteria for the Club constitution? - Yes.

Before the grant of such an approval can be given? - Yes.

And you see a number of notes there about membership and so on. Can you go to Paragraph E and read that one? - "An applicant for probationary membership must be sponsored by one full Club member and by one other person who knows the applicant personally".

And/

2.50 p.m.

And the next part? - "A probationary member must at all times when in possession of firearms or ammunition be personally supervised by the range master or by a full member of the club who holds a firearms certificate".

And then (g)? - "A probationary period of at least six months applies in respect of new probationary members (unless the club wishes to terminate a probationer's membership during this period) during which the probationary member must be given a course of regular instruction in the safe handling and use of firearms".

Now, in the same folder as you have got do you also have the various supplementary circulars that have been sent out by the Chief Constable in relation to firearms? - Yes.

Do you have D12 at all which is the one of 20th October 1987? - Yes.

And that is clarifying certain definitions? - Yes.

What gave rise to that? - I think there was some dubiety with regard to interpretation of firearms legislation and officers were looking for further guidance on them.

And that is the sort of thing that would be issued by the Chief Constable to clarify matters of any uncertainty following changes in legislation, is it? - Yes.

Now, do you have D13? - Yes.

That is a circular about a firearms amnesty in August and September of 1988? - Yes.

And setting out how the amnesty would work? - Yes.

And what police officers were required to do to make it work? - Yes.

And then D14, do you have that one? - Yes.

Now/

Now, what were the circumstances of this instruction?  
- This followed upon the Firearms (Amendment) Act 1988 introduction.

So that is explaining the provisions of that Act which were then to be brought into force? - Yes.

And then if you go to DI5, we see another of the same when more provisions to that Act were brought into force? - Yes.

Now, can you go to D16 which is dated 22nd October 1990? - Yes.

And is headed "Firearm/Shotgun Certificate Enquiries". Can you read that one please? - "With the introduction of a computerised Force Criminal Intelligence file, enquiry can now be made more easily into the background of all firearm certificate/shotgun certificate holders. Consequently it will be the enquiry officer's responsibility to undertake a Force Criminal Intelligence check at the same time as an SCRO/PNC check when completing a firearm form RL3a and RL3b. While the Intelligence file is available on a 24-hour basis it is anticipated that firearm enquiries will only be carried out during normal office hours Monday to Friday. Firearm forms RL3a and RL3b will be amended in due course".

So that is an instruction to all officers carrying out enquiries to check Criminal Intelligence? - Yes, it is a reminder with the inception of the new system.

If you go to DI7. Is that another one similar to earlier instructions giving information about further legislative changes? - Yes.

Do you also have in that folder "Firearms Law: Guidance to the Police" from the Home Office? - Yes.

Can you have that just very briefly in front of you? Does the second paragraph of the preface make it clear that the revised guidance was to be made available publicly for the first time? - Yes.

Would/

Would you look at Chapter 6 please? We have already looked at some of the detail of this, but can you just confirm to me that that is a chapter dealing with firearms certificate procedure? - Yes, it is.

Can you now look at Chapter 13? Have you got that? - Yes, I have it.

And confirm that this deals with Rifle and Pistol Clubs and Cadet Corps? - Yes.

Chapter 14 deals with security of firearms and ammunition held on certificate? - Yes.

And if you go to Appendix 2. If your pages are numbered like mine then it is page 162? - Yes.

Does that set out standard conditions that are to be put on all firearms certificate? - Yes.

Now, I take it that not all of them applies in every case because there is a direction given at the top? - Yes.

What is the direction? - "Please refer to Chapter 6 when considering which conditions should be applied to a firearms certificate".

Now, there are certain standard conditions on certificates in your Force, is that right? - Yes.

If you look at the example, the blank example, which you have which is D5. It is a bit further on in your book. Do we see the Standard Conditions? - Yes.

And these are to sign the certificate? - Yes.

To report the theft of any firearm or ammunition? - Yes.

At once? - Yes.

And then without undue delay to notify a change of address to the Chief Constable? - Yes.

And/

And then a condition about secure storage? - Yes.

And then security precautions when the firearm is removed from its storage for any purpose? - Yes.

Now, I appreciate there is other Home Office Guidance on more recent legislation. Having mentioned that without looking at it in any detail, can you tell me if I have missed out anything of the documentary guidance that was available for Central Scotland Police before the 13th March? - No, apart from the statutes themselves.

Now, perhaps the quickest way of doing the next exercise is to ask you to have Hamilton's firearms certificates. I am not so sure I have got all the proper backing numbers but I think you may be given them very quickly. The D numbers I will try and give you in order in a moment? - Yes, I have it.

Now, FA3 or D24 is the first one I think? - Yes, I have it.

Is that Hamilton's first firearms certificate? - Yes.

Now, that discloses on the table that he was fairly frequently purchasing ammunition? - Yes.

And that throughout 1977 and 1978 he was purchasing ammunition? - Yes.

Well, certainly more frequently in 1977 than apparently in 1978? - Yes.

Have you worked out just what sort of quantities he was buying over the various years that the certificate covers? - Yes.

Are you able just very quickly to give us a breakdown of the pattern? - I have it in my briefcase if I can refer to it.

Yes, I think there is no objection to that. If you have done that it will certainly simplify it for us. I think if you had one of the charts/

charts. That is perhaps what I should have directed you to? - That may be easier.

C3L1 to 4 and then we have a summary of rounds of ammunition purchased on various certificates. Now, do you have that? - I should have, yes. Yes, I have it.

Now, all I wanted to do was to ask you to confirm the accuracy of these so do you have in front of you C3L1, 2, 3 and 4? - Yes.

And do you also have a number of pages 1 to 12 setting out ammunition purchases? - Yes.

Now, is that an accurate record of what you found in the course of the enquiry? - Yes.

Right. I don't think I need to ask you any more about that. Now, at the end of your enquiry were you satisfied that Hamilton had been a member of Callander Rifle and Pistol Club some time many years ago? - Yes.

Roughly when? - Certainly from 1977 until the early 1980s. The exact year was not readily ascertainable.

Now, were there records to confirm that? - No, there were not any records to confirm that.

So we are relying on oral evidence for that? - From fellow members, yes.

Did the records not disclose the membership? - No.

I think some membership records had been destroyed but there are accounts and certain other items? - Yes.

In those days was Callander a full bore shooting club? - No.

Do you know when it changed to allow also full bore shooting? - The range was upgraded in 1988.

Did you at some stage establish that Hamilton was a member of a club called the Clyde Valley/

Valley Rifle Club? - The Clyde Valley Pistol Club, yes.

Sorry, Pistol Club? - Yes.

Would you have D34 which is a membership card which I think we had out yesterday. FA14. I may have given you the wrong reference? - D34 is the reference I have here and it is a membership card for the Clyde Valley Pistol Club.

Where was that found? - That was found at his home address.

What year does it cover? - It covers the season 1985 to 1986.

Did you have any other evidence of his membership of that club? - No.

BY LORD CULLEN: Do you know where that club shot? - It is a range at Larkhall, my lord.

EXAMINATION CONTINUED BY MR. BONOMY: And Larkhall would also be consistent, we have heard already of somewhere called Ashgill? - Yes.

That is the same place, is it? - I believe so, yes.

There has also been a reference to a range under Hamilton Police Office? - They had the use of the range there prior to getting their own premises so it was the same club, the Clyde Valley Pistol Club.

Is the range under Hamilton Police Office a police range? - Yes, I believe so. I don't know if it is still in existence but it was at that time obviously.

Were you able to establish that Hamilton had prior to becoming a member of that club also been a visitor? - Yes.

Now, there is evidence from what you have already told us of purchases of ammunition in the early 1980s but am I right in saying you have not got a lot of evidence of where exactly he was shooting in the early 1980s? - No.

Then/

Then in 1984 I think there are a series of transactions in which he disposes of weapons and purchases weapons? - Yes.

Was there anything in your enquiry to point to the motivation behind that? - No, apart from it appeared that he was moving towards full bore shooting. You know, having started off on small bore shooting.

So the disposals were in 1984 and were .22 weapons largely? - Largely, yes.

And a rifle? - Yes.

And in 1984 he acquired his first Browning semi-automatic pistol? - Yes.

Does his membership of the Stirling Club then commence about 1986? - I think he attended around the end of that year but I don't think he joined until into the Spring of 1987.

Had he prior to that on any former occasion been a member? - No.

In 1987 Hamilton sought an increase in amount of ammunition he could hold and acquire to fairly substantial levels? - Yes.

Were you able to establish any reason for that? - There was nothing definitive but he did seem to go through the amounts he had been authorised up to that time fairly quickly and on a couple of occasions he had to have his firearms certificate replaced because the ammunition table had been completed so presumably he either worked out or perhaps he was advised that if he asked for more ammunition he would not have that trouble.

Was it on one or more occasion that he had had to have additional.....? - He had it replaced because it was full at least twice before the expiry of the certificate itself.

Now/

3.10 p.m.

Now, you had occasion in the course of the enquiry to investigate a suggestion that Hamilton may have been involved in the reckless discharge of a firearm? - Yes.

Can you tell me the source first of all of that suggestion? - Inspector Ralph came forward and offered an explanation that having known Hamilton at some earlier stage he had come across him one day. Hamilton had approached him and alleged that a day or two previously he had been approached by two police officers who had accused him of recklessly discharging an air weapon in the area of Stirling Castle, in the Back Walk, which is behind Stirling Castle, and he was objecting to these officers' actions and the fact he thought perhaps he was going to be reported for that reckless discharge offence.

Was he able to give a period for that? - I think it was very vague. Inspector Ralph thought this may have happened between 1986 and 1990.

Now, did you cause a search to be made of the records to see if this could be identified? - Yes.

And what was the result of the search? - There were no offences of reckless discharge recorded, detected or undetected, in that area, and certainly no evidence of any type by Mr. Hamilton. The only offence that could be found was an offence in 1980 regarding an undetected reckless discharge, with regard to which no one had ever been traced, and there was no information.

Now, you were able to identify the officer who dealt with that? - Yes.

Who was he? - Constable Mailer.

What was his account of that? - He couldn't remember very much about it apart from the fact obviously he created a crime report to record the offence, and apart from that he couldn't remember any detail at all.

I think though he had no name for a suspect/

suspect for that? - No, there was no description of any suspects and certainly the circumstances did not fit with this version Inspector Ralph had given regarding Hamilton alleging he had been approached by two officers. None of that seemed to fit, nor did the timescale, which was at least six years out of date.

To be clear about this, I think there was another report you discovered in relation to April 1983? - Yes. I think there were named persons detected for that.

So you excluded that one on the basis of the names of the suspects? - Not being Hamilton, yes.

And two people I think were cautioned and charged in relation to that? - Yes.

Neither being Hamilton? - Neither being Hamilton.

But that was an incident on 30th April 1983 involving reckless discharge of an air weapon? - Yes.

At the Back Walk area of Stirling? - Yes.

So were you able to identify any report that would confirm the recollection of Inspector Ralph? - No.

Now, I think you have also compiled a report which sets out the details of the ammunition which Hamilton had at the time of the incident? - Yes.

Now, that I think has been circulated to everyone and given the number R39? - Yes.

Now, what I am concerned about is the position at the 13th March, and if you go to page 3 of your report, you have recorded there that when the certificate was renewed in 1995 Hamilton declared his possession of four calibres of ammunition? - Yes.

What were these? - 643 9mm, 203 .357, 11/

11 times .38 Special, and 100 times 7.62 ammunition.

Now, between the renewal and February -- indeed 13th March 1996, what purchases did he make? - In total he purchased 1700 9mm and 500 .357.

And they were of different types? - Yes.

Now, I think on page 4 you have set out the details of the ammunition shot at the school and then the totals found in his house? - Yes.

Now, can you tell me what ammunition was found in his house please? - In total 715 9mm of different types, 280 .357 of the same type and 11 .38 Special.

So if we take the total that he must have had when he went to the gymnasium, and what he had in the house, what do we have? - 1216 9mm and 522 .357.

And then there is the 11 -- I am just trying to understand that. Do we also have 11 .38 Special? - Yes. These 11 .38 Special were recovered in his house.

I am trying to get the total ammunition he possessed at the time this incident took place. Was it 1216 9mm? - Yes.

And 522 .357 - Yes.

11 .38 Special? - Yes.

And what about -- we haven't lost the rifle bullets, have we -- he has still 100 7.62? - No, they are missing. They are not in the house.

They have disappeared? - They haven't been found.

So having been on his firearms certificate for about 10 years? - Yes.

And his never having had such a rifle?  
- That is correct.

These were never found? - No.

Now/

Now, I think you then have set out on page 5 and subsequent to this an Inventory of all the things related to guns which were found in the house? - Yes.

And these included a box of gun-cleaning equipment, wooden gun handle butts -- now, what are these? - Well, it is just the insert. You can replace the grip -- if you like, I mean, you can have a wooden effect or metal effect or a smaller grip or larger grip, just depending on your needs.

And then gun target sheets -- where were they? - They were in the room where most of the equipment was all found.

And were they on the wall? - Yes.

And then there is a strongbox containing a number of cases containing ammunition? - Yes.

Where was it found? - In the same room.

Is that on the table? - Yes.

And were there actually two of these strongboxes? - Yes.

And we see the details of the other one later? - Yes.

In fact, I think there are another two mentioned? - There are, yes.

In fact, there is even more -- can you tell me how many strongboxes there were? - I think there were four in total.

And were they all in the same room? - No. I think one was actually in a cupboard in the hallway.

And then we have a whole catalogue of anything relating to the shooting that was found in the house? - Yes.

Now, I think you also did a study of the number of duplicate calibre weapons held on Central Police Firearms Certificates, by just dipping into the/

the certificates, choosing a number at random and seeing what the result was? - Yes.

And what was the result of that? - Well, we found that of 12 files that were chosen at random, at least 10 had one pair of duplicate weapons, and seven had more than one pair of duplicate weapons.

BY LORD CULLEN: When you say "duplicate weapons", do you mean according to the type of calibre shown on the certificate? - The calibre, my lord, yes.

So there may be more detailed differences perhaps between the firearms? - Yes, there may be different sights, maybe different weights, maybe different lengths of barrel, even, on the same calibre.

EXAMINATION CONTINUED BY MR. BONOMOY: And now, just lastly, can I ask you this: I think you sought statistical information from the other Scottish Police Forces? - Yes.

What was the purpose of that? - Really just to obtain an over-view in terms of a national picture in terms of how Central Scotland compared, in terms of refusals or revocations.

And what did you find? - Basically from the provisional statistics for firearm certification from all Scottish Forces encompassing the years 1991 to 1995, and they have been collated by the ACPO Working Party.

Does that mean you gave the information to a representative of the Association of Chief Police Officers of Scotland? - No, we received it from the ACPO.

You got it from them? - Yes, and we compared it, for comparison, for analysis, which revealed over this five-year period, for example, Central Scotland Police had refused 0.50 of all grant applications, whereas the national average stood at 0.90. In terms of refusal of renewal applications the figure related to Central Scotland Police was ascertained to be 0.06 per cent, whereas the national figure calculated as being 0.05. As regards/

regards revocation of certificates over the period, Central Scotland Police had revoked 0.58 per cent of firearms certificates, while the national figure reflected a 0.48 revocation rate.

Are all these certificates relative to firearms certificates, and exclusive of shotgun certificates? - Yes.

BY LORD CULLEN: Just one point I would like to clarify before we go on. A bit earlier you were shown on tables to do with ammunition. I don't know if you have these in front of you? - No.

It doesn't perhaps matter very much, but the heading of a typical page gives the number of rounds which Mr. Hamilton in each case wanted to purchase or wanted to possess, and then underneath I think you listed the actual purchase -- take page I as a typical one. I think it is the first of your 12 pages? - Page No. I? C/3/L1?

Yes. Just taking that as a typical example, am I right in thinking in each case where he applied for authority to purchase or possess a certain number of rounds he was, in each case, given that authority? - Yes.

So wherever we see "wants to purchase" he got it, so to speak? - Yes.

And wherever it says he applied for it, he got it? - Yes.

So these headings really apply to the authority he had obtained in each case? - These tables relate to the purchases at the retail outlets, at the gun shops, as opposed to being authorised by the police.

Yes, but I am only concerned with the heading "Wants to purchase", "Wants to possess" -- do you see on page I? - Oh, right.

That is what I am concerned with? - Yes.

And what I wanted to clear up -- I think it was my understanding that in each case he had been/

been given what he asked for? - Yes.

CROSS-EXAMINED BY MR. CAMPBELL: Could I ask you to look again at the very first document that you were asked about, the Thematic Inspection Report? - Yes.

Which is the first document in L7? - Yes.

The second letter, dated 8th February 1996, from Mr. Boyd to the Chief Constable, refers to the enclosure of a draft report? - Yes.

The document which follows, is that the draft report or is that a final report? - I believe that is the draft report.

Is there a final report? - Yes, I believe there is.

It may not be something you can help us on, but is the final report different? - No, I don't believe so.

There were no changes made? - Not as far as I am aware.

That is presumably something that could be checked? - Yes.

LORD CULLEN: It may be I may be wrong, but it is my understanding it hasn't been finalised until we have a published report -- I think it is still in draft stage. I am not sure if Mr. Bonomy can throw any light on that, but that is my understanding.

MR. BONOMOY: Sir, that is my understanding, but I haven't asked Mr. Robertson before today. I will double-check it now.

THE WITNESS: I am not 100 per cent certain. I thought it had been published.

MR. TAYLOR: My understanding from a conversation with the Chief Constable at lunch time is it is not yet finalised, but it is at the point where it is going to the printers -- I should say not finalised in the sense it is not yet published/

published.

CROSS-EXAMINATION CONTINUED BY MR.

CAMPBELL: Your understanding is that if we look at the draft report we are not going very far wrong? - They have not made any major changes at all.

3.30 p.m.

I appreciate that you have no responsibility for this document but I wonder if you could just help me with one or two passages in it, turning firstly to paragraph 4.8 dealing with background checks. "Before a firearm or shotgun certificate is granted Chief Constables must satisfy themselves that the applicant is not prohibited under the Firearms Act from possessing firearms. The police must also be satisfied that the safety of the public will not be endangered by an applicant's possession of weapons and ammunition". Can you confirm that is an incomplete rehearsal of the statutory provisions? - It sounds like it, yes.

And in particular there is no reference to the need to consider matters such as intemperate habits, unsound mind or any reason to believe that the person is unfitted to be entrusted with a firearm? - Yes, it goes on to speak about that at 4.9 but there is nothing on that paragraph.

Now, if we look at 4.9, you are quite right there is a reference there to "The police may refuse or revoke a certificate if they have good reason to believe that the applicant is of unsound mind or intemperate habits"? - Yes.

But that again misses out the requirement to consider whether there is any reason to believe that the person is unfitted to be entrusted with a firearm? - No, it doesn't refer to that.

BY LORD CULLEN: Is it a question of "may" or is it "shall"? You see the word "may" is used but is it "may"? - "May", yes.

Well, is it in fact "shall"? In other words, if it is then they must, is that right? - Yes.

CROSS-EXAMINATION CONTINUED BY MR.

CAMPBELL: So if one was reading HM Inspectorate's consideration here or description of the background checks which are necessary, they have either got it wrong in the sense of missing out the reference to unfitness to be entrusted with a firearm or they don't think that has much practical application? - Well, they talk about character and I suppose you could infer from that that they are concerned about the character of the person but they don't refer to the term you are using. Not in these two paragraphs anyway.

It is not a matter of putting emphasis upon unfitness to be entrusted with a firearm. There is simply no mention of it at all? - I don't know.

That is not something you can help us with because you are not responsible for this document? - No.

I understand that but if there was any impression to be gained from other material that when it comes to granting or refusing a firearms certificate the police tend to concentrate on hard fact as opposed to matters of subjective judgement, this paragraph in this document would tend to confirm that impression? - Yes, I think it goes without saying that you need some form of evidence on which to base an opinion.

When one looks at 4.9, "The police may refuse or revoke a certificate if they have good reason to believe that the applicant is of unsound mind or intemperate habits", I think I am right in saying that everything, at least almost certainly everything which follows in that passage refers to criminal conduct and in particular criminal convictions or pending criminal convictions? - Yes, or associations.

So the emphasis is very much upon looking for evidence that the person has been involved in criminal conduct? - Certainly here, yes.

In 4.8 we are told in the fourth line "Forces therefore carry out full background enquiries on all applicants in order to establish their character"? - Yes.

So we do have a reference there to character but not a description as to how Forces either do or are expected to carry out these background enquiries, is that right? - That is right.

And again what immediately follows after that/

that reference to background enquiries to establish character seems to be a reference in the main to checking on criminal convictions and the like? - Yes.

Turning on in the document if I may to 4.25 dealing with counter-signatories. We see in the middle of that paragraph the sentence "The majority of Forces consider that the counter-signatory procedure has outlived its usefulness and such enquiries are usually carried out by telephone". Can you help us with why the majority of Forces consider that the procedure had outlived its usefulness? - No, personally I wouldn't have thought that it would have because it is not an opinion I would hold personally and it is not an opinion I know that is held widely in my Force.

And there is some sympathy for applicants who were being charged by professionals for this? - That is certainly a thing I have never heard of previously.

But are we to understand that the final report when it is published, according to your understanding, will suggest the discontinuance of the counter-signatory requirement? - To the best of my knowledge it is going to make the same recommendation as you see there.

Some may find that astonishing in the light of what happened on the 13th of March? - Yes.

Would you agree? - Yes.

It is astonishing? - Yes.

We turn on to Section 5 on "Licensing procedures-certificate renewal" dealing with pistol renewals. "Both ACPO and the Home Office have encouraged Forces to carry out the thorough investigation of all initial applications so that a postal renewal system, supplemented by home visits only where strictly necessary, could be introduced thereby reducing the time, workload and cost of the renewal process". Would you agree with me that it would be more satisfactory if ACPO and the Home Office required Forces to carry out a thorough investigation of all initial applications, come what may? - I am sure that is what they mean when they say/

say "encourage" but they are not expressing it in the terms that you have just quoted. When ACPO or the Home Office encourage Forces to do something, they generally do it.

Now, so far as the postal renewal system recommendations are concerned, the benefit of this would appear to reduce the time, workload and cost of the renewal process? - Yes.

And we see that it means that it can then be done much more quickly? - Yes.

And in 5.3, lest it be thought that this is revealing an attitude of complacency, we are told that some 10 to 15 per cent of renewals will be monitored in some shape or form? - Yes.

And then in the middle of 5.3 we see "The enquiries made in relation to the initial grant of a certificate also assume greater significance with the advent of postal renewal. It is essential that such enquiries are exceptionally thorough and can withstand the test of time". Would you agree with me that this reveals a basic misunderstanding of the legislation which requires renewals to be treated in exactly the same way as initial applications? - Yes.

Does it also, in its reference to carrying out thorough initial investigations which can then withstand the test of time, indicate the only material change of circumstance which the authors of this document have in mind for the future which might cause some doubt on an applicants suitability would be changes which are brought to the attention of the Police Force in some shape or form? - Well, I don't know if it necessarily means that, does it?

It wasn't a very good question. Let me put it another way; the basic procedure which is being recommended here is that you carry out a thorough check on day one? - Yes.

And then as long as you have done that check thoroughly then that will withstand the test of time? - I don't think that is very good advice anyway.

Why/

Why is it not good advice? - Because circumstances change.

Exactly but what it does reveal is that the whole ethos and culture is that as long as nothing has been positively brought to the Police Force's attention, for example a criminal conviction, then all is well? - Well, I don't know if it means that exactly but I don't agree with the fact that enquiries made at the initial stage should then be relied upon at later stages without at least some sort of regular check by way of renewal.

This kind of approach in paragraph 5.3 would only be understandable at all if the basic thinking was that only relevant matters should be brought to the attention of the Police Force anyway without any subsequent thorough investigation? - Well, it seems to infer that the police will learn of any change.

Yes, I'm obliged. You put it much better than I did. Turning the page, if we may, to paragraph 5.5. Again, on the subject of postal renewals and I think there is reference there to one Force which had introduced postal renewal procedure. Which Police Force was that? - I believe it was Lothian and Borders.

And we also see "The Force considers that postal renewal is both appropriate and safe provided that thorough enquiries and checks are carried out at the initial grant stage supported by an efficient system quickly flagging any certificate holders who adversely come to the notice of the police". So again, that would appear to display a misunderstanding of the legislation, am I right? - Well, I think they are talking about circumstances again which the police will learn of and not allowing for any other circumstances perhaps.

In paragraph 5.6 we are told "It is perhaps surprising that some of the critics of firearm postal renewals are the civilian firearm enquiry officers themselves". Do you find that surprising? - No.

This paragraph raises a point that I would like to explore to you but only briefly, if I may. The document reads "Arguments for maintaining the/

the status quo include stricter controls in place for firearms, territorial conditions, security arrangements and the good reason requirement. However, firearms and shotguns are both lethal barrelled weapons and overall more shotguns are stolen in any year and more are used during the commission of serious crimes such as robbery" and there are some detailed statistics relating to these matters. Would you agree that firearms and shotguns are both lethal weapons? - Yes.

Is there in your view any good reason why shotgun licensing should be treated in any different way from firearms licensing? - Well, I'm not an expert in the field but, no, I would not have thought there would be any difference.

But I think we know that in fact there are considerable differences between the two types of firearms or weapons? - Yes.

Is it in your experience true to say that shotguns are the most used and easily acquired firearm by criminals? - Yes.

Turning on, if we may, to Section 9. It is headed "Quality of service" and it begins at 9.1 "Members of the shooting community pay for the service provided by the police in relation to firearms licensing. It is therefore essential that they receive a quality service and value for money" and then we can read the rest of that paragraph for ourselves. Paragraph 9.2, "In providing a quality firearms licensing service the police must balance the needs of the shooting community with those of the non-shooting public. The safety of the public must be of paramount importance where firearms are concerned. The licensing service must therefore be exceptionally thorough. However, in order to provide a quality delivery of service to the shooting fraternity the system must also be efficient and fast". Now, do you agree that speed is a must so far as firearms licensing procedures are concerned? - No.

Now, would you agree with me that to require speed is somewhat contradictory to any philosophy that thoroughness and the safety of the public are paramount? - I think no timescale should be placed on firearms.

Because/

3.50 p.m.

Because the safety of the public should be paramount?

- Yes.

In paragraph 9.3 the document says: "Forces in Scotland appear to have a good relationship with the members of the shooting community that they serve. This was confirmed by the BSSC". And then we are told about four or five lines down: "One way in which to enhance the relationship and understanding between shooters and the police is by the establishment of good liaison arrangements", and so on. Do you see any potential danger in police forces establishing too close a relationship with the shooting community? - Well, I think any renewal process should be fair and be seen to be fair. Are you trying to infer that in some sort of close relationship matters might be overlooked, or conditions might be relaxed? I don't know. I think with a professional approach we would always avoid that by the police, so I don't really think that would come into it.

You don't see any potential conflict between, on the one hand, being told to establish good and close relationships with members of the shooting community, and then on the other hand being entrusted as the guardians of public safety in terms of revocation? - (Answer inaudible).

BY LORD CULLEN: I am sorry, we are not hearing you clearly? - I think we are encouraged to be on good terms with all sections of the community -- and we are, I think.

CROSS-EXAMINATION CONTINUED BY MR.

CAMPBELL: So why is it necessary, do you think, for such emphasis to be placed on having such a good relationship with members of the shooting community? - I don't know.

You see, this passage and other passages in this document has the tone almost of a Marks & Spencers or British Airways promotional, wanting to foster good relationships with their customers. Do you agree? - Yes.

Whereas some may think that there may be value in the Police Force maintaining a degree of distance/

distance or detachment from those they are having to scrutinise -- you are nodding your head? - Yes, I agree with that.

Turning on to paragraph 10.5 in Section 10, these are miscellaneous issues, "Warning letters". "Holders of firearm or shotgun certificates must satisfy the police that their continued possession of the weapons will not endanger the safety of the public or the peace". Now, again I am very conscious that you have no responsibility for this document, but do you have any explanation as to why there is again this mention of the one test "Endangering the safety of the public or of the peace", which does of course appear in the legislation, but no reference to other important matters, such as fitness to be entrusted with a weapon and so on? - No.

LORD CULLEN: Mr. Campbell, is that not covered in the next sentence, or at least partly covered?

MR. CAMPBELL: I beg my lord's pardon, yes. My lord is quite right. It is. I should read on. "If the police have reason to believe that a holder is no longer a fit and proper person to possess firearms, for example, by virtue of his intemperate habits then they can revoke the certificate immediately and seize the weapons concerned", yes.

CROSS-EXAMINATION CONTINUED BY MR.

CAMPBELL: So far as satisfaction is concerned, do you agree with the general philosophy set out at least in this paragraph that the onus should be upon the holder of the certificate, and perhaps by parity of reasoning, any applicant for a firearms certificate -- that the onus should be upon him to satisfy the police of certain matters, rather than the police requiring to investigate for themselves? - Well, the applicant must show good reason, but the police at the end of the day have to be satisfied.

Just perhaps lifting our eyes from the detail of this document, and thinking about things more generally, would you see any value in a system which made it clear that the onus was upon the applicant to provide sufficient information to the responsible/

responsible authority, rather than putting an onus upon the responsible authority to consider whether there is or is not any reason to refuse.....

LORD CULLEN: I think possibly you may want to clarify with the witness what actually you are talking about -- onus in regard to what? Do you mean onus in regard to both matters mentioned in this sentence? Is that what you mean?

MR. CAMPBELL: I think perhaps I will take the question out.

LORD CULLEN: You might want to rephrase it.

MR. CAMPBELL: I will try to rephrase it.

CROSS-EXAMINATION CONTINUED BY MR. CAMPBELL: What really I have in mind is really a very general matter, but perhaps we can try and particularise it just to avoid any misunderstanding. Section 27 of the Act, for example, states that a firearms certificate shall not be granted to a person whom the Chief Officer of Police has reason to believe, for example, to be for any reason unfitted to be entrusted with such a firearm? - Yes.

Now, at the moment as I understand the general approach, the intention is that the Force will carry out some form of enquiry into an application, and if that enquiry reveals any reason why a person may not be fit, then the application should be refused? - Yes.

What I have in mind is whether you would see any value in a system which requires the applicant to make out a case, if you like, to the police authority that he was a fit and proper person, rather than just relying on any enquiries carried out by the authority? - I would think that in the future that could well be something to be considered.

Can you elaborate on any thoughts you have on it? - Well, I personally would agree with the principle that someone should not only show good reason, but should prove good reason.

Don't/

Don't misunderstand me, I am not suggesting there shouldn't be some enquiry by the police authority as well, but do you see perhaps almost a philosophic distinction that can be drawn between on the one hand a presumption that a person is entitled to weapons in the absence of any reason to the contrary, and on the other hand an approach where nobody is entitled to a weapon unless they can make out a good case to the contrary? - I personally agree with your second comment.

As far as warning letters are concerned, again we can read this paragraph largely for ourselves, but there is again reference to incidents involving certificate holders that may come to the notice of the police, for example criminal convictions, and it is indicated that some offences are more important than others in this context, and then in the middle of the paragraph, or just below it we read: "Each case is judged on its own merits and usually a letter is sent to the holder warning him/her that the incident has been recorded and that similar conduct in the future will seriously call into question their fitness to possess weapons". Now, that is in the context of, I grant you, of a general discussion about different types of offences, but would you agree that there is a danger in this approach of sending out a warning that another incident will call into question a person's fitness, because that next incident may be a very serious one, possibly involving firearms? - Well, I am sure that approach has been taken for good reason, and not having the background in Firearms Licensing, I am not aware of why that was invoked, but I am sure that is based on sound reasoning. But I agree with you that any offences or any conviction of a certificate holder would worry me.

Would you agree with me that when it comes to deciding whether or not a person should be entrusted with weapons, if there is any doubt on the matter then no certificate should be granted, or a certificate should be revoked? - If there is any doubt at all, the whole case, the circumstances should be thoroughly examined and a decision reached on that basis.

But if at the end of all your investigations you are still in a situation where the matter is problematic, or there is some doubt on the/

the matter? - Yes.

Who gets the benefit of that doubt? - Well, I would think the public do.

By? - By erring on the right side, on the safe side.

Namely? - Namely if you have any doubt and it is within the law to revoke or refuse, you do that.

And if we turn to the final section of this document, the conclusion? - Yes.

Would you agree with me that there is precious little, if anything, in the conclusion -- indeed in the document as a whole -- about how to improve the protection afforded to the public? - Are you talking about the recommendation and the conclusion?

Well, I am looking -- let's try to keep this within bounds - - the conclusion, for a moment? - No, there is no specific reference to that.

There are lots of references about improving the quality of the service to the shooting community? - Yes.

Perhaps we can just leave the rest of the document to our own reading. Can I ask you now to turn to the Guidance document, which is D1L? - Yes.

If you forgive me just a moment -- I want to ask you to look at Section 6, please, at page 65? - Yes.

Looking at the guidance in paragraph 6.1: "Firearms legislation, and indeed the subject of firearms generally is complex and often highly specialised. Providing comprehensive training for every police officer on the administration of the Firearms Act is not practicable. It is therefore essential that copies of this Guidance are available to all police officers involved in the licensing procedures. Where difficult points arise, advice should be sought from the Firearms Department at the appropriate Police Force Headquarters". Would you see any value in a system for guidance which ensured that/

that every police officer who was actually involved in the administration of the Firearms Act received comprehensive training in the matter? - Yes.

Is it in your view satisfactory that the matter is left -- the guidance is left simply on the basis that copies of this guidance are available? - I don't think that is the best position, no.

In paragraph 6.2: "Before issuing or renewing a firearms certificate, the Chief Officer must satisfy himself that the applicant can be permitted to have the firearm/ammunition in his possession without danger to the public safety or to the peace. This may necessitate an interview and consideration of his security arrangements". Can you conceive of any situation where the chief officer could satisfy himself on this matter without an interview and consideration of security arrangements? - No.

We read on: "Where a visit to the applicant's home is considered necessary, this should, wherever possible, be made by prior appointment". Now, if you take it from me that we are told more than once that visits should be made, whenever possible, by prior appointment, do you agree with that approach? - No.

What would your preference be? - I would prefer to arrive and see the person as they are, not when expecting the police.

For the obvious reason, I suppose, that if normally someone had empty gin bottles around the house, then if he knew the police were coming he might hide them away? - Yes.

And no doubt one could multiply examples of that kind of thing? - Yes.

Looking at the Guidance relating to the application, on page 66 in paragraph 6.5 -- again dealing with the question of counter-signatories, if I may, just for a moment? - Yes.

We/

4.10 p.m.

We read halfway down the page "Discretion must be used in deciding whether a particular countersignatory meets the legal requirement in respect of a person 'of similar standing' but it should be recognised that the category may have to be extended fairly widely where an applicant has few contacts in the Community". Does that surprise you, because it may be thought that if an applicant has few contacts in the Community then that would be a good reason for being very careful about the identify of the countersignatory? - I think it is making the point that perhaps if that was the case you may need to take information from more than one person.

That is your interpretation of what it says? - Yes.

Others may interpret it as meaning that you don't have to be quite so punctillious about the standing of the countersignatory?  
- No, I would take it to be the reverse, that if someone was not well known you should take more than one view. The very reason they are not well known, you might want to gather more than one opinion on them.

Well, I won't debate the interpretation with you. Are we agreed in general terms that if it transpires that an applicant has few contacts in the Community then that might be an indicator that particular care should be taken? - Yes.

If we read on, why is it thought helpful if the countersignatory is someone whose name can be found in public books of reference? - I don't know.

Easier to check? - I suppose so. Perhaps it is getting back to a person with a recognised standard. I don't know.

I won't go through the detail of this but if we go right to the end of Section 6.5, the document sets out what the countersignatory is required to do. Then we read "The application form provides guidance on the criteria which the countersignatory should bear in mind when considering an applicant's fitness to possess firearms"./

firearms". Would you see a value in a system which ensured not only that the countersignatory read this Guidance but thoroughly understood what it was he or she was being required to do? - Well, I think on the application form that Guidance is given to the countersignatory and he is required to read it. On the application for the firearm certificate. He is reminded of the Chief Constable's obligations in granting the certificate and that is contained on the application form.

You see, we had the gentleman who countersigned Mr. Hamilton's certificate? - Yes.

And he explained the circumstances in which that happened. An unwelcome visit when the family was at home and what have you? - Right.

Do you foresee these circumstances in which countersignatories might simply be shown the relevant section of the document, perhaps on renewal or what have you and will simply sign it without taking time to read the Guidance? - Confirmation from the countersignatory that he is vouching for the applicant, when the police officer goes round to see that person or contact them I would anticipate that the way it has worked in the past when I have been involved is that he would be asked if he read the certificate, if he read the conditions on the back, having to bear in mind that he would have to confirm that he had and that is what I would check by confirming the countersignatory's vouching for the applicant.

Would you, if you were doing the exercise yourself, I take it from that answer, go and see the countersignatory? - Yes, personally.

Every time? - Unless he was someone who I knew very well but generally, yes, I would.

Amongst other things would you want to be satisfied that the countersignatory knew the applicant well? - Yes. I mean, I don't think it is the case that the countersignatory should necessarily be friendly with the applicant but he would need to know of him well and have adequate knowledge of him.

Yes, that is what I mean? - Yes.

Is/

Is it fair to say that the system to date has placed considerable reliance upon the countersignatory requirement? - I think it is considered a very important part, yes.

Now, we then come to "Grant or Refusal" and in Paragraph 6 this is described as the most important duty imposed by the act on the police, namely deciding whether or not a firearms certificate should be granted and we have a reference then to three categories which require to be considered? - Yes.

Which we have discussed to date. Would I be right in suggesting that in practical reality police forces tend to give very careful consideration and examination to Item (a) but find it more difficult to deal with the more subjective criteria in (b) and (c)? - Yes, I think (a) is black and white, isn't it? So, yes.

Is it thought that there is considerable benefit in dealing, if I can put it in that general way, with irrefutable hard facts like previous convictions? - I think the person or the officer requires to be satisfied on firm evidence of what he is looking at.

And if we look at Paragraph 6.9, "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.

Would that hold true in your view to the other requirement, namely whether there is any reason why the person is unfitted to be entrusted with a firearm? - Yes.

So the essence of the investigation here is into the character of the applicant? - Yes.

Why is that? - Well, it may show some traits or some behaviour that would cause a danger to public, public safety, public peace.

Would you agree that it is a dangerous thing to the public if an unfit person is entrusted with a weapon? - Yes.

And/

And what this boils down to is that the legislation enjoins the Chief Officer to investigate whether the character of the applicant is such that he can be trusted with the responsibilities involved in having lawful possession of a weapon? - Yes.

And thus the character in this context goes well beyond criminal convictions? - That is correct.

So if you investigated an applicant and discovered him to be a deceitful liar, would you be content to grant him a firearms certificate? - I think you would have to be satisfied that the person posed a risk or a danger to the public through ownership of weapons. Now, if the circumstances that you are relating or that you have brought up fitted that, yes, but I would have to say that unsuitability or lack of fitness would have to relate to again danger and that is my interpretation of a person unfitted or unsuited and that is where character comes into it, that you have got to be able to infer some sort of danger or behaviour, some anticipation of violent behaviour on his part with his weapon. That is the way I view it.

Well, if you were asked to countersign an application by somebody that you knew to be a deceitful and lying person, would you be happy to recommend to the police that he could be trusted with a weapon? - No, I would not.

Why not? - Because if he is untruthful about that sort of thing he could be untruthful about other things.

And if a firearms certificate holder is untruthful with the police about matters relevant to his having a firearm, that is a very serious matter indeed? - Obviously it has to be taken into consideration very seriously.

Can we turn on please to "Renewals" which is Page 79?

LORD CULLEN: Mr. Campbell, would you indicate when you are at a convenient point. I see it is just after 4.20.

MR./

MR. CAMPBELL: This would be a convenient point,  
my lord.

LORD CULLEN: Very well, we will break now and  
resume on Monday at 10.00 a.m.

Adjourned until Monday,  
17th June, 1996.