

EIGHTEENTH 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, 21st JUNE, 1996

Within

THE ALBERT HALLS,
DUMBARTON ROAD, STIRLING

.....

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

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

MR. A.T.F. GIBB, solicitor, Edinburgh, for the representatives of Mrs. 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, 21st JUNE, 1996.

EIGHTEENTH DAY.

LORD CULLEN: Can we begin, Mr. Lake?

MR. LAKE: Thank you, sir.

GORDON TAYLOR, (Recalled),

EXAMINED BY MR. LAKE: As we closed last night you mentioned the second complaint that came in, and I had finished the part of the report that detailed the subject matter of that complaint? - Yes.

What did you do to investigate that second complaint? - I approached the people concerned and interviewed them.

Who did you interview? - The child concerned, and the child's parent.

Once you had gathered information from both complaints what did you do with it? - I prepared this report.

Did you discuss that with anyone prior to preparing this report? - With my line manager at the Family Unit, Detective Sergeant Moffat.

What was your purpose in preparing this report? - To progress the matter further. The reason for the report was to submit it through my supervisors to the Procurator Fiscal to obtain a search warrant.

Could I refer you to the fourth page of the report, and can I ask you to read out the last three paragraphs of that? - "The investigation is now becoming problematic due to the numbers of individuals learning of the ongoing enquiry. It is only a matter of time before Hamilton learns of the investigation".

Yes? - "Bearing in mind the photographs/

photographs may be of a lewd nature, which are still thought to be in Hamilton's possession, it is of great importance to secure this material as soon as possible to prevent its disposal, bearing in mind Hamilton has previously withheld photographs from the police as highlighted in Detective Sergeant Hughes' report", which is attached to this report.

Yes? - "To this end I respectfully request this report be forwarded to the Procurator Fiscal, Stirling, for consideration to be given to the issue of a warrant for search of Hamilton's home address to secure these photographs, photographic equipment, documentation and other items which may be of relevance to this enquiry".

Thank you. I would like to ask you about some of the points raised in these three paragraphs. Firstly, why were you concerned about individuals learning of this enquiry? - The main concern was that Mr. Hamilton himself may find out about the ongoing enquiry.

Why did that worry you? - I had previous knowledge that where investigations had been ongoing before Mr. Hamilton had created a smokescreen situation for the police and had obstructed the police.

How had he obstructed the police? - He withheld photographs from a previous investigation.

What smokescreen situation or tactic had he engaged in? - I had knowledge that he had made numerous complaints against the police on previous occasions, and I wanted to ensure before we went any further that I wasn't giving him that opportunity.

Looking at the second paragraph, you state "Bearing in mind the photographs may be of a lewd nature.....". Why did you think the photographs might be of a lewd nature? - Because of a statement from one of the children whom I had interviewed, who had described the particular situation, the particular situation which we referred to yesterday, with the exercise. My interpretation of that was that that may well be lewd, and I had to have the photographs to back up what the child had said, and to have a proper interpretation/

interpretation of that photograph myself.

You say "It is of great importance to secure this material as soon as possible to prevent its disposal"? - Yes.

What was your concern in writing that? - Mr. Hamilton when he found out about the enquiry and that we had an interest in the material he had, that he may well dispose of it.

At the end of the second last paragraph you refer to a report by Detective Sergeant Hughes. Is that the report which is attached to that production? - Yes, that is correct: with a number of charges on the front page.

I think we see two pages, numbering 10 different charges? - Yes.

And they all relate to events in 1991, two years prior to the events you are concerned with? - Yes.

And beyond those charges there is a summary report and then a statement of the facts which gave rise to those charges being drafted? - Yes, sir.

Is that report by Detective Sergeant Hughes attached to this memorandum? - Yes, that is a copy of the summary report.

Did you attach anything else to this memorandum?
- No, apart from the statement at the back from a gentleman.

That is the statement on the last three pages of that, is it? - That is correct, yes, sir.

That is from someone who works in a camera shop called Jessops? - Yes, sir, that is correct.

Can I ask you to look at Production D5 in that folder? Do you recognise that? - Yes, sir, I do.

Do you see that is again a memorandum from/

from this time Detective Sergeant Hughes to Detective Superintendent at CID Headquarters? - That is correct.

Were you aware of that at the time you wrote the memorandum you have previously referred to? - I was aware of its existence, sir, yes.

But you did not send that with your report to the Procurator Fiscal? - No. When I say I sent the report to the Procurator Fiscal, I took it personally.

But that was not part of the documents you put to the Procurator Fiscal on this occasion? - No.

I think there may have been some evidence earlier from Detective Sergeant Moffat which gave the impression that that had gone to the Fiscal: but is that just a mistake? - Yes. I certainly never took it to the Procurator Fiscal with my report, although it was discussed.

You said you took this personally to the Procurator Fiscal. Why did you do that? - Because I felt that there was a matter of urgency, obtaining the warrant to secure the items I have referred to in my report, and I was hoping that should the Fiscal issue the warrant I could go and pursue the enquiry shortly thereafter.

Your principal concern was for a warrant to recover these photographs? - And other things relevant to the enquiry.

What other things? - As well as the complaints regarding the children that we have referred to there were also concerns raised by other parents about the running and operation of the club from a financial aspect, and the fact that there was money changing hands.

Yes? - There was a statement suggesting that Mr. Hamilton had purchased £10,000 worth of camera equipment, and I knew he had been unemployed since 1985, and there was a suspicion I had that there may be some sort of embezzlement of funds, and the warrant was for the purpose of obtaining evidence or information if it was going to be/

be there in relation to all these enquiries or complaints.

Is that the embezzlement you referred to in the second paragraph on the fourth page of your memorandum? - Yes, sir, that is correct.

And that was purely based on the suspicions of parents? - It was based on information from parents, yes, but also the fact that it appeared from a statement which had already been submitted that Mr. Hamilton had quite a flow of cash if he was able to brag about purchasing £10,000 of camera equipment, and obviously the suspicion arose in my mind where was the money coming from, and the obvious answer may have been the funds from the sports club.

Did you have any evidence regarding the purchase of £10,000 of camera equipment at that time? - I had the statement attached to this report from the gentleman from Jessops.

LORD CULLEN: Mr. Lake, is that in the file? I have some difficulty in finding it.

MR. LAKE: In the copy I have it is in D3/1.

LORD CULLEN: I have got D3/1, but I don't have anything attached to it; I simply have Mr. Taylor's report.

MR. LAKE: I have a four page report from Mr. Taylor, and following that is the summary of charges.

LORD CULLEN: Thank you. I have been handed a copy of that statement.

MR. LAKE: If the other parties do not have that I will arrange for copies to be made available.

EXAMINATION CONTINUED BY MR. LAKE: In the fourth page of your memo, although you refer to the embezzlement you state that the purpose of seeking the warrant is that you want to recover the photographs, because you are concerned that is what is going to be disposed of; is that correct? - I am/

am sorry; can you repeat that?

On the fourth page of your statement there your principal concern appears to be the recovery of the photographs which might have depicted lewd conduct? - Yes, I would agree that was my principal concern.

You said you took the statement with your memorandum to the Procurator Fiscal? - Yes.

Who was the Procurator Fiscal you spoke to? - Do you want me to name him, sir?

Yes? - Mr. Gallagher.

Where did you go and see him? - At his office.

When did you go to see him? - The memorandum is dated 9th June. It would be either on that day or several days after that: within a few days of the memorandum.

For how long did you speak to Mr. Gallagher? - A considerable period of time. Perhaps half an hour or maybe more; I can't remember really. I certainly did have a lengthy discussion with him.

What was the outcome of that discussion? - The warrant was not issued.

That was the warrant to seek the photographs which might have had the lewd content? - As I have already said, the warrant was for the whole enquiry, and the evidence I had hoped to find should a warrant be issued. It was not just in relation to the photographer, but obviously that was our primary concern.

Did Mr. Gallagher discuss with you why the warrant was not issued? - Yes.

What did he say? - He told me that the content of the report did not amount to any acts of criminality.

Was he referring to any particular parts of the report when he said that? - He was referring/

referring to the whole report.

Is that referring also the question of embezzlement?

- Yes.

Are you suggesting from that he was suggesting to you that embezzlement was not a crime? - No. What he was saying was that the information contained in the report and the information we discussed, there was nothing that amounted to an act of criminality involving any of the offences I had suggested in the closing paragraphs of my report.

The request to seek a search warrant not being progressed, what did you do? - I am sorry?

What did you do following the refusal of Mr. Gallagher to seek a search warrant? - I returned to my office and discussed it with Detective Sergeant Moffat.

And what conclusion did you come to? - That as agents of the Procurator Fiscal, if he was telling us there was no act of criminality obviously we could not pursue that from that angle.

What was your understanding of what was meant by "no act of criminality"? - That no crime had been committed.

Did you discuss with him the circumstances in which there might be sufficient information to say that a crime had been committed? - Yes, I did.

And what did he say? - He just said that in his opinion that was the case, and that was the end of it.

Did you make any further enquiries regarding these matters? - At the time there were still some parents to be seen, and I followed up enquiries and spoke to parents. He also told me -- I did explain to Mr. Gallagher that there were still some parents to be seen, and I intended going to see them. I was also told that should the information forthcoming from these interviews be of the same nature contained in this report then there would not be any point referring that to the Procurator/

Procurator Fiscal. I did go, however, and interview other parents in relation to this enquiry, but there was nothing further forthcoming.

To be clear, you told Mr. Gallagher you were going to obtain further statements from parents? - Yes.

Was that in respect of these two complaints? - It was in general terms. There were a number of complaints about the running of the boys club and the funding, and there were one or two parents who still had to be seen.

Yes? - The overall picture had to be finished off. There were two or three people I still had to see.

Of the people you were going to see, was that relating to concerns regarding the running of the club? - Yes.

And it was in relation to that he said that if it was just more of the same there was no need to come back? - That is correct.

Did you uncover anything else in your further enquiries? - No, nothing of a substantive nature.

Did you make a request of the Scout Association?
- I did, yes.

When did you make this? - On or about the 20th October, 1993.

That is some months after the original request for a warrant? - Yes.

Why were you speaking to the Scout Association?
- I had information that Mr. Hamilton had been previously involved in the Scout Association, and that there had been concerns many years previous. My intention was to go to the Scout Association to see if there was anything on file regarding identities of children on these dates, with a view to the fact these children would now be adults and may be able to say something about the activities of Mr. Hamilton in a clearer fashion than they would have been able to in their childhood./

childhood.

Who did you speak to in the Scout Association? -
I think it was a gentleman by the name of Proctor.

What information was he able to give you? -
Initially the Scout Association were reluctant to impart any
information, and it was by agreement that I had a look at the file.

Did the file give you information? - Yes.

What/

10.20 a.m.

What was the information? - Just that there had been concerns some 20 years previously regarding Mr. Hamilton's activities and unhealthy interest in children and general issues like that.

Did you give any specific instances? - There is a document which I took the notes from and the particular instances that he was displaying irresponsible behaviour because of outdoor activities by taking young favourite Scouts for weekends during the winter and sleeping in his van.

That was information contained within the Scout file?
- That was within the Scout file.

Was that all you were able to get from the Scout file?
- No, I had a whole list of things.

Can you tell us what they are? - "His personality displays evidence of a persecution complex coupled with rather grandiose delusions of his own abilities".

Did it say in the file whose information that was? - It was a letter from Brian Fairgrieve.

Did you speak to Mr. Fairgrieve? - Yes.

Did he confirm that was his information? - Yes.

Was he able to say on what he had based it? - No, it was some gut feeling.

What else were you able to take from the Scout file?
- That he had been.....that Hamilton had been blacklisted, that there was a suspicion of inappropriate behaviour with the boys and a mental imbalance. These comments were made in 1974 and in his records a letter rambles on about having done nothing wrong, he spoke to a gentleman who was the Deputy Commissioner at the time, a summer camp at Oban, alcohol having been involved and older Scouts being intoxicated and Scouts were often being stripped and I understand that the Scouts were tying up one Scout in a canoe and floating him on the water.

I/

I think we have heard some evidence about the fact that there has been complaints made by Hamilton about that Scout Master? - Yes.

Is that correct? - I am not sure, I just have my own notes.

Might it be that these were the complaints that Hamilton had made? - There was a lot of correspondence in the file both from Hamilton.....it was like keeping a run of daily correspondence between themselves and Mr. Hamilton, there were some clips from newspapers, newspaper cuttings, adverts regarding the Rovers I think which was Mr. Hamilton's group that had started out being called Stirling Rovers and a number of letters to and from.....a cutting from the Scotsman, parents backing Hamilton after they stopped and references to the Ombudsman's report and the last correspondence in the file from Hamilton was on the 12th of November, 1986 and he was complaining about not being allowed to answer allegations put against him.

There is no information regarding Hamilton's behaviour between 1986 and 1993 when you made your enquiry? - Not in the file, no.

CROSS-EXAMINED BY MR. CAMPBELL: If you go back to your original investigations in relation to complaints concerning Hamilton's conduct in Denny High School and in Dunblane High School, so far as the Denny incident is concerned am I right in understanding that Hamilton gave a reason for asking a boy to change into trunks based upon going swimming or something to that effect? - Yes, that is correct.

Did you investigate whether swimming facilities were available at the school? - I think so, yes.

What was the outcome of your investigations? - I attended at the school and took possession of a let form; the gymnasium was booked by Mr. Hamilton and also my enquiry was as to whether Mr. Hamilton would be entitled to use the swimming pool and the staff said no, under no circumstances would he be entitled to use the swimming pool; it was purely the gymnasium.

So/

So Hamilton lied to you when he gave you that explanation? - I never actually spoke to Mr. Hamilton.

Who did Hamilton give the explanation to? - That information came from a child who I spoke to, a statement from the child stated that Mr. Hamilton had said he wished them to dress in trunks or short brief trunks in view of the fact that they may have time for swimming later, and I felt that was the reason the boy had the swimming trunks on.

There was no suggestion from the boy that he did go swimming? - No, he did not go swimming.

And, in fact, there were no facilities available to Hamilton to take the boy swimming? - No.

Did Hamilton claim in the literature that other qualified instructors would be present when he was dealing with the boys at Denny and Stirling? - Yes, that is correct.

Did your investigations reveal whether or not that claim was true? - The children that I spoke to who attended at the youth clubs without exception spoke to no other person being there apart from one occasion in Dunblane where I think there had been a female present at some point.

So in general terms again it would appear that that claim in the literature, so far as your investigations are concerned, were shown to be untrue? - That is correct.

In addition to a complaint from parents relating to swimming trunks and photographs and the like were there also complaints relating to Hamilton over-working the boys? - Yes, there was.

Can you elaborate? - The example that was given to me was having a wee boy hanging from wallbars for a considerable period of time while Mr. Hamilton took photographs of this.

Is it fair to say that as a result of your investigations you had some concern about Hamilton? - I did, yes.

Can/

Can you tell us how concerned you were? - It is a difficult question to quantify concern; I was concerned as a Child Protection Officer and as a parent myself regarding the information that was coming from people I spoke to so my concerns were very high.

And can you elaborate upon the nature of your concerns? - My concerns were that young children were being exploited, they were being used for whatever purpose, it may be whatever initially that Hamilton was to take these types of photographs but I felt there was something more but I just didn't know what.

Were you concerned that there was something improper or unhealthy going on? - Yes.

Did your investigations reveal whether or not the parents concerned were alarmed or distressed by what was happening? - Yes, the parents were alarmed and distressed.

I take it you agree that was a natural reaction for a parent in this situation? - Yes.

So far as the report to the Procurator-Fiscal at Stirling is concerned you have explained to us that you requested authorisation for searching Hamilton's premises? - Yes.

And amongst other things would that be with a view to searching for other evidence relating to the possibility of criminal proceedings? - That is correct, yes, that is exactly correct.

Did you find the Fiscal's reason for refusing that authorisation persuasive? - All I would say to that is as a police officer I am an agent of the Procurator-Fiscal and if the Fiscal decides.....makes a decision regarding anything I tell him I have to accept that.

Do you agree with his view? - No.

Why not? - My interpretation of the information I had was such that Hamilton may well have committed the offences that were detailed in my report and as you have already said I wanted to secure other evidence if that was available.

You/

You are obviously involved in this kind of thing on a regular basis but did you consider that, just as a matter of generality perhaps, not the details of this case, that evidence of a criminal conduct is always required before a search warrant can be authorised? - Sorry, could you repeat that for me?

I will take the question out and put it another way, it wasn't a very good question. In the generality before a search warrant can be authorised is it necessary to have hard and fast evidence that a crime has been committed? - No.

Would I be right in thinking that so long as there is some reasonable basis for suspicion the purpose of a search warrant is to discover whether or not evidence exists? - Yes.

And were you concerned that Hamilton might become aware of your investigations? - Yes, I detailed that in my report.

So you would be concerned that he might dispose of incriminating material? - Yes.

For example, photographs? - Yes.

We heard some evidence to the effect that no photographs of an obvious link of an indecent or lewd nature was recovered; am I right in thinking that one of your purposes of seeking a search warrant was to find out whether such material existed before Hamilton had an opportunity to dispose of it, assuming it did exist? - Yes.

The explanation that was given to you by Mr. Gallagher, if I understand it correctly, was that the material which you had put before him didn't amount to criminal conduct? - That is correct.

Was there some discussion between you as to whether or not the children involved were distressed? - Yes, there was.

Could you elaborate? - Mr. Gallagher asked me if the children had been distressed or shown any signs of distress or alarm, and in my opinion they didn't during the interviews, and there was/

was no obvious signs of alarm from the children.

Was there then some discussion as to whether or not the parents were alarmed or distressed? - Yes, there was. And what was the nature of that discussion? - Just similar -- I suggested that the parents were obviously alarmed because they had articulated such and would that possibly then amount to a breach of the peace.

What was the reply to that question? - No.

Was there any explanation given by Mr. Gallagher as to why he took the view that that didn't amount to a breach of the peace? - No.

Did you query that decision? - Not as such, no. I put forward the view as to what I thought, that was the discussion that took place.

You put forward your view that this did amount to a breach of the peace? - Yes, that it could amount to a breach of the peace.

Did Mr. Gallagher appear to suggest that in the absence of any suggestion of alarm by the boys then this would not amount to a breach of the peace? - Could you repeat that?

Did Mr. Gallagher suggest that alarm on the part of the boys or distress on the part of the boys would be required? - Yes.

Before conduct would amount to a breach of the peace? - That is correct.

You pointed out to him that, in fact, the parents were alarmed and distressed? - Yes.

Let us just assume for the moment that your view of the law is correct and the view put forward by Mr. Gallagher was wrong. Would you agree that in that situation there are really only two explanations that would happen: that Mr. Gallagher misunderstood or didn't know the law or he was giving you a pretext for a decision which was based on other reasons?

MR. BONOMOY: Please don't answer that question./

question. The Inquiry in my submission is perfectly entitled to explore what was actually said between these two persons, that is the present witness and Mr. Gallagher. It would, in my submission, be quite wrong in principle to ask this witness to speculate about what may have been behind the comments made by Mr. Gallagher.

LORD CULLEN: I take your point; do you accept that, Mr. Campbell?

MR. CAMPBELL: I think I am prepared to take that point. Perhaps I could explore the matter in another way.

LORD CULLEN: If it is not objectionable carry on.

CROSS-EXAMINATION CONTINUED BY MR. CAMPBELL: You must have been concerned about the response which you received to what you regarded was an urgent matter about which you were concerned? - Yes, I was concerned about it.

Were you satisfied with the explanation which you were receiving from Mr. Gallagher as to the basis for his decision?

MR. BONOMOY: Again please don't answer that question. In my submission it is inappropriate to explore with any witness in this Inquiry the soundness of any decision that may have been taken by the Procurator-Fiscal. I have no objection at all to exploring what actually was decided and indeed in this case the reasons given for this decision, albeit this would also be an issue normally outwith the scope of proper examination, but in my submission it would be quite wrong to try and explore with any witness in the Inquiry the rightness or wrongness of the decision. In my submission the question just asked invites the witness again to express a view about that.

LORD CULLEN: Could you elaborate that a little? What is the basis for that objection?

MR. BONOMOY: I wasn't quite anticipating this arising at this stage in the Inquiry, but as you will be aware it has always been the case as a matter of principle and established law that any decisions/

decisions made by the Procurators-Fiscal are not subject to scrutiny by either a Court or any other Tribunal in Scotland; there are a number of reasons and different circumstances behind that principle; the principle has been enunciated in the Court of the High Court of Justiciary. It has also been recognised in the Parliamentary Statements on a number of occasions and in particular in connection with the Tribunal of an Inquiry proceeding on exactly the same Statutory basis as the present Inquiry as a result of resolution of Parliament.

Now, /

10.40 a.m.

Now, I can give your lordship authority for that if I have two minutes to get it, but I suspect, sir, you are already very familiar with it.

LORD CULLEN: I am. I simply wanted you to state the position.

MR. BONOMY: I have so far allowed the questioning to proceed without intervention to a point beyond a point where objection would normally be taken, but I considered that was right in the interests of the Inquiry. However, it is my submission, even though we are over that boundary in this particular case, there are certain limits which it is also proper to recognise, and the limits in my submission that are proper in this case are where the question extends beyond the factual content of what was said between the witness and the Procurator-Fiscal and an endeavour to explore the reasoning and justification behind the decision which was taken with regard to.....

LORD CULLEN: Of course, this witness is not, so to speak, the Procurator-Fiscal. Your position effectively the querying of this or debating of this in evidence is fully objectionable?

MR. BONOMY: I appreciate the distinction, sir. The court has already recognised that any scrutiny of the decision itself would be wrong and that may extend to asking the witness if he himself was satisfied as a police officer with the decision made by the Procurator-Fiscal. I think that was the question asked in this instance.

LORD CULLEN: Now, Mr. Campbell, what is your position in relation to that?

MR. CAMPBELL: Sir, I don't challenge the broad position as set out by my learned friend. I would observe, however, that this matter did arise out of evidence-in-chief when the witnesses asked to explain the reasons given by the Procurator-Fiscal, and it does seem on the basis of that it does seem a little.....

LORD CULLEN: Perhaps, I don't know, correct me if I am wrong -- but the objection is to the evidence, not I suspect in regard to matters of submission.

MR./

MR. BONOMOY: Well, sir, yes, the principle being the court or the Tribunal ought not to scrutinise the reasons. There may be objection to any criticism of the reasons that were given and I don't take any exception to any exploring of the stated reasons as a matter of fact in this case, or indeed exploring of the communication of those reasons between the Fiscal and the witness. I have no objection to further exploration of what was actually said between them as a matter of fact but, in my submission, it undermines the whole principle by which the Fiscal Service take decisions in Scotland on behalf of the Lord Advocate if any explanation is allowed of the rational or justification for these.

LORD CULLEN: I appreciate your position on that. I simply wanted to know whether the kind of point that Mr. Campbell wants to develop could be as far as you are concerned developed in closing submissions or whether you would equally take objection to it.

MR. BONOMOY: I would equally take objection to that, firstly on the basis of principle and secondly on the basis it really would be inconsistent with not permitting the evidence on the matter but allow submissions to be made when the issue hasn't been fully explored in evidence.

MR. CAMPBELL: Well, perhaps if my learned friend's position goes as far as that I would withdraw the concession in what I last said, and perhaps it is a matter that will require to be debated and argued upon at some stage in the course of this Inquiry. I still don't quite fully understand the Crown's position in introducing the matter in evidence-in-chief in the first place.

LORD CULLEN: I think what the Crown was doing here, as I understand it, is not objecting to evidence of fact as to what was transmitted with regard to the decision and the stated reasons for it, but it takes the position as a matter of principle that the merits of the decision the soundness of the decision and the sufficiency of reasons given are not matters either for evidence or for debate upon evidence. That is the position as I understand it.

MR./

MR. BONOMOY: I should also make it clear, sir, if for any reason the position were to change as a result of any submissions that are made that Mr. Campbell has in mind, obviously there can be no objection taken to this witness returning to deal with that point.

LORD CULLEN: Would it be convenient, Mr. Campbell, if we were to allow you to reserve your position meantime and you can address me in due course and Mr. Taylor would be recalled if necessary at that further stage. Would that be the most convenient course?

MR. CAMPBELL: That will be wholly appropriate, sir.

LORD CULLEN: I take it the question you want to explore will not take very long; it will be quite a short passage?

MR. CAMPBELL: That is correct.

LORD CULLEN: So will you do that, you can address me and draw my attention to any arguments you think are pertinent and I can make a decision on that, and in the light of that this witness may or may not be asked to return.

MR. CAMPBELL: Thank you, sir. Perhaps I can just deal with two or three other matters with this witness which hopefully will be less controversial.

CROSS-EXAMINATION CONTINUED BY MR. CAMPBELL: The result of the meeting between you and Mr. Gallagher was that you were told in quite clear terms that the Fiscal did not want any further reports of this nature? - That is correct.

Effectively he would regard it as a waste of his time?
- Basically, yes.

I think you do indicate -- I forget whether it is in your evidence or whether it is in your statement -- that the Fiscal indicated that the material was concerning? - Yes.

Did he elaborate on what he meant by that? - In our conversation he accepted that the conduct of/

of Hamilton was concerning, that it approached the line but did not cross it, the line being that of criminality. It approached the line but did not cross it.

Did he elaborate upon which aspects of the conduct approached the line of criminality? - Particularly the behaviour of Hamilton whereby he caused children to dress in trunks and performing exercise and taking photographs.

Was the Fiscal aware of the fact that Hamilton possessed a Firearms Certificate? - Yes.

Was there any discussion about that? - Yes, there was.

What was the nature of that discussion? - I explained to the Procurator-Fiscal that, as it says in my report, he is indeed a firearms holder, the police did have concerns regarding him having possession of a firearm, and that was the substance of the conversation.

What was the nature of the police concern about him having a firearm? - I would refer to the previous report of Detective Sergeant Hughes -- he was a Detective Sergeant at the time -- regarding Hamilton's behaviour, and obviously Detective Sergeant Hughes had the advantage over me in that he had actually met Hamilton.

In that regard, in your evidence-in-chief you were referred to production D5 in the folder. In my folder there is no D5.

Could you help me with what D5 is? - It is a memorandum report from Detective Sergeant Hughes.

Dated 11th November, 1991? - Yes.

So that memorandum, which we have looked at many times in this Inquiry, was appended to your report to the Fiscal? - No, it wasn't.

But you knew of it? - I knew of its existence, yes.

But all that the Fiscal knew was that Hamilton had a Firearms Certificate and the police had concerns about him? - That is correct.

Did/

Did you elaborate upon those concerns to the Fiscal?

- I honestly can't remember.

So by that stage did you share Detective Sergeant Hughes' concern about the fact that Hamilton held a Firearms Certificate? - Yes, obviously I did, but although I am repeating, I never actually met Thomas Hamilton and I was going on the opinion of Detective Sergeant Hughes at the time.

If we look at the conclusion of your report D311 it begins with the statement, "Hamilton has undoubtedly sailed very close to the wind for many years as regards the inappropriateness of his methods of alleged tuition of very young, immature and unsuspecting boys of primary school age"? - Yes.

And it was your opinion in view of the evidence available to date that Hamilton may have committed offences of lewd, indecent and libidinous practices and behaviour, particularly giving consideration to the statement of one child we needn't name, contraventions of Section 12 of the Children and Young Persons (Scotland) Act, 1937, breach of the peace and fraud, and perhaps embezzlement, bearing in mind that he boasted in the past of having spent £10,000 on camera equipment. You go on to indicate that Hamilton has been registered unemployed since 1985 and has refused to identify other committee members when requested by parents to do so. Now, did that paragraph summarise the view which you had taken as to the potential criminality of the conduct as revealed by your investigation? - Yes, that is correct.

You go on, "It is worthy of note that Mr. Hamilton has provided parents with photographs of their children fully clothed, in groups and individually. However, none of the photographs taken of the boys wearing only trunks, of which there would appear to be many, have ever been provided. To this end the question remains unanswered as to why they were taken or where they are now"? - That is correct.

At that stage, having received the views of the Fiscal, did you take any action in the light of the concerns which you at that time had about the fact/

fact that Hamilton held a Firearms Certificate? - No sir.

Why not? - Obviously it was discussed with my line manager when I went back regarding the reaction of the Procurator-Fiscal, and we had already had concerns raised regarding Mr. Hamilton having possession of firearms, and there was nothing new basically in the information we had at that time.

Who was the line manager you spoke to? - Detective Sergeant Moffat.

What was the purpose in speaking to Detective Sergeant Moffat? - Just to report back on the discussion I had had with the Procurator-Fiscal and the case in general as would be normal practice for any case.

And also to convey to him your concern about Hamilton having firearms? - Not particularly that, no; it was more about the case itself.

But if you had concern about Hamilton having lawful possession of firearms that is a very serious matter, is it not? - Yes. As I said, it was a concern. These things were already known both to myself and Detective Sergeant Moffat. We were both well aware of the concern regarding firearms.

Could you remind me, Detective Sergeant Moffat, was he also in the Child Protection Unit?

- That is correct.

The same unit whose views had been rebuffed in 1991? - How do you mean, sir?

Detective Sergeant Hughes was in the unit in 1991 when he wrote the memo? - Yes, he was.

Was there a feeling that having expressed views clearly, and Detective Sergeant Hughes' memo in 1991, there was really no point in repeating the exercise? - At that stage, yes.

Because it was thought that the Deputy Chief Constable would simply take the same view? - As I said, there was nothing new from the information/

information we had available, it had already been expressed. As I said, I wasn't in a position to comment on Mr. Hamilton never having met him.

Did it occur to you that concern had been expressed in 1991 about Hamilton's conduct and the implications of his behaviour over his suitability as a person to have a Firearms Licence. You were aware in 1993 of further conduct, further complaints, giving police officers that concern. Did it occur to you that there is a cumulative aspect of this, incidents beginning to pile up, and that in itself is a relevant consideration as to whether or not a person was suitable to have a Firearms Licence? - Yes, sir, I believe that.

So it is not entirely accurate, is it, to say there was nothing new. This was something new in that there were more complaints and more concerning conduct in 1993? - Yes, but none of these complaints were substantiated.

Well, I am not quite sure what you mean by "substantiated"? - My enquiry at that stage -- there was no evidence which I had that corroborated the information provided by the witnesses at that stage. There was no act of criminality, as I said, as was explained to me.

Did you have any reason to disbelieve the children? -
No.

It was your view that there was criminal conduct involved? - Yes.

And the responsibility for the grant or revocation of a Firearms Certificate lies with the Chief Constable? - Yes, sir.

Not with the Fiscal? - Yes, I know that.

Do/

11 a.m.

Do you know whether Detective Sergeant Moffat took any steps in the light of your report to him? - Just about that time I transferred from the Unit temporarily to Grangemouth CID, and as I understand, Detective Sergeant Moffat carried on the investigation from another angle.

Was it after your conversation with the Detective Sergeant Moffat that you investigated the information held by the Scout Movement? - Yes, it was after that.

Could you have please in front of you file H(iv)? If you go to the yellow insert about quarter of the way through we then have a series of "D" documents? - Yes.

I think in the main these are copies of the Scout Association file on Hamilton? - Yes.

The first document I want to refer you to is D2/H(iv). This is a letter of 24th May, 1974 from the Executive Commissioner, Mr. Jefferies, to the Warrants Department at Scout Headquarters; is that right? - Yes.

It states "The County Commissioner for Stirlingshire has advised that he has requested the return of Hamilton's Warrant as he is suspected of improper behaviour with boys. In addition the County Commissioner, who is a medical man, thinks that Hamilton is mentally unbalanced"; do you see that? - Yes.

"After being asked to leave the Stirlingshire Troop he had approached another Troop in the neighbouring Scout County of Clackmannanshire, but the County Commissioner and District Commissioners of that County had been warned, and refused his offer of services"? - Yes.

Now, I think you told us in the course of your reading out of the notes you had taken on looking through the file that one of the notes you had taken referred to a query over the mental imbalance of Hamilton: so this would at least be one letter within the file which would have flagged that up for you? - Yes, sir.

If you look on a little to D6, this is a letter/

letter from the County Commissioner, Mr. Fairgrieve, dated 29th June, 1974, to Mr. Jefferies; is that right? - Yes.

We can all read this for ourselves, but in the second last paragraph of that letter it states "His personality displays evidence of a persecution complex coupled with rather grandiose delusions of his own abilities. As a doctor, and with my clinical acumen only, I am suspicious of his moral intentions towards boys": do you see that? - Yes.

I think again you took notes regarding some of this letter? - That is correct, yes.

We were told earlier in the Inquiry that you had access to the whole file. Was that your understanding? - Certainly the whole file that was handed to me at the Scout Association, I was left to browse through the file.

Could you look at D29? This is a note which Mr. Fairgrieve made much later, in August of 1986, after Thomas Hamilton had appeared at his door one Sunday afternoon; is that right? - Yes.

About two-thirds of the way down, in the fifth last paragraph we read "From the purely professional point of view I would think that Tom has become even more obsessional than I had previously remembered him and, from the look in his eyes, I would not be too surprised if he was currently on some psychiatric drugs": do you see that? - Yes.

Now, having had the opportunity to read through the file and having taken the notes which you did from it what action if any did you then take? - I then went and spoke to Mr. Fairgrieve.

And anything else? Did you take any other action after that? - In what respect?

Is that it? You spoke to Mr. Fairgrieve, and that was an end of this? - No; then I reported back to Detective Sergeant Moffat.

What did you say to Detective Sergeant Moffat? - I explained to him the content of the file/

file and handed over the notes I had taken and said that Mr. Fairgrieve said he was not in a position to substantiate these comments.

So was that an end of the matter as far as you were concerned? - At that time, yes.

So here we have a man who a doctor has expressed the view which we read in the file about; he is a man who holds a firearms certificate, about whom the police have concerns regarding his holding of a firearms certificate; queries about his mental stability and mental state are recorded, leading to him being withdrawn from the Scout Movement, and so on: yet all this is just filed, and no action is taken? - In relation to the comment about mental imbalance, I specifically spoke to Mr. Fairgrieve about that, and he said he could not substantiate that comment, that it was not in fact a medical thing, it was more a personal opinion, and that he had never medically examined him, that it was only a matter of his personal opinion as opposed to a medical opinion.

So before any action would have been taken am I correct there would require to be uncovered a psychiatric report certifying that Hamilton was mentally ill? - In relation to that point, if we were going to say Mr. Hamilton was mentally imbalanced I couldn't see anyone other than a professional being able to say that, a psychiatrist.

So the next time that Hamilton comes up for renewal of his firearms certificate none of this is of any relevance? - I wouldn't say it was not of any relevance, no.

Well, what is its relevance? - I think it is important that the information is available.

So were you aware of any steps being taken to make sure this information was available to whoever would be responsible for the renewal of Hamilton's certificate? - No, I was not aware of that. The information was given to Detective Sergeant Moffat and placed on file, and was an ongoing enquiry of the Child Protection Unit, or the Family Unit as it was at that time.

Were/

Were you aware of any Standing Orders or instructions that material relevant to firearms certificate holders' suitability should be conveyed to the appropriate department of the police? - There are Standing Orders in relation to firearms certificates, but I am not sure of the exact contents of them.

So if there is a Standing Order which required relevant information to be conveyed to the Firearms Department relating to a firearms holder, you were not aware of that? - No, sir.

Forgive me, but it may be that this is really just a matter of commonsense, that material of this nature should be brought to the attention of the department with responsibility for firearms licences? - Yes, I agree with that, sir.

CROSS-EXAMINED BY MR. GIBB: You obviously felt very strongly about your wish to get a warrant? - Yes.

When Mr. Gallagher indicated he would not support the application did you ask him to refer it to the Fiscal himself, whether he might refer it to the Fiscal for further consideration, as a matter of fact? - No, certainly I did not think that was my place.

CROSS-EXAMINED BY MR. TAYLOR: When you went to see Mr. Fairgrieve was it solely because of the concerns which you felt upon seeing two of the documents which are new and which have been put to you, having gone into the Scout file? - Yes.

Could you have a look at D29 of H(iv)? - Yes.

If you look at the back of it you will see "Where Found. 19 Lyall Crescent, Polmont"; is that correct? - Yes.

It goes on "In possession of witness Fairgrieve"? - Yes, sir.

I think we heard evidence from Mr. Fairgrieve this was recovered from his house and not from the Scout file, so this probably was not the document you saw? - That is correct.

So/

So the two documents you would have sight of from the file are D2/H(iv) and D6/H(iv)? - Yes, sir, that is correct.

And on reading those you felt it necessary to speak to Mr. Fairgrieve personally? - Yes.

Earlier in your evidence you referred to some notes which you made at the time. Were those notes made at the time when you were looking at the documents or notes made at the time you visited Mr. Fairgrieve? - These were notes I made when I looked through the file at Scout Headquarters.

You then went to speak to Mr. Fairgrieve? - Yes, I did.

When you spoke to him what view was he able to express in relation to Mr. Hamilton's character? - He used the term "grandiose".

Now, that is a word which we find in the second last paragraph of D6; is that correct? - Yes, sir, that is correct.

Was he prepared to attribute any other description to Mr. Hamilton's character? - As I recall, sir, he described him as a bully.

And that would be in the context of young boys? - That is correct. But he also did assert to me when I interviewed him that these comments were made some 20 years previously.

Did you put to him that a view had been attributed to him that he considered Hamilton to be mentally unbalanced? - I am sorry; can you repeat that, sir?

Did you put it to him that a view had been attributed to him that Hamilton was mentally unbalanced? - Yes, sir, I did.

Did he confirm that that was his view? - Well, he said that was not his view: he couldn't make that comment.

Did he in fact go on to say anything about requiring a medical examination before he was in/

in a position to form that view? - Yes, he did.

And he disavowed that view at the time you went to him? - Can you explain "disavowed"?

Yes. He disavowed that view at the time you spoke to him, the view that Mr. Hamilton was mentally unbalanced? - Yes, he said that was not his view.

Did you therefore consider that somebody who was described as having grandiose delusions, or words to that effect, in your view would that cast any doubt on a holder's ability to have a firearms certificate?

MR. CAMPBELL: I object to that question, sir. If it is going to be put in these terms it would be more helpful to the Inquiry if it were put in the correct terms, which can be easily found in D6/H(iv).

MR. TAYLOR: Sir, the terms I was seeking to put to the witness were the terms I had understood Mr. Fairgrieve to have made them at the time this witness had made a visit upon him.

LORD CULLEN: I thought you were going to put to the witness the views this witness had elicited in 1993, and so far you are doing that, Mr. Taylor.

MR. TAYLOR: Yes, sir.

LORD CULLEN: Mr. Campbell, is there any problem with that?

MR. CAMPBELL: If the questions are limited to what the witness understood Mr. Fairgrieve to be saying in 1993, that is one thing. I had understood this was mainly what was said around 1972.

LORD CULLEN: Perhaps you could put it to the witness the particular time you are talking about, Mr. Taylor.

MR. TAYLOR: I will, sir.

CROSS-EXAMINATION CONTINUED BY MR.
TAYLOR: /

TAYLOR: You had a visit to Mr. Fairgrieve in 1993? - I did, yes.

And in the course of that visit he was prepared to discuss with you the two documents we have been looking at for the past few minutes? -

That/

11.20 a.m.

That is correct.

And some of the views that are contained in this document he was not prepared to go along with and some doubts were expressed by him of his views on Mr. Hamilton? - That is correct.

If I have understood you correctly and please interrupt if I have got it wrong, he indicated that Mr. Hamilton was a person who had grandiose ideas or delusions -- did the use the word delusions? - Grandiose delusions of his own ability I think it was.

He was a bully towards young boys? - Yes, that is correct.

Did these two aspects in 1993 cause you to have any concern about Mr. Hamilton having firearms? - No.

I think if I have understood your evidence correctly your view in regard to firearms was based entirely upon what Sergeant Hughes had stated in his memorandum in 1991? - That is correct.

Your view was not formed of anything which you came across in the course of your investigations?

MR. CAMPBELL: Sir, I object to that, these are a series of grossly leading questions to the witness who is effectively Mr. Taylor's own witness.

LORD CULLEN: I know it is cross-examination but he is supposed to be on your side, Mr. Taylor.

MR. TAYLOR: I accept that. Perhaps the evidence would have more weight if I approached it another way.

CROSS-EXAMINATION CONTINUED BY MR. TAYLOR: You have told us that the contents of this Scout file caused you to have no concern in relation to Mr. Hamilton holding a firearm certificate; was there/

there any conduct which you were made privy to in the course of your investigations of Mr. Hamilton which caused you to have concern in relation to his ability to hold a firearms certificate? - Not during my investigations, no.

BY LORD CULLEN: Can I just ask another question at this point; you told us about your reading Detective Sergeant Hughes' memorandum and the concern he expressed two years before but did you learn anything in 1993 which was in any way relevant to the kind of concerns that he had expressed, was there any cumulative significance to what you were finding out? - At the time I didn't set eyes on the report itself although I did know of its contents through discussion.

You did read it at some point? - Yes, since the incident.

When did you read it? - Just recently.

I thought you read it at the time? - I never saw the report at the time. That certainly was my understanding up to this point.

Just tell me if you would what it is you understood back in 1993 Detective Sergeant Hughes had reported on that and on what basis he was raising the question as to revocation? - I was aware that Detective Sergeant Hughes had investigated an incident at Loch Lomond and put a report to the Procurator-Fiscal; as a result of having met Mr. Hamilton he had interpreted his nature and had put this into the memorandum report, the memorandum being to the Deputy Chief Constable stating that Mr. Hamilton was a firearm certificate holder and he felt in his opinion it was inappropriate that he should be entitled to hold a certificate because, I assume, the type of character he was.

No more than that? - It is difficult to draw on what I knew before and what I found out since but suffice to say I did know there was concern about the character of Hamilton.

You can't elaborate on what you knew at that time more than simply character? - No.

Was/

Was there anything you discovered in 1993 that in any sense at that time reinforced any concern that this officer had expressed about his character relevant to firearms? - When I attended at the Scout Association Headquarters and read the file the comment about mental imbalance did concern me, and that was the main reason I went to speak to Mr. Brian Fairgrieve to see if there was any substance in this, bearing in mind that that was the second thing in the letter I checked, and the outcome of that was that Mr. Fairgrieve couldn't say he made that comment; it was made that Hamilton's character, he was a grandiose type individual.

So having completed that investigation at the Headquarters and having seen Mr. Fairgrieve did any of that add in any way or not to any concern that this officer had expressed relevant to the man's character, suitability? - To my mind, no.

CROSS-EXAMINATION CONTINUED BY MR. TAYLOR: Earlier in your evidence in cross-examination you agreed with Mr. Campbell that in your view there was criminal conduct on the part of Mr. Hamilton? - Yes.

Do you recall that? - Yes.

I wonder if I could just look at a number of forms of complaint which you thought may be relevant; you referred in your report on page four to embezzlement of £10,000 or thereby, and do you see that? - Yes.

In the second paragraph on page four? - Yes.

What was the factual basis upon which that concern was based? - There was information from a parent that Mr. Hamilton collected money from the children who attended his boys' clubs; Mr. Hamilton, from background checks I did leading up to the investigation, I discovered that Mr. Hamilton was unemployed from 1985, I think it was. There was a statement already been submitted from an individual from a camera shop in which the witness speaks to Mr. Hamilton having boasted of spending £10,000 on camera equipment and I found that very strange that Mr. Hamilton could spend £10,000 on camera equipment having been unemployed since 1985 and/

and presumably if the club was being held there should be documentary records and my suspicion was that the money was being embezzled from the umbrella of the boys' club committee; the possibility was that the money was being embezzled from the committee in order to fund his interest in cameras.

That was no more than a possibility in your view? - Yes, that is correct.

And in relation to the breach of the peace was that a concern being expressed by a parent? - Yes, it was.

You make reference to fraud -- fraud and perhaps embezzlement, that is just one and the same thing perhaps? - No.

What is the fraud you are referring to? - Mr. Hamilton had taken children from Denny and one child in particular from Denny to Stirling on the pretext to the child's parents of playing five-a-side football; in fact, the gymnasium was not booked for five-a-side football, it was booked for gymnastic exercises and on arrival there Mr. Hamilton then took photographs which I interpreted as being in some way to his advantage.

That was the nature of the fraud which you say there? - Yes.

But again what you had available to you by way of evidence was the statement of one child? - Yes, and the parent.

And the parent? - And the parent who had come across the exercises ongoing in the gym.

Let us deal with it in stages; what was the evidence you had in regard to there having been a statement by Hamilton that there was going to be swimming carried out in the course of the evening? - It was actually five-a-side football.

Sorry, five-a-side football? - That the parents who believed their children were going to play five-a-side football and the children themselves.

And the lewd and indecent and libidinous practices/

practices was in relation to the photographs of one of the children, is that right? - That is correct.

That is the one child where he was hanging from bars? - No, this was the incident in Dunblane High School in which one child spoke about a particular exercise which was very very questionable.

And the contravention of the Section 12, was that the one in relation to hanging from the bars? - Yes.

You also told us that none of the children had expressed any concern, it was the parents who had expressed concern? - One child did express concern that when he was hanging from the wall bars it was particularly sore but he didn't like to say.

He didn't like to say? - He didn't say anything, it was painful.

He said to you that he hadn't said to Mr. Hamilton, is that what you are saying? - That is correct.

Apart from the enquiries which were made to the Scout Association did you make any further inquiries as to Mr. Hamilton's activities or character or record? - Not personally, no.

Did you make any contact with anybody in London, with the Metropolitan Police in London? - Yes, I did.

Can you tell us the nature of such enquiries? - The National Criminal Intelligence Service, as I understand it.....you appreciate it is three years ago and I can't remember who I spoke to but it was to do with paedophilia and my enquiries were whether or not there would be a market for this type of photograph and indeed whether Mr. Hamilton was known to them, and the result of that was negative.

RE-EXAMINED BY MR. LAKE: Just one or two things I want to clarify; the first is in respect of Mr. Fairgrieve's opinion. You have said that in the Scout file there is a record of Mr. Fairgrieve's/

Fairgrieve's opinion that Hamilton was mentally unbalanced? - Yes.

When you spoke to Mr. Fairgrieve did he say he could substantiate that or he hadn't said that? - He hadn't said it -- the comment was made in a letter from another person and he said that no, he wouldn't.....his words were not that he had a mental imbalance, it was more he had a grandiose type nature and he was a bully.

If I refer you back to your memorandum dated the 9th of June which is D3, the fourth page of that, there is reference in the third paragraph saying "That Hamilton had provided parents with photographs of their children fully clothed, in groups and individually, however none of the photographs taken with the boys wearing only trunks, of which there would appear to be many, have ever been provided". Do you see that? - Yes.

Do you mean by that that the photographs had not been provided to the parents? - That is correct, photographs of the children wearing trunks were never provided to the parents that I spoke to.

Are you aware that the police had already, as a result of the 1991 investigation, viewed photographs taken by Hamilton of the children wearing only trunks? - Yes.

And also as a result of the 1991 investigations these photographs would have been reported to the Fiscal? - I would assume so.

You make the reference within that memorandum of concern being expressed by the parents in relation to the matters you were investigating; is it fair to say that concern of the parents arose from matters which they speculated may have happened rather than activities that were known to have happened? - Could you ask me that again?

You stated in your memo certain matters which one parent observed and in respect of the second complaint that a child said had happened, is that correct; I think you also note that there was some/

some parental concern; is that correct? - Yes.

Was that parental concern entirely due to the events which you reported or were the parents also concerned because they imagined that other things may have happened that they didn't know about? - I think it was probably both.

When you mentioned your discussion with Mr. Gallagher and all that was discussed was that on the one occasion you spoke to him after preparing the memorandum? - Yes.

And this was the discussion which you said took half an hour? - I don't know how long, that was purely a guess, I don't know how long I was there, I didn't time it.

But the discussions took place some three years ago? - Yes.

Is it not the case that your recollection of what Mr. Gallagher said may be dimmed by the passage of time? - Not on this occasion, no.

Might you not have misunderstood what Mr. Gallagher said to you? - No, I was quite clear what was said to me.

BY LORD CULLEN: Just one question. If you look at D27 in the file before you -- you haven't been referred to that document yet, just turn it over. It is in H(iv) and it is quite close to D29 which you looked earlier; that is a manuscript letter? - What was the document -- 29?

29 was the notes? - Yes.

Apparently taken from Mr. Fairgrieve; it is a few sheets before that? - Could you give me the document number?

That is No. 29 and it is a few sheets before, No. 27? - Yes.

That is a manuscript letter which purports to be dated the 28th of April and appears to be signed by Mr. Hamilton; there was some comments you made earlier in your evidence about reading various things when you were going through the/

the Scout file; do you see there there is a reference in there to an alleged favouritism on the part of somebody else by Mr. Hamilton; is that at all familiar to you? - Yes, it is.

That fits with what you said earlier? - Yes.

ROBERT/

11.40 a.m.

ROBERT MARK URE, (57), Sworn,

EXAMINED BY MR. BONOMOY: You stay at 12 Kent Road, Stirling? - Yes -- until the 10th of June, I exchanged houses.

You have moved now? - Yes.

You still stay in Stirling? - Yes.

When did you first move to 12 Kent Road?
- December, 1992.

And stayed there until June of this year? - Yes.

Where is 12 Kent Road in relation to Hamilton's house at 7 Kent Road? - It is approximately 10 yards down the road and across.

The other side of the road? - Yes.

And 10 yards down the road? - Yes.

Upstairs or downstairs? - Downstairs.

Were you aware of his existence from the time you moved there? - Yes.

In what connection? - When we moved in I had been in the Indoor Bowling and I won a trophy, and I was in my own garden and he approached us to take a photograph of the trophy and myself. I told him to get lost.

Any particular reason why you told him to get lost? - Well, the old ladies in the street had told me he was an unsavoury character. I was just in the street, I had more to do than talk to the likes of himself.

Can you be more specific about the statement you made about the unsavoury nature of his character? - Yes. One of the old ladies, Mrs. Reilly, had told me while I was cutting her hedge that she had reason to call the ambulance for her husband. The ambulance drew up at Thomas Hamilton's door, he flew into a rage, stuck his face close/

close up to old Mrs. Reilly's face, told her in no uncertain terms "Don't you ever send an ambulance to my door again". I took exception to that and I said -- Mrs. Reilly is 85, and I said, "If he ever done that again, let me know".

Anything else in general terms about the unsavoury nature of his character? - He was a person you could pick out in a crowd. He was a devious -- the sly way of going about this life.

How did you work that out? - Well, it was quite easy for a man, having been in the Forces, you know.

What about him, any other impression? - He was soft spoken, piercing eyes, and he was very -- well, nobody would really want to know him, quite frankly.

Did you ever see through the window, see what there was on the walls of his house? - Yes.

What did you see? - I seen two rows of photographs.

Showing what? - Photographs of boys, one going along, and there was a further number of photographs on the other side further down.

Were these of individual boys or groups of boys? - What I seen was individual boys.

Which part of the boys did you see in the photographs? - From the waist up.

Wearing anything? - I don't remember for certain.

On any occasion did you see boys around the house? - There were one or two occasions he had them down to do his grass or cut his hedge out the front.

What age were these boys? - Approximately 14 -- 12/14.

Now, after your encounter with him over the hedge did you have any dealings with him? - No, I had no dealings with him personally but.....

Did/

Did you ever speak to him? - Yes, as a neighbour, in the small street Kent Road is, I passed him on the corner and said "Aye", and that was about all I was prepared to.

So you acknowledged him as you passed? - Yes.

Before the incident at Dunblane when was the last time you saw him? - That would be approximately 2nd or 3rd March. My girlfriend Helen Peters and I were walking the pup and.....

We will come on to tell us about this, but just before you do can you confirm that is actually the last time you had seen him? - Prior to Dunblane?

Yes -- the last time you saw him at all? - No, it was after that again.

There were other occasions when you just saw him in passing; is that right? - I don't quite get your meaning.

We will go back to what you were telling us about Mr. Hamilton. Tell us about that? - He came out of the ground more or less. Me and my girlfriend Helen Peters were walking the pup we had just acquired that Christmas, and we were passing along adjacent to Braehead Primary School and he suddenly came out the ground more or less. The path runs along the primary school there and.....

Quite close to the path? - Yes. There is the road from the back of the Braehead Primary School comes down to the gates, and we were going along to these gates to get out, and he appeared at the gates. I turned round -- I was going to get the pup -- and there was Thomas Hamilton standing.

Where do the gates lead to? - In and out the school. They are the main gates of the school.

Were you about to walk in the school grounds or were you going past the gates? - We were passing the gates going home having gone round from the road.

Do you know where he came from? - He just/

just came out the blue, unexpected as I say.

Can you say whether he was in the school grounds or not? - Yes, he was definitely, because had he been any other way, that is to say coming from the back -- there is a road that comes in the back of the school, and we would have seen him coming down that road when we were coming to the gates. He was in the annexe, one of the annexes to the school.

As you walked along the path was the school to your right or your left? - Left.

The gates you are talking about, were they to your right or your left? - Well, they were a'fore us.

In front of you? - Yes.

These gates lead to where? - The gates lead out to Springfield Road, the gates of the school. They come off Springfield Road past the church and into the school playground.

How are you able to tell where Hamilton had actually come from? - Well, I would have seen him had he been in that part of the road from the back of the school.

Because you didn't see him where you would expect to see him if he was walking in the ordinary course like yourself, is the only place he could have come from.....? - The annexe to the school.

Did you speak to him? - Yes.

What did you say to him? - I turned round and said, "Where did you come from?" and he said "I was away to organise another boys' club". I just went to ask a question and -- he seemed agitated as if he had been caught out.

Did you address him by name? - Yes.

What name did you call him? - John.

Why did you call him John? - Well, I wasn't thinking properly at the time. It is actually a little -- I thought his name was John and he/

he brought us up on that and he says, "My name is not John, it is Tom".

This fairly unsavoury character whom you have told us lives across the road from you -- you didn't know his name for sure?
- I knew his name, it was just a misinterpretation at the moment.

Are you sure about it now that it was him? -
Certainly, definitely. There is no other one in Scotland like him.

I think you were asking him where he had been. Did you ask him anything else in that conversation? - Yes. I asked him what he meant by starting a boys' club at a quarter past 11 at night in the dead of winter, and he suddenly went on -- what I wanted to ask him, I asked him for the name of the Stirling Rifle and Pistol Club's address or the telephone number of it.

Why did you ask him that? - My estranged wife had told us previous to that she had been to the rifle range with him at Dunblane Victoria School and she had been embezzling money which was not to my knowledge, and I was wanting to rectify that with the gun club, I had nothing whatsoever to do with it, and I was wanting to contact them either by phone or by writing to the Secretary to point that out.

So you took this opportunity to ask him for what information? - The Stirling Rifle and Pistol Club's phone number, or the address of that place. He told us it wasn't a static building they had. He informed us that might have been in his mail, that is to say the telephone number or the address.

Now, you told me earlier you had seen him on some other occasion before the 13th March. When was that? - That was the 3rd of March we were talking about.

When was the next time you saw him? -
Approximately the 10th of March. We were going down, Helen Peters and I, my girlfriend, were going down to Cecil Street Garage at night to get the morning paper that comes in early, and he stopped me, he wanted to talk about the request I had made of/

of him.

How long after the evening you have told us about was that? - After the 2nd or 3rd March, it would be approximately seven or eight days.

Did you speak to Hamilton on that occasion? - Yes, in Cecil Street.

On the week of the Dunblane incident did you see him? - No. My girlfriend was looking out of the window and she said, "There's Thomas Hamilton away by".

What day was that? - The Monday.

Two days before? - She brought it to my attention it was a different colour of briefcase than he normally had. It was normally black, as if we would get the assumption he was into photography, but I knew otherwise through the estranged wife, he was in the gun club along with her.

This is the Monday -- what time? - Approximately 9 o'clock, half past 9.

What was he carrying? - It was a tan briefcase with insertions for guns.

Where was he going? - Going out the street.

From his house? - Yes.

Did he have any transport there? - No, he was walking.

Describe to me please the briefcase? - It was a tan briefcase, one that I had seen about in the military that officers had shaped for taking the contents of guns.

This is something for transporting guns, is it? - Yes. It is a briefcase.

But specifically for guns? - Yes.

Is that the last time you ever saw him? - Yes.

No cross-examination.

MR./

MR. BONOMY: Sir, the next witness will be Mr. Paton but it may be we could adjourn briefly so that all the necessary arrangements may be made to facilitate his evidence.

LORD CULLEN: How long will that take?

MR. BONOMY: That will be five minutes. I hope we can resume by 12 o'clock or 5 past to be safe.

MR. CAMPBELL: Sir, before we adjourn I wonder if I can try and get some clarification from Mr. Bonomy in relation to the matter which arose during my cross-examination of the witness before last, since plainly this is something that some of us may wish to apply our minds to in a little more detail than we have done to date. Are we in the realms here of public interest indemnity or is there some other basis for the Crown's position?

LORD CULLEN: I wonder, would it be more helpful if I gave the two of you an opportunity to discuss the matter?

MR. BONOMY: Yes. That certainly is satisfactory. I have here the material which explains the position and I will give it to Mr. Campbell just now.

LORD CULLEN: That's the best plan. We will adjourn until 5 past 12 or earlier if possible.

After/

12.05 p.m.

After a short adjournment:

ALISTAIR BUCHANAN PATON (53), Sworn:

EXAMINED BY MR. BONOMY: I think you live in Renfrewshire? - I do.

Can I ask you about your history? I think for a number of years you served as a police officer? - Yes, I served 30 years as a police officer, firstly with the City of Glasgow Police and then with Strathclyde Police.

When did you retire? - In December, 1991.

What rank did you hold when you retired? - An inspector.

Was the bulk of that service with the police in one particular area of police work? - Yes, I served 22 years in the Identification Bureau of both Forces.

Was that specialising in any particular area? - Yes, specialising in the examination of firearms, ammunition and their various subjects.

Was that throughout the 22 years? - Yes.

How much of your time over that period was taken up with the study of firearms and ammunition? - It was in conjunction with other duties. You are looking at 55% or more, especially towards the latter end of my career.

Did that percentage increase latterly? -- Yes.

Was that because it was more specialised or because there were more guns and ammunition to investigate? - Both.

I take it in that capacity you would be the most senior officer in Strathclyde dealing with these matters? - When I was promoted inspector I was.

Were/

Were you at that stage the most senior officer throughout Scotland dealing with that expertise? - Yes.

After 1980 were certain formalities applied to experts in any forensic area, and one could become an authorised forensic scientist, and did you fall into that category? - Yes, with the inception of the 1980 Act I became an authorised firearms examiner.

Since retiring from the police have you continued to use that expertise? - Yes, I am now an independent examiner. I have set up my own business, and I work on behalf of defence agents, insurance companies and anybody else who asks me.

Are you also a registered firearms dealer? - I am.

Why is that? - It is a legal requirement. I don't deal in firearms at all, but by becoming a registered firearms dealer I can legally handle any firearms and ammunition, so I can conduct ballistics examinations without having to get a permit from the local police force.

In this case you have been invited to consider a number of issues. Initially did you prepare a report, which I think you have in front of you? - Yes.

That will be R44. Do you also have your supplementary report with you? - Yes, I do.

We will call that R45. Now, do we find in these two documents the results of your investigation and consideration of the various issues that were posed for the purpose of the Inquiry? - Yes.

In addition to these you were asked to have a look at the firearms which were used in the incident at Dunblane Primary School? - Yes, sir.

Have you also seen a report by Mr. Chisholm, who was the Tayside forensic scientist who was at the scene? - Yes, I read that this morning.

I/

I wonder if you could also have that before you.
That is R7? - It is, yes.

Now, that is actually quite a lengthy document, but the bit that matters for present purposes is towards the end. If you could go to the actual report, at page 7 of that -- do you have that?

It is away towards the end of the book you have given? - Yes, I have it.

You will see at the bottom of that page and on to the next page -- in fact the next two pages -- there is a description of the four weapons that Hamilton had with him? - That is correct, yes.

Have you seen each of these four weapons? - I have.

Two of them were Smith & Wesson revolvers? - Yes.

How identical were these two weapons? - Mechanically they are identical, really. There are some minor differences to the hammer, the shape of the hammer, and the butts are different. One has a polished wood butt grip and the other has a rubberised butt grip.

In Chisholm's report on the face of it they appear to be identical apart from the hand grips? - Yes, more or less. The normal person would not be able to differentiate the two apart from the grips.

You can see some differences in the mechanisms of the two? - Yes, in small parts.

You are not an expert in target shooting as a sport? - No. I used to shoot a small bore rifle as a sport, but other than that, no.

We will hear in due course from other witnesses the significance of any difference so far as the various sports are concerned. I don't want to ask you about that. In practical terms, however, when it comes to operating these two guns are they more or less identical? - Yes, they are.

They/

They would use the same ammunition? - Yes, they would.

There are also two Browning pistols, and you saw that? - Yes, sir, I did.

Are there significant differences between the two Browning pistols? - Not significant differences. Both operate the same way, and they both started as the same model, but one of them has been modified.

The same manufacturer? - Yes.

The same model? - Yes.

And then one of them has been modified? - Yes.

To achieve what objective? - Externally, it has an extended barrel, with a muzzle weight attached to it.

Why is that? - The longer the barrel of a firearm the more accurate it is likely to be, and the muzzle weight at the end of the barrel would obviously help to stop muzzle flip; in other words, when you fire the weapon the recoil flips the muzzle up, and if you have a weight at the end of the muzzle this counteracts that.

What is a recoil? - It is the reverse action of a cartridge on the weapon itself.

I see? - When a cartridge is fired within a gun the gas propellant forces the bullet out, but by Newton's Third Law of Physics the action is equal and opposite, therefore you get the same amount of force acting on the gun.

Yes? - The recoil is felt according to the weight of the gun. If you have a light gun you will feel the recoil more than you would if you have a heavy gun.

So by adding weight to the barrel it will reduce the recoil? - Yes; and it will also reduce the weight distribution of the weapon and put weight on to the muzzle and avoid muzzle flip.

And/

And you should be able to fire more accurately? -
Yes.

Chisholm also identifies a difference in the one with the longer barrel, in that the hammer spur had been removed and the area ground down to a smooth finish? - Yes.

Can you tell us the significance of that? -
Obviously the removal of the spur is to allow the firer to pull the hammer back using his thumb. It allows you to pull the hammer back. The end had been ground off in this weapon.

What is the significance of that, and what is the reason for it? - The only reason that I could think of really is if the weapon was being used with a holster.

Why is that? - One of the problems with the holster is that the hammer spur sticks out and can snag on a holster, and removing the hammer spur would prevent that. The reason for doing it in this case I do not know.

Again, it was also noted that the magazine certainly was not engaged within the weapon with the result that the gun could be fired without the magazine being in place? - Yes. This particular model had that built-in safety feature, in that if you removed the magazine and tried to fire the weapon the gun could not be fired: it has to have a magazine in the pistol before you could fire it. However, this causes additional pressure on the trigger mechanism, and it means the trigger mechanism requires more effort for it to be operated. By removing this safety feature you cut down the trigger pressure and make the trigger much more easily used.

Yes? - This is a standard feature for many competition shooters with this particular model weapon.

Is that really done so that the weapon has a lighter trigger? - It is a combination of a lighter trigger and a more positive action. You do not have to overcome the additional safety mechanism.

And/

And the effect of that is that you require less pressure on the trigger? - Yes; and the trigger pull is smoother.

Chisholm also makes the remark that as a result of that the gun could be fired without the magazine being in place? - Yes, it could.

Which meant that if a bullet was inserted into that gun on its own it could be fired? - It could, yes.

Is it only in a situation where the magazine safety device has been removed that you can use a magazine plus an additional cartridge in the breech, or can you get that situation on either of these two Brownings, the one with the modification and the one without? - You can get it on both.

Now, are there any other differences between the two Brownings? - Not that I can remember.

No difference in sights? - No.

Was there something about the grips? - I can't remember a difference in grips from yesterday. They are both rubberised grips.

Now,

12.25 p.m.

Now, we have heard evidence in the Inquiry that Hamilton had a number of magazines with the Browning, which had a capacity of 20 cartridges, is that unusual? - No, the standard Browning Hi-Power has a magazine which contains 13 rounds; however, you can purchase additional magazines which contain either 15 or 20 rounds.

We have also heard evidence that the magazine was loaded with a variety of different types of ammunition? - Yes.

I will ask you about ammunition later. If you go to page 10 of the Chisholm report you will see that it was loaded with a mixture of round nose semi-wadcutter and hollow point cartridges or bullets but cartridges with bullets in them? - Yes.

Now, you will see also on page 10 they were loaded in a particular sequence? - Yes.

The sentence in the second line of the typewritten part, "The magazines were loaded in two different sequences of loading with the first four cartridges in the bottom of the magazine always being the hollow point type, followed by either 11 or 15 semi-wadcutter types and topped by either five or one round nosed type. This was further emphasised by the partially full magazines". Is this something that is perfectly normal or is it an unusual feature or is it something that you can't say much about? - I have never come across this before, but I can't think of any particular reason why he should have these.

One reason that has arisen is to do with preventing jamming; does that make any sense to you? - Yes, one of the problems is that a semi-automatic weapon is fitted with a magazine into the chamber; there is a well, a shaped well or a ramp on the topmost cartridge so the magazine is pushed up and into the chamber; where you have a round nosed cartridge that fits directly up the well into the chamber; it is well known with hollow point ammunition for it to stick and jam because there is an edge at the front of the cartridge.

What about semi-wadcutter ammunition? - It/

It varies. It depends on the type of semi-wadcutter; the particular type in here is basically what is known as a truncating bullet: the nose has been flattened but it has a rounded part on it and that would fit.

The indication here was it was loaded with semi-wadcutter and had a variety of 14 hollow nosed bullets at the end?
- Yes.

The ones that are most likely to jam are last? - I don't know.

I take it in the course of your police service, in particular, you would come across magazines? - Yes, I have.

And these would be loaded magazines? - Yes, I have.

Have you come across examples of magazines loaded with a mixture of bullets like this? - No, certainly different mixtures of manufacturers, different ammunition in one magazine.

But normally the same type? - Usually the same sort of type.

Now, the only other thing I want to ask you about the report at this stage is in relation to the speed of fire; I will look at that perhaps a little more in due course in relation to other individual types of weapons, but if you go to page 13 of the report you will see that in the third last paragraph Chisholm is recording there that "A full magazine of 20 shots was fired off as quickly as possible. The time taken to accomplish this was 5.46 seconds"? - Yes.

I doubt if the Inquiry has an interest in the precise parts of a second that might be taken for this but I take it you haven't had an opportunity to carry out the same exercise with this weapon? - No, I haven't.

But in general terms is it consistent with your experience for a magazine with 20 shots can be fired off in five or six seconds? - Yes.

BY LORD CULLEN: I take it this is assuming/

assuming one is trying to aim at a target rather than just simply firing off? - That is correct, it also depends on how accurate you want to be; if you are trying to hit a quarter inch circle then you would take longer than if you wanted to hit a man-sized target.

But broadly speaking if you are talking about 5.46 seconds one could achieve some degree of accuracy, is that right? - Yes.

Within what, could you give some kind of parameter on it? - The difficulty depends on the expertise of the person that is firing and on his physical make-up. If you are well used to that weapon then you will possibly accept the recoil and possibly mentally re-adjust yourself to the next shot; if you were someone unused to firing a firearm the shot of each individual firearm would put you off and it would take much longer but yes, to a reasonably competent user of a self-loading pistol then that is what I would expect; it is unusual because you don't really need to fire that number of shots at any one time.

EXAMINATION CONTINUED BY MR. BONOMOY:

Can I take it that if you were trying to fire off as many shots as possible as quickly as possible at one target that would be the quickest way of discharging the magazine? - Yes, it would.

And if you were to repeat that exercise you would be able to achieve more or less the same result each time? - Yes, possibly.

If the gun was working adequately? - Yes.

But there may be some variation when we are talking about points of a second? - Yes.

But can I take it also that if you have to move to aim at some different target that will obviously slow down the speed at which you discharge the whole magazine? - Yes, that will depend on how far the targets are ahead.

Even allowing for that we are talking about a weapon which can discharge 20 cartridges very quickly, in a matter of seconds? - Yes, absolutely.

If/

If I could turn to your own report and ask you first of all about handguns in general; if you could tell me first of all whether this is..... well, I think perhaps the first question is, is there a legally recognised definition of a handgun? - No.

So there is no Statutory provision that tells us what is and what is not a handgun? - That is correct.

Is there a general understanding by an expert such as you, a definition that may assist us? - Basically a handgun is designed to be held and fired with one hand; there may be occasions when you use a second hand to steady it, but it is designed to be fired with the use of one hand only.

Designed to be fired; presumably there are many things you can fire with one hand, particularly if you are strong? - Yes.

I take it it was part of your job in the police in particular to say when something was not a handgun and should be classified as a rifle rather than a handgun? - That was one of the difficulties we had, yes, and came across occasionally because there was no actual definition.

Proceed then now on the basis that a handgun is what we would normally recognise as such, could you categorise a handgun for us? - Yes, there are three basic types of handguns; there are the single shot weapon, a self-loading pistol or a semi-automatic revolver.

Tell us what a single shot weapon is first of all? - A single shot weapon is a handgun, it is normally intended for highly accurate or long range target shooting, into which one cartridge had to be manually loaded each time the weapon is fired. The fired cartridge case similarly requires to be extracted by manual means.

Do you have with you an example of such a weapon?
- Yes, I have.

Could you now show us that? - This is a single shot pistol, it consists of a fairly long barrel and the cartridge is loaded into the chamber here/

here and when the barrel is closed the hammer is cocked and the bullet fired and then you break the weapon open and manually extract the cartridge.

Now, is a longer barrel a particular feature of a single shot weapon? - It is a feature of this one; a single shot weapon tends to be for target use, highly accurate target shooting nowadays and the longer the barrel the more accurate the weapon will be but there is a vast number of weapons manufactured in the early part of the 1900s which are short barrel vest or pocket pistols, they were designed for individual protection, self-protection.

They are single shot weapons? - They are single shot weapons.

Do persons such as vets who may have a handgun for their work have a single shot gun in your experience? - Yes, they could.

Do they also use other types? - Vets can use a variety of weapons; the slaughter instrument is one of the main items they use but they also use dart guns to inject tranquillisers.

By a slaughter instrument do you mean a gun or something other? - Both a gun and a cartridge bolt, something that will kill the animals but not actually fire a bullet; if you are talking in terms of, let's say, a vet dealing with a dangerous animal he may have a true firearm.

Your report divides these single shot weapons into two mechanical types; you say that there is a "Break (or hinged) action" type? - Yes.

And there is another type? - It is a bolt action which is similar to a rifle and again it works simply by a bolt, loading a cartridge into a chamber, the bolt pushes it forwards and locks it in place and by returning the bolt you extract the cartridge.

After you have fired it? - Yes, after you have fired it.

So you get handguns that work that way? - Yes, you get handguns that work that way.

Now, /

Now, excuse me for asking a question to which the answer is obvious but I think we ought to highlight the point; it may take far longer to discharge 20 shots using one of these weapons than it does using a semi-automatic Browning that we saw earlier? - Yes, absolutely.

And the exercise you are showing of loading, firing and then extracting the cartridge would take perhaps close to the five or six seconds we are talking about discharging 20 rounds from a semi-automatic weapon? - It would probably take longer, because not only would you have to fire your first shot, you would then come down from the aim, break the weapon open by using the bolt and open the weapon, extract the cartridge case, fish for another round because there is no magazine; you would have to go into your pocket or some other place where you have the ammunition, pick that up, put it in the chamber, close the weapon and make it ready to go back to your aim again and to do that would take longer than five or six seconds.

BY LORD CULLEN: Could you put some value factor on it? - I am sorry; 10, probably 15 seconds. It depends on where your spare ammunition is kept and the possible position.....if you are sitting down here at a table and firing forwards and the ammunition is beside you it would obviously be quicker than standing up with the ammunition in your pocket.

EXAMINATION CONTINUED BY MR. BONOMOY: You could do it fairly quickly if you were sitting? - Yes, because you would be able to do it quicker sitting at a table with your reserve ammunition beside you.

Obviously you take the initial aim and then you regain that position after you have re-loaded? - Yes.

Apart from these two methods of operation are there any other mechanical means of operating a single shot weapon which are of any significance? - Not really, there are one or two other ways of breaking the weapon open so that you gain access to the loaded cartridge but that tends to be in the minority; there is one particular one which looks like a revolver but, in fact, instead of having five or/

or six chambers it has only one chamber so you basically fire the revolver, turn it round a quarter turn to extract the cartridge case, put a cartridge back in and back into the firing position; that is one particular weapon I can think of; there are others that break differently but the back of the chamber is what actually prevents the cartridge from falling back out again.

Do single shot weapons allow for a use of a whole series of types of ammunition? - Yes, this is probably the most extensive range of ammunition that you can find for any weapon; the main one is .22 calibre and it goes upwards to very high powered rifle cartridges; you can actually find .308 cartridges which is for a 7.68mm Nato cartridge.

The report says 7.62? - Sorry, my apologies, 7.62.

7.62mm and that is for a high power rifle? - Yes.

We have heard evidence in this case of such cartridges being held by Thomas Hamilton and they would only be capable of use in a high powered pistol or rifle? - Yes.

Now, can these cartridges be used in any form of semi-automatic pistol that you know of? - No.

So/

12.40 p.m.

So would that have to be either a high-powered rifle or a single-shot handgun? - Yes.

I think you were asked to investigate -- I know it is a bit out of your expertise but you know where to go and what to ask -- you were asked to investigate cost? - Yes, I was.

Can you help us at all with the cost of the purchase of a handgun which is a single-shot weapon? - That's actually quite a difficult question because it is a very limited market.

Why is it a limited market? - Not many people use them. Modern single-shot pistols, particularly those using the higher powered cartridges, are expensive. However, the very cheap pistols, the sort of self-defence pocket pistol that I mentioned, they are very cheap, usually between £25 and £50.

Is that second-hand or new? - Second-hand. These weapons were probably manufactured in the late 1800s or early 1900s.

They are not classed as antiques however? - No.

That is because there is readily available ammunition that can be used? - Basically, yes. There is no such definition of an antique pistol. There are recognised guidelines, and the majority of these weapons will be outwith the guidelines therefore they will require a Firearms Licence.

What are the guidelines in general terms? - The Firearms Consultative Board have issued a list of cartridges, and a firearm capable of using those cartridges will normally be considered as antiques if they are kept as curios or as ornaments. The ones that use the old black powder cartridges are basically difficult to obtain.

Is it the non-ready availability of cartridges rather than the age of the weapon which determines whether it would fall into the category known as "antique"? - Very much so. You could have weapons which were built in the 1870s which are not antiques because they can still chamber and fire currently/

currently manufactured ammunition.

Remaining with the question of cost: if a person wanted to buy a new target shooting model which was a single-shot weapon would that be expensive? - It would probably start from £500 upwards. I don't think you would be able to get one for under £500. Some of the much more custom-built ones can go up to £2,000 and more.

Your experience as a police officer would be largely concerned with the use of firearms in criminal activities? - Yes.

Was this kind of weapon currently found in the hands of criminals? - No, it wasn't.

We may just at this stage complete the picture by looking at the question of the immobilisation of weapons such as this. I want to know if you can help us again, and could you tell us whether there is any way of separating the parts of that weapon? - Yes, there are. The actual barrel hinges around this axis pin here, and it would be theoretically possible to unscrew that. I haven't actually tried it with this particular pistol, but it looks as if you unscrew this therefore the two parts will come apart.

You haven't got a screwdriver there? - I do actually (demonstrates). It is as simple as that.

Can it work without the barrel? - No. You need the two parts together. The barrel only contains the ammunition and this part actually fires the ammunition.

BY LORD CULLEN: Is that kind of arrangement you have just demonstrated to us, is that typical or not typical of the type of gun we are looking at here? - It is fairly typical, the difference being here you have an axis pin, and sometimes it is a screw pin and other times it is a press pin and it is held in by friction, and to take it you need a hammer and a drift.

Does that require a specialist, a gunsmith or not? - Basically you take that out, and the more often you do that the looser it tends to become.

Putting/

Putting it back together again may become more difficult I suppose? - Yes. It also tends to get looser, therefore it would eventually tend to become less safe.

EXAMINATION CONTINUED BY MR. BONOMOY:

Would regularly separating the one you have there in that way do anything to harm its safety? - It shouldn't really. You might wear the axis pin but I don't think it would be a significant problem because it is screwed down.

Could you put it together just now before we lose any bits? - Yes. If you know what you are doing it is a very simple operation.

Do most people who own and use guns know what they are doing when it comes to taking them apart? - Probably Yes, but I would think a minority wouldn't.

Do you not have to clean it properly? - No, in this particular weapon you don't. You can clean it as this conditions.

Would it be any more difficult to take a simple action which would render a bolt action style single-shot weapon inoperable? - No. You remove the bolt.

Is that just as easy as what you have done with that gun? - More or less.

Could you do it with a rifle? - (Demonstrates). In this particular weapon that's how you do it, but there are other variations of this which require more movement, but not much more than that.

That was two or three seconds? - Literally all you do is that (demonstrates). You unlock it and as you unlock it you pull the trigger and it falls out.

Can the gun be fired without the bolt? - No, it cannot.

What are the main differences between single-shot handguns and self-loading pistols? - Well, the main difference is the fact with the single/

single-shot weapon you have to load it after each time you fire it. With the semi-automatic weapon you have a reserve of magazine of ammunition which is automatically reloaded every time you fire the weapon.

Do you have a self-loading pistol with you? - Yes.

Do you have a magazine for it? - I do.

Could you show us how it operates please? - This is a Browning handgun similar to the one which Hamilton had. Basically the magazine is just a casing in which there is a spring and the cartridges are fitted one at a time into the top of the magazine and held in place by the curved lips of the magazine. When you load the magazine you have to put it in and press it home. The weapon still cannot fire in this condition, it has to be manually charged, you have to pull the slide back. By doing that, i.e., the slide going forward again, it strips the top cartridge out of the magazine and pushes it forward into the chamber and that is the weapon ready to fire.

Hamilton's magazine has got a cartridge in the chamber and you could still have 20 in the magazine? - Yes, you can do that in either of two ways: you could physically pull it back and hold it, load one cartridge into the chamber, or, alternatively, the easiest way to do it is to operate the system and load one cartridge into the chamber, drop the magazine, load another cartridge into the magazine.

Now, would he have been able to do that with one which had no safety mechanism when the magazine was removed? - Yes, that probably would be the safer way of doing it actually.

Do all self-loading pistols work in the same way? - No. There are three different ways in which pistols will work. There is the simple blow-back system; in other words, the recoil of the cartridge just blows the whole top of the slide, that part of the pistol, backwards. You then have a delayed blow-back system where the slide is locked on to the main body of the frame for a few milliseconds until the bullet has left the muzzle. Gases within/

within the barrel itself reduce in pressure and it then unlocks and goes back itself. The third is gas-operated, where when the bullet has reached the muzzle of the weapon the gases, the pressure gases are led into a piston arrangement underneath the barrel and that piston arrangement unlocks the slide and allows the top of the slide to go backwards.

Where does the gas come from? - There is a hole on the other side of the barrel, just behind the muzzle.

Where does the gas come from? How is it created? - When a cartridge is fired the bullet travels up the barrel, there is intense gas pressure in the cartridge behind the bullet, and when the bullet passes the hole some of that gas pressure is leaked through the hole and acts on the cylinder.

You have just told us about the effect of the slide going back. What happens then? - Well, when you fire a weapon the slide recoils to this position here. As it does so an extractor claw grips the rim of the cartridge and pulls the fired cartridge backwards and it hits the ejector post at the back of the gun and that flips the fired cartridge out. In this position the slide has cleared the top of the magazine and as it returns it strips the next cartridge out of the magazine and feeds it into the chamber.

You need to pull the trigger each time you fire it? - Yes, you require to pull the trigger once every time you want to fire the weapon.

Can you adapt a weapon so that you just have to more or less fumble with the trigger and it keeps firing? - It depends on the weapon, but there are some which you can alter and it will do that.

On that type of one there? - I have never had any occasion. I have never come across this particular model having been altered to work that way.

Are there large numbers of different manufacturers of similar guns? - Yes. This particular model, the Browning Hi-Power, was designed by John Moses Browning in 1926 and was introduced/

introduced by Fabrique Internationale Belgium from about 1935 onwards throughout the world. This was the standard side-arm of the British Services during the Second World War, the weapon which our Forces carried, which was manufactured by a company called Inglis in Canada. Browning also have somewhere in America and they have a manufacturing plant in Japan, although I can't honestly say whether they manufacture this particular model in Japan.

Has Browning become a type rather the name of a manufacturer? - Because the man Browning actually designed it, the originator. Browning is the name of the type. It is based on a system designed by Browning and it is quite common although, I should say in America, in the States, they have a separate company.

Can a wide range of ammunition also related to single-shot be fired in this? - No.

What is the limit? - It would normally start at .22 rim fire calibre and go up to 50 Magnum calibre.

What is the most common use? - 9 mm parabelum ammunition or 9 mm Luger ammunition.

Luger sounds more like a manufacturer's name as well. Has it become a standard name for that type of ammunition? - Yes. Luger was a person who designed a pistol in 1902, the famous German Luger pistol, and ammunition for that was designed at the same time, designed for that pistol, and it has become accepted practice to call it 9 mm Luger in certain parts of the world. It is more correctly called 9 mm parabelum. It is also even more correctly called 9 mm x 19, the difference being in the length of the cartridge. You can get 9 mm x 17, 9 mm x 19, 9 mm x 22, they are all different.

Could any of that be fired in this weapon? - No, you have got to have 9 mm x 19 only.

Where would this fire? - Any pistol designed for that type of ammunition.

Any similar type? - Similar type of pistol, yes.

It/

It has got a shorter barrel than the single-shot weapon also? - Yes.

Is that a common feature of this weapon?

- In self-loading pistols the barrels range normally 4/5 inches, but you can get them longer than that. You can get extended barrels.

The extended barrel that Hamilton had was how much longer than that one? - Can I refer to some notes?

If you go back to Chisholm, either your own notes or Chisholm's report. If you did it yourself it would be better to go to your own notes? - It is a 6-inch barrel.

Can you get longer than 6 inches by adaptation? - Yes, you can. You can in fact buy manufactured self-loading pistols with barrels up to 14 inches long.

Would the magazines for these weapons be detachable? - Certainly. In some pistols, no, there are a few models in which the magazine is an integral part of the pistol.

How do you load it? - From the top. Basically there is a guide channel at the top of the pistol, and you take the slide back to this position there (demonstrates). You have this clip holding a certain number of cartridges and you have a guide and you simply press the whole load into the integral magazine.

Is there a maximum size of magazine for one of that sort? - Yes, 8-10 is the maximum it takes.

Are these weapons any more expensive or less expensive than the single-shot weapon we saw earlier? - The top price is about the same, a bit over £200. The price can go from £200 to £2,000 and second-hand weapons run from £150 to £250.

Is there an average price for a new single-shot weapon? - The most common price is £300-£600. In fact, if it helps, when I knew I was coming to give evidence at this Inquiry I took two of the latest gun magazines and listed 100 samples of second-hand/

hand self-loading pistols and the average price of 100 pistols was £412.

Now, are these self-loading pistols common? - Yes, in terms of handguns they are probably the most common.

The method you demonstrated by using the magazine -- does that require a magazine for this particular weapon or can you simply buy a magazine at random for each weapon? - No, you can have a magazine designed for that specific weapon. There are a few interchangeable magazines in between makes of models but it is not common.

And taking the particular gun you have there, is there only one magazine that will fit that or will any Browning Hi-Power magazine fit that gun? - Any Browning Hi-Power magazine will fit that gun.

So any owner of that gun can have umpteen magazines for it? - Yes. Again for the purposes of this Inquiry I purchased two 20-round magazines by phoning down to an English company on a Tuesday afternoon and it came through the post on a Thursday morning.

What information did you give them? - My credit card number, how many magazines I wanted. In fact, how many magazines I wanted was the only question they really asked me.

They would be disappointed at the answer? - And I also chose the cheapest models.

After/

After an adjournment for lunch:

Just at this stage one final point on semi-automatic weapons. At the foot of page 3 of your report you mention a point relating to magazines of the de-activated weapons. Can you tell us something about that? - Under Section 8 of the Firearms Amendment Act, 1988 it is allowed for a weapon to be de-activated to specified standards. If it has been de-activated and certified as such it is no longer deemed a firearm.

Yes? - Magazines on pistols which have been de-activated to this standard are not altered in any way at all, and therefore the magazine from a de-activated Browning would be capable of use in a genuine Browning.

This is largely a fairly academic point, if you could use your credit card and a phone and acquire any number of magazines in any event? - Yes.

Can I ask you about the third general type of hand gun, which is the revolver? Can you tell us the significant or distinguishing features of the revolver? - This is a weapon which a series of chambers contained in a cylinder revolve as the hammer is cocked and fired. It requires to be manually loaded and fired cartridge cases similarly need to be extracted by hand, albeit simultaneously in most modern crane and hinged action revolvers.

Do you have any revolvers with you? - Yes, I have.

More than one? - Yes.

Can you tell us about them? - The first one I have is what is known as a solid frame revolver, i.e. a weapon which is not able to readily come apart. It is opened by flipping open a gate on the back of the cylinder, and one cartridge needs to be manually loaded into the cylinder: you put one in, then you put another in.

Yes? - When they are all fired, the extraction is the same. You have to line up the chamber/

chamber with an extractor rod and physically push each cartridge case out the back. This takes some time.

In general terms can you fire six shots from a revolver as quickly as six shots from a semi-automatic pistol? - Possibly even faster.

We will come back to that. Obviously the unloading of that one would cause delay in the process of re-loading? - Yes.

In the hinged action the weapon breaks open and pivots on a centre point. You load five or six cartridges into the chamber. Closing the weapon makes it ready to fire.

Do you have to revolve the chamber as you load? - No, in this one the chamber is fully open: you have access to all the chambers.

Yes? - When you have all the rounds fired, by breaking it open, there is a star mechanism in the chamber which extracts the fired cartridges, and you flip them out, do it slowly and take them out manually; so you can unload all the fire cartridges in one movement. This makes unloading much faster.

Yes? - There is then a centre cylinder, where the cylinder swings out from the side of the revolver, allowing you to load the chambers.

Yes? - When the cartridges have been fired they can be unloaded simultaneously by pressing the pin in the chamber and extracting the cartridges together.

Is there a quicker way of loading than putting the cartridges in one by one? - There is in the hinged frame, particularly the crane cylinders. You have a device called a speed loader, which holds six unfired cartridges. If you allow me an inert cartridge.....

You have got some cartridges, but they are all inert?
- Yes.

Well, I don't think there's any objection to you doing that? - The cartridge is inserted/

inserted in the speed loader in this manner, and then it is turned and locked in place.

Yes? - You obviously put in six cartridges.

Yes? - When you come to reload you literally feed them all in at the one time, and by turning the centre pivot you free the cartridges, and you take the speed loader away, and that is your cartridges loaded.

So it is a sort of magazine for a revolver? - No, it is a feed device for a revolver.

Can you buy that with your credit card and a telephone? - Yes, you can.

Is any of these three revolvers a Smith & Wesson? - Yes, the last one is.

And is that like the Smith & Wessons Hamilton had? - Yes, it is a model 19, basically the same weapon he had.

Are there different mechanisms again whereby these guns fire? - Yes, there are.

What are the various mechanisms? - They can be fired in single action, double action or both.

Yes? - Single action is where you cock the hammer manually with your thumb, and that makes the weapon ready to fire. You then only require light pressure on the trigger to cause the hammer to run forward and fire the cartridge.

Yes? - Alternatively you can do it in double action, where by pulling the trigger you pull the hammer back, and then it fires automatically.

Yes? - This is a gun which is single and double action; this is double action only.

BY LORD CULLEN: For the notes, which one is that?
- The hinged frame itself. The model is in fact single only. You can pull the trigger, /

trigger, and nothing happens to it: you have to cock the hammer manually before it will fire, and then pull the trigger.

Every time? - Yes.

EXAMINATION CONTINUED BY MR. BONOMOY: We might have thought of that as double action, but that is called single action? - Yes.

And the easier it is to do it is called double action? - Well.....

It is double action of the mechanism and not of the hand? - Yes.

Do revolvers have a limit as to the number of cartridges they can hold? - Yes. That limit is determined by the size of the cylinder.

How big do they go? - 5 or 6 is common, and you can get 7. There is one model brought out by Smith & Wesson which has a 7 shot capacity.

Yes? - In a .22 calibre, a much smaller bullet, you can have more chambers in a cylinder, and up to 12 is not uncommon, or can be found. That is about the largest capacity I have ever heard of in a revolver.

Are they as common as semi-automatic pistols? - I think not. I don't have any figures to establish that, but from the weapons I have seen being used, semi-automatic weapons seem to be the more common.

In terms of price? - Again, price new ranges from £200 to £1000 or more. The secondhand price is £100 to £500. I did a similar exercise by taking the main magazines for 100 secondhand revolvers, and the average price was £248.

That is the same exercise as you did for the semi-automatic ones? - Yes.

To be clear about the various accessory parts that we have looked at, we have looked at magazines? - Yes.

We/

We have looked at a quick loading device? - A speed loader, yes.

We have looked at an extending or a weight that might be put on the end of a barrel? - Yes.

Have we looked at all the other accessories so far? - Other than the extended magazines, the large capacity magazines.

To acquire any of these magazines do you need to hold a firearms certificate? - For an extended barrel, yes, but the weight that fits on the end of the barrel no, or any of the other accessories you don't require any certification whatever.

The Firearms Act of 1968 in Section 57, which defines a firearm, includes with that definition any component part and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing a weapon? - Yes.

So talking about accessories, it is only one particular accessory which actually requires a firearms certificate; is that right? - It is actually two: one is a sound moderator, i.e. a silencer, and the second is a flash eliminator: they are different things.

You then go on in your report to compare hand guns with other types of firearm? - Yes.

What I want to ask you about in connection with the Inquiry is the comparison with rifles and the facility with which you can carry these respective weapons around. Can you tell me what views you have expressed on that? - Yes. Hand guns tend on the whole to be comparatively small, and are easily carried. There is a large range of holsters and accessories which allow hand guns to be carried attached to a belt, i.e. the sort of thing you see in cowboy movies, under a jacket -- a shoulder holster -- and even strapped to a leg.

Yes? - This naturally has the added factor of making such carrying much more concealable.

Yes?/

Yes? - Other accessories also allow additional magazines, speed loaders and/or extra cartridges to be carried, but these are usually on a belt.

What about rifles? - Rifles are normally much larger weapons, and do not lend themselves to easy carriage. Even where there is a provision for a detachable magazine it is unusual for additional magazines to be carried.

Yes? - The normal method of carrying, when not in actual use, is in a fastened guncase slung over the shoulder. Occasionally shortened -- that is sawn-off -- easily concealed rifles are encountered in crime, but they are not common.

Are sawn-off shotguns more common than sawn-off rifles? - Yes.

You have said something like shotguns, which makes the point. So far as crime is concerned, taking hand guns, rifles and shotguns, in your experience which weapon was used in crime most commonly? - Inevitably the sawn-off shotgun was the most common one, but there is an increasing use of hand guns.

Now, you mentioned the difficulty at the outset in determining or identifying a pistol in certain circumstances. Are there types of weapon which could almost be said to fall somewhere between what we would easily understand to be a pistol and what we would easily recognise as a rifle? - Yes, there are certain sub-machine guns which have a shoulder stock, i.e. they are designed to be fired from the shoulder, but can be fired without the shoulder stock, i.e. they are a one hand-held weapon, albeit they were originally designed as a shoulder gun.

Are these semi-automatic? - To be legal in this country, yes.

You can get them semi-automatic? - Yes.

They can never be held as automatic weapons by a private individual? - No.

Does/

Does the description of a weapon as a carbine cause any difficulty? - Yes. A carbine is a small rifle. Other than the fact it must have a butt stock -- i.e. it must be a shoulder-held weapon -- the difference between a carbine and a rifle is only in the size.

Can you tell us what a carbine is? - It is a small rifle.

Any small rifle falls within that definition, does it? -
Yes.

Now, /

Now, can I turn to the question of ammunition. It would appear from what you have said already that you have brought some inert ammunition with you? - Yes, I have.

Would that be the easiest way of explaining the features of the ammunition, simply to allow you to assemble it there and then tell us about it? - The rounds are all assembled. They are all inert.

I think you start by saying there are two types of cartridge in normal use today? - Yes.

What is the nature of those two types? Just take a moment to assemble them as you wish to refer to them, then we will take it from there? - There is a rim fire cartridge, which is nowadays normally a .22 cartridge, a very small one. The primer compound, which is the initiating compound, is contained within the rim of the base.

Yes? - To fire the cartridge the firing pin or trigger has to hit the rim.

I should have asked you this before. Can you tell us as to what the component parts of a round of ammunition are? - There are in fact four parts to a cartridge. There is the cartridge case, which is a brass casing. In this one, which is centrefire, there is a primer cap in the centre, which is the initiating compound.

Yes? - Within the cartridge case is the main propellant. When the primer cap is struck by the firing pin the flame from that primer ignites the main propellant charge.

What is the propellant, normally? - It is normally a double base smokeless compound, normally nitro-celullose or nitro-glycerine. You can get black powered or gunpowder which has the same effect, but a different chemical compound.

Yes? - Sealing the front of the cartridge case is the bullet itself.

Could I without a firearm certificate purchase any of these individual parts of a round of ammunition? - You could purchase them all.

Including/

Including the primer? - Including the primer.

Could I without a firearm certificate acquire a completed round of ammunition? - No, you could not.

Could you tell us the difference between a rimfire cartridge and a centrefire cartridge? - A rimfire is where the primer compound is held within the rim of the cartridge which then has to be struck by the firing pin. This then ignites the main charge contained within the body and fires out the bullet.

Yes? - This is normally a .22. The only other calibre readily available in rimfire is 9mm shot ammunition.

What do you mean by "shot ammunition"? - Shotgun cartridge. Other calibres in rimfire are available, but they tend to be much older and usually come into the "antique" category. The ammunition itself is not antique, but the weapons designed to use it are antique.

Yes? - The construction of rimfire cartridges means that they cannot be re-loaded, either commercially or at home.

Once it is fired it is done? - Yes.

None of it can be recovered and readily re-used? - You can use it for scrap metal, but the bullet is lead and the cartridge case is brass.

But you cannot readily re-constitute the ammunition?
- No.

What are the features of centrefire? - With centrefire the primer compound is held in a separate cap which fits in to the centre of the base of the cartridge.

The firing pin must strike this cap in the centre to initiate discharge of the cartridge.

Yes? - After it has been fired it is a simple task to punch out this firing primer cap, then a new primer cap can be put into its place, additional/

additional propellant loaded into the cartridge and a new bullet put on top of that.

Yes? - This is done either commercially -- several firms in fact do this on a commercial basis -- or you can do it at home. To do it you would need to buy new primer, powder and bullets? - Yes.

And would you re-use the cartridge case? - Yes; although you cannot re-use it indefinitely. 10 to 12 times is the accepted average.

What is the most expensive of these four components? - It depends what you are buying. Probably the brass cartridge case.

Is the cartridge case always brass? - Normally yes: but no, you can get aluminium ones, but aluminium cartridges are not re-loadable.

On page seven of your report you speak of the method by which the ammunition works. Can I take you to paragraph (b), where you refer to the role of the cartridge case in ensuring that gas is projected forward? Can you explain that? - When the cartridge case is in the chamber and the cartridge is fired, the build-up of gas pressure expands the cartridge tightly into the chamber and immediately seals the outside of the cartridge case against the inner wall of the chamber and stops any gases escaping backwards through the rear of the firearm, and allows the rest of the propellant to discharge the bullet.

Can I take it that if we were to look at one particular calibre of ammunition, say 9mm, we would find that the cartridge cases are uniform? - Yes.

But do we find the same in relation to the other three components? - No. The primer would be identical, but the difference would be in the propellant, the amount and type of propellant, and also the difference in the bullet shape and weight.

Can/

Can you tell me the variables for the propellant? - There are two main types of powder propellant, slow burning and fast burning.

Yes? - This usually revolves around the size of the grains of the powder. If you have a short barrelled weapon you require the propellant to burn very fast so that it has all burned by the time the bullet leaves the barrel; whereas if you have a long barrel you want the powder to burn more slowly, so that the gases are still being manufactured and the pressure is still rising until the moment the bullet leaves the barrel.

BY LORD CULLEN: For a given handgun is it possible to experiment with different grain size? - Yes, that is common for your target shooters. By using different powders you can fine tune the weapon. It is like tuning your car; you can make small adjustments to it that may make it slightly better.

Does that mean that guns which appear to do exactly the same may have slightly different characteristics? - Yes.

Does experimenting with different grains help you to find the combination which fits best? - Yes. It is a combination of both propellant and bullet weight.

EXAMINATION CONTINUED BY MR. BONOMOY: Lord Cullen asked you about the difference in weapons. Has this feature, emphasizing the different constituencies of a propellant or a bullet, got anything to do with the difference between individual's firing a gun quite apart from the difference in the weapon? - Yes.

So we have a number of variable features here, all coming together? - Yes. The lower the amount of propellant you have the less recoil you have from the gun, therefore it is easier to handle.

Yes? - Similarly, the lower level of powder you may have the lower the bullet velocity.

Your report indicates that the use of a fast or slow burning powder and the quantity thereof can have something to do with the velocity of the bullet?/

bullet? - Yes.

Can you tell us about that? - If you have a faster burning powder and maybe the cartridge case will take four grains, and that would give you a standard velocity for a particular bullet, there is still plenty of room for you to put in five grains of powder, and that will give you greater velocity, but it also increases the pressure within the barrel when the cartridge is fired.

Yes? - If you put in too much powder you will blow the firearm up.

If you have a particularly strong hand and recoil doesn't matter very much -- is that a sensible statement? - Yes, it is.

-- -- could there be an advantage in getting a greater velocity for your round emerging from the gun? Would it possibly improve your accuracy? - This is in the realms of target shooting, which is somewhat outwith my sphere. Theoretically you can, because you would have a higher velocity, and the time it takes for the bullet to travel from leaving the weapon to arriving at the target is less, therefore it is less affected by wind and atmospheric conditions.

You go on to deal with bullet weight and shape. Can you tell us the significance of this? - Although within a particular calibre you have an exact size or diameter of bullet you can have a variety of different shapes or constructions within that.

Yes? - You have the round nosed solid bullet, which is like this, which is a general purpose bullet.

Yes? - Over and above that you have a hollow or soft point nose cartridge, which is primarily used for hunting purposes, which is designed to mushroom or expand on impact, and therefore increasing the "shocking" power on a live target.

Yes? - This is a standard revolver cartridge, a .44 Magnum. It has a soft nose and an exposed lead point to it, but in the centre of the lead/

lead nose is a hollow point; the idea being that when it hits something the front of it expands until you have a mushroom shape travelling forward.

And there was a third type, I think? - Yes, a semi-wadcutter, primarily used for target shooting.

Yes? - You can either have it as a complete flattened nose and then a shoulder further down the cartridge, or a full wadcutter, which has a flat front to the bullet. If you fire it at a target it cuts a clear hole in the target.

It is particularly for target shooting? - Yes.

You have jumped ahead of me a little bit. If you go back to page 7, you were talking about bullet weight and shape? - Yes. Bullet weight and shape are also significant factors in velocity and range: lighter weight bullets will have a higher velocity when compared with a heavy bullet, both being fired by the same make/quantity of propellant. Bullet shape also affects performance, especially over long distances, and in general the flatter the nose shape the more air resistance will slow its progress.

Do you know whether the solid rather than the hollow point bullet you have just described to us is better for certain target shooting purposes, or is that outwith your range of expertise? - Theoretically I cannot think of any difference, but again it is not something I have any experience of.

So the hollow nose you would not expect to have any particular effect on performance? - No.

I take it there may be others who have experience in target shooting who may be able to express a more informed opinion than yourself? - Yes.

Moving on, I think you deal in general terms before we get to the particular types of ammunition with the various types of construction?

- Yes. Bullet construction can range from simple solid lead, through partially copper/nickel-jacketed with lead core, hollow point with and without/

without jacketing, soft point jacketed, to full metal jacket with various core centres.

Yes? - Soft point jacketed bullets tend to be more for rifles, and again it has a metal jacket, but with a soft lead nose to it, and a full metal jacket is this type of ammunition here, where the bullet is contained within a copper jacket.

That is fully coated? - Yes.

If we look perhaps at the ammunition which Hamilton had, we know he had some of the rounded solid nosed type, and it was all full metal jacket. Have you an example of it? - Yes.

I think in particular he used full metal jacket round nosed Norma, and he also had Jarko and Winchester? - These are different makes of ammunition. There would not be much difference other than bullet weight.

He could be experimenting with different types of 9 mm in the way you have indicated a person who makes his own might experiment with different weights of powder and so on? - Yes. It is definitely possible for a person who does not want to reload to experiment with different makes of ammunition which he thinks is best for him.

Could the powder as well as the bullet be different makes? - Yes.

Have you got there a round nosed 9 mm? - Yes.

And that is full metal jacket? - Yes.

He also had full metal jacket semi-wadcutters? - There is a range of semi-wadcutter types within the 9 mm, which has a flattened nose cone and a more distinct aperture in the muzzle of the cartridge.

Is that full metal jacket? - Yes.

Does that cover the top as well? - Yes.

And he also had metal jacket soft nosed hollow band in a number of makes, Federal, Norma and Winchester?/

Winchester? - I don't have an example of that, a 9 mm.

Normally Winchesters were .357? - The nearest thing I have to that is this, a .44 Magnum revolver cartridge, which is exactly the same, although bigger. In this case you have the copper jacket extending most of the way up the bullet, allowing the exposed lead nose cone -- in the centre of that nose cone there is the hollow point.

Now, /

2.30 p.m.

Now, it was described by Mr. Chisholm as a soft nose hollow point; is that the same thing? - That is the saying the same thing.....no, a hollow point means it has an actual cavity in the centre of the point, a soft point means that it has a soft lead exposure on the front so if you have a soft nose hollow point you have both which is what I had here.

Now, if we look at the purpose that each of these is best for or designed for can you help us first of all with the round solid nose, that is the first you defined? - It is a general purpose bullet for any purpose whatsoever, it will adequately take care of any situation.

Would it be appropriate to use for target shooting?
- Yes, you could use it for target shooting.

Do you know if it is normally used for target shooting or is that outwith your knowledge? - I think it is outwith my experience.

The second one is hollow or soft point; what is that designed for? - This is primarily for hunting purposes and the idea is to increase the nose cone on impact, therefore to increase the shocking power on live targets.

Shocking power might mean a number of things; what do you mean by increase the shocking power? - The felt impact of the bullet; one of the problems that is encountered within ammunition, particularly against the likes of a human target, is over-penetration; in other words, the bullet hits the body and goes right through and exits the other side and if you are intent on shooting a person any energy, once the bullet is clear of the target it is wasted; you can also cause further damage to somebody else further down the line so the idea of a hollow point soft nose ammunition is to expend all the energy of the bullet within the body and thus prevent it exiting.

Does that mean as the bullet expands in the body the person has a greater resistance to it? - Yes.

It/

It actually perhaps is causing movements of the tissue which is accumulating and resisting the bullet? - Yes.

Is there also a shocking effect on the nervous system quite apart from the physical feeling of shock? - Yes.

Is it right to say that this is not factually understood exactly how this works or do you know? - I have read medical books on gunshot wounds and the shocking effect varies intensely on a person being shot and what their attitude is at that particular time.

Now, there has been some reference in the Inquiry to suggest a comparison between that type of bullet and a bullet known as a dum dum bullet; is there any relationship? - You used dum dum bullets or lead bullets designed for rifles; the manufacturer of the dum dum is in India and what they used to do is cut a cross in the nose cone of the bullet and when the bullet hit a person the cross causes the bullet to fragment more easily and instead of having one bullet hole in you you had one entry hole and several fragments dispersed through your body which made medical help much more difficult. This was banned in 1989 by the NATO convention for military use.

But does that mean that you can't use a hollow or soft point bullet such as you have described for military use? - That is correct.

But you can use it for other use? - Yes, you can.

For example, do the police use them? - They do.

Why do the police use these bullets? - There are three reasons for this -- because they increase the shocking power you have more likelihood of causing an injury which will incapacitate you.

You stop your target as quickly as you can? - Yes, secondly, as I mentioned earlier there is less likelihood of over-penetration, probably more common in America where police would shoot a criminal and it might be in the streets and you/

you don't want the bullet to penetrate and go into somebody further down the road and lastly there is less likelihood that a hollow point ammunition would ricochet, it is more likely to hit a hard surface and break up.

Is it also specifically used for hunting purposes; I think you have already said that? - Yes.

Now, would it be appropriate to describe that as a bullet designed to cause the greatest injury? - Yes, in terms of bullet design that is the one that is probably designed to cause the greatest injury.

Thirdly, you mentioned a semi-wadcutter and you had explained to us already what that is for; that allows a clean mark to be cut on the target? - That is correct, yes.

The last point you make in this section is bullet weights vary substantially, even within the same calibre and you give us an example of the variation; can you explain that to us? - Basically this depends on the bullet construction and also the bullet length; it boils down to the fine tuning, if you want a specific weapon.

Could the variation be as much as almost 100%? - Yes, it can.

BY LORD CULLEN: Are grains always the same size? - Grains?

The bullet weights you are describing are between such and such number of grains? - Yes.

Are grains always the same size? - It is a standard weight.

EXAMINATION CONTINUED BY MR. BONOMOY: I think the other way in which to talk about grains is powder? - Yes.

They can be all different? - You have different sizes of grains and powder, that is like fragments of powder whereas I am talking about grains weight.

In/

In relation to powders are we talking about grains which are always the same size and weight or is there a difference?

- There is differences -- within particular powders there are differences.

Now, can I take you to the next step which is the re-loading of which we have heard a bit in the Inquiry; can you tell me what you need to re-load your own? - This probably depends how safe you want to be but you need a cartridge case, a primer cap, a propellant of some description and a bullet, that is all you need and you can manufacture your own ammunition.

Do you not need any tools? - No, if it is a fired cartridge case you need a small nail to punch out the fired primer cap at the centre, the rest can be done manually using guesswork and crossed fingers.

If you want to be safe how do you do that? - There is re-loading equipment which you can get and it takes out your primer cap, it will insert a new primer cap, it will weigh out the appropriate amount of powder, the exact amount of powder, load it into the cartridge and seek the bullet on top of that; it is a sort of manual operation.

But do you have to put something in to do something with the machine? - It depends on the class of machine; you can get some that are semi-automatic, you pull handles.

It is a self-loading reloader? - Yes, basically.

Is it expensive to do this or to acquire the equipment for that? - Not really, we are looking at probably £200 or thereabouts.

A significant reduction in cost if you shoot a lot? - Yes, exactly; not only do you have a reduction in the cost but you could even tune your cartridge to the exact specification you want and you can guarantee the accuracy and similarity of each cartridge.

Does this capacity for re-using cartridges cases have any significance in relation to/

to criminal activities? - Yes, I have come across a number of occasions where criminals have re-loaded ammunition, not using necessarily the correct component parts; for instance, there have been a number of occasions that I can think of where they have used shotgun powder to load into a pistol cartridge and it works, not efficiently but it does work.

Have you in your police experience come across much in the way of re-loaded ammunition? - In crime not really; in circumstances where there is maybe technical offences and somebody has been charged with possession of a particular item which he hasn't legal authority for and the police take possession of other firearm items which he has I have come across a number of rounds which have been re-loaded in these circumstances.

On page 9 you give us an indication of the cost price of various pieces to make up a round; can you give us some information on that? - The cost obviously varies depending on what you are actually buying but an unfired bullet will cost between £5 to £10 per 100, the brass cases are £10 to £15 per 100 but if they are previously fired cartridge cases if they are bought in bulk they can be much cheaper; the primers can be bought for £2 per 100 and smokeless powder is £15 to £20 per 16 ozs. and that is enough to load 1000 to 1500 pistol cartridges, depending what the calibre is.

And I think you give us some information on the cost of commercially manufactured ammunition? - It differs according to the grade but between £10 to £30 per 100; it can be more for less common calibres and less for calibres of standard ammunition; if you wanted top grade ammunition it would be a lot more expensive than manufactured commercially.

What is a blank cartridge? - A blank cartridge is one in which you have all the components except the bullet; there are certain blank cartridges which are designed to be more noisy than others but basically it is just a cartridge case, a primer cap and a compound which ignites and gives a bang.

And a spray of powder? - A spray of powder?/

powder?

Smoke? - Yes, smoke -- there is sometimes a sealing cap which might be a bit of plastic or possibly a round card and sometimes the cartridge case is crimped over and it contains an explosive mixture within the cartridge.

The card pops out? - Yes.

It could give somebody a sore.....? - Not really, the card is usually very thin and it is probably burnt or destroyed as it comes up the barrel.

What is the difference between that and what you have done there to make the cartridges inert? - What I have done is I have a synthetic bullet and I have taken a live cartridge and extracted the bullet, taken out the powder and burnt it; I have then that fired primer cap which is in the centre of the cartridge so it is now inert.

So there is no primer? - There is no primer, there is no propellant.

The next section deals with magazines and variations in capacity; we have really dealt with that as we were going along except with the exception of cost; what did you find there? - "The costs of additional large capacity magazines are in the rough area of £10 to £25".

Just to emphasise, no matter how many magazines you acquire you don't need a firearms certificate? - That is correct, the magazine which I bought, I think it is £15.60 that it cost me but I could get it also in stainless steel for slightly more than that.

On page 10 you deal with power and penetration of ammunition; if you look at the second paragraph you say "Factors which affect this are" and if you go down to the second last line you say "The targets expand all their energy" -- should that be "expend"? - Yes, that should be expend.

Subject to that can I take it that this is an accurate reflection over the next two and a half, nearly three pages of your experience and findings/

findings in relation to the power and penetration of various types of ammunition? - That is correct.

Now, you have said that there were various theories in calculation and you have shown the calculations which you have used and you have indicated these on page 11, the various findings you made for types of ammunition; what is it you are telling us there? - The assessments that I have made for power is kinetic energy, that is the moving energy of the projectile; it is not an ideal way of assessing the factors of stopping power because a lot depends on the bullet shape and velocity but it is the only one which is easily calculable and not readily open to question.

Can we draw any conclusions from this about the sort of scale or hierarchy of the power and penetration of certain types of ammunition? - Yes, the higher the kinetic energy the more impact it will have on you, the more energy it will expend on you when it hits you.

So, for example, we find by far the lightest in terms of impact as in relation to .22 ammunition? - That is correct.

And it is far and away lighter in impact than any other type of ammunition you mention there? - Yes, but there are scales within that, there are other calibres, it is for grading upwards.

What do you mean by that? - .22 is the smallest normal calibre you will find, that is the smallest kinetic energy you find but you go up to .22 calibre and then .32 calibre and as you go up in calibre you go up in bullet weight and bullet velocity and each of these affects the kinetic energy left.

So it is almost commonsense in spite of the degrees of scientific calculations, is that right? - It is very simplistic but yes, it is the easiest way of dealing with the subject.

I didn't mean you were using commonsense, what I meant to say was by just exercising commonsense you can expect to come to more or less the conclusions you have reached? - Yes.

You/

You can understand why I am exploring that a bit between the kinetic energy relating to .22 ammunition and the rest?

- Yes, that is possibly a fault on my part in that I haven't established a big enough table for you to examine.

It is important that we don't try to strike a conclusion other than what is here so you are saying that the next one up so far as kinetic energy is concerned is .9 millimetres? - That is correct.

Now, in between the 340 foot pounds you find in the 9 millimetre and the 90 foot pounds you find in the .22 are there a number of others? - Yes.

That we should really be paying attention to? - Yes, there are a number of others which are available but not necessarily commonly used.

But/

2.50 p.m.

But there are others which are available but not necessarily commonly used. As I say, above the .22 you have the .25 and then you get the .32 above that. These are the most common calibres between the .22 and the 9mm. But you can also get a 8mm French ammunition which is comparatively weak.

Now, do I take it there would be stages between 90 and 340 relating to ammunition which is not in as common use as .22 and 9mm? - That is correct.

The other one you highlighted which is important for investigation in this Inquiry is the .357 for revolver which has a significantly greater kinetic energy than the 9mm? - That is correct.

Are these again of similar size? - Yes.

Why is the kinetic energy so much greater for the revolver ammunition? - Because of velocity. The calculation of this figure depends heavily on the velocity. The higher the velocity the much greater the kinetic energy.

Is that because of the nature of the round used with the revolver or simply to do with the fact it has come from a revolver? - No, it is due to the size of the cartridge itself. This is a 9mm round which I spoke about earlier and this is a .357 Magnum round. Clearly the cartridge case will hold more powder, and that additional powder will fire the bullet out at a much higher velocity.

I perhaps put the question wrongly earlier. I suggested to you that the 9mm and the .357 were of similar dimension? - That's the bullet.

The bullets are of similar dimension? - Yes.

But you are showing us the .357 is propelled from a larger cartridge because it has a greater volume of powder? - That is correct.

I think the highest one you recorded was the kinetic energy associated with a .303 rifle cartridge?/

cartridge? - Yes.

2,400 ft/lbs? - Yes. I just took that as an example probably because it is the round the majority of people know about.

Is that one related to the 2.67? - It is very similar. The 303 was the British Army rifle up until the 50s, the First and Second World War rifle. The 308 is the successor to that round and it has a comparable kinetic energy level.

You go on to deal with penetration at another point. In addition to the power of the bullet there will be other factors to be taken account of in relation to penetration. Now, what are these? - Basically the target, the bullet profile and its construction, one problem being if you are firing at the human body is what part it actually hits. If it hits a large bone it will tend more often to deform and be deflected and remain within the body. If it doesn't hit bone and only penetrates tissue there is the greater likelihood of it transversing the body and coming out of the other side. Again on the bullet profile, as I mentioned earlier, you have the hollow point which mushrooms, and this is more likely to stop within the body than the solid metal jacketed round.

Are you in a position to tell us anything about the likelihood of more serious injury or death resulting from the use of larger ammunition or again is that simply a matter of commonsense? - There is a lot of argument regarding this as to whether or not the larger heavier bullet is in fact more potent, shall we say, than a smaller bullet. During the 1980s the US Army forces had a large exercise and debate on whether or not the .45 calibre ammunition which they used up to then was in fact the optimum or whether they should reduce that in size to 9mm which is what the rest of the world basically used. In 1988 they decided to reduce the calibre to the 9mm cartridge yet all American gun magazines still complain, you get people taking both sides, and there are a lot of opinions still consider that the larger the bullet the better the impact. It is arguable. To my way of thinking it has more to do with velocity rather than bullet size.

Why/

Why did the Americans reduce the calibre to 9mm? -
A it falls into line with the rest of the world. It means you carry a smaller bullet instead of the larger bullet, and this is because in Army service they are looking for somebody having to carry 200 rounds of ammunition or more and therefore it is easier to transport, to carry a smaller cartridge than it is to carry a larger cartridge.

But the suggestion wasn't it would cause more damage to use the smaller kind of ammunition? - No. There is a big argument.

Can you show us the difference between a 9mm round and a .22 round that you have? - (Demonstrates). This is the 9mm round. The .22 is the small fiddly one.

It strikes me as obvious the one in your right hand is going to cause a lot more damage than the one in your left hand, or at least has the potential for much more damage. Is that far too simple and naive? - It is more or less correct, but both will cause fatal injury.

Oh, I appreciate they are equally capable of causing fatality. I am just looking at the likelihood of causing serious injury or death. Isn't the likelihood far greater the bigger the ammunition used? - Not directly.

Assuming you are firing at the same velocity? - If you are firing at the same velocity, yes, the bigger the bullet, yes.

You have given us an example I think of the .22 calibre soft lead bullet passing through the chest without striking anything, killing somebody, and becoming embedded in a door? - Yes.

And a much larger cartridge being shot at somebody and getting trapped in the clothing? - That is correct.

These are extreme examples? - They are, yes.

But they are examples? - They are practical examples, yes.

I/

I think I have asked you enough already about speed of firing which is in fact the next subject and therefore I will take you on to the following subject, accuracy and effective distances. What again are the main component parts of accuracy? - Well, accuracy in firing weapons is more dependent on the user than the actual firing itself. Accuracy is governed by barrel length within limitations and the better shooting position which you have, i.e., with a hand held revolver aimed at a target you have tremours in the hand, variations that can happen with someone; whereas if you have a long barrelled rifle and you are lying down in a shooting position you are in a much better and much more stable base on which to base your accuracy.

Is there a significant difference between the Smith and Wesson revolver and the Browning pistol in weight? In other words, is one easier to hold and fire than the other? - I would say the revolver is slightly heavier than the pistol.

But presumably you can get that the other way round depending on size? - Yes, you can.

We have had it suggested in the Inquiry so far that if you are doing target shooting with a pistol you can shoot at distances up to 100 yards. I think you mentioned the regular or effective distance as being 50 yards with a handgun? - That is a range which I would be happier to accept as the effective range for a handgun, unless you are a proficient target shooter, and if you are proficit at it you can shoot a lot further than that, even a lot further than 100 yards.

We have heard evidence about regular distances at which shooting is done which is less than 100 yards but up to 100 yards has been suggested for handgun target shooting. Can you tell us.....? - That's not within my experience.

What you have told us is the average theoretical maximum length you can fire these various types of ammunition? - That is correct.

And they are very significant distances? - That is a feature of a handgun particularly that most people just don't realise, how far the bullet will actually travel. The .22 rifle cartridge, the small/

small cartridge, will travel 1500 yards. The .357 Magnum cartridge, the bigger heavier cartridge, will travel up to 2,000 yards. The same with the 9mm, it will travel up to 1900 yards.

And with rifles they would travel even further? - The likes of the cartridge for the American one certainly will travel something like well over two miles.

What is that? - The 30/06. I would say to reach these maximum ranges the weapon has to be cocked at an angle upwards. You don't just hold the weapon straight and fire the bullet out horizontally and it will travel that distance; it has to be at roughly a 30 degree angle and upwards to reach that range.

Can I move on. I asked you earlier on to show us how you immobilise the gun that we had at the very beginning? - The single shot pistol.

The single shot pistol. I think you better look at the issue in relation to the self-loading pistol and the revolver, in whichever order you think appropriate. Could you demonstrate again for me with these weapons? - There is a variety of ways in which you can strip a pistol. They are all more or less designed they can actually field strip for cleaning purposes and they can be stripped without the use of specialists.

What does "field strip" mean? - Taking down so that the major parts are available for cleaning. This particular weapon, the Browning, you slide the lock back in this position here and take down the latch and pull it out the side of the weapon (demonstrates), and then you can bring down the latch itself.

Can any part be used on its own? - No. In this condition the weapon is totally safe.

That just took two or three seconds again? - That is with that particular weapon which is comparatively easy. But the majority of them will not take much longer than that.

Put that one back together again.....

BY/

BY LORD CULLEN: Before we go further with the revolver, you say others will take more effort, so to speak. How complicated an exercise does it become if you are trying to dismantle the same types of pistol? - The majority would be comparatively easy. I can't tell you exactly. There are so many different ways. I actually have a booklet on the dismantling of firearms and it lists 400 different ways of doing it. There are other specific methods to do it.

This can be done by the user who knows what he is doing? - By the user who knows what he is doing. He would be able to do this.

Is there any risk some of the parts might be -- some of them are quite small. Could they be lost? - Many of these particular parts are quite small and therefore may be lost. Along the top of the slide section there is a recoil spring and if that comes out it will twang up to the roof, so I am not taking it out just now. You have to take it out very carefully. The same, there is a firing pin in this particular model at the back here, and in this one it comes out comparatively easily, but some firing pins require specialised tools to agitate the pin out of the slide itself.

One other point: is there any risk of degradation if the operation has been repeated? - There shouldn't really be, no.

EXAMINATION CONTINUED BY MR. BONOMY:
Would constant removal of the firing pin cause degradation? - It shouldn't, no.

Can we move on to the revolver now? - There are three features of a revolver. To start with the solid frame revolver, the cylinder can be broken in this way (demonstrates). The spring latch is pressing up the axis pin and the cylinder then slides out the side of the weapon. In these circumstances the two parts cannot be fired; the weapon is totally safe. This is a simple way of doing it with this particular weapon? - (Demonstrates).

Just for the notes, you have done it again in a matter of a second? - Yes, that is correct. Re-assembly is equally easy. The hinged frame/

frame revolver is slightly more complicated and requires the use of a screwdriver. You have to take out or you have to loosen one screw, press a little lever, and the cylinder is released (demonstrates).

That took a bit longer? - It does, yes.

But not even half a minute? - That is correct.

Can either part be used on its own? - No, they cannot.

Could you put it back again please. Is that going to affect the safety of the weapon or the accuracy of it if you do it regularly? - No, it will not. The frame or swing-out cylinder once again is done with a screwdriver (demonstrates). The cylinder slides out from the front quite simply. It is only one screw that you have to loosen to do that.

Can either part operate independently of the other? - No, it cannot.

That took almost the time of the previous one? - Exactly, yes. In this one you do have a fairly small screw and you obviously have to put it back in again.

But you have still got it? - I have still got it, yes.

You mentioned the firing pin. That was in relation to the pistol. Is there such a thing in a revolver? - Yes, there is. There is a firing pin here on the forward nose of the hammer. There is a small index pin holding that short hammer (demonstrates).

Is that a realistic way to deactivate the weapon? - Practically, no.

Why? - You would require a specialist. You would require a hammer and a drift -- plus the fact you would not necessarily go back in the same way all the time. The removal of the cylinder is a much simpler and easier way of doing it.

On/

3.10 p.m.

On page 15 you mention a concept called barrel blocks? - Yes.

What is a barrel block? - You can get barrel blocks just now for shotguns, particularly 12 bore shotguns and if I use a self-loading pistol what it is actually doing it is like a cartridge that fits into a chamber, it is just locked in place and once it is in place you can't take it out, similarly you can't chamber the ammunition; I couldn't trace anybody who makes that sort of thing for a pistol or for a revolver but I am in no doubt it should be quite simple to manufacture like one part of the rod which fits into the chamber, the chamber closes, the second part of the long rod into the front of the barrel locking the two parts together, that seals the uppermost chamber, it seals the barrel if there is a locking device at the muzzle end, it can't be taken out; to me it is a logical concept but I haven't as yet actually come across somebody actually manufacturing something like that.

This is a form of security which would enable a person to ensure that someone else wouldn't have access to his weapon? - Yes, totally.

It is really not designed to prevent someone who has his weapon or who wants to make use of his own weapon from using it without going to the particular lengths to get the two parts which might be being kept in separate places? - That is correct.

So it is for security and to prevent third party intervention? - Correct.

There are a lot of pistols and revolvers as you have explained to us; if single fire shooting or a single shot weapon was a matter to be considered by the Inquiry would there be any way of converting, if we take first of all the pistol, so that it could only be firing a single shot? - Yes, there are ways of doing this; it would not be able to be done permanently or to be so permanent it couldn't be undone; what I think here is that there are three methods by which I could see that somebody would be able to convert a.....a gunsmith particularly/

particularly would be able to convert a semi-automatic weapon into a single shot weapon; if I use this.

A, B and C? - Yes.

If you just explain that with reference to the weapon? - Well, in this type A the magazine would, in fact, be basically welded in place and this would be that you couldn't remove the magazine; the top of the magazine would also be fixed so it would act purely as a loading plate; you would, in fact, be able to pull the slide back, physically put one cartridge into the chamber or on to the loading platform and then allow it to be chambered and fired, the fired cartridge case will be ejected but since there is no magazine it would be a single shot pistol.

You have worked to some extent in consultation with a gunsmith on how this may be done? - Yes, Mr. Alex Dagleish of Eaglesham.

He will be able to tell us how it could be done exactly? - Yes, I could tell you theoretically on how it is done but it is his business to adapt or repair firearms.

From your discussions with him did you mean that this is as a means of ensuring that the gun can only for the future ever be used to fire in a single shot? - It will not be permanent because of the features.....the measures I proposed here wouldn't be permanent, they could be overcome comparatively simply particularly because the magazine itself would be destroyed; at present what I am suggesting that this magazine will be welded so the pins are in place; it would be comparatively simple because the magazine has this seal to literally cut it out and file it out and if you have already closed off the magazine you put a clean new magazine back in place.

Would the same apply to Hamilton's gun that had the safety mechanism removed when the magazine was out of place; would you still need to weld the magazine into position? - Yes, you would.

There is no other way of doing it by just/

just making the butt of that gun solid and somehow or other converting the top so you could still have to put in individual bullets?

- Well, by doing that all I am doing is actually replacing the magazine with a solid substitute.

Is that any more difficult to take out? - No, not really, you are going to have to weld it in place and the welder would be readily experienced anyway no matter where you are and the pin would be through the hand grip and this is going to be accessible.

You can't envisage some other sort of substance poured or somehow or other put into that where that will adhere it to the inside of the butt so it can't be removed? - I can't see that to be the case because again what you are talking about here is a pistol where the magazine was fixed in place; there are a large number of weapons of which you have to take the magazine out of the weapon to repair them; there are component parts within the butt itself so this is underneath the top of the butt and you would require to have the magazine removed to actually repair the weapon.

I will come to that in a second but if we just remain with this, is it clear that it is not necessary to have the magazine inside the butt as long as something else is inside the butt? - Yes.

Something in the event that prevents a magazine loaded being put into the butt? - Yes.

Now, on the subject then of a weapon which requires the removal of the magazine for certain purposes how would you de-activate.....? - This could be done by literally cutting the magazine into three sections; if you cut out the middle section you leave the loading platform at the top and this could be pinned in place, it must be pinned in place or it be removed by a gunsmith but the basic magazine, this section down here, would be welded and pinned into the position of the plate.

It would have to be removable? - No, the case wouldn't be removable -- there would be cut-outs in the butt grip itself.

Would that be as easily overcome as securing/

securing the whole magazine in place? - I wouldn't say easy but knowing the ingenuity by which criminals exercise their minds there would be no problem.

There is a third one considered? - It is a self-loading pistol which has an integral magazine loaded at the top, you would have to have a blanking plate fitted within that to restrict the magazine case.

Would that be easily overcome like the others? - Probably slightly more difficult but yes, I still think it could be done.

You have said something on page 17 about weapons becoming more dangerous or as a result of doing this to them? - Yes, in this particular weapon here you have what is known as a holding open device; this slide is held back allowing you access to the chamber so you can do this, holding the weapon with one hand and loading the cartridge with your free hand and that would allow you to do it safely but there is a large number of semi-automatic weapons which don't have this device; if you had a weapon without that you would have to hold the slide back which, as I am taking this catch off and holding it back with the fingers of my right hand and I try to load it with my free hand -- there is a lot of sharp edges on this particular weapon and on others and I can well envisage a situation where if you are in the process of loading it your fingers slip off the top and the slide runs forward and it will chamber that round and you are not holding the weapon properly and it would be instinctive to grab whatever you could reach with your free fingers and that may well be the trigger.

There is a device to enable you to do that without your elaborate position of your hand? - It is the holding pin device.

Now, in 1988 when there were restrictions imposed on rifles and shotguns a similar problem arose and means were devised I think at that time to reduce the capacity of weapons? - That is correct.

Were these means different from the type of means that we are looking at in relation to the pistol?/

pistol? - Yes, there were two.....the magazines you find in these weapons are slightly different from that which you find in pistols and it is easier in some ways to actually pin them in place, more so than you can with a pistol but the availability of the magazine part is just not there so you can't destroy the magazine in taking it out or converting a shotgun or converting a rifle.

What do you mean "the availability is not there"? - You can't get the magazine out as easily as you could with the likes of a pistol so you have to retain the magazine in a possibly useful form.

Is it simply because they are no longer made because of the results of what happened in 1988? - Possibly, yes.

Let us assume for the moment that this magazine was outlawed in some way and was not manufactured any more, let's take that out the frame as an issue? - Yes.

And assume that we are in the same position, that it is equally difficult to get a replacement magazine for a pistol as it is for a converted rifle? - Then yes, you would be able to pin or weld the magazine in a self-loading pistol with as much security and permanency as you would with a shotgun or rifle under the 1988 regulations.

Are you saying that to some extent the availability of magazines means that what we are looking at here for converting this to a single shot would make a gun as secure from re-conversion as rifles and shotguns are which have been converted since 1988? - Basically, yes.

Which/

Which means you are being critical as a means to converting a weapon, rifles, shotguns after 1988 in a sense? - Yes.

Can we look at the revolver and can you tell me how one might convert a revolver to a single shot? - Again under the 1988 Regulations there are two ways in which they recommend deactivation which can be amended to restrict revolvers to one shot and that is to weld five rods within five of the chambers and pin these welded rods in place; that would leave you one blank chamber; the other method suggested is that the walls between each chamber be milled out so you have no chamber at all but if you convert this to a single shot you mill out all the walls leaving one chamber, you can additionally put a steel pin into the open space where the chambers used to be; of the two this is the one which I think is the more secure and the less likely to be reconverted but I have some severe reservations regarding this method because of the additional stress that that might put on the single remaining chamber when that is being fired; you would destroy the integral strength of the whole cylinder by milling out some of the wall and whether this is a problem that might occur with repeated firings on that one remaining chamber I am not sure; that would have to be looked at very carefully.

Would reactivation be more difficult with a revolver than a pistol or are we talking about the same degree of difficulty as with a pistol? - I would have a thought a revolver perhaps would be more difficult to reconvert than a pistol.

Mr. Dalgleish would perhaps help us more on that? - Yes.

You said that in relation to revolvers that was following specification for deactivation of rifles following the firearms amendment in 1988? - Yes.

In what circumstances did the rules come in for deactivation of revolvers? - When the 1988 Act was introduced the Home Office produced specifications or guidelines as to what has to be done with a revolver so it would meet the criteria laid down to become within the deactivated scope in Section 8.

Why/

Why did deactivation become statutory in 1988, do you know? - No, that is a policy question.

And was there also provision about deactivating pistols? - Yes.

Have you been following the guidance in relation to deactivation when you gave us the examples you described for deactivation in the sense of making them a single shot? - Yes, I would say that the original specifications which came out in 1989 have not been found to be comprehensive enough and new specifications were issued in October 1995 but these new specifications do not attempt any deactivation of the magazine of a self-loading pistol.

But an additional feature when you are actually deactivating a weapon completely is that it can't fire at all? - Yes.

So all the chambers of the revolver are blocked or cut through? - Yes.

In relation to a pistol something is done so it can't fire at all; now, did that make a difference when it comes to the ease with which it might be reactivated; in other words, reactivated in the sense of converting it back from a single shot to multi shot? - Deactivation procedures take in a lot more than the major component parts of a firearm; for instance, the butt is solid, blocked and welded in place, the firing pins are taken out or ground off, various other parts have to be immobilised or not totally destroyed to ensure that it can't be readily used.

So it is a lot more difficult to get it to fire at all than it is to convert it back from single shot to multi shot? - Yes.

3.30 p.m.

I don't want to spend any material time on rifles but I do want just to ask you about one matter. Self-loading rifles were largely outlawed by the Act of 1988? - The '88 Act, yes.

With the exception perhaps of one type? - With the exception of the .22 rim fire calibre.

And indeed one action type that you have described in your report? - The lever action rifle.

Do you have a lever action rifle there? - Yes, I do.

Can you tell us what lever action means? - Lever action is one in which you have a tubular magazine underneath the barrel and you load the cartridges into that magazine and there is a mechanical operation by flicking a lever, this allows the last cartridge, the loaded cartridge, to be put in position to be chambered by the lever moving forward. It pushes the cartridge into the chamber and at the same time it cocks the hammer and makes the rifle ready to fire.

So it is not the process of firing the trigger that makes that reload it is the operation of the lever? - That is correct. If I pulled the trigger just now and let the hammer run forward of that it would fire that cartridge. (Demonstrates). This is still safe in that condition, it will not fire out. If there is some rounds in the magazine I would then have to move the lever forward and that would eject the fired round and bring the next live round up ready to be thrust forward into the chamber.

That is different from the mechanism of a self-loading pistol? - Yes.

In the sense it is the pulling of the trigger that operates the self-loading pistol whereas here you have actually to engage each round by moving a lever? - That is correct.

I want to move on to your supplementary report. In this connection I am interested in the question of identifying firearms and magazines. Now, /

Now, does every firearm have a unique registration number, like a motor car? - On the weapon itself, no. No serial number can be considered unique. Individual manufacturers have their own sequence of coding when stamping their serial number on their firearms. It usually takes the form of a series of numbers with or without a letter involved. They generally aren't considered unique to that manufacturer; other manufacturers might use the same sequence if it is only numbers.

By chance? - Just by chance, yes. Unfortunately there is also, there are certain firearms manufacturing businesses in Eastern countries where they will copy a current firearm and they will use the same serial numbers on them all.

And they might come into this country? - Yes, it is feasible. I am not saying it does happen but I don't see any reason, there is nothing to stop it.

At the moment we are relying on a number a manufacturer puts on the gun? - Yes.

And are you aware of any examples where, apart from countries you mentioned, there have been guns found carrying identical numbers? - Yes. This is particularly relatively old firearms, those in the early 1990s, especially in Spain and Belgium. In fact, I can remember examining two Spanish guns, self-loading pistols, identical externally, and there is no manufacturer's make or name on the weapon at all, and they both bore the same serial number.

So, for example, there are weapons like that surfacing in this country? - Yes.

Is there any reason why guns shouldn't be registered in the same way and some mark put on them that makes them uniquely identifiable? - That could be done within the United Kingdom. Each firearm could be stamped with its own number and any imported firearm thereafter would require to be uniquely stamped. There is no reason why it shouldn't be done rather than cost and time.

It is done with all the foreign cars we import -- in fact they are probably all nearly foreign/

foreign -- but they have all got a unique registration number, haven't they? - Yes, they have.

And uniquely identifiable engine numbers and chassis numbers; is that right? - Yes.

Is there anything about the structure and mechanism of a gun that means you can't actually mark anything on it and give it a unique identification? - None whatsoever. I would say in criminal use serial numbers are removed regularly. The current serial numbers have been filed and ground off of them.

I appreciate every little may not take us very far but it may make some progress? - Yes. The other difficulty you may find with unique serial numbers on imported weapons, particularly those from the Eastern Block countries, they may be using the Cyrillic alphabet as well as ordinary numbers, and I am not good at Russian languages.

I take it quite apart from that question of how unique the number is, from what you have said guns usually have numbers? - Yes, the majority of modern weapons have a number. If you go back to the early 1900s you might find cheap ones don't have numbers.

As an example you can have two identical weapons surfacing that had identical numbers but no different manufacturer's name? - They had no name on them at all.

But identical numbers? - Yes, identical numbers and identical features.

Is it likely they were made by the same company? - I would say so, yes.

Is there any other way, apart from giving guns numbers, that one might think of identifying them? Is there any other accumulation of features you might regard which would be unique because of a combination of those is an effective way of retaining a record of the identity of a gun? - I would have to say Yes, there is a possibility of that. Although you might have more than one weapon with the same number it is unlikely that they will all/

all have identical features. If you were to classify first of all by serial number and then sub-divide that serial number by the type of weapon, you might find that if you have a pistol with the serial number 123, you also have a shotgun with the number 123, so there you have a pistol and a shotgun and they are obviously different. You could do that further by country of manufacture -- not necessarily the country of manufacture, but the country which has proofed the weapon since all weapons coming into this country has to be proofed by one of the recognised Proof Houses. You can take it further than the manufacturer's name and model. There are many features. You could actually incorporate that in a system for further sub-classifying the serial number which means you would then be able to identify one particular firearm.

Do magazines have numbers? - No, they do not. There is one exception which is the Luger pistol which again affects the value of the weapon: if that serial number doesn't match the rest of the weapon its value drops considerably.

If we can concentrate on handguns. Do magazines come in different forms or are they all like the ones we have looked at already? - They come in different forms. This is the standard box magazine. You also have what is known as a snail drum magazine. It is a sort of circular magazine that clips over the magazine feed and the contents are arranged round, and you can get up to 50 rounds in some of these magazines.

Do you also get magazines that fit somewhere else like the rifle you showed us, or is that just in the case of the rifle? - The cheaper magazines -- in this rifle here, the ones that fit under the barrel, are as far as I am aware exclusive to shotguns or rifles. You occasionally get a .22 calibre tubular magazine fits up the butt stock here rather than slung underneath the barrel. It is the same idea, it is just a different direction.

Can you imagine having a handgun with a unique magazine since that magazine would only fit that handgun, or is that an unrealistic proposition? - It is unrealistic.

Is there any reason why numbers can't somehow/

somehow or other, can't be put on magazines? - No, that is perfectly acceptable.

I suppose if you do have a Firearms Certificate and have a magazine that could provide effective control on the number of magazines you were allowed to hold? - If the magazine was classed as a component part of the firearm that could then be exhibited within the Firearm Certificate, and you will require when you get magazines, buy more, whatever good reason you have.....

Why is it not regarded as a component part of the firearm? - Because the 1968 Act didn't define what a component part was.

So it is a matter of opinion? - Up until 1988 it was a generally held opinion in Glasgow and Strathclyde that we would go to court for a prosecution on a magazine because we considered it was a component part of the firearm because without the magazine the firearm would not work in the manner it was designed. That was the usable definition which we applied in these days, it was a component part without which the weapon would not operate in the manner it was designed, and it was a component part in terms of Section 57. With the 1988 Act coming in, particularly Section 8 about de-activated weapons, where the magazine has not been altered in any form at all, there is no way we can actually tell that magazine is a component part of a genuine firearm or a de-activated firearm and we can therefore not in all confidence go to court and say it is a component part.

BY LORD CULLEN: The number of magazines in present circulation is presumably very large compared to the number of firearms? - I honestly couldn't quantify that. I would suspect that the majority of target shooters, which is the majority of pistol holders, would have more than one magazine, would have probably several. I think my colleague Mr. Dalglish will be able to give more information, it is more in his line to have that information.

EXAMINATION CONTINUED BY MR. BONOMOY: It is no doubt my fault -- perhaps due to a Friday -- but what you were saying to us there about difficulties/

difficulties with the position after 1988.....? - Up to 1988 it was our considered opinion in the police that a magazine was a component part. I cannot think actually of any reported cases or Appeal cases on this subject. But with the introduction of the 1988 Act you are then allowed de-activated weapons in terms of Section 8 of that Act, and the de-activation guidelines specifically do not alter magazines in any firearm whatever. If a magazine was then brought to the police they would be hard pushed to know what it is -- so this is the legal position -- we cannot tell whether that magazine was a component part of a genuine firearm or a de-activated firearm and we then just said right, okay, we cannot -- since we cannot distinguish between the two we will not jump either way.

So you never went to court on it? - I understand that the Lothians and Borders Police in 1975 had a case involving a Sten gun magazine which they got a conviction on, but I haven't been able to trace it yet. I don't think it was ever challenged on Appeal.

What was the whole point of introducing this category of de-activated weapons? - That was a policy decision by the Government. I don't know.

Did it mean that a person could have a weapon without a Firearms Certificate? - Yes. Once a weapon has been de-activated to a certain standard it is then subject to a Proof House or one of the Proof Houses where they certify it and issue a written certificate identifying it by model and number that that weapon has been de-activated to Government standards and it is no longer classed as a firearm after that.

People hold things like Kalashnikov rifles with a de-activation certificate? - Oh, yes, sub-machineguns, machineguns, anything at all, as long as it has been de-activated to standard.

I suppose one problem about serial numbers on magazines might be seen to be guns with integral magazines. Presumably the integral magazines couldn't be removed from the guns? - Yes. The question there will be is it a weapon and therefore is the magazine a firearm.

Although/

Although you mentioned that is a problem when you have unique numbers for guns is it really seen as one? - If you are considering starting unique numbers on all existing weapons then it is not a problem.

You mentioned the other problem is weapons deactivated since 1988 will still have their magazines? - Yes, they have.

So if there was any thought given to numbers for the magazines thought would have to be given to how to deal with them? - Yes.

Adjourned until Monday, 24th
June, 1996 at 10 a.m.

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