

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

THURSDAY, 27th JUNE, 1996

within

THE ALBERT HALLS,
DUMBARTON ROAD, STIRLING

.....

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.....

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APPEARING:- THE LORD ADVOCATE (The Rt. Hon. The Lord Mackay of Drumadoon, Q.C.), Mr. IAN BONOMOY, 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. KAVANAGH, solicitor, Hughes Dowdall, Glasgow, for individual officers of the Scottish Police Federation, and Lothian and Borders Police.

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FRIDAY, 28th MAY, 1996.

TWENTY-THIRD DAY.

LORD CULLEN: Well, let's resume. Now, Mr. Campbell?

MR. CAMPBELL: Thank you, sir. Good morning, Mr. Cooke.

MR. COOKE: Good morning.

DAVID JOHN COOKE,

CROSS-EXAMINATION CONTINUED BY MR. CAMPBELL:
Professor, I want to move away for a moment at least from Hamilton as a specific case? - Indeed.

To discuss matters in a more general nature with you. Your first report deals in general with the question of the extent to which qualified people such as yourself can predict violent acts by people? - Yes.

Am I correct in understanding that there is considerable literature which indicates that mental health professionals are unlikely to be able to predict dangerousness in every case? - That is correct, yes.

Although, is it also fair to say that some of those interested in this field are more pessimistic than others who perhaps take a slightly more optimistic view to the possibilities? - I think that is true, but I think the research is suggesting with the correct techniques we can always improve, but there is always a barrier beyond which you cannot go.

Would it be accurate to say that when professional people such as yourself are dealing with a specific individual, the emphasis is upon management rather than prediction? - Yes, there are/

are two elements; risk assessment entails prediction, but if you are, say, suggesting release of a prisoner on parole and you think there is a potential for danger, you build in treatment and management in the Community.

And that would involve for example, if we discuss someone who is or has been in a psychiatric clinic, then their illness and their history will be well known? - That is correct, yes.

And it will be managed by a multi-disciplinary team?
- In the ideal world they will have, yes.

And tell me if it is just the ideal world, but usually at least, would there be features such as monitoring of the individual?
- Yes.

Discussion with him and between the team managing his.....? - Yes, there would be regular contact with the patient and monitoring of the individual and his symptoms.

And from time to time, positive intervention by perhaps hospitalisation, medication, discussion with relatives and so on? - Indeed.

The purpose of it being hopefully to head off or prevent crises and problems? - That is correct, yes.

So in so far as there may be a predictive element to the management of the patient, no doubt amongst other things that would be based upon the in-gathering of a large amount of information about that person? - You require information, a large amount, yes.

And hopefully a good working relationship between the doctor and his patient? - That is correct.

And again, preferably, would I be right, short time spells between one appointment and the next? - Indeed.

I think you touched upon in your report the question of the extent to which predictive assessment/

assessment can be carried out by self-assessment by the individual himself? - Yes.

Would I be correct in understanding that there are very serious limitations about the use of questionnaires and the like? - Definitely; certainly that is my opinion. Many of the characteristics we are interested in cannot be measured reliably using self-report measures.

Not only do they rely upon the accuracy of the responses? - Yes.

Necessarily they involve a pre-determined set of questions rather than perhaps one which would arise if one was speaking to the person? - That is correct, yes.

Also, they omit observer judgment? - Yes, which is critical.

And again, by their very nature, do not permit the therapeutic or management intervention, or may not do so? - May not do so, but often these are used as part of a screen before you engage in more detailed interview of the individuals, but one has to make judgments about the reliability in each individual case.

So in the context of firearms licensing, you perhaps would not be an advocate of psychometric self-assessment? - Certainly not.

Am I correct in understanding from your evidence and from what we have heard from others, that so far as mental illness or a change from a peaceful to a violent person is concerned, this can happen in unforeseen and unexpected ways, sometimes over a relatively short period of time? - That is possible, even whether there is mental illness involved or not, I think.

And of course, peoples own domestic situation may change quite dramatically over short periods of time? - Yes, and that can cause an increased risk of future violence.

And I take it depressive illnesses and the like can come on almost at any time over a short period of time? - Some illnesses can on-set rapidly, /

rapidly, yes.

So a firearm in one individual's hands today may be satisfactory, but next year the position may be very different? - That is correct, yes,

Which in itself may give rise to concerns if firearms licence holders are reviewed only every five years? - That is correct.

But it follows from what you have been saying, even a reversion back to the old system of three years, or perhaps even yearly reviews, nonetheless would not necessarily identify the problems we have just been discussing? - I would agree with that, yes.

Stop me if this is outwith your area, but in general terms, would I be correct in understanding that many deaths from firearms include suicides? - I wouldn't claim to be an expert on that.

But it is presumably common knowledge that a proportion of suicides have been committed by firearms? - Yes, indeed.

So any improvement of controls on firearms, in addition to perhaps having an effect on gun homicide, may also have some knock-on effect on suicide rates? - Potentially there is some evidence in the studies I quoted which suggested that may be the case.

Am I correct in understanding that fortunately very few suicides are also what is known as an extended suicide or someone who takes other individuals lives along with his own? - Yes, that does occur, but again I am not an expert in that particular field.

So as to whether Hamilton fell into that category, that is not a matter for you? - No, but I should say that suicide following murder is not an unknown phenomenon. There is literature on that.

So one question that may arise in that context is whether the decision to commit suicide was formed in advance of the murders or immediately afterwards?/

afterwards? - Yes.

As to which category Hamilton fell, that is not something that you have applied your mind to? - I would speculate that he formed the intention before he killed the other people, and that is purely speculation.

Based upon what? - Primarily the fact that he changed weapons before killing himself, which seems ritualistic in some way, but it is speculation.

I won't press you on that because I think another professional may touch upon that, but thank you for your comments; so one conclusion we may draw, that might be drawn from your evidence is that psychological assessment is not a complete answer to any public concern following upon Dunblane? - Yes, I would agree with that.

Therefore, if that public concern is to be addressed, one needs to consider other methods of control? - Indeed.

With regard to your first report, in that context one alternative method of control which you point to is situational control? - That is correct.

The most obvious of which, if I have followed you correctly, is the restriction of the availability of lethal weapons? - Yes, indeed.

Can I ask you to turn to Page 22 of the first report please? Is that a passage in your report headed "Not all errors are equal"? - Yes.

You tell us that "The available evidence suggests that mental health professionals are conservative and tend to recommend the detention of patients who in actuality have a low likelihood of violent recidivisms"? - That is correct.

"That is, mental health professionals tend to make 'false positive' errors rather than 'false negative' errors"? - Indeed.

Could that be described as, for obvious reasons, a safety first philosophy? - That is correct, /

correct, yes.

You go on "In the context of a secure psychiatric facility a high 'false positive' rate has to be carefully monitored as significant issues are at stake; the decision must balance the liberty of the patient with the protection of the public"? - Yes.

You go on "In the current context, where decisions may have to be taken regarding access to handguns or access to children's activities, judgments about acceptable errors may be easier to make. In this case public safety is not being balanced by the unreasonable detention of an individual in a secure facility, but merely by the removal of the opportunity to engage in interests, namely shooting or running children's organisations. If screening is introduced it should be designed to have a low 'false negative' error rate even, as is inevitable, this is at the cost of a high 'false positive' rate"? - Indeed.

Do I correctly understand that as a recommendation that in this particular context, the philosophy should be safety first? - Absolutely.

So that is both in the context of running children's organisations and firearms licensing? - Indeed.

And would I be correct in assuming that safety first philosophy should apply to the general regime of firearms licensing and also to dealing with a specific individual? - Could you clarify the question for me? I am not absolutely sure what you are asking?

I will take it out and start again -- a safety first philosophy may have effect in considering what the overall regime of firearms licensing ought to be? - Yes.

Would that be an appropriate approach? - In my opinion it would be, yes.

Similarly, once a firearms licensing regime is in place, it requires to be implemented or enforced in a particular individual's case. Would the same safety first philosophy apply? - Very much/

much so, yes.

So would that suggest that in the context of a specific case -- I am not meaning to talk about Hamilton particularly -- but just generally, there may be considerable benefit if those involved are alert to any personality trait or characteristic that might be a cause for concern? - Yes indeed, it would be helpful.

And putting the matter at the very minimum perhaps, it may at least suggest the need for further careful consideration and investigational examination? - Yes, other examinations.

Your report dealing with Hamilton himself, while subject to the various caviats which you have made very clear, you appear to have reasonable confidence that he did demonstrate paedophile tendencies? - Yes indeed.

Bearing/

10.20 a.m.

Bearing that in mind, could we look at page 16 of your report, the more general report? - Yes.

In the middle of that page you have a little diagram overlapping some ellipses; psychological factors in one ellipse, situational factors in the other, then an overlap headed "Violence"? - Yes.

One situational factor I take it we will have in mind in the generality is whether or not the individual has ready access to weapons? - That is correct.

Let us assume for the moment that so far as psychological factors are concerned that individual is a paedophile or has paedophilic tendencies? - Yes.

Let us also assume that he runs boys' clubs and let us assume those boys' clubs have given rise to numerous complaints by parents and others in society? - Yes.

Might that give rise to other relevant situational factors in relation to paedophilia or in relation to violence?

I am thinking primarily in terms of risk of violence. Is it possible for example that a parent outraged by what has happened confronts Hamilton? - Yes, and that might escalate into violence.

If the paedophile is confronted by an outraged parent and the paedophile has ready access to firearms, that is a situational factor which one requires to bear in mind? - Yes.

So it is perhaps not possible to put paedophilia into a separate category from any concern over violence where there is ready access to weapons? - Yes. As with all human beings, we have to consider a whole range of factors when making a judgement.

We have heard some evidence -- I am not sure/

sure if it has been communicated to you -- to the effect that at his clubs and summer camps Hamilton appeared to display no -- and I stress "normal" in this context -- no normal kindness or affection towards the boys, even if they were homesick or upset, whereas you or I might comfort a child in a perfectly normal way. There did not appear to be any characteristic of this nature in Hamilton's make-up? - I was not aware of that.

If that is the position does that add anything to your knowledge of him? - It adds weight to the view that he lacked empathy, which I have stated in my second report.

Turning to page 10 of the second report, you are dealing here with sexual sadism? - Yes.

In the middle of the paragraph you make reference to a work by Brittain in 1970? - The first report?

The one on Hamilton specifically which I have been calling the second report, because it is the second one you mentioned? - Yes. On page nine?

Page 10? - Yes.

Just to avoid any confusion, this is the report dealing specifically with Thomas Watt Hamilton, page 10? - Yes.

In the context of sexual sadism you make reference to some work by a gentleman or lady called Brittain in 1970? - A gentleman; yes.

This suggested that sexual sadists' interests in weapons is unusual? - Yes.

It says ".....they" -- that is the weapons -- "have an attraction for him far beyond what they have for an ordinary collector, and he may 'love' them, handling, and in the case of firearms, dismantling them and cleaning them for long periods of time. He has strong feelings about them, they have special favourites, and he can even have 'pet' names for these".

LORD CULLEN: I think you are quoting quite correctly, but from the other report, Mr. Campbell./

Campbell.

MR. CAMPBELL: Am I? Oh, dear. The confusion is entirely mine. I do apologise.

CROSS-EXAMINATION CONTINUED BY MR. CAMPBELL: I am sorry, Professor. It is your report on the psychological perspective? - Yes.

Page 10? - Yes.

The question I want to ask you is this. In the case of a person such as this is such a person more attracted to guns in the first place or does his attraction come after the guns have been made available to him? - It is difficult to know. As I tried to indicate yesterday, these conditions are relatively rare, and I think it is most likely that the interest in weapons is there first, and people seek access to them.

If I revert again for a moment to Hamilton as an individual, you told us he had paedophile tendencies? - Yes.

And you told us a considerable amount of other things about him? - Yes.

Is it a pure coincidence that he was also interested in guns? - Because he was interested in paedophilia?

Yes? - I think the majority of paedophiles would not necessarily be interested in weapons.

So there is some other trait or aspect to his character which explains his interest in guns? - Yes.

We have heard some evidence that he occasionally called his guns his friends or his babies? - Yes.

Does that seem to bear some relationship to what Brittain was talking about? - Yes, it seems to fit with what Brittain is describing.

We also have heard evidence that Hamilton would occasionally talk about his guns or his clubs and/

and rifle clubs, ammunition and the like, to the children in his care. We know of at least some instances where he has gone out of his way to show his guns to children in their homes? - Yes.

From the child's perspective, would that have any influence upon how they regarded Hamilton and his behaviour towards them? Not only did he run these clubs and camps in the way in which we know you have told us about, but these children knew he was a man who had guns. Would that have any bearing upon how a child viewed him? - It is difficult to know, to speculate on that. Many young boys are interested in weapons and guns, and they may have been fascinated by what he was showing them.

If we have agreed this is -- and there is just some evidence of this; I appreciate not a lot -- somebody who has exhibited paedophile tendencies towards young children, might the fact they know he also has a gun have some influence on the way they respond and react, or is this just too speculative? - I think it is just too speculative.

Still on the same report we were looking at a moment ago, and still on the context of sexual sadism, over the page at page 11 we read this: Brittain again in 1970 indicated that murders carried out by sexual sadists are generally planned days or even weeks ahead. "They frequently have low self-esteem, and Brittain contended that their acts of violence frequently occur when their self-esteem is challenged"; is that correct? - Yes.

According to Brittain they "May be vain and egocentric: 'He would rather be notorious than ignored'. His acquaintances may consider him to be 'strange', 'off-beat', 'twisted', 'a loner', 'kinky' or 'a weirdo'"? - Yes.

Here again do we have echoes of some of the material known about Hamilton? - Yes, I think that is the case. The evidence suggests that there were witnesses who felt he was strange. I can't remember the phrase that they used. Secondly, there seems to be good evidence that he was planning or he may have been planning this several months beforehand.

I think there is also, would you agree, some/

some evidence that his self-esteem may have been challenged by the rumours and gossip and police investigation into his conduct? - Yes. The fact that fewer boys were going to his clubs, he had been refused access to places to run his clubs, all these things would have an impact on his self-esteem.

It does appear he took considerable offence at, for example, the police investigation into his conduct; is that correct? - As far as I understand, yes.

Likewise, there would appear to be a degree of social ostracism in his immediate community? - Yes.

At the foot of page 11 in the text of "Poor Anger Control" you tell us that certain individuals may be provoked by for example frustration, perceived injustice or by the perception that they have been treated without due respect? - Yes.

You say "Their responses may be in the form of angry thoughts, physiological arousal or angry and violent behaviour, or indeed combinations of these three classes of response"? - Yes, indeed.

Again does the evidence concerning Hamilton indicate somebody who was constantly conversing in a somewhat unreasonable and aggressive fashion? - Yes. I suppose in terms of the number of letters of complaint he wrote it suggests he was somebody who complained a lot when he was angry.

So when it comes to not only assessing the personality of an individual but more generally in the context of assessing for example his fitness to be entrusted with firearms, would it be important to have regard to the cumulative picture built up over the years about that individual, rather than concentrate on individual episodes? - Yes, it is important to have the history.

And that would be of importance when assessing for example risk factors arising from his possession of weapons? - Yes.

CROSS-EXAMINED BY MR. GIBB: Just one point/

point that has not been covered. GPs are at the moment sometimes asked to be counter-signatories? - Yes.

And one recommendation from the Chief Police Officer is that a medical report should be provided with any application? - Yes, a medical report.

Over and above the question of counter-signatory, that medical report would require some sort of professional capability on the part of a GP to assess personality and psychology. To what extent do you think GPs have that training and ability? - It is not only personality and psychological characteristics that need to be assessed; you would need to have knowledge of all risk factors of violence of paedophilia, which is not part of the training of GPs, and I doubt whether they would have the expertise to carry out the task.

So you think the position of a medical report from a GP in itself would be relatively worthless, because they would not have the training to assess particular characteristics? - I don't think they have the training to assess the risk of violence.

I suppose it would be very difficult in terms of the psychology for a report to be prepared by a specialist such as yourself? - Yes. I tried to make clear in my report that we probably do not have enough trained people to carry out risk assessments in relation to people being released from special hospitals or even from prison, so I don't think there are available experts to do this at the moment.

How many meetings would you need with an applicant to carry out a risk assessment? - In what context?

For the purposes of a firearm certificate, if an applicant was required to produce a medical report, and that included a risk assessment? - I think I have tried to indicate this. It seemed very difficult to predict within the community, where the rate of violence is very low. If one was to interview someone you would need several sessions and access to lots of collateral information/

information before I could make a realistic estimate: but then there is always errors.

So would you think the practicalities of producing a medical report with every application or renewal of a firearm certificate -- do you think it would not be practicable? - That is correct.

CROSS-EXAMINED BY MR. TAYLOR: If you would have the report which you prepared in relation to Mr. Hamilton with you, I am interested in what you say at the top of page three in the first paragraph on that page. You say that there is a natural human tendency to explain events, and you refer to "effort after meaning", which you say may result in significant distortion in the recall of events? - Yes.

In what way is the recall of events likely to be distorted? - Memory processes are active processes. It is not like putting information into a computer, which should come out the same way as it goes in. Things which happen subsequent to memories can change the memories, and they can come out in a different form. Can I give you an example of one of them?

Please do? - One study was looking at the cases of Downs Syndrome. This was in the days before people knew it was a chromosomal abnormality. They asked mothers of Downs Syndrome children to count how many frightening experiences they had had, and shocks, during their pregnancy, and they found these mothers had three times as many shocks as people who had no Downs Syndrome children. Now, these mothers were trying to explain what had happened by reorganising their memories. This is a well-established phenomenon, which has been recognised for 60 years.

Applying that to the particular events that we have been looking at at this Inquiry, how do you consider if at all the witnesses' recollections will have been affected by the events of the 13th March? - It may be they can selectively recall parts of Hamilton's behaviour. One witness I think described him as cold, unemotional, like a robot. Now, if you have heard what he has done you may re-interpret what his behaviour was like. Of course, psychologists are not immune from it either, or anyone/

anyone else for that matter.

In a sense, what you have been asked to do in the course of this exercise is different from that which you would normally do? - Yes, indeed.

We have been dealing with an event, and we have asked you with hindsight to go back through the personality of an individual and make some sense of it? - Yes.

Whereas normally you would have the personality and try to predict what the future would be? - Yes.

Just how difficult does that make your task in doing what you were asked to do in the second of your two reports? - It makes it quite difficult. You have to balance the evidence as it is presented as I say in my caveats to begin with. It is a difficult task, and one cannot be expected to explain the whole lot.

Yes? - It may have been different if during the risk assessment Hamilton had shown some evidence of threat control mechanism or clear psychopathic traits, but there doesn't appear to have been that in the evidence.

I was interested in some of the descriptions or the labels which you attached to Hamilton? - Yes.

And one of these labels which appears from time to time in your report is that of him being a loner? - Yes.

What do you mean by the use of the label "a loner"?
- He seemed to have very few relationships outside his family. His adult relationships seemed very tentative relationships, and they were not close relationships. From the evidence it seems he did not necessarily disclose things to other people, he did not seem to share his thoughts of violence with other people.

We have heard some evidence to the effect that he visited certain individuals on a very regular basis, to the point that they called him I think a pest. Were you aware of that? - Which people?/

people?

In fairness, I will refer you to the transcript. If you could have the transcript from Day 5 available, and look at page 593? - Yes, I have it.

Right down at the very bottom of the page, the witness, who was a Mr. Anderson, is asked "How often did he call at the house?", and the answer is "To the extent where he began to become a bit of a nuisance, like three to four nights a week"? - Yes.

If you could put that to the side and look at the transcript for Day 3, and in particular page 287, this is the evidence of a Mr. David MacDonald, and in the middle of the page just before the letter C he is asked "Did he phone quite a lot?", and the answer is "He" -- that is Hamilton "did phone me quite frequently, yes, and eventually it got a bit wearing having so many phone calls"? - Yes.

Then if you jump to the bottom, just after the letter E, "So from 1990 right up to 1996 did he continue to keep in touch with you?", and the answer is "Yes". Then he is asked "And how frequently during that period did he speak to you on the phone?", and the answer was "It was maybe a couple of times a week, something like that"? - Yes.

And/

10.40 a.m.

And if we could then look at one more transcript in this connection and that is Day 16 and page 1985. I think this will be a transcript which you will not have had sight of? - No.

You have had sight of the transcripts of Days 1 to 5? - That is correct, yes.

This is Mr. MacFarlane giving evidence and just above letter B he is asked "Q.- Through the 1980's did Hamilton continue to call on you from time to time? A.- Yes, he did.", and then at letter C, "Q.- What about the length of time? A.- Well, they would sometimes go on for about three or four hours in which time he consumed about half a dozen cups of tea and I think every chocolate biscuit you had in the house."? - Yes.

Now, if one takes those passages of evidence and looked at them, does one still become entitled to consider Mr. Hamilton as being a loner? - I think so, because I think we are looking at the quality of the relationship as much as the contact. I mean, there doesn't seem to be any evidence of a close, confiding relationship. At page 1985-B he says "You couldn't carry on a conversation with him". I think Mr. MacDonald referred..... if I have got the correct witness but I may not, I think he referred to it as a telephone relationship at one point.

Yes, that is correct? - So he appears to talk at some people but he doesn't seem to have a close, confiding relationship where he discloses things. In a sense that is what I conceive as an important element of a relationship with other people in regard to forming a relationship of a meaningful type.

Now, in your report you indicated that you considered that there were some traits of him having a sadistic personality disorder? - Yes, indeed.

And I think we will find these traits set out at page 8, is that correct? - Of the report on Hamilton?

Yes, the Hamilton report? - Yes, indeed.

And/

And am I right in thinking that these are the traits which are set out in the first complete paragraph of page 8, the paragraph starting "There is evidence that....."? - Yes.

And where does the evidence conclude in relation to ascertaining whether or not he had this disorder? - Page 9. The second paragraph.

I wonder if we could just look at some of that evidence. You indicate that as part of the examination one has to draw that Hamilton has become amused or gained pleasure from the suffering? - Yes, that is one of the characteristics one might look for.

And is that the characteristic which you were looking at in respect of the analysis of his behaviour? - Yes, that is one of the characteristics.

What were the other characteristics? - Well, for example, restricting the autonomy of other people. The interest in guns and so forth.

I wonder if you could look at the transcript for Day 3, Volume 3 at page 276. This is the evidence of Mrs. Ogilvie who was one of Mr. Hamilton's neighbours. Just below letter C she is asked first of all "Q.- So that on the occasions when there was some conversation between you, who was it that started the conversation off? A.- It was him and I nearly jumped out of my skin. Q.- Can you remember the first time that happened? A.- Well, if I was maybe out the back hanging out my washing, he was there. I never heard him coming but he was there and he would speak and I just got a fright and I would talk but then I just left him."? - Yes.

What in that passage which we have just looked at gives rise to the view that Hamilton derived amusement or pleasure from any conversation or interaction which he had with Mrs. Ogilvie? - It is ambiguous but I thought there was perhaps a possibility he was doing this deliberately but I admit it is ambiguous.

Well, where in that can one define that Mr. Hamilton might have been doing it deliberately? - Well, when she said "he was just there", it sounds/

sounds as if he had come up behind her and surprised her.

The other aspect which you talked of a few moments ago was the way in which he restricted his grandfather's or adoptive father's movements in the house? - Yes.

Did you read the statement from the grandfather, the adoptive father, Mr. Hamilton? - Yes, I did.

I wonder if we could look at that. It should be in one of the volumes which you have before you. It is in the second day. We have already referred you to Day 2. I think it is set out on page 210? - I have it, yes.

Page 210 just at letter E I think the passage which you might have had in mind can be found. Mr. Hamilton says "On 24th August, 1992 I moved out of Kent Road and into sheltered housing accommodation. The reason I moved out was that Thomas began to take over the whole house, he moved all my personal possessions and items of furniture into my bedroom, some pictures I had on the wall and my telephone and other personal items. I just could not be bothered with it all and went to Stirling District Council and they arranged for me to move". Is that the passage you had in mind? - That and also I think there was a witness who suggested that Mr. Hamilton's adoptive father was restricted in terms of his access to the house. He would come home at night and would be kept outside for 20 minutes and so forth. So that together.

Yes, that was Mr. Dewar? - Yes.

Considering these passages did you also have regard to the evidence given by Mrs. Watt and Mrs. Watt's friend, Mrs. Sutherland? - Yes, I'm aware of that.

You see, on page 204, and I don't think it is necessary for you to have this passage before you, Mrs. Watt indicated that.....she is asked "Q.- In general terms what was the cause of the disagreement? A.- I can't tell you, I don't know, they just kept arguing; you see, my Daddy drinks and he used to come in and Tommy would be in his bed and/

and he used to wake him up and start arguing with him"? - Yes.

And Mrs. Sutherland was asked a similar question at page 207 on Day 2. "Q.- Did you ever see him in recent years in the company with Thomas Hamilton?", he being the adoptive father? - Yes.

And the answer was "No, never". "Q.- What sort of relationship did you understand they enjoyed? A.- Very bad. Q.- What was the cause of the problems? A.- The father's drinking."? - Yes.

Couldn't we find another explanation, perhaps a perfectly innocent explanation, for Hamilton's conduct towards the adoptive father? - That is one possible explanation, yes.

And is it just as likely an explanation as the explanation which you advanced, being a function of his personality trait? - No, I think the evidence of the personality trait is based on more than just, you know, the relationship with the father. I mean, it is the interest in guns and I think the lack of empathy which we have heard evidence of and so forth. So, I mean, in all human situations there are complex factors involved. Drinking might have been a factor and personality might have been a factor but again we can't necessarily add weight to which one is the most important but probably a combination of things.

In attaining the Degrees and qualifications which you have told us about yesterday, you would have spent a considerable amount of time in study and learning presumably? - Yes.

Can you say for how long you studied? - Six years full-time and five years part-time doing a Ph.D.

Would much of that training have been directed towards analysing the behavioural patterns of individuals and drawing conclusions therefrom? - Much of it would be, yes, and in the treatment and management.

And thereafter the treatment and management, /

management, I appreciate that? - Yes.

So you would be looking at events and drawing conclusions from them, which perhaps I might not be able to do, as a consequence of the training which you have had? - Perhaps, yes.

You have been asked to paint a picture of Hamilton and you very fairly told us of the difficulties in so doing, given the manner in which one must now do it. Can you tell me what base information you had about him? What material did you have before you when you were trying to paint a picture? - Essentially I had the transcripts from the first five days of the Inquiry, I had access to the video tapes, extracts of video tapes of Hamilton and I had access to some of the summaries produced by the police during their investigations and I think I note this in the introduction to the second report.

I beg your pardon, if you have done that I apologise if I have overlooked it. Yes, I do beg your pardon. I see that there? - I also discussed the case with Detective Chief Superintendent John Ogg to get an over-view of the evidence.

BY LORD CULLEN: Just one matter perhaps I can ask you about before you are re-examined. You were asked some questions by Mr. Campbell dealing with the matter generally about situations where violence might erupt and one situation would be in the process of confrontation? - Yes.

I can see how a person might react in some situations where he was faced with somebody else who was, let's say, belligerent or complaining? - Yes, indeed.

Now, in the case of Hamilton we seem to have a number of insights suggesting that in confrontation he was extremely cool, if not cold and highly controlled. I hope I am correctly representing the evidence. For example, I don't know if you have read about this but we heard of evidence where two women deposited rubbish, noxious substances, on him? - Yes.

And his response was extremely restrained. No/

No complaint, no kind of reaction at all? - Yes.

Do you know the incident I am talking about? - No, I am not aware of it. Oh, yes, I am. I beg your pardon. Yes, I know the incident.

The two ladies, Mrs. Haggard and somebody else? - Yes.

Now, does that tell you anything about his characteristics in that situation for a start? - It is quite interesting to Megargee, who I refer to in my report, who has classified different types of violent offender and describes people who are what he calls over-controlled personalities. These people are often timid, unassertive, individuals who don't appear to react in the way that Hamilton didn't appear to react. They can tolerate or they appear to tolerate a lot of provocation without reacting but when they do react they react in a very dramatic way. Megargee describes this and the evidence for it in the literature is not very convincing and certainly clinically I think I have only seen one case in my career.

Is he one of the authors in your report? - Yes, Megargee. He describes an over-controlled personality. There is not full agreement that this exists in the psychological community but he insists that it does.

We have also had him described as being somebody who planned things very carefully? - Yes.

Perhaps I should not extrapolate this too far but would that tend to suggest that in his case if there was violence it arose out of calculation as it were? It was fairly cold and calculated? Is that a fair reading rather than an instinctive response? - Yes, it appears from the evidence I have that it was planned and it was cold and calculated.

I don't want to misrepresent what you have said? - No, I would agree with that.

RE-EXAMINED BY MR. LAKE: Just to return to a matter which was raised as possible confusion yesterday afternoon. In the conclusion of your first report you conclude that psychological risk assessment/

assessment would not provide a satisfactory basis for the prediction of violent behaviour in individuals of a community, is that correct? - That is correct, yes.

That is both because of the accuracy rate of such tests in a community setting? - Yes.

Or because of the practical difficulty in carrying out sufficient tests? - That is correct.

At the same time, I think you said in your evidence that certain factors, the ones you take into account in assessing that Hamilton could suffer from a sadistic personality disorder, might have been sufficient to ring alarm bells in relation to both the possession of firearms and having care of children? - Yes, indeed.

In a situation where you might not regard these as being sufficient to permit you to predict violence, on what basis do you consider that they would have rung alarm bells for you? - Well, I would be concerned that someone like that would have access and the opportunity to engage in paedophilia or to have access to handguns.

On/

11.00 a.m.

On what basis would you be concerned that they had access to handguns? What would your concern be if they had access to handguns? - Are we talking about sadistic characteristics?

Someone who displayed the characteristics which you have taken into account? - What characteristics? Say psychomatic personalities?

If I refer to the characteristics in particular, I think they are contained in the second of your two reports and they run from the foot of Page 7 through Page 8 to the top of Page 9, and I think those are matters I put to you yesterday in regard to ringing alarm bells, and you said yes? - Yes.

Why would someone who displayed those characteristics give you concern if they were to hold a firearm? - Well, it seems to me that they enjoy dominating other people and humiliating other people, and the use of the firearm potentially could be used for that purpose.

And is that because all the characteristics come together or is it any one of them would produce that? - The characteristics of sadistic personality disorder?

The ones enumerated here? - Well, they are all linked; they are all inter-correlated; they tend to occur together because it is a cluster syndrome, so the fact that he has a particular way or style of inter-acting with other people would make me concerned.

And that concern would exist notwithstanding the fact you didn't feel able to say that you would predict this as being someone who would commit a violent act? - Yes; it is a different threshold of concern.

I think you said in response to a question by my learned friend, Mr. Campbell, we are dealing with two different things here, and these two different things you have in mind, on the one hand predicting violence and on the other hand safety/

safety with a firearm? - Yes, I think these are two distinct concerns, yes.

I don't want to push you into saying more than you wish here, but do you feel able to say that even although you might be able to provide an accurate prediction of violence, you could identify people who would raise concerns that they would have firearms by psychological means? - Yes, I think you could, but you would have a very high "false positive" rate. Supposing someone comes along and they are experiencing major psychotic symptoms or are psychopathic, psychopathic people don't always go on to be violent, but would be a risk factor, and I would suggest that those people should be excluded from having firearms, but it doesn't mean that I would necessarily predict that that individual would go on to be violent, but that class of individual is at a higher risk than other people.

I may be asking too much, but could you estimate what proportion of "false positives" might arise if such a broad approach was to be taken to excluding people from having Firearms Certificates? - I don't have the necessary information about personality disorders in the general population.

Is that something which might be available in the document that is published next week? - From the American situation, but I think those are different. We know there is great cross-cultural differences in the rate of psychopathic personality disorders, much higher in North America than in this country, fortunately.

Fortunately for us? - For us.

If I could refer you now to the report on Hamilton? - Yes.

On Page 8, at the end of the paragraph relating to Hamilton getting amusement or pleasure from the suffering of others, you say in the sentence there "There is no evidence of cruelty to animals"? - That I am aware of.

Is that actually a matter that you were aware of, because there has been some evidence arisen in transcripts which was not sent to you, that there has been some evidence that Hamilton used to/

to engage in something called "bunny hunts" where he would go out in his car trying to catch rabbits in the headlights trying to startle them and then run them over? - I wasn't aware of that.

Would that be a material factor in your consideration? - He was doing this as an adult presumably?

A young adult? - Yes, that would cause me some concern, yes.

Do you consider the events of the 13th March indicate a sudden and dramatic deterioration in Hamilton's -- it might be colloquially said that he had flipped -- or part of a continuing process? - I think it is probably part of a long-term process. I think he had personality difficulties. There was evidence that he was planning this at least two months beforehand, tentative evidence of that, so I don't think he flipped, no.

Taking the factors you do know about Hamilton's behaviour in relation to children? - Yes.

Which I think we have had referred to as being elements of cruelty in hitting them, a lack of care, if those matters were made known and referred to a Council, would you be able to advise them after an interview or certain other investigations as to the suitability of that person having access to children? - It depends on the quality of the information you get and the extent to which the person being interviewed cooperated at the interview. I think, as I indicated yesterday, paedophiles, even those who are convicted, will deny their behaviour, so it is very difficult to determine from an interview.

If it is a matter on which the local authority had expressed some concern, and said to someone he would not be permitted access to children unless he were to submit to interviews, and he would not be allowed access until someone in your position expressed that they were satisfied that it was safe for him to do so, do you think you would be able to express such satisfaction that it was safe for him ever? - In a sense it depends what investigations I am allowed to do.

What/

What investigations would you require to do? - I would need detailed information from background sources and I would need to be able to interview the individual for some considerable time and I would need to use some indirect measure of sexual arousal such as we referred to.

And that was quite intrusive? - Yes; penile measurements in response to pornographic pictures.

LORD CULLEN: Thank you, Professor. I am very much obliged to you for your evidence and the very great amount of work you have put into your two reports.

HUGH DILAHAY DAVIES (67), Sworn:

EXAMINED BY MR. BONOMY: Are you Hugh Dilahay Davies? - I am, sir.

And are you the immediate past President of the Association of Police Surgeons? - That is correct, sir.

What age are you? - 67.

What are your professional qualifications? - Master of Arts; Batchelor of Medicine; Batchelor of Surgery, and holder of the Diploma in Medical Jurisprudence.

How long have you been practising medicine? - Since 1955.

And how long did you practice as a police surgeon? - 37 years.

Have you now retired from that? - I am retired as the Principal Police Surgeon to the Northamptonshire Force, but I am still used as consultant by Northamptonshire & Warwickshire Police, and occasionally other police forces.

Are you used independently as a consultant by those acting for say the defence of an/

an accused? - Oh yes.

In that capacity, do you describe yourself as an independent consultant forensic medical examiner? - I do.

That is an expression I don't think we are very familiar with in Scotland. Is it an expression, "Forensic Medical Examiner" which is used commonly in England? - It's now becoming more common. It started with the Metropolitan Police about 10 years ago when they re-named their police surgeons forensic medical examiners because the doctors and the police did not want to be seen as being too partisan to the police.

So it was a cosmetic change of name? - A cosmetic change of name; I think up here in Scotland they are still called police surgeons.

To be a police surgeon, do you need to belong to the Association? - No. The membership of the Association is for police surgeons, but there are a large number of doctors who are in general practice, and unfortunately do not do much police work and they do not need to join the Association. This is a view of course with which I do not hold.

Are your members largely full-time police surgeons then? - No; our doctors are generally medical practitioners who have taken extra post-graduate study in forensic medicine in order to deal with the work that they do.

So is there a normal additional qualification to do the job of police surgeon? - Yes; the qualification which you should have is the Diploma in Medical Jurisprudence.

And is that organised by one body, or can that qualification be obtained in a number of places? - No, it's only obtained in London through the Society of Apothecaries, but they do also -- the Society does have examinations in Australia, and they are this year having an examination in Hong Kong.

So can I take it from what you have said so far that the majority of police surgeons in the country are General Practitioners who do the job of police surgeon part-time as an additional element in their/

their practice? - That is correct.

Their experience will therefore vary according to where they are really? - It will indeed.

Can you tell me the size of the Association, the membership? - Yes, just over 1,000.

And can we compare that with the number of police surgeons there are in the United Kingdom? - Well, it is difficult to be accurate on this, particularly as in some areas the police do not appoint police surgeons with a contract, but they call on the occasional general practitioner to come occasionally to do the work.

We estimate that there are something like 2,000 members who are called upon by the police to render medical aid.

The reason you have been invited to give evidence here is to see whether there is a role for the police surgeon and indeed the general practitioner in the process of deciding whether or not a person should have a Firearms Certificate. Now, you will be familiar yourself with the role that a general practitioner, quite apart from a police surgeon, may play in that process at the moment. He may be in the category of person who might sign or countersign an application for a Firearms Certificate in the sense of supporting the application, but we have heard some evidence already in the Inquiry that there are circumstances in which the police may obtain consent from an applicant or holder of a certificate and approach his general practitioner for information. Now, do you have any direct experience personally of dealing with applicants for Firearms Certificates and either supporting their application or providing information to the police for their consent? - Yes, I have, considerable, because I live in a country area outside Northampton and I think I have been signing and countersigning applications for Firearms Certificates for many years.

Does the role of the doctor as a potential countersignatory create any difficulty for him in his practice? - It isn't personally to me, but I could quite easily see how it could, and I personally would be -- I agree with doctors that we really/

really shouldn't do this job of countersigning.

Why do you say that? - Well, it could upset the doctor/patient relationship. If one of the people that I have signed certificates for -- if I had said to him "Look, I don't think you should have a certificate because you are mentally unstable; you have got a short fuse", he may well -- it would first of all break up the relationship, but he might even be the sort of person who could take revenge on me.

So/

11.20 a.m.

So it then places us in an uncomfortable position. I think the only thing you can do under these circumstances is make up some excuse as to why you can't do it.

You will be aware that the medical profession in general through the BMA in particular have expressed concern about being involved in some positive role in the process of certification for firearms holders, and I take it you understand that concern? - I do.

We will perhaps explore later this morning whether there is a negative rather than a positive role for the doctor. Am I right in saying that the Association which you represent see a role for its members in the process? - Yes, we do.

Will you tell us what is the role that you envisage for your members? - Have the Court got the document I handed in this morning, the flow chart of our ideas?

Yes. This will be R66. Do you have your own copy?
- Yes.

That is the one which shows the things which you envisage taking place? - That is correct.

Would you find it best to use this in illustrating how you see the police surgeon playing his part in the process? - I would like to refer to this.

Please do, and take us through it? - We see in the Association that the police surgeon or forensic medical examiner, that is the medical examiner to the Chief Constable, can play a useful role as a preliminary medical screener. By this we mean that when the person applies for a firearm, in his application form it would include the bona fide reason for the need to have a firearm, such as occupation, field sports, member of a gun club. In addition to including that reason the application form should have a medical questionnaire which the applicant can fill in.

Yes?/

Yes? - This medical questionnaire would be similar to the type of thing which was filled in when you apply for a life insurance or a sickness insurance policy, and of course there would be legal penalties for false declarations or failing to disclose? - Yes. That questionnaire would be seen by the police surgeon, and with that he would write to the person's general practitioner or any other appropriate doctor who is mentioned in the questionnaire, and get a medical report.

Yes? - We envisage that the vast majority of medical reports, there will be no problems, and we can inform the Chief Constable that there are no problems, medical problems, with this application.

Can I interrupt you at that point to establish what information you envisage getting from the named doctor at that stage? - Any serious illnesses, particularly illnesses which might affect one's mental capacity. Also, there is an advantage. If one is writing to a general practitioner, that general practitioner as a family doctor has an insight into the personality of the person making the application. For instance, he may, to use a phrase I have used before, have a short fuse, he might lose his temper quickly, he might beat up his wife or kids, there may be something about him which the GP would like to communicate to another doctor, but at the moment under the present system he is unable to do so.

Now, this would require a specific form of mandate to be completed in the application form; is that correct? - That is correct.

And it would also involve the GP or family doctor not having to make a judgement himself? - That is correct.

However, it does also involve inviting him to say things about his patient which are to some extent based on general experience of him rather than answering a medical question; is that right? - To a certain extent, yes.

Now, whether or not you get that information I presume might depend on the particular general practitioner? - Yes; there would be some variety./

variety.

There could be no way of compelling the disclosure of that sort of information? - No. I think GPs as a whole take their public duty seriously, and as with people who drive cars who are medically unfit, they do tend to try and persuade the patient to report his medical condition to the DVLA at Swansea, or if the patient does not do so the GP does it himself.

I think we are envisaging here a mandate authorising the GP to disclose information to you as a police surgeon; is that right? - Yes.

And therefore once the mandate goes to the GP you would expect him to answer that question, I presume? - I would. And if he felt uneasy, if the GP felt uneasy, I would expect him to tell me. But it is on a doctor-to-doctor basis; there is nobody else involved. Quite often doctors do talk between themselves. In fact when you are referring a patient to a specialist you quite often say things to the specialist you wouldn't say or wouldn't necessarily say to the patient you are seeing.

Now, if we have reached the stage that there are no problems, as you have described it in your flow chart, I take it by that you mean there is no obvious reason to suggest the applicant is unfit to hold a firearm certificate? - That is so.

It is a negative statement rather than a positive one, to the effect that he is fit to hold a certificate; or do you envisage going that far? - I would say from the past history. I don't think it is practically possible to have a full medical examination of every person who applies for a certificate. Apart from the logistics of the thing there is the fact that even a full medical examination by one doctor cannot visualise how a person is going to turn bad later and do something, as has happened here.

Yes? - What I can say is that at least we have done a medical screening, and we have not let somebody through who has got a history of mental illness, schizophrenia, many of the things that would in my opinion be an indication against holding a firearms certificate.

We/

We have been listening to some psychological expert evidence in the last few days telling us how difficult it is to forecast that a person might be violent and how difficult it also is to forecast that a person might demonstrate paedophile tendencies towards children. Bearing that in mind, it is quite difficult to imagine a doctor, even a police surgeon, being able positively to say "This is a man who is fit to hold a certificate", whereas it is easier to understand him saying that there is no obvious reason why he should not hold one? - You have summed it up very well. I entirely agree you cannot say this person cannot turn violent; you can't.

We have got to the stage where the person at the initial screening has demonstrated no obvious signs which render him unfit. If that is not easily determined, what further stages do you envisage in this process? - I think further changes would be either any medical records from a hospital, hospital records, reports from specialists he has seen, and it might be necessary to examine or interview the applicant yourself: I have left that open.

What do you mean by that? - I visualise that possibly rather than one doctor doing it the appropriate specialist might be involved as well, so that there is some further diagnostic exercise.

I think you have actually gone as far as to put in a suggestion of a final medical panel? - That is what I would say, a specialist and a police surgeon. For example, in a case where I suspected there was some mental instability or a short fuse I would sit with a forensic psychiatrist and interview the chap with the forensic psychiatrist probably taking the lead.

Now, you have suggested also in your presentation here the change in the way you envisage the law working at the moment? - Yes.

And you suggest it should be incumbent upon an applicant to prove positively that he is fit to hold a firearms certificate rather than incumbent on the Chief Constable to be satisfied he is not fit; is that right? - That is correct.

And I take it that that suggestion is there/

there because of this whole scheme that you propose, which involves a fairly detailed examination of the fitness of the individual?
- Yes.

So that if he fails he does not get the certificate because he has not passed the test, the onus on him, to demonstrate his fitness; is that correct? - That is correct, yes.

All right. So we go through the whole screening. There are a number of possible results at the end of the more detailed process that you envisage. Can you tell us what the possibilities are? - The possibilities are that somewhere along the line you may decide there are no medical problems, and you will inform the Chief Constable that there are no medical problems.

Yes? - There are of course other investigations going on on the police side, and it is the Chief Constable's decision. He has got his police evidence to weigh up as well, and he will certainly have yours, that there appear to be no medical problems.

Yes? - On the other hand, if the medical panel felt that there was a risk or that the person was not medically suitable to hold a licence we would tell the Chief Constable that he was not medically suitable. Now, because of the point of confidentiality we would in these circumstances not give a reason: all we would say is that the patient is not medically suitable.

Now, these are two fairly clear-cut situations. What about the position where you could not put your finger on medical unfitness: you have a plausible applicant -- we have heard psychological evidence that if he is a paedophile he will be plausible and that he will lie to you -- but you have got this gut feeling that there is something there that you cannot nail. How do you deal with that? - That is a difficult problem. I see no answer to it. I am sure you will get cases like that, and I honestly cannot answer that question. But at least you have made some medical enquiry; you have made an effort.

I wonder if the answer is not in your scheme at the moment. If the onus is on the applicant/

applicant to demonstrate his fitness and he has not satisfied you, but you could not actually pin down a specific medical reason, do you see a basis for you, acting responsibly, still saying that you are not satisfied of his fitness? - I think so.

Or is that one that would present your members with real difficulty? - I really don't know the answer to that question for my membership. Speaking for myself, however, I think I would certainly err on the side of caution.

Now, can I ask you to look at the second page of your submission? - Yes.

You have actually told us more or less what is here. In the second numbered paragraph you mention the way in which the material would be obtained from the GP, by using a form similar to that currently used for life assurance medical reports or by the Driver and Vehicle Licensing Authority, but tailored specifically for the purpose of firearms licensing? - Yes.

Now, can you help us with information about the sort of form used by the Driver and Vehicle Licensing Authority? - I have not filled in one of these for many years now, but to the best of my memory the form is filled in by the applicant, and it asks various questions, such as "Do you have any loss of consciousness?" and things like that.

Yes? - This form goes to the DVLA. The DVLA doctors then write to the GP, and they write specifically, saying that the person has mentioned this on his application form, "Can you elucidate further?".

So it is a form used and triggered by the applicant himself disclosing his medical condition? - Yes, indeed.

Now, in relation to firearms licensing am I right in thinking that you envisage the automatic use of this form of enquiry? - Yes. Not necessarily the same form as the DVLA, but one tailored for this situation.

But they are only dealing with particular cases; you would be dealing with every applicant for/

for a firearms certificate? - Yes.

In paragraph 3 you mention at the end that in your assessment you should also be supplied by the police with any other non-medical evidence thought to be relevant? - Yes.

So you envisage the police providing you with information before you advise the Chief Constable? - Yes. The two investigations are going on in parallel, the medical investigation and the police enquiries, and again the police may have some information which is relevant.

And you also in paragraph 5 mention the need for frequency of examination; is that right? "This system should operate as frequently as reasonably practicable"? - Yes.

And it is suggested at one stage that an annual renewal is one possibility, or legislation could be framed so as to place the onus on the GP to advise the police surgeon if the holder of a certificate became for example mentally unwell, or other circumstances had changed? - Yes.

So you envisage either a more regular renewal of the certificate than we have at present or a duty on the GP to tell the police surgeon if certain things change? - Yes.

Now, that raises difficulties of defining the circumstances you envisage having to be disclosed. Is there some easy way to identify these? - First of all, it is very much a matter of political will: but the most important thing is that they have been granted a certificate, and if there is any medical condition that comes up during the time, whether it is for one, two, three years, that medical information should be divulged, preferably by the applicant, but if not, as with driving cases, if the patient does not divulge it then the GP has a duty to do it himself under the provisions.

If we take driving as an example for the moment, is there some sort of recognised category of conditions that have to be disclosed? - Oh, yes; epilepsy is one, loss of consciousness and sudden loss of consciousness, eyesight changes.

Now, /

Now, in relation to firearms what sort of information do you envisage having to disclose, starting with the applicant disclosing them? - Treatment for any mental illness.

Anything else? - Severe body illness, not mental illness, which might affect his clear thinking.

Now,/

11.40 a.m.

Now, one of the problems you have identified about this whole area is that there are statutory obligations nowadays on doctors to tell patients what they are telling other people? - Yes, that is Access to Medical Reports Act and the Access to Medical Records Act. We feel that anybody involved in this process should have exemption from those Acts.

The very last thing you mention in your submission is a central firearms licensing and registration agency similar to the DVLA. Now, what advantage do you see in the process that you envisage for having such a centralised body? - Well, I think if for example you are refused a licence in Scotland and you come down to Northampton then we would be able to, through a central agency, find out that you had been turned down by another authority.

Firearms registration is dealt with according to where a person resides? - Yes.

People quite frequently move from one area to another. Do you envisage that to present a problem unless there is some centralised way of recording information which has been obtained about individuals in the course of the licensing process? - Well, yes, particularly travelling communities. People travel all over the country and move from place to place. This would be a way of keeping a check on them.

Do you think police surgeons with their current experience are well placed to do this job or are we talking about starting now a long learning process? - Well, I think in the position they hold and have held for many years as medical advisers to their Chief Constable they are in a good position. I think there will have to be some learning process but I think at least you have got people in the position physically, also being almost in the same office as the Chief Constable. You have got the people there who can be trained further. When eventually the procedure is decided, they can be trained to put it into operation.

Do you visualise perhaps certain police surgeons becoming specialised in this type of examination/

examination or do you think that it is something that should be done by all of them? - No, I think it will be the equivalent in the Police Forces to myself. I was the principal police surgeon of the Northamptonshire Police. It would be myself and my depute rather than every police surgeon in Northamptonshire.

I think there are examples in Scotland of full-time police surgeons, in Strathclyde in particular? - Yes. I think in that situation of course a full-time police surgeon would do it. There are in England some, not officially full-time but they spend more time on police surgeon work than any other work. There are more and more of them now, particularly in the larger cities. About three-quarters of their time is spent with Police Forces.

One other problem I would like to ask you about is we have heard some evidence already of cases where individuals who don't hold Firearms Certificates do things which have an obvious relevance to whether or not in the future they should get a Firearms Certificate. For example, they make threats to use firearms against animals or people. Do you see any way of keeping tabs on that type of information if it comes into the hands of either a general practitioner or a police surgeon and relating it then to any future application for a Firearms Certificate? - It is very difficult to keep tabs on that sort of information. Probably the police are more experienced at that than we are because of their contacts with people and domestic violence.

So that depends on relaying information through the criminal intelligence system? - Yes, indeed. Mind you, there could be a contribution certainly in the domestic violence situation that general practitioners could make because we do occasionally deal with families where there is quite a bit of domestic violence and threats going on.

Yes, I am envisaging a situation where either something about a firearm crops up or you know that the person is likely at some future stage to apply for a Firearms Certificate. Then it might be appropriate to expect somehow or other doctors to relay that information to police intelligence? - I would/

would hope so and that could be done without them breaking their confidentiality by them contacting the police surgeon on a doctor-to-doctor basis.

Now, the only other particular issue I want to raise with you is the extent to which you envisage surgeons being capable of making assessments about a person's mental rather than physical state in an examination because I assume that while you will all receive some general training as students in psychiatry and psychology, is that right? - Yes.

Very few will have any specialist knowledge of these subjects? - Well, I think one would have to admit the level of one's own competence or incompetence and if you have a case where you are uneasy about this then that is a case that should be referred to a psychiatrist. A forensic psychiatrist preferably.

And that is why you envisaged this panel of interviewers including a forensic psychiatrist? - Yes.
Or perhaps a psychologist? - Yes.

CROSS-EXAMINED BY MR. CAMPBELL: Can we look for a moment at R66, the flow document. Has this document been circulated amongst other members of the Association for their comment and approval? - The document itself has not. The original document was a working paper produced by one of our members and was debated at the Council of the Association on the 9th of May at which I was present. I was Chairman of the Council. That is the paper that we based it on. This flow chart is a simplified version of that.

So is the answer to my question no, it has not been circulated? - No, it has not been circulated to all 1,000 members but the Council of the Association has met the Regional representatives which is 20 strong. There are representatives from each Region and we discussed it at the Council meeting. The Annual General Meeting was the day after the Council and they voted that we should proceed with it.

So how many out of the thousand members would be present when that was debated? - There were/

were 20 at the Council meeting and the Annual General Meeting I think was about 200. Well no, 150.

Has there been any consultation with other interested parties, for example the BMA? - Yes, we brought it up to the Forensic Medicine Sub-Committee of the BMA and they were in general agreement with us. There was some concerns expressed about confidentiality but I think the BMA delegation representative will deal with that. The BMA are happy as long as communication is on a doctor-to-doctor basis.

And would the exercise be carried out by any qualified police surgeon? - I don't envisage that. I think we envisage it to be carried out by the senior police surgeon, the principal police surgeon in the Force. Senior, whatever you like to call him. Each Force has got one. The leading or principal police surgeon and his depute.

You have told us that you have counter-signed applications for Firearms Certificates for many years? - Yes.

What was it that resulted in you counter-signing applications for Firearm Certificates for many years? - Well, because the doctor is one of the named Council signatories and for some reason they don't want to go to someone responsible like their bank manager or the other people named on the list. They always tend to choose the doctor and I was a village doctor so naturally the farming community and the villagers around used to come to me.

If we look at R66 for a moment on the second page and paragraph 3. The advice is that there should be a reversal of the presumption of law which at present assumes a person is a fit and proper person to hold a licence unless determined otherwise. Can we infer from that that it is your experience that the law is operated at present on the basis that there is a presumption in favour of granting? - Yes, that is what I feel because I do know that in the County of Northamptonshire that sometimes where a person is not granted a certificate then they do appeal to the Crown Court to see if they can have that reversed. It doesn't happen/

happen often but it does happen.

So the system is operated with that in the back of the policeman's mind? - Yes.

We have heard evidence that Hamilton had not been to his G.P. for more than 20 years so the system which you are discussing would not have played much of a part in this particular case? - It would seem not to be, no.

BY LORD CULLEN: Just to take up that point. How would you cope with a situation of that sort where a patient had been rarely in contact with his doctor? - If the patient had been rarely in contact with his doctor I think this would be a case where I would want to meet him and see him. You know he would be one of the cases that I would call up for interview.

CROSS-EXAMINED BY MR. GIBB: We have heard from Professor Cooke this morning, a forensic psychiatrist, that his view is that four or five meetings at least would be needed before it would be possible to do any risk assessment on the psychiatric side. I mean, physically is it possible if a police surgeon is involved in that amount of involvement with so many firearms applications? - No, it is not physically possible but I think if you do interview somebody and, as you say, four or five times to do a proper psychiatric assessment, I think that is where I would refer them to a psychiatrist.

BY LORD CULLEN: Presumably you would not go on to that stage unless you had sufficient concern to advance to that, is that right? - That is what I mean, yes.

RE-EXAMINED BY MR. BONOMOY: Simply one question on timing here. In your experience is it the fittest members of the community who don't see their doctors very often or can you draw any conclusion about fitness from the fact that a person does not go to his doctor? - That is a very good point and I have not really thought about it until now but in my experience I have a regular number of people that I have signed certificates for. They are usually fit people, farmers and gamekeepers, and so I very rarely see them as a doctor. I usually see/

see them socially. So, yes, some of my people I only see when I sign their certificate.

BY LORD CULLEN: Just one point; I know to some extent you have touched on this already but can you perhaps sort of crystallise for me what you think would be the merit of introducing police surgeons or forensic medical examiners into the scene that we are discussing? - Well, I think it is not a perfect screening system but at least it is an effort at doing medical screening without involving the patient's general practitioner in a face-to-face confrontation with his patient and also giving at least somebody that the Chief Constable can turn round to for medical opinion.

Of course, I suppose you could have a system in which every G.P. was required to submit the kind of report that you were talking about to the Chief Constable and what you are talking about is what is done with it, is that right? You say that is where somebody in your position would have a role to play? - Yes, because the G.P. cannot do a report on his patient to the Chief Constable because of medical confidentiality.

Well, would there be a difficulty about obtaining consents, if there was proper consents given in advance, for the applicant to agree to that being done, or do you see that great difficulties would arise there? - I can foresee difficulties in getting consent for medical information to be divulged to a non-medical person, namely the Chief Constable. The parallel is insurance companies. They insist on medical information but at least the patient, when he fills in his insurance application form knows it is looked at by the insurance doctor, a doctor in the insurance company.

So you are keeping it so to speak contained within a system which does not mean that the information is fully divulged but that it will eventually come to the Chief Constable as a statement as to whether a person is or is not medically suitable? - That is how we envisage it.

And you are acting as a means of determining to what extent any further action is required and if so, what that is? - Precisely.

ARTHUR/

ARTHUR MORRIS, (55), Sworn,

EXAMINED BY MR. BONOMY: Are you on the Council of the British Medical Association? - Yes, I am.

Do you hold a position as Chairman of a sub-committee? - I'm the Chairman of the Scottish Council of the British Medical Association. That is the Council for the Scottish BMA. That in itself I think is a sub-committee of the main Council of the BMA U.K.

And are you actually on the main Council? - Yes.

How long have you been a medical practitioner? - For 30 years.

What are your professional qualifications? - My professional qualifications are M.A., M.B., B.C.H.(I.R.), F.R.C.S.(Edin.) and F.R.C.S. (England).

Are you currently in practice? - I am currently in practice.

As? - As a consultant plastic surgeon.

Can you tell me what the BMA is? - The British Medical Association is a professional organisation representing and having as its membership medical practitioners. It is a large organisation. It represents or its members constitute over 100,000 doctors and it is a very sizeable proportion of the whole medical practitioners of Great Britain. It is probably over 80 per cent plus. In some speciality divisions it is more. Almost 90 per cent.

And that means that it represents not just general practitioners but it represents specialists such as yourself? - Yes, a whole range of medical specialists, what we call crafts. That representation, if I can just enlarge, is done via a divisional system basically which is arranged into divisions locally throughout the United Kingdom and this divisional system is represented in two ways; directly through committees but also through annual representative meetings where one or two representatives/

representatives of each division can put forward discussion.

And that is going on this week? - This week in Brighton.

Has it finished? - It finished yesterday, yes.

There/

12.00 p.m.

There is also a body called the General Medical Council; can you tell me what that is please? - The General Medical Council is the statutory body which registers medical practitioners for them to be able to undertake their job as doctors.

Are they the disciplining body at the end of the day?
- Disciplining is part of their remit, yes.

Now, you have had the opportunity of listening to the evidence this morning for, I suspect, fairly obvious reasons, and I think it has been of some assistance to you to have heard particularly Dr. Davies. Have you found that helpful? - Yes.

One of the things I asked him about was the difficulty a doctor might experience because he is asked to be a countersignatory to an application for a Firearms Certificate. Do you know if doctors generally find some difficulty in having to fulfill that role? - Yes; in the first place, doctors when acting as a countersignatory have to be seen as acting not in a purely medical capacity. They are acting in a personal capacity by reason of their standing as one of the eight listed professional groups that can countersign an application, and it is very important to make a distinction when doctors are acting in that capacity. Our concern, or the concern of a lot of doctors, is that by virtue of the doctor being a doctor, and having access to other information, that it should be thought that extra weight can be given on the opinion of the doctor who countersigns that signature, that application, and I would say that in Brighton there was considerable discussion about this particular problem in terms of one motion that was discussed, and that there is considerable division of opinion within the profession.

Did a policy emerge on this? - Yes.

What is the policy on countersignatories? - The motion that was carried by a very small majority was that this meeting believes that doctors should not endorse gun licence applications./

applications. Now, the problem about that was that this was discussion and it was not -- there was no distinction made in the debate about the precise definition between personal capacity of a general practitioner and acting in a medical role in this process.

It might be complicated a bit further by the fact there are couple of medical questions on the application form? - Yes.

About mental fitness and epilepsy? - Yes. I don't have a form in front of me, but I think the doctor has to just countersign, and the applicant themselves fill in the 15 questions, or the 14 questions that's on it, and one of those is that the applicant has to show that they are not suffering from epilepsy and diabetes, I think it is.

Yes, but I think you have to countersign that you have no reason to..... We will get the form in a moment? - Yes, but a bank manager could do that as well, and a bank manager is one of those countersignatories.

Do you think a doctor is in any more invidious position as a countersignatory than for example a Member of Parliament in the sense of giving special endorsement to the applicant? - I would imagine that for example people that apply for gun licences would be youngish, fittish adults, and these are precisely the people that don't go to their general practitioner with illness generally in the main, and therefore I think the general practitioner may have no greater knowledge of the patient in that sense.

No, which is the difficulty that you are mentioning at the moment that I am concerned about, that you feel that you may be viewed as giving added weight over other types of people who are countersignatories simply because you are doctors, and may be expected to know a little more about the person, but you have to know the person to be a countersignatory and to know him for a certain length of time? - Yes.

And many other professions are asked as well to sign these, including Members of Parliament? - Yes.

Now, /

Now, do you think that your difficulty is not really one that is suffered by others as well in a slightly different way? - Yes, I understand the point, yes; I would agree with that.

You can perhaps have a look at one of the application forms, D91L is the one I have here, in L3. It will just be a moment in coming to you. Now, D91, if you have it there, that is an extract of an application form, and it has got a letter unfortunately in the middle of it, but if you can go past the letter, you will find the page with the countersignature at the bottom, Part F. Do you see that? - Yes.

And at the foot you will see that the countersignatory is certifying that "To the best of my knowledge and belief, the information given in answer to questions 1 to 15 above is true". Have you got that? - Yes.

And if you go back to the first page and look at Question 14, you will see mention of epilepsy and mental disorder? - Yes.

So I suppose you are being asked in a professional capacity as well as a personal capacity to say something about the applicant, and that is putting an extra burden on a doctor? - That is the concern of the profession.

You will see also that the second statement is "I know of no reason why the applicant should not be permitted to possess a firearm". Do you see that as perhaps expecting a doctor to say something professionally rather than simply personally? - This is the concern, that it might be seen as that from the public perception point of view, but technically the doctor is signing in the same status as any other professional.

One other difficulty Dr. Davies mentioned was in the relationship between patient and doctor, that because a doctor might from time to time on a personal basis have to say no, that that can cause difficulties in the professional relationship. Do you see that as a problem? - I could envisage that as a problem, yes indeed.

Have you yourself ever signed these forms?/

forms? - I think I have once signed a form.

Now, Dr. Davies has also outlined a proposed scheme in which contact would be made between a police surgeon and a general practitioner or other named doctor that an applicant had referred to in his application. Without really having to spell out what you have already heard this morning, can I have your reaction to that please? - Could you just repeat the precise point?

Yes; he outlined in his evidence this morning a scheme which would involve a police surgeon obtaining information from a patient's general practitioner, or other doctor that the patient has had contact with, named in his application form as a result of mandate to provide information. What did you make of that idea? - First of all, it would obviously require the patient's complete consent to any confidential matters of that nature.

That is probably not a problem because he will just be told he's not getting his Firearms Certificate unless he cooperates, so it is therefore fairly easy to get consent? - Yes.

So assuming we have got that? - Disclosure of the information -- it would then be very important that what happened to this information afterwards, because if this information was given from one doctor to another, as in for example an application for life insurance or something of that nature, it is specifically given to the medical officer employed in the Life Association Company rather than in general to the other employees in that Company, and it is very important that specific medical details are kept confidential. It is a very very important point.

I think he envisaged that happening also, so assuming that we can cope with that difficulty as well, could this work? - Well, I think the problem is that all one could say is it would have to be an extremely well constructed form, and all one could then talk about is what has happened up until that time. It's not a certificate of sanity for example. It cannot say that in the future something else might not happen, or something might change.

You/

You might have detected in the questions I put to Dr. Davies that I don't envisage for a moment a certificate that is framed in a positive way, that a person is positively okay to have a Firearms Certificate? - No.

I am talking about something that might say that "I don't know of anything that is obvious that renders him unfit". Now, assuming we are looking at it from that point of view, has this got some potential? - I think that would have -- yes -- you would have to err on the side of safety, I would think, and if the doctor basically had the slightest reservation that there might be something there, I think he would have to very carefully weigh up the position you have to put to the applicant that he might not be a suitable person to want to do it, or possibly to consider withdrawing the application, but if the applicant persisted, you can envisage a system where you might go through the system; you might try a separate route, and that would put you as a general practitioner in an extremely difficult position.

You mean go elsewhere? - Yes, try again elsewhere.

BY LORD CULLEN: So you would end up with the same problems as the countersignatory? - Yes.

EXAMINATION CONTINUED BY MR. BONOMOY:
That would be of course because of the way you envisage actually trying to persuade the patient first of all to withdraw his application rather than give an adverse report to the police surgeon? - Yes. In this envisaged scheme, would every single applicant have to get a report made on them? This would be a routine thing?

That is what Dr. Davies had in mind; is that another difficulty? - It might be a logistical problem; it might involve a large amount of extra medical work.

Am I right in saying that the way you are looking at this, namely telling the patient first of all, or counselling the patient first of all that perhaps he should withdraw the application, is that the sort of thing you do with drivers? - With/

With driving licences, yes.

Who have come across a change in circumstances that renders them unfit? - Yes.

And your system there is to try to persuade them first of all, and only as a last resort to go over their heads and tell the Licensing Authority that this person suffers from a condition? - Yes, that is correct. There is the difficulty that the registered medical practitioner is registered with the General Medical Council and there is quite strict guidance on that. I understand some copies of that Guidance were sent?

We will come to that in a moment because I do want to ask you about it, but I suspect that bearing the events of the 13th March in mind, that if we are looking at such a scheme as this, some would suggest we should be looking at it in a very peremptory way so that when the consent for the disclosure of medical information is given, it should just be implemented rather than implemented only after a process of counselling the applicant to withdraw his application. If that were envisaged, do you see difficulties for doctors in the patient/doctor relationship? - Yes, I do. If the doctor was to say to somebody "I'm sorry, I can't agree to countersigning that", that could leave the patient, and in this case the applicant for a gun licence, with very little room for manoeuvre, and if it was the sort of person who might not be suitable to get a Firearms Licence in the first place, I think one could feel for the general practitioner putting himself at considerable risk in this type of situation.

It is important not to confuse the role of countersignature with this. We are talking about a quite separate report after the application form has been lodged when the police surgeon would contact you for information and send you a form? - Yes.

As he envisaged already happens in relation to insurance? - Yes.

And you would complete the form? - Yes.

He/

He also envisages you giving him information that you wouldn't be comfortable giving to the patient, your own views to some extent, your own anxieties about a particular patient. Would doctors be comfortable about relaying that type of information to another doctor? - Again, that would have to come under the General Medical Council type of Guidance on relaying information about that, because if that was not being disclosed to the patient what you were doing, and yet you were doing it to another doctor?

So that does present an ethical problem, does it? - No, it doesn't. The difficulty is it depends on whether there is an immediacy of danger or concern, and that would have to be weighed up by the individual practitioner.

So that would be the qualification. There would have to be an immediate danger? - No, not necessarily, but there would have to be justifiable reason. If we could refer to the actual.....?

Yes, I was going to give it an R number, which was going to be R68. The document has been circulated to Parties, and if you have it, it refers to the Guidance? - Yes, this is Guidance, confidentiality from the General Medical Council.

And which part are you referring to? - One section of the whole.....

Paragraph 18? - Paragraph 18, yes, "Disclosure in the interests of others".

And can you read that to us please? - "Disclosures may be necessary in the public interest where a failure to disclose information may expose the patient, or others, to risk of death or serious harm. In such circumstances you should disclose information promptly to an appropriate person or authority".

Is that what enables you to disclose information to the Driving and Vehicle Licensing Authority? - Yes, it is, yes.

The/

12.20 p.m.

The test at the moment would be the same? - The test would be similar, yes.

He also suggested that it would be helpful if doctors were under an obligation to disclose changes in the patient's condition that might affect their fitness to hold a firearm, and a disclosure might also be made to the police surgeon? - Yes. I think that would fall completely within paragraph 18.

So it would have to be on that basis? - Yes.

One of the submissions you have presented to the Inquiry is a letter sent to the Home Affairs Committee investigating similar issues, which refers to the guidance from the General Medical Council and points to circumstances actually occurring, particularly in rural areas, where doctors do learn of the development of deteriorating judgement in patients and do disclose this information? - Yes.

That submission goes on to say that it would be helpful to have a scheme similar to the one which operates for drivers with the DVLA? - Yes.

It talks about a confidential telephone advice and information service. How does that operate? - That would be similar to the driving licence one.

How does that operate? - The driving licence one operates -- there is a helpline which is available, and the medical practitioner rings up the helpline and asks to speak to one of the medical advisers. They can speak to one of the medical advisers to discuss the medical condition of the patient. Following discussion with the doctor, if appropriate the medical adviser sends an application form to the patient to complete, and if that is not returned to the DVLA then the licence is revoked.

Do you envisage an identical arrangement in relation to firearm certificates? - Yes, the same in principle.

I think the crucial difference in what Dr./

Dr. Davies was proposing was that all of this disclosure would be with consent, that you would really not be into the area of the application of the GMC guidelines at all; you would be operating in a situation where the patient has said -- obviously, because he is not going to get his firearm certificate otherwise -- that you can disclose anything? - Yes.

Now, why should that simply not be done? - Yes, you could do that. There might be something in that. There is talk of this gut feeling that something else might be there. To put that down in writing would be extremely difficult.

It is a matter for a doctor's judgement about what he can disclose within the terms of the mandate; is that not right? - Yes.

Some doctors will be more comfortable than others about disclosing certain types of information, as in any other area of human experience? - Yes. From discussion this week at the BMA, some doctors expressed the opinion that they should be conscientious objectors, as it were, and not have anything to do with the signing of applications. Now, that would create difficulties again for getting in the medical report. In that case it would have to go to an independent person, not the GP.

If we assume for the moment that there will be a form of regulation of firearms that involves the applicant obtaining a certificate, and if we assume for the moment that a person should only get a certificate if there is no obvious reason or no reason established from a medical examination why he should be regarded as unfit, then would the person who is the current general practitioner not be the doctor best placed to advise of problems? - In some respects yes, but in some respects no.

If he has not seen the patient I can understand him saying "I cannot tell you"? - Yes.

But we have heard Dr. Davies say in that situation he would have to do the job? - Yes. I think there is a case for having an independent person, not the registered medical practitioner, fulfil this role.

You/

You mean in all cases? - In all cases, yes.

BY LORD CULLEN: How would that independent person be briefed about what the medical history was? - I think an independent practitioner would have to be briefed, but with access to medical records, in order to do that effectively.

So the GP records you would assume would be made available? - Yes.

And nothing more than that? Is there any possibility of discussing the matter with the GP? - I think we have to have the ability to discuss it with the GP as well.

In that case is there a problem? Because we were talking about a problem of consent. Even with consent there seemed to be a difficulty in the view of the existing guidelines, but what about discussion between the independent person and the GP? - I think if the original application is done with the patient's consent this removes a lot of the constraint on the individual medical practitioner.

EXAMINATION CONTINUED BY MR. BONOMOY:
That is what he was putting forward to us? - Yes.

If that is right do you see a difficulty? Is it not caught by the strictures and the guidelines? Does it not go outside these? - Yes. The medical practitioners want to take part in the process for the sake of all individuals. They don't want to come across anything else like this. Doctors are feeling extremely strongly that in general they want to avoid the misuse of the firearms and the possession of firearms being misused. That is the over-riding factor.

You have made your position clear in your statement to the Inquiry, that you want to play your positive part in this. Can I be absolutely clear about the position of the confidential guidance? Paragraph 18 does not apply in circumstances where informed consent had been given by the patient for the disclosure of his medical history by his GP? - No, not if the patient has given his informed consent.

I/

I can see that you may in your representative capacity have difficulty for definite in speaking for all doctors today: but perhaps some of that is influenced by the views of doctors on handguns, which we should perhaps try to lay aside for the moment, and look at the problems which might be created for doctors if there remains a certification process which had to be carried out? - Yes.

Now, did your meetings this week pass any resolutions which would inhibit a doctor from participating in the process which Dr. Davies mentioned this morning? - Yes. This Motion 62 stated that "This meeting believes that doctors should not endorse gun licence applications", and if you take that to mean doing a secondary report, that would be it. But I could imagine it would not necessarily cover that.

Was that resolution related to being a counter-signatory? - It was related to the whole point of counter-signatories, yes.

But it would still have to no doubt receive the support of your membership, wouldn't it? Or do you think it is something you would have to go along with if that happened? - One problem is that this has arisen in a relatively short time scale to get full consultation. If this recommendation came out this would have to be discussed at future meetings. As it stands at the moment, it was a very small majority that carried that motion, and therefore I can foresee that a large body of the medical profession would be -- if it reflects the vote, roughly half the profession would carry out endorsing gun licences.

So this is not a motion which binds all members? - No. Because of the wording of it, really.

Now, do you have there a letter which was sent by your secretary to the Home Affairs Committee, dated 23rd April, 1996? - Yes.

On the second page of that you express concern about the relationship which is perhaps in the public perception between psychiatric illness and being a public danger with weapons. Now, is there such an obvious relationship as a layman think there/

there ought to be? - Between medical illness and danger?

Yes? - Not at all. I am talking here about representing practitioners in the BMA, not as a forensic psychiatrist. I think it is very important that we do not ally mental disease necessarily with a slur which suggests that people might be a danger to the public. I think there is a complete distinction between the two, and it is very important to make that clear.

Does that not point out the importance of involving doctors in the whole process of firearms specification? - I think a very important point to remember is that the general practitioner is a generalist; he is not a specialist in the risk assessment of the danger of someone carrying weapons. The general medical practitioner who signs the form is doing that on the basis of a generalist, who does not necessarily have any specialist training. Even if he had specialist training the prediction level is very uncertain. Even at the time when this is signed it is all right, circumstances can change that afternoon or the following morning.

That is why I think no one would ever ask you anything other than to say you know of no reason why a person is not fit to be entrusted with a firearm? - That is correct.

I take it a doctor can go that far? - Yes.

You have mentioned in the next paragraph anxiety about the relevance of many conditions that doctors see to firearms fitness, and these are some cases and conditions that a layman might suppose would have relevance to the fitness to hold a firearm certificate, and one you mention there is depression? - Yes.

What is the difficulty the doctors are expressing there? - I think the problem is that it is a question of what sort of depression, how deep is the depression. Again, to lump together a range of different conditions very broadly, I think everybody here would say they had at some stage been depressed. It is a sort of comparative term.

Does/

Does that not emphasise that if we are going to look to doctors to assist at all in the process there can be no boundaries or limits to the areas they are asked to comment upon? In other words, they should if asked be able to comment on the whole medical history of the individual, insofar as they consider it relevant to the question they are dealing with? - Yes, but I think it would be fair to say that specific questions would have to be framed. It would need almost a check-list in order that you did not miss one particular aspect.

I take it you would expect the police surgeons to devise a form and then consult you about its appropriateness? - Yes.

I don't remember if I have used this expression already, but we have heard the expression used certainly by Dr. Davies and others that in the circumstances we are envisaging here you ought to err on the side of public safety. Do you agree with that? - Yes.

I think in their submissions the BMA have been anxious to stress their concern for public safety? - Yes.

You have also I think made submissions to this Inquiry through your General Medical Services Committee? - Yes, that is correct.

And one of the things you have dealt with there is the logistical difficulty you mentioned earlier, that particularly in relation to the number of psychologists and psychiatrists that would be required to do psychometric testing of applicants? - Yes.

You will appreciate today we have been looking at a slightly different arrangement, in which a police surgeon would initially screen the applicants and the psychologist and psychiatrist would only become involved if he thought that was necessary? - Yes.

Obviously that is not as ideal as the full testing, but we have heard that psychometric testing is unlikely to be of particular assistance if done on a general basis? - Yes.

Do/

Do the BMA have any views on that? - I think one would have to go back to the distinction between the generalist nature of the GP and the police surgeon and their specialist knowledge. I am sure that workload is a problem. If you can imagine a general state of awareness after tragic incidents like here, I am sure GPs would look at things in much more detail, and much more doubt would arise in their mind, and I can envisage a situation where more second opinions from forensic scientists or psychiatrists would be sought. There could be a big logistic problem.

I wonder if you could look at R67, the interim firearms guidance note which the BMA have issued: have you got that? - Yes.

Can you tell me when that was issued? - It was issued in March, 1989, and it was revised in April, 1996.

Has the revised version been issued to your members, do you know? - It is available, yes.

Is it not issued automatically? - I don't think it has been posted out to each individual member.

But if someone wants guidance, that is the guidance they get? - Yes.

I am confused about one particular part, which is paragraph 11, under the heading "Patients who may be dangerous if controlling firearms": do you see that? - Yes.

Can you read paragraph 11, which is the guidance you give to doctors at present? - "In these circumstances doctors should consider breaching confidentiality and telling the relevant officer (The Chief Constable of the County or the Commissioner of the Metropolitan Police) of their disquiet. In keeping with other situations, in which a doctor may consider breaching confidentiality, doctors must be prepared to justify their decision before the GMC or a Court, if necessary. The GMC guidelines of September, 1995 on confidentiality say that rarely, cases may arise in which 'Disclosures may be necessary in the public interest where a failure to disclose information may expose/

expose the patient, or others, to risk of death or serious harm. In such circumstances you should disclose information promptly to an appropriate person or authority".

So that is guidance that you have given which reflects the GMC guidelines we were looking at earlier? - Yes.

Now, separately you have commented on the checking of adults who may seek to work with children? - Yes.

And you deal with this in a letter dated 24th May, 1996? - Yes.

And you say in that that you feel at present systems for checking whether an adult should be permitted to work with children are inadequate, as it is possible for a suspected individual to move from one Authority to another, and you are suggesting the establishment of a national register of suspected persons? - Yes.

So/

12.40 p.m.

So the principal concern there is obviously with the problem that comes when people move from one area to another, having been detected in one area possibly and moving into another one?

- Yes.

A national register of suspected persons; what do you have in mind? - Well, if I can perhaps enlarge on that?

Yes? - When this was done, the line of enquiry on what was going to happen was a little bit less sure. I think again there has to be a distinction between convicted persons, persons who have actually been convicted of some offence, and suspected persons because I think when we talk about suspected persons you are in a very grey area as to whether you suspect somebody or not and how severe the suspicion has to be before you can do something and this would be for debate. We feel that there would be some merit in having some sort of co-ordinating body who could collect, gather and accumulate information. It would have to be done on a totally confidential, very independent basis. It would of course have to be done very, very carefully and it would have to be done in such a manner that if anybody was wrongly put on such a list that there should be a way in which they can make sure that their name was completely expunged from a list of that nature.

Well, do you have in mind any way in which you could determine whether a person was satisfactorily recorded as a suspect? - Very difficult. No. It is totally prediction.

It is quite a desirable proposal you have. What I am trying to do is to establish whether there is any feasible way of implementing it? - Well, I think to err on the side of safety first. That would be one part of it.

Bearing in mind all you have said today, though, about the need for consent from patients before you disclose anything and the confidentiality guidelines you have, what you are really suggesting is a scheme which has no regard to that sort of thing at all and relies on no doubt rumour and speculation about individuals on the basis of untested/

untested information? - Yes, I think one would have to make a distinction there between this sort of register not being medically driven as it were. Not necessarily based on the doctor/patient relationship. We are not talking about a doctor taking a major or a part in this. We are talking about the sort of public. I can see that that does open up a completely different type of thing.

Well, the closest we have at the moment is police intelligence? - Yes.

Which is confidential information gathered by the police from all sorts of sources? - Yes.

And there may be something to be said for making that nationally available, to the police nationally? - Yes.

I wondered if you have something else in mind beyond that and a feasible way actually to implement it which I think we are all having difficulty identifying? - No. I mean, I don't think we could come up with a blueprint to give you a scheme to do that.

CROSS-EXAMINED BY MR. CAMPBELL: Do you still have before you the submission to the Home Affairs Committee of the 23rd of April, 1996? - Yes, indeed.

I think you were asked in the course of your evidence-in-chief for the purposes of the questions you were being asked to put to one side the more general position adopted by the BMA in relation to these matters. I wonder whether it is possible to do that for these purposes. So let me approach the matter in this way. If we look at the second page of that document, the third-last paragraph, the last paragraph at the foot of the page, we read "In the absence of any clear scientific evidence upon which to base discrimination between persons who are and persons who are not likely to behave anti-socially while in the possession of firearms, it follows that any firearms policy needs to take account of the fact that in the present state of knowledge it is not possible from a medical viewpoint to assist in any real way with the prediction of those positively safe with firearms, nor those who are unsafe". Now, does/

does that point of view play any part in the BMA's response to the suggestion that G.P.'s should be brought into the licensing process in a more direct fashion than they are at present? - Yes, it does because I think, as I said earlier, G.P.'s by their position are felt to have an extra knowledge which a generalist would not necessarily possess and that knowledge itself of forensic prediction is in itself an imperfect science. Very large margins of error are possible.

My learned friend, Mr. Bonomy, puts to you that this problem can be resolved by ensuring that the general practitioner is simply asked "Do you know of any reason why this person should not be given a Firearms Certificate?" as opposed to "Is it all right for this person to have a Firearms Certificate?"? - Yes.

Well, no doubt sitting round this table and thinking about it we can readily appreciate the difference between these two questions and the answers to them but is there a concern that these differences may not be appreciated by everybody up the chain in the decision-making process? - There is concern amongst medical practitioners in general about that position, yes.

Is there a risk that any certificate by a general practitioner will be misinterpreted as a green light? - I think there is that risk and that is the reason why, when it was discussed this week, a large body of general practitioners or practitioners were concerned about doctors entering into this process.

So does that have a further knock-on effect upon how a G.P. would assess what he was being asked to do? In other words, would he approach the matter on the basis of well, never mind what the actual question is, I have to bear in mind that the mere fact that I am being asked to answer this question and to put my name to this application may in some minds give the application a legitimacy which strictly it ought not to have for the reasons that we have read in your report? - Yes.

And then the G.P. is in a very difficult position because you have told us that he cannot reliably, positively, certify that person X will never/

never act inappropriately with a firearm? - That is correct, yes.

So still on that paragraph that I was reading from before, do the considerations which we have just been discussing lead at least in part to what we read in the rest of that paragraph, "Our conclusion, sadly, is that until such time as methods are developed to provide reliable predictions, firearms policy needs to be based on the understanding that from time to time unpredictable behaviour will occur? - Yes.

And if we look at the letter which was sent to Mrs. McKeane on the 24th of May, 1996, do these considerations play any part in the view expressed in the short third paragraph on the first page of that letter, that the BMA would like to reiterate the point made to the Home Affairs Committee that members of the public should not be permitted to possess handguns personally? - Yes, the point made was that persons possessing them and retaining them was a risk.

Now, as the BMA points out in the remainder of that paragraph, whether that risk and tragedies such as Dunblane will be the price which should be paid in allowing legal access to firearms is something upon which presumably views will differ but the BMA recommends that the Government considers further tightening of the regulations? - Yes. If I can add again that there was another discussion at the meeting in Brighton and a motion was passed by a very large majority that it should be illegal for private individuals to use or possess automatic or semi-automatic weapons or handguns other than in establishments licensed for that purpose.

So bearing that in mind, is there another concern on the part of doctors that they might be asked to perform the impossible in effect? - There is a very considerable concern, yes.

And asked to do this in a context which might simply be facilitating something which they regard as inherently undesirable? - Yes.

And I take it doctors are fairly hard pressed, overworked individuals I suppose? - Yes. I think also you have to bear in mind that doctors themselves/

themselves form a very wide group in society and some will own guns themselves and have gun licences and some will be at the other end of the spectrum and don't recognise that anybody should hold a weapon.

Conscientious objectors? - Yes.

RE-EXAMINED BY MR. BONOMOY: When you are asked to complete a medical examination and report in relation to insurance, are you giving a positive declaration that the subject will survive for a number of years? - I would have to say that I'm not a general practitioner. That is not my specialist subject at all but I have signed these forms as part of doing locum work. From my recall of that, you are actually signing to medical details and examination and I don't think an opinion is formed by the person filling in that form. That is performed by the company itself.

So you are answering details of what? - Details of the patients, their height, weight and previous medical history. The forms vary in their complexity. There are some simple ones but there are more detailed ones where they want a full medical examination, a sounding of the chest, blood pressure and a test of urine.

So you don't have to say whether there is any reason why a person should be denied insurance? All you do is answer straightforward factual questions? - I think again it depends on which type of form. They will be formed to different degrees. In some forms you would be asked to say there is no reason to believe. Some of them are just simply certificates where you just fill in and corroborate the details.

What I want to know is why a doctor may have difficulty in understanding the difference between saying positively that a person is a suitable and reliable person to have a gun and saying on the other hand that he knows of no reason why he should be declared unfit? Why should the doctor have particular difficulty understanding the difference between these two? - The difficulty between saying that the patient is unfit or saying that he knows no reason why not?

No, /

No, saying he is positively fit and ought to be given one and on the other hand saying you know of no reason why he should be regarded as unfit to have one? - Well, the difficulty there is that sanity or ability to do something is not a finite thing.

No, I understand that but why should a doctor find difficulty in understanding the difference between these two propositions? I am not suggesting you determine his sanity for all time? - I am sorry, can you repeat the point?

Well, you have just said to Mr. Campbell that there is some perceived difficulty amongst doctors. Well, I see heads shaking. I seem to have misunderstood this but I got the impression you were indicating that doctors felt they would be giving a positive endorsement seeking a gun licence if they answered any medical questions about him? - Yes, I think the point was, wasn't it, that the doctor by giving that was seen to be giving an extra type of endorsement, an extra approval.

I can understand that in the counter-signatory area but what Mr. Campbell then moved on to, away from the counter-signatory, forget about that, was into the area of the medical history of the individual being disclosed to a police surgeon. Now, where is the difficulty there that doctors would feel about somehow or other giving a positive approval to the applicant? - Well, I think the doctor would always feel a difficulty, even if he was trained in forensic psychiatry because it is a very inexact science. To give a positive approval that somebody is fit is an extremely difficult thing to do and a generalist couldn't do it.

I'm not suggesting that. All I am saying is that if you are posed with some questions about a person's physical fitness and these questions are designed to establish whether you know of any reason why he should be declared unfit and you answer these questions, how is that seen as giving some sort of positive approval of the person as being fit for the next five years to hold a licence? - Well, that is the thing. It would depend on what the form was you were actually filling in and signing. It is agreed you could only do it at that time and not reasons in the past. There is no difficulty about that./

that. The difficulty is a feeling amongst doctors that the fact a medical person has done that gives some extra substance to it. That is the point I was trying to make.

But is that you referring again to the counter-signatory? - Yes, the counter-signatory.

I am trying to get away from the counter-signature and to ask you about providing information to a police surgeon? - Yes.

Now, if you provide information which is factual and all you are additionally asked is to say that you know of no reason why the person should be regarded as unfit at present, at this minute, unfit, where do you see a difficulty? - No, I don't see a difficulty with that.

After/

2.00 p.m

After an adjournment for lunch.

LORD CULLEN: Yes, Mr. Bonomy?

MR. BONOMY: The next witness, sir, is Robert Moir.

ROBERT MOIR (52) Sworn

EXAMINED BY MR. BONOMY: Are you Robert Moir? - Yes.

Sergeant? - I am now Acting Inspector.

With Central Scotland Police? - Central Scotland Police.

What age are you? - 52.

And how long have you been with Central Scotland Police? - 25 years.

What was the first you ever heard of Thomas Hamilton? - Back in 1979. I was transferred down from Lochearnhead to Stirling and I heard him being discussed in general terms within the office, that there was some innuendo and suggestions that he may have been involved with young children, but there was nothing concrete.

Do you remember who was making the enquiry? - I think it was D.S. or D.C. Kindness at the time.

Did you speak to him about Hamilton? - Just in general terms.

Did you know whether anything was established at that time? - As far as I was aware, I was told that there was nothing concrete at all, nothing.

We have heard evidence from Kindness that he put an entry on the Intelligence system about that time. Were you aware of that? - No.

Did/

Did you know that Hamilton had a shop in Cowane Street in Stirling? - It wasn't until after a few years after that that I heard that he had a shop in Cowane Street.

After 1979, when was the next contact you had with him? - It was when I had become Chairman of the Dunblane Community Centre Council, which was responsible for the letting of the community halls within Dunblane, and he ran a youth club.

Was that a Council that dealt with letting within Dunblane High School? - High School, and the Braeport Centre.

Beside it? - No; the Braeport Centre is at a different part of the town.

So you dealt with both? - I dealt with both at that time.

When did you first go on to that Council? - I think it would be about '81/'82, round about then.

And were you working in Dunblane at that time? - Yes.

Were you stationed in Dunblane? - I was stationed in Dunblane.

So when did you first move to Dunblane? - I actually stayed in Dunblane when I moved down from Lochearnhead in 1977, but I worked in Stirling for a year and then I moved back up to Dunblane to work.

Do you still live in Dunblane? - Yes.

And have you lived there since you moved there from Lochearnhead? - I have.

Did you become Chairman as soon as you went on to that Council? - No.

When did you become Chairman? - That would probably be a couple of years after that.

In what capacity did you understand you were taking up office on that Council? - It was after/

after I went to Dunblane, they received a letter from the Youth and Community Officer who was based in the Braeport Centre, a full-time Council employee. They wrote to the police asking if they could send a policeman along to be part of the Committee dealing with the youth of Dunblane.

And you were sent along? - They asked for volunteers. I have been involved with youth groups before, so I volunteered to do it.

And when do you reckon it was you first encountered Hamilton in that connection? - He never turned up at the meetings. He would only occasionally turn up at the AGMs more or less and that would be it.

Was he on the Council? - Each user group had a representative. That was how the Council was made up, of user groups.

So when did you first meet him again, or when did you first meet him? - I believe it would be about May. That's when we usually held our AGM, so probably about '82, '83, round about there.

Did you do any checking on him at that stage? - No, because I had heard that he had been involved just prior to that with the Ombudsman for the Council and won his case, but I didn't actually do any checks on him at that time.

So it was after the Ombudsman episode that you came across him in person? - Yes.

You can take it that it was probably into 1985? - I heard it was going on, but I was never actually spoken to about this with the Ombudsman at all.

So you didn't make any further enquiry with Kindness for example to check up on him? - No.

You would be aware though on the Council that he was running or was anxious to run, rather, clubs within the High School? - He was, yes.

Do you know whether, when you first went on the Council, he was actually doing that, and it stopped after you went on the Council? - I believe he/

he was started because it was the policy of the Council that the youth clubs got priority of lets over anyone else, adult groups.

But we know his lets were suspended for a period? -
Yes, and shortly after that, they came back on, but it was the full-time leader more or less dealt with the lets at that time and it was only when any problems arose he would maybe raise it at an AGM or meeting.

But can you remember whether, when you first came on the Council, he was actually using premises? - I think that was the period he was stopped.

Who was the person responsible for deciding whether or not a group should get the use of either part of the school or the Braeport Centre? - At that time it was the full-time Youth and Community Officer.

Who was he? - Jim Gardiner at that time.

And preference had to be given to youth groups over adult groups? - That is correct.

After Hamilton won his case with the Ombudsman, how did the matter arise with the Council? - There was very little said about it other than he had went and he had to get the lets, which were granted, and I believe it was a Thursday night he got an hour and a half or two hours.

When the club resumed, did he advertise it? - Yes, there were letters went round.

Did you get one? - Yes.

Was there any anxiety among local people at that stage about resuming the club? - There was one -- I got several phone calls from residents, but I had spoken to someone and he said there was still nothing concrete against him.

Do you know who you spoke to? - I think it was the Criminal Intelligence Officer at the time, but I can't remember exactly who it was at that time.

And/

And what were the phone calls you were getting about? - Asking "This chap running the youth club, is it all right? We have heard a lot of stories about him".

What was your reply to that? - I said "To my knowledge I don't believe he has been convicted of anything", and left it at that.

Were you yourself running a club in Dunblane High School at that time? - Yes.

When did that start? - I got involved -- just after I went on to this group in '81, '82, I went along to help. They were short of leaders. It was a Monday night for younger children up to about 13 years of age, and I got involved with them, and it was about a year or two after that the older ones -- we started a Tuesday club which was for children from 14 up to 17, and they were running short of leaders so I went on and started running that.

So were you running both? - No, only the Tuesday club. I left the Monday club and went on to the Tuesday one.

Are you still running the Tuesday club? - No, I stopped.

How long ago was that? - Just over a year ago.

Did the Monday one continue? - Yes.

Did it do activities similar to those Hamilton claimed to be doing? - No, I wouldn't say we did the same.

What sort of activities were they? - They were doing like art work, handicrafts, as well as some gym, but the gym work wouldn't be physical training as such. It would be more like playing football, hockey, indoor hockey.

You moved to Balfron as an officer; when was that? - It would be about '85/'86; no, it was after that.

Roughly? - Yes, roughly about there.

Did/

Did you stay on in the position of Chairman of the Council? - Yes.

You encountered Hamilton in connection with your service at Balfron? - That is correct.

And that related to the camp at Loch Lomond in 1988? - Yes.

Between his getting the lets back in 1985 and 1988, was there anything happened in the running of his club that caused the Council concern? - No.

Tell me how you encountered him in 1988? - I was at Dunblane and we got a call from Dumbarton Police.

Were you at Balfron? - I was stationed at Balfron at the time, the Sergeant there, and we got a complaint this camp was being run for youths by a chap Tommy Hamilton, but they didn't say where he had come from. I didn't relate it was the same Tommy Hamilton I had known from Dunblane at that time, and he just said "We've got some complaints; they are out on one of the islands; could you send two officers out to check the island and the camp and see what it's like and report back", so there was a PC Gunn and a PC Sloan -- no, Duncan -- Sloan is her married name, and they both went, and reported back what they saw.

Have you any recollection of what their view of the camp was when they came back? - When they spoke about it when they left I said "Well, try and look at it how you feel with your own children". PC Gunn had children, but PC Duncan didn't have any so I said "Try and look at your own boys going to a summer camp, how would you find it and react if your own boys were at the camp", and left it at that, and they came back and said it wasn't the worst; they seemed to be running about; they were quite cold, in shorts all the time.

Their report would have to go back to Strathclyde Police? - That is correct.

Were you aware of action taken by Strathclyde Police? - Yes; they phoned us up and I made some enquiry. They phoned up again and told me they had done it, roughly a brief description of what/

what had happened over the phone, and I was told by PC Hood where Mr. Hamilton was at this time.

Were you alerted to the fact that Strathclyde Police made arrangements for parents to come if they wanted to take their children home? - I didn't know that until later on. I was doing split shifts and I had left after a while quite early in the evening as I was coming back out at night.

But around that time, did you learn that? - Yes.

And you learned about the children being taken from a cinema? - The next day they arranged to go, they said they were going out to the island, and never told us. It was the boatman that contacted us, but Hamilton had left with the boys.

Now, /

2.20 p.m.

Now, we have heard evidence of a complaint against Constables Duncan and Gunn which arose out of this incident. Were you roped into that complaint? - Yes.

To what extent? - I believe we had a committee meeting of the Centre Council just after it, shortly after that, and Hamilton came up to me and said "You are at Balfron now I understand", and I said "That is right". He said "You will know about my complaint". I said "What complaint?" and he said "P.C. Gunn put in a bad report about me. What is in the report?" and I said "It is sub judice. I can't discuss it". Thereafter he kept phoning my house virtually daily.

What was his purpose in so doing? - He wanted to know what the contents of the statements were that were made by P.C.s Gunn and Duncan so he could sue the police for breaking up his camp. He said he had lost money -- he said he had lost his camp, it had cost him money, because he had to give money back to the boys.

Did he write to you at all? - Numerous letters.

About what? - About the camps, complaints. Every letter he sent to various persons, I got a copy of it.

There is no sign you were formally complained about, but was your understanding that he did complain about you? - He did complain about me.

What did he complain about you in relation to? - He went into Headquarters. He phoned one day shortly after asking if he could come and speak to me again. I said "I have nothing to speak to you about. I can't discuss it. It is sub judice". He said "I will need to speak to you about something else". This was a Saturday, and I said "If you call about 1 o'clock I should be free, saving anything unforeseen happening". Now, unfortunately a couple of incidents arose at Dunblane at that time, and I had to attend to them, and I didn't get back till 4 in the afternoon. He thought I was evading him, and he went in and complained/

complained about me.

But there was never any formal police procedure about you? - No.

When he contacted you did he ever try to justify himself? - Yes, he tried to say he was running good youth clubs, he was a responsible person.

Did he ever show you documents to try and justify himself? - Yes, he heard that some of the children were alleging there was a lack of food. On one occasion he was in my house -- I had been out to call at Dunblane for mail, and I just phoned my wife and said I would be back in five or ten minutes. In the interim he arrived in my house to speak to me. My wife told him to come in. When I arrived home he was in the house. I wasn't very pleased about that. He tried to discuss it, and I told him I was not discussing it. He went on about the food. He produced a bill he had got from one of the supermarkets "See the good I bought for the kids. That shows you how much I paid". I said "That doesn't prove anything". I looked at it, and near the bottom was an item for two or three cans of beer. I said "Were you buying drink for the kids as well?" and he just snatched it back from me and put it in his pocket.

There were suggestions to this Inquiry that he was a tee-totaller? - I have never known him to have a drink; but it was certainly on the itemised bill.

Did it get to the point where he was making complaints about the police persecuting him and associating you with these complaints? - Yes, just about simply rumours. Every year he would put round letters about his youth club in Dunblane saying he was also a photographer, and he had been involved with the police at Loch Lomond at his camps.

Did he ever show you photographs? - He did some, and he also invited me to the camps, "I will show you videos", which I also understand he went into headquarters and spoke about as well.

What about the photographs he showed you?/

you? - It was just photographs of a camp in Loch Lomond.

Now, did there come a stage when the arrangements for letting the premises were changed? - Yes.

When was that? - Just about three years ago now.

What was changed? - There was a new management in the Council's Youth and Community policy, and the female that took over though it was up to the committee to agree the lets, not the full-time officer.

That was Jackie Cowan? - Yes.

She followed Mr. Gardiner? - No, Mr. Sutherland came after Mr. Gardiner.

She had his job? - Yes.

She decided the Council should negotiate the lets? - Yes.

Hamilton started having camps at the high school? - That is correct.

Do you know when he started that? - I think that was the year after he did his Loch Lomond one. They were stopped. I believe they would not allow him back on the island. He applied for a camp and was given it.

How many camps do you reckon he had in Dunblane High School? Over how many years? - I think three or four.

Did you go to any of them? - Yes.

How many? - On two of the years I was up and I attended. He asked me to attend to make sure everything was okay, to pop in any time, which I did, in and out of uniform. I would just walk in initially when I was out walking as well.

Do you know what years you visited his camps, what two years? - Say about three years ago and the year before.

Did/

Did you go more than once in each year? - Yes.

Was there anything wrong about what was he was doing on these occasions? - No, I couldn't see anything wrong.

What about the dress of the kids? - When they were in the gym -- I also dropped in when he was running his youth club on a Thursday night. He also asked me to go to this. In the gym they were all just dressed in shorts and trainers, and they were running about doing keep-fit, exercising, running, and there was nothing I could see that was wrong other than that all the boys were always stripped to the waist. His idea, however, was that they were always sweaty, and it was to stop them getting dirty.

Were you concerned about the fact they had nothing on on top? - No, because there was a parent -- because I stayed in Dunblane they all knew who I was, the locals and the parents, and one or two spoke to me about it, and one of the parents of one of the boys went along quite regularly to it just to make sure everything was okay, because his son wanted to go, and he wanted to make sure there was going to be nothing untoward happening.

Did the amount of interest in these clubs and camps from Dunblane residents decline? - Yes, the number of pupils dropped until at the end just before I finished with it he was bussing kids in from Balfron.

Now, there was a dispute we have heard about in relation to the let he got for one of the camps being interrupted in part by a let to another group. Can you tell us something about that? - To the Quakers' Church group?

Yes? - Yes.

Could you tell us something about that? - We had agreed we would be the ones responsible for the lets. Since the Loch Lomond incident he turned up at nearly every meeting we had. Prior to that he was very seldom there. It was discussed, and one of the Quakers, who was also a committee member, said "Could we have a let for the Sunday School?/"

School? We finish by half past 12", and he objected, and I said "I thought you only used the kitchen down at the other end of the school, not in the community wing?", and he committee agreed they could get it on a Sunday up till half past 12, this community wing, where there is a small kitchen with one cooker. I don't think he was present at that meeting -- or was he? I can't recall now.

Yes? - Anyway, I got a telephone call shortly after it from him objecting to us cutting his hours on a Sunday because of this church group. He said every year which passed the church group stopped taking their services on a Sunday, and I said I wasn't aware of that at all. I said "Put it in writing, and we will discuss it". He went to his councillor and the next thing I was told it was granted.

He went to more than his councillor, did he not? - Apparently he always went through this councillor, then it went through the Education Committee.

Who was the councillor? - Ball.

Was that issue ever resolved? - Yes, it was taken off our hands. We understand the let was granted the previous year, which Miss Jackie Cowan had not told us about.

We may see in the correspondence that he had been asked to apply yet again shortly before the camp began? - We did not know he had applied.

So there were two separate lets at different specified times? - Yes.

Now, was that the only major issue of complaint he had at the Council? - He always thought we were against him, trying to cut his hours. I think the previous year on a Thursday evening one of the adult badminton groups approached us and said "He is finishing early on a Thursday night. Is there any chance of us getting half an hour of his time so we can run a junior badminton club?". We spoke to the janitor of the school, who said he was leaving early. In fact I went up on one occasion, and he had gone about half an hour prior to his let terminating. It was therefore discussed/

discussed at the next meeting.

Yes? - Before we had the next meeting I got in touch with Jackie Cowan. I said "You better check with the Council's Legal Department, because you know what Hamilton is like and we will get letters of complaint about this". He always told us about him winning his case with the Ombudsman against the Region.

So that is another problem for him relating to the time he was being allocated in the High School? - Yes.

Any other complaints? - The only other thing was, he was accountable to no one. He charged so much a night. Other people that were running youth clubs, like judo and dancing, they had to pay for their lets. Even the churches paid for lets, but Hamilton got his free.

Was this because it was a youth club? - It was a private club. The youth clubs on a Monday night and a Tuesday night had to produce books and accounts to the Council: they got to look at the books and everything else. Hamilton was accountable to no one.

Yes? - Initially he was charging 50p per night per boy. When he started his youth club he was getting 60 or 70 boys there, and 60 or 70 at 50p is a lot of money.

Were you aware of a policy of discouraging his youth premises if alternative uses could be found? - No. We were always told it had to be for youth, that youth had to have the priority. Other groups were told -- as the years went on we got busier. Now, between 7 and 10 is the busiest time for these community halls to be used, and we had to turn down other groups.

Did your Council consult the Legal Department at all? - Only when we stopped his half hour meeting, or reduced it by half an hour. We contacted him regarding that. That was done through the full-time youth leader.

So throughout the time you were associated with the Council was the policy or attitude that if Hamilton/

Hamilton applied and the premises were available he would get them? - Yes.

Did you ever hear any positive information about him on which you as a police officer might have acted to try to stop his activities? - No.

You went on to the Council as a police representative. Did you remain throughout your period as a police representative?
- No. At the very end after all the complaints and letters going back and forwards from Hamilton to the Chief Constable, 18 months or two years ago I was told to say I was not a police officer.

Do you know why that was? - No, I never got a satisfactory answer yet.

I would like you to look at one or two documents. The first is D83/K, which I think we have: do you have that? - Yes.

Can you see that is a letter dated 16th January, 1991 to the then new Chief Constable, William Wilson? - Yes.

Does it mention there at the second page of the first paragraph "In fact, when your officers eventually visited the camp on Wednesday, 20th July, 1998, even their sergeant, Bob Moir, and their Inspector, Mike Mill, did not know that they were visiting our camp or their whereabouts"? - Yes.

Can you confirm the impression from your evidence that you sent Gunn and Duncan to the camp?
- Yes, we said it was on this island in Loch Lomond.

But you sent them? - Yes. The phone call came in. It was the girl that took it. I spoke to them, and they left to go.

You will see in the last paragraph he described what happened as "An arbitrary condemnation of our 1988 summer camp by your officers, without knowing or checking the facts", and he says ".....it was a deliberate and malicious attempt to cause maximum disruption and damage to our group, which it did"? - Yes.

Now, /

Now, that doesn't sound as though that is what you had in mind? - No. I explained to them just to go and see it "Treat it as if your own child was there" to P.C. Gunn. That is the only way I believe you can do it, because everyone has different standards.

I would be grateful if you would look at the Minutes of the Council, DDH29, the Minutes of the 12th May, 1994: have you got them? - Yes.

You appear as one of the persons attending Dunblane Centre Council Annual General Meeting. Do you see that? - Yes.

Look to item 5, the name of the Council changed at that meeting to Dunblane High School Wing Council? - Yes.

Do they still seem to be responsible for Braeport Centre? - No. What happened here is that -- we have a lack of facilities in Dunblane. We have been pushing for a new community centre through the Region for a number of years, and we had an open meeting in the Victoria Halls in Dunblane, and it was agreed that a Steering Committee would be set up to look at the possibilities of sites, costs and that type of thing, which was done. When this was done, Jackie Cowan and her superiors decided themselves that we would have to split the Council, with the Dunblane Centre Council looking after the Braeport and the Dunblane High School Wing Council being responsible for the Community Education Wing at the high school, which was two different identities. This new Steering Group which was set up to look after the new community centre took over the running of the Braeport.

But/

2.40 p.m.

But this meeting would be after you had already decided that it was the Council who were responsible for dealing with lets, is that correct? - It was just about this time it then became the responsibility of the Council to deal with lets.

Then if you look at DFU27 which is a series of four letters all dated 30th May. You will see the first of these is to Michael Forsyth? - Yes.

And the Heading is "1994 Summer Camp 10th-24th July 1994", is that right? - Yes.

And the letter is signed Thomas Hamilton? - Yes.

And this is about this problem you have just mentioned about the let for that camp, is that correct? - Yes.

Do you see in the second paragraph he says "It comes as no surprise to me that a member of Central Scotland Police has been involved in this. Central Scotland Police have taken every arbitrary opportunity to disrupt our camps and Clubs all, in my view, as part of an ongoing conspiracy". Is that what he says? - Yes.

Now, were you in any way involved in trying to disrupt his camp when that decision was taken? - No.

And in the next paragraph he says "I have spoken to the police representative who signed the restriction to ask why such a last minute decision was taken". Now, that would be a reference to him speaking to you? - Yes, this was raised. As I said, Jackie Cowan had agreed that we would now be responsible for the lets and this let came in and we changed it. Well, the Church group would have it on a Sunday morning up to 12.30.

But all I want to confirm is this is you he is referring to?
- Yes.

And he did speak to you about it, is that right? - Yes.

And/

And you tried to explain it to him? - Yes.

And he didn't accept the explanation basically? - Yes, that is correct.

Can you confirm he also at the same time wrote to Mrs. Cowan setting out his case? - Yes.

And that he also wrote to the Commissioner for Local Administration in Scotland, affectionately known as the Ombudsman? - Yes.

And that he also wrote to the Chief Executive of Central Regional Council? - Yes.

To state his case to each of these people? - Yes.

All on the 30th May, is that right?
- Yes.

Now, would you look please at D196K which is a memo. It may be there separately. It is dated the 1st June 1994 from the Depute Chief Constable to Inspector Barker. It is also DCD229. Now, you will see that is a short memo from the Depute Chief Constable to Inspector Barker at Dunblane dated 1st June. Do you see that? - Yes.

And we can take it that some of the last correspondence I have just referred to had reached the Depute Chief Constable's hands and he is asking "Can you assure me that Bob Moir is involved in Dunblane High School as a private citizen and not as a police officer" and does that date the time at which you have a change in status? - Yes.

And if you look at D197, the next item, do we see Inspector Barker's reply? - Yes.

Now, if you look at the second page of that, does it say "The allegations made and aspersions cast by Hamilton regarding a police conspiracy in respect of this matter appears to be totally without foundation in that Sergeant Moir was acting in a completely voluntary capacity"? - That is wrong. I told him. I said I was asked to go along as a police representative a number of years previous and when I moved away from Dunblane to/

to other stations I phoned the various different inspectors who took over in Dunblane and I explained to them who I was and what I did and I said "Do you want to send someone else or do you wish me to carry on?" and they just said "Carry on yourself and keep on doing it". When I saw this I said "You are just going to get another letter back from Hamilton". When I saw that.

Well, you don't need a crystal ball for that one. If you look at D200K you will see that Inspector Barker there confirms that you had undertaken to make it clear in the future that you were there as a private citizen? - That is correct.

And you did undertake to do that, is that right? - Yes.

Now, can you look please at a letter which I think has been copied for everyone which is DDH308. It is dated 10th June 1994 and is from Central Scotland Police to Councillor Ball. It's the last sentence in the second paragraph of that letter "My Sergeant Moir, who is involved in a wide range of community work in the area, has been the Chairman of this body for more than 10 years, but purely as private citizen, not in his capacity as a police officer"? - That is right.

That is not your understanding? - No.

And that is signed by Mr. McMurdo, is that right? - Yes. I got copies of these letters sent as well. Every letter that Hamilton received or sent, he sent me copies and whenever I saw this I explained it to the Inspector. I said "That's wrong".

If you look now at the letter of the 16th June from Mr. Hamilton to Councillor Ball which is DFU29. Do you see in the second paragraph there that Hamilton says to Councillor Ball "I have to say that contrary to their letter....." -- that is the police letter we have just looked at -- "..... Sergeant Moir is and has always been clearly defined in Minutes etc. over some 10 years or more as being the police representative and not 'purely as a private citizen, not in his capacity as a police officer'"? - That is correct.

So/

So you and Hamilton are at one on that, is that right?

- Yes.

I think in the last paragraph of that letter he thanks Councillor Ball for his interest in this further unfortunate matter, is that right? Does he say "I thank you most sincerely for your interest in this further unfortunate matter and your kind help in other related matters"? - Yes, that is right. "I thank you most sincerely".

"I thank you most sincerely for your interest in this further unfortunate matter and your kind help in other related matters"? - Yes.

Go back to the front page of that letter and tell me what the heading is at the very top? - "Boys' Sports Club Group Committee".

And Thomas W. Hamilton, Group Chairman? - That is right. Well, he said he was.

That is what it says? - Yes.

Now, go to the second sentence in the last paragraph and read it please? - "Both the Committee and myself are, as always, impressed with your competence, honesty, integrity, sense of fair play and dedication to all of your constituents. In my own findings over many years of practical experience, these qualities are unfortunately not found among officers of Central Scotland Police -- in fact, quite the opposite!".

But he is writing there on behalf of "The Committee and myself"? - Yes, that is correct.

Now, attached to that there are copies of Minutes in 1992 where you are designed as Chairman/Police or Police/Chairman? - Yes, that is the police representative chairman but I also could have signed, with me running the Youth Club at the time, I was a representative from the Youth Club because as I said earlier, I was a representative of the different groups which made up the Committee of the Centre Council.

I think it would be fair to say, though, that this sort of petty problem was meat and drink to/

to Mr. Hamilton? - Yes.

And it indeed gets on to the agenda of the Council and if you look at DDH311, which is a Minute of a Council Meeting on the 28th June 1994, and look at Item 6. Do we see there that the problem over the let was raised at the meeting, is that right? - Yes.

Now, was it a question of resolving responsibility for the lets or was it a complaint by Hamilton that brought it on to the agenda? - Not only Hamilton raised it. It was only raised with others because the School Boards then took over and we were left with the problem of conflict. Were the School Boards letting out the rooms and were they responsible as they were responsible for the school and also were we then responsible. It was to avoid any clashes. You know, avoid double bookings etc.

Now, can you look please at letter DFU30 which is a letter of the 5th June from Hamilton to Councillor Ball and if you look at the second paragraph do we see there that the issue is not going to go away where he says "Robert Moir's role on the Centre Council has suddenly switched from Police Representative to Senior Youth Club Representative and not as 'purely a private citizen'. Indeed under the Chairmanship of Robert Moir this incompetent action is one of a series of decisions which has undermined my group on an arbitrary basis"? - Yes, that was when the initial letter went in. I said that I have been representative as far as I have been aware when I first went along to these Centre Council meetings and it was only when I was told I had to stop I said "Well, I am also representative for the Youth Group".

Now, we could spend many enjoyable moments going through the rest of the correspondence and Minutes about this but to no particular effect. Can you tell me whether you got to the stage ever of saying as a Council "Hamilton is not getting our premises"? - No, we never ever said that.

Did you ever get to the stage of being so concerned even about him that you debated whether or not he should get the premises? - No.

Was/

Was your Council privy to information that was causing it at any stage concern about his having the premises? Concern as a Council? - No.

Well, did you know anything else about Thomas Hamilton that you think might be of assistance to the Inquiry? - The only thing, as I said earlier, was that he was accountable to no one and I think with Youth Clubs, whoever is doing it should be accountable to someone.

You have been identified as a person that a number of people are concerned should give evidence to the Inquiry because they are worried that perhaps we are not getting all the information we should be getting so I invite you to tell me anything you know that you think the Inquiry ought to know about Hamilton? - Nothing other than this.

No cross-examination.

KATHERINE MARY ANDERSON (59), Sworn:

EXAMINED BY MR. BONOMY: I think you stay in Dunblane? - I do.

And we have already heard evidence from your husband who is Ewan Anderson? - That is right.

When did you first know Thomas Hamilton? - Well, I can't really remember the exact dates but I think it was in 1982.

How did you get to know him? - Through his association with my husband.

What was his connection with your husband? - It was the rifle shooting.

And was your husband a member of the Dunblane Rifle Club? - Yes. Well, he was. He isn't now.

He was at the time? - Yes.

Did/

Did Hamilton become a visitor to your home? - Yes.

Was he a frequent visitor? - Not to begin with. It was usually once a week.

And was that connected with going to the rifle Club? - I couldn't really tell you if it was or not. I don't think it was, no.

In your statement you indicated that he started coming to the house on Friday nights before and after going to the rifle range. Is that not right? - I thought it was Thursday nights. I don't think it was a Friday. My husband doesn't shoot on a Friday.

But was it in connection with going to the rifle Club that he came to the house? - I don't think so.

Well, can you remember in what connection it was? - Well, I think he started coming because of the connection with the rifle Club but it was just a friendly call to begin with.

Did you actually on any occasion visit a boat he had at Loch Lomond? - Once I think. Twice maybe.

So how friendly were you around that time? - Well, as I say, I think he called about once a week.

Did he ask you and your husband to help him in connection with this Boys' Club? - He asked us if.....he was thinking of forming a Committee and he asked us if we would go on the Committee.

Did he tell you why he was forming a Committee? - I don't think so. I think he just said that he was starting up the Boys' Club again and he was forming a Committee.

Did you have family at that stage? - Yes.

Boys or girls? - Girls.

What were their ages at that time? -

In/

In 1982 one of them would be 11 and the other one nine.

Now, that is when you first got to know him. Could it have been a bit later than that that the question of helping out with his Club arose? - Yes, much later than that.

Could that have been in 1984? - Well, I can't remember if it was 1984 or 1985 but it was when he got the let renewed to start up the Boys' Club again, Dunblane Boys' Club. I think it was probably 1985 but I'm not sure of the date.

Now, did you agree to help him? - Well, he said that he was trying to form a Committee and could we go to a meeting about forming a Committee which we went to.

Where was that meeting? - In his house.

Do/

3 p.m.

Do you remember who else was at the meeting? -
Yes. Do you want names?

Yes, please? - There was Mr. Williams. At the time I gave my statement I thought he was at the meeting, but when I discussed it with my husband I thought Mr. and Mrs. Williams were there, but it was only Mr. Williams, because I couldn't remember; it was so long ago.

Is that Mr. James Williams? - Yes.

Had you met him at that time? - No, I hadn't met him before that.

Who else was there? - Mrs. McFarlane, my husband, myself, and there was another lady there who at the moment I can't remember her name, and Mr. Hamilton was there. I think that was all, but I am not very sure.

What was decided? - It was decided that these people there would form the Committee.

Did you have a particular position on the Committee?
- Yes, I agreed to be Secretary.

What was the Committee called? - The Committee?

Or the club? - It was just the Committee.

What was the club called? - The Dunblane Boys'
Club.

Was there a discussion about the activities of the club? - I presume so. I can't remember.

Was there a discussion about why this Committee was being formed? - It was because a new club, the Dunblane Boys' Club, was starting up.

Were you aware at that stage of some difficulty Mr. Hamilton had encountered about running his club at Dunblane High School? - Yes.

Were/

Were you aware the Committee had something to do with trying to resolve that difficulty? - I think we were made aware at that meeting that he was getting the let renewed from the Council.

So you knew he had lost it? - Yes.

Did you know you were on the Committee to give some sort of either control or respectability to his club? - You mean at that time?

Yes? - No, not at that meeting. We were just asked to form a Committee, which we agreed to.

He didn't tell you he needed a Committee for the Council to agree to reinstate his let? - No.

Did you have to attend any official meeting as a result of being on this Committee? - Yes, we were told that night we agreed to form a Committee that the Council would like to meet the Committee, which we did. We went to the Council Chambers, and we went to that meeting, those people I have already mentioned.

What happened there? - I can't remember everything that happened, but I remember the Council saying they were putting a certain onus on the Committee to see it was run properly.

So by this time you knew there were particular reasons why he needed a Committee? - Well, I would think any club would have a Committee.

But here you have a club which gets a Committee, and the first thing it has to do is go and meet the Council? - I thought that was because of the rumours that had gone before.

What were the rumours about? - As far as I was aware, the boys' club he had had before, which was called the Rover Club, I understand the Scout movement had objected to the name because of the Rover Scouts, and that club had been disbanded. I had heard a couple of rumours by then.

I don't want you to give me any names of boys, but what were the rumours? - I heard two rumours; that on one occasion two boys had been left/

left on the island with just a tin of mince to eat, and the other one was that one boy had been left with either a tin of mince or a tin of beans.

Had you heard any stories about kids being homesick? - One of the boys I mentioned -- I knew the boy and his parents, and after I heard that rumour about the boys being left on the island I heard from the boy's mother that the boy -- this was a different occasion -- the boy had been at his aunt's for a holiday, and the mother had to go and bring him back after two days because he was homesick.

Yes? - At the time I was asked to go on the Committee I asked Mr. Hamilton about that incident, and he said the boy was homesick, but he said if boys are homesick they are not going to tell their parents, they are going to tell a different story. That tied in with what I had heard from the mother of the boy, and I thought it must have been just rumours.

Following the meeting with the Council did you take any active part as a Committee member in the physical running of the club? - No.

Did you do anything as secretary? - I did correspondence.

Was there much of that? - I would say there was quite a bit. There were letters. I was only involved at the one summer camp, and there were letters about that. There were letters I think about obtaining grants for equipment, but I really can't remember. It was just general correspondence.

We have had a lot of evidence about his writing to all and sundry on numerous occasions. Was that his practice in the time you were secretary? - No.

So the letters you are describing sounded as though they had some purpose? - Yes. They were to do with the running of the club.

They were not letters of complaint, for example, or letters of contention with other bodies and complaining about other people? - I don't quite follow you. You mean that the club was complaining?

Yes?/

Yes? - No, not that I recall.

After you were on the Committee did Mr. Hamilton continue to visit your home? - Yes.

Did you visit his home on any occasion? - Not socially. I don't think there were regular Committee meetings. I think there was one other Committee meeting in his house. We did not visit his house socially, no.

Did you meet his mother, at that time known as his sister? - Yes, at the first meeting to form the Committee.

Was she on the Committee? - No.

Did you meet his father, whom we now know is his grandfather? - No, I met who I thought was his sister, although it was his mother, and I met who I thought was his mother, who has turned out to be his grandmother.

But neither was on the Committee? - No.

How long did you remain secretary? - I can't remember whether it was 1984 or 1985, but it was in the autumn of that year. If it was 1984 it was from the autumn of 1984 to the spring of 1985; if it was 1985 it was the autumn of 1985 into the spring of 1987.

If I say to you the meeting with the Council was in the autumn of 1985.....? - Well, it was from the autumn of 1985 until the spring of 1987 I was on the Committee.

What led to you resigning from the Committee? - I changed my job. I had only been working a few hours a day, and when I changed my job I felt I did not have the time. It was not so much the quantity of the work, it was the inconvenience of it. Mr. Hamilton would just come up to the house just after tea time saying he wanted letters done, and he would wait and take them with him to post or to photocopy.

Did your husband remain on the Committee after you resigned? - Yes.

For/

For much longer? - I couldn't tell you. Less than a year, I think.

Throughout the period up until your resignation was your husband still going shooting with Hamilton from time to time? - They did not actually go shooting together on a regular basis. I think my husband maybe went with Mr. Hamilton twice, but not at the Dunblane Club. It was at a range that Mr. Hamilton used: I don't know if it was Dechmont.

Did Hamilton ever bring any weapons to your home? - Yes.

On more than one occasion? - I remember just one occasion.

What did he bring? - I don't know. I think it was two firearms, but I don't know what kind they were. I am not into firearms.

Do you remember if any of them was a rifle? - I think one was a black thing about that. I remember at the time thinking it was a terrible looking thing, a terrible looking piece of equipment.

You were indicating 18 inches to two feet? - Yes.

Did he say anything about that particular weapon? - No.

In your statement you have referred to him coming to the house and having a gun in a case and taking it out to show you and your husband? - Yes.

And saying it cost over £1,000, and he was told he was only getting £100 compensation back when it was handed in, because of Hungerford? - I do know he told us at the time of Hungerford that he had -- was it a Kalashnikov?

It could have been? - He was having to hand it over. I asked him would he get compensation, and he said he would get about £100. I asked him how much it cost, and he said about £1,000./

£1,000.

After you and your husband were off the Committee did Hamilton continue to visit you? - Yes.

Until when? - I think it must have been during 1989. I think it must have been before the summer of 1989.

What brought matters to an end? - I didn't realise this at the time; we only discovered this after this happened. We wondered why he had stopped coming, and my son-in-law told me one night when we were out and he was in the house Hamilton called, and my son-in-law told him not to come back, that he was making a nuisance of himself.

And he didn't? - He didn't re-appear after that.

Was he a nuisance about that time? - He was. When he started coming at first I didn't see him as much as my husband, because it was always on a Thursday night, and I was always out when he came. But he started coming two, three, sometimes four nights a week latterly.

Did he continue to use your name as a Committee member after you had resigned? - I didn't know if he did.

Did it come to your attention that he still had your name on a leaflet? - That was my husband's name. I found out at the time of this that he had both my husband and myself down as members of a previous club, which we had never anything to do with.

Now, prior to the formation of the Committee you have been telling us about he had his dispute with the Council over the letting of the premises at the High School, and in connection with that there was a petition presented to the Council to try to keep the lets going. Did you have any part to play in that petition? - I don't remember a petition.

We have had evidence in the Inquiry that you were actually round doors collecting signatures for/

for a petition? - That I was?

Yes. You went to George Robertson's door? - I don't remember that.

You stay quite near him? - Yes. I had been round with a petition round Dunblane to do with the rates, but I don't know when it was. That was the only time I remember going round. I also collect for Christian Aid in Dunblane. I don't remember going round with a petition.

When was the petition about rates? - I don't know.

Was the Council Labour or Tory? - I don't know.

I am just trying to work out whether you would go to George Robertson's door? - I had an area to do. George Robertson lives just up the hill from us. If there was someone collecting or going round that would include the area.

If he was within the area.....? - Yes. I went to people's doors with a petition about the rates, and they said they wouldn't sign it as they were employed by the Council. I was employed by the Council as well.

If you look at D50/H(v) -- have you got that? - Yes.

You will see that is a letter headed "Dunblane Rover Group"? - Yes.

And under that "J. Williams, representative of parents"? - Yes.

And you have told us there was a J. Williams at your meetings? - Yes.

His address is 3 Murdoch Terrace, Dunblane? - Yes.

This is dated 2nd November, 1983, addressed to the Director of Administration and Legal Services of the Council? - Yes.

It reads "We as parents of the boys attending/

attending the Dunblane Rover Group wish to appeal against the decision taken by the Education Authorities (following a sub-committee recommendation), to terminate the lease of the Dunblane High School"? - Yes.

It talks about Mr. Hamilton, the group leader, and all the other voluntary helpers having given a great deal of their time and resources to ensure that members find a healthy outlet to their boundless energy by channelling it into a constructive form? - Yes.

And then if you go down to the bottom of that paragraph it says "We believe that Mr. Hamilton is the victim of malicious back-stabbing by a person or persons unknown possibly calculated to cause disharmony"; is that right? - Yes.

Then he says "We are all proud to have Mr. Thomas Hamilton in charge of our boys. He is a man gifted with excellent qualities of leadership, integrity and absolute devotion to his lads. Above all, he cares"? - Yes.

Then it has "Yours faithfully, the parents (as listed over)"? - Yes.

Then there is three pages of signatures? - Yes.

I can tell you there are 70 signatures there. Now, did you gather these signatures? - Not that I remember.

It is headed "Dunblane Rover Group"? - I had nothing to do with that.

These forms say "Management Committee, Dunblane Rover Group". Do you see that? - Yes. I was never on the Committee. I had nothing to do with the Dunblane Rover Group, although when this Inquiry was coming up I was shown a letter that had been sent to the Council where my husband's name and my own name were on as being members of the Committee, but I was not there. I was not involved with the Committee until 1985 when the Dunblane Boys' Club started up. That was when I became involved. I had nothing to do with the Rover Group, and I can't see my signature on this petition, so I would/

would imagine if I had been round collecting signatures I would also have signed the petition.

Well, you were not the parent of a child who would be attending the group, so it may not have been appropriate for you to sign it, the way it is worded? - No.

I may have given you wrong information about the time of the formation of the Committee. Perhaps you can clarify this for me. If you go to D53 in that volume, I think you can see this is a letter of 24th February, 1984 to Mr. Buchanan, the Director of Administration and Legal Services, headed "Dunblane Boys' Club"? - Yes.

It says "We.....are pleased to supply the information that you request" in the first sentence? - Yes.

And the Management Committee is set out there, including your own name as secretary? - Yes.

And your husband is there, and some of the other names you have mentioned are there? - Yes.

If you go to the end of that letter you will see that you appear to have signed it? - Yes.

Do you remember signing it? - I don't really remember the letter, but I presume yes. No, I don't think so.

Is it your signature? - It looks like my signature, but I certainly did not type it.

Did you sign it? - Well, it looks like my signature.

I take it you would not sign a blank? - No.

If/

3.20 p.m.

If you go to the second page and in the middle you will see a heading "Difference between Dunblane Rover Group and Dunblane Boys' Club" and it says "1. The Committee is agreed to disband as Dunblane Rover Group; 2. The Committee is agreed to form as Dunblane Boys' Club; 3. The Committee is agreed to a new constitution as enclosed", all suggesting that this is a replacement of the Rovers Group, to give it a different identity. Were you not party to this letter? - I don't recollect it.

Can I ask you then to look at another item which I think may have been copied. It is a letter of the 31st of October 1983. It is also in.....? - Sorry, I was still looking at this other letter. Which one are you on?

Another one will be given to you and it is also in D21/J(i) and it has got a number 28. There is a whole series of these letters but one of them has the number 28. It will be put in front of you. Now, you will see that that is a letter of the 31st of October 1983 to Mr. Buchanan again and the heading is "Dunblane Rover Group -- let of Dunblane High School" and you have signed it? - I am just reading the letter.

Well, before you do that, can you tell me if that is your signature? - Well, it looks like my signature.

All right. Now, yes, please read the letter? - No, I didn't sign that. It looks like my signature but I didn't sign it because it says in it "Firstly, as an interested member of the Management Committee of the Dunblane Rover Group" and I wasn't a member of the Dunblane Rover Group. I wasn't associated with it at all.

It also says in the second paragraph "All activities are well supervised, as I myself have been present on various occasions at meetings and outings". Had you been present at any? - I was at one. I don't know if it was with the Dunblane Boys' Club or if it was when he was with the Rover Group but we were invited. I think it was maybe when he had the Rover Group. He asked us if we would like to go one Sunday on a swimming outing to/

to the Commonwealth pool but that was not in an official capacity. He was taking the boys and asked if we would like to go and take our two daughters. It wasn't official.

The letter in the second paragraph says "I have accompanied the boys from the group on outings to places of public interest when the behaviour of the boys has made me proud to be associated with the group. This, nowadays, cannot always be said of large groups of children out in public"? - Yes. Well, I was at the Commonwealth pool on one trip with the boys.

It then goes on to say "As a parent of two daughters, my children naturally are not members of the Dunblane Rovers but they have had the pleasure of being invited on several occasions to sail with Mr. Hamilton, my husband and myself"? - Well, that is true. We did go sailing with him.

"The care and safety shown to my family, especially the two children, in these instances, was of the very highest standard", is that right? - Well, yes, it says that.

The next section says "Secondly-I come into contact daily with many of the boys from the group in the course of my duties as School Helper at Dunblane Primary School, and I know how much they enjoy the groups activities"? - Yes, well, I have lost you now.

If you look at the word "Secondly"? - Yes.

And then the next bit says.....? - Well, I was a School Helper at Dunblane.

And did you come in daily contact with many of the boys from the club? - Well, I wouldn't have known the boys with the Rover Group because I wasn't associated with the Rover Group.

You might have known them if you had been to the Commonwealth pool with them? - On one occasion.

You would probably know the boys if you saw them at school and then at the pool. Would you not/

not recognise them? - If you ask me now to name the boys who were in the Dunblane Group that I was associated with I could probably only name two at the moment.

Is it not possible even that you wrote this letter? - Not when it says "Firstly as an interested member of the Management Committee of the Dunblane Rover Group" because I was never involved with the Dunblane Rover Group.

Are the rest of the contents largely accurate? - Well, I wouldn't know about "all activities are well supervised" because I was never there. I was never even at a meeting of the Dunblane Boys' Club although I was the secretary. We went sailing twice with Mr. Hamilton.

If you go forward now please to D78/J(i) you see there this is an excerpt from a Minute of a meeting of the Further Education and General Purposes Sub-Committee of the Education Committee. Have you got it? - Yes.

Held on the 23rd of September 1985 and if you could go over two pages.....? - Excuse me, but was this the meeting held in the Council Chambers?

Well, this Minute relates to a meeting which you were not at but you were at the earlier meeting which is referred to there as a special sub-committee and if you go over two pages you will see the Minute of the sub-committee meeting which was actually held on the 4th of September? - 1985?

Yes? - Yes, that is when I became involved.

And you will see your name near the top of that page? - Yes.

As one of the people coming to the meeting? - Yes.

And the others there were Mr. Hamilton, Mrs. McFarlane, your husband, Mr. Williams and a solicitor. Do you remember that? - I don't remember the solicitor. Probably because I didn't know the man.

Well,/

Well, it is a woman? - Oh, sorry. I remember Mr. Hamilton, Mrs. McFarlane and it has got Mr. K. Anderson. It should be Mr. E. Anderson. Mr. Williams.

Were these people, apart from the solicitor, you do remember being at the meeting? - Yes.

Now, we know that there was correspondence about the possibility of such a meeting for quite a long time and we have seen a letter dated the 24th of February 1984, you saw it earlier, in which you are listed as a member of the Committee? - That was of the Rovers?

No, the new group? - Sorry.

If you go back to D53 in H(v). You have seen that already but just to remind yourself, this is a letter your signature appears on and that one is dated February 1984 so it is quite difficult I suppose to date exactly when you first got involved in this Committee? - I got involved in the Committee when he got to renew the let and the name was then the Dunblane Boys' Club.

But can we date it to the letter which is the same idea or the meeting with the Council which is a year and a half later? - Well, it was the meeting of the Council because we had a meeting at Mr. Hamilton's house to ask the people that were present if they would form a Committee and then I think it was that same week or maybe the week after that we had a meeting in the Council Chambers.

Well, if the date on the letter is accurate then the presence of your signature on it is a bit of a mystery? - Exactly. I mean, I don't really know it is my signature. It looks like it.

I suppose you might say Hamilton writes in a similar way to you on the face of the signatures. Does the signature look like yours at all? - Well, if you look at the signature on my cheque card, it is not my signature that is on that letter. If you want to look at that?

I think his lordship might want to look at it? - And compare it with the signature on that letter./

letter. It is not my signature I would say.

It might be as well if you look in that connection also at the other letter, the one which was in D21/J(i) which had the 28 at the top of it. The other place that we had your signature, apparent signature, the letter of the 31st of October? - Well, as I say, it looks like mine.

Does that look like your signature? - Similar but if you look at it with the cheque card, it is not.

Well, does it look different from the cheque card signature? - Yes.

CROSS-EXAMINED BY MR. JONES: Can I try and be clear about the sequence of events. You knew Thomas Hamilton before the let of Dunblane High School was stopped by the Council? - Well, I wasn't aware of that being stopped. As I say, my husband was more involved on that side than I was up to 1985 because when he called, I'm sure it was a Thursday he normally called and I go out every Thursday night and have done for the last 30 years so I would only see him for a few minutes and when I came back I would say to my husband "Was Tommy up tonight?" and he would say yes and I would maybe say "What was he saying?". As I say, I didn't often see him at that time.

I just want to be clear about this. Were you or were you not aware that the Council had stopped Mr. Hamilton's let at Dunblane High School? - I wasn't aware of it.

Were you never aware of it? - No, I thought it was when he went.....I thought he had been asked to disband the Rovers Group because of the name and that when he went to re-name it the Dunblane Boys' Club, that is when the Council had problems with renewing the let.

And you look again please at D78/J(i). That is the Minutes of the meeting that you attended at the Regional Council in September of 1985. Do you have that document? - D78/J(i), yes.

And that is the Minute of the meeting? - Yes.

Now, /

Now, can you turn to the third page, at the top of which you will see X-219? - Yes.

And then you see the words "Confidential-Not for Publication". Do you see that? - Yes.

You are then recorded as being present. Do you see that? - At that meeting?

At that meeting. Is that right? - If that was the meeting.

Well, do you see your name? - Yes.

And your husband's name? His name is amongst those who were there? - Yes.

Just below the names do you see it says "During a wide-ranging discussion with the Representatives of the Club the following specific points were raised by the Sub-Committee:-" and then there are eight points? - Yes.

Now, do you remember while you were there being asked a number of questions? - No, I don't remember it.

But you accept that you were because that was the purpose of the meeting? - Probably, yes.

And do you see the third question was "During the period since the let for Dunblane Rover Group was terminated had the Committee made any attempt to find alternative accommodation in Stirling, Dunblane or any other area?". Do you see that? - Yes.

Now, if this Minute is accurate, you were at least aware in September of 1985 that the let for the Dunblane Rover Group had been terminated? - Well, I understood it to be that the Rover Group had been asked to disband because of the name.

Well, it says here that you were asked about something happening after the group was terminated. All I am asking you is if this Minute is correct then it must mean that you knew at least in September 1985 the let had been terminated? - I am not saying it wasn't. I am just saying I don't remember it. My recollection is that the Rover Group/

Group had been asked to disband because of the name.

Well, I think that is really what I am trying to get at. It may be your recollection now is not perfect. We are talking of events that happened between 11 and 15 years ago? - Well, I don't remember because I don't even remember the exact date. Until the gentleman there said it was 1985, I couldn't remember the date.

But you accept there is a difference between things not having happened and your not remembering whether they happened? - Well, yes. I suppose so.

Now, do you see that the first point that was put to the people who were there was this; looking back at this document, "Of the Committee membership detailed in the letter dated 24th February, 1984, from the Secretary of the club, only three were residents in Dunblane". Do you see you were asked that? - Well, as I say, I don't remember it. You know, when we had the meeting.....

If you just answer me. Do you see that is in the Minute? - Yes, I see that.

Now, we have heard that one of the papers that was available to the Council was the letter that you have been shown, the letter which bears your signature of the 24th of February 1984. Now, can you have in front of you again please D53 of H(v)? - Yes.

Can/

3.40 p.m.

Can you accept, although you may not remember it, this letter of the 24th February, 1984 was in front of the committee when you attended this meeting in September, 1985? - I cannot answer that, because as I say, I don't think that signature on that letter is mine.

Leaving aside your recollection, I am just asking you if you can accept the Minute is aware of a letter dated 24th February from the Secretary of the club? - Yes.

And the only Secretary of the club you have ever known about is you? - Yes.

Could you look at another document, which is in the other bundle in front of you, D.....? - If I can go back to that, Dunblane Boys' Club was not effective until after this meeting, or at the time of this meeting.

I think you have already seen that the letter of the 24th February, 1984 records the change of name from the Dunblane Rover Group to the Dunblane Boys' Club? - I thought it was at this meeting we were at at the Council Chambers.

If you look at page X-220, you see just below halfway down there is a paragraph which does not begin with a Roman numeral? - Yes.

It begins "In closing their remarks..."?
- Yes.

You see it says "In closing their remarks the representatives from the Dunblane Boys' Club referred to the change of name of the club from Dunblane Rover Group. The club representatives felt they would prefer to revert back to their original name and wondered if the Regional Council would find this acceptable". Do you see that? - Yes. Can I just read that?

Yes? - Well, this was the representatives of the Dunblane Rovers Group I presume saying they would prefer the name to be the -- the Dunblane Boys' Club rather -- saying they would prefer the name to revert to the Dunblane Rovers Group, but that didn't mean the representatives/

representatives there were representatives of the Rover Group.

I am putting this to you because you said it was at this meeting in September, 1985 that the name was changed from the Rover Group to the Boys' Club? - No, I didn't say that. I said that my understanding was that when the Rover Group was disbanded it was because of the name, and that I became involved with the Committee of Dunblane Boys' Club, which was in 1985.

Now, you told us I think that the signature on the letter of 24th February, 1984 is not yours. Could you say which one this is? D53/H(v)? - Yes. If you look at my credit card it is not.....

I am not interested in your credit card. The question is whether you are saying the signature on the letter of 24th February, 1984 is not yours. Is that what you are saying? - Just let me read the letter. I am not really sure.

It may be yours? - What I cannot understand is why I would be typing that at the time when I was not the Secretary.

I am not asking you that. I am simply asking you about the signature, and I am asking you to say whether or not you think it is yours? - Well, I would say it looks like mine, but I am not sure.

Could you look at another document, D74/J(i)? -
Yes.

This is a letter which bears to come from your organisation, dated 21st August, 1985. Can you see that? - Yes.

And it is handwritten and appears to be signed by your signature, Katherine M. Anderson? - Yes.

Was this written by you? - Yes.

And that is the same style of signature we have seen both on the letter of 31st October, 1983 and the letter of 24th February, 1984? - Similar, yes.

Can/

Can I ask you to look at one further document? If we go to D49/H(v), this is a very faint photocopied letter. Do you see that? - Yes.

Can you turn from that, turn from the second page and go on to the third page which has "7b" at the top right-hand corner. Have you got that? - Yes.

This appears again to have your address in Dunblane in the top right-hand corner? - Yes.

And that appears to have your husband's signature on the bottom, Ewan Anderson? - Yes.

And that bears the date 6th November, 1983? - Yes.

Do you see the text "Dear Sir, As a fair-minded person I feel obliged to write to you to protest about and to condemn the Director of Education's handling of the Dunblane High School let to the Dunblane Rover Group.

"Firstly let me refute the allegations made about Mr. Hamilton's character and his parting company with the Scout Movement"? - Yes.

And then if I can take you on to the fourth paragraph "I had no personal connection with this group until recently, when due to an injury the sports coach could not attend the Thursday meeting. Mr. Hamilton asked for my assistance to run the five-a-side football. I thoroughly enjoyed the experience and was astounded at the manners and good behaviour of the boys"? - Yes.

Do you remember an occasion when your husband helped out with the five-a-side football? - He did with the Dunblane Boys' Club occasionally, but I could not differentiate.

He stated, "My wife, daughters and myself then assisted with an outing to the Commonwealth Pool in Edinburgh, and can honestly say that we were proud to be seen in their company"? - Yes.

And you remember a trip to the Commonwealth Pool? - Yes. As I say, we were not involved in the running of the club. Mr. Hamilton invited/

invited us to go one Sunday.

And that was with the Rover Group? - Yes. Not as part of it. It was a social invitation.

It goes on "In fact we have been so impressed that my wife and I have volunteered our services as members of the Management Committee, now acting as Secretary and Treasurer respectively"? - Yes.

And that is what happened, isn't it? - Yes. Not with the Dunblane Rover Group; with the Dunblane Boys' Club.

Is it just that you do not have any recollection of the club being called the Rover Group at that time? - No. I was not involved with the Dunblane Rover Group; I was involved with the Dunblane Boys' Club.

How do you explain this letter? - I don't know. Mr. Hamilton had put down on a letter that we saw that the CID had produced, he had us put down as members of the Management Committee of the Rover Group, and that was not true. What I am saying is, is this letter true? Did my husband sign that? Because we were not members of the Management Committee of the Rover Group; we had nothing to do with the Rover Group. We were not involved with the Rover Group.

If that is right it must follow that the letter which appears to be signed by you on the 31st October, 1983 is just false?
- That is what I am saying.

And the letter which appears to be signed by your husband a week later is just false? - Yes.

And the letter dated 24th February, 1984 is just false?
- Well, I would say that because I was not involved in the Dunblane Rover Group.

And although there is reference in the letter dated 24th February, 1984 in the Minutes of the Committee meeting you attended it must be a reference to some other letter? - Maybe this is a letter that my husband didn't sign and that is a letter/

letter that I didn't sign: but I know I was not involved with any club until the meeting at the Chambers, which appears to be in 1985.

CROSS-EXAMINED BY MR. TAYLOR: You may be relieved to know that I do not propose to ask you any questions about letters or Minutes, but I would like to ask you some questions about meetings which you had with Mr. Hamilton: do you understand? - Yes.

You have told us that when he came to your house it was in the order of once a week at first, usually on a Thursday, when you were out; is that correct? - Yes, as far as I remember.

Can you say what year he started attending your house? - I don't remember, but my husband dated it to 1982, because he was unemployed at that time.

Your husband was unemployed? - Yes.

You have told us that the frequency of the visits increased from once a week to eventually three or four times a week, and finished when? - 1989.

At first you would not have had much contact with Mr. Hamilton if you were out on Thursdays when he called? - Yes.

But you would have been in the house on occasions when he started to visit more regularly? - Yes, I was in when he called.

And when you were in the house with him did you form an impression as to how he looked on you and your husband? Never mind how you might have looked on him, but what was your perception as to how he looked upon you? - We were friends.

What sort of topics would you discuss with him? - Just general topics of conversation. We talked about the clubs, we talked about general topics of conversation, about games, board games, etc.

Would there be any distinction as to what you would speak to Mr. Hamilton about and what you would/

would speak to your neighbour about? - No.

At what stage did the visits increase from once per week to something more frequent than that? - I think it was the fact that one of the other members of the Committee whose two sons were in the boys' club moved away from Dunblane, and he had visited them, and when they moved away he started visiting us so often.

Can you say when that was? - No.

Who were these other people he visited? - The name of the family?

Yes? - The Williams.

Do you know how often he attended at their house? - No, but I know it was on a regular basis.

About once a week? - Probably.

Other than the Williams was there any other family who he visited, to your knowledge? - In Dunblane?

Anywhere? - He did speak about a friend he had -- his name escapes me at the moment: he was something to do with one of the gun clubs. I only knew his first name.

Was that a Mr. Woods? - Can you tell me the first name?

Clive Woods? - Yes.

Taking these two groups separately, how did you perceive Mr. Hamilton saw the Williams? - How did I perceive Hamilton's view of the Williams?

Yes? - Just as friends, the same as we were.

In relation to Mr. Woods, how did you perceive he thought of Mr. Woods? - He did not mention him so often. He knew we knew Jim Williams, but I had never met this Clive, so he didn't talk about him so much.

Did/

Did the name Williams come up reasonably frequently in your discussions with Mr. Hamilton? - Just as a topic of conversation.

Would you describe Mr. Hamilton as a loner? - I suppose so, yes.

In what respect? - Well, I suppose apart from the visits to us and his club meetings I don't think he had other social.....

Yourself, the Williams and Mr. Woods? - I don't know how often he visited Mr. Woods, but he visited us regularly and he visited the Williams regularly.

You told us about two instances where there were rumours that some boys were left on an island, and one rumour was that they were given only a tin of mince and another rumour was that they had only been given a tin of beans; is that right? - Yes.

Were you able to make enquiries as to whether that was true? - No.

Did you believe that rumour? - No.

But it was a rumour which you were able to check upon, if I have understood your evidence correctly? - No, I didn't check up on it. I had heard the rumours, and I knew one of the boys concerned, and a while after I had heard the rumour just in conversation the boy's mother in general conversation said to me that her son had been at his aunt's for a week's holiday, and she had to go and pick him up after two days, because he was homesick.

And it was rumoured he had been somewhere other than his aunt's? - No. He was homesick.

And he had been homesick at one of Mr. Hamilton's camps? - I heard the rumour, then I had a discussion with the mother.

What was the rumour? - There was a rumour that the boy had been left on the island with a tin of beans. I heard that conversation, and then in general conversation with the mother, nothing to do with the club, she said that her son had/

had been away up at an aunt's for a week's holiday and she had to go and bring him back after two days, that he was homesick.

Was this the same week it had happened? - Yes, she had just gone and brought him back. But it was months after the rumour; it was quite a while after that. After that I said to Mr. Hamilton what was the story about this rumour, and this was when he said to me that the boys were homesick but they didn't want to go home and say to their parents they were homesick, so they made up stories.

Do you know why Mr. Hamilton brought round weapons to your house? - Because of the common interest with my husband. When they had gone shooting it was pistol shooting, which my husband doesn't do; he shoots .22 target. I think Mr. Hamilton took my husband to Dechmont on one occasion I can remember.

So he has taken guns round to your house on the way to the pistol shooting? - No, this was a different time. The times he went with my husband he called the house. I didn't see the firearms. They just went away. On a different occasion he brought the guns, yes.

This was because of their mutual interest in guns? - Yes. Not me, but my husband.

RE-EXAMINED BY MR. BONOMOY: I got the impression initially you didn't know Mr. Williams. How well did you know him? - I didn't know him until I met him at the meeting in Mr. Hamilton's house.

That was the first time you met him?
- Yes.

How/

4.00 p.m.

How long after that was it he moved away? - I can't remember when he moved away. It was after I came off the Committee. He was still on the Committee when I, you know, resigned.

The letter which you were shown by Mr. Jones, which is signed by your husband, your husband has already told us he wrote or at least was responsible for. Did you and your husband get involved in the Committee at the same time? - We joined the Committee at the same time but I resigned before my husband.

So if your husband accepts his involvement in 1983 around the time the lets were lost, does that help you? - Well, my husband was involved, as I say, with Mr. Hamilton. I am not saying on Committees but he was involved, you know, more on that side of it than I was. I wasn't involved until the 1985 but I know my husband was involved before that because he was able to say to me that he had tried to get to the bottom of the rumours and nobody would do anything. You know, they would never name names. Because my husband told me he had gone to this one and that one and people just said that so and so told me that and my husband tried to get to the bottom of it and wasn't ever able to do so because nobody would come forward with any names. They would say "Oh, I don't know. I just heard it". So my husband was involved with Hamilton but I'm not saying on Committees but involved with talking about it with him before I was.

Well, you will see or you will remember that the letter which he signed said that he had no personal connection with the group until recently when due to an injury the sports coach could not attend the Thursday meeting and Hamilton asked for his assistance in running five-a-side football? - Yes, but that was on one occasion. If that letter was genuine.....

Well, he has told us it was? - I know, but did he read it?

Well, he took an oath like you did? - Yes, but did he read the letter? He may have looked/

looked at the bottom and thought it was like his signature but, as I say, it says "In fact, we have been so impressed that my wife and I volunteer ourselves as members of the Management Committee now acting as Secretary and Treasurer" and that would appear that is to the Dunblane Rover Group, wouldn't it?

It could be? - Well, I mean, the letter was headed the Dunblane Rover Group and my husband and I were not involved on any Committee with the Dunblane Rover Group although I was shown a letter by the CID Detective who came to the house when I was interviewed and she showed me a letter that Mr. Hamilton had written to the Council and our names were on it and we were not members of the management group for the Rovers.

I follow all of that but take it from me that your husband did see the letter and did have the opportunity of reading it here and did confirm his agreement with its contents? - Yes, but I am saying did he read it or did he look at it?

Well, would you listen to what I am saying please. Take it from me that he did have the letter and he did have an opportunity of reading it here and certain parts of it were subsequently put to him with which he agreed? - Well, my husband.....

Just give me a moment to finish the question. In the light of that he confirmed that this letter was his. Now, if that is the case and he is referring there to the two of you becoming involved in the Management Committee and you agree you both got involved at the same time, does that help to confirm that you actually were involved in November of 1993? - No, because I know that I wasn't involved with the Committee until it was the Dunblane Boys' Club in 1985 and neither was my husband. We were not involved with the Rovers Group at all and I can swear that on oath, that I wasn't. I had nothing to do with the Dunblane Rovers Group. Nothing.

MR. BONOMOY: Now, sir, that completes the oral evidence I propose leading today. I anticipate certain further oral evidence, in particular the evidence of Dr. Baird, Consultant Psychiatrist./

Psychiatrist. He unfortunately will not be available to give evidence until a week on Monday which is the 8th July. That may not present any particular difficulty in view obviously of the need of parties to consider the volume of evidence that has been led over the last 23 days in preparing Submissions they propose to make to you.

I have some written evidence which ought to be lodged now I think in the form of Productions largely. Not entirely but largely in the form of Productions which should be given R numbers.

Before I do that, I tender a letter from Her Majesty's Chief Inspector of Constabulary dated the 25th June 1996 to the Procurator-Fiscal confirming the status of the draft Thematic Inspection Report and in the last paragraph it says, "I understand that you already have a copy of the draft Thematic Report and I would confirm that the decision on whether or not it should eventually be published will be taken when Lord Cullen's deliberations have been completed" and that is signed by Her Majesty's Chief Inspector.

The other items which I suppose, sir, should be Productions are first of all a document headed "Lord Cullen's Inquiry-Firearms offences" giving certain statistical information about the commission of offences with firearms.

Secondly, a series of four documents which are covered by a summary or description of them. These are documents relating to the form of inquiry form used by Police Forces in England and Wales. They were handed to me by an interested observer at the Inquiry. They do seem to be of some value, sir, and I thought it might be of assistance for you to see forms that are used elsewhere.

The next set of documents.....

LORD CULLEN: Before you go any further, can we just check what numbers we are clocking up as we go along. The letter with the statistics would, I suppose, be 68, is that right?

MR. BONOMOY: No, I think 69. The GMC Guidelines are 68 and the BMA Guidance was 67. So the/

the statistics becomes 69. The four forms with the accompanying note becomes 70.

The next one, 71, is the Precognitions which the Procurator-Fiscal obtained in relation to the investigation of the 1991 camp. So these are the Precognitions the Procurator-Fiscal at Stirling had. The Inquiry has already seen the police statements and the information before the Inquiry would be incomplete, in my submission, without this additional material which was before the Procurator-Fiscal.

Then lastly, a document headed "Violence to staff in the Education Centre" produced by the Health & Safety Commission and referred to by Mr. Gibb in the examination of a witness earlier and one which you, sir, expressed some interest in and which ought to be before the Inquiry.

With that, I complete the presentation of evidence so far.

LORD/

LORD CULLEN: Thank you very much, Mr. Bonomy. There are a few matters I would like to deal with.

Since the last list of written submissions, further submissions have come in or at least have been recognised to be submissions to enter the evidence. There will be a list which will be issued later today. I understand that a number of written submissions are still, so to speak, on their way here. These include I think supplementary written submissions from the British Sports Council and a joint submission I think by the Callander and also Stirling Rifle and Pistol Clubs. That may be of interest to those who are here.

Now, can I check on one point. I'm not sure whether parties have any intention of lodging any written submissions in regard to possible recommendations between now and the resumption of proceedings. Can I ask parties in turn what their position is. Mr. Campbell, what about you?

MR. CAMPBELL: Sir, my intention, if it is acceptable to you and obviously if it is not then I will think again, is to present submissions orally when it is appropriate but they could then be put into written form if necessary thereafter.

LORD CULLEN: The only thing about that that slightly concerns me is whether there might be a problem if you were to take some line which is not indicated by any of the existing submissions. Maybe that doesn't arise.

MR. CAMPBELL: Well, sir, you have indicated that concern to me informally before and you did indicate that it might be helpful if I was to speak to another party and that has happened and I think I have given him an assurance which should be satisfactory but certainly if there is any written information of that nature being circulated to one party, I will make sure that it comes to you and others.

LORD CULLEN: That is helpful. Thank you. Mr. Gibb, what is your position?

MR. GIBB: My position is that I have really been hanging on Mr. Campbell's coat tails to some/

some extent over the last few days and I may end up duplicating a certain amount of his verbal submissions but if the general view is that verbal submissions are appropriate, clearly I can excise what I need to on the day but I would be happy to make written submissions if you wish.

LORD CULLEN: It is entirely a matter for you. I don't think I have any great need for that except if there is any risk of you raising a point nobody else had yet raised in writing, in which case it might be fair if some notice is given of that.

MR. GIBB: I am quite happy to go along with verbal submissions.

LORD CULLEN: Thank you. Mr. Jones?

MR. JONES: Sir, I would not be making any recommendations and therefore I am not covered by the enquiry your lordship is making.

LORD CULLEN: Mr. Taylor?

MR. TAYLOR: There is still an outstanding document I promised to your lordship some time ago and that is in a fairly advanced stage of preparation and should be available some time towards the end of next week. It is a different form of submission, however, from what has been discussed up until now because it is a document from the Chief Constable. Insofar as there is a submission on the evidence then if the view is that the submission should be delivered orally then I will go along with that.

In my submission, it is on occasion of considerable advantage for the written submissions to be prepared and exchanged at a point of time in advance of the oral submissions because that affords an opportunity to make some preparation in response to any criticisms which might be made.

LORD CULLEN: I think at the moment all I am talking about is written submissions in regard to possible recommendations because the invitation that was made to the world at large was also extended to the parties and I simply want to know whether the parties are going to take up that invitation by giving me written submissions as distinct from making/

making oral submissions when we resume. You have something in preparation?

MR. TAYLOR: Something in preparation coming not from my pen but from the pen of the Chief Constable.

LORD CULLEN: Well, that is very helpful. Thank you very much.

Now, as far as oral submissions are concerned, obviously parties will wish to devote some attention insofar as interests extend to (a) the circumstances that we have had explored over the last so many days, as distinct from secondly the possible area for recommendations. So far as the circumstances are concerned, I don't think I would want parties to feel that they have to prepare elaborate statements of fact as to what should be found established. I think that would be far too large an imposition. I am much more concerned with matters of fact to which observations or comments may be directed. I am not wishing to prevent anyone from presenting any presentation on the facts they want to but I am most particularly concerned with matters of observations or comments on the evidence that we have heard. There are a few instances in which evidence has been conflicting or uncertain and I think there are one or two instances where questions of credibility arise and I won't say what that is but I would like to hear what parties have got to say about that.

As regards possible recommendations, I don't think I need to add to what I have said earlier.

I don't at the moment, Mr. Taylor, feel any need to require any advance notice to be given. Are there any particular matters which are concerning you as to the future?

MR. TAYLOR: If I knew of the matter I would not be asking for the submissions in writing, sir.

LORD CULLEN: I think we should take things as they come. I think that somebody in your position will have a fair idea of what some other party might want to say in due course.

MR./

MR. TAYLOR: Yes.

LORD CULLEN: So far as the order of submissions is concerned, it might help if I said a bit about that now. I would intend to call on Mr. Bonomy to speak first insofar as he feels it necessary to address me on matters. Then I will call on the parties in the order in which they have been questioning and when that is done it may well be that Mr. Bonomy will wish to give me some further assistance in the light of what parties have said.

There is one other matter which has given me some concern. I have a strong impression that at least one of the parties here will wish to make certain submissions as to recommendations in regard to restriction of availability of firearms and ammunition or the like. I am quite anxious to make sure that I have a proper debate in which there is a proper contradicter so I have decided, and I have been thinking about this for some time, on my own initiative to invite representatives of what I might call the umbrella bodies to be present so that if they wish they can have their interests responded to in whatever submission may be made in that direction. I have therefore invited, and this invitation has been accepted, any legal representative of the British Shooting Sports Council and the Scottish Target Shooting Federation to be present whilst the submissions are taking place. This is an invitation which, as I say, I have made entirely on my own initiative. They don't come as parties to the Inquiry. They come here to assist me in trying to make sure that any submissions that are made are fully scrutinised and it is of course a response rather than to advance the case which they have already set down in their written submissions.

One other thing. Mrs. McKeand has reminded me to tell you that the Inquiry office will remain open here next week in the usual way so that if any party requires to be in contact with her, that can be done as usual.

Very well, we will now adjourn until Monday the 8th of July at 10 a.m.

Adjourned until Monday, 8th July at
10 a.m.