

MR KENNEDY: Mm.

THE RECORDER: If you'd like to hand it to the clerk, maybe she'd be good enough to copy it for us and bring it through to us. We'll rise until you've sorted it out.

MR POTTINGER: Yes.

MR KENNEDY: I've got spare copies so

THE RECORDER: Oh thank you. That's even better. Good. Thank you very much. Let us know as soon as you're ready.

MR POTTINGER: Yes.

(There followed a short adjournment)

THE RECORDER: How are you doing, Mr Pottinger?

MR POTTINGER: Your Honour, I think gut-feeling is the right feeling so -- we didn't find a case directly on point but I think just looking at it very carefully and standing back, because the use has to be proved then it's the

THE RECORDER: Yes.

MR POTTINGER: And that's the fairest way of dealing with it in any event.

THE RECORDER: So the issue as far as the Crown is concerned is whether or not he was working at the time? Is that it?

MR POTTINGER: Yes.

THE RECORDER: Because -----

MR POTTINGER: Or whether he was -- well, whether he was using the vehicle for work purposes.

THE RECORDER: Yes. What concerns me is — is whether or not we in any event have enough information. Because this is merely the certificate of motor insurance. There should be a schedule of motor insurance. Is that available? The actual policy. Because it is the experience of those on the Bench that on occasions it is very difficult to ascertain the point that's being made here and that the policy itself may have a different specification to that set out on the certificate. In other