

THE RECORDER: Does the Crown know what its case is?

MR POTTINGER: Well

THE RECORDER: I — I — I — I'm really concerned about this because I'm concerned just taking it off one piece of paper, the certificate.

MR POTTINGER: Yes.

THE RECORDER: There is a policy in existence. There must be.

MR POTTINGER: Yes.

THE RECORDER: And the policy should set out the details of this certificate. Q And the Crown should be able to look at that policy and say Yes or No to the proposition that's being put forward or "We will make enquiries". Let's say, for the sake of example, Mr Cordell had run into the back of a police car and dented it and the insurance company had said "You weren't covered because of what you were or weren't doing" then we know where we are. What we don't know at the moment is what the insurance company say about what he was doing at the time on D his version of events. And without knowing that, how can we know whether he was covered or not just on the basis of a certificate of motor insurance which is not the full policy which may say or may explain whether or not he is? That -- that's my real concern about this. I — I think this — this situation is — is

MR KENNEDY: I can't take an unfair advantage and I wouldn't seek to. The E Crown — well, they had the advantage at the lower — at the lower court -----

THE RECORDER: Exactly, yes.

MR KENNEDY: — of knowing what the position is. But it's the Crown to -- it's p the Crown to prove the -- that the -- well, (Inaudible), I suppose.

THE RECORDER: I — I am unhappy about proceeding without input, proper input, from KGM. That's the bottom line. You need it and you need it and it should have been done.

MR KENNEDY: Well, I have the hearsay evidence. I'm not sure that I do -----

THE RECORDER: Yes.

MR KENNEDY: — need it for — for this reason. If it's — the burden is on the ^A Crown. Once you've got a prima facie valid insurance document, which we have