

What you do have — the height of the Crown’s case would be the admission that the — by Mr Cordell that he said at the start “I’m just going to work”. That’s the height of the Crown’s case. In my submission, you cannot rely on that being an accurate and truthful note of the conversation that he -- because of the credibility issues concerning the one witness who gives that evidence.

So taking a step back, can the Crown prove beyond reasonable doubt on the evidence we’ve heard already that — I know that’s not the test at this stage but applying the correct test at this stage, the half-time test, could a reasonable -- could a reasonable tribunal properly directed convict on the evidence that they’ve heard?

THE RECORDER: It’s Galbraith (Inaudible), isn’t it?

MR KENNEDY: Yes. I would suggest the answer is No.

THE RECORDER: Thank you. MrPottinger?

MR POTTINGER: The evidence is that the defendant was there with Dean Reid, according to the officer in clothing consistent with work in a vehicle in a condition although without tools consistent with being used for work, with a number of business cards containing the names Dean and Simon, the two persons in that van, advertising a business in provision of general repairs, painting decorating, man and van removals, cleaning, property maintenance services. So the Crown say that there’s an obvious inference there. Simon and Dean were in a van together, there’s a card saying Simon and Dean, general jobs - nothing to do with the motor trade because that would be covered by the use - in a van, consistent with it being used for odd jobs, in clothing consistent with being used with odd jobs and — and an admission at the start.

THE RECORDER: What do you say about the burden of proof in relation to this offence not for the half-time submission but for the end of the day?

MRPOTTINGER: (Inaudible).

THE RECORDER: On the Crown to prove beyond reasonable doubt that there was no policy in force?

MR POTTINGER: Well, no. No, it’s not. It’s for the defendant to prove on the balance of probabilities there was no policy in force for the use of that vehicle.

THE RECORDER: Sorry, for the defendant to prove

MR POTTINGER: It’s for the defendant — sorry, for the defendant to prove on