

IN THE CROWN COURT

AT TEESSIDE

DAY 2

Before:

HIS HON. JUDGE R. A. R. STROYAN, Q.C.

Held at: Teesside Crown Court,
Victoria Square,
Middlesbrough,
Cleveland,

Tuesday, 3rd March, 1981

R E G I N A

v

John Alexander Symonds

Evidence of: Gareth Lloyd
D. Sgt. Collins
Gareth Lloyd (continued)

(Transcript of the Shorthand Notes of HUMPHREYS BARNETT AND CO.,
Official Shorthandwriters, 19 Queen Victoria Street, LEEDS, LS1 6BD)

MR. G. RIVLIN, Q.C. assisted by MR. RATCLIFFE appeared as Counsel on
behalf of the Crown.

Mr. J. A. Symonds (THE DEFENDANT) appeared In Person.

Humphreys, Barnett & Co.

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THE CLERK: Regina v John Alexander Symonds, part heard.

MR. RIVLIN: Your Honour, before we proceed to hear the tapes may I be of some assistance in relation to the exhibits, and hand Your Honour an Exhibit List?

A HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And what we have done there, Your Honour, is to delete from that list in a way that I hope you can follow, any exhibits that are no longer relevant in this case.

HIS HON. JUDGE STROYAN: Yes.

B MR. RIVLIN: Your Honour, if one looks over the page to page 2, exhibit number 31 is relevant but you can see that 23 to 30 are not and 32 and 33 are not.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And can I be of some assistance in relation to these transcripts of the tapes because we are going to get lost if this isn't sorted out?

C HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: The position is this, that there are before the Court 3 tape transcripts.

HIS HON. JUDGE STROYAN: Yes.

D MR. RIVLIN: They are the two that you had originally and the one that was handed in last night.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And can I deal with them in turn?

HIS HON. JUDGE STROYAN: Yes.

E MR. RIVLIN: Your Honour, the one that was handed in last night.

HIS HON. JUDGE STROYAN: That is the one that was put to Osborne?

MR. RIVLIN: Yes, put to Osborne, might that be marked 35A?

HIS HON. JUDGE STROYAN: Yes.

F MR. RIVLIN: And the situation there is this, Your Honour, this is a complete copy of the Police transcripts of tapes, but when we look at it we quickly see that a number of pages are not relevant in this case, in that, for example, if we look at page 1 we have got Perry ringing the Police Station and speaking to somebody there and saying that he wants to speak to Mr. Symonds and Mr. Symonds isn't the gentleman who answers.

G HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And a message is going to be left for him.

HIS HON. JUDGE STROYAN: That is plainly inadmissible.

H MR. RIVLIN: Yes it is, and the situation is this, Your Honour, that the second tape transcript that is relevant and that is to be marked 35B is the one that you were looking at yesterday. It is foolscap size paper. This one here.

HIS HON. JUDGE STROYAN: Is that the one that is called 'Revised tape transcripts'?

A MR. RIVLIN: With all the numbers on it; starting at number 1 and going through from page 1 number 1 to page 2 number 34.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Do you have that?

HIS HON. JUDGE STROYAN: Yes.

B MR. RIVLIN: Now, Your Honour, the situation is that that is identical to 35A with this exception, or with these exceptions, first the inadmissible parts have been taken out and in the second place the numbers of the questions and answers are consecutive through to the end in each tape. So what we have here is merely an admissible reproduction of the transcript that were, and contained inadmissible material, and that is also a Police transcript of course. That is the one that we were proposing to put before the Jury.

C HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Your Honour, the third bundle that you received was the bundle which we discussed yesterday which begins "28th October, '69 transcript of telephone call to Camberwell Station" and then there is the figure 401.

D HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Now that is the one that has been prepared recently by Mr. Penna and Mr. Eley. That is the one upon which the Prosecution will seek to rely or will suggest is the most accurate, although we don't claim that any of these is completely accurate for the reasons given by Osborne. Your Honour, might that be marked 35C?

E HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And when we come to hear the tapes this morning I would respectfully suggest that that is the one that you have in front of you.

HIS HON. JUDGE STROYAN: Yes.

F MR. RIVLIN: It will be proved by Mr. Penna and Mr. Eley. Your Honour, we now go on to the tapes that you are going to hear. Mr. Lloyd and Mr. Mounter are in Court at the present time.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And Mr. Hawkey and Mr. Perry have not arrived so we are going to proceed.

G HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: The situation is as follows Your Honour, that I am going to ask Mr. Penna and Mr. Eley to play through the following tapes: Tape number 1 exhibit number 1.

HIS HON. JUDGE STROYAN: Just a moment. Is he Penna or Penner?

H MR. RIVLIN: Penna.

HIS HON. JUDGE STROYAN: P.E.N.N.A.?

A MR. RIVLIN: Yes. Tape number 1, exhibit number 1 which appears on your pages 1 and 2 of this transcript 35C. Tape number 2 which appears on pages 4 to 6.

HIS HON. JUDGE STROYAN: That is exhibit 2?

MR. RIVLIN: Yes.

HIS HON. JUDGE STROYAN: Yes.

B MR. RIVLIN: Exhibit number 3, tape 5, which appears at pages 7 to 21.

HIS HON. JUDGE STROYAN: Yes.

C MR. RIVLIN: Your Honour will appreciate that there is another tape that was taken of this conversation. I am not going to play it through, it would I believe be a waste of time to do so and I don't propose to do so because it won't assist, I don't think any of us, for me to do that, but if it becomes necessary for it to be played through by reason of any suggestion made on behalf of the defendant then it can be, but for the present time we are not going to hear the same conversation played twice over. Then finally we are going to play through tape 14.

HIS HON. JUDGE STROYAN: Yes. That is exhibit number 5?

D MR. RIVLIN: That starts at page 22 and goes on to page 39.

HIS HON. JUDGE STROYAN: Yes.

E MR. RIVLIN: Now, Your Honour, the situation is as follows, that we have got a loudspeaker and I am told that by and large there should be no difficulty in hearing the tapes on the loudspeaker, but it is apparently the case that when one comes to fine detail that it is difficult to hear on the loudspeaker and one is assisted if one uses these earpieces, and the way in which these work, Your Honour, is as follows: the sound is bounced off these infra grills up here ...

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Into these speakers which apparently contain batteries. It is necessary when using them to ensure that this little glass bulb ...

F HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Is on this side of the Court; that is the side towards the speakers.

HIS HON. JUDGE STROYAN: Yes.

G MR. RIVLIN: These knobs that we can see, the yellow and the red knobs, are volume controls and they have been set at what is thought to be reasonable volume control.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: The little switch at the top has to be in the middle.

H HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And the switch at the bottom has to be pressed to the right in order to activate these.

HIS HON. JUDGE STROYAN: Mine appears to be to the left.

MR. RIVLIN: Yes. Well you will have to switch them to the right.

HIS HON. JUDGE STROYAN: Opposite the circled dot itself?

MR. RIVLIN: Your Honour yes, that is right. Your Honour, when you come to listen to these, as I mentioned yesterday, you will hear that some of the speech is very garbled. In instances either the defendant or Mr. Perry speak very quickly and in particular Mr. Perry who speaks at break neck speed in some cases.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And Your Honour will no doubt be assisted by looking at the transcripts as you are listening to what is said, but if you get lost, as I did occasionally when I was first listening to the tapes, would you kindly shout out and we will stop the tape and go back over that which has been said.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Your Honour, there will be parts when I think I will tell you on first listening you will simply be unable to catch all the words, but occasionally the two of them will be speaking one at the same time, but Your Honour we will hear expert evidence about the words that were used, in due course, and I hope that it won't be necessary to take a lot of time over that just now. Tape 1, Your Honour, exhibit number 1.

HIS HON. JUDGE STROYAN: Well I am going to follow it on 35C is that right?

MR. RIVLIN: 35C page 1. Your Honour, this is the telephone conversation made from Perry's mothers home to the Police Station, setting up a meeting with Sergeant Symonds.

HIS HON. JUDGE STROYAN: Yes I see. Ought I to put these headphones on?

MR. RIVLIN: I don't think so for this one, Your Honour, but if you have difficulty by all means.

HIS HON. JUDGE STROYAN: Can we play back if necessary?

MR. RIVLIN: Oh yes. As I say, Your Honour, if you have any problems just call out and we will play back.

HIS HON. JUDGE STROYAN: Yes very well. Now then, has Mr. Symonds got a pair of headphones?

MR. SYMONDS: I have My Lord.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: There are one or two points I would like to raise, My Lord, before we go into the tape recordings if I may?

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: My Lord, the first point is the fact that these Court proceedings are apparently being tape recorded by the Prosecution and I understand that it is possible the tape recording was being made during a conference with my defending counsel this morning from 10 o'clock onwards.

A

HIS HON. JUDGE STROYAN: Well Mr. Rivlin, what about that?

MR. RIVLIN: Well, Your Honour, I hardly need to turn round and take instructions about that but I shall do so. It is a most extraordinary and offensive suggestion. No recorders have been switched on until you entered the Court.

B

HIS HON. JUDGE STROYAN: Yes. There we are. I received requests that there should be permission to make tape recordings both by the Prosecution and the Defence and I said Yes to both.

MR. SYMONDS: I beg your pardon My Lord?

C

HIS HON. JUDGE STROYAN: Of the whole trial or of such parts of the proceedings as anybody wants. This is a public court and anybody is entitled to sit here and listen, anybody is entitled to take shorthand notes if they want to.

MR. SYMONDS: Very good My Lord.

HIS HON. JUDGE STROYAN: And I gave permission to your Solicitors just as I gave permission to the Prosecution Solicitor.

D

MR. RIVLIN: Your Honour, may I tell you, I don't think we have made such a request and we have not been taping anyway.

HIS HON. JUDGE STROYAN: Oh. I did have a request from both sides and I said Yes to everybody. Anything else you want to add?

MR. SYMONDS: I have some points about the transcripts, My Lord, perhaps I can raise those later?

E

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Your Honour, may I clear matters up? Mr. Walker is here on behalf of that department in the Metropolitan Police Force whose duty it is to investigate allegations that are made against the Police.

F

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And the reason why he has made that request apparently is so that he can have a record of any allegations that are made against police officers and investigate them.

G

HIS HON. JUDGE STROYAN: Yes. Well the ordinary practice is that someone comes along and takes a shorthand note but it saves doing that if one has got it on tape.

MR. RIVLIN: Yes.

HIS HON. JUDGE STROYAN: Yes.

H

MR. RIVLIN: Could we have number 1 please.

(Tape number 1 played to the Court)

MR. RIVLIN: We are now going to go on, Your Honour, to tape 2, exhibit 2.

HIS HON. JUDGE STROYAN: Just a moment please.

A MR. RIVLIN: The conversation ...

HIS HON. JUDGE STROYAN: Just a moment please. Tape 2, yes

B MR. RIVLIN: The conversation said to be recorded that afternoon, later that afternoon, when they met at the Rose public house. Your Honour, may I tell you that in relation to this particular recording the Crown accepts that it was a poor recording. It is badly broken up for various reasons that will be explained to you in due course.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Your Honour can see if you look at page 4 that the tape recorder is switched on at 0.00 and we are 2 minutes 24 seconds into the tape before we get anything on it.

C HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And we don't get very much, and then more minutes elapse until 5 minutes 10 seconds into the tape before we get any more and so it goes on. We are not going to - unless Your Honour directs, that we should play through all the blank parts.

D HIS HON. JUDGE STROYAN: No.

MR. RIVLIN: We are just going to concentrate on the bits where we get something.

HIS HON. JUDGE STROYAN: Yes. Well I can see no reason for sitting in silence unnecessarily.

E MR. RIVLIN: No.

HIS HON. JUDGE STROYAN: Ought I to put my headphones on for this?

MR. RIVLIN: No I think not Your Honour.

HIS HON. JUDGE STROYAN: Very well. Yes.

F (Tape 2, exhibit 2 played to the Court)

MR. RIVLIN: We are going to go on, Your Honour, to tape 5 exhibit 3. This is the 31st of October at the Grove public house.

HIS HON. JUDGE STROYAN: Yes.

G MR. RIVLIN: And this is a pretty good recording.

MR. SYMONDS: My Lord, would it be possible for you to listen to the tapes without the transcripts at the moment?

HIS HON. JUDGE STROYAN: No it is much easier for me if I do. I am trying to make notes on the transcript of what I can hear and what I can't hear.

H MR. RIVLIN: Your Honour, whilst this is being set up might I direct your attention to page 15?

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And 25.20.

A HIS HON. JUDGE STROYAN: Page 15?

MR. RIVLIN: Page 15, time 25.20.

HIS HON. JUDGE STROYAN: Yes.

B MR. RIVLIN: Your Honour, it will be the submission of the Crown - and perhaps it might assist you if I make reference to this - that it is possible at this point to hear some rustling and the Crown will suggest that that may well be the rustling of money being passed over.

HIS HON. JUDGE STROYAN: Ah, yes.

C MR. RIVLIN: Now Your Honour at the outset of this page 7 the car radio is switched on in Perry's motor car and it was on for 19 minutes before the recording got underway and it is a feature of these tapes that one can occasionally, certainly at the beginning and end, hear music and the like.

(Tape 5, exhibit 3 played to the Court)

D MR. RIVLIN: Yes. Well we are now going to go on to Tape 14, exhibit 5, 21st of November, 1969, Your Honour, one of three recordings. This is thought to be the best of the recordings that is why we are playing it.

HIS HON. JUDGE STROYAN: They are all improving continuously.

MR. RIVLIN: They are all improving continuously and each one has different qualities because the microphone in each case was positioned in a different place.

E HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Exhibit 7, the cassette, is not good but the other two are alright.

HIS HON. JUDGE STROYAN: So this one is Tape 14, exhibit 5?

MR. RIVLIN: Yes.

F HIS HON. JUDGE STROYAN: Yes, so I need my headphones on for this?

MR. RIVLIN: No I think not Your Honour.

MR. SYMONDS: Excuse me My Lord, I am not quite sure why we are playing these tapes now. I understood it was to identify my voice. I don't understand why we are playing the tapes at this stage.

G HIS HON. JUDGE STROYAN: I thought you wanted me to hear them to decide whether they were authentic or not?

MR. SYMONDS: I do My Lord, but in due course at the proper time when my voice is identified and they are produced by Perry.

H MR. RIVLIN: Can I help there Your Honour?

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: The position is that Mr. Perry will be called to identify the voice.

A

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: But the situation is this, that it is very much part of our case in relation to proving originality and authenticity that Mr. Lloyd and Mr. Mounter, immediately after these tapes had been made, listened to them.

HIS HON. JUDGE STROYAN: Yes.

B

MR. RIVLIN: And if their evidence is to that effect and if Your Honour accepts their evidence, then that is really taking us a very long way on the road to establishing their authenticity.

HIS HON. JUDGE STROYAN: Yes.

C

MR. RIVLIN: Because if they say "this is what was said at the time" then the idea that they have been tampered with later is, in my submission, nonsense.

HIS HON. JUDGE STROYAN: They played them back immediately?

MR. RIVLIN: They played them back immediately; that is our point of going through them now.

D

HIS HON. JUDGE STROYAN: You follow that Mr. Symonds, it is whether I believe Mr. Perry, well not Mr. Perry, Mr. Mounter and his colleague.

MR. SYMONDS: My Lord, I follow the argument but if Lloyd and Mounter did not overhear the conversation and played back the conversation sometime after it took place, sometime as long as an hour or half an hour, then that is in fact hearsay evidence My Lord and they cannot give evidence as such to my mind.

E

HIS HON. JUDGE STROYAN: No it is not a question of overhearing them at all. The point is that I am trying to decide whether these tapes are authentic and whether they have been tampered with. If it be true and if I accept the evidence of Mr. Lloyd and Mr. Mounter that immediately these recordings had been made they played them over and this is what they heard; if that is right - and I don't know whether it is - if it is right then that is an important point in the case for the Crown. It is going to be up to you to ask questions of Mr. Lloyd and Mr. Mounter if you think it right to do so to show that their evidence is not right and then I shall have to decide it, but I have to hear it before I decide it. I cannot decide it without listening to it. Yes.

F

(Tape 14, exhibit 5 played to the Court)

G

MR. RIVLIN: Your Honour, I am going to call my evidence.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Mr Lloyd please, and could Mr. Mounter please leave the Court.

H

MR. LLOYD (Sworn)
EXAMINED BY MR. RIVLIN

- A** Q: What is your full name and address please? - A: Gareth Lloyd, 81 Dysart Avenue, Kingston upon Thames.
- Q: And by whom are you employed at the present time? - A: B.B.C.
- Q: In what capacity? - A: As a television reporter.
- B** Q: In 1969 ...
- HIS HON. JUDGE STROYAN: Just a moment please. What page are we at?
- MR. RIVLIN: This is page 1 of the depositions.
- HIS HON. JUDGE STROYAN: Yes.
- C** MR. RIVLIN: In 1969 who were your employers? - A: The Times.
- Q: And how long had you been employed by the Times at that time? - A: Em.. I suppose about 5 years.
- Q: And in what capacity? - A: As a reporter.
- D** Q: And if you just answer this question Yes or No please. Is it right that in October of 1969 you were approached by somebody in connection with this case? - A: Yes.
- Q: And as a result of that did you go to a public house in Dulwich and there meet some men? - A: Yes sir.
- Q: Was one of those men a man called Perry? A: Yes sir.
- E** Q: Again if you just answer Yes or No please. As a result of what he told you did you decide to do something? - A: Yes sir.
- Q: Were you with your fellow reporter at that time, Mr. Mounter? - A: No sir.
- Q: But he was brought into the picture, is that right? - A: Em ... shortly after.
- F** Q: Shortly after, and again if you would kindly just answer Yes or No. Is it right that at the time you were concerned not merely with the defendant in this case but other police officers as well? - A: Principally with other police officers.
- Q: Principally with other police officers. The first tape that we have heard in this case - that is this morning - was purported to be a telephone conversation, wasn't it? A: It is sir.
- G** Q: Were you present when that telephone conversation was made? - A: I was sir.
- Q: And Mr. Lloyd, did you make notes of the events that occurred during the enquiries? I am going to call them the Times Enquiry. - A: Yes sir.
- H** Q: That lasted about a month? - A: Yes sir.

Q: You did make notes? - A: Yes sir.

Q: In what form did you make notes? - A: In a notebook sir.

A Q: Would you have a look at Exhibit number 9 please, and I think whilst that is being obtained I can usefully ask you one or two further questions. Did you also make a statement to the Times? - A: Yes sir.

Q: Together with Mr. Mounter? - A: Yes sir.

Q: Statements which you both signed? - A: Yes sir.

B Q: Now would you have a look at Exhibit 9? - A: Yes that is the notebook sir.

Q: That is your notebook? - A: Yes sir.

Q: Is that your original notebook? - A: Yes sir.

C Q: When did you make the notes which appear in that notebook? - A: At the time, sir, of the investigation.

Q: They were contemporaneous notes were they? - A: Yes sir.

Q: And on each day that an event occurred relevant to this case would you make notes? - A: Yes sir.

D Q: At the time that you make the notes were the matters then fresh in your mind? - A: Yes sir.

Q: Are those notes in ordinary English that anyone can understand? - A: no sir they are in shorthand.

E Q: And Your Honour will recall that at an earlier stage in this case the defendant asked to be allowed leave to have access to an expert in connection with shorthand notes. Those are the notes that he was talking about.

HIS HON. JUDGE STROYAN: Yes I remember that, and I think I ordered that there should be a transcript, if that is right, of those notes?

MR. RIVLIN: Yes certainly. Well in fact, Your Honour, I don't invite you to look at it.

F HIS HON. JUDGE STROYAN: No.

MR. RIVLIN: At the present time. We have got a typewritten transcript of this.

HIS HON. JUDGE STROYAN: Yes.

G MR. RIVLIN: And the defendant has got a typewritten transcript of this.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: It will enable him to go to the point in each case.

HIS HON. JUDGE STROYAN: Yes.

H MR. RIVLIN: And I am going to confine myself very strictly this being a trial within a trial.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Might he refer to his notebook Your Honour?

A
HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Can we deal first with the 28th of October. - A: I wonder, sir, these notes were made 11 years ago, I was asked by the Police to transcribe them at the time, I did so, and could I refer to the transcript? I am sure I cannot read them now.

B
MR. RIVLIN: Well certainly with His Honour's leave. May he refer to the transcript that he made at the time?

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Could we have that please?

HIS HON. JUDGE STROYAN: Yes the transcript.

C
MR. SYMONDS: My Lord, is that the time the notes were made or some years later?

MR. RIVLIN: When did you make your transcript? - A: The transcript was made at the time of the Police investigation into our enquiries.

Q: And that was, we have heard, December when the Police came on to the scene?
A: That is right sir.

D
Q: The time that you transcribed your notes into legible English, is that fair? - A: Yes sir.

Q: Were the matters then fresh in your mind? - A: Oh yes sir.

E
Q: And moreover, before you look at that, I think it might be helpful for you to have a look at some other documents. 7 and 8 please. You have mentioned that you and Mr. Mounter also made statements to the Times? - A: Yes sir.

Q: Now I would just like you to have this bundle of documents we have and perhaps we can identify it. Would you open it up? - A: Those are the ones sir.

F
Q: Those are the statements that you made to the Times. Are those the original ones? - A: Yes sir.

Q: Are they signed by yourself and Mr. Mounter? - A: Yes they are.

HIS HON. JUDGE STROYAN: What exhibit number are those?

G
MR. RIVLIN: They haven't been exhibited yet and I don't think they could be; certainly not Your Honour until I have established them properly in Court. Those notes I think are dated either the 25th of November or the 27th of November aren't they? - A: Yes I think that was probably the time we actually signed them. They weren't actually when they were made.

Q: They are typewritten notes aren't they? - A: Yes.

H
Q: And can you explain to His Honour how they came to be written out? - A: They were - I think from my recollection sir - they were largely made on the day that we actually carried out the enquiries. At the end of the day we went back to the office and sat down and typed these.

Q: Who did the typing? - A: Well Mr. Mounter would have done his and I would have done mine.

A HIS HON. JUDGE STROYAN: Am I right in thinking the sequence is this; the events took place at various public houses and as they were taking place you made notes in shorthand? - A: That is right sir.

HIS HON. JUDGE STROYAN: You then got back to your office and transcribed the shorthand notes into typewritten form, is that right? - A: Yes that was the general intention of it. I cannot say I typed all my notes up from my notebook then, but we made usually general statements about the events of the day.

B HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Well at the time that you made all of those statements were the matters then fresh in your mind? - A: Oh yes sir.

Q: Yes. Well might he refer to any of these documents if he need to?

C HIS HON. JUDGE STROYAN: Well if they were made contemporaneously, that is on the same day, he can refresh his memory from them, but the notes themselves is not evidence, the evidence as to what I have here from the notebook, the defendant ought to be shown those.

MR. RIVLIN: May I tell you the position is this, that the defence have been supplied with all of this.

D HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: That is the transcripts of the statements to the Times, transcripts of Mr. Lloyd's original notebook.

HIS HON. JUDGE STROYAN: Yes.

E MR. RIVLIN: So that they have got everything. Now, Mr. Lloyd, let us deal first with the 28th of October shall we. On morning of that day where did you go to? - A: Em ... could I have the transcript of my notebook?

Q: Yes I think you can have them there. What he is doing, Your Honour, is this ... - A: It is the original transcript.

HIS HON. JUDGE STROYAN: It is the original.

F MR. SYMONDS: My Lord, when was this original transcript made please?

MR. RIVLIN: If I can be allowed, Your Honour, to establish it?

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: The position is this; you have spoken about this document have you not? - A: Yes sir.

G Q: You said that you in fact caused your original notes to be transcribed to typescript, is that right? - A: At the Police behest, yes.

Q: At the Police behest, and that was in December? - A: Yes sir.

Q: When the Police were brought into the picture? - A: Yes sir.

H Q: And you said that at that time it was possible for you to read your original notes? - A: Yes sir, yes.

Q: And understand them? - A: Yes.

Q: And the matters were fresh in your mind? - A: That is right sir.

A HIS HON. JUDGE STROYAN: Well you are now about to look at transcripts made in December, 1969 are you? - A: Yes sir.

MR. RIVLIN: From your original notes? - A: Yes sir.

HIS HON. JUDGE STROYAN: That looks like a copy document to me. - A: Well I can remember typing this sir and I can tell you that that is an exact photostat of it.

B MR. RIVLIN: Well let us see first before we look at that whether we can actually obtain the original of that. I wonder if Sergeant Stone might be able to help?

HIS HON. JUDGE STROYAN: I thought he had just been handed the original? - A: That is the photostat.

C MR. RIVLIN: That is a copy. He has got the original statement to the Times, Your Honour, he has got the original notebook, but he has been shown a photocopy of the transcription of his original notes.

HIS HON. JUDGE STROYAN: Yes. Well if the original notes are there it is the best evidence.

D MR. RIVLIN: It is Your Honour. Do the best you can with your original notes and if you get into difficulties don't worry about it, let us know and we will take it from there. The 28th of October please. - A: Yes sir.

Q: Do you have a reference to anything somewhere .. going somewhere that morning? - A: Yes to 34 Bingham Point, Woolwich.

Q: And that was a dwelling house. Whose home was it? - A: That's Perry's home sir; his mother's home.

E Q: Perry's mother's home, and did you go there alone or with somebody? - A: I went with Julian Mounter my colleague and Mr. Ernest Hawkey the sound recordist.

Q: Now what was your object in going to that house? What were you seeking to do? Let us confine your evidence to this case; that is Mr. Symond's case. A: Well I cannot confine it to this case sir because the whole matter overlaps with the other one.

F Q: It does indeed. - A: We went to this address because Mr. Perry had told us that he was expecting to receive a telephone call from Detective Inspector Bernard Robson of Scotland Yard.

Q: Yes, and you wished to tape that call? - A: Yes sir.

G Q: Is it also right that something happened in relation to Detective Sergeant Symonds as he then was? - A: Yes sir.

Q: What was the object there? - A: We telephoned him at Camberwell Police Station. Perry did.

Q: Were you able to get him at first? - A: No sir.

H Q: Can you remember? - A: No sir.

Q: You couldn't get him at first? - A: I don't really recollect. I think ... I think he may have had to ring back. There is a tape recording. The transcript of the tape recording ...

A Q: Absolutely. It doesn't matter. Did you eventually manage to get Sergeant Symonds? - A: Yes sir.

Q: You have listened to a tape recording this morning, have you not? - A: Yes sir.

Q: Exhibit number 1 was played? - A: Yes sir.

B Q: What do you say about that? - A: That is the tape recording that we made at the time.

Q: Would you have a look please at exhibit number 1? - A: Yes that is it sir.

Q: Your Honour may be assisted here by the schedule of markings that we put in yesterday.

C HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Are there any markings on the box or on the tape for which you are responsible? - A: Yes sir.

D Q: Would you please tell His Honour which ones, one or ones, they are? - A: The centre spool, Your Honour, contains a piece of a torn off envelope which I had torn from an envelope in my pocket and attached to the label and it is marked "October, 28th - phone." That is in my handwriting sir.

Q: In fact which side are you looking at? I don't suppose it really matters what is on the other side. Anything that you can see? - A: There are some Police references on the other side sir.

Q: So that is the marking for which you are responsible? - A: That is so.

E HIS HON. JUDGE STROYAN: Can I see it please? - A: It has become detached sir.

HIS HON. JUDGE STROYAN: The particular labels on the other side are not anything to do with you? - A: No sir.

F HIS HON. JUDGE STROYAN: Thank you.

MR. RIVLIN: And if you look at the box please. Do you see the word "master" there? - A: Yes I do sir.

Q: Is that in your handwriting? - A: It's not.

Q: Do you recognise any of the handwriting? - A: Well I think it might be, mebbe, the handwriting of one of our secretaries but I am not able to say.

G Q: You are not able to say. Now what do you say about that tape? - A: I say that that is the original tape that we made at the time of that telephone call sir.

H Q: I am going to go on but before I can go on to tape number 2 I am going to ask you another question. Had you ever done anything like this before, taping conversations with ,.....? - A: No Your Honour.

Q: Police officers or with anybody else? - A: No Your Honour.

Q: This was something new to you? - A: Entirely novel.

A Q: Entirely novel this experience. Had you any experience in handling tapes?
A: No sir.

Q: And marking them, editing them or anything like that? - A: No, none Your Honour.

Q: Of course the Police weren't brought into the picture at this time were they? - A: No sir.

B Q: And so who was devising the system? - A: We really devised it jointly as we went along.

Q: That is you and ...? - A: And Mr. Mounter.

Q: A meeting was arranged - at least if one accepts the tape - a meeting was arranged? - A: Yes sir.

C Q: For 10 p.m. Now do you remember whether the meeting was held at 10 p.m. or whether it was held at some other time? - A: I believe it was brought forward sir.

Q: Have a look at your notebook would you and see if that assists you please, as to the actual meeting itself and the time of the meeting? - A: It's awfully hard to decipher this shorthand now sir.

D HIS HON. JUDGE STROYAN: Take your time.

MR. RIVLIN: Your Honour, may I say that we have now got what I believe is the original transcription.

HIS HON. JUDGE STROYAN: Yes.

E MR. RIVLIN: Of these shorthand notes.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Done by the witness, and I would like to put it to him for his identification if I may?

HIS HON. JUDGE STROYAN: Yes.

F MR. RIVLIN: Would you please have a look at this document here, or these series of documents? - A: Thank you.

Q: Open it up and tell me? - A: Yes that's, that's it sir.

Q: That is the original transcription from your original notes? - A: Yes it is, yes.

G Q: Is that right? ? A: Yes that's right, yes sir.

Q: Yes. Your Honour, in my respectful submission it is quite proper for this man to be permitted to refer to this transcription.

HIS HON. JUDGE STROYAN: Yes.

H MR. RIVLIN: Would you please go to the 28th of October, I think page 9? -
A: Yes. Yes we rang back to try to bring the appointment forward.

A Q: Was there a reason for that at the time? - A: Yes there was sir. The purpose of this telephone call ... what had happened sir was that while we were talking to Perry and waiting for this phone call to come from Detective Inspector Robson he made certain allegations to us about the bribing of other police officers.

Q: Well now, just ... I am sorry, but I am going to have to ...? - A: Yes.

Q: I don't mind the word 'extortion' but you know what I mean? - A: Yes.

B Q: We cannot deal with other matters. Was there a reason for bringing the meeting forward into daylight? - A: Oh yes because we felt that we needed to photograph the meeting if we could do so and we couldn't do so at night.

Q: Yes, and in fact if you look at page 10 of your transcript does that assist you to recall when the meeting actually took place? - A: 5 o'clock sir. 5 p.m. or perhaps 5.30, sorry the meeting was at 5.30 yes.

C Q: 5.30 and where did that meeting take place? - A: At the Plough public house sir.

Q: Was it the Plough that first meeting? Well we will have a look. - A: Mebbe it was the Rose sir, the Rose public house.

Q: The Rose public house? - A: The Rose, sorry, that is right. It is the Rose sir. There is an earlier note.

D Q: Now who was present at the Rose? - A: Well there would be myself and Mr. Mounter, Mr. Hawkey the recording engineer, a photographer called Colin Sims and possibly ... em ... the Transport Officer of the recording company a lady called Joan Millard, but I cannot recall whether she was there on that occasion.

Q: Yes, and was it your intention to tape ...? - A: Yes.

E Q: That meeting? - A: Yes.

Q: Can you, by reference to your notes, recall what method was adopted on that occasion? - A: Yes it was ... em ... it was a radio recording sir through a microphone, a chest microphone that we hid around Perry's neck under his shirt.

F Q: And where was the transmitter and the receiver, the receiving tape recorder housed? - A: Em ... that would have been in the recording engineer's car.

Q: Mr. Hawkey's car? - A: Mr. Hawkey's car.

Q: Yes. Now you have heard, haven't you, today, exhibit number 2? - A: Yes sir.

G Q: After this meeting had taken place did you listen to the recording? - A: Yes we did sir.

Q: How long after? - A: I think it was actually minutes after ... em we, we started to play it in the car.

H Q: The recording that we have heard this morning I think may fairly be described as a 'broken recording'? - A: Yes. Yes we were very disappointed with it.

Q: What do you say about the recording that you heard this morning? -
A: Well it was done with a radio microphone sir and ... er ... radio recordings are notoriously unreliable. If the transmitting and receiving equipment are not in alignment then you get a broken signal and ... er... we didn't know about that at the time.

Q: What do you say about the actual recording that you heard in Court this morning in relation to the one that you heard played back at the time? -
A: It is the same one.

Q: It is the same one? - A: Yes sir.

HIS HON. JUDGE STROYAN: That is exhibit 2?

MR. RIVLIN: That is exhibit number 2. Now I would like you to have a look at exhibit number 2 please. Look at the box and also at the tape? - A: Yes sir.

Q: And tell His Honour if there are any markings on that ... on either that you can identify? - A: Em ... certainly yes, there are on both the box and the tape sir.

Q: Let us deal with the box first. Does your handwriting appear on the box?
A: It does sir.

Q: You just read out what you have written? - A: I have written "master, October the 28th, 1969, Rose public house, Camberwell. Perry and D.S. Symonds." And on the centre spool of the tape there is my handwriting which says "Rose public house, Camberwell. Perry and D.S. Symonds. October, 28th, 1969. Master - original." And my signature.

HIS HON. JUDGE STROYAN: All of those are in your handwriting? - A: All of those are in my handwriting.

MR. RIVLIN: The word "master" meaning? - A: That it is the original.

Q: And so what do you say about exhibit number 2? - A: I say that it is the original recording that we made at the time sir.

Q: We are now going to go on, Mr. Lloyd, to talk about October the 31st (3 days later)? - A: Yes sir.

Q: On that day is it right that a meeting was arranged? - A: Yes sir.

Q: Between Mr. Perry and Mr. Symonds? - A: That is right sir.

Q: Where was the meeting to take place? - A: At the Edinburgh public house sir.

Q: Was the meeting. Did the meeting in fact take place at the Edinburgh or did it take place at another public house? If you look at page 22 of your notes? - A: No it took place at the Grove sir. Grove public house.

Q: At what time? - A: At ... er ... 2.30. 2.20. I have got a note of 2.20 and 2.30 here. I think it was arranged for 2.30 and I walked past the car park at 2.20 and saw Perry's car there.

Q: Who was present? - A: Do you mean observing?

Q: On your side of the fence as it were, the Times side of the fence who was present? - A: There was myself sir, my colleague Julian Mounter ..em... Joan Millard the Transport Officer of the recording company, a photographer Mr. John Pridmore.

- A
- Q: Who did the recording? - A: Oh the recording engineer Mr. Hawkey.
- Q: Yes. Now as regards Mr. Hawkey the recording engineer; was he employed by the Times or not? - A: No sir he was ... er ... employed by the film recording company. A film company.
- B
- Q: And how did you come to go to him, was he a friend of yours? - A: Oh no sir, no. I had never had any contact with him or anybody else at the time. I cannot remember how Location Sound were selected. I think we probably rang around and asked. I mean we may have got it out of the Yellow Pages if they existed in those days. I really don't remember.
- Q: You don't remember that but at all events was Mr. Hawkey known if not to you, was he known to any of you? Mr. Mounter? - A: No.
- Q: As far as you knew? - A: No he wasn't known to us at all. We simply .. em ... phoned this company and asked them whether they had the capability of giving us some expert who could record telephone calls and supply us with recording equipment.
- C
- Q: Now let us go on to the arrangements which were made this time. Last time the recording equipment was in Mr. Hawkey's motor car and you said you were very disappointed with that? - A: That is right sir, yes.
- Q: What happened this time? - A: Well one had to ... we learnt from our mistakes there Your Honour and we decided that much the best arrangement - if we could do it - was to have a direct recording and we wired up a microphone under the dashboard of Michael Perry's car so that it had a direct lead to the recorder in the boot of his car.
- D
- Q: Was that the only recording that you decided to make or did you ...? - A: No what we intended to do as these meetings carried on, we doubled up on a radio recording as well.
- Q: But on this occasion on the 31st of October, did you also have a radio recording? If you cannot remember off hand I might be able to assist. - A: I cannot remember off hand.
- E
- Q: Very well. Now ...? - A: Oh yes, a second recorder was to be installed in a brown and cream Austin Westminster. That is the 31st.
- Q: Yes. Well do you know if that was certainly I think that in fact the situation was this, wasn't it, that other meetings were recorded on that day? - A: Oh yes they were, yes, that is right sir.
- F
- Q: Well don't trouble about that, we will come back to that in a moment. - A: Yes.
- Q: You have heard played in Court today the tape exhibit number 3, tape number 5. - A: Yes I have sir.
- G
- Q: After the recording that was made on that day did you listen to it? - A: Yes sir.
- Q: How long afterwards? - A: Very shortly afterwards sir.
- Q: Are you talking about minutes or hours? - A: No it would probably be about half an hour.
- H
- Q: Yes. What do you say about the recording that you listened to in Court this morning? - A: That is the recording sir.

Q: Would you please have a look at Tape 5. - A: Yes sir.

Q: Box and tape. - A: Yes. Well the box ...

A Q: Just identify any of your own handwriting that may appear on either? -
A: I can identify my handwriting on the box, it ...

Q: Read out what you have written please? - A: It says "Master. October the 31st. Tape of Symonds (Detective Sergeant) the Grove public house."

HIS HON. JUDGE STROYAN: Just a moment. Symonds, what? - A: "Symonds (Detective Sergeant)."

B HIS HON. JUDGE STROYAN: Yes. - A: "The Grove public house."

MR. RIVLIN: So that is everything, isn't it, really? - A: Yes.

HIS HON. JUDGE STROYAN: That is all your writing? - A: Yes.

HIS HON. JUDGE STROYAN: And it is on the box? - A: It is on the box.

C HIS HON. JUDGE STROYAN: What about the tape? - A: On the tape sir it is also ... there is one word in my handwriting including my signature which says "original" and there is Mr. Mounter's writing on the centre spool which says "tape of Symonds (Detective Sergeant) the Grove pub. October 31st, 1969."

D MR. RIVLIN: And is there a signature there? - A: There are both Mr. Mounter's signature and my own.

Q: And what do you say about the tape and the box? - A: I say that that is the original tape that we made then sir.

Q: Now I would like you to have a look, if you would please, at another tape just to see if you can

E HIS HON. JUDGE STROYAN: Did you actually see the recording? Did you see the people sitting in the car when the recording was being made? - A: Yes sir.

HIS HON. JUDGE STROYAN: Who was sitting in the car? - A: Er ... Perry and Detective Sergeant Symonds. I could see two figures in the car.

F MR. RIVLIN: I think you are able, are you not, to give the car registration number if you need to? - A: Yes sir.

Q: Would you like to give the numbers of the two vehicles because I think that may tie the matter up? - A: Perry's car sir is 409 BLU.

HIS HON. JUDGE STROYAN: Just a moment. 409 BLU yes. - A: Ander ... Mr. Symonds car was a white Vauxhall 739 CRK.

G HIS HON. JUDGE STROYAN: 739 CRK. Thank you. Yes.

MR. RIVLIN: I would like you to look at a tape that has not been played in Court today. That is exhibit 4, tape 3 which includes 3, 3A and 3B. -
A: Yes I can identify my writing on that sir.

H Q: Would you please .. you are looking at the box aren't you? - A: Yes sir.

Q: Would you just read out anything that is in your own handwriting? -
A: The words "master" sir, "October the 31st, 1969. Grove Inn, meeting with Symonds. Duplicate taken with radio mike and phone calls."

A Q: Now given that you have written "duplicate taken with radio mike" does that help you to say which one this was? - A: I think this must be .. er .. the sound, the ... er ... radio recording.

Q: That was made with the microphone round Perry's neck? - A: Yes sir.

B Q: Yes alright. Anythingelse on the box? - A: Em ... yes. Em .. on the back of the box sir I have written "start of tape includes meeting with Harris outside Edinburgh Castle. A duplicate but of little use because batteries of 'U' ran down." The Uher was a tape recorder sir. "We have a perfect recording from a Nagra direct recording." The Nagra is another type of tape recording machine sir, and then it goes on later on: "Sergeant Symonds" is written on front of the box and then on the other side "Camberwell phone call."

C Q: Right. Would you look at the tape itself. Is there anything there in your handwriting? - A: Em ... yes on the centre spool of one side is "phone calls" in my handwriting and on the other side is Mr. Mounter's writing sir which is indecipherable.

Q: Yes. Well he can try and decipher his own handwriting. - A: But that is not the tape we heard played in Court today.

D Q: No that includes 3B. - A: Yes.

Q: As regards that ...

HIS HON. JUDGE STROYAN: The one we heard was exhibit 3, tape 5.

MR. RIVLIN: We had exhibit 3, tape 5.

HIS HON. JUDGE STROYAN: Yes.

E MR. RIVLIN: As regards the second one I have just shown you in relation to the 31st of October, what do you say about that? - A: I would say that is the original tape made at the time.

Q: We are going on to talk about another day, the 21st of November. I think for your assistance if you go to page 33 of your transcript of the notes.
A: Yes sir.

F Q: Yes, of your typewritten notes. - A: Yes.

Q: You come to Friday the 21st of November? - A: Yes that is right sir.

Q: Do you have that? - A: I have got it sir, yes.

G Q: Yes. Now Mr. Lloyd, on this day (Friday the 21st of November) ..? -
A: Uh huh.

Q: Did another meeting take place between Mr. Perry and Mr. Symonds? -
A: Yes it did sir.

Q: And where did that meeting take place? - A: At the Grove car park sir, the same place.

H Q: The same place? - A: The same place.

Q: And who was present? I don't mean who was actually on the car park but who was present to investigate the matter? - A: Em ...

Q: Were you present? - A: Oh I was and Mr. Mounter. Em ... Mr. Hawkey. I can't remember, probably Joan Millard.

Q: At all events the three of you were present. Did you have a photographer there on that occasion? I think you did, didn't you? - A: If we did I don't ...

Q: Well don't worry about it because it doesn't really matter at the moment. As regards that, what arrangements were made? You say you doubled up; the first time you had one recording, the second time two, what happened on the third occasion? - A: Er ... we made on this occasion a third one as well. We improved on this occasion - they had a third one as well - and as time went on I felt, and it is probable sir we had a small cassette recorder.

Q: Yes. - A: At some of these meetings.

Q: Yes. Well can you help His Honour as to what arrangements were made so far as tape recording was concerned on this occasion? I think if you look ... A: Oh yes, the photographer was Mr. Grevett.

HIS HON. JUDGE STROYAN: Who? - A: Freddy Grevett.

MR. RIVLIN: The photographer was Mr. Grevett? - A: Freddy Grevett.

Q: If you look at the top of page 35. - A: Yes, we had two direct recording one on a cassette that was the cassette recording sir. That was operated by a small ... er ... pocket Grundig sir which was attached ...

HIS HON. JUDGE STROYAN: You say there were two direct recordings? - A: Yes.

HIS HON. JUDGE STROYAN: In relation to the Grundig, is that right? -A: No there were two direct recordings; one would be from the microphone under the dashboard of Perry's car ...

HIS HON. JUDGE STROYAN: Are we talking about the Grundig or somethingelse at the moment? - A: We are talking about somethingelse.

MR. RIVLIN: Does Your Honour have this?

HIS HON. JUDGE STROYAN: Yes I have, but I was rather puzzled. - A: Well we identify the methods of recording. When I am talking about 'direct recording' I am talking about one that doesn't go via a radio transmitter.

HIS HON. JUDGE STROYAN: Yes. - A: And on that occasion we had the microphone under the dashboard of Perry's car leading to a tape recorder in the boot.

HIS HON. JUDGE STROYAN: Just a moment.

MR. RIVLIN: That is exhibit 5, tape 14.

HIS HON. JUDGE STROYAN: Microphone under dashboard in Perry's car wired to a recorder in the boot, is that right? - A: That is right sir.

HIS HON. JUDGE STROYAN: Yes. - A: And ... em ... another one on a cassette. Can I just study my notes at this point?

HIS HON. JUDGE STROYAN: Yes certainly. - A: Yes, and then there would have been one on the cassette which would have been wired to a mike which I think was on his wrist. Taped to his wrist.

A HIS HON. JUDGE STROYAN: Wired? - A: Yes we strapped it round his wrist.

HIS HON. JUDGE STROYAN: Yes. - A: And then wired it through under his coat to ... er ... a little recorder about this size sir.

HIS HON. JUDGE STROYAN: Oh I see, yes. - A: In his pocket.

B MR. RIVLIN: That is the cassette player isn't it? - A: Yes the cassette recorder.

Q: And the third one? - A: The third one was a radio mike ... em ... on a microphone round his neck which would have been transmitting to another machine.

C Q: Which was a machine being where, in that car or some other car? - A: The other machine would have been in ... er ... the sound recordist's car I think or one of the other vehicles. I can't identify the note here.

Q: Well please don't trouble too much about it because we are going to hear evidence from Mr. Hawkey in due course. - A: Yes sir.

Q: At all exents there were three recordings being made? - A: Uh huh.

D Q: Two direct, one radio? - A: That's right.

Q: Now how long after the meeting was it that you played back any of these tapes? - A: Oh very shortly after. The practice was to ... em ... I think sometimes we actually spooled back ... er ... in the boot if we were able to, just to make sure that there was a recording on it, and then we drove to a house that we were using at Beckenham which was fairly close by and listened to them there.

E Q: And so it would be within an hour or ...? - A: Oh yes, yes.

Q: It would be within an hour? - A: Oh yes, we were anxious ... we were anxious to hear these recordings as soon as possible; at a first convenient moment.

F Q: Now you have heard today in Court exhibit number 5, tape number 14? - A: Yes sir.

Q: What do you say about it? - A: I say that that is the original recording made at that time sir.

Q: And I am going to ask you to look at the original tapes. - A: Yes sir.

G Q: To see if you can identify any markings. Let us deal with 5 first, tape 14, and you tell His Honour if your handwriting appears anywhere either on the box or on the tape? - A: No sir there is Mr. Mounter's handwriting on the box and on the tape.

Q: Does your handwriting appear anywhere? - A: No sir.

Q: Just Mr. Mounter's? - A: Uh huh.

H Q: And would you please have a look at exhibit number 6, tape 13? - A: Er there is Mr. Mounter's handwriting on the back of the box and on the centre spool of the tape.

Q: But not your handwriting? - A: Not mine sir, no.

Q: Finally, exhibit 7, tape 15. This is the cassette isn't it? - A: Yes that is right sir. Yes, and that has got Mr. Mounter's writing. This was the size of the machine sir, it was just something that could be held in the hand or in the pocket.

Q: Would you look carefully at the box please. Do you see any of your handwriting on the box? Do you see the word "master" on the box or not?
A: Yes that is mine.

Q: That is your handwriting? - A: Yes that is mine.

Q: Very well. Apart from that does your handwriting appear either on the box or on the tape? - A: No sir, no.

Q: You say that Mr. Mounter's writing appears? - A: Yes sir.

Q: Were you present when he wrote on it? - A: Yes sir.

Q: You were? - A: Yes sir.

Q: When did he write on those boxes? - A: Immediately we retrieved them from the machine.

Q: And what do you say about the three boxes and tapes you have just been shown? - A: Those are the original tapes that were made at the time sir.

Q: How important to you was it, Mr. Lloyd, that you should deal carefully with the original tapes? - A: Vital sir, that is why we went through all this paraphernalia.

Q: Did you or did you not deal carefully with the original tapes? - A: We did indeed sir.

Q: Did you ever tamper with the tapes in any way? - A: No sir.

Q: To your knowledge did anyone else? - A: No sir.

Q: And in whose custody were the tapes kept once they had been withdrawn from the machine and handed over? - A: They were kept in our custody sir locked in a brand new filing cabinet in an office at the Times and only Mr. Mounter and I had the keys to it.

Q: Indeed were your superiors at the Times permitted general access to these tapes? - A: No-one was permitted access except Mr. Mounter and myself sir.

Q: Were you present when the tapes were actually handed over to a police officer? - A: No sir.

Q: To your knowledge did the tapes ever leave your custody or Mr. Mounter's custody before they were handed over? - A: No sir.

Q: Were the original tapes handed over to the Police when the Times first published its article? - A: No my recollection sir is that the copies were handed over.

Q: Why did the Times hang on to the originals? - A: Because we didn't trust handing over the originals to the Police in case they were interfered with.

Q: You have told His Honour that on the second occasion you saw two men in a motor car? - A: Yes sir.

A Q: Can I just ask you this finally, can you remember whether on the first occasion at the Rose you saw what was going on in any motor car? -
A: Yes sir I walked past the car.

HIS HON. JUDGE STROYAN: This is at the Rose on the first occasion? - A: At the Rose on the first occasion.

MR. RIVLIN: How many people were in the car? - A: Er ... two.

B Q: Could you identify them? - A: I can identify Mr. Symonds as one, Mr. Perry as the other.

Q: On the third occasion - that is the 21st of November - did you see how many people were in the car? - A: No sir I saw two or three figures. It was as I recall the windows were misted up and it was difficult to see and we were very careful about being seen ourselves.

C Q: May I take it you have no personal knowledge of the defendant? You never chatted to him? - A: Never spoken to him sir.

Q: But you did speak to Mr. Perry? - A: Oh yes, on many occasions.

Q: You have heard the tapes in Court today? - A: I have sir.

D Q: Are you able to identify either of the voices? - A: I am able to identify ... em ... I think both the voices, but certainly Mr. Perry's.

Q: You can certainly identify Mr. Perry's? - A: Beyond any shadow of doubt.

Q: Is that on just one occasion or ...? - A: No I heard Mr. Perry's voice a great many times.

E Q: And could you identify his voice on just one of the tapes? - A: I can identify him on all of the tapes.

Q: On all of the tapes. Now I would like you in just a moment please would you please wait there Mr. Lloyd. - A: Yes.

CROSS-EXAMINED BY MR. SYMONDS

F Q: My Lord, I wonder if I can consult with my legal advisors for one or two minutes?

HIS HON. JUDGE STROYAN: Yes certainly.

MR. SYMONDS: As regards the framing of my questions.

G HIS HON. JUDGE STROYAN: Yes certainly.

MR. SYMONDS: Thank you My Lord.

HIS HON. JUDGE STROYAN: Yes.

H MR. SYMONDS: Mr. Lloyd, were these new tapes used on each occasion? -
A: No I cannot remember, Your Honour, whether they were. I think the first tape that we made the telephone calls on weren't new. The first tape was not new from my recollection.

Q: But all the other tapes were brand new when first used? - A: As far as I remember they were sir, yes.

Q: Did you see the seals being broken? - A: Yes.

A Q: And being removed from ...? - A: From the boxes.

Q: And from the plastic bag in which they were sealed? - A: That is correct yes.

Q: Mr. Hawkey has given evidence that the telephone tape was in fact brand new also and that one of the reporters broke the seals? - A: Well if that is the case then it was new sir.

B Q: Yes. Mr. Lloyd, would you agree that in the identifications you have made of the tape recordings in their boxes, you have in fact identified only the spools and the boxes, not the tapes themselves? - A: Yes sir.

Q: Did it cross your mind to consider marking the white leaders of the tapes in order to identify the tapes? - A: No sir.

C Q: You say you have had no previous experience of tape recording? - A: No sir.

Q: You were talking then of in the course of your profession? - A: Yes.

Q: But you had had previous experience of private tape recording? - A: Well I had made a film; an amateur film with the use of a tape recording.

D Q: So therefore it is within your knowledge that if a tape of this nature is placed on to the spool on a recorder and run continuously you would eventually pass on to another spool? - A: Oh yes.

Q: Is it within your knowledge that the tapes you were using always have a white leader and a red trailer? - A: No sir I didn't pay any attention.

E Q: Having made a film Mr. Lloyd, and having used a tape recorder privately would you have realised that by making some sort of identification mark upon the plastic white leader of the tape this would in no way have harmed the magnetic material on the tape? - A: Probably. I wouldn't ...em ... I wouldn't have had that much knowledge of it.

Q: Or that it is a standard method of identifying tapes in the industry? - A: No I wouldn't know.

F Q: Mr. Lloyd, did you mark any of the tapes in any way apart from the boxes of the tapes? - A: No sir.

Q: You are aware that markings have been discovered? - A: Yes sir, I am also aware what the Judge thought about that.

G Q: Well this Court is not interested in that Mr. Lloyd. So, therefore, Mr. Lloyd if these unmarked tapes had been wound on to another spool and placed into a different box by some person you would not be able to identify them correctly? - A: Em ... no obviously not, except by listening to the contents.

Q: I mean you could not be able to identify that that was an original tape made on that date, time and place? - A: No.

H Q: Mr. Lloyd, to cover one or two points relating to your identification of the tape recordings. If you could look at JDM 4 please, tape 3? - A: Yes sir.

Q: Did you identify the writing on the back of the box; the reverse? - A: Yes.

Q: "Start of tape includes ..."? - A: Yes I did.

A Q: And would you identify it again please? - A: Yes that is my writing.

Q: That is your writing?

HIS HON. JUDGE STROYAN: I don't think that is one we have listened to.

B MR. SYMONDS: No, My Lord, I was marking off my copy and I did not hear Mr. Lloyd identify the writing on the back of the box.

HIS HON. JUDGE STROYAN: No, very well.

MR. SYMONDS: Mr. Lloyd I noted that you have written "master" on a number of tape recordings and some of the boxes? - A: That is right sir.

C Q: In regard to the spool of Tape 2 the words "master" and "original" are written? - A: Yes I noticed that.

HIS HON. JUDGE STROYAN: That is exhibit 2.

MR. SYMONDS: Exhibit 2 My Lord.

HIS HON. JUDGE STROYAN: Yes. - A: Yes that is right sir.

D HIS HON. JUDGE STROYAN: Just a moment please. Exhibit 2, tape 2.

MR. SYMONDS: The words "master" and "original" are written on the spool of the tape My Lord.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Mr. Lloyd, when did you

E HIS HON. JUDGE STROYAN: Are they in your writing? - A: Yes sir.

MR. SYMONDS: Mr. Lloyd, when did you make that writing on the spool of the tape? - A: I think it was when we retrieved it from the machine or when perhaps just before we listened to it or something. I cannot really remember.

F Q: After taking it off the machine and before listening to it? - A: It would have to be taken off the machine or I wouldn't have been able to write on it I wouldn't have thought.

Q: Why did you write the words "master" and "original" Mr. Lloyd? - A: I think simply we decided that we ought to have some, some word to identify the original tape as opposed to any copies that were subsequently made.

G Q: But to your mind the two words mean one and the same thing? - A: Oh yes.

Q: "Master" and "original"? - A: Oh yes.

Q: So why did you write "master" and "original"? - A: I don't recall.

Q: If you look at the writing on the box Mr. Lloyd ...? - A: Yes.

H Q: You identified that as your writing I believe? - A: That is so, yes.

Q: And once again you have written the word "master"? - A: That is right.

Q: When did you make the writing on that box Mr. Lloyd? - A: No idea sir, I can't remember.

Q: You can't remember? - A: I can't remember, no.

HIS HON. JUDGE STROYAN: The same day or some other day? - A: I think it was probably the same day.

MR. SYMONDS: And did you write "master" on the box at the same time as you put the other writing on? - A: I certainly wrote "master" and the other writing on the box because it is obviously in the same, in the same biro. Whether the spool markings are the same - I think they probably are - probably exactly the same time.

Q: So on that day, Mr. Lloyd, the 28th of October did you also have it in your mind to eventually make copies of this or a copy of this tape recording? - A: I cannot remember sir but probably, yes.

Q: You had it in mind to make a copy? - A: Probably, but I don't recall.

Q: You said in evidence that you considered it of 'vital importance from the beginning to take great care in the handling of these tape recordings hence all this paraphernalia' to quote your words. - A: That is right sir.

Q: Did you also consider it of vital importance in respect of the markings to take great care? - A: Em ... only in so far as it would help us to identify one from the other.

Q: Mr. Lloyd, why did you not make any form of marking on the spool of tape 1? Would you please have a look at that tape now. This tape was made on the same day allegedly. - A: Is that the telephone calls tape?

Q: Yes. - A: I regarded it as very important really, the phone calls tape, I did make a marking on the spool there.

HIS HON. JUDGE STROYAN: You did? - A: Yes.

MR. SYMONDS: You made a mark on a piece of paper, a piece of envelope I think you described it as? - A: Mm.

Q: Which you attached to the spool? - A: That is right.

Q: So at the very beginning at the time of the phone call you decided to mark this tape by sticking a torn off piece of envelope on to the spool? A: That is right.

Q: Later that same day you did decide to mark this tape by writing carefully in rather small writing ..? - A: Mm.

Q: "Master" "original" - signature - October the 28th, 1969, Rose public house Camberwell. Perry and D.S. Symonds. Is that correct? - A: Yes.

HIS HON. JUDGE STROYAN: I think that is tape 2.

MR. SYMONDS: On tape 2, My Lord, made the same day, some hours later.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Did it cross your mind, Mr. Lloyd, to mark the spool of tape 1 in a similar fashion? - A: No because it was already marked.

Q: The spool is not marked Mr. Lloyd? - A: The spool is marked Mr. Symonds, there.

HIS HON. JUDGE STROYAN: Please show me that.

MR. SYMONDS: On this piece of envelope is that your handwriting Mr. Lloyd? - A: Yes sir.

Q: October the 28th? - A: That is right.

Q: The 28th has been written over? - A: Written over. It was merely a piece of an envelope out of my pocket to identify the tape.

Q: Mr. Lloyd, your writing is on this little piece of paper, can you see it? A: That is right.

Q: That is a piece of envelope Mr. Lloyd? - A: That is right.

Q: And this piece of yellow paper with a hole in the middle ...? - A: Is the label of the spool, that is right.

Q: And it has no writing on whatsoever, and this piece of yellow paper with a hole in it, it has no writing on it whatsoever. The question I put to you is did it cross your mind to consider marking the spools of exhibit 1 in the same way that you marked the spools of exhibit 2, allegedly, some hours later on the same day? - A: No sir.

Q: Thank you for that answer. Mr. Lloyd, you took care to put your signature on exhibit 2? - A: Yes sir.

Q: But you did not make a signature on exhibit 1? - A: No sir.

Q: Mr. Lloyd, you have described how you very carefully wrote "master, October the 28th, 1969. Rose public house, Camberwell. Perry and D.S. Symonds" on the box of exhibit 1 and you considered that this was probably done the same day? - A: Yes sir.

Q: Why did you make no writing at all on the box - correction on the box of exhibit 2. Why did you make no writing at all on the box of exhibit 1? A: I cannot remember sir.

Q: It didn't cross your mind that it might have been a good idea to have identified this box in some way? - A: Well obviously it didn't otherwise I would have done it. No sir I didn't.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Are you aware that the numbers on the tapes ... the tapes are numbered and that the boxes are numbered? You are aware of that? - A: Yes I am.

Q: Were you aware of it at that time? - A: No. Well you see the first one, the one of the phone calls that we made ... er ... all it did was establish that ... er ... Mr. Perry knew you for some nefarious purpose.

Q: What nefarious purpose? - A: Bribery.

Q: Will you please listen to exhibit 1, tape 1.

HIS HON. JUDGE STROYAN: Well I have heard this once. Is it going to help me to hear it again?

A MR. SYMONDS: I would like to ask Mr. Lloyd to identify this part on this tape, My Lord, where any suggestion is made to bribery or whether any reasonable person could possibly imagine that this telephone conversation is envisaged as a nefarious purpose. - A: If you give me the transcript sir I will point it out to you immediately.

Q: Please look at the transcript of tape 1. - A: If you turn to page 2, 4th line down. "Perry - Ah I would like to see you about ... er ... you know, Symonds. Yeah. Where are you now?"

B Q: That is your evidence for bribery is it? - A: Yes.

Q: Thank you. Mr. Lloyd, will you look at exhibit 4, tape 3? - A: Yes.

C Q: Mr. Lloyd, going back to tape 1, I think you answered in reply to my question about why you didn't think to mark the box or the spool - apart from a small piece of sticky paper or envelope - because you thought it to be of no importance? - A: Uh huh.

Q: Is that correct? - A: Well I didn't consider marking that box of any great value because we could identify the tape in it.

Q: Mr. Lloyd, were not tape recordings made of several phone calls during the course of this enquiry? Numerous phone calls in fact? - A: Some phone calls, yes.

D Q: Numerous phone calls on different tape recordings? - A: Do you mean on that particular date?

Q: On different tape recordings on different dates. Would you please refer to your transcript of notes for October the 30th. Page 15 - telephone call - calls tape - 10.10 a.m.

E HIS HON. JUDGE STROYAN: You may have that document Mr. Symonds, I haven't. It may be in my papers but I haven't read it.

MR. SYMONDS: Should you have it My Lord? I would ask a copy of the transcript of Mr. Lloyd's notebook is made available to you My Lord.

MR. RIVLIN: Your Honour, certainly if the defendant wants you to have it we will make sure you do have it.

F HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: I am led to believe you probably have it already Your Honour.

HIS HON. JUDGE STROYAN: Well I may but I certainly haven't read it and I was anxious to limit myself to what I read.

G MR. RIVLIN: Certainly Your Honour. It is exhibit number 10. It could be marked Bundle 'D'.

HIS HON. JUDGE STROYAN: Well I have mine, thank you very much. I have been handed a copy now. Yes, what do you want me to look at?

H MR. SYMONDS: My Lord, I was trying to establish from the witness, My Lord, that in fact other telephone calls were made on different dates and were recorded and I asked the witness to refer to page 15 of his transcript of his notebook. I beg your pardon, yes page 15 covering a telephone call

made to? - A: Scotland Yard.

Q: Scotland Yard by Mr. Perry. The exact time is noted, My Lord, 10.10 a.m.

A HIS HON. JUDGE STROYAN: Well this may be right or may be wrong I don't know. Don't they ...

B MR. SYMONDS: I think the point is if, My Lord, that in fact other telephone calls were made and were recorded, and separate recordings are in existence and therefore I suggest the witness's reply to my question about why he didn't mark the telephone ... the box or the actual spool itself, My Lord, I understand his reply was on the lines of well it was just a telephone call and we could have quickly identified it without.

HIS HON. JUDGE STROYAN: No doubt. - A: Yes that is it.

HIS HON. JUDGE STROYAN: I have a note of his answer: "I didn't consider it necessary to mark tape number 1 as I did the others." - A: Yes Your Honour.

C HIS HON. JUDGE STROYAN: Yes. What is the next question?

MR. SYMONDS: Mr. Lloyd, you should have before you know exhibit 4, tape 3? - A: Yes I have, yes sir, with my writing on the box. That is right.

Q: Mr. Lloyd, would you look at the spool of tape 3? - A: Yes.

D Q: Mr. Lloyd, the phone call side? - A: Yes.

Q: Now I understand there is some writing by Mr. Mounter and some by you? - A: Yes that is right sir.

Q: Will you read out your writing please? - A: Well my writing on one side says: "Phone calls."

E Q: Does the writing by Mr. Mounter include either the word "master" or the word "original" on the spool of tape 3, exhibit 4? - A: Well I cannot, I cannot decipher it sir, it is so faded with the years now it is impossible to read it I would say, but in any case it is in Mr. Mounter's writing and I just cannot read it. I believe

Q: Does the word "master" and "original" in anybodys writing - other than Mr. Mounters - appear on the spool of that tape recording? - A: No. There may be the word "master" at the top it is very hard to tell.

F Q: May I see it please? It is very feint My Lord and indecipherable on the phone calls. Did you look on the side where "phone calls" are written? A: Yes sir.

Q: The words "phone calls" is quite clear? - A: That is my writing.

Q: Your writing is quite clear? - A: Uh huh.

G Q: The "phone calls" refer to phone calls made on the 30th as we have just established from your transcript? - A: I don't know what they refer to. It just says "phone calls."

Q: Now? - A: We haven't heard that tape.

H Q: There is no writing on the spool whatsoever on that side of the tape which refers to "phone calls"? - A: There is my writing on one side of the tape which is "phone calls."

Q: Yes. - A: Yes.

Q: And that is all? - A: That is all.

A HIS HON. JUDGE STROYAN: Mr. Symonds, I would appreciate your help on the tapes which have been played to me but I am not sure that it helps much to discuss the tapes which have not been played to me. I am not at the moment concerned with the authenticity of the tape you have got in your hand at the moment.

MR. SYMONDS: Well My Lord

B HIS HON. JUDGE STROYAN: What I would like your help about is the other tapes which have been played to me.

MR. SYMONDS: My Lord, may I say this, the tapes which have been played to you are the Prosecutions choice.

HIS HON. JUDGE STROYAN: Yes.

C MR. SYMONDS: The tapes that have not been played to you are my choice to play My Lord.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: I would like to now play to the Court this tape?

HIS HON. JUDGE STROYAN: Well ...

D MR. SYMONDS: Tape 3, exhibit 4, in my case which the Court has not yet heard.

HIS HON. JUDGE STROYAN: No.

MR. SYMONDS: And I would like, My Lord, the whole tape to be heard; both sides.

E HIS HON. JUDGE STROYAN: Well that can be done if necessary when we come to your part of this case, do you see?

MR. SYMONDS: Very well My Lord. I find myself in some difficulty, My Lord, you see because I, by cross-examining Mr. Lloyd, am trying to establish certain points and as the Prosecution have only played some of the tapes I find myself placed in some difficulty because I do wish to question Mr. Lloyd about this exhibit in my case which he has produced to the Court and identified his writing on.

F HIS HON. JUDGE STROYAN: Yes. If we reach the stage when we have a trial before a Jury that may very well be relevant. What I am trying to decide is the very narrow point about whether all the tapes which have been played to me are original and authentic and I don't think it is going to help me in deciding that to hear other points about other tapes which have not been played to me. Do you see?

G MR. SYMONDS: Very good My Lord I understand. Thank you.

HIS HON. JUDGE STROYAN: I would like your help on the tapes which have been played to me.

H MR. RIVLIN: Your Honour, in fairness to the defendant I don't want there to be any doubt about this, we will be submitting to Your Honour that all of the tapes are original and authentic.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Not merely those which have been played but all of them.

A HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And the only reason I have not played the whole lot is to save time.

HIS HON. JUDGE STROYAN: Yes.

B MR. RIVLIN: What I have done with the others is to get Mr. Lloyd and in due course Mr. Mounter, to identify them.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Because our evidence will be that they contain identical material.

HIS HON. JUDGE STROYAN: Yes.

C MR. RIVLIN: And we cannot see the point in taking a great deal of time up with this.

HIS HON. JUDGE STROYAN: No I don't see any point in having them played more than once.

MR. RIVLIN: What we have done is we have selected the recordings that we think are the clearest recordings.

D HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Following on from that point. I would submit that some of the recordings not played are almost unintelligible and I don't think they could come under the umbrella of the allegedly real ones.

E HIS HON. JUDGE STROYAN: They haven't you see, all I have heard are tapes which are exhibits 1, 2, 3 and 5.

MR. SYMONDS: Yes My Lord. No My Lord 1, 2, 5 and I believe ...

HIS HON. JUDGE STROYAN: I am sorry, yes, you are quite right.

MR. SYMONDS: 14.

F HIS HON. JUDGE STROYAN: Yes I have got the numbers wrong. Exhibits 1, 2, 3 and 5 which are tapes 1, 2, 5 and 14.

MR. SYMONDS: My Lord, may I try this another way? Is it to your knowledge, Mr. Lloyd, that the original tape recordings were handed over to the Metropolitan Police on an early day in December, 1969? - A: Yes sir that is right.

G Q: The 3rd or the 5th? - A: I don't recall the date.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: I am trying to phrase the question My Lord. Is it to your knowledge that these tape recordings, original tape recordings, were examined by police officers? - A: Oh yes sir.

H Q: As to the markings? - A: They were examined in every possibly conceivable way I think.

Q: The police officers who examined My lord may I produce the schedule of tapes and tape recordings as an exhibit?

A HIS HON. JUDGE STROYAN: Well I have got that, yes. The one headed "Schedule of markings on tapes and tape boxes"?

MR. SYMONDS: Yes My Lord.

HIS HON. JUDGE STROYAN: Yes I have got it.

B MR. SYMONDS: When these tape recordings and boxes were examined by Metropolitan police officers on an early day of December of 1969 most carefully, they recorded the marks found by them upon the tape recordings and the boxes. There is a schedule.

HIS HON. JUDGE STROYAN: Yes I have got the schedule.

C MR. SYMONDS: There is no record of the police officers who examined these boxes in early December finding the word "master" or "original" written on any part of the label of the spool? - A: In that case they were probably put on at the time ... er ... they went (master and original) when they went to the recording company to be copied.

HIS HON. JUDGE STROYAN: I don't think you can really ask him about this, all he knows is what he did himself.

D MR. SYMONDS: My Lord, the difficulty has arisen here because Mr. Lloyd is in considerable difficulty and I was myself, My Lord, the writing on the spool of exhibit 4 has faded quite considerably through time.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: And Mr. Lloyd has had considerable difficulty trying to attempt to decipher the writing and so did I My Lord, so I am now trying to fall back on to the list of markings found on the tapes, presumably made at a time when the ink was much fresher and clear.

E MR. RIVLIN: No that is not right. This particular schedule, Your Honour, was prepared by Sergeant Stone and I am told it was prepared last year.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Not in 1969 or '70 but 1980.

F HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And he was there doing the best he could.

HIS HON. JUDGE STROYAN: Well this is of course not evidence.

MR. SYMONDS: In that case, My Lord, I leave that one.

G HIS HON. JUDGE STROYAN: This is not evidence it is just here as a helpful means of referring to things.

MR. SYMONDS: Very good My Lord, thank you.

HIS HON. JUDGE STROYAN: Yes.

H MR. SYMONDS: Continuing from that Mr. Lloyd; you have given evidence of writing "master" on the box? - A: Yes sir.

Q: Of exhibit 4. - A: Yes sir.

Q: There is no apparent writing of "master" on the spool. Can you explain why there should be the word "master" written on the box and yet not on the spool? - A: The word "master" was simply used to identify the original tapes to make sure that they didn't get mixed up with any copies.

Q: Was it in your mind on October the 31st to make copies of these tape recordings? - A: Well I honestly cannot recall sir. The 31st of October; if we had started transcribing - as I imagine we had by then - well that is the start of it, wasn't it? If we had actually started transcribing well then yes it would have been because we were very anxious that the originals shouldn't be, shouldn't be damaged in any way. We were worried that we might touch the wrong button on the tape recorder. We were trying to transcribe them. We had secretaries, we had a whole team of secretaries transcribing them, Your Honour, and we didn't want anybody accidentally touching the wrong button so we decided very quickly to get some copies made.

Q: Is it possible in fact from that point the word "master" on the boxes of the tapes was written at the time of copying? - A: Well I honestly can't remember when it was written.

Q: Would you look at tape 5 please Mr. Lloyd? - A: Yes.

Q: Looking at the box, Mr. Lloyd, I understand you have said that is Mr. Mounter's writing? - A: No it is my writing.

Q: On tape 5, My Lord, tape JDM7. - A: This is JDM7 Yes. It is my writing.

Q: Now you say that is your writing on the box of tape 5 JDM 7? - A: Yes that is right.

Q: Are you quite sure about that Mr. Lloyd? - A: Yes entirely sure sir.

Q: Positive? - A: Positive sir.

Q: In that case actually, Mr. Lloyd, would you please read out what you see written on that box? - A: October the 31st - tape of Symonds (Detective Sergeant) The Grove public house.

Q: And underneath that, anything? - A: Added is the word "master."

Q: Thank you.

HIS HON. JUDGE STROYAN: That is your handwriting too? - A: That is my handwriting too sir.

MR. SYMONDS: Now will you please look at the spool of tape 5? - A: Yes.

Q: Now could you once again identify that writing please? - A: Some of the writing is that of Mr. Mounter's sir and one word of it is mine and my signature. The one word that is mine is "original."

Q: "Original" Do you see the word "master" written on the spool in anybody-else's writing? - A: No sir.

Q: You have given evidence, Mr. Lloyd, that you normally marked the boxes and the spools at the same time? - A: Have I, I don't remember?

HIS HON. JUDGE STROYAN: I think you said that. - A: It may well be that we did mark the boxes and the spools at the same time, I honestly cannot

remember. The object of marking them was to make sure that they did not ... that we knew which spools they were. As we were going on through this investigation we were making more tapes and they needed to be identified. There was absolutely nothing sinister about it at all.

A Q: Mr. Lloyd, can you tell me why you decided to write "original" on the tape and "master" on the box? - A: Because I, I would ... er ... use "original" and "master" for one and the same word.

Q: I see. Do you notice a time written on the spool of tape 5, Mr. Lloyd, just before your signature? - A: A time?

B Q: A time. - A: October the 31st.

Q: No, that is a date Mr. Lloyd, a time please? - A: No, no time.

Q: Can you see the time 4 p.m. just before your signature? - A: No. I can see JDM which is Julian Mounter's signature.

Q: Very good, thank you.

C HIS HON. JUDGE STROYAN: Does 4 p.m. appear anywhere? - A: No sir. Mr. Symonds is confusing Mr. Mounter's signature ... er ... JDM as 4 p.m.

MR. SYMONDS: It is quite possible My Lord.

HIS HON. JUDGE STROYAN: Yes.

D MR. RIVLIN: Your Honour, will notice there is a question mark.

HIS HON. JUDGE STROYAN: Yes I noticed that.

MR. SYMONDS: I saw the time 4 p.m. My Lord and I was confused by that.

HIS HON. JUDGE STROYAN: Very well. Yes.

E MR. SYMONDS: Mr. Lloyd, would you please look at tape 14, JDM 18, exhibit 5.

HIS HON. JUDGE STROYAN: Well I think we will do that after the adjournment.

MR. SYMONDS: Thank you.

F HIS HON. JUDGE STROYAN: Mr. Lloyd it is important that you please don't talk about your evidence to anybody at all during this adjournment. - A: Of course My Lord.

(LUNCH)

G MR. RIVLIN: Your Honour, might I please refer you to some additional evidence in this case? Volume 3 Mr. Collins or Sergeant Collins, page 6.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Your Honour, he is one of the officers who had custody of the tapes when once on his own for a very short period of time.

HIS HON. JUDGE STROYAN: Yes.

H MR. RIVLIN: The situation is this, Your Honour, his wife is undergoing major surgery today ...

HIS HON. JUDGE STROYAN: Oh, yes.

MR. RIVLIN: And I have promised to do my best to get him away. I have enquired of the defendant, through his solicitors, how much more cross-examination he has of Mr. Lloyd and there is quite a lot.

HIS HON. JUDGE STROYAN: Oh.

MR. RIVLIN: And in those circumstances it is agreed between us that - if Your Honour agrees - that we should interpose Sergeant Collins out of the way and get him back to his wife.

HIS HON. JUDGE STROYAN: Yes, certainly.

MR. RIVLIN: Detective Sergeant Brian Collins please. Your Honour he follows on from Mr. Osborne whose evidence you heard yesterday.

HIS HON. JUDGE STROYAN: Yes.

BRIAN COLLINS (Detective Sergeant) SWORN

EXAMINED BY MR. RIVLIN

Q: Your name, rank and appointment please officer? - A: Brian Collins, Detective Sergeant, attached to Serious Crimes Department, New Scotland Yard Your Honour.

Q: In 1969 were you serving as a Detective Constable? - A: Yes sir.

Q: And did you become involved in the Times Enquiry? - A: Yes sir.

Q: In what capacity? - A: As an assistant to the Exhibits Officer sir.

Q: Who was? - A: Detective Sergeant Osborne at that day.

Q: Yes, and at the beginning of the enquiry were you present when Detective Sergeant Osborne took possession of a number of tapes? - A: I wasn't with Sergeant Osborne when he took the tapes sir, I was in the office and he brought them in and locked them away, yes.

Q: And locked them away you say? - A: Yes sir.

Q: And how many tapes were there altogether? - A: I believe there were 19 tapes altogether.

Q: Nineteen altogether? - A: I believe sir, yes.

Q: Yes. Now who followed on from Sergeant Osborne as the Exhibits Officer in the case? - A: Sergeant Vernol sir.

Q: And his rank is now? - A: Detective Chief Inspector sir.

Q: Yes, and during the transitional period between Sergeant Osborne having the tapes and Sergeant Vernol having custody of the tapes, did they ever come into your sole possession? - A: I had them in my possession because I had the key to them sir. We kept them locked away all the time when Sergeant Osborne I think left on the Friday night and possibly Sergeant Vernol took over on the Monday morning, and over that period I had the key to the original tapes.

Q: So you had the key over the weekend? - A: Yes sir.

Q: Did anyone have access to those tapes other than yourself during that weekend? - A: No sir.

A Q: Did you touch the tapes during that weekend? - A: No sir.

Q: At any stage; time? - A: No sir.

Q: And to your knowledge ...

B HIS HON. JUDGE STROYAN: Can you put a date to the time you had custody of them? - A: I cannot sir, I am sorry, no.

MR. RIVLIN: To your knowledge, Sergeant Collins, were the tapes ever tampered with? - A: No sir.

Q: I would like you finally please to identify the tapes because you did see them didn't you? - A: Oh yes sir.

C Q: Would you have a look please at tapes numbered 1 to 19 and see if you can identify them. Is that one? - A: Yes sir.

Q: Do you identify it? - A: I do sir, yes.

Q: Yes. Well have a look at tape number 2 please, exhibit number 2? - A: Yes sir.

D Q: Have a look at tape 5, exhibit 3. I am going to cut matters short if I possibly can. - A: Yes sir.

Q: Tape 5, exhibit number 3? - A: Yes sir.

Q: You are opening them up and looking at them? - A: Yes sir. There is a label on them sir which I remember being put on at the time.

E HIS HON. JUDGE STROYAN: On each of them? - A: Yes.

MR. RIVLIN: We have heard about the label from Osborne haven't we? Tape 3B exhibit number 4? - A: Yes sir.

Q: Tape 14, exhibit number 5? - A: Yes sir.

Q: Tape 13, exhibit number 6? - A: Yes sir.

F Q: And finally tape 15, exhibit number 7? - A: Yes sir.

Q: Yes, and Sergeant Collins, how seriously was the security of these tapes taken by the Police? - A: Sir, no-one had access to those tapes other than Sergeant Osborne, if he was away on that weekend, as he was, myself and no-one else. The key - there was only one key sir - they were kept locked up all the time; no-one had any reason to look at the original tapes.

G Q: And then you say they were handed over to officer Vernol? - A: Sergeant Vernol at the time sir, yes.

Q: And that was done by you you say? - A: Yes sir.

H Q: Yes, thank you.

HIS HON. JUDGE STROYAN: Do you want to ask any questions?

MR. SYMONDS: Yes My Lord.

CROSS-EXAMINED BY MR. SYMONDS

A

Q: Sergeant Collins, on what day did you start to take part in this enquiry known as the Times Enquiry? - A: I cannot give you a date. It was on a Monday morning after this had started over the weekend.

Q: At that time Detective Chief Inspector Lambert was the officer in charge of the enquiry? ? A: Yes that is right.

B

Q: And did Detective Sergeant Hadrill play any part in this enquiry? - A: Yes he did.

Q: What part did he play? - A: He was running the office part of it, he was the assistant to Mr. Lambert at the time.

Q: He was in fact the Office Sergeant? - A: That is right.

C

Q: During this enquiry were certain documents kept to record exhibits, statements taken, when taken, the duties of the officers and so on? - A: Well a number of documents, yes, I mean not just one document, a number of documents.

Q: If an exhibit came into your possession where would you record this? - A: In the Exhibits Book.

D

Q: Would you please look at exhibit 40? - A: Yes sir.

Q: Is that the Exhibit Book of this enquiry? - A: Yes.

Q: Do you recognise your own handwriting in that book? - A: I do, yes.

Q: So you had on occasion to make entries into that book yourself? - A: I did, yes.

E

Q: On the Monday morning after the publication of the Times newspaper article on Saturday the 29th, you were appointed to the Times Enquiry Squad as an assistant to D.S. Osborne, is that correct? - A: Yes.

Q: Were you given a number of exhibits, held in existence, to enter into your Exhibit Book? - A: At that stage no, I don't believe so. I believe we were given a rough ... we were given some copy tapes which at that stage were not an exhibit, they were copies of an exhibit of which we were not in possession at the time then. We were given rough transcripts, if I remember, and the tapes, but nothing else.

F

Q: When you received these same copy tapes, did you at that time know that the Times would eventually give to you the originals? - A: Well I assumed so, yes.

G

Q: You assumed so? - A: Yes.

Q: You did not know so? - A: Well I was a D.C. acting under the guidance of a first class Sergeant in those days, and Detective Chief Superintendent in charge of the enquiry. I was a man who basically sat at a desk and wrote down things which came in.

H

Q: Did it later come to your attention that the Times newspaper were most reluctant to hand over the original tape recordings?

HIS HON. JUDGE STROYAN: Mr. Symonds, this cannot possibly help me to decide if exhibits 1 to 7 are authentic.

A MR. SYMONDS: My Lord, the situation now is that the Police didn't bother recording them anyway because they sort of knew they would eventually get the originals.

HIS HON. JUDGE STROYAN: Well if that is so, or whatever, I am deciding the authenticity of exhibits 1 to 7.

B MR. SYMONDS: Sergeant Collins, when you received these copy tapes was it from Sergeant Hadrill who had taken the statement and had accepted the copy tapes? - A: I don't know who produced them to him, I just remember they were produced to Sergeant Osborne and I don't think I was there then with him. All these things then, I am sure, were in his possession at that time when I first joined the squad as such.

Q: Well would you now look at exhibit 40 and see whether they are recorded?
A: I don't think they would be recorded sir, they weren't exhibits.

C Q: Are there not many thousands of items recorded in that book? - A: Not many thousands, no sir.

Q: Many hundreds? - A: The final exhibit in this book is 714.

Q: 714 exhibits? - A: That's right.

Q: And are all these exhibits relevant to this case? - A: Oh ...

D HIS HON. JUDGE STROYAN: He cannot possibly answer that. - A: I cannot possibly answer that. This was a very large enquiry at the time.

HIS HON. JUDGE STROYAN: Don't answer it.

E MR. SYMONDS: I don't press it My Lord. Is it true, Sergeant Collins that there is no final record of the Police possession of the copy tapes handed into their custody on the night of the 28th of November? - A: Not in this book, no.

Q: Did you keep an Action Book in your office? - A: If we did it didn't concern me.

Q: Did you take any statements during the course of this enquiry? - A: No.

F Q: Not one? - A: Not one.

Q: But if you had taken a statement would you have made an entry into any book? - A: If I had taken a statement I would have been ordered to do so, and what you are trying to say is would there have been an occasion for me to take a statement.

G HIS HON. JUDGE STROYAN: He didn't take any statement so it is no good going on about it. There weren't any taken.

MR. SYMONDS: My Lord, the point I am trying to make is that

HIS HON. JUDGE STROYAN: Any more questions?

MR. SYMONDS: Yes My Lord, several.

H Q: DID YOU take a statement from a Mr. Buchanan on one occasion? - A: Ah yes sir, I think, either I took it or Sergeant Osborne took it on the

very first day we took these tapes to E.M.I. I know Mr. Buchanan being the person at E.M.I. it is possible I did take it, yes.

A Q: Would you please look at the two statements made to the Police by Mr. Buchanan. Meanwhile will you please look in the Exhibits Book for where you have made an entry.

HIS HON. JUDGE STROYAN: How is Mr. Buchanan's statement going to help me to decide whether exhibits 1 to 7 are authentic?

MR. SYMONDS: Two reasons My Lord. One is Mr. Buchanan is to be called as a defence witness.

B HIS HON. JUDGE STROYAN: I dare say he is, but that is not going to help me.

MR. SYMONDS: Secondly, My Lord, I am trying to show that there is something wrong with this exhibits book.

C HIS HON. JUDGE STROYAN: I am not concerned with this exhibits book in the slightest at this stage.

MR. SYMONDS: Very good My Lord, I will continue on to another stage.

HIS HON. JUDGE STROYAN: Mr. Symonds, I want to try and help you to get your case put properly, but what I am concerned with and please do try and keep your eye on this particular part ...

D MR. SYMONDS: Yes My Lord.

HIS HON. JUDGE STROYAN: Is the authenticity of exhibits 1 to 7. It does not in the least help me to tell me what may or may not be entered in a book of exhibits. I am concerned with the authenticity of these exhibits. That is a very narrow issue and that is all I am concerned with at this stage. Other things may become relevant at a later stage, but at this stage I am not becoming involved with that, so please keep your cross-examination limited to that at this stage.

E MR. SYMONDS: D.S. Collins, did you ever take these tape recordings out of Scotland Yard or Edinburgh House for any reason? - A: Yes.

Q: Can you recall the reasons?

F HIS HON. JUDGE STROYAN: Which tapes? - A: We took all the tapes sir to - Sergeant Osborne and myself took them - to the E.M.I. laboratories.

HIS HON. JUDGE STROYAN: Yes. - A: To be examined by an expert.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Can you recall the date on which you took these tape recordings to E.M.I.? - A: No sir.

G Q: Can you recall roughly for how long E.M.I. were examining these recordings?
A: I wouldn't like to make a guess at this sir now.

Q: Were you present at all times when these original tape recordings were being examined by those E.M.I. experts? - A: I believe so sir.

H Q: You did not take the tape recordings to E.M.I. hand them over into the possession of Mr. Buchanan and Mr. Taylor and then go away? - A: No.

Q: And then later returned, collected them and signed for them? - A: No.

Q: And if Mr. Buchanan and Mr. Taylor later give evidence such as this they will be mistaken?

A

HIS HON. JUDGE STROYAN: Well, we cannot ... That is a comment.

MR. SYMONDS: I cannot say that Your Honour? Did you take these tape recordings from Edinburgh House or New Scotland Yard on any other occasion other than the E.M.I. occasion? - A: I did not, no.

Q: You did not? - A: No.

B

Q: Were these tape recordings taken out by Sergeant Osborne on any other occasion not in your company? - A: Not that I can recall, no.

Q: Were these tape recordings taken out by Sergeant Vernol on any occasion whilst in charge of them? - A: Again not that I can recall, other than to the Court sir.

C

Q: As far as you were concerned the tapes were locked up under your custody together with either Sergeant Osborne or Sergeant Vernol from the time they were handed into Police custody? - A: Yes, all the time I was on the enquiry.

Q: Until the time they were produced in evidence before Mr. Shaw at the Old Bailey? - A: All the time I was on that enquiry, yes.

D

Q: Do you have any record at all of your activities during October, 1970? - A: Not now sir, no.

Q: You have no pocket book, no diary? - A: No.

Q: No duty book? - A: No.

Q: Mr. Hyde; if Mr. Hyde states that the

E

HIS HON. JUDGE STROYAN: No.

MR. SYMONDS: Can I put it My Lord?

HIS HON. JUDGE STROYAN: No.

F

MR. SYMONDS: Do you have any knowledge of any person taking these tape recordings to the Joint Speech Research Unit during 1970? - A: No sir.

Q: If they had been taken would you have known about it? - A: If I was on the enquiry at that time, if they were taken, I would have known about it, yes.

Q: You were on the enquiry in 1970? - A: I don't know the date I left it sir, no.

G

Q: You were on the enquiry throughout from 1969 until the committal and until the trial of Robson and Harris, is that correct? - A: I'm not sure if I left. I quite possibly sir was during the trial, yes sir, of Robson and Harris.

Q: I think your evidence was that you were in charge of the tapes from the Monday after the enquiry began?

H

HIS HON. JUDGE STROYAN: Yes I have got this. He was Sergeant Osborne's assistant.

MR. SYMONDS: I beg your pardon My Lord?

HIS HON. JUDGE STROYAN: He told you he was Sergeant Osborne's assistant. We have got Sergeant Collins himself - until Sergeant Osborne left - when he was in charge of the tapes over the weekend until Sergeant Vernol took them over. That is all quite clear.

MR. SYMONDS: During the time that you had custody of these tapes, Sergeant Collins, did any senior officers have access to these tape recordings? - A: No sir. Well when you say 'access' they were locked away all the time. No-one had reason to look at these original tapes. I believe you are talking about the original tapes, not the copy tapes?

Q: I am sir. - A: Other than when we took them to E.M.I. and no senior officer would be really interested in the original tapes, they were more interested in whether the copy tapes were copies of the originals.

HIS HON. JUDGE STROYAN: No senior officers on other cases? - A: No none at all sir.

MR. SYMONDS: But they had access to the tapes? - A: Well no. They ... in what respect?

Q: They could go and take them out? - A: No they couldn't, without either Sergeant Osborne or myself - whoever had the key - handing them over to them.

Q: Had they access to the tapes in your or Sergeant Osborne's presence? - A: Well ... can you explain what you mean by that?

Q: Yes. My Lord I am trying to get round a letter from the Director of Public Prosecutions in which they concede the - the letter is dated the 27th of October, 1980 - in which they concede - regarding a question by us about the custody of the tape recordings

HIS HON. JUDGE STROYAN: You need not go into a letter from the Director of Public Prosecutions with this witness. I can see it if necessary.

MR. SYMONDS: Thank you My Lord. Sergeant Collins, do you know Sergeant Marsden? - A: Yes I do know Sergeant Marsden.

Q: Was he a member of this enquiry? - A: Yes.

Q: Did he have any access to these tape recordings? Did he ever have custody of these tape recordings? - A: As far as I know, no.

Q: Do you know a Sergeant Forsyth? - A: Yes.

Q: Did he not have access to these tape recordings? - A: As far as I know, no.

Q: Nor Sergeant Marsden? - A: As far as I know, no.

Q: They were under your lock and key Sergeant Collins? - A: Yes.

Q: Sergeant Collins, did you take some part in preparing the Police Transcript of these tape recordings? - A: Yes.

Q: Will you please look at a transcript, a copy of the transcripts, Police transcripts of these recordings. Exhibit 35A My Lord.

HIS HON. JUDGE STROYAN: How is this going to help?

MR. SYMONDS: My Lord, I would like Sergeant Collins to identify any parts he might be responsible for in the transcripts.

HIS HON. JUDGE STROYAN: That is not going to help me on this narrow point which I am now enquiring into.

MR. SYMONDS: Following on from that My Lord. I would like to draw your attention to page 296 of the depositions of my committal where evidence has been given by

HIS HON. JUDGE STROYAN: Just a moment please. 296. I have got that. It seems to be about your bank account.

MR. SYMONDS: Last paragraph My Lord.

HIS HON. JUDGE STROYAN: It appears to be the deposition of someone called Moody.

MR. SYMONDS: That is correct My Lord. My Lord, may I ask the question before you

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Before you read out what it says?

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Sergeant Collins, can you identify any parts of this transcript that you are responsible for? - A: Well without looking at it I can say no sir, because these transcripts were gone over and over again. You are trying to say who thought that was the word which was mentioned.

Q: No, I am trying to say ? - A: Well this is what you are saying, to identify something which I am responsible for, and I think at this stage, sir, it is impossible to say.

HIS HON. JUDGE STROYAN: I am sure it is.

MR. SYMONDS: My Lord, I probably put that question very badly, I was wondering if Sergeant Collins was in fact responsible for transcribing the telephone calls on tape 3 or any particular part of the transcript.

HIS HON. JUDGE STROYAN: Well what I am concerned with is not whether the transcription is accurate word for word; I have to decide that for myself, but whether it is authentic.

MR. SYMONDS: Very good My Lord. I would like to ask two more questions please?

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Sergeant Collins, we have heard evidence from Sergeant Osborne that he was responsible for producing these tape transcripts and I understand that your evidence is that you assisted him? - A: That is right.

Q: Did any other police officer take part in transcribing these transcripts?
A: Not so far as I can remember, no.

Q: Did any senior officer take part in transcribing these transcripts? -
A: No.

Q: It was all done entirely by you and Sergeant Osborne? - A: As far as I remember, yes.

Q: Did Detective Chief Superintendent Moody take any part at all in transcribing these tape recordings? - A: No.

Q: He played no part whatsoever? - A: No.

Q: So therefore if Detective Chief Superintendent Moody previously gave evidence ...

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: My Lord, I would like now to go into the question of identity of these tape recordings, My Lord, but I can see no point in view of the answers I have received.

HIS HON. JUDGE STROYAN: Yes I think that is right.

MR. SYMONDS: Thank you very much.

RE-EXAMINED BY MR. RIVLIN

Q: I would like to ask you this, was it an easy task transcribing these tapes?
A: No sir, hours and hours was spent on it and each time we listened you could get a different word that you got the previous time.

Q: Having got exhibit number 35A - and I am not going to direct your attention to it because I would just like to ask you - when the transcripts had been prepared to the best of your ability, did you read them through? -
A: Oh yes sir.

Q: And were they the best that you could do in the circumstances? - A: Yes sir.

Q: Yes, thank you. Might the witness now be released?

HIS HON. JUDGE STROYAN: Yes certainly.

MR. RIVLIN: For the time being at any rate.

HIS HON. JUDGE STROYAN: I am very sorry you have had to come here in very unfortunate circumstances. You can be released and I hope your anxieties are speedily relieved. - A: Thank you sir.

(WITNESS WITHDREW)

MR. RIVLIN: Mr. Lloyd please.

MR. LLOYD (continued)

CROSS-EXAMINED BY MR. SYMONDS

HIS HON. JUDGE STROYAN: Mr. Symonds, you were about to ask him about tape 14 when I rose for lunch.

MR. SYMONDS: Thank you My Lord. -

MR. LLOYD: Your Honour, there is a detached label in the witness box.

A HIS HON. JUDGE STROYAN: Oh, where has it come from? Has it got anything on it?
A: Yes, my writing.

HIS HON. JUDGE STROYAN: What does it say? - A: "Rose public house, Camberwell. Perry and D.S. Symonds. October the 28th, 1969."

MR. SYMONDS: That is tape 2, exhibit 2.

B HIS HON. JUDGE STROYAN: Yes that is tape 2. It had better be put back. Yes. Now then tape 14.

MR. SYMONDS: Yes, My Lord. I am looking at a particular piece of paper.

HIS HON. JUDGE STROYAN: It is exhibit 5.

C MR. SYMONDS: Mr. Lloyd will you now please look at - I am not sure - May I ... Will you now please look at tape 14, exhibit 5. - A: Yes sir.

Q: Would you please look at the writing on the spool? - A: Yes sir.

Q: Is any of that writing yours? - A: No sir.

Q: Amongst the writing can you discern the word "master" or "original"? -
D A: No sir.

Q: Would you now please look at the box? - A: Yes sir.

Q: Is any of that writing yours? - A: No sir.

Q: Amongst the writing do you see the words either "master" or "original"? -
A: Yes there is the word "master" in Mr. Mounter's writing sir.

E Q: Do you see two numbers written there? - A: Yes 7 inch number 7.

Q: Do you know whose writing that is? - A: I don't sir, no.

HIS HON. JUDGE STROYAN: 7 inch, number ?? - A: 7 inch, number 7. It could be my writing but I really cannot say. There is nothing characteristic to identify it.

F MR. SYMONDS: You are quite sure that is Mr. Mounter's writing on the back of the box? - A: Yes.

Q: Positive? - A: Positive.

Q: Thank you very much Mr. Lloyd. Will you now please look at exhibit 6, tape 13. - A: Yes sir.

G Q: Do you see any writing on the spool? - A: Yes sir.

Q: Is it your writing? - A: No sir, it is Mr. Mounter's writing.

Q: Mr. Mounter's. Amongst the writing do you see the words either "master" or "original"? - A: No sir.

H Q: Will you now please look at the box? - A: Yes sir.

Q: Do you see any writing on the box? - A: Yes I do sir. That is in Mr. Mounter's writing sir.

A

Q: Do you see the words either "master" or "original"? - A: Yes the word "master" sir.

Q: May I see that box please. Thank you. Would you please now look at exhibit number 7? - A: Yes sir.

Q: And looking at the cassette, do you see writing on the cassette? - A: Yes sir.

B

Q: Is it your writing? - A: No it's Mr. Mounter's sir.

Q: Do you see the words "master" or "original" written on that cassette? - A: No sir.

Q: Would you now please look at the box? - A: Yes sir.

C

Q: Do you see writing on the box? - A: Yes that is Mr. Mounter's writing and there is one word "master" on that in my writing sir.

Q: It is correct to say that Mr. Mounter did the writing on that cassette box except the one word "master"? - A: Except the word "master" yes sir.

Q: Thank you. Mr. Lloyd, at some stage you were responsible I believe for copying some ...? - A: Yes sir.

D

Q: Of these tape recordings? - A: Yes.

Q: When you took the tape recordings for copying was it your habit to write on the copy tapes and boxes similar words to those written on the original tapes and boxes? - A: I cannot remember sir, but I remember being very particular with Mr. Hawkey that we should be careful not to confuse the original with the copy. It may be at that stage that the words "master" or "original" was written on them but I honestly cannot remember.

E

Q: I see. So as I understand it, when you went to Location Sound Facilities you copied some tape recordings? - A: Yes.

Q: You copied the writing on to the copy tape recordings such as October the 28th, Symonds, Rose pub and on the original you wrote "master"? - A: Well ...

F

Q: To differentiate? - A: I cannot remember what I wrote on the copy boxes because I haven't seen those copy boxes.

Q: I see. Did you write copy on the copy? - A: I would think so yes.

Q: So all the masters should have "master" written on and all the copies should have "copy" written on them? - A: Or all the master tapes should be identifiable in some way by themselves.

G

Q: And so whether you have tapes and boxes without the word "master" or "original" written on you can identify those because in actual fact the copy had "copy" written on, is that right? - A: Well I don't know whether the actual original does, I cannot remember all these years later, whether the original does, but in some way they were identified. I think the copy tapes were all in sort of identical boxes anyway because they were done on fresh, freshly minted tape and I can remember saying to Ken Hawkey at the time we have got to be absolutely careful that we don't mix these tapes up.

H

Q: But if you had already written "master" on the master or "original" copies you would have no worries about mixing them up surely? - A: No not of course on those of them with the word "master" or "original" does appear or certainly on the one's you have shown me today.

A

Q: So it would be about that time you wrote "master"? - A: I honestly cannot remember, but that would seem logical, yes.

Q: On some tapes, for example, all the writing is Mounter's except for the one word "master"? - A: Yes.

B

Q: It is conceivable, therefore, that Mounter made the writing at the time of taking the tape recordings but the word "master" is written in a different hand because in actual fact you wrote this on at a later occasion? - A: It could be, yes, could well be.

Q: Will you refer to your pocket book transcript? - A: Yes sir.

C

Q: Regarding the occasion on the 11th of November, I believe, when you were responsible for copying a number of these tape recordings? - A: Yes sir.

Q: Page 13. - A: Yes I have it sir.

Q: By November the 11th you were very much aware - according to your evidence - of the importance of being very exact about the handling of these tapes and the making of copies? - A: Yes sir.

D

Q: The marking of them etc. ? - A: Yes sir.

Q: And therefore at Location Sound Facilities on November the 11th did you in actual fact make a contemporaneous note regarding the copying process? - A: Yes I did, yes.

E

Q: Mr. Lloyd, I see you refer in your pocket book to several tapes by numbers - tape 1, tape 2, tape 3, tape 4, tape 5, tape 6, tape 7. Do I take it from this that it was a number of tapes you had copied? - A: I cannot remember sir.

F

Q: Or did you number the tapes that way at that time? - A: I cannot remember. I remember going with whatever the available tapes were that we had at the time, going to Location Sound and asking Ken Hawkey to copy them and I watched while he was doing it, and since I have never seen such a process before I said to him you had better tell me what is going on so that I can make some note of it. That is why I made notes like Uher to Uher, 4,000 report 7 $\frac{1}{2}$ inches per second which indicated to me it was from a Uher machine to a Uher machine and copied at 7 $\frac{1}{2}$ inches per second. I made a note that it was copied on to brand new tapes.

Q: In fact very precise Mr. Lloyd? - A: Yes.

G

Q: Very precise notes? - A: Yes as precise as I felt. I mean I had never seen this process before and I wanted to try and be accurate about it.

Q: Mr. Lloyd, referring to your notes; did this copying process take place in sound proof cutting rooms? - A: Yes.

H

Q: Why exactly did you make that note Mr. Lloyd? - A: Um ... because I said to him, you know, Ken, is there any suggestion that ... er ... extraneous sources, probably, or something like that, where we are in fact doing this and he said oh these are cutting rooms, ye know, which are sound proof so there cannot be any extraneous noise getting in.

A Q: I see. Mr. Lloyd you were worried about extraneous noise? - A: Well I just didn't know, I had never seen this procedure before. It was ... er .. it was an eventuality. I was ... I was obviously aware that suggestions would be made about these tapes and I wanted to make sure that we had covered whatever technicalities were involved in it.

Q: Yes. Mr. Lloyd, referring to your notebook, tape 1 in your notebook. - A: Yes sir.

Q: Which refers, I believe, to a 5 inch tape? - A: Yes sir.

B Q: "D.S. Symonds, October the 28th, 1969."? - A: Yes.

Q: This tape you immediately recognise as tape 2, exhibit 2 in my case? - A: I'll take your word for it sir.

Q: Would you please look at tape 2, exhibit 2.

C MR. RIVLIN: Your Honour, might the label that was stuck on to the tape this morning which had fallen off, be stuck back on to it?

HIS HON. JUDGE STROYAN: Yes I think it had better be.

MR. RIVLIN: At some stage.

HIS HON. JUDGE STROYAN: Yes. It can be done later, we don't want to waste any more time than assessary. - A: Yes sir.

D MR. SYMONDS: I understand this was the master tape that was taken at the Rose public house, Camberwell on October the 28th? - A: Yes sir that would appear to be so, sir.

Q: Which was copied from a Uher to a Uher at $7\frac{1}{2}$ ips. That is inches per second is that right? - A: Yes sir.

E Q: What does $7\frac{1}{2}$ inches mean? - A: Inches per second.

Q: Input taken at the speed at which it was recorded? - A: That is right.

Q: How many copies did you make of this tape recording Mr. Lloyd? - A: At that stage I think it was just the one sir.

F Q: Just the one. Why did you make a note in your book that this was copied on to brand new tapes (plural)? - A: I think that would probably just refer generally. Copied on to brand new tape.

Q: Why have "tapes" Mr. Lloyd? - A: I see I have.

Q: And if you look at the notes, might you have both "sides" recorded? - A: That is right.

G HIS HON. JUDGE STROYAN: Is that what it says? - A: That says "both sides recorded." Yes.

MR. SYMONDS: Mr. Lloyd, you record in your notebook that this was a Uher to Uher copying process? - A: Yes.

Q: A Uher is a half track machine, is that correct? - A: Em ... I am not sure sir.

H Q: Well if you recall the Uher is a 5 inch machine, is that correct? - A: No a Uher a just a tape recorder.

Q: Yes, but do you normally play 5 inch spools on a Uher? - A: The only experience I have to Uher's, other than this, is my experience of them with the B.B.C. Em ... and since it is sometime since I have been in radio, several years now, I cannot remember whether a 5 inch spool would fit them. I think in fact we used smaller spools on it.

A

Q: Smaller spools? - A: Yes, we used a Uher Report.

Q: And was this a 5 inch tape or a 7 inch tape? - A: That is a 5 inch tape.

Q: That is a 5 inch tape? - A: Mm.

B

Q: And was this tape recorded on one side or two? - A: Do you mean the copy?

Q: The original? - A: I cannot ... I cannot remember sir. I remember one of the tapes was recorded on both sides; I don't think we had enough tape for this. I think it was the earliest tape. I have some recollection of that.

C

Q: Yes, but this tape was it recorded on one side or two? Can we play this tape My Lord to settle this question?

HIS HON. JUDGE STROYAN: Well we have heard it. I am not going to be able to do a contortion.

MR. SYMONDS: Well, Mr. Lloyd, this tape produced as an original is in fact a full track recording? - A: Yes.

D

Q: It is, therefore, your pocket book notes in which you say it was copied on to brand new tapes that indicates it was copied twice? - A: I don't think it was copied twice.

Q: You also refer in your book to "both sides recorded" which is not at all possible because this alleged original is in fact a full track recording? A: Well I cannot remember what this specific note refers to now, but I am quite sure that Mr. Hawkey will be able to clear it up since he actually did the copying. To the best of my recollection on that date I simply came back with the originals and one set of copies.

E

Q: One set? - A: Yes. To the best of my recollection the only reason we wanted the copies was so that we could carry on transcribing them without risk of damaging originals.

F

Q: I see. So you had been transcribing the originals for some time before? A: Yes we had started transcribing the originals and because of the amount of time that you will appreciate that it takes to transcribe a tape, or just to listen to it, and particularly with all the length of extraneous noise and so on there was in it, we had to ... we had to compile several summaries and they started work on the tapes, transcribing the tapes and we were very, very anxious that they shouldn't touch a wrong button or do something that would interfere with the originals. So this was the purpose of this exercise in getting copies.

G

Q: You say that you took 7 tapes to be copied according to your pocket book, is that correct? - A: Well that would appear to be so from my notebook, yes.

Q: Because ...? - A: Certainly I have notes of 7 anyway.

H

Q: Which were with one other tape referring to my case? - A: Sorry, can you repeat that question?

Q: Amongst those 7 tapes we have already mentioned, one tape which is in fact tape 2 exhibit 2, you also took another tape which you referred to as tape 5 and which is in fact also tape 5 in this case, exhibit 3? - A: Yes sir.

A Q: This also refers to my case? - A: Yes it does, that is right.

Q: So you took two tape recordings from my case. I am wrong here, you also took another tape, tape 3, which refers to my case, and Robson and Harris, is that correct, which is the duplicate of tape 5 exhibit 4. In other words the duplicate of exhibit 3? - A: Yes that appears to be the case.

B Q: The three tapes relating to my case and 4 relating to Robson and Harris, a total of 7? - A: It would appear that appears to be so, yes.

C Q: I think earlier on, Mr. Lloyd, you said you took some of the tapes to be copied, does this mean that there were in fact other tapes in existence at that time that you did not take to be copied? - A: Yes. I certainly didn't take the little cassette recording. Em ... if there was any in existence at that stage I think I only took the best of the tapes, ye know, if there were duplicate recordings on a radio mike I don't think I would have taken that unless it was a better recording.

D Q: Can you recall how many tapes you decided not to take for copying on that occasion? - A: No I can't sir. As I have explained, I mean the only purpose of this copying was to ensure that no damage was done to the originals so that the secretaries could get on transcribing them, and if anything happened to the copies it wouldn't be a disaster because the originals would still be intact.

Q: Was one tape in actual fact being transcribed by a secretary on the day that you went to Location Sound Facilities to copy? - A: Yes very probably.

Q: Can you recall this tape? - A: No I can't sir, no.

E Q: Were you ever asked certain questions about this particular tape recording? A: I seem to recall questions being asked about it, yes. I mean we have been asked exhaustive questions about these tapes over many years.

HIS HON. JUDGE STROYAN: Yes.

F MR. SYMONDS: If a Times secretary has made a statement saying that she was in actual fact typing tape 5, exhibit 3 on the 10th and the 11th of November? A: Uh huh.

Q: Would you disagree with that? - A: No sir.

Q: But Mr. Lloyd you have shown in your pocket book that in fact you copied that tape? - A: Well she may have been typing it on that date and then one may have taken it off the machine or something. I don't recall. I really cannot recollect the mechanics of this operation at this moment.

G Q: Mr. Lloyd, why didn't you take tape 1, exhibit 1 to be copied on the 11th? A: But you are referring to the phone calls sir?

H Q: Yes. - A: I don't think we regarded that as a worthy recording particularly. Er ... it wasn't a recording of an actual meeting between you and Mr. Perry other than on the telephone which established that you were in contact with him.

Q: Very good. Well in that case why didn't you take tape 4 exhibit 2 in the Robson and Harris case which is a recording of a meeting between Perry and Harris at the Edinburgh public house on the 30th? - A: Well I don't remember sir.

A Q: And why didn't you take tape 10 exhibit 7 in the Robson and Harris case, which is a radio recording?

HIS HON. JUDGE STROYAN: I am not concerned with the Robson and Harris case.

MR. SYMONDS: Pardon My Lord?

B HIS HON. JUDGE STROYAN: I am not concerned in the Robson and Harris case.

MR. SYMONDS: My Lord, this is where the problem arises because it is very difficult to make points without referring to the Robson and Harris case in some cases, because the reporters recorded this as the one exercise. My Lord, the statements are numbered through and they numbered the tapes through.

C HIS HON. JUDGE STROYAN: Any more questions?

MR. SYMONDS: Yes My Lord. Is it correct that there were 10 tape recordings in existence on November the 11th? - A: Well I don't know sir. I am simply not in a position all these years afterwards to answer a detailed question like that. There was a number of tape recordings which you have heard.

D Q: But more than 7? - A: I don't yes there was certainly more than 7 eventually. We had, as you have heard, in some cases 3 recordings of the same meeting - direct recording from Perry, dashboard to the boot.

HIS HON. JUDGE STROYAN: Yes I have got all this thank you. - A: Thank you sir.

HIS HON. JUDGE STROYAN: Yes.

E Q: When you took these tape recordings to be copied did the Sound Engineer point out to you that you had not brought the full amount of tape recordings? - A: No I don't think he pointed out anything different to me, he just got on with recording them.

Q: You didn't say you thought you had brought the full amount? - A: I don't remember what I said to him sir.

F Q: Did you later find a tape recording that had fallen down behind a cabinet in the Times office? - A: Yes there was a tape recording which I think had got into the back of the slide in the cabinet.

Q: And when you eventually found this tape recording you had it copied at the next opportunity, which was on the 25th? - A: Yes I think that is so.

G Q: Actually Mr. Lloyd, there was one tape recording lost on the 11th?

HIS HON. JUDGE STROYAN: Just a moment.

MR. SYMONDS: Sorry My Lord.

HIS HON. JUDGE STROYAN: Which tape was that?

H MR. SYMONDS: It has never been established My Lord. It was either tape 1 exhibit 1

HIS HON. JUDGE STROYAN: Mr. Symonds, I am asking the witness the question.

MR. SYMONDS: I am sorry My Lord.

A HIS HON. JUDGE STROYAN: Do you know which tape it was which had fallen down behind the cabinet? - A: I cannot remember sir, but I believe it was telephone calls or one of the telephone calls tapes.

HIS HON. JUDGE STROYAN: Yes. It was copied when it was recovered? - A: Subsequently copied I believe sir, yes.

B HIS HON. JUDGE STROYAN: How long before it was found? - A: I don't remember sir ... em ... no.

HIS HON. JUDGE STROYAN: No, very well. Yes.

MR. SYMONDS: Mr. Lloyd, were further tapes copied to your knowledge on November the 25th? - A: Well that is the date that our secretary Prudence Woore went to Location Sound and copied them, yes.

C Q: Do you have any notes in your notebook, Mr. Lloyd, about that occasion? - A: No I don't think so sir.

Q: Did you not think it was an occasion worthy of making a note about when a number of tape recordings left your possession? - A: Well what we did sir ...

D Q: For several hours. - A: Miss Woore made a statement about it and we asked her to make notes.

Q: Would you produce that statement Mr. Lloyd? - A: It is in the possession of the Police sir.

Q: Would the Police please produce that statement?

HIS HON. JUDGE STROYAN: It is the one I have already looked at isn't it?

E MR. SYMONDS: No My Lord, it is the statement to the Police you have looked at, Miss Woore's statement to the Times.

HIS HON. JUDGE STROYAN: Mm.

MR. SYMONDS: This was a statement she made to the Police.

F HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: If Mr. Symonds is going to suggest that she made a statement to the Times perhaps he might put it to the witness that that is a second statement?

HIS HON. JUDGE STROYAN: Yes.

G MR. SYMONDS: I will come to that My Lord. I would rather continue with the tapes and that is another subject, the statement to the Times.

HIS HON. JUDGE STROYAN: Well I would like to ask the witness a question. You say she made a statement to the Police? - A: She made a statement to us, to the Times as it were, in the same fashion that we did, saying that on such and such a date at such and such a time she went to Location Sound and copied 'X' number of tapes and

H

HIS HON. JUDGE STROYAN: Yes. - A: They weren't interfered with, and I think I seem to recall asking her to make some notes at the time of copying process. We were getting snowed under with work on this operation ...

A HIS HON. JUDGE STROYAN: Yes. - A: Sir, and there was an enormous amount to wade through.

HIS HON. JUDGE STROYAN: Yes. At all events you think she made a statement to the Times in the same way you did? - A: That is right sir.

HIS HON. JUDGE STROYAN: And she made a statement also to the Police? - A: O h yes sir, yes.

B HIS HON. JUDGE STROYAN: And that of course we have seen. Yes any more questions?

MR. SYMONDS: My Lord, may this statement to the Times be produced?

MR. RIVLIN: Well, Your Honour, I have said many times that we haven't been able to trace her statement to the Times.

C HIS HON. JUDGE STROYAN: No.

MR. RIVLIN: If it is of any assistance to the witness we have produced to the witness his own statements to the Times and he can certainly look through those to see if there is anything there that assists, and again Your Honour, we do have the original notes that Miss Woore made because they are appended to that statement she made to the Police.

D HIS HON. JUDGE STROYAN: Yes, the one that I saw?

MR. RIVLIN: Yes. We have got photo-copies of this and we have the originals of those.

HIS HON. JUDGE STROYAN: Yes.

E MR. RIVLIN: And the original notes and her statement to the Police readily available. Of course the Defence have had photo-copies of her original notes for a long time.

HIS HON. JUDGE STROYAN: Yes.

F MR. SYMONDS: I wonder if it would assist the Court to see the full sets of statements made by Mr. Lloyd and Mr. Mounter where they refer to Miss Woore's part in this, but particularly sir statement number 9 by Mr. Mounter?

HIS HON. JUDGE STROYAN: Well we can deal with that.

MR. SYMONDS: Made on the 24th of November.

G HIS HON. JUDGE STROYAN: That can be dealt with when Mr. Mounter gives evidence.

MR. SYMONDS: When he refers to the statement. I would like to have the opportunity of asking Mr. Lloyd about Miss Woore's statement sir?
A: On a quick scan through them sir I cannot see any reference to Miss Woore's visit to Location Sound.

H HIS HON. JUDGE STROYAN: A quick scan. - A: Oh yes I have, sorry, in statement 9.

A HIS HON. JUDGE STROYAN: Whose statement is that? - A: That is a statement by me in which I have said ... I refer to the tapes remaining in our custody and our secretary Miss Prudence Woore, whose custody they were entrusted in to get them copied at a professional sound studio and myself, Mr. Mounter and Miss Woore can state that the tapes have not in any way been tampered, interfered with or altered in any way.

HIS HON. JUDGE STROYAN: That doesn't take us further. You said one of the tapes had fallen down behind a slide? - A: Yes.

B HIS HON. JUDGE STROYAN: Was it inside the cabinet? - A: On hangers inside the cabinet there is a slide - probably this cabinet has one as well sir - it is the thing that supports the files, and it had slid to the back as far as I can recall, of where the tapes were kept. That may be a different type but it was a sliding type.

HIS HON. JUDGE STROYAN: Yes, what I was concerned with was whether anybody who had not got the key could have picked it up? - A: Oh no, no, you had to unlock the cabinet to get into it and it was behind the interior of the slide.

C HIS HON. JUDGE STROYAN: I see. So that could only have been handled by somebody who had got the key? - A: Mr. Mounter or myself sir.

HIS HON. JUDGE STROYAN: Yes I see.

D MR. SYMONDS: Mr. Lloyd, what sort of cabinet were these tapes held in? Was it one similar to this here? - A: Yes it was a brand new one sir. We ... again we were conscious of insisting on taking total control and custody of these tapes and we insisted the Times produce a new cabinet which they did from somewhere or other and with only two keys and we had them.

Q: And who did you insist too? - A: To the head of the department with the Times who dealt with office furniture.

E Q: Was it your News Editor who helped you in this matter? - A: I don't remember who that was. The Times is a fairly large organisation. It has departments which deal with office furniture and so on. I cannot remember who it was.

Q: And do you remember the date that this cabinet was brought into your office? - A: Yes it was brought in within I think the very first days of the enquiry.

F Q: That would be the ...? - A: Probably may be even, may be ...

Q: The 28th - 29th? - A: I cannot of course say, but it was very early on because we had to keep custody of them.

Q: I see. So after two or three tapes? - A: Yes.

G Q: Or the first two in my case? The events of the telephone calls and Rose it was decided that these tapes must be kept in a safe place, is that correct? - A: Yes.

Q: And arrangements were made to provide you with a steel cabinet? - A: That is correct sir, yes.

H Q: With locks and a key? - A: Yes.

HIS HON. JUDGE STROYAN: Yes, we have got all this. It doesn't improve by hearing it two or three times.

MR. SYMONDS: Are you sure there were keys? - A: Oh yes sir.

A Q: Was it this sort of filing cabinet? - A: Yes. I mean that looks like any other filing cabinet to me. Yes it was that sort of filing cabinet.

Q: Does that sort of filing cabinet lock? - A: It looks as though it does. There is a lock.

B Q: And there is no way to go into the filing cabinet once it is locked? - A: No.

Q: If a member of the Times office staff approached my defence solicitors and so on shortly after the committal proceedings and reported to us that you and Mr. Mounter were in fact wrong about this cabinet

HIS HON. JUDGE STROYAN: No we cannot have that.

C MR. SYMONDS: Would they be incorrect? - A: Yes.

HIS HON. JUDGE STROYAN: No we cannot have this, it is a point of argument.

MR. SYMONDS: I put it to you Mr. Lloyd that this cabinet was not supplied to you until quite later on into the enquiry? - A: Well you can put it to me as much as you like sir, my recollection is that it was produced very early on in the enquiry for the very reasons I have just stated.

D Q: It was produced to you after you had obtained legal advice regarding your conduct of the enquiry and security and so on? - A: We obtained legal advice from the very outset sir. We had to get approval that ... for the recording of your conversations.

E Q: Mr. Lloyd, you have no note in your notebook about the second recording found on the 25th? Can you remember if you yourself personally handed the 7 tape recordings to Miss Woore? - A: No I can't sir, it was either myself or Mr. Mounter.

Q: Can you remember if you yourself personally received them back from Miss Woore? - A: No, but it would only, you know, be either me or Mr. Mounter. She was only gone for the space of however long it took to actually copy them, get into a taxi and come back to the office.

F Q: Were you particularly busy on that day Mr. Lloyd? - A: We were very busy right the way through the whole of this enquiry.

Q: But on that particular day you were more than usually busy?

HIS HON. JUDGE STROYAN: It is now 12 years ago. - A: Yes sir. I cannot remember.

G MR. SYMONDS: Why did you decide to send a secretary off with 7 tape recordings in her custody, off in a taxi to disappear in the afternoon and return some hours later with these tape recordings? - A: Because ...

H Q: When by your own evidence you have been storing them very carefully in a locked steel cabinet and marking them accordingly and such. Did you by that time realise that this would end up in Court proceedings? - A: Yes and we trusted Miss Woore implicitly.

Q: Did you at that time, or your legal advisors, realise that by sending this young secretary off with the tape recordings you were automatically involving her in future Court proceedings? - A: Yes that is why we got her to make a statement.

A

Q: Was Miss Woore an Australian lady? - A: Yes sir.

Q: Were you aware at that time she was due to return to Australia in some weeks time or some months? - A: I don't recall sir. She was one of a number of secretaries as these enquiries went on and we amassed more evidence about your conduct and that of the other police officers.

B

Q: My alleged conduct? - A: Your conduct sir, you know, the work snowballed. We were writing these statements, we were trying to transcribe the tapes and keep general tabs on what was going on, and that took a lot of time.

Q: You were being so busy that you had to send a typist. Did you not think to make a note in your notebook to that effect? - A: Yes. We hadn't ... we didn't regard it as in any way particularly significant that she was going off to do what was really a routine job.

C

Q: You had received legal advice by this time of course? - A: We had received legal advice right from the start sir.

Q: From Mr. Evans? - A: That is right.

D

Q: And from a retired police officer, I understand, who was your chief of security at that time? - A: No.

Q: You have never received any advice from a retired police officer? - A: None whatsoever.

Q: No retired police officer then working as head of security for Times newspapers advised you at a certain stage of your enquiry that your operation must be tightened up? - A: No.

E

Q: Very good. Mr. Lloyd, when you went to copy the tape recordings on the first occasion were you alone? - A: Do you mean when I took the tapes to E.M.I.?

Q: Yes. - A: Yes I was alone.

F

Q: Mr. Mounter and Mr. Hawkey have already given evidence, Mr. Lloyd, that in fact you were accompanied, you and Mr. Mounter, by a young lady secretary? -

HIS HON. JUDGE STROYAN: Well they haven't in this Court. - A: And I don't recall having given evidence to that effect in any other Court either sir.

HIS HON. JUDGE STROYAN: Pardon? - A: I don't recall having given evidence in any other Court to that effect.

G

MR. SYMONDS: Very well, you were alone? - A: I was alone, yes.

Q: So you alone would have marked the copies on that occasion?

HIS HON. JUDGE STROYAN: We have already dealt with this.

H

MR. SYMONDS: Copies My Lord. No, My Lord, not the copies, we have

HIS HON. JUDGE STROYAN: I am not interested in the copies, I am interested in the originals.

MR. SYMONDS: My Lord, I submit that the copies are very important to this case.

A HIS HON. JUDGE STROYAN: Well I am now trying to decide the narrow point of whether the originals are authentic or whether they have been tampered with.

MR. SYMONDS: My Lord. Mr. Lloyd, did you assist Mr. Mounter in preparing a number of exhibits which were placed in envelopes and parcels and were taken to New Scotland Yard on the night of the 28th of November? -

B A: I don't remember sir.

Q: Do you remember Mr. Mounter and Mr. Webb going to New Scotland Yard on the night of the 28th of November? - A: Yes sir.

Q: Had you been very busy, for some days, preparing these articles, statements? A: Yes sir.

C Q: During the course of preparing them did you mark the boxes for your own reference 7 by 2, 7 by 3, 7 by 7 etc.? - A: I don't remember sir.

Q: Can you recall that Mr. Mounter and Mr. Webb presented a number of statements to the Police made by you, Mr. Mounter, Perry and others? - A: Yes sir we turned over the evidence that we had on you and your corrupt colleagues to Scotland Yard.

D Q: Did you send a number of copy tape recordings to Scotland Yard? - A: Yes sir.

Q: Did you send 14 tape recordings to Scotland Yard? - A: I don't know sir.

Q: Did you send transcripts of those tape recordings on that day? - A: Yes sir.

E Q: Together with the 14 statements, tapes, you sent to the Yard, did you send evidence of statements made by Miss Woore and a statement made by you as to having copied 14 tapes during the course of this enquiry? - A: Yes sir we sent every shred of evidence we had on you and your colleagues to Scotland Yard.

HIS HON. JUDGE STROYAN: Yes.

F MR. SYMONDS: Mr. Lloyd, you referred to tape 1. Mr. Lloyd, you recall looking at tape 1, exhibit 1? - A: Yes sir.

Q: When you looked at the box I think you said

HIS HON. JUDGE STROYAN: Mr. Symonds, you have dealt with it at great length already.

G MR. SYMONDS: I am going to deal with it again My Lord.

HIS HON. JUDGE STROYAN: Try and get all these things in order.

MR. SYMONDS: Yes My Lord, I apologise.

H HIS HON. JUDGE STROYAN: And deal with them as you come to them. I cannot see that there is anything else you possibly would want to know about it, but ...

MR. SYMONDS: Do you recall identifying the box of tape 1, exhibit 1 as being handwriting not belonging to you but you believe to be that of Miss Woore?
A: Oh yes sir.

A Q: Yes. - A: Well I said it could be Miss Woore's, I don't know.

Q: I see, yes. - A: I mean these tapes you have got to remember have been handled by innumerable people, not least by your own so called experts.

Q: Yes, but you were responsible for marking "original" or "master" on the tapes? - A: Yes, but I don't know all the markings, and remember they have been stuck together, labelled by all sorts of people since then, given exhibit numbers and goodness knows what.

B Q: But by looking at your original handwriting and identifying it as yours, you can then give the tapes some sort of history Mr. Lloyd? - A: I can give it an exact history from the time that they left the machine to the time that they were handed over to the Police.

C Q: Mr. Lloyd to cut matters short, would you please look at tape 1, exhibit 1?
A: I have it sir.

Q: Would you please look at the marking on the box? - A: There is no marking on the box sir, other than ... oh there is one on the back, "telephone call - October the 28th."

Q: Do you recognise that writing? - A: I don't recognise the writing.

D Q: Does it look like Miss Woore's writing? - A: It could be Miss Woore's writing, but I don't know.

Q: And would you please now look at the Times copy tape number 1, tape 1. It is the ones handed to the Police on the 28th.

HIS HON. JUDGE STROYAN: These are not exhibited are they?

E MR. SYMONDS: I am going to exhibit them now My Lord.

HIS HON. JUDGE STROYAN: Well we shall see.

MR. SYMONDS: Are you looking at copy tape 1, exhibit 1?

HIS HON. JUDGE STROYAN: It is not exhibit 1.

F MR. SYMONDS: The copy tape of exhibit 1? - A: I am looking at a tape which says on the box, in a hand that I know not, "copy tape number 1." It says all sorts of other things on the box as well.

Q: Yes. Will you look at the tape, left hand corner of the box Mr. Lloyd and see what you see there? - A: "Copy. Phone call, October 28th. 3.34 to Symonds."

G Q: Do you see something written and crossed out? - A: Yes, but I can't ... I can't make out what it says.

Q: Does it resemble the word "master"? - A: Yes.

Q: It does? - A: Yes.

H Q: Do you see other words crossed out? - A: Yes. It looks like "Symonds at Grove."

Q: Yes, and is there a date crossed out? - A: There is something crossed out.

Q: "November the 21st." Is that possible? - A: November something or other yes. I can't read it.

Q: And "mobile camera" would that be possible? - A: Yes that would be possible.

Q: So we have exhibit 1 with no markings of "master" or "original" written upon the spool. "Master" written on the box in an unknown hand and we have the copy of, the copy tape of exhibit 1 with "master" crossed out. "Symonds at Grove. November 21st mobile Nagra" crossed out, is that correct Mr. Lloyd? - A: Yes sir.

Q: Thank you very much.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: My Lord, there are some similar questions to ask about similar peculiarities which arise from the tape recordings recently given, I believe, into the possession of the Court, which were made by the Times on the 2nd of December and were in fact the second set of tape recordings copied. My Lord, on some of these boxes there is the same sort of thing where "master" is crossed out, My Lord, and tapes in the wrong boxes and so forth. I would like to be allowed to ask for this witness to have a look at some of these copy tapes to see if he can identify some writing.

HIS HON. JUDGE STROYAN: Well that may be relevant at a later stage, but I don't see how it can possibly help me to decide whether exhibits 1 to 7 inclusive are original.

MR. SYMONDS: My Lord, it is very important because what is emerging, My Lord, is a picture of total incompetence in the handling of these original tapes My Lord. We will produce expert evidence that these alleged originals are in fact copies. My Lord, I am trying to create a scene for you where you can come to understand our experts evidence, and in fact that copies given through the negligence of not only the reporters, My Lord, but the Police copies could have been found to have been mixed in with the originals. This is one line of the way I want to present my submission to you, My Lord, at the end of the trial within a trial. It is the responsibility of the Prosecution to prove to you the original and authentic tape recordings and within the word "authentic" they must satisfy you that in the history of those tapes that there has been no chance to interfere with them from the time that they were made until the time they are produced before you My Lord.

In the first day or so you have heard various witnesses talking about "masters" My Lord which must already raise serious doubts in your mind and I would like to continue along this line, My Lord, in attacking the alleged continuity of handling on which the Prosecution rely from the history and which would lead you to admit these tapes My Lord.

HIS HON. JUDGE STROYAN: Well what I have got to decide - as I keep on repeating - is whether the tapes relied on by the Crown at this juncture - which are exhibits 1 to 7 - are original and authentic. I don't see that it is going to help me in deciding that to know that ample copies were made on different occasions by different people.

MR. SYMONDS: My Lord, there are a number of tapes missing by the admission of the reporters who say on such and such an occasion we made three or four recordings, but because the car was out of range or because of a

malfunction of the machine nothing was recorded on one particular tape, or very little was recorded, or nothing of interest to us was recorded, and this tape, My Lord, has now completely disappeared.

A MR. LLOYD: I have made no such admission, Mr. Symonds, that any tapes are missing.

B MR. SYMONDS: My Lord, I must now take Mr. Lloyd through his statement to the Police, My Lord, in which a number of tapes are discovered missing and Mr. Lloyd offers a selection of excuses as to what happened to them. I feel that Mr. Lloyd's remark from the witness box, My Lord, leaves no other alternative to basically showing him in black and white where he has made several statements seriously to police officers in which it has been put to him.

HIS HON. JUDGE STROYAN: Can we go on with the questions? You will have lots of chances to make a speech later.

MR. SYMONDS: My Lord, you have not answered my question.

C HIS HON. JUDGE STROYAN: I am here to answer your questions.

MR. SYMONDS: My Lord, my question was may I put to this witness whether or not I am allowed to ask this question?

HIS HON. JUDGE STROYAN: You ask the question.

D MR. SYMONDS: About the Times copy tapes.

HIS HON. JUDGE STROYAN: You ask the question and I shall then rule on it.

MR. SYMONDS: I beg your pardon?

HIS HON. JUDGE STROYAN: You ask the question and I then shall rule on it.

E MR. SYMONDS: I don't understand that My Lord. I will take some advice. Mr. Lloyd, is it to your knowledge that these tapes were recorded on another occasion, other than the ones you have just given evidence about?

HIS HON. JUDGE STROYAN: What does that mean? Which tapes?

MR. SYMONDS: The original tapes My Lord. My Lord, the original tapes were copied according to the evidence, once on the 11th of November at Location Sound Facilities ...

F HIS HON. JUDGE STROYAN: Oh yes I know that, but can you please tell me what the present question is meant to be directed at because it is not clear to me?

G MR. SYMONDS: My Lord, I am establishing the fact that the Times copy tapes are in existence which I am advised they are. My Mistake, My Lord, I must establish that fact. I am asking questions on a fact that has not been established yet.

MR. RIVLIN: I am prepared to admit that - if that is what the defence is after - that the Times made copies to retain for their own purposes; that is copies in relation to those which have been produced in Court.

HIS HON. JUDGE STROYAN: Yes, but that is already in evidence.

H MR. RIVLIN: It is indeed, yes.

HIS HON. JUDGE STROYAN: I think you have got that point now. Did you hear what Mr. Rivlin said?

A MR. SYMONDS: Did the Prosecution agree that there are in existence Times copy tapes?

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Having heard that, My Lloyd, did you have anything to do with making these copies? The second set of copies? - A: No sir.

B Q: You did not? - A: No sir.

Q: To your knowledge did Mr. Mounter have anything to do with making this second set of copies? - A: I can't recall sir.

Q: Or Miss Woore? - A: I can't recall sir.

Q: Well then who did make this second set of copies? - A: Location Sound.

C Q: But you weren't there? - A: No.

Q: So, therefore, someone took away ... someone went to this steel safe, unlocked it, took out the originals, took them to Location Sound Facilities made copies, brought them back and put them back in the safe, is that right? - A: I don't recall sir.

D Q: You don't know who it is. If you looked at the writing on those copies would it help you to remember or recall who in fact made this second set of copies? - A: It might do. It might not sir.

Q: My Lord, may I show this witness the Times copies for him to refresh his memory from the writing on the box My Lord?

E HIS HON. JUDGE STROYAN: Well I don't see how that is going to help me. WE know and have known for some time that there are copies in existence which were put into the possession of the Times which they kept as a safeguard.

F MR. SYMONDS: My Lord, it is an enormous - with respect My Lord - an enormous breach of continuity; greater than that of Miss Woore My Lord, because Miss Woore only breaks the continuity for 7 tapes on the afternoon of the 25th. Here we have these original tapes allegedly heavily guarded in the Times office and locked up, suddenly disappear from the safe and arrive At Location Sound Facilities, many many hours are spent copying them and they suddenly come back again. Now When we look at the originals we find a number of them are copies, a number of them do not have "master" and "original" identifications on them, and a number of them are in the wrong boxes. We have already found one box amongst the Police copy tapes with "master" crossed out, and also an event which begins much later, and because the Times copy tapes, My Lord, are in such boxes then it may be argued- which really need hardly be repeated - that the alleged original tapes

G MR. RIVLIN: Please give me a moment. I think Mr. Symonds may be barking up the wrong tree altogether here because if my information is correct - and obviously there will have to be evidence about this - the Times requested use of the Police facilities to copy the tapes because they had no copies of their own at the time.

H HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: In other words the Times copy tapes weren't made at a time when the originals were in the custody of Mr. Lloyd and Mr. Mounter. They were made at a time when the originals were in the custody of the Police.

A HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: My Lord, I can help you on that, that is quite incorrect My Lord in fact because the originals tapes were not handed over to the Police, I believe, until the 3rd of December. That is the evidence. These tapes were copied by the Times, My Lord, on the 2nd of December before the Originals were handed into the custody of the Police.

B HIS HON. JUDGE STROYAN: There is certainly no evidence about that on the 2nd of December. It may be you're ahead, but it is not in evidence yet. -
A: Sir I can assure you that these tapes never disappeared suddenly from this locked filing cabinet, they were always under our custody and there was no willy nilly copying of them in that fashion.

HIS HON. JUDGE STROYAN: Yes. Let us get on.

C MR. SYMONDS: My Lord, the tapes which I referred to as the Times copies, the ones which have been in their possession until a few days ago, and which we requested them to provide to the Court, My Lord, there are tape page numbers.

HIS HON. JUDGE STROYAN: What is the next question please, you will have an opportunity of making a speech to me later,

D MR. SYMONDS: My Lord, may I ask the witness to look at one of the Times recordings, Times copy recordings?

HIS HON. JUDGE STROYAN: Which one?

MR. SYMONDS: My Lord, the tape I have decided on to ask this witness about is tape 7 inch, number 4 of the Times copies as described by the Times My Lord. May that tape please be shown to the witness?

E MR. RIVLIN: Your Honour, we would be very happy to produce it if we had it. The position is this, that we did ask the Times to release their Times copy tapes and the Times solicitor last week undertook to do so and we are making enquiries at this moment as to precisely where they are because I am led to believe that they may have been sent into the custody of a local solicitor.

F HIS HON. JUDGE STROYAN: Oh.

MR. RIVLIN: If you could just allow me one moment?

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Your Honour I shall be able to give an answer about this. Then of course the defendant may have a look at them.

G HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Would you just allow us a few moments?

HIS HON. JUDGE STROYAN: Yes certainly. Well you can ask about something else for the moment.

H MR. SYMONDS: Yes My Lord.

HIS HON. JUDGE STROYAN: Is there any other matter?

MR. SYMONDS: I beg your pardon sir?

A HIS HON. JUDGE STROYAN: Is there any other matter?

MR. SYMONDS: Many other matters, My Lord, many.

HIS HON. JUDGE STROYAN: Yes, well let us get on with them.

MR. SYMONDS: Mr. Lloyd, you have been referring to your pocket book during your evidence? - A: Yes. sir.

B Q: Is that correct? And I believe you assured his Lordship that the notes were contemporaneous? - A: That is right sir.

Q: You also referred to a bundle of statements described as "statements to the Times"? - A: Yes sir.

C Q: And I believe you informed the Court that these statements were in the main made on the day you were in fact transcribing the shorthand from your pocket book into statement form? - A: Yes I think that is the case sir.

Q: Yes. Mr. Lloyd? - A: Sometimes the work piled up and they may not have been actually on the day. I really cannot remember at all this distance.

D Q: Mr. Lloyd, were you able - by a copy of your statement to the Police - to refresh your memory before coming into this Court today? - A: No, at the Old Bailey sir.

Q: A few months ago you were able to be supplied with a copy of this statement? - A: Yes sir.

Q: And have you referred to it recently? - A: No sir.

E HIS HON. JUDGE STROYAN: Yes. What is the next point?

MR. SYMONDS: Mr. Lloyd, how did you first come to meet the complainant Perry?
A: Er ... through the aegis of a former contact of the news team with which I was working at the time.

Q: What is the name of this contact? - A: Mr. Brennan sir.

F Q: By contact do I understand that he is an informant to your newspaper or was? - A: He gave us some assistance sir in an article we were writing about protecting people's homes from antique thieves.

Q: Was it known to you at this time that Mr. Brennan was a man with criminal convictions? - A: Yes sir that is why we employed him.

G Q: Did Mr. Brennan give you previous information about police officers? -
A: No sir.

HIS HON. JUDGE STROYAN: Whether he did or whether he didn't cannot help me to decide whether the tapes are authentic can it?

MR. SYMONDS: I am going through the matters, My Lord, we are going through the matters of credit and we are going into the matters of his alleged contemporaneous notes.

H

HIS HON. JUDGE STROYAN: The only matter we are going into is the authenticity of exhibits 1 to 7. There are other matters which may arise if we get to a Jury stage but not at the moment.

A MR. SYMONDS: My Lord, I submit I am allowed to put questions to this witness as to his credit because the Prosecution is relying very much upon the credit of this witness to lay weight to his alleged markings on the tapes which are very disputed My Lord.

HIS HON. JUDGE STROYAN: You are perfectly entitled to put to him that his evidence is wrong, but I should like to know which pieces of his evidence you say are wrong. What do you say is wrong with his evidence?

B MR. SYMONDS: Mr. Lloyd, I put it to you that, in the first place, your pocket book notes are not contemporaneous? - A: Not so sir.

Q: Pardon? - A: Not so sir.

Q: Not so. I put it to you that the statements you made to the Times were not contemporaneously made? - A: Not so sir.

C HIS HON. JUDGE STROYAN: Just a moment please. Yes.

MR. SYMONDS: I put it to you that your notebook was in fact concocted at a later date to those dates shown in the notebook? - A: You can put it to me as much as you like sir.

D Q: Would you answer 'yes' or 'no' or something like that.

HIS HON. JUDGE STROYAN: Yes, we are now getting somewhere. You say his evidence is concocted and that is something I can readily understand as an allegation. Yes.

MR. SYMONDS: Mr. Lloyd, when you first went to meet Perry what information had you received from other sources about this man and his complaint? - A: That one of your corrupt colleagues had pressed gelignite on to his fingers and was blackmailing him.

E Q: You had been told this before you met Mr. Perry? - A: Yes sir.

Q: By whom? - A: By Mr. Brennan.

Q: By Mr. Brennan? - A: Uh huh.

F Q: Your informant? - A: Well what he did ... em ... he got in touch with us. A year or so - I think it was about a year before this - we had used Mr. Brennan's expertise in writing an article to inform people about how to protect themselves against antique thieves for which Mr. Brennan said he had been a former practitioner.

G HIS HON. JUDGE STROYAN: Sorry, is he Brynan or Brennan? - A: Brennan sir; and so remembering us a year later when Detective Inspector Robson pressed gelignite on to Perry's fingers and then blackmailed him, threatening him to put the gelignite charge against him if he didn't produce the name of informers. This would have sentenced Perry to prison for at least 5 years so we understood, and we decided that we ought to look more closely into these allegations. So I agreed to meet Mr. Perry and I think it was two of his friends at a pub ... em ... I think it was at a public house - at a public house or may be I brought them into the office. At allevents I met Mr. Perry and his two friends and they made a statement to me about their allegations. I gave him a fairly hefty grilling to start with because I thought he may be making absolute speechless allegation, as

H

A people often do to newspapers. He said he was going to meet Detective Inspector Robson in a public house and I felt, well, I had better observe this meeting. I attempted to do so quite unsuccessfully. It was a noisy pub called the Plough and because of the amount of noise I couldn't really hear what was being said and it was then we decided that we would have to use tape recordings if we were going to get anywhere.

HIS HON. JUDGE STROYAN: Mr. Symonds, interesting though this may be to you, I don't think it helps me decide the authenticity of exhibits 1 to 7.

MR. SYMONDS: I quite agree My Lord.

B HIS HON. JUDGE STROYAN: Just a moment. What you must put to this witness - if you want to, if you are attacking his credit as you are entitled to do - is the incidents of his giving untrue statements on other occasions. You are entitled to do that; if that is what you want to do let us do it and let us not waste time doing other things.

C MR. SYMONDS: Very good My Lord. Mr. Lloyd, when you went to see this man Perry as a result of Mr. Brennan's information, had my name been mentioned at all? - A: No sir.

Q: It hadn't? - A: No sir.

Q: And? - A: Not to me anyway.

D Q: And when you saw Mr. Perry himself in person he made certain complaints, is that right? - A: He made specific complaints to me about Mr. Robson.

Q: About Mr. Robson? - A: Uh huh.

Q: Did he mention my name at all? - A: I don't recall him doing so at that time.

Q: Perhaps you could refresh your memory by looking at your ...? - A: Statement?

E Q: Your statement, yes.

HIS HON. JUDGE STROYAN: What is the point of credibility here?

MR. SYMONDS: My Lord, it will come in one minute.

HIS HON. JUDGE STROYAN: It has taken rather a long time so far.

F MR. SYMONDS: Looking at page 8. - A: Is this statement one?

Q: Looking at page 8 of your pocket book transcript Mr. Lloyd, at the bottom of the page you have made a note: "Detective Sergeant Symonds from Camberwell Green, bloke who nicked me for the case and took me to Camberwell Police Station."? - A: Yes that's right.

G Q: Turning over the page: "A friend of mine rang me up and he said 'I have been told to have a word with you to tell you about how ? if anything of the Nuneaton. I said how much do you want?'"? - A: Yeah.

Q: Right. The next entry, Mr. Lloyd, is October the 28th? - A: Yes.

H Q: So this entry was made, was it not, on October the 27th? - A: Yes that is right. Well, presumably so, yes.

A Q: Well according to your Notebook, Mr. Lloyd, Perry complained on the 27th about my corrupt activities on the day he first met you? - A: Well I don't remember whether he specifically complained about your corrupt activities on that date. His central concern was that gelignite had been pressed on to his fingers by Mr. Robson and he stood a fair chance of going to prison for 5 years if he didn't produce the name of a receiver. Now it was clear that there was an awful lot of background to all this.

B Q: Yes Mr. Lloyd. - A: I wasn't going to get this by sitting across a pub table in 5 minutes and I made some notes in my notebook and then brought him back to the Times I think, to get a much fuller statement and account from him.

B Q: I see, so you took Mr. Perry back to the Times to get a much fuller statement? - A: I think so, yes.

Q: Did Mr. Perry amplify his allegations against me in the course of making that statement? - A: Em ... well if you refer me to the statement that he made which gives

C Q: May this witness please look at the statement made by Perry to the Times on the 27th of October, 1970?

HIS HON. JUDGE STROYAN: I think you will have to take his answer to the question.

MR. SYMONDS: Sorry My Lord?

D HIS HON. JUDGE STROYAN: I think you will have to take his answer to the question.

MR. SYMONDS: He said "if you refer me to the statement I might be able to.."

HIS HON. JUDGE STROYAN: Yes, I don't think we can have Perry's statement in by the back door. You could put it to Perry; you see Perry is going to give evidence, you can ask him about it.

E MR. SYMONDS: Very good My Lord. My Lord, this is the difficulties in my case.

F HIS HON. JUDGE STROYAN: Can we please get to the point about credit. You say you want to attack this witness's credit. Now you are perfectly entitled to do that, but what is the question which is going to show that he is untruthful, that is what I want to know. See I am trying to help, do you follow?

G MR. SYMONDS: My Lord, this witness's pocket book says that Perry made an allegation against me on the 27th of October and this was evidence given in fact in the previous hearings - at the committal hearings and in the previous hearings. Now this has been challenged before, My Lord, because it has been suggested to this witness before on other occasions that this was not true that Perry did not in fact give my name to these reporters on the 27th; he gave the names of 4 other officers or three.

HIS HON. JUDGE STROYAN: You put that to the witness.

H MR. SYMONDS: Well? - A: Well I don't agree with you sir. I mean I have got a reference in my notebook which (for heaven's sake) must show it is contemporaneous, and I have: "Sergeant Symonds from Camberwell Green, bloke who nicked me for the case and took me to Camberwell Police Station! Now that doesn't mean ... that doesn't actually specifically make any allegation to me about corruption by you, it merely refers to this case at

Nuneaton in which Mr. Perry was heavily involved.

Q: Yes. - A: Now I think ... I think his ...

A

Q: Had Mr. Perry mentioned any other names to you other than mine on that day? - A: Well he did subsequently. I cannot remember the general chronology or the specific times.

MR. RIVLIN: Your Honour, it is all on page - in the notebook - (for the defendant) all on pages 13 and 14.

MR. SYMONDS: Of the depositions?

B

MR. RIVLIN: Of the transcript of this witness's pocket book. Pages 13 and 14. "The detailed allegations which I think were made on the 28th." Or reference to them, top of page 13.

MR. SYMONDS: Mr. Lloyd, in evidence this morning I think you were asked if you had ever been involved in investigating police officers before this occasion? - A: Was I? I don't remember it.

C

Q: Well I believe you were. Your answer was "it was an entirely novel experience"? - A: I was asked if I had ever used tape recordings.

Q: No other investigation of police officers as I understand it? - A: Well I don't remember that.

D

Q: Had you ever investigated police officers before this occasion? - A: No

Q: May you have done? - A: No not specifically, no.

Q: Are you quite sure? - A: Well put to me a question you want me to answer.

E

Q: Had you investigated the alleged corrupt activities, or criminal or illegal activities of other police officers before you embarked on this particular investigation? - A: I don't recall having done so sir, not specifically corrupt police officers.

F

Q: Had you investigated any police officers at all in your career as a journalist? - A: I don't remember having done so specifically. I was working in a unit which was specialising in investigations of all sorts and when we weren't doing the immediate big break stories of the day we were engaged in investigations of all sorts of kinds. Some of which might have referred to police officers in a general fashion, but I don't remember particular instances.

HIS HON. JUDGE STROYAN: Yes.

G

MR. SYMONDS: Having made a similar reply to a similar question to Mr. Capstick at Wells Street Court some years ago, did you eventually under cross-examination admit that you had in fact been involved in investigating corrupt police officers some time, or a short time, before you undertook this investigation? - A: No I don't remember it. If you would like to refer me to my deposition I am sure I can deal with it.

Q: You were asked the name of the police officer that you were investigating or I will refer to the depositions. My Lord, I cannot find that at the moment, I will come back to that.

H

MR. RIVLIN: I don't think that will do with respect. I have got the deposition and I have got the notes of cross-examination and I have been looking for it too, and it is only .. it goes on for about 3 pages and if there is any substance in what the defendant is putting he should refer the witness to it.

MR. SYMONDS: I wonder if I could be given the numbers of those 3 pages?

HIS HON. JUDGE STROYAN: Yes pages 28, 29, 30; half of 28 to half of 31.

MR. RIVLIN: That is the cross-examination.

MR. SYMONDS: I wonder if I could help the Court? I am afraid sir you are looking at further cross-examination and you will find about 10 or 12 pages of cross-examination before that.

MR. RIVLIN: Very well. I think that the defendant may be referring to page 12 halfway down: "Previously

MR. SYMONDS: Yes My Lord, it is page 12.

HIS HON. JUDGE STROYAN: I have got that.

MR. SYMONDS: The last paragraph, yes. "Previously I have had the job of investigating an allegation in which corruption was alleged, and we started making enquiries, but they were dropped as impractical, after certain interviews. This was on behalf of The Times. I can't remember how previous this was to the October, it would have been about a year previous to the October. I was not appointed in the same way to do this investigation, this was an enquiry into another matter in which information came to us, of allegations of corruption concerning the Police. It was dropped after I had an interview with a certain person, I'm not prepared to say who this person was, because the interview was confidential and I was told that it would prejudice enquiries in another direction. I was not upset about this matter being dropped, I would not have liked to have gone on with this enquiry. I was not able to enquire into it in sufficient depth to assess one way or the other what the allegation was." Did you hear that read from your statement? - A: Yes.

Q: Now do you agree that you were involved in a previous allegation into Police corruption shortly before embarking on this one? - A: No sir.

HIS HON. JUDGE STROYAN: What? - A: No sir.

HIS HON. JUDGE STROYAN: Perhaps you had better explain? - A: It wasn't an allegation into Police corruption I was carrying out ... er ... an investigation we were going to take an interest in the activities of the Kray twins. I began ... I embarked upon certain enquiries in that direction and I came across certain information and had an interview with a very senior person which I don't feel at liberty to disclose sir and it has got nothing whatsoever to do with this case, and I was advised that our enquiries could in fact hamper the course of Police enquiries. It was during the course of that that there were some references to Police corruption and misconduct (bribery) but we had absolutely no substance or evidence about it at all, and in fact the enquiry very, very rapidly became subjudice anyway.

HIS HON. JUDGE STROYAN: Your evidence when this was first put to you by Mr. Symonds was "I don't recall having investigated corrupt police officers."
A: That is right.

HIS HON. JUDGE STROYAN: Well you have had this pointed out - those remarks in your passage of cross-examination - pointed out to you. - A: It wasn't an investigation of corrupt police officers sir.

A HIS HON. JUDGE STROYAN: Yes I think that clears up that point. Yes, the next point?

MR. SYMONDS: Are you now prepared to admit ... to disclose the identity of the senior police officer who interviewed you? - A: No I am not sir. I very much doubt if I should remember it.

B Q: Would you write the name down on a piece of paper to give to the Judge for him to ...? - A: No sir I wouldn't. It was an entirely confidential interview conducted on the basis of confidentiality and it has nothing whatsoever to do with this case.

C Q: I put it to you that your contact (Mr. Brennan) who was an active receiver in Camberwell and was in fact receiving large quantities of stolen property from the members of a gang known as the "Likely Lads" who were indulging in offences all over the country; I put it to you that Mr. Brennan had - on a previous occasion - alleged corruption to you against a police officer who was causing the said Mr. Brennan some difficulties at that time? - A: I didn't know Mr. Brennan before the event of his assistance with the antiques story, and I didn't see him or hear of him to my recollection from the time we did the antiques story until he came to us again over the behaviour of Mr. Robson.

D Q: So Mr. Brennan was not the person who made the previous allegation of corruption to you? - A: What previous allegation of corruption?

Q: That you were investigating? - A: I wasn't investigating an allegation of corruption.

E Q: Perhaps now is the time to Mr. Lloyd, if after 12 years, do you think that after 12 years the name of the senior police officer who interviewed you and told you to discontinue your enquiry into corruption; do you think that now his name might perhaps be released to this Court? - A: No I don't, and I will not have words put into my mouth. I did not, I repeat - please listen - I was not carrying out an investigation into Police corruption, I was carrying out an investigation concerning the Kray twins.

F Q: Well, Mr. Lloyd, shortly ... surely the senior police officer who advised you to discontinue this investigation into the Kray twins could support your denial that the investigation was in fact not corruption.

HIS HON. JUDGE STROYAN: You have already been told that the witness won't disclose his name and there is no reason why he should. There is no good in pursuing the matter.

MR. SYMONDS: Very good My Lord.

G HIS HON. JUDGE STROYAN: Yes. Anything else? You appear to have covered the ground very thoroughly?

MR. SYMONDS: My Lord there are further questions.

HIS HON. JUDGE STROYAN: Yes, well let us have them. Yes what is the next one?

H MR. SYMONDS: Mr. Lloyd, going back to your contemporaneous entry into your pocket book on the 27th of October? - A: Yes sir.

Q: You cannot remember whether, when Perry returned to the Times offices, he made any specific allegations against me? - A: No I cannot. If I saw Perry's statement obviously I may, but when your name particularly cropped up it was on the morning that we went to Woolwich to await this telephone call from Mr. Robson and while we were waiting

A

Q: Yes Mr. Lloyd, you have covered that. So when you made your statement to the Times later that night in which you transcribed your pocket book, you transcribed most of the pocket book effectively, but you did not include in your statement to the Times made on the 27th any reference at all to me. If you look at your statement to the Times, statement number 1, page 3.
A: I will accept that sir.

B

Q: No reference at all to me? - A: We weren't specifically interested in you at that particular time.

Q: But

HIS HON. JUDGE STROYAN: Yes, next point please.

C

MR. SYMONDS: Mr. Lloyd, if you look at your pocket book for the next day, October the 28th, you are spelling my name Symons? - A: We didn't know how it was spelt, I mean we merely heard it from Mr. Perry.

HIS HON. JUDGE STROYAN: You have got better points than that.

MR. SYMONDS: My Name is still being spelt Symons.

D

HIS HON. JUDGE STROYAN: Yes we have got that point. We are spelling your name wrong.

MR. SYMONDS: In your pocket book notes for the 28th you deal with - on page 13 - some of the things I am supposed to have said to Perry, is that correct? - A: That is right sir.

E

Q: Is it true that these things do not in fact appear upon the tape recording?
A: Of the notes sir?

Q: The statements attributed to me by Perry? - A: I don't know what you are talking about.

Q: For example "We have got some interesting things for you at Christmas."

F

HIS HON. JUDGE STROYAN: Well I have heard the tape recording and I can read this. You need not go on about it. I have got a transcript, I can see what is written there, I can see what is written here and I can make my own comparison. Next point.

MR. SYMONDS: On the 28th of October according to your notebook, did you report that Mr. Perry said the Sergeant was offering to put him on to some interesting theft job? - A: Yes.

G

Q: Does that appear on the tape recording? - A: It certainly does, we heard it this morning. "Blag them for Christmas" I think was one expression.

Q: Would you look at a copy of the transcripts of the tape recordings please?
A: Yes sir.

H

Q: Would you look at the transcript of tape 2, exhibit 2? - A: Well refer me to it sir.

HIS HON. JUDGE STROYAN: What is the point now?

MR. SYMONDS: My Lord, I understand the witness to say that he heard this morning, me saying on the tapes

A HIS HON. JUDGE STROYAN: I heard the tapes, I have seen the transcript and I can read this. You can make the points to me.

MR. SYMONDS: My Lord, I put it to you that those words do not appear on the tape recording.

HIS HON. JUDGE STROYAN: Which words?

B MR. SYMONDS: "We have got some very interesting things for you for Christmas."
A: Let me just read this a moment.

HIS HON. JUDGE STROYAN: What page are you looking at?

MR. SYMONDS: I am looking at page 13 of his notes My Lord. Tape 2, exhibit 2 in the transcripts.

C HIS HON. JUDGE STROYAN: I cannot see anything about Christmas on that page. -
A: Yes on page 12 sir, at the bottom of page 12 in my notes says that Mr. Perry told me that Sergeant Symonds had told him he now considered Perry was alright. Perry said he had openly handed over the £50 which we had watched him earlier put into his top pocket. The Sergeant had also told him "we have got some interesting things for you for Christmas." Mr. Perry said that this meant the Sergeant was in fact putting him on to some interesting theft job.

D HIS HON. JUDGE STROYAN: Yes. - A: The Sergeant told Perry, thinking he might be going to do a breaking and entering job that night to take care.

HIS HON. JUDGE STROYAN: Yes.

E MR. SYMONDS: The original question to you, Mr. Lloyd, was those alleged conversations, particularly "we have got some interesting things for you for Christmas" do not appear on the tape recordings? - A: Well is this the tape recording in which

Q: Tape 2, exhibit 2. - A: That is the one, the radio tape is it, in which there are very patchy recording?

F Q: Yes. - A: Yes. Well I don't know because it was a very imprecise tape recording. It was a radio recording, one of the early ones, and while I think we were retrieving the tapes I talked to Perry about what you had said and he said that he had handed over

HIS HON. JUDGE STROYAN: Mr. Symonds, I understand the point you are making which is that there are things which appear in this note which do not appear on the tape. That is something I can see for myself when I look at this and look at the transcript. You don't need to put it any more.

G MR. SYMONDS: I put it to the witness that he didn't hear something that he was "blagging something for Christmas."? - A: Well I did.

Q: May we now play

HIS HON. JUDGE STROYAN: No.

H MR. SYMONDS: We would

HIS HON. JUDGE STROYAN: No. Go on to the next question please.

A MR. SYMONDS: Thank you very much. Continuing on from that: "We have got some interesting things for you for Christmas." Does it read: "Mr. Perry said that the Sergeant was offering to put him on to some interesting theft jobs."? - A: That is right.

Q: And if you look at your statement to the Times, statement number 1A, page 3 at the very bottom. - A: Statement number 1?

B Q: For the benefit of your Times chiefs did you transcribe your notes for their benefit? Mr. Perry said: "The Sergeant might be going to do a breaking and entering job that night and told him to take care."? - A: Where is this sir, I haven't

Q: Bottom of page 3 of the statement number 1A. - A: Well I have got

C Q: Dated the 28th of October, made by you for the benefit and information of Mr. Webb your News Editor, your other Editor and other people responsible for deciding on whether the investigation should be continued or not? - A: No it wasn't. It wasn't the reason for these statements at all.

Q: What was the reason for these statements Mr. Lloyd? - A: To try and keep some chronological account of what was going on in the event of litigation. But I haven't got 1A. I haven't got the one you are referring to.

D Q: Could the witness please be given ... you have not got the original? - A: I haven't got one. I have got this one if that is the one you are referring to, it is marked 1, statement number 1.

Q: The 27th? - A: The 27th of October.

Q: Right.

HIS HON. JUDGE STROYAN: What is the point now?

E MR. SYMONDS: My Lord, we are still trying to establish whether or not Mr. Lloyd reported to his superiors an enormously different version of what I was supposed to have said to what he now has in the present transcript of his notes? - A: There is nothing extraordinary about that Mr. Symonds. Mr. Perry was talking to us all the time and these things were amplified. The fact that it doesn't appear in my notebook there is nothing untoward about that at all.

F Q: Mr. Lloyd, in your notebook the words are: "Mr. Perry said this man, the Sergeant, was offering to put him on to some interesting theft job."

HIS HON. JUDGE STROYAN: Yes.

G MR. RIVLIN: I think I can help the defendant. I am prepared to make an admission that the tape exhibit number 2 is broken up and that there are considerable blank parts in that tape and that the things that Mr. Perry said to this witness are not on the recordings that we have, indeed very few if any of them are on the recording that we have.

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And if that helps the defendant then so be it.

H HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: My Lord, that helps. The point I am now making is that this witness was making a notebook, My Lord, which is now an exhibit in this case in which he recorded alleged conversations with Mr. Perry and alleged allegations made by Mr. Perry to him.

A HIS HON. JUDGE STROYAN: Mr. Symonds I have got that point.

MR. SYMONDS: My Lord yes, and I am saying the first point which is being conceded by the Prosecution, and the second point I am making, My Lord, is that this witness has transcribed his notes - if they were these notes -

MR. LLOYD: I did not.

B MR. SYMONDS: Which I submit are not the original notes, but he has transcribed some note to read: "Mr. Perry said the Sergeant might be going to do a breaking and entering job that night and told him to take care."

MR. LLOYD: Uh huh.

C MR. SYMONDS: Which, My Lord, is a much more serious allegation and quite different to what is now alleged to be the shorthand note in his book which says: "Mr. Perry said this man, the Sergeant, was offering to put him on to something interesting a theft job." That, My Lord, is a very serious difference.

HIS HON. JUDGE STROYAN: Yes, well I have got that point. Yes, anything else?

MR. SYMONDS: Yes My Lord.

D HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Continuing on from that at the top of page 13. - A: Yes.

E Q: There is a long conversation in your pocket book shown on the transcripts as practically the whole of page 14 beginning: "During our wait in the Woolwich flat Perry told me" right? - A: Just to ... just to go back to your original point. I think I may be able to help you on this. At the top of page 13.

Q: Yes. - A: I might well have misunderstood that transcript.

F Q: Yes. - A: Looking at this now my exact transcript - which was made on my notebook at the Police behest - says this: "The Sergeant told Perry thinking he might be going to do a breaking and entering job that night, to take care." That is Perry going to do a breaking and entering job. I might have misunderstood that at the time of reading my notes from shorthand to taking it that Perry was telling us ...

Q: That I was going to do the job? - A: Exactly and I may have misread my note and misunderstood my note about it.

G Q: I see, but quite a big mistake, Mr. Perry, on the statement? - A: I am not Mr. Perry and I would accept that it is a mistake but I mean subsequently not at all. I mean there you were commissioning crime.

Q: Referring back to your contemporaneous notebook - continuing on from that exact same sentence - we then have: "During our wait in the Woolwich flat Perry told me? - A: Where is that?

H QP Page 13, immediately after "going to do a breaking and entering job that night."? - A: Yes sir.

Q: "About 4 weeks ago Nuneaton Police visited his own flat etc." and he goes on to make an allegation against me which is in actual fact in relation to these charges? - A: Yes sir.

A Q: I think you previously told the Court that when you made your first note about this - bottom of page 8 - "Detective Sergeant Symonds from Camberwell Green, the bloke who nicked me for the case and took me to Camberwell Police Station." That was when Perry told you about me on the 27th and he later amplified this to you, the allegation to you. In fact on the 28th and after meeting me, is that right? - A: Well I don't remember sir.

B Q: Well I am asking you to look at your pocket book to refresh your memory. A: Well I am looking at my pocket book.

Q: Well would you look at page 8 and will you look at the bottom of the page to refresh your memory. There is a note there: "Detective Sergeant Symonds from Camberwell Green, bloke who nicked me for the case and took me to Camberwell Police Station." Yes? - A: Yes.

C Q: I clarified that my name should be written into your pocketnotebook on the 27th and I asked you to examine the statement Perry made to the Times where he amplified his allegations against Mr. Robson and Mr. Harris, Mr. Sylvester and Mr. Hughes, but not against me, my name was not mentioned I understand. Now you then said that you made a brief note on the 27th and on the 28th you amplified this complaint in your notebook and here is the amplification on page 13. - A: Yes.

D Q: "During our wait in the Woolwich flat." Now your wait in the Woolwich flat was on the morning of the 28th and this must be taken on the afternoon or evening of the 28th, is that right? - A: I suppose so. I cannot remember this kind of fine detail I am very sorry. If you had been here 10 years ago sir I could probably have told you this in great detail. I cannot remember 10 years later.

E Q: Perry then makes a serious allegation against me, is that right? If you please read page 13 and the top of page 14. - A: I have already read it several times, I don't think I want to read it again.

F Q: Now, Mr. Lloyd, having gone to great trouble of having carefully written this allegation into your notebook you returned to the Times and you transcribed your notebook for the benefit of your superiors from Pitmans shorthand into a statement? - A: I didn't say I did that. I said I sat at a typewriter and we made we made statements. Now I would have made some reference to my notes, but it wasn't intended to be a transcript of my notebook. My notebook was never transcribed until the Police insisted upon it being done when they came on the scene. A transcript of my notebook was of no use to us. I knew what was in my notebook. The purpose of these statements were for purposes of litigation, to protect us in the event of you writting us for libel which you did.

G Q: Mr. Lloyd, comparing your statements against your notebook, which I am sure you have done most carefully? - A: I am sure you have sir.

Q: Your statements follow almost word for word your notebook, including what people would imagine to be very, very, minor details, are faithfully recorded in your statement? - A: You cannot have better proof that it was contemporaneous could you sir?

H Q: Exactly, exactly Mr. Lloyd. In your witness statement when you were faithfully transcribing what I submit to you was your original pocket book ...? - A: I did not say that.

Q: Into notes for the information of your chiefs at the Times Mr. Lloyd? -
A: Mr. Symonds, will you stop putting words into my mouth.

Q: You didn't mention anywhere at all Perry's allegation in that statement.

A HIS HON. JUDGE STROYAN: Mr. Symonds, I have given you a great deal of leeway, don't take advantage of it.

MR. SYMONDS: I beg your pardon My Lord?

HIS HON. JUDGE STROYAN: I have been giving you a great deal of leeway. You have been taking a great deal of time, please don't try and take advantage of it.

B MR. SYMONDS: Very good My Lord.

HIS HON. JUDGE STROYAN: Let us stick to the point.

MR. SYMONDS: The point is, My Lord, that this point has never

HIS HON. JUDGE STROYAN: You have put that allegation and I have heard it.

C MR. SYMONDS: My Lord, I have many other examples of later points which I would like to put to this witness, which, My Lord, I would feel that after you had heard some of these points I wish to make to this witness you would become assured that the notebook he has produced in this Court and sworn on oath and said to you these are contemporaneous notes, are not, and cannot be contemporaneous notes My Lord. In this way I would say to you that when Mr. Lloyd gave evidence about the continuity of the tape recordings that his word may be treated with an element of doubt.

HIS HON. JUDGE STROYAN: I entirely follow that point.

MR. SYMONDS: My Lord, if you are telling me that you already accept my point

HIS HON. JUDGE STROYAN: I am not telling you anything of the sort.

E MR. SYMONDS: Well in that case I would like to continue?

HIS HON. JUDGE STROYAN: What I am asking you to do is to keep to the point. If you have points to ask about credibility then ask them, don't make speeches.

F MR. SYMONDS: My Lord, would you agree that a copy notebook being produced in this Court and sworn evidence given as to these contemporaneous notes, My Lord, would you

HIS HON. JUDGE STROYAN: That is a question.

MR. SYMONDS: I beg your pardon?

G HIS HON. JUDGE STROYAN: That is a question for me to decide, not for the witness to answer, and if it is a copy notebook well then it obviously blackens the matter considerably.

MR. SYMONDS: My Lord, I would like to continue asking this witness

HIS HON. JUDGE STROYAN: I have already told you, if you want to ask any questions about credibility then put them succinctly and ask them now.

H MR. SYMONDS: Is Your Lordship telling me to stop asking questions?

HIS HON. JUDGE STROYAN: I am not. I am telling you to keep your questions to the point and if you have further points about credibility would you put them now.

A MR. SYMONDS: Very well My Lord. I would like the witness, Mr. Lloyd, to help me in this in answering my questions 'yes' or 'no' instead of reading off into a rather long full explanation.

HIS HON. JUDGE STROYAN: Well let us hear your question and not every question is capable of being answered 'yes' or 'no'. I am sure Mr. Lloyd will keep his answers as short as circumstances permit. - A: Yes My Lord.

B HIS HON. JUDGE STROYAN: What is the next question?

MR. SYMONDS: Well, My Lord, I would like to establish this point about the fact that the contemporaneous alleged serious allegation now in the notebook, does not appear in the statement to the Times? -

HIS HON. JUDGE STROYAN: Yes I have got that point.

C MR. SYMONDS: You have got that point, very well My Lord. Mr. Lloyd, during your evidence this morning, I believe you identified me. On either one or two occasions you identified me on the 28th of October? - A: I saw you outside the Rose at Camberwell.

Q: You saw me? - A: Sitting in a car with Mr. Perry.

D Q: Sitting in a car with Mr. Perry. Are you quite sure about that Mr. Lloyd?
A: I am absolutely certain sir.

Q: Do you think it strange, Mr. Lloyd, that after 12 years you can identify me positively and at my committal, I believe, you couldn't identify me at all, is that right? - A: I have seen you since.

Q: So you identify me from the committal? - A: Yes.

E Q: Pardon? - A: I identify you from the committal, yes.

Q: Very well. - A: You have a beard now.

Q: The question is can you identify me from the occasion on the 28th of October? - A: As far as I recall.

F HIS HON. JUDGE STROYAN: Let me see if I can understand this. Is it your point that it was not you sitting outside the Rose at Camberwell?

MR. SYMONDS: It may well be My Lord.

HIS HON. JUDGE STROYAN: Well is it?

MR. SYMONDS: Yes.

G HIS HON. JUDGE STROYAN: It wasn't you sitting with Perry?

H MR. SYMONDS: If I can come to this My Lord, the thing is that the witness when he gave evidence at Wells Street Magistrates Court, I believe, My Lord, and I would like to ... I will just check so I don't make a false point. Yes. My Lord, if you look at page 3 of Lloyd's deposition, My Lord, taking you down about 6 lines, My Lord, where you notice the numbers CRX. "I have not made a note here of the number of the Vauxhall, but I remember it was CRX."

HIS HON. JUDGE STROYAN: Yes.

A MR. SYMONDS: "I would have difficulty now in recognising the driver of the Vauxhall car because I saw him very momentarily, I walked past the car and the man looked at me, he gave me quite a sharp glance. I merely saw Mr. Perry pulling into the junction, he was parking and going to get out of his car, but I walked on then out of range. I did not subsequently walk back again, not until after the meeting was over." Now, My Lord, in other documents I believe Mr. Perry's statement ... Mr. Lloyd's statement to the Police, Mr. Lloyd again states that he could not recognise me. My Lord, I say it is very strange that Mr. Lloyd could not recognise me a comparatively short time after the event.

B HIS HON. JUDGE STROYAN: Well that is a point of argument.

MR. SYMONDS: But 12 years later, 4 stone heavier and a beard and 12 years older he carries out an identification.

C HIS HON. JUDGE STROYAN: What I would find helpful to know is whether you are putting it is not you sitting in the Vauxhall car with Perry. If you are saying that then you see we need not bother about the tape recordings if it is your case that it was nothing to do with you. Do you see?

MR. SYMONDS: Yes My Lord. My Point now is that this morning after taking the oath and giving evidence, and being led through his evidence by Prosecuting Counsel, Mr. Lloyd made a positive identification of me.

D HIS HON. JUDGE STROYAN: Yes but it is not very difficult when you are standing in the dock, is it?

MR. SYMONDS: Precisely My Lord. My Lord I would like to bring to the witness's attention that this is the first time he has in fact identified me after having many previous opportunities to identify me. - A: I was asked if I could identify you sir and I said yes. I saw you sitting in the witness box. I saw you sitting in the dock.

E MR. SYMONDS: I think you are being a bit hazy. You see the question was

HIS HON. JUDGE STROYAN: Could you identify him sitting in the back seat of the car?

MR. SYMONDS: I can see what has happened. I misheard the question and the answer.

F HIS HON. JUDGE STROYAN: What has happened is he was being asked to identify you. Identifying you in the dock is a dock identification and I am fully aware of all those matters.

G MR. RIVLIN: Your Honour I am so sorry, but if you look at page 28 please, and perhaps Mr. Symonds would be so kind as to look at page 28 about halfway down. "I said I looked into Sergeant Symonds car when it was at the Rose public house. As I walked past the vehicle I had a good look at Sergeant Symonds. I am sure that the defendant is the same man, but I cannot be absolutely positive about it because I did not again get a close look at him and this is 14 months ago."

HIS HON. JUDGE STROYAN: Yes.

H MR. RIVLIN: And perhaps it is only right that that passage should be drawn to the Court's attention when considering the earlier passage.

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: Well, My Lord, this was re-examination by Mr. Dowling after he ..

HIS HON. JUDGE STROYAN: Well I can see all that. Yes Mr. Symonds I follow your point about identification, is there another one?

A MR. SYMONDS: Yes thank you. This morning, Mr. Lloyd, you not only made an identification of me personally, you identified my voice? - A: That is right sir.

Q: And on how do you identify my voice? - A: I have heard those tapes rather a lot sir, a very familiar voice.

B HIS HON. JUDGE STROYAN: Are you putting to him that it is not your voice?

MR. SYMONDS: I am My Lord, yes.

HIS HON. JUDGE STROYAN: So your case is

C MR. SYMONDS: I am saying that Mr. Lloyd cannot come here and identify me and I am challenging the fact that Mr. Lloyd came here and identified me and my voice on the tapes. I am challenging that My Lord.

HIS HON. JUDGE STROYAN: Well I am trying to understand your case. If you are putting to this witness that it was not you in the car and that was not your voice on the tapes

MR. SYMONDS: I am ...

D HIS HON. JUDGE STROYAN: Just listen and please do me the courtesy of listening to the question. Now you are suggesting that it was not you who was sitting in the car and it was not your voice, therefore, on the tapes we need not bother about the tapes because your case is that you weren't there it was someone else, do you see, we are wasting all our time about the tapes?

E MR. SYMONDS: My Lord, in that case it would be to stand in here and say I didn't do it and that is my defence.

HIS HON. JUDGE STROYAN: You see

MR. SYMONDS: And that is an end to it. My Lord, I suggest that the position I am in is such I must set out to examine the evidence of the Prosecution witnesses and test it and

F HIS HON. JUDGE STROYAN: Well of course you are entitled to do that.

MR. SYMONDS: When the Prosecution witness makes a sudden, a very sudden dock identification after 12 years under those conditions is very strange and certainly I suggest that it should be regarded with suspicion and when the witness further identifies my voice - on I don't know what authority - I suggest that it should be regarded with suspicion as well.

G HIS HON. JUDGE STROYAN: You see when you are asking him about the identification, firstly, of yourself, that I follow. I follow the point that it is a dock identification which is after a long time. I follow what you say about that. As far as the voice point is concerned the witness's evidence is that he has heard the tapes a great many times and in his view your voice is a voice on the tapes. Now are you putting to him - because I thought you had put it squarely - denying that it was not your voice on the tapes but somebody else's, is that your case?

H

A MR. SYMONDS: My Lord, I would like to put a question to the witness now, My Lord, continuing on the voice identification, My Lord, along these lines, and that is before making that voice identification of me this morning, how many times and on what occasions had you heard my voice in the flesh, as it were, not on tape recordings but my speaking? - A: Only on the telephone sir.

Q: Pardon? - A: Only on the telephone.

Q: Only on the telephone? - A: Yes sir.

B Q: So you are identifying my voice on these tape recordings basing your identification on tape 1, the telephone calls, is that correct? - A: No I am basing my identification on your voice on having listened to it innumerable times on those tapes.

Q: Alright, I don't dispute you probably listened to my voice innumerable times on the tape, but how can you identify

C HIS HON. JUDGE STROYAN: Just a moment, just a moment. Yes that is clear to me.

MR. SYMONDS: Are you identifying my voice purely against tape 1 on that basis and no other? - A: Well other than the times that I heard you on the telephone.

Q: Yes. - A: When I shared an earpiece I think with Mr. Perry.

D Q: Yes. - A: No I never had the pleasure of hearing you in the flesh.

Q: Very good. Thank you. You heard me once?

HIS HON. JUDGE STROYAN: Until today? - A: Until today.

E MR. SYMONDS: You were on the telephone. How did you know it was me on that telephone? - A: Because you answered in the name Detective Sergeant Symonds, yes.

Q: Yes. Mr. Perry told you he was going to telephone a Detective Sergeant Symonds inviting you to share his earphones and you heard? - A: ...

HIS HON. JUDGE STROYAN: Really Mr. Symonds you need not go on about this, you have said you don't dispute it.

F MR. SYMONDS: I want this absolutely clear, Mr. Lloyd, this morning you identified my voice on the basis of having heard it by comparing tape 1 and tapes 2, 3, 4, 5, and 6? - A:

HIS HON. JUDGE STROYAN: No he didn't make any statement of the kind.

G MR. SYMONDS: And I should make the point on that, a positive identification which could have been very damaging to me, My Lord, and I insist on taking the point to the bitter end. - A: I think if you recall sir, I was specifically asked whether I recognised Mr. Perry's voice and how did I recognise Mr. Perry's voice, and I answered that I had heard Mr. Perry talking to me in the flesh on many occasions.

H HIS HON. JUDGE STROYAN: Yes that was the answer. Yes. Your evidence was this: "I can identify both voices" but you started by saying: "I have never spoken to the defendant" and you went on "I can identify both voices Perry beyond a shadow of a doubt, I have heard it a great many times. I can identify it on all the tapes." - A: Yes sir.

HIS HON. JUDGE STROYAN: That was the evidence. Is there anything else?

MR. SYMONDS: Yes My Lord, many many questions. My Lord, I think I will be continuing for many more hours on this cross-examination My Lord.

A HIS HON. JUDGE STROYAN: Well let us get on with it. Let us get on with something material now.

MR. SYMONDS: Very good My Lord. Mr. Lloyd, you mentioned about the ... in the evidence today that you gave Perry money to give to me, is that correct?
A: No I didn't do anything of the sort.

B Q: Well will you clarify your statement, what did you mean?

HIS HON. JUDGE STROYAN: He didn't say it.

MR. SYMONDS: Did you ever see Perry give money to me? - A: If you are asking me whether I actually saw him hand over money to you the answer is no.

Q: No. Thank you.

C HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: What makes you believe that Perry did give me money? - A: Because

HIS HON. JUDGE STROYAN: How is this relevant on the question of whether the tapes are authentic?

D MR. SYMONDS: My Lord, it is very relevant My Lord.

HIS HON. JUDGE STROYAN: I don't see that it is.

MR. SYMONDS: It is a mixture of credit and authenticity.

HIS HON. JUDGE STROYAN: It is not either.

E MR. SYMONDS: I beg your pardon My Lord?

HIS HON. JUDGE STROYAN: I said it is not either. Let us have the next question.

MR. SYMONDS: My Lord, these tapes are hotly disputed.

F HIS HON. JUDGE STROYAN: I know that.

MR. SYMONDS: My Lord, during the tapes there are references which could be taken as references to money.

HIS HON. JUDGE STROYAN: I know that, but I am not deciding

MR. SYMONDS: My Lord

G HIS HON. JUDGE STROYAN: I am not deciding that now, what I am trying to decide is whether the tapes are original and authentic. Now let us have the next question.

MR. SYMONDS: My Lord, if the forthcoming evidence leads you to believe that references to money have or may have been inserted later upon the tapes, My Lord, I suggest that is absolutely vital evidence. My Lord this case is all about money.

H

HIS HON. JUDGE STROYAN: I know it is.

A

MR. SYMONDS: Alright My Lord, and I would like to know when the allegation to Mr. Lloyd is that I had demanded money of Mr. Perry and that Mr. Perry was in actual fact paying me and the tape recorded alleged conversations, My Lord, I would say that the whole object of the exercise of the reporters in my case was to establish the vital fact of whether or not any references to money was recorded on the tape recordings. My Lord, throughout Perry's notebooks and throughout the statements to the Times ...

HIS HON. JUDGE STROYAN: I am not aware of any notebooks made by Perry.

B

MR. SYMONDS: Well I am getting My Lord I have been 10 months in custody, My Lord I have been 7 months in solitary confinement and My Lord I am disorientated having been brought up into this Court after this time, My Lord, and I crave your patience. I know I am making mistakes and I know I am saying Perry instead of Lloyd My Lord.

HIS HON. JUDGE STROYAN: Yes, I am not bothered about that, we all make mistakes of that sort.

C

MR. SYMONDS: Very well My Lord.

HIS HON. JUDGE STROYAN: Are there any more material points? There has been a lot which have not been material.

MR. SYMONDS: I beg your pardon, My Lord, are there any more material points?

D

HIS HON. JUDGE STROYAN: Yes.

MR. SYMONDS: I was asked by the Prosecution before Mr. Lloyd was called, how long did I think the cross-examination would take and I said I thought 2 days, My Lord, and I believe you asked me now and I said a few more hours, and My Lord, you are rushing me. My Lord I have a feeling I am being rushed.

E

HIS HON. JUDGE STROYAN: I dare say you are, but we must all stick to the point

MR. SYMONDS: I shall ask this witness questions until I am satisfied that I have asked all the questions I want to ask and I have asked the necessary questions.

HIS HON. JUDGE STROYAN: Well keep to the questions which are relevant and admissible and not any others.

F

MR. SYMONDS: Well, My Lord, I propose to continue asking questions until I feel I have asked all the questions I feel are necessary.

HIS HON. JUDGE STROYAN: Very well.

MR. SYMONDS: My Lord, I would like to return to the last point.

G

HIS HON. JUDGE STROYAN: Well we have had that.

MR. SYMONDS: I would like Mr. Lloyd to tell me why there is no reference whatsoever to money in his notebook being given to me, or in his statements to the Times. My Lord, I would have thought that that is something that the reporters would have rushed to report to their superiors.

H

HIS HON. JUDGE STROYAN: What is the short answer to that? - A: There was lots of references sir.

HIS HON. JUDGE STROYAN: Very well.

MR. SYMONDS: To money being handed over? - A: Yes sir.

Q: Will you please refer me to one? - A: Page 10 of my notebook sir.

A Q: Yes, I am looking at page 10. - A: 5 p.m. The Plough. Met photographer Colin Sim. Freelance commissioned by The Times. Searched Perry in yard. He handed over to me £40 consisting of 2 10 shilling notes, £30 in fivers and £9 in £1 notes. Perry hands over to Julian Mounter £50 in £5 notes, numbers of which Mounter wrote down before returning the full £50 to Perry. Numbers written on cheque book. Etc.

B Q: But where does it say that - in your pocket book - that there was any references on the tape about the handing over of money because if you look at page 12 halfway down: "I returned to the Sound Engineer's car where we played back the tape. It included significant snatches of conversation."
A: Yes, well ...

Q: And this followed ...? - A: You can pick on that particular tape because of course it is the patchiest tape which we have got.

C Q: I didn't pick on that tape, Mr. Lloyd, you referred to page 10 and you asked the Judge to look at that tape. - A: Page 12 sir of my notebook, two thirds of the way down; "Mr. Perry said he had openly handed over the £50 which we had watched him put earlier into his top pocket." A reference to money sir.

Q: Yes, well there are plainly references to money in that.

D HIS HON. JUDGE STROYAN: Mr. Symonds, I think you would do well over the adjournment to have a word with Mr. Birnberg about the future cross-examination of this and other witnesses.

MR. SYMONDS: Very good My Lord.

HIS HON. JUDGE STROYAN: I must rise now.

E MR. RIVLIN: My Lord, I must raise one or two matters, I am sorry about this at such a late hour. The first is the Times copy tapes; they are presently in the custody of a Middlesbrough solicitor. They were sent up last week

HIS HON. JUDGE STROYAN: Yes.

F MR. RIVLIN: As I understand it, by the Times. We are hoping that we will get them early tomorrow morning, but it may be early tomorrow morning depending on whether the Times representative can arrive in Middlesbrough at an early hour. The second point - and rather more important point from our point of view - is this, Mr. Hawkey. I am told his father died I understand over the weekend and his funeral is on Thursday, Now I have given an undertaking to Mr. Hawkey that he will be dealt with before tomorrow evening and I feel constrained to say that we must really, in the circumstances, abide by that undertaking.

G HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: I don't know how long Mr. Hawkey is likely to be in the witness box; in chief he won't take all that long.

HIS HON. JUDGE STROYAN: No.

H MR. RIVLIN: The fact is he cannot be here and must not be here on Thursday, that is quite clear;

HIS HON. JUDGE STROYAN: Yes I am sure we all appreciate that.

MR. RIVLIN: And if necessary he will have to be interposed.

A HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And finally, Mr. Hawkey and Mr. Perry who are both here

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Will have to listen to the original tapes before they give their evidence.

B HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Rather than waste the Court's time in each hearing the tapes in Court during Court hours ...

HIS HON. JUDGE STROYAN: Yes.

C MR. RIVLIN: Would Your Honour think it proper that in the presence of representative for the defendant, Mr. Perry and Mr. Hawkey should listen to the original tapes, as one has been today, in silence, in this Court room before the Court sits tomorrow morning

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: And that might save time.

D HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: If that could done, Your Honour, it would save time and be a saving all round.

HIS HON. JUDGE STROYAN: Yes. I had intended to sit at 10, is that going to be possible?

E MR. RIVLIN: Well I will have to ask Mr. Green whether in the circumstances he feels that he can manage that. The defendant would have to be here of course.

HIS HON. JUDGE STROYAN: Oh yes.

F MR. RIVLIN: I think that the problem that Mr. Green has is that for them to talk to the defendant in the morning. I wonder if he could be brought here especially early tomorrow morning?

HIS HON. JUDGE STROYAN: Yes.

MR. RIVLIN: Perhaps we might make enquiries about that?

G THE CLERK: Dock officer, what is the earliest time you can have the defendant here in the morning?

THE PRISON OFFICER: Normally the bus doesn't arrive until 10 to 10 Your Honour.

HIS HON. JUDGE STROYAN: Can special arrangements be made?

H THE PRISON OFFICER: Well I should think special arrangements can be made Your Honour.

HIS HON. JUDGE STROYAN: Certainly if special arrangements could be made for tomorrow.

MR. RIVLIN: Half past 9 Your Honour.

HIS HON. JUDGE STROYAN: Well I think perhaps 9 o'clock.

MR. RIVLIN: 9 o'clock yes and so we will have that done at half past 9 Your Honour.

HIS HON. JUDGE STROYAN: Yes. That is acceptable to you Mr. Symonds is it?

MR. SYMONDS: Yes My Lord.

HIS HON. JUDGE STROYAN: I am sure you wouldn't want to stand in the way of Mr. Hawkey going to his father's funeral?

MR. SYMONDS: Yes My Lord, and I suggest that he be put on first, My Lord, and if he was put on first, My Lord, so that I could finish cross-examining him certainly by the evening.

HIS HON. JUDGE STROYAN: Yes, well we will see.

(Court adjourned)

"I certify that I took shorthand notes of part of the proceedings in the trial of Regina v John Alexander Symonds and that the pages numbered 1 - 84 are a correct and complete transcript of my said shorthand notes to the best of my skill and ability"

J. Wilkinson
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