

THE CLERK OF THE COURT: Are you Simon Cordell?

THE DEFENDANT: Yes, that's correct.

THE CLERK: Thanks. Take a seat.

THE RECORDER: Mr Pottinger, yes?

MR POTTINGER: My learned friend Mr Kennedy is for the appellant. Your Honour, the ~ this is a case of no insurance.

THE RECORDER: Mm.

MR POTTINGER: The defendant was stopped on Brixton Hill in a Ford Transit with a colleague. There are some disputes as to facts but according to the officer he appeared to be working at the time. There is in place a valid policy of insurance for that vehicle, the vehicle covering social, domestic, pleasure and motor trade purposes but not work.

THE RECORDER: Social, domestic...?

MR POTTINGER: Pleasure and motor trade purposes. I've been -1 was looking at Archbold with my learned friend just to see as far as what issues — who the burden is on. The prosecution have to prove that the defendant used a vehicle on a road. Once that is established, it's for the defendant to prove there was a valid policy of insurance in force at the time. There's no dispute the vehicle was being used on a road, there's no dispute there was a valid policy of insurance in force at the time. The dispute here is the nature of the use at the time and in the place. I just want to check before we start on whom that burden falls.

THE RECORDER: Right.

MR POTTINGER: Archbold is silent on the point. I was just reconsidering matters. I don't know if — I really think it should be established before we start just by looking at a court copy of Wilkinson although the difficulty being — or sometimes Blackstone is clearer than others. But I think it's something that really needs to just be checked before we start because

THE RECORDER: I agree. Because if you can't prove it

MR POTTINGER: Well, the Crown have — we have evidence that we say shows he was working at the time.