

THE RECORDER: Of what he was doing at the time. All right.

MR KENNEDY: Yes.

THE RECORDER: I'm jumping the gun. Thank you.

MR POTTINGER: Well, I .....

THE RECORDER: Over to you, Mr Pottinger.

MR POTTINGER: I don't - the - I don't - I .....

THE RECORDER: If you call your evidence to show us that he was not covered and then we'll take it from there.

MR POTTINGER: Well, we — we — we simply show what he was doing at the time and what he said to the officer.

THE RECORDER: Yes. And so if you want to adduce your evidence that says that he was driving not in accordance with this policy, then we can get on with it, can't we?

MR POTTINGER: Yes. I don't know whether I'm being told I've been ~ I've made a concession which I haven't necessarily made.

THE RECORDER: All right.

MR POTTINGER: That — that's the point.

THE RECORDER: Well, listen. I think I'm — I'm -- I'm sort of jumping the gun here. We're -- we're concerned about the civil aspect of this.

MR POTTINGER: Yes.

THE RECORDER: And it may be that it will come to a position when in fact we can't carry on. But from what I've heard from the two of you at the moment, let's get on with it. And if it gets to that point and we think there's been an injustice done because it needs more input from KGM, then we'll say so. My concern is this - I'm quite frank - that I think this would be the simplest thing in the world to sort out, that somebody ought to get a letter from KGM and say "In the circumstances as told to us by Mr Cordell he is..." or "...isn't covered." If the Crown then say, "Well, what he's telling them is a load of porky pies" then you have a case.