

MR POTTINGER: Yes.

THE RECORDER: But without knowing the first part -----

MR POTTINGER: Well, I've not seen anything and I — because I know the officer rang the company and said he's — he's using it for work but — but clearly the — touting for work or whatever. I don't know what the — what the position is as far as that's concerned. That's -- that's a matter for the defence to prove and at the moment they

MR KENNEDY: Well, I'm getting slightly lost here and it's probably my fault. My understanding of this case is this, that he has an insurance policy for that vehicle. It wouldn't cover him if he were working. The Crown say that he was working. They're — they're about to call evidence to say so. His -- he says he wasn't. He says that he was going to see somebody about future work and I don't — as I understand it, I don't think the Crown suggest that if his position is correct or cannot be disproven that they — that his insurance was invalid.

THE RECORDER: That's -- that's the point.

MR POTTINGER: Yes.

THE RECORDER: Are the — are the Crown taking that stance or not? Or are you saying, irrespective of what he says about it on that date now, and the Crown have the advantage of hearing what he said about it, presumably, at the court below, if your position is “We say, irrespective of what he said, he wasn't insured” then we need to sort that out. If you say — if you accept his version of events, “We accept he was insured” then we can bat on. Or we can bat on anyway.

MR POTTINGER: Yes.

THE RECORDER: But the point about it is all I'm trying to do is pre-empt- MR

POTTINGER: Yes.

THE RECORDER: ----- a situation where we suddenly have to start making enquiries from an insurance company. But all we're doing in fact is chewing the breeze and wasting time.

MR POTTINGER: Yes.

THE RECORDER: So let's get on with it.

MR POTTINGER: Well, let's just carry on.