

Wednesday, 27 August 2014

(9.55 am)

Ruling

LORD JUSTICE GOLDRING: I have, in substance, ruled on the admissibility of the residents' evidence. See my rulings of 28 April and 3 July 2014.

As a result, there only remain a limited number of issues to resolve. Their resolution involves the application of the very wide discretion I have regarding these matters.

There is evidence from two deceased witnesses regarding fans coming to Hillsborough without tickets. It is hearsay, or multiple hearsay, evidence. One witness, Garry Taylor, speaks of overhearing a conversation in a public house between Liverpool fans regarding a plan to get into the ground without tickets. I need not go further into the detail.

Mr Taylor gave evidence at the Taylor Inquiry.

Mr Bagshaw, another witness, speaks of being told by a Liverpool fan of up to 8,000 fans arriving without tickets. Mr Bagshaw has never given evidence.

A witness called Mr Bayliss, whose present position is uncertain, gives evidence going to the same issue. I shall not deal with him at present.

The evidence, particularly that of Mr Bagshaw, is described as fanciful. There would be no possibility of questioning it. It is hearsay, and at times multiple hearsay, as is emphasised.

Furthermore, as Mr Weatherby rightly points out, the expert evidence of Mr Cutlack indicated that there were no more fans in the ground than were permitted by the safety certificate. From that, it may be inferred, submitted Mr Weatherby, that the fans in the ground had tickets. There was no question of fans not having tickets.

This evidence would merely confuse what is a reasonably clear picture.

Possible evidence of fans without tickets is within the scope of the inquests in two ways:

first, it is an issue directly; second, there is the express belief of police officers that ticketless fans played a part in the disaster. How well founded either aspect is is not for me to decide, it is for the jury. Accordingly, whatever view I may have about this evidence, it should, in my view, be left to them and not excluded by me.

While Mr Cutlack's evidence may tend to suggest there was no serious problem of fans without tickets, it cannot go further than that, as Mr Hill pointed out. Furthermore, it provides no indication of the status of fans outside the ground who did not go in.

As to the fact that this evidence is to be read and amounts to hearsay in the way I have indicated, appropriate and clear directions, I anticipate, will be given.

As I have indicated more than once, we should trust the jury. It is, moreover, important to all Interested Persons that I am fair and am seen to be fair to each of them.

There is also a submission that I should admit the evidence of a witness called Steven Berrisford who speaks of seeing for a very short time Liverpool fans behaving well. There is a good deal of such evidence and at present I see no good reason to add to it. It is something I shall keep under review.

There is also a submission that I should permit evidence regarding the circumstances in which the witness questionnaire was produced. It is said to be relevant to all the local resident evidence. As I understand it, the suggestion is that the questionnaire was, in effect, loaded in favour of the police and against the Liverpool fans. It seems to me the right approach is for the witness to be asked how he or she came to make their statement and the influence, if any, the questionnaire had upon them.

The issue is not the circumstances in which the questionnaire was produced, at least

as far as the resident evidence is concerned, but the reliability of the evidence and response to it.

At present, I see no reason to embark on an examination of the circumstances in which the questionnaire came to be produced. We have enough issues to investigate already. Again, this is a matter I shall keep under review.

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