

OFFICIAL TRANSCRIPT

MONDAY 27TH NOVEMBER 2017

Commissioner's Hearing

Pursuant to a Letter of Request dated 17th August 2017 issued by the Court of Session

Before

Commissioner N Hunter

Greffier: Perhaps I should just put Dr Bevis straight on Affirmation then we can proceed?

Commissioner: Please, if you would.

Greffier: Dr Bevis, if you're happy, kindly raise your right hand. Do you solemnly, sincerely, and truly declare and affirm to speak the truth, the whole truth and nothing but the truth in the matter now before the Court?

Dr P Bevis: I do.

Greffier: Thank you very much. Advocate Gist.

Advocate Gist: Good afternoon Sir. Sir, I'm from behalf of the Law Officers of the Crown. Dr Bevis appears in person. This application relates to a Letter of Request dated 17th August 2017 which I hope you should have in your papers Sir.

Commissioner: Yes, formal Letter of Request. This is 35.15B.

Advocate Gist: Sir, indeed, that's right, yes Sir. Sir, the Letter of Request is pursuant to the Evidence in Proceedings in other Jurisdictions Act 1975 which

has been extended to the Bailiwick of Guernsey, including obviously Alderney, by the Evidence Proceedings in Other Jurisdictions Guernsey Order 1980. The Letter of Request, sir, issued out of the Court of Session, Parliament House, in Edinburgh in respect of a civil case relating to an action for damages, it is said, in the sum of some five hundred thousand pounds. Sir, as I had opportunity to explain to Dr Bevis before this sitting, my position here is really, and indeed your position, and indeed Dr Bevis's position is little more than a facilitator of that Letter of Request, and the Letter of Request comes in, and assuming that the process is appropriately followed, the matter comes before you sitting as Commissioner in order that Dr Bevis be provided the opportunity to assist the Court in Scotland to the extent that he is able to or wishes to. Sir, in that regard, you will see within that Letter of Request at Item 10 that there are certain questions to be put the persons, it is said, essentially here, Sir, a request for documentations in the possession of Dr Bevis himself or of the Highland Titles Charitable Trust for Scotland insofar as they are covered by the attached specification of documents and then Sir, there is indeed that attached specification of documents which really requests books, agreements, files, records, reports, correspondence, letters, faxes, emails, notes, memorandums, and so on, referable to the period 28th March 2015 to date relating to the Pursuer's activities in offering for sale or purporting to sell plots of land or the Pursuer's relationship or dealings, if any, with Highland Titles Limited and/or Highland Titles Charitable Trust, the Pursuer, Sir, being Wildcat Haven Enterprises CIC. Sir, again, I was fortunate to be able to talk to Dr Bevis earlier for which I am grateful, and he indicated that he had some written answers that might assist. It's a matter for him, if he'd like to hand them up.

Commissioner: Yes, if it facilitates it for everybody, I think that's a good idea. Do you have copies or...

Dr Bevis: I don't actually, I realise I should have done a copy.

Commissioner: Oh very well. Have you seen those?

Advocate Gist: I'm content. Maybe you could just pass them over so that I can have a quick look.

Commissioner: Yes, that might be better.

Advocate Gist: Dr Bevis emailed me, I think you emailed that to me personally.

Dr Bevis: Yes. Now, I realise that there was Section 10, the haver is to be asked to produce documents in possession to etc etc. I realise that there was some follow up to these and I have answered those as well.

Advocate Gist: Yes, thank you Mr Greffier.

Commissioner: Thank you.

Advocate Gist: Sir, perhaps the best way again of facilitating this is if I ask Dr Bevis those few questions that appear at Section 10. If Dr Bevis is able to answer orally, that might be helpful or if he wishes to refer to the written answers that's a matter for him as well.

Commissioner: I think so, yes, if we go on that basis, I that may be the easiest thing.

Advocate Gist: Dr Bevis then, you have been asked to produce documents in possession of yourself or the Highland Titles Charitable Trust for Scotland in so far as they are covered by an attached specification of documents. Do you have any such documents in your possession?

Dr Bevis: The only document that the Trust possesses is a minute which refers to an action that Highland Titles Limited was planning to take as the sole shareholder of Highland Titles Limited, the Board approached the Trust to consider its action and to approve or not. That minute is there, the second sheet in that bundle and I have the original in the charitable trust file which is under my right hand.

Advocate Gist: Sir, I'm not sure if you wish to see a copy of the original. Sorry, forgive me, if you wish to see the original?

Commissioner: Have you seen these documents yourself?

Advocate Gist: I haven't seen the original, Sir, but it's a matter for you.

Commissioner: Very well, I'm satisfied that this is a fair copy. A fair copy of that, that's fine.

Advocate Gist: Thank you Dr Bevis, and so you have indicated that you have handed a copy of that document up to the Commissioner, the Jurat sitting as Commissioner. Dr Bevis, you are also asked if you or the Trust has ever had such documents.

Dr Bevis: Neither I nor the Trust has had any other documents.

Advocate Gist: The next question is if so, what happened to them? I am assuming therefore that there is no answer to that. And indeed where they might be now. Again, no answer to that. You're also requested as to any other person who might, to your knowledge, currently be in possession of those documents.

Dr Bevis: Highland Titles Limited may be in possession of other documents. That's Alderney Company 1599.

Advocate Gist: Dr Bevis, you've seen the specification of documents attached to the Letter of Request. Other than that minute, is there anything else, any other documentation that you say ought to be produced as a result of having read that specification?

Dr Bevis: Yes, there are some documents, there are a few emails and there is a list of products shipped by Highland Titles Limited on behalf of Wildcat Haven Enterprises and those are attached to the bundle that the Commissioner has.

Advocate Gist: Sir again these should be in your possession.

Commissioner: Yes, there's a series of emails here. There's maps as well. Very well, yes, thank you.

Advocate Gist: Dr Bevis, is there anything else that you wish to add in relation to this Letter of Request?

Dr Bevis: Yes. I think that the Defendant is seeking to find a relationship between myself, Highland Titles or Highland Titles Charitable Trust for Scotland, by way of a business relationship. There is none. The only relationship that I, the Trust and Highland Titles Limited have is that we have been the largest financial supporter of Wildcat Haven Enterprises and Wildcat Haven, two different companies and the Defendant imagines that I would not do that unless there was some quid pro quo. I can state categorically that he is in error.

Advocate Gist: Thank you Dr Bevis. Sir, I don't have any further questions in relation to this.

Commissioner: No, I have no further questions. Thank you.

Advocate Gist: Sir, in that case, I will ask the proceedings to be brought to a close, following which a transcript will be produced. A request will be made for you to sign that off as being a true version of the events, attaching the documentation you have received. That can then be sent off to the Court of Session.

Dr Bevis: Will I receive a copy of that?

Commissioner: I am not sure of the procedure. I presume so.

Greffier: Once a certified transcript has been produced, we will send a certified copy to you out of courtesy. Are you happy that I don't send you a further copy of the bundle you've produced?

Dr Bevis: That's correct. I have a copy of that.

Commissioner: You've got a copy of all this have you? Will you retain that in the documentation appertaining to this?

Dr Bevis: Yes

Advocate Gist: Yes, Sir, that should be kept with you, that's

Greffier: Unless there's anything else I can assist you with, that's the end of the Commissioner's hearing this afternoon.

Commissioner: Thank you very much. I will retire.

Recording transcribed by Rachel Gaudion and approved by Neil Hunter, Commissioner and Jonathan Anderson, Greffier, Court of Alderney.

Neil Hunter
.....

Approved by:

Jonathan Anderson
.....
Seehel Anderson
.....

