

Made on behalf of the Macfarlanes Defendants  
Witness: Mary Elizabeth Kerr  
First  
Dated: 21 January 2016

IN THE HIGH COURT OF JUSTICE

Claim No: HQ12X01115 & Others

QUEEN'S BENCH DIVISION

THE CONSTRUCTION INDUSTRY VETTING INFORMATION GROUP LITIGATION

VARIOUS CLAIMANTS

Claimants

- and -

SIR ROBERT McALPINE LIMITED & OTHER DEFENDANTS

Defendants

- and -

BALFOUR BEATTY ENGINEERING SERVICES LIMITED AND OTHER THIRD PARTIES

Third Parties

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WITNESS STATEMENT  
OF MARY ELIZABETH KERR

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I, **MARY ELIZABETH KERR**, of 41 Avoncroft Road, Stoke Heath, Bromsgrove, Worcestershire, will say as follows:

**Introduction**

- 1 The facts contained in this witness statement are true to the best of my knowledge and belief. They are within my own knowledge unless stated otherwise, in which case I set out the source from which my knowledge derives.
- 2 I was married to Ian Kerr for 43 years until his death in December 2012.
- 3 I was initially employed as a bookkeeper for the Consulting Association from April 1993. Later, I also worked with Ian at the Consulting Association's offices in Droitwich as a clerical assistant from June 1998 to February 2009. However, as his wife, I was aware of what Ian did for a living and where I give evidence below about matters preceding my employment in

1998, it is from my own knowledge of what Ian told me, either at the time of the events in question or subsequently.

- 4 In addition to myself, there were three other employees of the Consulting Association during the period April 1993 to February 2009, working a combination of part and full-time. One employee (Ann) worked full-time from April to December 1993. She had come with Ian from the Economic League's office in Birmingham but she wanted to work part-time, which she did (3 days a week) from December 1993 until the summer of 1998. From December 1993, Lucy and Ann each worked 3 days per week (with one day a week overlap when both were in the office – a Wednesday), albeit Lucy gradually reduced her working days to only one day per week by 2009. Charlotte worked one day a week from about 2004. I worked part-time (initially three days per week) from June 1998 and I eventually worked 3 or 4 days per week by 2009, undertaking clerical and bookkeeping duties (including preparing balance sheets and VAT returns).

### Economic League

- 5 Ian was employed by the Economic League Limited from 1969 to 1993, having previously been a primary school teacher at Warley in the West Midlands.
- 6 Initially, Ian worked as a Training Officer for the Economic League, but by the mid-1980s, the Economic League had lost a lot of members and, as a result, the number of training courses reduced significantly. Ian was then given an additional role working alongside the co-ordinator (Peter Thackeray) for the Services Group of the Economic League (the "**Services Group**") based in Alcester Road, Moseley, Birmingham, albeit, Ian also continued to conduct some training courses for the Economic League.
- 7 The Economic League operated on a much larger scale than the Services Group and the Consulting Association and covered all industries, not just construction. There were six regions in the Economic League, each with a definite hierarchy under a regional director. From what Ian told me, references were held in the same way but the information for the Economic League was generally sourced internally by the Economic League employees themselves.

### Services Group

- 8 On the retirement of Peter Thackeray, Ian was given the post of Co-Ordinator for the Services Group. His role was to receive information from HR and IR managers of large construction companies about individuals who had disrupted the running of construction projects by acting outside official channels, acting against union directives or as a result of criminal acts (theft, violence, intimidation of other workers) or, in some cases, as a result of alcohol and substance abuse. Ian was also responsible for reading out to the named contacts at the member companies the information that was already held on a record card

about a worker so that the company could decide whether to employ, not employ or employ but "note and monitor".

9 The construction industry generally had recruitment difficulties because sites were set up from scratch all over the country and it was often difficult to take up references. The record cards held by the Services Group were not "references" in the usual sense of the word, but they did enable construction companies to make an employment decision based upon the risk for an individual to disrupt a project.

10 Most of Ian's time was taken up reading articles in the press about topics that might be of interest to Services Group members. Ian travelled around the country to various anarchist book shops as well as reading the far left and right wing press, finding out as much as possible about the problems construction sites might encounter. In addition, he monitored proposed employment legislation which was likely to affect the industry, he kept up to date with which full-time trade union officials had moved positions and he reviewed what issues or agendas particular trade unions wanted to pursue. Ian also collected mainstream press articles that were of interest to the construction industry – relating to unions, legislation, court decisions and specific construction projects - and these were copied and sent out to members in mailing lists.

### **Consulting Association**

11 However, the Services Group members had become increasingly concerned about the future of the Economic League by the early 1990s and held a number of meetings in 1992 to consider setting up an alternative group. As a result, at some point in late 1992, Ian was asked by the steering committee of what was to become the Consulting Association to remove the record cards from the Thornton Heath offices of the Economic League and take them to the Economic League's Birmingham office where Ian was based. Ian was also offered the post of director of the soon to be established Consulting Association and he was asked to look for suitable premises (which he found in Droitwich).

12 In parallel, Jack Winder, one of the directors of the Economic League, had discussed with Ian the impending winding-up of the Economic League from the beginning of 1993 and he had confided to Ian the day in April when the Economic League would cease trading. Ian was sworn to secrecy by Jack Winder, who instructed Ian to leave his Economic League leased car in a pub car park, with the keys in the boot, on a date in early April 1993.

13 Ian removed the record cards from the League's Birmingham office the day before the Economic League was wound up. The cards were then "sold" to the Consulting Association for £10,000 by Jack Winder and Stan Hardy, albeit they had previously been the property of the Economic League, as a large proportion of cards had originated from the Economic League itself, rather than the Services Group.

- 14 Ian believed that Jack Winder and Stan Hardy took the remaining Economic League cards (for those industries other than construction) and used them with their own company, Caprim Limited; hence, Jack Winder's request a few months later for any spare plates for the Rotadex filing system that had been used to house the quick reference check cards used by the Economic League and the Services Group.
- 15 There was a gap of about a week or so while Ian set up the Consulting Association offices in Droitwich and while he purchased stationery, office supplies, a copier, telephone, fax machine etc. Ian also transferred the record cards to the Consulting Association's offices, where they were initially kept in the drawer of a tall grey padlocked metal filing cabinet.
- 16 In addition, Ian transferred to the Droitwich office the quick name checking system - called a Rotadex. This was a very old rotating system of metal "plates" which alphabetically housed rows of narrow strips of card. Names were typed onto these narrow strips together with dates of birth, NI numbers, trades and areas, and the strips would be slotted in or removed from the Rotadex. These were used to check against names telephoned or faxed through by members to determine whether there was any underlying record card for a particular name. Only if there was a name on the Rotadex would the relevant record card be taken from the metal filing cabinet.

### **Monodex**

- 17 From the outset, the various member companies would either telephone, or more usually, fax a list of names to the Consulting Association for checking against the record cards. However, the quick check Rotadex system was not only large and cumbersome to use as a quick reference checking system of the faxed names, it was also difficult to update easily, because it meant having to move down name cards whenever there was a new insertion or move name cards up if a name was ever removed from the system.
- 18 As a result, from about 1995, the names on the record cards began to be typed up in alphabetical order on to A4 sheets and these were then held in a smaller plastic "Monodex" filing system so that it would make the initial checking task easier. "Monodex" was the trade-name for the filing system and this not only saved space and was much easier to use and move than the large and heavy Rotadex, but it also meant that the list of names could be updated more easily – as only the sheets for a specific letter of the alphabet needed to be updated and re-printed before being replaced on the Monodex. This process of transferring the names to the Monodex took about a year or so given that it was only done by Lucy on a typewriter in her spare time at the office.
- 19 In addition to the Monodex itself, there were also two identical copies of the alphabetical list of the names on the Monodex which were kept in white plastic ring binders (with each page in a clear plastic wallet). One copy was kept at home and the other copy was kept at the office so that Ian could use it in his room if nobody else was in the office or it could be used

by Lucy at home (where she would also forward the fax and 'phone lines) whenever the office was not staffed (during holidays etc). Each time the relevant sheets for the Monodex were updated by being re-typed, the same sheets would also be updated in the two ring binders.

- 20 However, the typed sheets were still relatively slow to update on a typewriter - because if a name had to be added or deleted - the relevant page or pages also had to be retyped. This was why, in about late 1997, the names began to be transferred on to a floppy disc (and later a USB stick), so that the document could be updated on a computer and the relevant pages printed off, with only the single name being added or deleted as relevant – before the revised pages were printed off and inserted in the Monodex and both ring binders. When a sheet was updated we would normally record the date of the update in the top right corner of the page (both for the Monodex and the two white ring binders). This updating process took some time; for example, it had only reached the letter "P" or "Q" by the time I started work in the office in June 1998.
- 21 The Monodex and one of the two ring binders containing the same list of names were both seized by the ICO in February 2009. The other white ring binder duplicate copy of the Monodex was kept at home and it was later destroyed by Ian with the other papers after the Crown Court proceedings had finished, on the basis that the ICO already held the original Monodex and the other duplicate ring binder list.
- 22 Every name on the Monodex would have a record card, albeit a significant number of such record cards either (a) contained no information about the individual, other than the initial information put on to the record card at the outset, on the basis that such names were not subsequently accessed by members or (b) contained very anodyne and old information about an individual. When such names were contained in a faxed list of names sent by a member company (which was very infrequent), given that the record card contained no substantive information on the individual, Ian invariably "cleared" the individual to the member company – as there was nothing to say.
- 23 The Monodex was typed up with individuals' names in different colours, as Ian confirmed to the Scottish Affairs Committee:
- Black - related to individuals with industrial relations issues and formed the bulk of the names on the Monodex;
  - Pink/Red - related to animal activists;
  - Green - related to environmental activists;
  - Blue - related to old record cards originating from the Economic League era which generally were either anodyne (in terms of having no real information about an

individual's activities or any complaints) or had missing identifying information on the individual; and

- Orange – these generally related to EPIU members (where the majority of the names had been provided in about 1992), but where there was no substantive information on each of the individuals, except his EPIU membership and frequently where at least some of the identifying information was missing (eg: either NI number, date of birth or trade).

24 In practice, the only names that were ever referenced to member companies were the black names on the Monodex.

25 As I have stated above, when the record cards were brought over from the Services Group, they were originally kept all together in the drawer of a tall grey metal padlocked filing cabinet in the Droitwich office. Ian subsequently grouped the record cards by colour and in alphabetical order. The colour used for the names was down to Ian alone and was designed to ensure that the record card for the relevant individual could be found faster and more easily from within just those cards for the black names rather than having to search through the whole body of record cards – blue, orange, pink and green. However, this was purely for internal administration purposes and, as far as I can recall, Ian did not mention colours to member companies when a name was picked up. The names were originally coloured by Ann or Lucy with a marker pen on the Monodex (and the two ring binder lists), but once the Monodex was transferred to a floppy disk, we changed the colour of the typeface on the computer.

26 I can clearly picture the positions of the record cards in the filing cabinet drawer. There were about three complete rows of record cards for the black names, there were then the blue cards banded together at the back of the fourth row and the cards for the orange names were also banded together at the front of that row. The two JLE Lists of names (see below) were simply banded together and placed at the front of the drawer.

27 The record cards for the pink and the green names were mostly produced after I began working at the Droitwich office in 1998, as I can recall personally typing up a large number of their record cards. These record cards were created because it was feared that activists may seek employment on some of the contentious sites in order to disrupt the works but, in practice, they were not flagged up and the cards were stored separately in the safe to avoid them getting lost.

28 When the cards were sometimes taken out of the filing cabinet drawer and kept in a cardboard box (for ease of transporting them around), the record cards for the blue and orange names were each still kept banded together to keep them separate from the record cards for the black names on the Monodex.

- 29 The cards were kept in cardboard boxes so that they were portable when we were on holiday. In addition, in late 2007/early 2008, after Alan Wainwright had blown the whistle in the Steven Acheson tribunal proceedings, the cards were transferred to two boxes so that they could be taken back to our house to keep them secure overnight. However, this system just wasn't practical and so the cards were taken back to the office. The two boxes of cards were stored at the bottom of the padlocked metal cabinet rather than being replaced in the drawer. Overnight the plastic Monodex was stored on top of the boxes of cards whilst the white ring binder copy of the Monodex was kept in the safe.
- 30 I understand that the ICO has no, or only very few, record cards for any of the coloured names. I can easily explain the absence of the record cards for the pink and the green names because, as I have stated above, these record cards (I understand about 813 in total) were kept in the safe at the office, on the basis that, although there had been concerns that these individuals would seek to disrupt sites from within, in practice they were not accessed.
- 31 However, I cannot so easily explain the absence of the record cards for either the blue or the orange names. I understand that these account, in total, for about 557 names (about 177 blue and 380 orange). The record cards for both the blue and orange names were each kept banded together but with the main body of the record cards for the black names - either in the filing cabinet or the cardboard boxes - and I thought they were still there up to the date of the ICO raid. They would, therefore, have been taken away by David Clancy. However, I understand that the ICO do not have such record cards.
- 32 Sometimes record cards would be taken from the main body of cards for review by Ian – generally on the grounds of the age of the individual. Whilst being reviewed, Ian would store such cards each night in the safe at the office, together with those other record cards where he was awaiting a response from a member company following a match (or "*pick up*" as we called them) of names. However, there would only have been a very small number of such cards in the safe each night and this cannot explain the absence of the blue or orange names from the record cards in 2009.
- 33 Consistent with this, I am told that there are a number of names in black on the Monodex list which have no underlying record cards. I cannot be certain, but I would be confident that most of those names did have record cards but that such cards were either "out", most likely being considered for removal by Ian (based on their age) or, less likely, they were "out" while Ian awaited responses from member companies at the time of the ICO raid in 2009.
- 34 I had broken my leg shortly before the ICO raid and I had not gone into the office for about a week before the ICO raid. It is possible that Ian may have removed the record cards for the blue and orange names from the cardboard boxes in that week leading up to the ICO raid, simply for ease of transport and because, after 16 years, he knew there was an almost zero

likelihood that such blue and orange names would be referenced by a member company. However, he never mentioned this to me at any stage and I am not sure where else he would have put these record cards – as they would not have fitted within the small office safe.

- 35 The cards for the blue names on the Monodex list were all banded together and kept separately from the cards for the black names because they generally related to individuals with almost blank or, at most, relatively bland and old record cards from the Economic League era. These cards were all particularly old and grubby and they were not referenced (almost certainly because of their age and their lack of relevant details). Hence, these names stayed blue and the record cards were stored held together by elastic bands in a separate row to those record cards for the black names.
- 36 Record cards for individuals which did have something substantive, or which Ian considered could be of potential relevance in future, even if old and from the Economic League era would have names printed in black on the Monodex. The old Economic League cards, where the names were in black rather than blue on the Monodex, would have been regarded by Ian as those with at least still some potential to cause disruption on a site (either because of the number of referrals or the type of comment). However, Ian generally tended to stress the age of any information when speaking to the member companies about a particular individual.
- 37 During the time of the Consulting Association, blue names would have been changed to black on the Monodex if any relevant information was later added. However, for names which remained blue, there would have been no information provided or any action taken after 1993. I personally cannot recall any blue names being “changed” to black on the Monodex as a result of any later added information.
- 38 At most, I can recall only about one or two occasions that any blue name was flagged up following a list of names being faxed through by a member company and on both occasions Ian gave instructions to clear the individual because the information was so historic by that stage. In both cases, the member companies were not told that there was any record card held on the individual.
- 39 Similarly, the vast majority of the orange cards contained only an individual's name, trade and/or their particular area; they did not contain any information on the individual except to say in almost all cases that he was a member of the EPIU. The majority of such record cards were missing full identifying details – such as NI numbers or dates of birth (which Ian saw as essential in order to make a positive check). I am not aware who provided the majority of the orange names, albeit, I understood from Ian that they had been provided in bulk in about 1992/93 (before my time working with Ian).

40 During my time at the office, I can only recall about one or two orange names being flagged up but neither had full identifying details and so both were cleared by Ian (as Ian did not want someone to be affected simply on the basis of mistaken identity). The record cards for the orange names, although being around from 1992/93, looked far newer and far cleaner than any of the other cards – reflecting their lack of usage. This is also, I think, what Ian was referring to when he said to the Scottish Affairs Committee that *"I have a feeling that those cards hardly ever came back up through the system"* and *"The question of the EPIU didn't crop up in an awful lot of cases"*.

41 That is also the same recollection of Lucy, who worked at the Consulting Association until the ICO raid in 2009. She has told me that it was very rare for such orange names ever to be referenced and, as such, she also recalls that the cards for the orange names were relatively new looking, given their lack of usage. Lucy also recalled that Ian generally cleared the isolated orange names that were flagged up without revealing to the member company there was a record of the individual, where there was a lack of full identifying details and a lack of any substantive information on the individual.

#### Checking Process

42 I or one of the other employees would check the list of names faxed over by a member company against the Monodex, ticking all names on the fax which were **not** on the Monodex. One of us would then always call the member company to say whether the list was "clear" or whether there had been any matches or pick ups. We would call the designated individual who sent the list at the company to confirm this. For example, we would say, *"Of your fax of 13, all clear"* or *"Of your fax of 13, all clear except NAME"*.

43 If a name was listed on the Monodex, we would locate the record card and provide it to Ian together with a photocopy of the list of names that had been faxed from the member company. Ian sat in an adjoining room and he would then call the designated Main Contact at the relevant member company, he would confirm the name of who had been flagged up and he would then read out, pretty much verbatim in most cases, the contents of the record card. Ian would only call the Main Contact at a member company to inform him or her of the content of the relevant record card.

44 Ian would record what the Main Contact had said on a separate slip of paper, which also set out the company reference number and the main contact initials and he would clip this slip to the record card. Sometimes, the Main Contact would give an immediate answer as to whether the individual was to be taken on or not. When the Main Contact had to consider the position, Ian would store the card and the slip of paper in the safe at the office, awaiting their comments. During this time, we would insert a place holder card in the alphabetical record cards for the black names stating *"Card Out"* to indicate that Ian was awaiting a response.

- 45 Ian would then pass to one of us the original record card and the slip of paper on which he had recorded the Main Contact's response. It would be our responsibility to type up the card to record exactly what Ian had written, before giving it back to him with the slip of paper for checking. Only after Ian had confirmed that the updated record card was accurate did we return the updated card to the main body of record cards.
- 46 We would also take a photocopy of the updated record card and insert that updated copy in to the paper set of copy record cards that Ian kept at home. Ian kept such a parallel set of paper copy record cards in case anything were ever to happen at the office – such as a fire or a flood - to prevent the whole database being lost.
- 47 Ian was meticulously careful and methodical in his job (and in life generally) and he would scrutinise the typed-up record card to ensure that it did accurately record what he had written on the slip of paper. There were a number of times where we were required by Ian to correct an error. For example, I can remember spelling "*Paternoster*" wrongly on a group of record cards and having them returned to me by Ian for correction. I also recall having to correct "3223/n" for "3223/m".
- 48 No other information was referred to when checking the names sent by fax by member companies. The names were only ever initially checked by us against the Monodex and, only if there was a match/pick up, did Ian look at the record card for that individual. Neither Ian nor Lucy, Charlotte or me referred to any other documents when checking individuals.
- 49 I can be confident in stating that, from June 1998, all positive matches/pick ups were recorded on a card. The same is also very likely to be true from 1993 because Lucy was as meticulous as Ian and she was totally reliable.
- 50 As I have stated above, there were also two other lists of names entirely separate from the record cards – which I have been shown and which I am told are referred to in these proceedings as the "JLE Lists" I cannot now recall who originally provided Ian with the JLE Lists. However, we never checked against either of these JLE Lists in addition to or instead of the Monodex or the record cards.
- 51 The majority of the names on the JLE Lists did not have record cards and so they were not recorded on the Monodex. As a result, although the JLE Lists were kept in the filing cabinet with the record cards, they were not used, as it was the Monodex that dictated whether a name on a list sent by fax by a member was identified as having a record card and, if so, we would simply then refer to that record card. If a name did not appear on the Monodex, that was the end of the matter, no further checks or research or enquiries would be undertaken and the individual would simply be "cleared" There was no additional relevant information about any individual on the JLE Lists – just that they had worked on that particular project. The two JLE Lists were simply retained in the same place as the record cards for

convenience, but they were not accessed. The only time I recall that Ian looked at the JLE Lists in any detail was following the publication of the list of names by Alan Wainwright on his blog, when Ian cross-checked Alan Wainwright's list against the JLE Lists.

52 Ian had initially wanted to create a record card for each and every name on the JLE Lists, because he had been told that a lot of applicants to sites were leaving off any connection they may have had with the JLE project on their application forms. However, Lucy and I were opposed to this, simply because of the time it would have taken to type up such a number of record cards. Ian, in time, agreed that there was no point, given there was nothing he could substantively say about the majority of the individuals and, in the end, only those individuals that were identified by the member companies to be "leaders" of the dispute had record cards produced and had their names put on the Monodex.

53 In other words, if a person's name appeared on either of the JLE Lists, but did not appear on the Monodex, they could and would never have been checked. A worker needed to have his name on the Monodex in order to be checked and for Ian to pass on the information on the record card to a member company.

54 As I have said, Ian was meticulous and, in addition, the number of positive matches/pick ups during a month was nearly always low. On average, I would estimate that there were, at most, only 8 or so pick ups per month. In some months there could be up to 12 pick ups, but more frequently there could be none or perhaps just 2 or 3 per month.

55 For example, I have been shown the total quarterly usage figures for October to December 2008, which show a total of 6,266 searches across all members in that quarter (2,751 in October, 2,233 in November and 1,282 in December) but which indicate that there were only a total of 8 pick ups in the quarter (4 in October, 3 in November and 1 in December). Similarly, the total quarterly usage figures for April to June 2007 show 9,605 name checks but only 19 pick-ups, whilst in the following quarter (July to September) there were 10,154 checks and only 24 pick ups.

56 As I have previously stated to Phil Chamberlain when he visited me to discuss the book "*Blacklisted*", one felt a small "*bolt of adrenaline*" (page 158) whenever there was a positive match, because it was such an infrequent event, especially in comparison to the large number of faxed names we had to check each month.

57 As such, it was not a case that we were overloaded with names so that positive matches/pick ups would slip through the net or would not be recorded on the cards. Every application for work relating to an individual with a record card that was checked through the Consulting Association appeared on a record card – unless the card was almost blank (such as for the orange names) or very old and with no relevant information (as with the blue names) where Ian, therefore, simply cleared the individual.

- 58 As Ian stated in his written evidence to the Scottish Affairs Committee (and as he set out for the journalist Billy Kenber), on average each year, there would be about 40,000 names referred by the member companies of which, only about 100 would ever be "positive" (picked up). Of those, "positive" matches, Ian thought that perhaps only about 50 or so would ever result in the member company deciding not to employ the individual.
- 59 For Ian, the whole rationale of the operation was to keep an up to date and accurate record of the positive matches/pick ups. Updating the cards was our priority – otherwise, the operation would have been relatively pointless and the member companies would have been justified in complaining that the information was out of date or inaccurate. This would have been unacceptable for Ian and he would have made sure that everything was as accurately recorded as possible.
- 60 The process was simple; if a name on a fax matched a name on the Monodex, the relevant record card would be accessed, the Main Contact would be given the information on the record card and then the record card would be typed up to confirm what action, if any, had been taken by the member company. The record cards were accurate in terms of recording positive matches/pick ups and, if a card did not record a positive match, I am confident that there was no such enquiry or, at the very least, no information was ever passed on to the Main Contact about the individual.

#### **Addition of Names**

- 61 Member companies would also provide names and details of individuals to be added to the Monodex. The names would only ever be added by Main Contacts and would be given to Ian direct; they would not be faxed to the Consulting Association.
- 62 Names were to be added by Main Contacts where the individual concerned was considered to pose a threat of disruption to a site on the basis that he had been involved in activities designed to cause problems or unrest on sites or where there was or had been any reported intimidation, violence or criminal activity on a site.
- 63 Ian did not receive names of individuals from anybody except the Main Contacts, each of whom were experienced HR/IR managers. However, he did confirm to me that he thought a number of names which were referred to him had originated from union officials and been passed to Main Contacts – especially via Dudley Barrett or Alan Audley.
- 64 Similarly, Ian never spoke to or had any contact with the Police or Special Branch regarding names. The one time Gordon Mills from NETCU (National Extremism Tactical Co-Ordination Unit) spoke at a meeting was to cover, from what I understood from Ian, the role of activists and how they tended to infiltrate commercial organisations and cause trouble – which was clearly a concern for a number of the members working on sensitive environmental projects. From reading Ian's notes of the meeting and from what I understood from Ian at the time,

this was a general talk to discuss the risks and dangers faced from activists by companies; it was not a talk about specific individuals and it was not a talk to reveal confidential police information. From what I can remember, Gordon Mills was initially invited to speak by John Edwards of Carillion.

### Group Meetings

- 65 In addition to the record cards, Ian also organised meetings around the country - most frequently in London, the Midlands and the North West - for the various interest groups within the Consulting Association. These comprised the main Industrial Relations Group, the Environmental Group and the Healthcare/Facilities Management Group.
- 66 The Industrial Relations Group (or Construction Industry Group – shortened to “CIG”) was the largest group which focussed on industrial relations issues generally within the construction industry. Although I never attended any of the meetings, from 1998 I would type up the minutes of such meetings from Ian’s handwritten notes.
- 67 The meetings would discuss public information about the various relevant site problems, labour shortages, wage demands, trade unions and their officials – in terms of change of positions, appointees, objectives/agendas and disputes.
- 68 From what I understood from Ian and from typing up the minutes, seldom were employees discussed, except for the well-known activists where they had written articles or where it was known that they were campaigning at a particular site.
- 69 The Industrial Relations Group (of about 40 or so people) would also be sent a mail-out with a number of press cuttings on a on a fortnightly basis, again based on publicly available information, which updated them on anything that might have been of interest between meetings.
- 70 The Environmental Group used to be called the Wolverhampton Group, as it originally met at Tarmac’s offices in Wolverhampton, before moving its meetings to The Bear in Woodstock, Oxfordshire.
- 71 This group was focussed on environmental and animal rights activists, in terms of discussing those projects which were being targeted (such as new roads, runways, tunnels and laboratories) and the ways in which activists were seeking to disrupt sites, given how disruptive and costly such protests could be for the construction companies. I recall that these had included the Manchester second runway, the M11 and the Bath bypass. Again, the material produced for these meetings was gleaned from the press and collated the disparate information from around the country. This group of about 20 people would also be sent press cuttings about once or twice a month, which updated them on targeted projects.

72 The Healthcare/Facilities Management Group met irregularly and focussed mostly on the developing and changing commercial issues arising out of PFI projects as well as the availability of labour and the unions' positions on specific projects. This group was relatively small and it was sent a mail-out about once a month.

73 The mailing lists for the various groups were designated the following letters:

- "O" – The Main Industrial Relations Group (also referred to as the "Main Cuttings list");
- "R" - The Rail Group;
- "W" - The Wolverhampton/Woodstock Environmental Group;
- "FM" - The Facilities Management Group (PFI hospitals etc); and
- "CA List" - The Main Contacts invited to the AGM/Finance Committee meetings.

74 The Rail Group did not meet. It was only a mailing list of about 10 members which were sent information about once a month.

75 There was also an M&E Group that met from the early 2000s, from what I can recall. This was not as large as the general Industrial Relations Group and it met about twice a year to discuss issues specific to the M&E industry.

76 In addition to the meetings and mail-outs, Ian would also circulate a "Two-Week Note" to Mr McAlpine, the Chairman, past Chairmen and other senior IR/HR individuals every 2-3 weeks. The note was intended to be a short summary of what disputes, IR issues and union issues had been going on within the construction industry. It was always in a smaller font to other documents (9 or 10 compared to font 12 for meeting agendas and minutes) and it was limited to one side of A4 paper, with the objective that it could be read quickly to bring the reader up to speed with the bigger issues affecting the industry. Sometimes items from this "Two-Week Note" were copied and pasted on to reference cards. I understand that these items (in a smaller font) have been mistaken for minutes of meetings.

### **Press Cuttings Service**

77 In addition to the referencing service, we would all spend a significant amount of time preparing the various press cutting mail-outs for each of the groups. This involved cutting and pasting extracts from the press, which had been found by Ian, on to A3 paper and then copying them for circulation.

78 Ian would keep for years up to 5-6 copies of each mail-out in case any questions were later asked by members and these copies took up a lot of space in the office. Lucy and I would frequently ask Ian if we needed to keep such mail-outs for quite so long, but he would nearly always say that it was safer to keep them "*just in case anybody asks*".

## Fees

- 79 In addition, I was responsible for keeping the accounts of the Consulting Association and logging income and expenditure in the Cash Book. The accounts were audited every year by a Chartered Accountant. I also submitted quarterly VAT returns and prepared the summaries of income and expenditure for the Finance Committee meetings that were held twice a year. We all prepared invoices and sent out acknowledgements for payments.
- 80 Membership charges were a flat annual subscription charge plus a flat minimum charge per quarter (£25:00 for the last few years up to 2009). If there were more than a limited number of checks in a quarter, the members paid an additional fee depending on the number of names that had been checked that quarter. The intention was to generate enough income to cover the running costs whilst keeping enough cash in reserve for contingencies.
- 81 Most of the time, we would keep all faxes for a period of 3-4 months so that, if there was any query from a member as to the usage fee, we could confirm the exact numbers by reference to their faxes. However, by about 2004, such requests had dwindled and, eventually, we started shredding the faxes from the previous day every morning, but only after entering the number of names referred in the blue A4 file for each company, rather than shredding them every 3-4 months. This was essential to avoid cluttering up the office, as until then, the faxes had been taking up two drawers in a filing cabinet.
- 82 The usage fees were calculated on the number of names faxed through by each member per quarter and we kept a running record – on a daily, monthly, quarterly and annual basis - of both the number of names that were faxed and also the number of “pick-ups” that came out of those names. The names sent through for checking would be written down on the left and the number of “pick ups” would be recorded in brackets on the right (generally in red).
- 83 When collating and recording the quarterly usage figures, we would record them in columns per month based upon the figures which had been recorded each day per company. There would be two columns for each month – one for names referred and one for “pick ups” (and headed “P.U.”) and then there would be two columns at the end, again headed Total and P.U. but under a heading of “*CUMULATIVE*” and drawing the total numbers for that quarter for both referrals and “pick ups” together.
- 84 Each company would be charged a minimum quarterly flat rate (a “*minimum charge*” of £25:00 per quarter by 2004), even if no names had been submitted during that quarter. There would be no additional fee if a company had only submitted less than about 10 or 12 names in the quarter (ie. within the £25:00 quarterly minimum charge). We would double-check our figures by deducting the minimum charge figure from the proposed fee and then dividing the remaining amount by the checking fee per individual.

- 85 Frequently, a large number of the members for any quarter would only ever be invoiced the "minimum charge" of £25:00 because of the low number of names for checking they had sent through that quarter. For example, I have been shown an invoice dated 1 April 2005 sent to Costain Oil Gas & Process Limited in 2005 which has a "*Minimum Charge*" of £25.00 and which, therefore, confirms that Costain could only have submitted less than 10 or so checks during that quarter. The invoice attached the Costain usage figures for that quarter (copied from the quarterly usage record book) confirming in that quarter only seven references were made – five between 16 December and 31 January 2005 and two in March 2005. The usage figures also indicate that there were no "pick ups" from these seven references during this quarter as the columns headed "*P.U.*" for each month are all blank.
- 86 Conversely, the invoice dated 4 October 2004 sent to Costain has a charge of £297.50 – well above the minimum charge of £25:00 - and this is reflected in the attached usage figures which show that there were 100 names sent to us in July 2004, 35 were sent in August and 35 were sent in September. However, again, despite the higher number of checks in that quarter, there were no "pick ups" as the "*P.U.*" columns each remained blank.
- 87 Again, to indicate the infrequency of pick ups against the volume of names checked, I have reviewed the monthly usage figures for Sir Robert McAlpine (Code 3239) for the April-June 2007 quarter. These indicate there were 65 names checked in April 2007, but with no pick ups, 962 names checked in May 2007, again with no pick ups and 970 names checked in June 2007 with two pick ups. Consistent with this, in the same three months, Balfour Kilpatrick (code 3223/F) checked 288 names in April 2007, with 1 pick up, 260 names in May 2007 with 3 pick ups and 279 names in June 2007 with no pick ups. These figures do not strike me as at all unusual. Indeed, for the October to December 2007 quarter, Sir Robert McAlpine made a total of 2,160 checks, but with only 4 pick ups and it is likely that Sir Robert McAlpine would still have employed and monitored these four individuals.
- 88 The usage fee records were kept for each company in red A4 files for each year and most were stored in the metal filing cabinet in the main office. As the shelf filled some of the older files were stored in a filing cabinet in the corridor between the two rooms. The usage figures which we recorded for every year demonstrate that, despite the very high number of monthly or quarterly checks by the member companies, there were only very few pick ups.

#### **Documents in the Droitwich Office**

- 89 There were two rooms within the Droitwich office separated by a narrow corridor.
- 90 In Ian's room would be his desk, the safe (in which the green and pink record cards were kept), the copy Monodex white ring binder file, a cabinet with a drawer of current financial year bills, the files for company invoices and acknowledgements for each company, current years' meeting files, historic meeting minutes and agendas, the red book which listed

contact details for day to day HR contacts (as they changed over the years) and the blue book which listed contact details for the Main Contacts, files of copy correspondence, a drawer of articles on construction projects and boxes of historic mail-outs, old magazines and newspapers, historic rent bills and receipts, plus old bills for electricity and telephone.

- 91 In the other room, would be two desks and a table, the Monodex itself, the computer, the record cards stored in a filing cabinet, the Sales Day book which recorded all the invoices sent to the companies, the ring binders on the various trade unions (gleaned from the press and from union publications) and the red ring binders containing the usage figures for each company. In addition, there would also be the photocopier, further old magazines and newspapers, the fax machine, the typewriter, stationery cupboard and shredder. In the corridor would be a metal cabinet containing some historic files of usage figures and also boxes of paper and stationery, envelopes and an old photocopier.
- 92 The files on the various trade unions would record the area office addresses, current official positions within the unions and the relevant area full-time officials, based upon what Ian could obtain from the unions' own handbooks and publications and from the newspapers. From what I recall, Ian had files on each of the main construction trade unions over the years. These files did not contain information about any union officials that did not come from a public source, they did not contain any information about whether such individuals should be employed or not and they were never accessed or referred to when a faxed list of names was sent to us; the information was simply not relevant to those enquiries.
- 93 The various files on the higher profile construction projects – such as the Jubilee Line Extension, the Pfizer Project and the Royal Opera House - would extend back 10-15 years. These were again general information files, based upon press reports (almost inevitably those which had been included in the various press-cutting mail-outs) and which set out the general background information on each project – both in terms of the physical construction as well as the industrial relations issues. Again, none of these files were relevant to the checking service and none of these files were ever accessed as part of a record card check.
- 94 The cash books, cheque books and documents relating to staff salaries, Ian's car, pension and BUPA membership were all kept at home because I updated the accounts from home.
- 95 Ian never looked at any documents other than the record cards when discussing names with the Main Contacts. The mail-outs, project articles and the information on the various trade unions were general background information to be circulated to the member companies or to form the basis of discussions at the regional meetings. As I have said, Ian only read out the record card itself to the Main Contacts after Lucy, Charlotte or I had done the checking of the faxed names against the Monodex and after we had provided Ian with the record card. Ian was not provided with and did not consider or discuss any other information as such general information in the press-cuttings and ring binders did not relate to any

individuals on the record cards. Some of the cards had envelopes attached, which contained press cuttings where an individual had been mentioned in a publication or had written an article but I don't recall ever reading them. Similarly, the two JLE Lists were not accessed by Lucy, Charlotte or me and were never provided to or read by Ian as part of the checking process. The suggestion that Ian had a far greater number of files on individuals which were used to determine whether individuals would be employed or not is completely wrong.

96 We also kept duplicates of invoices and VAT receipts for many years. Ian was a real hoarder and it was always difficult persuading him to get rid of anything. For example, we had several boxes of copies going back a number of years of *The Morning Star*, *The Socialist Worker* and other left wing magazines, simply in case any of the members were to ask about the contents of a previous edition.

97 In addition, we had a file called "*Bring-ups*" that we kept in one of the drawers. Every morning we would work our way through this file as far as possible, between checking faxes of names, doing mail-outs, sending invoices and acknowledgements etc. It consisted of invoices that needed acknowledging, items that Ian needed typed up, such as meeting agendas, mail out items etc. The priority was always to update the reference cards. There was also a "*cards to be done*" wallet within the "*Bring Ups*" file but this was low priority. Ian kept lists of websites, publications and organisations on a number of cards that he thought might, at some point, be useful. I can only remember a few such as "Friends of the Earth", "Earth First", "Reclaim the Streets", "Huntingdon Life Sciences" and they would only contain information that Ian had read about in the newspapers.

98 Towards the end of the Consulting Association, there were discussions about alternative approaches and whether there should be a more formal referencing service. The concerns were, in part, because of the Data Protection Act and also, in particular, following Alan Wainwright's evidence about the companies' use of the Consulting Association. I understood from Ian that the discussions did not reach any conclusion, as there were differences of opinion and because it was felt that, without more staff to undertake a full reference/CV checking service, such an approach would not be possible.

99 In addition, towards the end of the Consulting Association's lifetime, the members began to discuss Ian's potential successor and I recall Ian telling me that Murray Reid of NG Bailey was being discussed as a potential candidate, in terms of his knowledge of the system and because he was to leave NG Bailey in 2009. However, this did not come to anything, given the ICO raid.

## ICO Raid – February 2009

- 100 I recall the day of the ICO raid in February 2009 as I was at home with a broken leg doing the Consulting Association VAT return. Ian rang to tell me about the raid and said that it was probably the last VAT return I would need to prepare, given that the ICO had taken away a lot of documents and the computer. He told me that the ICO took the Monodex, the copy ring binder file containing the Monodex list, the computer and pretty much everything that was "*even remotely incriminating*".
- 101 Ian told me that he also spoke to David Cochrane, who was the then Chairman of the Consulting Association, to discuss what should be done next and they both decided that a meeting needed to be arranged with all the members within the following week or so to discuss what should happen.
- 102 Ian and David Cochrane quickly reached the conclusion that there were really only two options; either to close down or to continue in another form, having properly registered the Consulting Association with the ICO. In the interim, Ian and David Cochrane had decided to stop the operations of the Consulting Association immediately, for Ian to contact all member companies to confirm that the service was being suspended and for Ian to confirm that no more faxes were to be sent pending a meeting of the members to decide what to do next.
- 103 In the few days that followed the raid, Ian told me that he spent a lot of time on the phone speaking to the Main Contacts, telling them what had happened and trying to set up the proposed meeting.
- 104 Ian never told me or gave me any reason to think that he and David Cochrane were considering destroying the Consulting Association documents and no steps were ever taken by Ian to do so. No decision had been made at that time about the future of the Consulting Association, whether to continue and register with the ICO or to close up entirely, and so no decision could be taken about the documents until the members had met. If a decision had been made to destroy everything following the ICO raid, we could immediately have started destroying the duplicate set of record cards that we kept at the house and we could have spent the next few days routinely clearing out the office. This did not happen. In addition, such a destruction policy would have been somewhat pointless as the ICO had copies of virtually everything. Ian certainly felt that all relevant documents had been taken by the ICO and, importantly, all the record cards that were in use had been taken.
- 105 Ian discussed with me the same evening the second meeting with the ICO on 2 March 2009, which was also attended by David Cochrane. Again, I did not have any impression that, as a result of the meeting, any decision was taken to destroy documents in order to hide evidence or to avoid difficult questions.

- 106     Ian had a second meeting with David Clancy on 2 March 2009 at the Consulting Association offices that was also attended by the then chairman, David Cochrane. The same evening Ian told with me what had been discussed at the meeting. Again, I did not have any impression that, as a result of the meeting, any decision was taken to destroy documents in order to hide evidence or to avoid difficult questions.
- 107     During the meeting on 2 March 2009, Ian was informed that he was to be prosecuted for breaching the Data Protection Act. Ian and I both felt this was very unfair, given that Ian had merely been an employee undertaking what all of the members had paid him to do. This also later appeared to be the position of the prosecutor for the ICO, Armena Khan, who appeared to accept that Ian Kerr (trading as The Consulting Association) was the wrong person to prosecute, but nevertheless continued with the proceedings. Our sense of injustice later intensified as a result of the member companies' refusal to provide any financial or even moral support to Ian during the process. Indeed, in my view, the members completely abandoned Ian at this stage, as seen from Ian's detailed handwritten notes at the time.
- 108     David Cochrane had by far the most contact with Ian during this period and he always made clear that it was in the best interests of the member companies for Ian to "*be in the frame*", otherwise the publicity would badly hit the companies, including Sir Robert McAlpine.
- 109     Ian never openly expressed to anyone that he felt cheated or badly let down, even when David Cochrane made clear that Ian would receive no financial support for the court proceedings unless he played ball and looked to minimise any voluntary references to the companies. For example, in June 2009, I recall that Ian was asked by David Cochrane whether he was being advised voluntarily to name the companies involved by his solicitor (Jamie Strong) to mitigate his position or whether he was being required to do so by the Court. This placed Ian in a very difficult position, as he never wanted to name the companies, because he said that the Consulting Association had always relied upon trust. However, at the same time, Ian wanted to avoid the sole focus being on him and his family. It made for an exceptionally stressful few months.
- 110     Eventually, in the summer of 2009 David Cochrane arranged for payment of the redundancy amounts, the fine and the court and solicitors' fees, together with some outstanding costs of the Consulting Association (NI contributions, accountant fees and telephone bills etc). However, the payment was literally only to the very last penny and it was made only once the ICO Crown Court proceedings had finished. The amounts were not paid to Ian direct, as David Cochrane did not want the payments to be seen as Sir Robert McAlpine paying the fine and, in the end they were paid to one of my daughters, who then transferred the money to me.

- 111 In June 2011, David Cochrane also arranged for a further payment of Ian's legal fees which he had subsequently incurred with the law firm Wright Hassell in connection with two Employment Tribunal claims against him and Balfour Beatty/Carillion by John Adair and Edward Allen. The payment was only made following Ian's letter of 13 June 2011 enclosing documents relating to Cullum McAlpine's involvement in the Consulting Association (such as Ian's original contract of employment and correspondence between Cullum and Ian regarding pay rates, cars and health insurance).
- 112 All of the documents provided by Ian to David Cochrane in his June 2011 handwritten letter had been personal to Ian and had been kept at home. Ian did not tell David Cochrane that he had retained copies of the information and Ian told me that David Cochrane was clearly very annoyed when he later told him (I think in about late 2011) that Ian had retained copies of the documents.
- 113 Although David Cochrane was keen to keep Cullum McAlpine's name out of things and paid Ian's fine and legal fees to obtain documents showing Mr McAlpine's involvement, there was not a significant volume of such documents because Mr McAlpine was not involved in the day to day operation of the Consulting Association other than in approving salaries etc and even this was really because it suited Ian personally to have the continuity of the same person dealing with such matters.
- 114 David Cochrane was also unhappy when he later discovered that Ian was talking to GCR and that Ian had handed over documents to GCR. David Cochrane asked Ian how he could call himself a Christian. However, Ian did not volunteer any documents to GCR; he only provided documents because Sean Curran of GCR had forced Ian to do so, by threatening to join Ian as a defendant to GCR's group action. Ian only agreed to hand over his documents in return for GCR not including him as a defendant in the proceedings, because we could not have afforded the legal fees to defend the litigation and GCR knew this. Ian was, in effect, forced to co-operate and Sean Curran knew that Ian had no choice but to agree to hand over everything.
- 115 Sean Curran then relied on this when I asked for the documents back in late December 2012, shortly after Ian had died, but Sean refused to provide any of the documents to me until he had discussed my request with his team. Sean Curran continued to stall in answering my almost daily phone requests about the return of the documents until it was too late and they had been handed over in the litigation in mid-January 2013. I felt that both Ian and I had been used by GCR.
- 116 The last conversation between Ian and David Cochrane took place shortly after Ian had provided his documents to GCR. The conversation was to our landline which was set to hands free so I could hear what was said. I recall David Cochrane became angry about the fact that Ian was "co-operating" with GCR. However, the documents Ian had been forced to

hand over were mostly personal documents, not Consulting Association documents. David Cochrane reminded Ian of the financial payments he had received from Sir Robert McAlpine and David Cochrane's last words to Ian were that he would see Ian "in court".

117 I am no friend of David Cochrane and I feel that he and the other member companies and Main Contacts treated my husband appallingly in not supporting him in 2009 and in pressurising him to avoid mentioning as far as possible any of the companies. However, although I felt that David Cochrane placed pressure on Ian throughout to keep the companies' names and Cullum McAlpine's name out of the limelight as much as possible and he, along with the companies, were always willing for Ian to take the rap himself, David Cochrane never asked Ian to lie in court. As a devout Christian, Ian would never lie – whether under oath in court or in his personal life - and I think David knew this. Ian's view to the children had always been that telling lies was "lying to God".

118 I still feel bitterness towards the companies because they each failed to stand by Ian following the ICO raid and many individuals refused even to take Ian's call. In addition, only two individuals from the member companies ever sent a message on hearing of Ian's death in 2012.

#### Document Destruction

119 I am aware that there have been a lot of suggestions in the press and in these proceedings about documents being destroyed. This was also brought up in the BBC Radio 4 programme "The Report" in February 2013.

120 I have mentioned above what sort of documents were kept at the Droitwich office and which Ian kept at home. Mostly there were financial records, bills, old press-cuttings and general information files. Obviously the key documents were the record cards themselves and the Usage Figure files that recorded the number of names that had been checked and the number of names that were picked up.

121 I understood from Ian that the ICO took away everything in the Droitwich office that they wanted, including the record cards. However, this did not include the cash books and personal correspondence, such as the documents relating to Ian's and others' salaries, which we kept at home. There were also the back-up paper copy record cards which Ian kept at home.

122 Ian's written evidence to the Scottish Affairs Committee also confirms the position on this issue, where he set out what was left behind. The words: "The 90-95% of what was left behind consisted of...." refers to the contents of what was left behind – as listed in his written evidence; it does not mean that the ICO only took 5-10% of the record cards. The 90-95% of what was left was what he listed, which is the sort of generic documents (public domain union, construction company and construction project information), admin

documents (historic minutes, running costs, copy invoices), original and copy press-clippings and irrelevant financial documentation (VAT returns) that I have already described above.

- 123 The documents left behind were not destroyed immediately following the ICO raid and, so far as I am aware, Ian did not instruct the Consulting Association members to destroy their own documents as a result of the ICO raid (he certainly never mentioned anything to me about him or the members deciding to destroy documents). After the 2 March meeting with the ICO, and once it was clear that the Consulting Association was to come to an end permanently, Ian, Charlotte and I cleared the office, as Ian was anxious to avoid paying any unnecessary rent. All invoice and general files, together with the computer, the fax machine, the photocopier and the office furniture were taken by van to Ian's sisters house while we put in rubbish bags all the old press-cuttings and old magazines and newspapers. The office furniture was later taken to the British Heart Foundation. From helping Ian clear the office, I can confirm that there were no documents relating to any individuals left behind by the ICO and no such documents were destroyed by Ian that the ICO did not already hold, other than the green and pink record cards that were not taken by ICO because, as already mentioned, they were in the (unlocked at the time) safe.
- 124 In addition, the Consulting Association computer was not destroyed. It was later given by me to Phil Chamberlain who came to the house for the purpose of writing his book "*Blacklisted*" and I understand that he subsequently gave it away.
- 125 Ian destroyed all the Consulting Association documents retrieved from the office later in 2009, but only after the Crown Court hearing had finished. Ian had been told by the ICO and the Court that the database was illegal and he did not want anyone to accuse him of continuing with the operation illegally. He considered that it was, therefore, the best course to destroy the remaining documents, even though they did not relate to individuals. There was no intention on his part to destroy the documents to stop them being used as evidence in any later litigation. In fact, it did not cross our minds that there would be any litigation, let alone in the High Court.
- 126 In the Radio 4 documentary it was said by me that destroying the documents took Ian a full three days to burn the remaining paper records. This is misleading; Ian probably spent an hour or two each day over a period of several days. Trying to burn thick magazines, newspapers, cardboard boxes and tough files is not such a quick job, particularly when it's wet and the fire was just left to smoulder over those days. There were never volumes and volumes of correspondence or faxes with individual Main Contacts; that was just not how the operation worked.
- 127 Generally, Ian would send mail-outs, meeting invitations, invoices and minutes etc by post to member companies. He occasionally used the fax and we obviously received a lot of

faxes from the member companies, which we routinely destroyed on a daily basis after 2004.

128 Ian sent a very few emails to David Cochrane after the ICO raid using the email address maryb602ab@fsmail.net. Ian did not have an email address himself and he generally did not use a computer. He would write out or dictate what he wanted to say and I would send the email; hence, my email address. If he wanted to look at something on the internet, Lucy or I would locate the page and leave Ian to read it, but he frequently lost the page. Reading was one of Ian's passions and he had a very wide general knowledge - but it came from reading books, not from surfing websites.

#### Statement of Truth

I believe that the facts stated in this witness statement are true.

*M. Kerr*

Mary Kerr

21 January 2016

Made on behalf of the Macfarlanes Defendants

Witness: Mary Elizabeth Kerr

Dated: 21 January 2016

Claim No: HQ12X01115 & Others

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
THE CONSTRUCTION INDUSTRY VETTING  
INFORMATION GROUP LITIGATION

VARIOUS CLAIMANTS

Claimants

- and -

SIR ROBERT McALPINE LIMITED  
& OTHER DEFENDANTS

Defendants

- and -

BALFOUR BEATTY ENGINEERING SERVICES  
LIMITED AND OTHER THIRD PARTIES

Third Parties

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WITNESS STATEMENT  
OF MARY ELIZABETH KERR

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