

GARY ANDREW McCOURT, whose domicile of citation has been specified as 22 Leith Walk, Edinburgh

you are Indicted at the instance of The Right Honourable THE LORD CAMERON OF LOCHBROOM, Her Majesty's Advocate, and the charges against you are that

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Friday on 18 October 1985 on the road in Regent Road, Edinburgh

(1) you did cause the death of George Howie Dalgity, 24 Regent Place, Edinburgh, by the driving of a motor vehicle, namely a motor car, registered number ASA 238T recklessly and at excessive speed and did cause said vehicle to collide with and damage a pedal cycle then being ridden by said George Howie Dalgity, whereby said George Howie Dalgity sustained injuries from which he died in the Royal Infirmary, Edinburgh on 26 October 1985 and said motor car and pedal cycle and a compressor were damaged: CONTRARY to the Road Traffic Act 1972, Section 1 as substituted by Section 50 of the Criminal Law Act 1977;

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(2) being the driver of a motor vehicle, namely a motor car, registered number ASA 238T and an accident having occurred owing to the presence of said motor vehicle on said road you did fail to stop and if required so to do by any person having reasonable grounds for so requiring, give your name and address and also the name and address of the owner and the identification mark of the said vehicle: CONTRARY to the Road Traffic Act 1972, Section 25(1) and (4) as amended by the Road Traffic Act 1974 and by the Transport Act 1981;

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(3) being the driver of a motor vehicle, namely a motor car, registered number ASA 238T and an accident having occurred owing to the presence of said motor vehicle on said road, and not having given your name and address and also the name and address of the owner to any person having reasonable grounds for requiring same, you did fail to report said accident at a Police Station or to a Constable, as soon as reasonably practicable and in any case within twenty-four hours of the occurrence thereof: CONTRARY to the Road Traffic Act 1972, Section 25(2) and (4) as amended by the Road Traffic Act 1974 and by the Transport Act 1981;

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(4) you did use a motor vehicle, namely a motor car, registered number ASA 238T without there being in force in relation to the use of said vehicle by you such a policy of insurance or such a security in respect of third party risks as complied with the requirements of Part VI of the Road Traffic Act 1972: CONTRARY to the Road Traffic Act 1972, Section 143(1);

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or alternatively/

*Thomas L. Cameron*

or alternatively

being the person driving a motor vehicle, namely a motor car, registered number ASA 238T you did fail on being so required by David Ostler, Sergeant, Lothian and Borders Police, to produce the relevant certificate of insurance for examination and it was not produced within seven days thereafter at Gayfield Square Police Station, Edinburgh specified by you: CONTRARY to the Road Traffic Act 1972, Section 162(1) (as amended by the Road Traffic (Production of Documents) Act 1985);

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(5) being the person driving a motor vehicle, namely a motor car, registered number ASA 238T you did fail on being so required by David Ostler, Sergeant, Lothian and Borders Police, to produce your driving licence for examination and you did not produce it within seven days thereafter at Gayfield Square Police Station, Edinburgh specified by you: CONTRARY to the Road Traffic Act 1972, Section 161(4) (as amended by the Road Traffic (Production of Documents) Act 1985);

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(6) being the holder of a provisional licence to drive a motor vehicle you did fail to comply with a condition applicable to you in that you did drive a motor vehicle, namely a motor car, registered number ASA 238T when you were not under the supervision of a qualified driver who was present with you in or on the vehicle: CONTRARY to the Motor Vehicles (Driving Licences) Regulations 1981, Regulation 8(1)(a) and the Road Traffic Act 1972, Section 88(6);

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(7) being the holder of a provisional licence to drive a motor vehicle you did fail to comply with a condition applicable to you in that you did drive a motor vehicle, namely a motor car, registered number ASA 238T while there was not on the vehicle a distinguishing mark in the form set out in Schedule 2 to the undermentioned Regulations displayed in such a manner as to be clearly visible to other persons using the road from within a reasonable distance from the front and from the back of the vehicle: CONTRARY to the Motor Vehicles (Driving Licences) Regulations 1981, Regulation 8(1)(b) and the Road Traffic Act 1972, Section 88(6);

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and

(8) you did utter threats of violence to Owen Donald McCafferty, Care of Gayfield Square Police Station, Edinburgh, and did thereby induce him to convey you in his motor car, registered number REK 807M away from said Regent Road along with Michael Harkins, 2/4 Greendykes House, Edinburgh and John Miller, 35/5 Greendykes Road, Edinburgh, who had both been passengers in said motor car, registered number ASA 238T at the time of the accident libelled in charge 1 above, and all this you did with intent to avoid prosecution and with intent to defeat the ends of justice and you did thus attempt to defeat the ends of justice.

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*James G. ...*

Edinburgh 24 - 26 June 1986

The Hon Lord Cowie

A J Rodger Q.C. A.D.

et D P Cheyne

M Bovey

The Pannel pleaded not guilty to charges 1 and 8 and guilty as libelled to charges 2, 3, 4, 5, 6 and 7. The pleas of guilty were accepted by the A.D. but proceeded to trial on charges 1 and 8.

\*first alternative charge)  
168, 182, 155, 183, 199, 173, 160, 203, 170, 141, 166, 161, 159, 176, 167.

27, 29, 4, 20, 5, 6, 10, 11, 8, 9, 15, 16, 3, 12, 13, 14, 1, 18, 2,

The said Pannel

The jury by a majority found the Pannel Gary Andrew McCourt guilty as libelled on charge one

One year's impt. on charge 1. Admonished and dismissed on charges 2 to 7. Further the court disqualified the Pannel for holding or obtaining a driving licence for 10 years on charge 1, 2 years on charges 2, 3 and 3 years on charge 4. Further the court ordered endorsement on charges 1, 2, 3, 4, 6, 7. The previous convictions contained in the schedule attached to the Record Copy Indictment were admitted in evidence against the panel by the Court.

The Court in chambers granted a Certificate in terms of paragraph 13(2) of the Act of Adjournal (Criminal Legal Aid Fees) 1964 as amended in favour of the nominated solicitor in this case.

Joint minute of admissions lodged and read over by junior counsel for the crown

at the close of the crown evidence the jury retired

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ocurator for Crown,

Do. for Panel,

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ury, per List,

rown Witnesses, per List,

panel's Witnesses, by Name,

Verdict,

Sentence,

Previous convictions,

Legal aid,

Other facts of importance,