

STATEMENT OF

Name : Gary Hather

Address : 199a Flanderwell Lane, Sunnyside, Rotherham, S66 0QS

Occupation : Plant Hirer

WHO WILL SAY:

I am the Proprietor of G Hather Plant Hire and am aware of an accident to one of my Employees, David Walker, on the 17th January 1990. I did not myself witness the accident which occurred on Site but I do have first hand knowledge of the background to this accident.

On the 15th January 1990, I received a telephone call from David Walker who was working on a Site at Tibshelf in Derbyshire. He told me that he could not get home because his car had broken down and asked whether I could send someone to fetch him. I sent one of my Employees to collect Walker and take him home.

The following day, the 16th January, Walker came into the yard and asked whether I could give him a lift to his machine. I told him that I could not and that I had sent another Driver to do that job. Walker then went home for the day after it was explained to him that if he did not have transport to and from his place of work he was of no use to me since I could not spare anyone to drive him backwards and forwards on a regular basis. Effectively, therefore, Walker was laid off until he could make arrangements to have his car repaired.

On the 17th January, Walker asked whether I could send one of my Fitters to have a look at his car. I sent one of my Fitters, Trevor Ruddy, who managed to get the car going. Walker drove half way back home when the car broke down again. Walker telephoned me and asked whether Trevor could come out to him again. I agreed to allow Trevor to collect Walker but told him that he must sort the car out himself. Trevor collected Walker and brought him to the yard. I suggested he should perhaps ask another of my Employees, Paul Roddis who I know carries out repairs to his own car whether he could help and let it be known that I had done as much as I could to help him myself.

I therefore firmly refute the point made by Walker that on the day in question he had come to the yard to perform general labouring duties.

Unknown to me, Walker got in to one of my Pick-ups along with another of my Fitters, Stephen Derbyshire, who was about to go to repair one of my machines which had broken down on site. Walker was certainly not asked to do this since as I have said he was in effect laid off. I subsequently learned that Walker had been injured in an accident involving the JCB which Mr Derbyshire had gone to repair. I have no first hand knowledge of the circumstances in which the accident occurred since as I have said, I was not present at the time.

I have subsequently learned that Walker had been disqualified from driving and I probably would not have continued

to employ him even had he not had this accident since my Drivers are required to have their own transport in order to reach the various sites where they have to work. Clearly, without a Driving Licence, Walker could not drive.

SIGNED

G. Math

DATED

22nd March 91