

THE HEARING RESUMED ON THE 7TH OF DECEMBER, 2000, AS

FOLLOWS:

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CHAIRMAN: Good morning everyone.

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MR. HANRATTY: Mr. Barry please.

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MR. OLIVER BARRY RETURNS TO THE WITNESS-BOX AND CONTINUES

TO BE EXAMINED BY MR. HANRATTY AS FOLLOWS:

1 Q. Good morning Mr. Barry?

A. Good morning.

2 Q. Just before we resume your testimony, there was reference yesterday to a meeting, private meeting with members of the Tribunal's legal team on the 12th of July, 2000 in which this question of the ú40,000 again came up. You will recall the evidence yesterday, that I put to you certain statements which you had made in a previous private meeting of the 26th of June, I think it was.

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Now, I think your counsel requested a further meeting, isn't that right?

A. That's correct.

3 Q. And this issue of the ú40,000 was discussed again. And if I could refer you to page 11 of the transcript, question 61 it says:

"Well, ultimately you got out with ú40,000 in the end of 1991, is that right?

Answer: No, no, the last time that we had a discussion about that, you showed me the cheque from Patrick Taylor and I was quite taken aback when I saw the cheque and I

went to Patricia and said 'We never got that €40,000 back' and then she discovered that there was a cheque for 9,000 also went in with it and she discovered that was 23 percent VAT on the 40. So I'd like to see how that 40 is recorded in Century's accounts because I don't think it is the same €40,000, Mr. Hanratty.

Question: Do we know how it is recorded? " Then Ms. O'Raw said she would check that. Then we went on to another subject. Then I think we returned to the €40,000 subject at page 19, question 110. The question is "If he had known anything about that particular €40,000" - that is in reference to Mr. Stafford - "He would not have supported it.

Answer: That's what he said at the end of the day. I think, all right, yes but I don't - you see I don't think that the 40 that he is referring to there is this one. I think that 40,000 there is a separate thing altogether, Mr. Hanratty. I think it is to do with my services there, because of - there is some piece of paper, by the way, that Century should have, because there was agreement between me and Century and it was a written agreement.

Question: If he was querying another €40,000, then what other €40,000 was he querying?

Answer: The €40,000 that I was due for consultancy or for services rendered to Century."

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So I think that is the position as you were stating it on the 12th of July, isn't that so?

A. Yes.

4 Q. So there are other references in the transcript to the 40

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again, Sir, they have all been given to Mr. Barry's solicitor and he can put any further references that he may wish to do so in due course.

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Now, I just want to refer you briefly, Mr. Barry, to the evidence of Ms. Hynes. She gave evidence on the --

A. -- Mr. Hanratty, just before we leave that last issue.

5 Q. Yes?

A. I mean there was a fairly serious accusation made yesterday, that I misled the Tribunal and that I never came back to the Tribunal to contradict what I said at the first meeting. Are we happy now that we did that, I did come back?

6 Q. No, what I put to you yesterday was not that you misled the Tribunal, simply that it was different to what you told the Tribunal on the 26th of June. You then said that you realised that you had given incorrect evidence, in that the 40 that you had described as a different 40 was not the same thing that you had intended to refer to. I put it to you 'Why didn't you come back?'. Your solicitor then at some stage intervened and said 'Well, actually the subject was discussed again at a subsequent meeting, and on the 12th of July'?

A. -- I thought you were a little bit more severe than that with me.

7 Q. It certainly wasn't my intention to be severe, I was just trying to elicit what was said and I hope I have now done so?

A. I appreciate that.

8 Q. Ms. Hynes, as you are aware, gave evidence. Her evidence

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was on the 22nd of November. This question of you being due money for services rendered prior to the deal with Capital was raised with her and what happened first at page 91 of the transcript was that the correspondence which we had yesterday, around the 20th and 21st of September with Mr. Taylor, was put to her. And at the end of that on page '94, having had all of this correspondence put to her, she was asked "Can you recall Mr. Barry providing full-time management for the company at a rate of ú1,600 per week?"

Answer: No, I can't.

Question: Was there any such arrangement?

Answer: Certainly not that I knew about. I had no idea whether he was discussing with it with James Stafford or not. He was working almost fully in the company for a while.

Question: Yes.

Answer: I certainly can't remember him having a discussion with me. If he had done so I would have obviously reflected it in the accounts.

Question: Well, I think Mr. Lamb may have contacted you. At page 1617 there is a memo from Mr. Lamb to Mr. Walters. I think Mr. Lamb was the financial accountant to Century?

Answer: That's correct.

Question: He continued on after your departure and his note says "I spoke with Noreen Hynes on the 9th of the 1st, '91, concerning services provided to Century Communications Limited by Oliver Barry. She informed me that there had never been any mention of a fee being payable in respect of such services. And that she always understood that these were free of charge."

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Then the question is "Is that a correct representation of what you had said?"

Answer: Yes. "

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Now, you can see on the screen, this is the memorandum from Mr. Lamb to Colm Walters on the 9th of January, 1991 and obviously this question had come up in the context of the letter which you had written stating that you were owed €1,600 a week for 25 weeks, isn't that right? That appears to be the context or circumstances in which Mr. Lamb --

A. -- I don't know what context this came up. This is an internal memo between Aidan Lamb and Colm Walters about a misunderstanding or - an understanding or a misunderstanding - that Noreen Hynes had about my relationship and my services to Century. I don't know what it is in context with.

9 Q. Well, we do know that the letters which we have had yesterday were written at the end of 1990. We do know that this claim was being resisted by Mr. Taylor on the basis that he was asserting that he had never been told about it and no vouchers or invoices had been provided in respect of it. We do know that what is stated in that memorandum on screen is that "I" - that is Mr. Lamb - "Spoke to Noreen Hynes on the 9th of January, '91, concerning services provided to Century Communications Limited by Oliver Barry. She informed me that there had never been any mention of a fee being payable in respect of such services and that she had always understood that these were free of charge.

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Noreen also stated that during her work on the Letter Of Disclosure she made the Directors fully aware of their responsibilities in ensuring that all liabilities of Century Communications Limited were fully disclosed."  
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We have already had the fact that they weren't disclosed in the disclosure letter?

A. Mr. Hanratty, I reject it. It is like the old sean-fhocal 'Duirtean liom go nduirtean le' (Somebody told me that somebody told them- Gaelic), I mean I have no recollection of the facts of the memo. I don't know anything about it. All I am telling you is what I told you here in the beginning, that I did put the services into Century. There was no way that I could have afforded to do it free of charge.

10 Q. What is it that you are rejecting? Ms. Hynes is simply saying that she never heard about any question of any fee being payable for the time that you were in the company?

A. That's possible.

11 Q. But she goes further than that; she says that she didn't make any provision for it in the accounts and it wasn't included in the disclosure document. So it is not just a question that she didn't know about it. And you have already accepted in your evidence yesterday, as I understand it, that you never made any claim for this figure prior to the deal with Capital Radio?

A. There was no point in making a claim for it because there was no funds in the company to pay me.

12 Q. There was going to be 1.5 million coming in and you were

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making a claim for other money due to you, for example the  
ú20,000 and the ú20,000 and some other funds?

A. They came up on the day of the rights issue.

13 Q. But the point is, Mr. Barry, when the time came all  
accounts had to be squared, as it were?

A. Yes.

14 Q. And this was the time that if you were owed any money to  
put your hand up and say "Right, I am owed this and I am  
owed that and I am owed the other". You did, in fact, do  
that. You said you were owed 'ú20,000 that I put in on  
such-and-such a date, I put in another ú20,000 on  
such-and-such a date. I put in 12 and a half thousand'.  
You never said anything about being owed 40,000?

A. The other monies that you refer to were actual monies that  
were lodged into the account. These were services that  
were rendered. I always expected to get paid for them, once  
the funds came into the company, Mr. Hanratty.

15 Q. Yes. Now, I want to move on to ask you about some  
payments from the Quality Artistes Management account in  
1990. To put them in context, we know that in the,  
virtually the entire first half of 1990, and I presume up  
indeed to the time that the deal was done with Century,  
Century - or with Capital - Century Communications Limited  
was in very severe financial difficulties?

A. It was indeed, yes.

16 Q. The legislation was being sought for the entire first half  
of that year, and we will be coming to that in a moment,  
where there were extensive and regular meetings between  
yourself, Mr. Stafford and the bankers to Century  
Communications, isn't that right?

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A. Yes.

17 Q. Where they were going constantly updated on a range of issues, and in particular on the progress of the legislation that you were all expecting?

A. Yes.

18 Q. At that stage, I think it seems fairly clear the only hope for the company was if such legislation was enacted?

A. Yes.

19 Q. And it really didn't have any future if such legislation was not enacted?

A. Yes, the company was haemorrhaging heavily.

20 Q. The legislation actually didn't come through until the 13th of July, I think, isn't that right, when it was ultimately passed?

A. Yes.

21 Q. I think it was signed off by the President on the 24th of the month. It was actually passed, we understand, on the 13th

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Then we know that, I think, on the day after it was signed, in fact, by the President, Heads of Agreement were entered into with Capital, isn't that so?

A. I think Capital were, when they came in and did research on the, say independent broadcasting in Ireland, they felt that the market-place was, wasn't fair and that it required maybe some new help for independent broadcasting.

22 Q. Well, we will be coming to the capping issue in a little while in a little more detail. I think the position is that the steps that were taken to bring in capping legislation were taken well before Capital came into the



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picture?

A. I can't recall that. I think --

23 Q. Well, as far as we can see they first started becoming interested in an involvement and an investment in Century some time in May of 1990, is that not correct?

A. I wouldn't be sure of the dates, Mr. Hanratty.

24 Q. Well, does it sound right?

A. Well, it was certainly in the area of 1990, yes.

25 Q. For example, in the discussions which you were having with the company's bank in January, February, March and April there is no reference at all to Capital coming in?

A. No, I think we were seeking anybody.

26 Q. Anybody who might be interested?

A. Yes.

27 Q. Ultimately when Capital did express an interest the bank, of course, were told immediately?

A. I am sure they were, yes.

28 Q. And, of course, it is true to say also, I think, that Capital's involvement was entirely conditional upon this legislation being passed?

A. I am not one hundred percent certain whether it was entirely conditional. It was certainly a major influence in getting them involved.

29 Q. Is it not the position that Capital made it clear to you that under no circumstances would they be getting involved in the absence of capping legislation?

A. My memory wouldn't be totally clear on that.

30 Q. I see. Well, in any event it does appear that they signed the Heads of Agreement on the 25th of July, which is the day after the President signed the Act into law?

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A. Yes, yes.

31 Q. On the 20th of July of 1990, if we could have page 6394.

There was a cheque written on Quality Artistes Management account in O'Connell Street for ú35,000. Am I correct in thinking, first of all, that the handwriting on the cheque, apart from the signature, is the handwriting of Miss McManus, Maeve McManus?

A. Yes.

32 Q. And the signature is that of Miss McManus?

A. Yes, that's correct.

33 Q. The payee on this cheque is left blank?

A. Yes, I can't read the payee on it now.

34 Q. There is no payee in it?

A. Okay.

35 Q. And it is drawn on the account of Quality Artistes

Management. It is dated the 20th of July 1990 but, notwithstanding the fact that the payee is left blank, it appears to have been negotiated in Allied Irish Banks in Cork?

A. That's correct.

36 Q. If we could just have page 6395. I am afraid it is not too

distinct. Yes, you can barely see the numbers. It is even worse on the screen. Towards the top left, now the middle, you can see sort of a white patch coming across which is, in fact, a series of negotiation numbers or transaction numbers through the computer and clearing system. But this cheque was negotiated in Allied Irish Banks in Cork?

A. Yes, Patrick Street in Cork.

37 Q. Now, Miss McManus, I think, was a senior member of the QAM staff at this time?

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A. Yes.

38 Q. What, at that stage, was her position in the company?

A. Well, she was a senior person in the company. She was also a director of the company.

39 Q. Was she a manager or Managing Director or did she have a title?

A. She was my close, very close assistant.

40 Q. Was she a participant in the equity of the company?

A. Yes, if - she would receive a profit of the company, yes.

41 Q. Was she a shareholder?

A. I don't think she was a shareholder. She was a director.

42 Q. So any payments she would have received over and above salary would have been by way of bonus payments, would that be right?

A. Yes, but there was an agreement between us.

43 Q. Yes. Now, the information which we have received in relation to this Instrument is not complete but it appears that it was lodged in an account in Allied Irish Banks in Cork?

A. Yes.

44 Q. In the name of Miss McManus?

A. This could be true, yes.

45 Q. There is, we know, an account in Allied Irish Banks in Cork which you have disclosed to the Tribunal in the joint names of yourself and Miss McManus, isn't that right?

A. Yes.

46 Q. But that account wasn't opened until 1992?

A. I am not sure. I mean, I might be able to help you. We had a big concert in Cork during that period. Normally when we would have a concert in Cork we would have

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temporary facilities. My main bank, as you know, was the Bank of Ireland in O'Connell Street. We had a close friend who was manager in Cork. We would use that bank on a temporary basis during that time in Cork.

47 Q. Which branch is it?

A. 67 Patrick Street, I believe.

48 Q. But the joint account in your own name and in the joint name of Maeve McManus at 67 Patrick Street was opened on the 19th of October of 1992 as far as we can see?

A. I am not sure about that, Mr. Hanratty. I mean, these cheques, we only got them, I think, the day before yesterday. So I am sure if you give us some time we can fully account for whatever you wish on those cheques.

49 Q. Well, I just want to know why did Maeve McManus have another account in her own name separate from the joint account in this branch in Cork?

A. Just purely for, what would I say, convenience reasons, that she might be the person who would go up and draw the cash. She would be helping me. She would be involved with the concerts in Cork with me. It could just be purely for convenience reasons.

50 Q. Why was the account not opened, for example, in the name of the company, QAM?

A. Because it was just a temporary account. It was just an ad hoc account that we had in Cork for the concerts. There was no more than that in it, Mr. Hanratty.

51 Q. Yes. You mentioned a Prince concert?

A. Yes.

52 Q. In fact, in the cheque payments journal of the company this cheque is entered, there is nobody entered, or perhaps it

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was the cheque counterfoil, I think, yes, the check counterfoil is entered as "Prince draft"?

A. 'Prince draft'- I am sure we can give you an explanation for all of that. I mightn't be able to give it to you just now but if you give me some time I might be able to come back and give you some explanation for it.

53 Q. There is an entry, in fact, in the cheque payments journal, if we could have 6547. If we could just go down towards the bottom of the page?

A. Yes.

54 Q. There appears to be an undated cheque which says "AIB re Prince prod/fee". It is this cheque. It is 3450 and it is for ú35,000. When was the Prince concert?

A. It was in July, I think, I believe of '90.

55 Q. 1990?

A. 1990, yes, I believe.

56 Q. Why was this sum of money lodged into an account in the name of Miss McManus?

A. I can't fully recall why. I am sure there was a reason for it at the time. Maybe it was for convenience purposes, nothing more than that, Mr. Hanratty.

57 Q. Miss McManus has not disclosed this account to the Tribunal, I think you are aware of that?

A. I am not aware of that, no.

58 Q. Were you aware of the existence of this account?

A. I am sure I was, yes.

59 Q. Because if you were you didn't disclose it to the Tribunal either?

A. Well, that was purely - I mean, I gave to the Tribunal, I gave the Tribunal authority to go to any bank it wished in

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the company and go through accounts, I am sure.

60 Q. Mr. Barry, this isn't your account, although from your evidence now it appears that it is essentially a QAM account, albeit in the name of Miss McManus. I mean, your testimony is to the effect, as I understand it, and please correct me if I am wrong, that this account was set up in connection with the business of QAM, namely a Prince concert?

A. That is true.

61 Q. It is an account in the name of Miss McManus in her own name. It is quite separate from an account in the same branch in her joint name?

A. Maybe because it was in her name I wasn't aware - we can you go through the accounts one hundred percent if you want to Mr. Hanratty. There was no intention of me to hide the account.

62 Q. In the context of the Tribunal investigating payments or a payment of €35,000, and in circumstances where there was such a payment in this account, do you not think it should have been, it ought to have been disclosed to the Tribunal?

A. Of course it should.

63 Q. Not only by Miss McManus but by Miss McManus and you?

A. It is a long time ago. Maybe, it may be an account that I didn't remember at the time. But I thought that I gave the Tribunal full authority to go to any bank they wished in the country about any account. Did I not do that, Mr. Hanratty.

64 Q. In your own name?

A. In my own name, yes.

65 Q. That is not going to get us an account in the name of Miss

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McManus, is it?

A. -- do I have authority to give the Tribunal --?

66 Q. -- if the account is, in fact, an account which contains monies which belonged to QAM?

A. Okay, well, I am sorry about that, I apologise for it. I can assure you there was no reason for me in hiding it, Mr. Hanratty.

67 Q. What was this payment for?

A. I can't tell you offhand. I am sure it was probably some expenses in relation to the Prince concert.

68 Q. What sort of expenses?

A. It could be numerous, it could be his fee, it could be fees for other artists, it could be security incurred, it could be for a number of different items. I will come back to you about it.

69 Q. The cheque counterfoil, as I have indicated to you, says "Prince draft". We have been told by the bank that there was no draft purchased by this cheque?

A. 'Prince draft'.

70 Q. We have been told by the bank that this cheque was lodged to an account and it appears to have been lodged to the account in the name of Miss McManus. So why was Miss McManus lodging €35,000 of QAM money into an account in her own single name in Allied Irish Banks, Saint Patrick Street?

A. It was just purely as a temporary arrangement during the concert that we would have in Cork and there was no continuity in that part. It would probably roll on again to the next concert. Maybe it rolled on from a previous account. I can't remember when the account was even

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opened.

71 Q. Is it the position that when whatever monies were lodged to this account were monies belonging to Quality Artistes Management?

A. That would be true.

72 Q. Would the bank be aware of that?

A. The bank would be aware of that, I am sure. You see, my own bank, my main bank, as you know, was Bank of Ireland in O'Connell Street - or in O'Connell Street in Dublin. This would be a bank that we had in Cork purely, purely for convenience because. It was a friend of mine who was the manager of it and he was helpful to us. Maybe he gave us some overdraft facilities for, on a temporary basis for the concert. It would be just for that reason.

73 Q. Yesterday we received from your solicitor a letter which is dated the 5th of September of 1990. I think it was in response to an inquiry. It is from Allied Irish Banks in Patrick Street in Cork. It is addressed to Maeve McManus. It says: "Dear Maeve, I acknowledge receipt of your cheque in the amount of ú30,000 which we have lodged to your account. Kindest regards, yours sincerely, DP Kennedy - Manager."

A. Yes.

74 Q. We will come back to the ú30,000 in a moment. Where did you get this document?

A. Which document, Mr. Hanratty?

75 Q. This letter which your solicitor sent to the Tribunal yesterday. You will be handed a copy of it. (Document handed to witness.)

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MR. O'CONNOR: Sir, if I could just clarify? I actually believe that Mr. Barry has not yesterday yet seen the document. It was faxed directly to the Tribunal by his Secretary, Miss Patricia Cooney.

CHAIRMAN: I note that.

MR. HANRATTY: It wasn't, Sir, it was faxed to the Tribunal by Mr. O'Connors office, who has just spoken.

MR. O'CONNOR: Sorry, Sir, I stand corrected. In that case it was faxed to my office and sometime yesterday faxed directly from my office to the Tribunal. The point is, in fairness to the witness I don't think he has seen it.

CHAIRMAN: I see.

MR. HANRATTY: Well, if it came from Miss Cooney it begs the question where did she get it? This is not a document that was discovered to the Tribunal.

CHAIRMAN: Miss Cooney is the witness' secretary.

76 Q. MR. HANRATTY: Yes, she works in Quality Artistes Management. Can you tell me, Mr. Barry, where you got this document and where you got it?

A. I presume Patricia faxed the bank and she got them.

77 Q. - Patricia Cooney got it from the bank?

A. That is what I would think, yes.

78 Q. Even though it relates to a communication, presumably

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confidential, between the bank and Miss Maeve McManus, who as far as they were concerned, were their account holder?

A. I can't explain.

79 Q. Is there a file about this account in Quality Artistes Management?

A. I can't tell you that offhand, Mr. Hanratty. When was the - when - is there a --

80 Q. It was faxed, I would surmise, to Mr. O'Connors office yesterday. He faxed it then to the Tribunal.

A. There must be some - I can't explain it at the moment. I am sure I can come back to you with a satisfactory explanation when I talk to Patricia about it.

81 Q. Yes. To whom were the statements from this account sent?

A. To whom?

82 Q. When there is an account in a bank they send out monthly statements. Was QAM in receipt of the monthly statements from this account?

A. I can't tell you offhand. If it was in Maeve McManus' name, maybe she received the statements. I can't - I mean if you give me some time I am sure I can give you a satisfactory explanation for this.

83 Q. Mr. Barry, you have had all the time in the world. I am going to ask you these questions now because this is an account which was not disclosed by either yourself or Miss McManus. You tell us that it was a Quality Artistes Management account. One would expect if it was, Quality Artistes Management would be in receipt of the statements, even if they were sent to Miss McManus, that she would bring them in. What I want to draw your attention is the fact that nobody has drawn the attention of the Tribunal to

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this account?

A. It must have been an oversight of some sort, Mr. Hanratty.

84 Q. Mr. Barry, you were summonsed to give evidence here in the first instance because you declined to provide a voluntary statement and also because of difficulties about discovery, isn't that right, of documents?

A. I took legal advice on that, that I covered with you, yes.

85 Q. You indicated to the Tribunal that it was your intention to cooperate with the Tribunal?

A. Yes, absolutely.

86 Q. You have, in fact, discovered certain documents to the Tribunal. The Tribunal was given to understand that you had disclosed all of your bank accounts?

A. Yes.

87 Q. And all of the Quality Artistes Management bank accounts?

A. Maybe that the fact that this account was in Maeve McManus's name might have, might make, might have been an oversight on our side, Mr. Hanratty. I can assure you, you can have any authority whatsoever from me you wish.

88 Q. May I take it if it was, in fact, an account holding monies belonging to Quality Artistes Management Limited, that that company, therefore, has the statements of this account?

A. I am not - maybe.

89 Q. Can you check that over lunch?

A. Yes, I can.

90 Q. And if possible could you get us copies of the statements?

A. Yes.

91 Q. For say --

A. -- as I say, my guess is that it would be a very temporary account just to get over the concert situation. It would

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be an in and out - as the fellow said, it would be a, there would be a beginning and a end of it for each individual concert.

92 Q. You say that is your guess. Is it the position, that you don't remember what it was for?

A. I am certain this related to the concert.

93 Q. Yes. Well, what was this particular payment into this account for?

A. As I say, I will have to come back to you with an explanation on that.

94 Q. Yes. Now, there was another payment out of QAM's O'Connell Street account on the 27th of August of 1990. If we could have 6396. It is made out to AIB Bank. Again it is written out by Maeve McManus and signed by Maeve McManus, isn't that so?

A. Yes.

95 Q. It is for ú30,000?

A. Yes.

96 Q. What is that for?

A. As I say I can't - I am guessing at this point in time, Mr. Hanratty, but maybe it was, maybe we were overdrawn in the bank as a result of incurred expenses at the concert. Maybe it was paying back the bank some of our overdrawings.

97 Q. Mr. Barry, copies of these cheques were sent to you a couple of days ago with a view of ascertaining what they were for and on the basis of being asked questions about them. Are you now saying that you still don't know what they are for?

A. If you give me some time I will get back to you. I thought a satisfactory - I thought they were to do with the Prince

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Concerts in Cork.

98 Q. How many Prince concerts was there in Cork?

A. One.

99 Q. And this was in July?

A. Yes.

100 Q. I take it, this is dated in July, I take it this is not related to the Prince concert?

A. It is.

101 Q. It is?

A. I would imagine so. There wouldn't be for any other reason. I would say that we were probably overdrawn in the bank and we had to put the money back in the bank.

102 Q. It appears that it was also lodged into Miss McManus's account. That letter I indicated to you would also indicate?

A. -- maybe her account was overdrawn and she was putting the money back into it. I am sure we will get a bank statement for it.

103 Q. Is this an account into which the proceeds of the Prince concert were lodged?

A. No, this would be just purely for incidental expenses incurred during the concert in Cork. The main bank, as you know, for QAM is 28 Lower O'Connell Street.

104 Q. What sort of incidental expenses might they be?

A. In Cork?

105 Q. Yes?

A. Many.

106 Q. But?

A. They could be maybe Prince's payment of his PC's, it could be production, it could be relief groups, it could be

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security, it could be various payments, publicity, it could be under many headings, Mr. Hanratty.

107 Q. Was this an account, a deposit account or a current account?

A. A current account.

108 Q. So there would be a cheque book on it?

A. Well, let me check that. I am sure there should be. Yeah, it was an arrangement we had with Dennis Kennedy in Cork and he would be helpful to us.

109 Q. Mr. Barry, when a company or a business is in receipt of funds and is paying out expenses, paying bills, paying invoices, it first of all has a bank account. It receives bank statements?

A. Mm-hmm.

110 Q. It writes cheques, it has cheque counterfoils. The contents of the cheque counterfoils are used to write up a cheque payments journal. The cheque payments journal then forms the basis of other entries in other accounts, ledgers in a company. Was any of that done in relation to this account?

A. I would have to check for you, Mr. Hanratty.

111 Q. Because it seems fairly clear that if it was these documents have not also been discovered to the Tribunal?

A. I mean, I will come back to you on it, if we have some documentation - the only thing that might have misled us here, the fact that the account was under Maeve McManus, maybe because of that we overlooked it. We will back and help you.

112 Q. It couldn't have misled her because she was asked to produce her accounts as well and did not produce this

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account?

A. Okay. It probably wasn't her account, in all fairness to her, it was probably QAM money.

113 Q. We know that the £35,000 in 1989 that was paid to Mr. Burke was paid out of a Frank Sinatra account?

A. That is correct.

114 Q. That was a specific account set up --

A. -- Mr. Hanratty, if you are going down the road that some of these funds went to Mr. Burke, I can assure you you are going down the wrong road.

115 Q. I did not suggest any such thing to you, Mr. Barry. I am trying to ascertain what these cheques are for?

A. I will endeavour to help you as best I can as soon as I possibly can.

116 Q. Well, could I ask you to check over lunch for a number of documents. First of all, do Quality Artistes Management Limited have bank statements in respect of this account?

A. Yes.

117 Q. Do they have any other kind of records in respect of this account?

A. Yes.

118 Q. Including correspondence with the bank?

A. Yes.

119 Q. Do they have a cheque payments journal in which the transactions on this account have been written up?

A. Yes.

120 Q. Do they have cheque counterfoils in respect of the cheques written on this account?

A. Okay.

121 Q. That is a fairly straightforward thing to find out. Your

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evidence to the Tribunal is that as you sit here now you don't know whether they have these documents or not?

A. That's correct but I will endeavour to check.

122 Q. Yes?

A. Yes.

123 Q. Are there any other accounts in which monies are lodged which belong to Quality Artistes Management Limited but are not in the name of Quality Artistes Management limited?

A. There is - can I check that for you? There might have been some temporary - you are asking me to differentiate between a company account and a personal account, is that what you are asking me?

124 Q. Mr. Barry, we --

A. -- oh, yes --

125 Q. We requested you to make discovery of documents, of bank accounts. You made discovery of bank accounts which did not include this bank account which you are now telling us was a bank account which effectively belonged to Quality Artistes Management, albeit that it was in the name of Miss McManus?

A. Yes.

126 Q. I want to know are there any other bank accounts that contained monies or funds belonging to the company but are in the name of some other person or persons?

A. There was, there was an overseas bank account, I think, belonged to QAM that was in my name and my wife's name.

127 Q. We will come to that in a moment. In this jurisdiction, let's start with Miss McManus, are there any other accounts in Miss McManus name which, in truth, belong to Quality Artistes Management Limited?



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A. Unless there would be in 67 Patrick Street.

128 Q. Well, are there any other accounts in 67 Patrick Street?

A. Well, if there were I am sure we would - if her name was on them we may not have sent them to you. But let me check them for you.

129 Q. Any other names?

A. My own name.

130 Q. Are there any accounts in the name of Miss Cooney?

A. In Patrick Street?

131 Q. Anywhere?

A. No, not to my knowledge. That would have to do with QAM, you mean?

132 Q. Yes?

A. No.

133 Q. Well, then we might just perhaps pass from these accounts.

Can I just ask you one thing in relation to that second cheque for 30,000? Why was the cheque made out to Allied Irish Banks if it was, in fact, was going to be lodged to an account to Miss McManus? Why did she not just make it out to herself?

A. My guess is that she was paying back AIB the money that we had overdrawn. It is a, my guess on it so, the money was due to the AIB. That second one was made out by Patricia Cooney, not by Maeve McManus. It was signed out - it was signed by Maeve but written out by Patricia.

134 Q. At the time Miss McManus was based in Dublin?

A. We would be spending quite a bit of time in Cork. During the concert you would probably maybe spend ten days or two weeks in Cork.

135 Q. Yes. Can you remember what date in July the concert was

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on?

A. I can't but I will find out for you.

136 Q. Now, I think on the 25th of April of 1988 you made a payment of ú13,817.80 Sterling from an account which you had with Barclay's Bank, is that right? Perhaps we might just give the witness a copy of the account?

(Document handed to witness.)

I am talking about the 25th of April of 1988.

A. 25th of April, yes.

137 Q. Do you see that?

A. Yes, 12,320.

138 Q. No, 25th of April '88?

A. I have the 25th of April '88. There was a payment of 12,320, is that it?

139 Q. If you just bear with me for a moment, please.

Sorry, it is, in fact, in May of 1988. We have got the wrong date. Do you see that? I think it is the 3rd of May, 1988?

A. 3rd of May, 1988, yes.

140 Q. And there is a figure of ú13,817 pounds, do you see that?

A. Yes.

141 Q. It is cheque number 515060?

A. Yes.

142 Q. And on the 16th of May, that is about two weeks later, you receive a payment from FM McManus in the same sum?

A. Yes.

143 Q. What is that for? What is that item?

A. I can't tell you offhand, Mr. Hanratty. I think we went as far as we could in explaining the - we gave you an explanation as far as we could, I think, on the cheques

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that were written out of this account.

144 Q. Well?

A. Was that one of the ones you queried?

145 Q. This is one of the ones that we have been querying in correspondence. We haven't really got, as you are aware, any explanation for?

A. -- you know the reason why, Mr. Hanratty.

146 Q. FM McManus, is that Maeve McManus or somebody else?

A. The "F" would be Frank, Frank McManus, maybe, Maeve's husband.

147 Q. What sort of a transaction would you have had in May of 1988 where you would have paid out ú13,817 Sterling and then have received reimbursement of it, which appears from the account?

A. I can't remember offhand.

148 Q. Could I just refer you to the 20th of October of 1987?

A. Yes.

149 Q. There is a payment there of ú30,000 to a company called Mercury?

A. Yes.

150 Q. What is that item?

A. As far as I remember that was a bond that we invested in, because it was probably good a interests rate at the time and that.

151 Q. -- and is that bond still extant?

A. Oh, that is dead.

152 Q. Sorry?

A. That is finished.

153 Q. Which means that it is encashed at some stage?

A. Yes.

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154 Q. And when was that?

A. I can't remember offhand.

155 Q. The reason that I ask is that there was - did you say "We invested"?

A. Well, it was the company. As you know, that is a QAM account.

156 Q. Because it is not actually a QAM account. It is in the name of yourself and your wife?

A. Yes, but it would be QAM funds would be funding that account.

157 Q. I see. And - so does that mean that the funds in the account belonged to the company?

A. Yes.

158 Q. Yes. Well then, is this a company, a QAM investment of ú30,000 on the 20th of October of 1987?

A. That is what I would guess it was, yes.

159 Q. And was the bond therefore taken out in the name of the company or was it taken out in some other name?

A. I would say it was taken out in my wife's name and my own name because we are both directors of the company.

160 Q. Yes. When was the bond cashed?

A. I can't tell you offhand, I can't remember.

161 Q. Did Miss McManus purchase a bond around the same time for around the same amount?

A. That is possible.

162 Q. Was there any relationship between the two?

A. No, none at that stage, no.

163 Q. Well, if she did, was it with QAM money or with her own money?

A. I can't remember that, Mr. Hanratty. She wouldn't have,

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Miss McManus wouldn't have bought a bond out of QAM monies.

164 Q. On the 14th of November of 1988, could I just refer you to that date.

A. Yes.

165 Q. There is a lodgement of ú12,000 Sterling?

A. Which date again?

166 Q. The 14th of November?

A. Yes, yes.

167 Q. The second last item on the page?

A. Yes.

168 Q. And it is, the legend in the left-hand column is 'M.

McManus TFR,' which I take to mean transfer?

A. Yes.

169 Q. What would Miss McManus be doing putting money into this account?

A. I would have to check that for you. I mean, it is a long time ago. I don't have all these figures. I think we went as far as we could. If you asked us for this in advance, is this one of the ones you asked us for in advance?

170 Q. Yes?

A. Whatever answer we came back with then, that would be the answer. I don't think we can go any further.

171 Q. Is it the position that you are saying to the Tribunal "I am sorry I can't help you", is that it?

A. That seems to be it as far as these ones - I think the bank were unable to go back because the cheques for that particular, to see the cheques for that particular time.

172 Q. Can I refer you to the 31st of May, of 1989.

A. Yes.

173 Q. There is a debit on the account on that date of 23,000

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Sterling?

A. Yes.

174 Q. And your position to, are you in a position to assist the Tribunal as to what that was for?

A. I think we identified that as being a payment to Maeve McManus.

175 Q. A payment to Miss McManus?

A. Yes. I think we did.

176 Q. What sort of a payment?

A. A payment to her, maybe for the profits, maybe, out of the Frank Sinatra concert. I would think it related to that.

177 Q. Miss McManus had, I think, two accounts in the Isle of Man, isn't that right, or perhaps three?

A. I am not sure, Mr. Hanratty, what she had.

178 Q. It may be just two but there appear to be, as it were, mirror transactions, a debit on your account?

A. Yes.

179 Q. And a credit on hers and vice versa?

A. Yes.

180 Q. Of which these are some?

A. Yes.

181 Q. What was the nature of these transactions, if I can put it that way?

A. It would be money that I would have owed and paid to Miss McManus, Mrs. McManus.

182 Q. Well, it is obvious from this particular account, that it was a cheque account?

A. That was a cheque account, yes.

183 Q. Yes. Well then, can you give us the check counterfoils?

A. I don't think we have any. I think we endeavoured to get,

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get that from Barclays Bank but we were --

184 Q. -- no, this is the cheque stubs. You would have a cheque book you would enter on the stub what the cheque was for?

A. We haven't got them. If we had them we would have given them to the Tribunal. Sure, that would have helped the whole matter. If we had cheque stubs it would be very easy.

185 Q. So what has happened to the cheque stubs?

A. We can't find them. The cheque stubs are gone.

186 Q. All of them?

A. So I believe, yes. Anything we had relating to this account we sent into the Tribunal.

187 Q. Well, given that it was a Quality Artistes Management account, in fact, although it is in your own name and that of your wife, presumably there is a cheque payments journal?

A. I would have to check that for you, Mr. Hanratty, yes.

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MR. HANRATTY: I wonder, Sir, is this an appropriate time?

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CHAIRMAN: I think it would be appropriate. We will sit again at 12 o'clock.

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THE HEARING THEN ADJOURNED FOR A SHORT BREAK AND RESUMED AGAIN AS FOLLOWS:

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MR. HANRATTY: Mr. Barry please.

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MR. OLIVER BARRY RETURNS TO THE WITNESS-BOX AND CONTINUES TO BE EXAMINED BY MR. HANRATTY AS FOLLOWS:

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188 Q. MR. HANRATTY: Did you wish to clarify something, Mr. Barry?

A. Yes, Mr. Hanratty, regarding the Barclays account. As I said earlier on, that it was a QAM account. In actual fact, it was QAM funds but it was a personal account.

189 Q. I see. So - well if it was QAM funds, does QAM have records about it?

A. I don't think so.

190 Q. Well then, the only person who would have records are either yourself or the bank or both?

A. I certainly don't have any records - any records that I have about these accounts I have already submitted to you, we did, as you know, make a lot of endeavours, I know my legal people did, to get further information from Barclays in the Isle of Man, any information. It was so long ago they weren't able to help us.

191 Q. Well, we know from our experience with other banks that banks keep transactions going back varying periods but usually, usually fairly considerable periods and also take microfiche copies of Instruments and transaction documents and also are in a position to print computer print-outs of statements, as in fact was done in this case.

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There was one transaction we were discussing just a moment ago which was the £23,000. Did I hear you correctly to say that was a payment to Miss McManus?

A. -- I think we --

192 Q. - was the 31st of May, 1989.

A. -- I think that was one of the ones we were able to identify



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for you.

193 Q. This was a cheque number 517848 - sorry - 846 maybe?

A. The one, the 23,000, but I think we have submitted that information to you already, have we?

194 Q. I am asking you in your evidence now do you say that that payment was made?

A. I wonder could we have the letter of explanation?

195 Q. I don't have it with me. We might leave that. On the same date there was a payment by Miss McManus of ú35,000 in her account in Barclays, Isle of Man?

A. Yes.

196 Q. Was that anything to do with QAM?

A. Was that anything to do with QAM?

197 Q. In other words, it was the same date, if you are correct about your evidence, that this 23,000 was paid to her, it was on the same date that she was in receipt of ú23,000 Sterling from you?

A. Yes.

198 Q. That she paid out ú35,000 Sterling?

A. I can't give you an explanation for that but I am sure Miss McManus - .

199 Q. -- did her account have anything to do with Quality Artistes Management?

A. No.

200 Q. Did Quality Artistes Management itself have any account abroad?

A. Definitely not, no.

201 Q. Either in the United Kingdom or in the United States or anywhere else?

A. No.

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202 Q. Did either you or Miss McManus have any account in your names on behalf of Quality Artistes Management abroad?

A. Not to my recollection, no.

203 Q. I think, Sir, we are not going to be able to pursue these transactions until we have the, such documents as Mr. Barry has indicated he might be in a position to search for, and --

A. -- sorry I mean any documentation I have relating to the Barclays and in the Isle of Man, you have it all.

204 Q. Well, I am sorry to say, Mr. Barry, that that means that, are you saying to the Tribunal that all of the documentation in relation to this account has been destroyed or lost?

A. Well, I am saying to you that I have not withheld anything to this Tribunal that I have regarding this account. Anything that I have, you got it.

205 Q. You know that the Tribunal is particularly interested in the transactions around May of 1988?

A. Yes.

206 Q. Particularly the 31st of May of 1989?

A. Yes.

207 Q. It is also interested in transactions around the autumn of 1990?

A. Yes.

208 Q. Or the middle of 1990 and the Autumn of 1990. There is another £25,000 transaction on that account on the 24th of October?

A. I think the one in 1990 relating to 67 Patrick Street in Cork, I am sure I can give you some further information on that. I am particularly talking about the Isle of Man one.

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209 Q. I am not talking about Patrick Street, I am talking about a transaction of ú25,000 on the Barclays account in the Isle of Man on the - if I can just get you the date - on the 4th of October of 1990 a draft was taken out for ú25,008?

A. Did we not give you an explanation for that? I think we have an explanation for that one.

210 Q. It appears that it purchased a draft?

A. Yes.

211 Q. Now, when persons purchase drafts, it generates documentation. The bank which produces the draft would have a record, they would have debit and a credit on their double entry system. They would have a counterfoil on the cheque book in which the draft was written?

A. I think I can get you on that 28,008. Did that not go back in to clear off the 52,420 that I --

212 Q. -- I don't know whether it did or not?

A. I think it did, yes.

213 Q. Can you check that?

A. Yes, as far as I can, yes.

214 Q. You see, all of the transactions to which we have been making reference, Mr. Barry, generate documentation. They generate transaction documentation. If it is a withdrawal, you have to make a withdrawal slip, if it is a lodgement there is a lodgement slip?

A. I fully accept that.

215 Q. And if it is a cheque there is a counterfoil?

A. I fully accept that. If we are still talking about the Isle of Man account I can assure you, Mr. Hanratty, that I think I gave you full authority to contact the bank in the Isle of Man. We did our best endeavours to get the

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information from the Isle of Man and we gave you what we had on the Isle of Man.

216 Q. Apart, Mr. Barry, from saying that you can't give us any documents, you are also saying that you don't remember anything about these transactions, even though they obviously involve large, round sum transactions?

A. I am afraid to say that is the case, yes, except the ones that we have already identified for you.

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CHAIRMAN: Well, Mr. Barry, I want to be very careful about what I am saying because I have no wish to make any pejorative statements in relation to it, but I find there is a remarkable lack of clarity in relation to your evidence and in relation to a number of transactions which are germane to what I am inquiring into. I propose to adjourn the proceedings from now until, well certainly a quarter past two this afternoon, to enable you to make inquiries and to add a great deal of clarity to what you want to say. I would invite you to very carefully consider your position because I want to be convinced of the truth of what you are telling me.

A. Well, Chairman, the only thing I can say to you as far as the Isle of Man is concerned, I can assure you that everything that I can put my hands on regarding this account, I have submitted to the Tribunal and I have made all endeavours possible to get further information from Barclays in the Isle of Man and I have been unable to do so.

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CHAIRMAN: Well, all I can say is I would invite you to be

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convincingly frank when you return at a quarter past two.

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MR. HANRATTY: Perhaps in the meantime Mr. Barry could obtain the other documentation in relation to the Cork accounts.

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CHAIRMAN: Yes. Any information, because the situation, it is very unsatisfactory.

A. I appreciate that. Just on the Cork account, the only thing I would draw your attention to is a letter from my legal - Mr. O'Connor - to you on the 7th of July where we gave you full authority regarding the account in Patrick Street. Unfortunately we overlooked the account in the name of Maeve McManus and that was purely accidental and an oversight on our side. I apologise for it but it was one of those accounts that we just missed.

217 Q. MR. HANRATTY: On that subject, Sir, you will recall that reference was made this morning to this letter which came from Mr. Barry's office and I raised a question as to whether it was contained in a file. Perhaps Mr. Barry could ascertain or identify that file as well, if such there is, and perhaps we might have that as well?

A. I am certain I can help you on that one, yes.

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CHAIRMAN: Well, perhaps you would be kind enough to liaise with your solicitor, who in turn can liaise with my solicitor or my counsel and try to get clarity which will, on this whole aspect of life, because I want to have a clear-cut picture of what it is and I don't want to do you

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any injury through not understanding what the situation is?

A. Chairman, I fully appreciate that very much indeed. Thank you.

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CHAIRMAN: Okay, I will rise then until a quarter past two.

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MR. HANRATTY: I should tell you, Sir, that Miss McManus is under subpoena to appear at a quarter past two.

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CHAIRMAN: She will have to be looked into at that time. But the witness here should be back because I don't know what is going to happen to Miss McManus, obviously, until she turns up.

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MR. HANRATTY: Yes.

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THE HEARING THEN ADJOURNED UNTIL 2:15

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THE HEARING RESUMED AFTER LUNCH AS FOLLOWS:

MR. O'CONNOR: Sir, I wonder at the outset might I address you in relation to the two matters that were before you this morning, that is the Barclays Bank account and the Cork bank account?

CHAIRMAN: Yes, certainly.

MR. O'CONNOR: Sir, if I may just put Mr. Barry's position in some context. In relation to the Barclays Bank account, Mr. Barry in July of this year received a letter from Barclays Bank. Now, I will quote very briefly from the letter. It says "Unfortunately we only retain processed cheques for a period of five years. Cheques prior to 1995 have been destroyed." It further goes on to say "I am sorry that we are unable to supply the information that you require. If you have any further queries, please feel free to contact me again."

On the day that Mr. Barry received that letter, it coincided with a meeting of the Tribunal which occurred on the 12th of July this year.

CHAIRMAN: That is the day that he attended here, is that right?

MR. O'CONNOR: Indeed, Sir, in a private session with the Tribunal lawyers. Now, that position was pointed out to

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the Tribunal team at that meeting. An authority was signed by Mr. Barry which authorised the Tribunal team to carry out any investigations they required with Barclays Bank. I think that is significant, Sir, in the first instance, there is no information on the record. I would invite the Tribunal team to put on the record what information they have received and what cooperation they have received from Barclays Bank.

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Subsequently, a letter was furnished, clarifying certain matters, on the 16th of November. An assurance which was given by my client on, at the meeting of the 12th of July that no monies passed from the Barclays Bank account to any politician, was again repeated in my letter of the 16th of November of this year, from my office, Sir.

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Mr. Barry's position in relation to the Barclay Bank account is very simple. He has taken his inquiries as far as he possibly can. He has fully cooperated with the Tribunal. He has handed them whatever authority they require in relation to this matter. Now, if I move, might move from there to the Cork situation. In relation to the two cheques which were presented to the Tribunal this morning, Mr. Barry was asked to give an explanation as to, I believe, the ultimate designation or the ultimate use of those two cheques. Those cheques were furnished by the Tribunal on Tuesday of this week. Mr. Barry has contacted the particular branch of Allied Irish Banks involved and has been advised by the bank that without the authority of Miss McManus they can give him no information in relation



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to those two cheques. The point I am coming to is this, Sir; Mr. Barry has attended two meetings in private session with the Tribunal lawyers. He has set out his position in relation to the Barclays account in clear unambiguous terms on the 12th of July. He furnished a full authority at that meeting. Insofar as he could, he furnished further explanations through my office to the Tribunal team. The situation of the Barclays Bank account was not something that was evolving and crystalised here this morning at 10 o'clock or 10:30. The reality is my client got no cooperation from Barclays and it is for that reason and for that reason alone that he cannot assist us in relation to your inquiries as to what the particular entries on the bank account, some of which go back to 1988, are for.

Now, Mr. Barry has made it perfectly clear, and I reiterate this point specifically on Mr. Barry's instructions, he has made it perfectly clear that there was no payment out of Barclays Bank account to any politician. That was stated at the meeting of the 12th of July. It was reiterated in my letter of the 16th of November. He confirmed it at the public session here on Monday to Mr. Hanratty. Mr. Barry cannot put the matter any further, Sir. And in relation to the Cork matter, I do not think it is fair that Mr. Barry should be pilloried on the account of the omission of some third party to provide discovery. Because that was the situation he was put in this morning. He was asked to provide information in relation to two cheques which he received 48 hours ago and the bank tell him quite simply, quite bluntly, brutally bluntly, 'We can not give you the

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information without the authority of Miss McManus'. I respectfully submit he should not have been put in that position. It is not fair.

MR. HANRATTY: If I can respond to that, Sir?

CHAIRMAN: Yes, please.

MR. HANRATTY: First of all I would like to reject the suggestion that Mr. Barry was pilloried this morning. He was asked about an account which he said was a Quality Artistes Management account, albeit in Miss McManus's name. It was an account that he had failed to disclose to the Tribunal.

Mr. Barry has had a long history of dealings with the Tribunal and the upshot of that is that the Tribunal has ended up getting not very much information out of Mr. Barry. He did indeed execute an authority, but - and the Tribunal pursued the authority as far as it can. As Mr. O'Connor well knows, there is a limit to what can be done on an authority with a bank, particularly a bank outside the jurisdiction. These are accounts which are in Mr. Barry's name. We have repeatedly identified the specific transactions on these accounts that we require explanation of. The transactions were identified by reference to their relevance to the - or potential relevance to the - Terms of Reference. They involve large round sums of money. They involve transactions which of their nature generate other transactional documentation. In the case of bank drafts,

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requests have to be filled out for a bank draft. Debits and credits are generated within the branch. There is a counterfoil.

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In the case of cheques which involve a number of the transactions into which the Tribunal is inquiring, there are counterfoils. The Tribunal is confronted with a blanket assertion by Mr. Barry that he, he himself has no records of any kind whatsoever about these accounts in the Isle of Man. And we are asked to accept that. Not one single sheet of paper. Not one cheque counterfoil. No statements that would have been sent to him at the time. No correspondence of any kind between himself and the bank. So the Tribunal is asked to accept, firstly, that Mr. Barry has absolutely no record of any kind whatsoever in relation to these accounts or in relation to these transactions. And secondly, the Tribunal is asked to believe that Mr. Barry has a complete, total, an absolute loss of memory in respect of each of these transactions.

MR. O'CONNOR: Sorry, Sir, I must interject.

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CHAIRMAN: Just a moment, I won't have counsel interrupted when he is addressing the Tribunal.

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MR. HANRATTY: Now, the questioning that was put to Mr. Barry this morning was firstly in relation to the Cork account, which had not previously been disclosed by anybody to the Tribunal. It was in relation to two cheques which had been previously furnished to Mr. Barry. I thought he

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had had a sufficient opportunity for him to make such inquiries he needed to make, he thought fit, to ascertain what they are about, they are obviously transactions, having regard to the circumstances and the sequence of events into which the Tribunal is enquiring, are potentially relevant.

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So, it seems to me Sir, that the questioning of Mr. Barry this morning was quite proper. I understand from what Mr. O'Connor has now submitted that the enquiries which Mr. Barry has been making since you rose this morning have proved fruitless. And perhaps Mr. O'Connor could confirm that his client's position to the Tribunal now is that his client has no documents of any kind in relation to the Cork account which he has told us is a QAM account? You will recall that I asked him what was the nature of this account. He said it was an account set up, essentially for Quality Artistes Management, but in the name of Miss McManus. I then asked him that if that was the case, would the company be in receipt of the statements of that account from the bank and would they, in any event, have a cheque payments journal for the cheques that were written on that account and would they have the cheques counterfoils for the cheques that were written on that account? Mr. Barry was going to check if they had those documents. He was also going to check during the break if he had a file containing the letter that he had sent to us yesterday that we had not previously seen from anybody.

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He was asked to check for other documents in relation to

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all of these accounts, to see whether he had any. Perhaps Mr. O'Connor could now inform the Tribunal whether or not he has in fact turned up any document of any kind relating to any of these accounts?

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CHAIRMAN: Mr. O'Connor.

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MR. O'CONNOR: Sir, at the outset the documentation relating to the Barclays Bank account was furnished to this Tribunal by Mr. Barry. That is the first point I want to make. It would appear that counsel is under the belief that no documentation relating to this account is furnished by Mr. Barry. That is not the case. That is patently not the case. The documentation before you, Sir, was furnished by Mr. Barry.

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The other issue that, another issue I want to go back on, in a letter from my office on the 16th of November we dealt with certain matters arising from the Barclays account. To the best of our ability. We have taken it, Sir, as far as we can. But to suggest that somehow Mr. Barry stuck his head in the sand and refused to cooperate is, with the greatest respect, a gross distortion and it is very unfair to Mr. Barry. It is equally unfair that Mr. Barry should be furnished with two cheques on Tuesday during the public sessions, examined this morning in relation to them, and he now finds himself in the invidious position that he can not assist you, Sir, for the very simple reason that the bank have advised him without the authority of a third party they will release no information in relation to them. I

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fully appreciate. Sir, your frustration, I fully appreciate that.

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CHAIRMAN: Mr. O'Connor, I don't want to interrupt you. If Mr. Barry is correct, and I obviously take his evidence when he gives it to me on its face value.

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MR. O'CONNOR: Mm-hmm.

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CHAIRMAN: That this was an account carried on, on behalf of a firm of which he is the owner, if I might put it that way. I see no good reason why the bank should have been informed of that fact, or alternatively, that the nominee should not have been required to provide him with the necessary authority and to provide the information to this Tribunal. This Tribunal does not have to go hunting in the undergrowth.

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MR. O'CONNOR: I fully appreciate that, Sir. I am trying to place some context on Mr. Barry's position this morning. And I would also like to draw to your attention the fact that on the 7th of July of this year Mr. Barry did write to the Tribunal and advise them that he did have an account at AIB 67 Saint Patrick and under the heading "type of account" it was described as "Oliver Barry". Insofar as that account may have been in the name of Maeve McManus, that was a simple oversight. There was absolutely no intention on the part of Mr. Barry to conceal any account. Mr. Barry, every time he has been furnished with an authorisation from the Tribunal seeking his authority to

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enquire into any bank accounts, has without question signed that authority without question, Sir.

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CHAIRMAN: Mr. O'Connor, I hope I am correct in this, my recollection is that on the 12th of June, am I correct in the date?

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MR. O'CONNOR: July, Sir.

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CHAIRMAN: Mr. Barry was required to attend here on subpoena, as far as I recall, as far as I recall, and I also recall that that was because he was not, shall we say, - he was not altogether acting, shall we say, in his responses to the requirements of the Tribunal. I don't want to use pejorative phrases. Now, please, it is in the context of that that we are now here in this enquiry. From July to the present date he has been on notice that we were looking for information in relation to his financial affairs and I find it difficult that he finds it surprising that we are being, shall we say, a little difficult in relation to the significantly little information he seems to recall. Now, put it simply, and that is the situation. I would like to think that he would give his full cooperation, be totally frank, put his cards on the table, whether they be helpful or unhelpful. Whether they be, whether it be difficult for him to acknowledge or otherwise. I am not going to criticise him for that. I want frankness, I want fairness, and I want absolute openness. Now, that's the situation as far as I am concerned. I am here to listen, listen with sympathy to

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reasons why particular sequences of events were taken or particular actions taken. I am not going to criticise actions back in the past, save insofar as I have to. But I do require openness and frankness and when I find it isn't there, I will take the necessary steps under my powers in the Act, if necessary, to refer the matter to the High Court. I think we have an Order for Discovery, as far as I know, extant.

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MR. HANRATTY: I am not sure what the status of the order is, Sir.

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CHAIRMAN: Neither I am at this moment in time. To be quite frank, I am not being unfair to anybody, I will give him whatever opportunity he wants to get time, to get his act together, if I put it that way, carefully. But there has been a casualness which is unique --

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MR. O'CONNOR: -- with the greatest of respect, Sir, I don't agree. I think that is an over-simplistic description of Mr. Barry's situation. Since I came into the case in June of this year, I have furnished over 2000 individual documents to this Tribunal. We have flagged the position with Barclays Bank since the 12th of July of this year. We have, this was not something, Sir, which was evolving and just, as it were, blew up this morning. The Tribunal is aware of our difficulties and I cannot over-emphasise the fact that the Tribunal was making its own inquiries in relation to the self-same bank account. There is no getting away from that. My position in relation to the



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Cork account is very simple; insofar as any authority is required, my client will give it, has given it to the best of his knowledge, but insofar as the account which was discussed this morning is concerned, we welcome the third party making full discovery, full disclosure.

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MR. HANRATTY: Well, that issue is about to be canvassed with Miss McManus, who is the next witness to be called. It was my intention, Sir, notwithstanding the fact that Miss McManus was fixed for 2:15 today, to be permitted to call Mr. Barry to ask him what progress he has made. It appears from what his solicitor has stated that, and I still haven't heard him giving confirmation, perhaps he might assist us with confirmation that he hasn't come up with any further documents of any kind at all since we rose this morning and, in any event, I wanted to ask Mr. Barry about another account which appears to be disclosed in one of the accounts we were discussing this morning. So perhaps I might call Mr. Barry for that limited purpose and then we can proceed with Miss McManus's evidence.

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CHAIRMAN: Very good. We will see what the situation is.

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MR. HANRATTY: Mr. Barry, please.

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OLIVER BARRY RETURNS TO THE WITNESS-BOX AND CONTINUES TO BE EXAMINED BY MR. HANRATTY AS FOLLOWS:

A. Chairman, before.

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CHAIRMAN: - yes?

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A. - before I start I have some information about the Cork account. It is not in paper but.

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CHAIRMAN: Perhaps we will take through counsel and record it.

A. I think this will be helpful to counsel.

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218 Q. MR. HANRATTY: Could you tell us what - first of all, have you any documents in relation to the Cork account, this is the account in the name of Miss McManus?

A. No, I don't. If I can explain to you, Mr. Hanratty, how the account came about, I think might be the best way.

219 Q. Well, can we just deal with the documentary aspects of it first?

A. Yes.

220 Q. Have you made a search to ascertain whether any documents exist in Quality Artistes Management in relation to this account?

A. As far as I know at the moment they don't.

221 Q. Does that mean that Quality Artistes Management Limited is not in possession of any bank statements in relation this account?

A. If they were I would have them. Obviously we haven't.

222 Q. And does it also mean that it is not in possession of any of the cheque counterfoils for the cheques written on this account?

A. I am not one hundred percent sure of that because if it was under Maeve McManus's name - not to my knowledge.

223 Q. Yes. I appreciate that you have told us, Mr. Barry, that it was under her name. You have also told us that it was

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in fact QAM's' account and QAM's'money?

A. If you will allow me two minutes to clarify that situation for you.

224 Q. Yes?

A. I would appreciate it. During 1990 it was a very, very tough year for me financially because apart from the Century losses, I sustained losses in my concert business in that year. I had two proposed concerts. When I say "I", I mean QAM at this stage, with the Rolling Stones in Lansdowne Road, which were cancelled because of the lack of interest. I think it was the year of the World Cup. Then I had Prince for two concerts in Cork. Unfortunately he only sold one concert. That was absolutely the, I was in the worst financial position that I had ever been in my life. So was Quality Artistes Management. So there was no money that I had or that QAM had. Bank of Ireland and myself were at loggerheads. We had various differences. I couldn't get extra funding from them for the concert. And what brought this to my mind, actually, was that the concert happened on the 7th of July. The two cheques that you referred to this morning, I think one of them was lodged just before the concert, but as I said, I had a friend, a bank manager in AIB, a next-door neighbour of my from my own village. He assisted me. Maeve McManus was directing my company at the time, a close colleague of mine. I think because of my name and which was a high profile name, doing badly in business, I think that a decision was taken, I think - I am saying I think - a decision was taken that maybe the account should be opened in Maeve's name and I think he gave us some leeway

financially so as to get the concert off the ground.

225 Q. I can understand that. But nonetheless, if the monies in the account belonged to the company, one would expect that they would appear somewhere in the accounts of the company?

A. There was no money in the account. I mean, the only money that was in the account was the money that we transferred from the Bank of Ireland into that account. Then we, the money we put back in again to pay off the debt, as it was.

226 Q. Are you aware that there was debt on this account?

A. I am pretty sure there was. If we get the account I am sure it will show that there was, that this was a pretty big overdraft after the Prince concert. I am talking from memory here. I don't have any documentary evidence to prove it. That is my best recollection of events.

227 Q. On the assumption that these two cheques of €35,000 in July and €30,000 in August which were withdrawn from the Quality Artistes Management account in Dublin and lodged into the account under the name of Maeve McManus in Cork were used for the purposes of the Prince concert?

A. Yes.

228 Q. Is it the position that there is no record of any kind in Quality Artistes Management as to how those monies were expended?

A. The only thing I can say, Mr. Hanratty, is, as I said, there was an oversight on my part, because we didn't produce the Maeve McManus account to the Tribunal for the very simple reason that it was in her name and maybe, maybe there might be some back-up documentation in a different file under her name. But I will have to check that for you.

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229 Q. You weren't in a position to check that this morning?

A. I didn't have time, unfortunately, over lunch to do so. If  
- I don't want to be saying I am going back on  
everything. That is my best bet. I think also, Mr.  
Hanratty, while I am saying this, it was a really tough  
year for me. Believe me I wasn't in any position to pay  
money to anybody.

230 Q. Yes. I appreciate that. It was apparent from the  
documents a tough financial year for you, undoubtedly?

A. Yes.

231 Q. What I am trying to understand, Mr. Barry, is this; perhaps  
you might apply your mind to it in conducting whatever  
further searches you think might assist; that is that on  
the basis of what you are telling us, that these two sums  
of money were expended on QAM business?

A. They were expended on QAM, on the Prince concert.

232 Q. In the normal course of events then the auditors of QAM  
would deal with them in due course in the normal ordinary  
way?

A. That would be the --

233 Q. They would appear in the auditors working papers and they  
would appear in the appropriate ledgers --

A. There certainly should be some detail of them, yes.

234 Q. Is there an account or would you expect that there would be  
an account of how they were applied or in what manner they  
were expended?

A. I would say they would be associated with the actual  
concert expenses.

235 Q. Yes. And how long do you think it would take you to make  
those inquiries?

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A. I would say a day or two.

236 Q. Yes. In relation to the Isle of Man account, or the Barclays account, that we were discussing this morning, this is the - it is the joint account. There is, there is an entry on it. If I can refer you to the 27th of October.

A. I wonder could I have a copy please?

237 Q. Sorry, oh, yes. (Document handed to witness.)

A. 27th of October, which year?

238 Q. Of 1988.

A. Yes.

239 Q. There is a reference there to a transfer to Barclays Finance Company?

A. Yes.

240 Q. Is that another account?

A. That would have been. I think that was a deposit account or something in Barclays. There was, that was a deposit account, I think.

241 Q. It is a different account than these two accounts that we have been told about, isn't that right?

A. It is a different account, yes.

242 Q. Is it your account?

A. I would say it is my, it is certainly my wife's account, yes.

243 Q. It is an account, it is another account which has not been disclosed to the Tribunal?

A. I think we asked Barclays for details of all our accounts.

244 Q. You may have done but what I am drawing your attention to, and you have heard what your solicitor has said just only a few moments ago about your discovery, this is another

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account which has not been disclosed to the Tribunal?

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MR. O'CONNOR: Sir, I would refer Mr. Hanratty to the letter from my office to Miss Howard of the 16th of November of this year, specifically to the bottom of page four of that letter.

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MR. HANRATTY: Which paragraph is My Friend referring to?

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CHAIRMAN: I think he said the last paragraph on page, fourth paragraph on page --

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MR. HANRATTY: Well, the last two paragraphs, this is under the heading "Barclays Bank, Douglas, Isle of Man." The second last paragraph on the page says "As regards withdrawal from the accounts" --

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MR. O'CONNOR: -- yes, it is the next paragraph, Mr. Hanratty.

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MR. HANRATTY: "The Tribunal also asked whether he had any other further bank accounts offshore, to which he answered he did not. Since that time a letter from Maeve McManus dated the 21st of September, 1990, to Barclays Finance Company Limited has come to light. A copy of this letter is included in the enclosed booklet. As will be seen, this letter indicates that Mr. Barry was added as a joint name to an account held in the name of Miss Maeve McManus."

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Yes. There is such an account, Sir. But perhaps I should

draw My Friend's attention to the fact that the date given in his letter to the Tribunal of Mr. Barry's name being added to the account, is the 21st of September, of 1990. I am referring to a transaction of a transfer of ú100,000 to Barclays Finance Company in October of 1988.

A. Mr. Hanratty, I am speaking from memory here, but I wonder could we go back to the initial request you made of me to supply the bank accounts within specific years?

245 Q. Yes, I think it expanded, expanded from that, Mr. Barry. What I am suggesting to you is that you have not disclosed this other account, that there is, in fact, another account in Barclays Finance Company?

A. No, the only point I am taking issue with, in fact there is no reason for me not to disclose it, but I thought the first request I got was bank accounts between the years of '89 and maybe '91.

246 Q. That was the very first request for bank accounts. Then it expanded well beyond that, as you are fully aware?

A. Can you make me aware? When this did happen?

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MR. O'CONNOR: I wonder, Sir, if we could confirm the account number?

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247 Q. MR. HANRATTY: I am sorry, Mr. Barry, I don't have your full correspondence file in front of me. I will open it if we have to. What I am drawing your attention is this; you had an account in Barclays Finance Company in the Isle of Man in 1988 which was not disclosed to the Tribunal. There was an account in the name of Miss McManus, which may well be the one to which your name was added, which was



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disclosed to the Tribunal. But there is another account apparently in your name which was not. Am I incorrect about that?

A. There was a second deposit account, a deposit account.

248 Q. Yes.

A. But the only point I am making is that I thought that the first request I got from you just asked me for accounts between the years of '89 or '91. I didn't think you requested '88. That is only an answer. That is not putting any excuses forward.

249 Q. The first accounts you were requested to disclose were in relation to the year '89 in particular?

A. Yes.

250 Q. But, for example, if I can refer you to the 31st of May of 1989, we had this transaction this morning?

A. Yes, all I am saying, Mr. Hanratty, all I am saying to you simply is maybe the reason --

251 Q. -- may I finish?

A. Yes.

252 Q. There was a transfer to Barclays Finance Company on the 28th of May of 1989 out of this account.

A. Yes.

253 Q. Sorry, this is a transfer from that into this account, from Barclays Finance Company into this account in May of 1989?

A. Yes.

254 Q. So even if the original discovery was all that you ever asked to, you were ever asked to make for 1989, it was not discovered in that context either?

A. Okay, I see, I accept that.

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MR. O'CONNOR: Sir, before we move from that position I wonder could Mr. Hanratty confirm the account number of the second account?

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MR. HANRATTY: Sir, I don't know what the account number is?

A. I have it here.

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MR. HANRATTY: Because we haven't been given any details of the account

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MR. O'CONNOR: I would like, so, if Mr. Hanratty would read into the record the first paragraph of my letter at item No. 7 under "Barclay's Bank"?

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MR. HANRATTY: Sir, I would like to be permitted to question this witness on these accounts and then My Friend, perhaps, in the usual way to question him

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CHAIRMAN: That is the more appropriate way.

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255 Q. MR. HANRATTY: Are there any other accounts Mr. Barry that you haven't disclosed yet?

A. As far as I was concerned I disclosed all accounts.

256 Q. Well --

A. -- if there is an oversight, it is a long time ago and I have to say I was wrong. There is no hidden agenda here Mr. Hanratty.

257 Q. You will recall, Mr. Barry, that you were asked this question before?

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A. Yes.

258 Q. And each time you were asked it you gave the same answer?

A. Yes, well that is my answer.

259 Q. Yet we go on and discover other accounts as we proceed?

A. Well, I think that is bit of an exaggeration, isn't it?

260 Q. Is it an exaggeration? There is two that we have come up again?

A. What is the two again?

261 Q. One is the one in Cork that you have told us was a QAM account which was inadvertently omitted?

A. I think I have explained that to the best of my ability.

That was that was under the name 'Maevie McManus' and it was an oversight on our part. That is the only explanation I can give you on that one. The Barclays one, there is no reason in the wide utterly world why I would disclose all the other Barclays accounts and not disclose that one to you. As you say, you have evidence that it is there.

Like, you know, so there is no, there is no --

262 Q. -- it seems to be a case of 'Catch me if you can' but you are not volunteering the information?

A. I reject that comment, Mr. Hanratty.

263 Q. Well, Mr. Barry, this is an account that existed. You have been asked several times in the past have you disclosed all of your accounts. On each case you said you did?

A. To the best of my knowledge I did. If there is an oversight or two oversights, I apologise for it.

264 Q. On each occasion that we find another account you say 'I am sorry it was an oversight'?

A. What else can I say Mr. Hanratty?

265 Q. Well, can we have disclosure of the Barclays Finance

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Company account now?

- A. Whatever you want you can have, yes. I said to you that when I was - any accounts you want me to give you authorisation or any bank, I will gladly and freely give it to you

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MR. HANRATTY: Sir, I am conscious of the fact that we are anxious, if we can, to complete the taking of the evidence of Miss McManus today. I don't propose to proceed with any further evidence from this witness and, in fact, subject to any questions that Mr. O'Connor may wish to put to him in relation to the matters just canvassed, I would ask that this witness be stood down until we consider our position and consider the state of the Order for Discovery and compliance therewith and what further steps we can take in the circumstances. Because it is quite clear that the information which we have now, and on foot of which we have worked up to the present time, is incomplete. So, at this stage, Sir, I would ask for permission to stand down this witness until such time as we be given an opportunity to consider the file and perhaps address you again on it at a future time?

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CHAIRMAN: Well?

- A. Can I just read, sorry-

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MR. O'CONNOR: Sir, if I might ask Mr. Barry just to read one paragraph into the record from the letter, just one paragraph, Sir.

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CHAIRMAN: Well, the letter has been introduced into the -  
you can read it, read the paragraph if you want, the letter  
is now part and parcel of the record.

A. I think this is an important part, Chairman if you permit  
me to do so. It is dated the 16th of November to the  
Tribunal. It is page 47 "Barclay's Bank, Douglas, Isle of  
Man. As the Tribunal are aware, our client had two  
accounts with Barclay's Bank, Isle of Man, in joint names  
with his wife. The principal account was a current  
account, number 40159069. In addition, there was a related  
deposit account number 40159069."

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Will I go on?

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MR. O'CONNOR: That's fine, Mr. Barry

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266 Q. MR. HANRATTY: Is that deposit account the Finance  
account?

A. Well, it says.

267 Q. Or is it the Maeve McManus account?

A. I couldn't tell you how. Could I tell you that offhand?

It is - .

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CHAIRMAN: This entire waste of time, which is what has  
followed, it due to the fact that you failed to come into  
the Tribunal in circumstances where you had total  
confidentiality in relation to anything that was not  
material to the events of the - total - total  
confidentiality. If you had told us anything that hadn't,  
hadn't relevance to the matters involved in the Tribunal,

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it would have gone into the confessional, effectively.

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When the Tribunal asks for information from a citizen it expects to get the information and not to have to take a shoehorn to extract it from the heels of the individual concerned. I hope that the events of today and what is to come in the future will show a marked improvement of your willingness to assist the Tribunal in every way. And I will hope that we can put this incident behind us. It may well be that there is a perfectly innocent explanation. I don't know. Nor does the Tribunal. But you are the man who owns these accounts, who operated them. You know them, you know, and what they are all about, or you can find out by recollection and looking at documents and talking to Miss McManus or whatever member of staff dealt with it. I would like to give you every opportunity to sort out the affair in order - I am forming no judgement whatsoever. It is an unhappy sequence of events that have happened. It starts back on the 12th of July and since then you were on notice that we were looking for information in relation to your financial affairs, in relation to certain matters and potentials which might flow from those financial affairs. If they were, if your financial affairs were totally innocent, there is no good reason why you don't come in and say in confidence 'This is my situation', 'It has nothing to do with the Tribunal' as the case may be. And if that were found to be a fact, then whatever information you imparted to the Tribunal which wasn't relevant to the affairs of the Tribunal would, as I say, be in the confessional, effectively.

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Now, it is a matter that is very desirable that citizens will cooperate in the knowledge that whatever elements of their private affairs which do not relate to the Tribunal are in total confidential confidence. And cooperation with the Tribunal shortens the time that we are involved and shortens the expenses of it.

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Now, I hope that in the near future when yourself, your solicitor and counsel and solicitor for the Tribunal get together for a view to try and sort out the situation that we will put your absolute concentrated effort to assist. Saying "I can't remember" may well be true but you are the one person who has a potential to find out where and what and how these events can be explained, I hope, innocently. I hope that is - I stand you down until such time as you have, we have made further inquiries and return to the witness-box to deal with the situation when it comes. Now, that is an end to the matter. I don't want to in any way appear to be otherwise than forthright in my criticism of what may well be a perfectly accidental sequence of events.

A. Well, Chairman, the only thing, if you - I take your sentiments fully on board. I believe that since July I have cooperated one hundred percent. It has taken up an awful lot of my time, my legal people's time. I have bent over backwards to cooperate with this Tribunal because I have absolutely nothing whatsoever to hide. I did, I came in the first day, I put my hands up and I said "I gave the money to Ray Burke, I gave him one payment, one payment

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only. You can trawl all the accounts to Kingdom Come. Mr. Burke got one payment if me". If you say that I haven't - I have been unhelpful as regarding my bank accounts, any bank permission that the Tribunal ever requested from me, I was only too happy to give to the Tribunal -.

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CHAIRMAN: -- the simple answer to that, if that were true, if that is a full statement, the Cork bank account you say was your bank account was a matter for you to write a letter to Miss McManus and say 'please, please give authorisation to allow the detail of my account or of QAM's account to be furnished to the Tribunal'. The matter is now ending there at this moment in time. I want to go on to other affairs. I hope that when we next meet it will be one of a happy, helpful relationship.

A. Thank you, Chairman.

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268 Q. MR. HANRATTY: Sorry, Sir, there is just one point, I am not pursuing it, I just want to put it on the record, in relation to that paragraph 7, and it is purely for record purposes. I don't know yet whether that account is, in fact, the Barclays Finance, but if it is -- I just want to draw your attention to the fact that the query was in relation to Barclay's Bank plc. There is a company in the Isle of Man called Barclays Finance Company (Isle of Man) Limited, which is an entirely different company, albeit probably owned by the same parent company, and it may well be that it is going to be necessary to get a different authority for that company. I just want to put that on the record, Sir?



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A. That will be no problem to give you - if that second account number by the way that I referred to here in paragraph 7 is the second account that you referred to, the deposit account, which I can't just say now, I hope that that will be reflected when I come back?

269 Q. It is a different company entirely, Sir. I don't, I don't want to debate it at this stage.

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CHAIRMAN: The debate has now ended for the moment and I stand you down until you are requested to come back to the Tribunal after, I hope, an accommodating relationship between the two, the Tribunal and yourself. Thank you very much for the moment.

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THE WITNESS THEN WITHDREW.

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MS. DILLON: The next witness, Sir, is Miss Maeve McManus. Before Miss McManus gives evidence, Sir, I should outline briefly the difficulties that the Tribunal has encountered with Miss McManus in attempting to obtain discovery of her, both in relation to her accounts within this jurisdiction and outside the jurisdiction.

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Initially it was indicated to the Tribunal that there was one account in the Isle of Man. Now it has subsequently transpired, Sir, that there are six accounts in the Isle of Man and at present the Tribunal have only obtained statements in relation to two of those bank accounts. So the taking of the evidence of Miss McManus will not be completed today because these, this documentation has not

yet been furnished to the Tribunal.

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In addition, it transpires that while Miss McManus indicated the existence of one bank account in National Irish bank within this jurisdiction, the National Irish Bank themselves discovered the existence of a second bank account which was then disclosed by Miss McManus when National Irish Bank pointed out to her the existence of that account.

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The accounts in Cork have not been disclosed by Miss McManus in her Affidavit of Discovery this morning. Nor has another account in National Irish Bank, which is in the name of Miss Maeve McManus, and it has not been disclosed to the Tribunal by Miss McManus but has been disclosed by Mr. Oliver Barry.

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A number - an order was made by you, Sir, in relation to discovery and the breath of the order was that the order would encapsulate all financial documents between January of 1985 and the 31st of December, 1998, both within and outside the jurisdiction. The statements that have been furnished by Miss McManus to date deal with one account of the Isle of Man, operative from 1992, whereas we are aware that there were other accounts in existence for Miss McManus's benefit in the Isle of Man prior to that date. So there is a great deal of lacuna in the documentation as - which has been furnished by Miss McManus to the Tribunal.

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Initially, Sir, I propose to deal with the financial information that has been furnished and to inquire from Miss McManus in relation to certain transactions that are of interest to the Tribunal but it will be necessary before we come to that to deal in some detail with the origin, existence and funding of these accounts, the purpose and nature of these accounts, with Miss McManus.

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In addition to that, Sir, the accounts within the jurisdiction should have been caught by the order that you made Sir and unfortunately Miss McManus did not disclose the existence of those accounts to the Tribunal.

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Miss Maeve McManus, please.

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MR. O'REILLY: Perhaps before Miss McManus gives evidence I could reply to that very briefly, or I can make such a reply at the end of Miss McManus's evidence?

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CHAIRMAN: I would prefer if you dealt with it at the end. Miss McManus is a witness of fact, effectively, here as a witness of fact and should give her own evidence unassisted. I say so with every courtesy to you, unsolicited by any other person.

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MR. O'REILLY: Yes.

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MAEVE MCMANUS, HAVING BEEN SWORN WAS EXAMINED BY MS. DILLON  
AS FOLLOWS:  
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270 Q. MISS DILLON: Miss McManus, you were formerly a director of  
Quality Artistes Management, is that correct?

A. That's correct.

271 Q. From about 1980. And prior to 1980, I understand that you  
were one of the few people working with Mr. Oliver Barry,  
in Quality Artistes Management and its predecessors in  
title?

A. Yes, I was the only one.

272 Q. So for, from the early 1970s to 1980 when you became a  
director you were the only person that was working with Mr.  
Barry?

A. That's correct, that's right.

273 Q. Subsequent to that time you became a director and again,  
was anybody reporting between you to Mr. Barry?

A. No.

274 Q. So you worked closely then up until the early 1990's with  
Mr. Barry?

A. Sorry, could, did you say '1980'?

275 Q. From 1980 to the early 1990s you worked very closely with  
Mr. Barry?

A. Well, we had two other people working in the office as  
well. We had somebody in working in accounts and somebody  
working on the telephone.

276 Q. Those positions were, I suggest, junior to the position you  
held as a director of the company?

A. Well, we worked together really but I suppose, yes, they

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would be slight, they would be slightly junior.

277 Q. Can I ask you, first of all as a, in general when concerts were being run, were separate accounts kept for every concert?

A. Yes.

278 Q. And can you outline in some detail to us the type of accounts that were kept in relation to each concert?

A. Current accounts in the Bank of Ireland, 28 Lower O'Connell Street.

279 Q. And what kind of records were kept then by Quality Artistes Management in relation to each?

A. Well, there would be full records kept of each concert.

280 Q. If we just stop for a moment and we look at what full records would have been kept for each concert. What type of records are we talking about?

A. All income and expenditure.

281 Q. And would all income and expenditure be backed by vouching documentation?

A. Mm-hmm.

282 Q. So that in every case in which there was an expenditure or a cheque drawn in relation to any particular concert there would be a voucher or an invoice indicating what that payment was in connection with?

A. Yes.

283 Q. And at the end of each concert was a reconciliation then done?

A. Yes.

284 Q. So that in relation to, for example, the Prince concert, in relation to every item of expenditure that was incurred in relation to that concert, there will be vouching

00070

documentation indicating the nature of the expenses?

A. That's correct.

285 Q. And where are these accounts and records kept Miss McManus?

A. Well, I have no idea where they are now because I haven't worked with Mr. Barry since '94.

286 Q. In the normal course of events where were they kept in when you were working with Mr. Barry?

A. In the office.

287 Q. Would these separate books of account be maintained in relation to each concert or matter that was operated by Quality Artistes Management?

A. Well, there would be a set of accounts for each concert.

288 Q. Yes, and some, some concerts were, I understand, run on a percentage basis where the artist was getting a percentage of the gate, as it were?

A. That's correct.

289 Q. And in those circumstances, it would be necessary for the - 'artistes' I should say - accountant to come in and effect a reconciliation and go through the books with a fine toothcomb?

A. Yes, it would.

290 Q. And then some other artistes were paid a flat fee?

A. Mostly it was a percentage.

291 Q. Can you recollect whether the Prince concert was a percentage basis?

A. Yes.

292 Q. Would that have required then that there would have been a reconciliation of the account and all vouching documentation would have to be furnished?

A. Yes, to the Prince management.

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293 Q. Pardon?

A. To the Prince accountants.

294 Q. Yes. Were you working with Mr. Barry at the time of the Prince concert?

A. Yes.

295 Q. Did you do the reconciliation on the Prince account after the concert was over?

A. No.

296 Q. Who did the reconciliation on the Prince account?

A. Patricia Cooney was doing our accounts at that time.

297 Q. Did you have any input or contribution to make to that reconciliation when it was done?

A. No, not really.

298 Q. Can I ask you about the Affidavit of Discovery that you furnished to the Tribunal and I will hand you up a copy of that affidavit (Document handed to witness) We will go through some of the items in that affidavit, Ms. McManus. If you turn to the page which is MMM.AFF 1-3. You set out there a schedule of financial accounts which have been disclosed by you to the Tribunal as comprising all of your accounts that were in existence between January 1985 and the 31st of December of 1998?

A. Yes.

299 Q. Is that an accurate record?

A. Yes.

300 Q. Well, in relation to the very first account that is there in National Irish Bank, you disclosed the existence of two accounts?

A. Yes.

301 Q. In relation to the second account that is there, account

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No. 1-30-52508. Do you see that account, the second National Irish Bank account, Miss McManus?

A. Yes.

302 Q. Right. Did you disclose that to the Tribunal after National Irish Bank had been in contact with you as a result of inquiries to the Tribunal?

A. That is correct. I won't say I had forgotten about it. I thought that they only wanted my chequing account.

303 Q. Did you have another account in National Irish Bank in the College Green Branch of the National Irish Bank being account number 0-1203908?

A. Yes, I had forgotten about it. It was Oliver Barry's account. I just picked up the money for him.

304 Q. If I could hand you up, just one moment, it is slightly illegible on this document that is coming to you but I will read, there is only a few transactions on the account, Miss McManus. (Document handed to witness)

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You will see that the address give on the account is your home address?

A. Yes.

305 Q. So presumably the statements were going out to your home in relation to this account?

A. I never received any statements for it because I think the account was cleared pretty quickly after a concert.

306 Q. Yes. What concert was this in connection with?

A. I don't recollect what concert it was in connection with.

307 Q. Why didn't you disclose the existence of this account to the Tribunal?

A. I had absolutely forgotten about it.



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308 Q. Yes. There were two withdrawals in May of 1992 on that account, one in the sum of ú56,055 and the other in the sum of ú26,206. Can you explain what those withdrawals were in connection with?

A. No, I couldn't recollect them. I wouldn't have withdrawn them.

309 Q. The account is in your name, Ms. McManus. Who else had power to withdraw from the account?

A. I think Mr. Barry had power to withdraw from it. He set up the account.

310 Q. Presumably then you signed a special authority giving Mr. Barry power to withdraw from this account?

A. Yes, I must have.

311 Q. I presume you have no objection to us asking the bank now in connection with this account for all documentation in relation to?

A. Absolutely not.

312 Q. In relation to it?

A. Absolutely not.

313 Q. Can you remember why this account was opened in the first place?

A. It was opened, I think, for a deposit on an artist.

314 Q. Yes. The first transaction is a withdrawal of ú80,000 in March of 1992. Can you assist us at all with what that withdrawal was in connection with?

A. I think it was in connection with a deposit on an artist but Mr. Barry would recollect that much better than me.

315 Q. Did you make the withdrawal of ú80,000 from that account?

A. I went into the bank and picked it up for him, yes.

316 Q. Did you sign the documentation for the withdrawal of the

00074

ú80,000 from that bank account?

A. Yes, I must have, because I know I picked it up.

317 Q. And in what form was the payment?

A. I can't recollect whether it was a draft, it was probably a draft.

318 Q. You will see from the statement that you are looking at that there is no indication on the face of the statement that the withdrawal of ú80,000 was by way of a draft?

A. With respect, I can't read the statement it is so bad.

319 Q. We will obtain a better copy for you, if we can. And?

A. - no, it is absolutely blank. I can't --

320 Q. - I have a better copy, Miss McManus, you can see it more clearly on this. But you will see that the first transaction after the opening balance on this account is a withdrawal of ú80,000?

A. That's correct, yes.

321 Q. You will also be familiar with banking procedure that when a person withdraws sums of money by way of a draft that is usually recorded on the bank statement, isn't that correct?

A. That's right.

322 Q. There is no indication there that that ú80,000 was withdrawn by way of a draft, isn't that right?

A. That's right.

323 Q. So can you, does that assist you at all in recollecting whether this was a withdrawal in cash?

A. No.

324 Q. Do you think it is likely that it was withdrawn in cash?

A. It is a possibility.

325 Q. This was a deposit account, isn't that correct?

A. As Mr. Barry explained earlier he wasn't getting on too

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well with Bank of Ireland and he started dealing with NIB.

326 Q. Yes, that is not the question I asked you, Miss McManus, I asked you whether this was a deposit account?

A. Well, there was never any money deposited in it. It is all withdrawals, isn't it?

327 Q. There is no indication that any cheques were drawn on the account, isn't that right?

A. There is an opening balance of 0000, then there is a withdrawal of ú80,124, so it is all withdrawals.

328 Q. There is no indication that the withdrawal of ú80,000 was by way of a cheque drawn on the account, isn't that correct?

A. That's correct.

329 Q. So it was a deposit account?

A. Mm-hmm.

330 Q. We know that the money wasn't taken out by way of draft, because if it was taken out by way of draft the statement would reflect that, isn't that right?

A. It must have been cash then.

331 Q. Then it must have been cash. Can you recollect collecting ú80,000 in cash in March of 1992 from that account?

A. I recollect going to the bank with Oliver Barry and going in and picking up a parcel.

332 Q. A parcel?

A. Mm-hmm.

333 Q. Presumably, Miss McManus, if it was a bank draft it wouldn't have been a parcel?

A. That's correct.

334 Q. Right. Can you recollect what you did with the ú80,000 after you picked it up from the bank?

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A. I came out to the car and I handed it to Oliver Barry.

335 Q. Do you know what Mr. Barry did with it?

A. From recollection I think he put a deposit on some group,  
but I can't recollect which group it was.

336 Q. Is this a normal transaction of the type you normally  
carried out for Mr. Barry?

A. Well, during concerts Mr. Barry dealt in very large amounts  
of money.

337 Q. Well, were there other occasions in which you picked up  
ú80,000 in cash from the bank and gave it to Mr. Barry in a  
parcel?

A. No.

338 Q. All right. This was an unusual transaction?

A. It was.

339 Q. Right. Did Mr. Barry give you any explanation as to why he  
required ú80,000 in cash?

A. Not that I can recollect.

340 Q. Can you indicate to the Tribunal what group, band or event  
this payment was associated with?

A. It may have been Michael Jackson.

341 Q. Do you think that that was in fact so?

A. Again, as I say, Mr. Barry would be aware of the dates of  
the concerts better than I would at this stage because he  
has all the evidence in his office. I haven't kept any  
diaries.

342 Q. Well, certainly as of March of 1992, Miss McManus, you were  
so intrinsically involved in the operation that you were in  
a position to withdraw ú80,000 from a bank account for Mr.  
Barry, isn't that right?

A. Yes, but he would have organised it.

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343 Q. But you carried it out?

A. Mm-hmm.

344 Q. Mm-hmm. Can you explain to us why you didn't - explain to the Sole Member of the Tribunal- why you didn't disclose the existence of this account when you were swearing your Affidavit of Discovery?

A. I had totally forgotten about it.

345 Q. Is it not a transaction that would have stuck out in your mind, Miss McManus?

A. No, not really, because I didn't realise that the account was in my name, actually.

346 Q. Well, now, I think you told us, Miss McManus, that you signed the withdrawal slips for the €80,000, isn't that right?

A. Yes, but then I signed it on most of Oliver Barry's accounts at that time.

347 Q. And that Mr. Barry came to the bank with you in connection with it, isn't that right?

A. That's correct.

348 Q. But that you made the actual withdrawal?

A. Yes.

349 Q. So was there any doubt in your mind that this account was in your own name?

A. I didn't realise that it was in my own name.

350 Q. Did Mr. Barry sign any documentation in relation to that account to affect the withdrawal of €80,000?

A. He must have because it is just withdrawals, withdrawals, he must have had to sign some guarantee.

351 Q. Is there anything on the face of the account to indicate that it is a joint account?

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A. No.

352 Q. It is solely in your name and it is addressed to your home address, isn't that right?

A. That's right.

353 Q. Can I take you down to the next, to No. 3 on your, the first schedule, first part of your affidavit at page MMM.AFF 1-3. You will see there you have disclosed some information in relation to accounts that you had in Barclays, Isle of Man?

A. Yes.

354 Q. Right. Can I ask you whether these accounts were in your name or were they joint accounts?

A. Term joint account.

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MR. O'REILLY: I wonder, Sir - I hesitate to interrupt My Friend, I have a matter of fact which will assist the Tribunal in respect of these accounts, which is simply come to light today due to our difficulties that we had with Barclays Bank in the Isle of Man in gathering information in respect of these accounts.

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I think this will assist the Tribunal.

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In respect of account 00005319-000002, that is not an account in the name of Maeve McManus, we have been informed of that fact today. It seems to be a further account which is 00005319-000001, that is also not an account in the name of Maeve McManus. We only found that out today. We have had some great difficulties dealing with Barclays Isle of Man. In fact, I have a letter from Barclays, Isle of Man

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apologising for the delays that they have, and that they would like to help.

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CHAIRMAN: Mr. O'Reilly, would you be kind enough to give the name in which this account - wait now, don't publish it - to Counsel for the Tribunal, I don't want anybody else's name published in case we adversely affect a perfectly innocent party. If you would be good enough to give that information to Counsel for the Tribunal so we know what the situation is.

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MR. O'REILLY: I can tell the Tribunal at this moment that I asked Barclays Bank in whose name the account was, in fact, and I was told AN Other and the individual from Barclays Bank would go no further.

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MS. DILLON: I wonder could I ask Mr. O'Reilly just to clarify the number of the account that he says is not Miss McManus? The note that we, that is coming up is referring to an account 431900002?

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MR. O'REILLY: Yes.

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MS. DILLON: The accounts that were disclosed by Miss McManus were 5319.

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MR. O'REILLY: Sorry 5319. If I said '4' I stand corrected.

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MS. DILLON: Mr. O'Reilly says 00005931-000002 and the No.

00080

I version of that are not accounts in the name of Miss  
McManus?

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MR. O'REILLY: Precisely, Chairman.

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355 Q. MS. DILLON: Could I ask you to refer to a document, a  
page in your discovery it is MMM.AFF 1-14. Do you see  
that.

A. Yes.

356 Q. Do you see that that is a letter signed by you, Miss  
McManus, to a Mr. Alvero of Barclays Finance Company, (Isle  
of Man) Limited, at PO Box 9, Victoria Street, Isle of  
Man. It says "Further to my telephone call to you today,  
this is to confirm that I wish to have Oliver Barry's name  
included on the following accounts:

00005319-000002. Maturity date 02/11/90.

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Second account: 00005319- 000001. Maturity date,  
30.11.1990.

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As I explained to you, I will need a letter by Wednesday,  
the 26th of September, from Barclays Finance Company  
acknowledging that Oliver Barry has this money invested.  
Oliver Barry is already an investor with you and a copy of  
his signature is below"?

A. Yes.

357 Q. Now you wrote that letter, Miss McManus?

A. Yes.

358 Q. And they were in relation to two accounts held by you at  
Barclays Finance Company (Isle of Man) Limited?



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A. Mm-hmm.

359 Q. And on in September of 1990 you had accounts numbers 5319  
- 000002 and 000001 in that account - in that bank - is  
that correct?

A. Yes.

360 Q. So can you explain to me Mr. O'Reilly's intervention of a  
few moments ago indicating that you are not, were not a  
holder of those accounts?

A. I can not.

361 Q. Well, presumably Mr. O'Reilly made his interruption on the  
basis of instructions furnished by you that you were not  
the holder of those accounts?

A. I think it was on instructions by Barclays Finance.

362 Q. So you accept and acknowledge that insofar as Barclays  
Finance may be mistaken in relation to the matter, you were  
in September of 1990 the holder of two bank accounts in  
Barclays Finance Company (Isle of Man) Limited, and they  
are the numbers as set out in your letter of the 21st of  
September, of 1990?

A. That's correct, yes.

363 Q. If we can go back now to the face of the affidavit, Miss  
McManus, when we were dealing with Barclays Bank, and you  
had set out at page 3 you will see MMM.AFF 1-3 at the top  
of that, the existence of three accounts in Barclays Bank  
in the Isle of Man. Do you see that?

A. Yes.

364 Q. At item No. 3?

A. Yes.

365 Q. Were you at that time or in between the date of the orders  
also the holder of bank accounts in Barclays Finance

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Company (Isle of Man) Limited?

A. At that stage the money was being transferred from one account to another to different deposit rate accounts.

366 Q. That is not the question I asked you, Miss McManus. Were you at that time also the holder of bank accounts in Barclays Finance Company (Isle of Man) Limited?

A. Yes, if I wrote that letter to them I must have been.

367 Q. Yes. Did you disclose in your affidavit the existence of those accounts to the Tribunal? If you just look at the page that I am showing you, Miss McManus, which is MMM.AFF 1-3.

A. Well, 5319-000002.

368 Q. If you just look at page the page I have indicated to you, Miss McManus, which is headed under MMM.AFF 1-3. Does it disclose there the existence of any bank accounts in Barclays Finance Company (Isle of Man) Limited?

A. Well, I was disclosing all of them.

369 Q. Have you indicated in the documentation, in the page that you are looking at, have you indicated that you had accounts in Barclays Finance Company (Isle of Man) Limited?

A. I didn't realise that there is any difference between the bank and the finance company.

370 Q. So I take it from that that you are saying that you did not disclose to the Tribunal that you had accounts in Barclays Finance Company (Isle of Man) Limited, in this document; is that correct, Miss McManus?

A. I am not sure.

371 Q. Very good. If we look at the accounts that you have identified that are set out as being accounts in Barclays Bank plc, and you have set out there the existence of one

00083

account 5319-000002, do you see that on the same page?

A. Yes.

372 Q. Was that an account in Barclays Bank plc or Barclays Finance Company (Isle of Man) Limited?

A. Well, it mentions Barclays Finance Company in the letter so it must have been Barclays Finance Company.

373 Q. And not Barclays Bank plc. The next account number that is disclosed is 002193/001?

A. Yes.

374 Q. Do you know in which financial institution in the Isle of Man you held that account?

A. No.

375 Q. Have you been able to endeavour since requested by the Tribunal, have you been able to establish where and in what financial institution that finance - that account was held?

A. All of my statements have been revealed to my counsel.

376 Q. Have you been able --

A. - I don't have any statements from them.

377 Q. Have you sought from either Barclays Bank plc or Barclays Finance Company (Isle of Man) Limited whether that account was at any stage an account held in your name, whether on your own name or jointly?

A. I think my counsel will be able to answer that better than me.

378 Q. I am asking you to answer it, Miss McManus?

A. Well, I have given authority to my counsel to request it. I didn't receive it from them, I requested things from them last, statements from them last July, August and I still hadn't received them.

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379 Q. So you are not able to assist us as to which financial institution that account is in?

A. Not at the moment I am not, no.

380 Q. In relation to the next accounts, which is 70606766, that is an account in Barclays plc and the statements were furnished to the Tribunal yesterday I think, is that correct?

A. That's correct.

381 Q. Did you also at that time have another account in Barclays plc having account No. 10601926?

A. Not that I am aware of.

382 Q. Well if you turn to another document, Miss McManus, which is at page 12, if you look at page 12 you will see page 12 is a letter at a time, dated the 15th of October, 1987, to Miss Kinrade. You are directing the transfer of ú30,000 from your prime account No. 10601926?

A. Yes.

383 Q. Do you see that?

A. That was for Oliver Barry.

384 Q. Yes, I am not asking you what it was for, I am asking you about the account itself, Miss McManus. Do you see there an account number in your name 10601926?

A. Yes.

385 Q. Does that mean that you had an account in Barclays Bank plc with that account number on it?

A. Yes, I must have had.

386 Q. And on the 15th of October, 1987 you directed a transfer of ú30,000 out of that account number into Mercury Offshore Sterling Trust into Jersey in the Channel Islands?

A. That's correct.

387 Q. Can you indicate to the Tribunal why and for what purpose you were making such a transfer?

A. That was a transfer for Oliver Barry.

388 Q. For his benefit?

A. Well, he just asked me to do it and I did it. If he directed me to transfer money, if it was for the good of the company, I would do it.

389 Q. Was that money repaid to you?

A. It has been repaid to me now, yes.

390 Q. The funds that were standing to your credit in these six accounts in the Isle of Man, Miss McManus, what was the source of these funds?

A. Payments from Oliver Barry.

391 Q. And can you indicate to the Tribunal in what connection these payments were made to you?

A. They were bonuses from concerts.

392 Q. You indicated a few moments ago that you made a payment of ú30,000 out of those accounts at the request of Mr. Barry?

A. That's right.

393 Q. For - who was the beneficial owner of all of the funds that were standing to your credit in those accounts?

A. I was.

394 Q. Why then were you making payments to the order of Mr. Barry?

A. If it was to keep the company going, I was very involved in the company at the time.

395 Q. The payment of ú30,000 to Mercury Offshore Sterling Trust on the 15th of October, 1987, out of your account was matched by a similar payment of ú30,000 in or around that time from Mr. Barry's account?

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A. Was that back into my account?

396 Q. No, also to Mercury Offshore Sterling Trust?

A. Yes, well he never explained to me what that was for.

397 Q. So do I understand your evidence to be that Mr. Barry would request you to make substantial payments on his behalf into other financial vehicles or to other persons and that you would simply make those payments out of your own money out of your accounts?

A. Yes, yes.

398 Q. And I think you said you only made those payments when the company was in difficulties?

A. Mm-hmm.

399 Q. At the time that this transaction took place in October of 1987 Mr. Barry had very significant sums standing to his own credit in his own account in the Isle of Man?

A. Well, I wasn't aware of that.

400 Q. Did Mr. Barry when he requested you to make this payment indicate to you that he was, in October of 1987, in financial difficulties?

A. Yes, he would have, otherwise I wouldn't have done it.

401 Q. And are you saying that all of the transactions that you carried out on behalf of Mr. Barry from these accounts were at his request?

A. Yes.

402 Q. And did Mr. Barry make repayments to you in relation to these funds that you advanced for him?

A. Yes, eventually he did.

403 Q. And can you indicate to what account you credited these payments when they were made by Mr. Barry?

A. Well, some of them would be to the Isle of Man, some of

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them would be to the National Irish Bank here.

404 Q. This is the account that you have in the National Irish Bank and to which you lodged a sum of ú17,500, is that correct?

A. Yes. Yes, that's correct.

405 Q. Well, I think if we go through the transactions that you indicate were done for Mr. Barry's benefit, we might do a little tot on them and see how much they amounted to and then see if you can indicate the accounts into which these amounts were repaid by Mr. Barry.

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If you turn, Miss McManus, to one of the first documents that you have disclosed to the Tribunal, which is at page 10, which is a letter dated November 1988 and it is in relation to your account No. 10601926. Do you have that letter, Miss McManus?

A. Number 10?

406 Q. At page 10?

A. Yes.

407 Q. Yes, the top of the page?

A. Yes, I have it.

408 Q. You will see that account No. 10601926 is an account that you hadn't disclosed to the Tribunal, isn't that right?

A. Yes, but I only received his letter since I gave the Tribunal my account numbers.

409 Q. You transferred ú12,000 on that occasion to Mr. Barry's prime account number?

A. Yes.

410 Q. And you tell us, can you tell us why you paid that money in November of 1988?

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A. I think that was for Michael Jackson.

411 Q. And in November 1988 I think Mr. Barry had substantial funds standing to his own credit?

A. Perhaps at that time he needed them for Century Radio.

412 Q. In November of 1988?

A. Possibly, yes.

413 Q. Did you make any payments out of these accounts for anything to do with Century Radio?

A. No.

414 Q. Well then, why do you suggest that that  $\text{ú}12,000$  might have been needed for Century Radio?

A. No, I said that it was needed for Michael Jackson, because he was heavily involved with Century Radio at that stage.

415 Q. Can you indicate to the Tribunal when that sum of  $\text{ú}12,000$  was repaid to you?

A. He only finally repaid me everything on whatever date that money was lodged to the Northern Bank. That was the final settlement, 1998.

416 Q. And how much was the amount of the final repayment by Mr. Barry?

A. 35,000.

417 Q. So between November '88 and 1998 Mr. Barry did not repay you the  $\text{ú}12,000$  that you transferred to his account?

A. He, he repaid me certain amounts, small amounts.

418 Q. Can you indicate to us then - to the Sole Member of the Tribunal- the bank account into which these repayments were made?

A. My Northern Bank account - NIB - sorry.

419 Q. Your national Irish Bank account?

A. Yes.



00089

420 Q. The National Irish Bank account that you have disclosed to the Tribunal was opened in October of 1998?

A. No, no, I have another one, my chequing account.

421 Q. The other chequing account?

A. Yes.

422 Q. So is it the case then that apart from the payment in 1998 by Mr. Barry all other repayments by Mr. Barry of funds that were advanced by you were, on his behalf, were paid into your chequing in National Irish Bank?

A. Yes.

423 Q. Did you ever put any of those repayments by Mr. Barry into any of your accounts in the Isle of Man?

A. No.

424 Q. If you turn to the next document, which is at page 11, you will see it is a letter of the 9th of August, 1991, transferring ú50,000 from your account 5319-000001 in Barclays Finance Company (Isle of Man) Limited, to National Irish Bank in the account of Elmslope Limited?

A. That's correct.

425 Q. So in addition to the ú12,000 you gave Mr. Barry on the 14th of November, 1988, was this a similar type transaction?

A. No, I was going to invest in Hollystown Golf and he needed the money and I transferred into it, which subsequently I didn't invest in it. As I say, I got it back at various stages from him.

426 Q. Can you indicate when you got those funds back from Mr. Barry, that ú50,000?

A. Well, I would have got it back in 1,000's and 5,000's.

427 Q. And on all occasions were these sums credited to your

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chequing account in National Irish Bank?

A. Yes or possibly cheques were cashed, if I needed to use cash for anything.

428 Q. And were Mr. Barry's repayments of these funds always by way of cheque?

A. Yes.

429 Q. And on what account can you recollect were those cheques drawn?

A. I think it would be Elmslope.

430 Q. So that insofar as that ú50,000 payment is concerned it was repaid to you by Mr. Barry by way of cheques drawn on the Elmslope account in National Irish Bank?

A. That's correct.

431 Q. And you then credited those cheques to your chequing account in National Irish accounts?

A. Or perhaps I would cash some of them if I needed to cash them.

432 Q. And none of those funds were credited to any of your accounts in the Isle of Man?

A. No, I haven't used it for a long time.

433 Q. If you turn to the next page you will see that on the 15th of October you transferred ú30,000 to a company called Mercury Offshore Sterling Trust?

A. Mm-hmm.

434 Q. Was this monies that you advanced to Mr. Barry?

A. Yes.

435 Q. Mr. Barry carried out a similar transaction at or around the same time whereby he also invested ú30,000 in Mercury Offshore Sterling Trust?

A. I never had any account in Jersey. It was Mr. Barry

00091

suggested me on Day 1 that I should open an account in Barclays. I never had an account in Channel Islands.

436 Q. Were you taking financial advice from Mr. Barry?

A. Well, I had worked for him for a long, long time. I started working for him when I was 17. I trusted him implicitly. I was always sure that I would get it back from him.

437 Q. Were you taking financial advice from Mr. Barry?

A. Well, he advised me to open an account in Barclays, so that was advice, yes.

438 Q. And insofar as this particular account is - or transaction is - concerned, it appears to be an investment of some sort, isn't that right?

A. It would appear that, yes.

439 Q. And you are giving quite specific instructions in relation to what is to be done with the £30,000; it is to be credited to Mercury Offshore Sterling Trust in Barclays Bank plc in Jersey and the Channel Islands?

A. Yes.

440 Q. In an account in SG Warburg and Co. Ltd in Jersey and the account number is given and the account is known as the Mercury Offshore Sterling Trust?

A. Yes.

441 Q. I suggest to you this is a financial investment, Miss McManus?

A. I never invested in Jersey.

442 Q. Were you ever repaid this money by Mr. Barry?

A. I was repaid everything, as I said to you, eventually.

443 Q. When were you repaid this money?

A. Only in 1988 (SIC) did I eventually get the final payment.

00092

444 Q. Can you tell us when?

A. 1988.

445 Q. 1988 or 1998?

A. 1998, I am sorry.

446 Q. As far as this ú30,000 advance is concerned would you indicate to the Tribunal the date upon which this sum was repaid to you by Mr. Barry?

A. Mr. Barry paid me back over a long period of time. This is '94. Since '94 when I left he had been paying me back and in amounts that you see going into my other accounts there.

447 Q. These three transactions amount to ú92,000 Sterling, Miss McManus?

A. Yes.

448 Q. Yes. Can you indicate to the Sole Member of the Tribunal where Mr. Barry repaid those funds to you?

A. Pardon me?

449 Q. Can you indicate the, can you show ú92,000 going back into your accounts, Miss McManus?

A. As I said, he paid me over a long period, since 1994. I haven't been working --

450 Q. -- and can you indicate what records you kept about the repayments Mr. Barry was making to you in dribs an drabs as you have described?

A. I didn't really keep records. Patricia Cooney was keeping the records. The records would be in Hollystown.

451 Q. So there are records of repayments by Mr. Barry to you of this ú92,000 and those records were kept by Miss Patricia Cooney?

A. Yes.

452 Q. An those records are in Hollystown?

A. Yes.

453 Q. And have you seen those records before you left Hollystown?

A. No.

454 Q. Had you ever seen the record of those repayments?

A. No.

455 Q. Well, how do you know those records exist?

A. Well, I discussed it with her on the phone several times.

I wasn't working in Hollystown when he was paying me back.

I discussed it on the phone every so often.

456 Q. Did you yourself keep any schedule or running tot on these monies that were repaid by Mr. Barry?

A. No, but I am sure I will go through my accounts, now that I have all of them, and I can agree it.

457 Q. And did Miss Cooney tell you that there was a record of these repayments by Mr. Barry?

A. Yes, she would call it out to me on occasion.

458 Q. She would - I beg your pardon?

A. She would call it out to me on the phone on occasions when I would call her.

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MS. DILLON: Sir we don't appear to have received that documentation from Mr. Barry in relation to this matter, Sir.

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459 Q. MS. DILLON: If you turn to the next transaction, Miss McManus, which is on page 13 and this is transferring ú13,817 to Mr. Barry's account in the Isle of Man?

A. Again that would be something to do with a concert.

460 Q. Well, I think that that, in fact, Miss McManus, is matched by a cheque drawn in the sum of ú13,817 from Mr. Barry's

00094

account in the Isle of Man?

A. And did that go back into my account?

461 Q. Well, you haven't furnished us with your bank statements, Miss McManus?

A. Well, I think my barrister has all of them now.

462 Q. Right. I am sure Mr. O'Reilly will make them all available if he has all of them. Now, in relation to that transaction can you tell the Tribunal what you recollect of that transaction?

A. I can't recollect it.

463 Q. It is a very unusual sum?

A. It is.

464 Q. In May of 1988. Was that another advance you made to Mr. Barry at his request?

A. Oh, yes, all of these payments I made to Mr. Barry were made to Mr. Barry at his request.

465 Q. Mm-hmm. That is €105,000 that you lent Mr. Barry?

A. That's correct.

466 Q. And you haven't disclosed to the Tribunal any schedule or documentation in relation to repayments of these --

A. No, as I said that is in Hollystown.

467 Q. We will come back to that. If you turn to the next page, Miss McManus, you will see that you requested your bank in Barclays Finance Company (Isle of Man) Limited to add Mr. Barry to two accounts that you identify there as being your accounts, isn't that right?

A. That's correct.

468 Q. And this occurred in September of 1990?

A. Yes.

469 Q. Can you indicate why that happened at that time?

00095

A. I think he wanted security against his payments to Century.

470 Q. And did he request you to allow you to have him added to your bank accounts?

A. Yes.

471 Q. And was Mr. Barry's name added?

A. Yes, it was.

472 Q. And is it still?

A. No.

473 Q. Did you have it removed subsequently?

A. Yes.

474 Q. Did you pay any money at this time to the order of Mr. Barry?

A. No, he didn't have to take it up.

475 Q. You will see there that you indicate " Oliver Barry is already an investor with you and a copy of his signature is below." Do you see that?

A. Yes.

476 Q. That is letter addressed to Barclays Finance Company (Isle of Man) Limited?

A. Yes, Mm-hmm.

477 Q. Did Mr. Barry have an account with Barclays Finance Company (Isle of Man) Limited?

A. Yes, as far as I was aware he had.

478 Q. Were you a signatory on that account?

A. No.

479 Q. Were you a signatory on any of Mr. Barry's Isle of Man accounts?

A. No.

480 Q. Did you carry out any transactions for Mr. Barry in relation to Mr. Barry's account with Barclays Finance

00096

Company (Isle of Man) Limited?

A. No, I didn't.

481 Q. If you turn to the next page, you will see in November of 1990 you forwarded a sum of ú12,642.40 Sterling from your Barclays Finance Company (Isle of Man) Limited to Mr. Barry. Can you tell the Tribunal what that was in connection with?

A. No, I am afraid I can't. I can't recollect what any of these payments were for.

482 Q. Did you ever transfer monies to third parties on behalf of Mr. Barry?

A. No, never.

483 Q. If you turn to the next page, Miss McManus, you will see a transfer of twelve and a half thousand US Dollars to a Wells Fargo bank in Santa Monica?

A. That was to do with the Michael Jackson.

484 Q. That is a transfer, isn't it, Miss McManus, to a third party?

A. Yes, I didn't look at it like that.

485 Q. If we go back to the earlier transaction which is the ú12,642 transaction, at this stage you have advanced ú117,000 Sterling approximately to Mr. Barry?

A. Yes.

486 Q. And you have no records in relation to same?

A. No, my records are in Hollystown.

487 Q. Yes, we will come back to deal with those in a moment. If you turn to the next page you will see that in June of 1991 you transferred 12,500 American Dollars to a bank, a Wells Fargo Bank in Santa Monica, Beverly Hills?

A. Yes.



00097

488 Q. Do you recollect what that transaction was in connection with?

A. That was to do with Michael Jackson.

489 Q. And was this an advance to Mr. Jackson on his - on your own behalf or an advance on behalf of Mr. Barry?

A. No, it would be on behalf of the company.

490 Q. That sum of 12,500 American Dollars has to be added to the ú117,000 Sterling you have already advanced?

A. Yes.

491 Q. Over that period of time it would appear from the limited documentation that is available to the Tribunal, Miss McManus, you advanced to Mr. Barry in excess of ú120,000?

A. Mm-hmm.

492 Q. And on two occasions you made those advances to third parties, one to the bank in America and the other to the Mercury Offshore Sterling Trust?

A. Mm-hmm.

493 Q. Was it then your position that when requested by Mr. Barry you would advance monies to third parties on his behalf?

A. Well, just if it was something to do with a concert, yes. If it meant getting an artist.

494 Q. Very good. If we go back to the Mercury transaction, Miss McManus. It is at page 12?

A. Mm-hmm.

495 Q. The ú30,000 transfer.

A. Mm-hmm.

496 Q. Can you indicate what concert that was in connection with?

A. I can't, I am afraid.

497 Q. Was it in connection with any concert?

A. I am not aware of what it was in connection with.

00098

498 Q. So it is not correct to say that all of these transactions were in connection with concerts?

A. Well, I would have assumed that it was a deposit on a concert.

499 Q. Did Mr. Barry tell you that that particular transaction was a deposit on a concert?

A. No.

500 Q. If you just bear with me for one moment, Miss McManus. So far as the investment in the Mercury Offshore Sterling Trust is concerned, Mr. Barry has in writing indicated to the Tribunal that he invested €30,000 in a bond issued by a firm called Mercury. Now, if that is the same transaction as your transaction into Mercury Offshore Sterling Trust, it was an investment into a bond?

A. I never invested in a bond in Mercury.

501 Q. So are you saying that Mr. Barry effectively got €30,000 from you and invested it for his own benefit in a bond?

A. Well, if that is what he is saying.

CHAIRMAN: May I intervene here? Are you telling me that each of these transactions, the series which you have just recounted, were your funds, your property and you were giving them or transferring them to Mr. Barry when he requested them?

A. Yes.

CHAIRMAN: And what benefit did you get in consequence of transferring those, your personal funds? Now, let me be clear what I am asking you, you tell me that those funds were your own property, you were transferring them to Mr.

00099

Barry, apparently in relation to concerts?

A. Yes.

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CHAIRMAN: Did you get a share in the concert?

A. Yes, that is why I had the money there.

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CHAIRMAN: And what was the basis of the arrangement between you?

A. Well, depending on how good the concert was I would get a good share of it because I worked very long hours, Saturdays, Sundays, and if he made a good profit on the concert then he would give me a very good bonus.

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CHAIRMAN: Well, would he give you a, take the last one there, what was it, £20,000, was it, 30,000, did you get the 30,000 back, that is your investment as I understand it, plus a bonus?

A. I got the 30,000 back eventually, yes, Chairman.

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CHAIRMAN: The concert took place on a date and presumably within six weeks of the conclusion of that concert the net proceeds of the concert were known, isn't that so?

A. Yes.

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CHAIRMAN: Approximately more or less. Where is the return of the investment to be seen? I hope I have made myself clear. You put up £20,000, the concert took place, assume it was successful, so you should get back £20,000 plus a bonus, if what you are telling me is truthful and correct. I want to know where is that money or where, more

00100

accurately where is the £20,000 and where is the bonus? Do you follow me?

A. Yes, Chairman. As I explained, I got it back in dribs and drabs from Oliver Barry because at that stage things were going quite bad, had gone very bad in Century and he was in financial difficulties in the Golf Club as well.

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CHAIRMAN: Well, is the end product, that - I mean I haven't been keeping a running tot on what, you mean that you did not get back from Mr. Barry even to the present date, the entire of your advances?

A. Yes, I got it back now. I got it back in 1998, Chairman. .

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CHAIRMAN: I see, with or without a bonus?

A. There was no bonus on at that time.

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CHAIRMAN: Well, tell me this; in 1998 can you point to the Tribunal the place where that money is resident at the moment? You needn't publish the fact. Can you show to the Tribunal officials or the Tribunal counsel and solicitor, the return, the return receipt of the investment?

A. Well, they have all my accounts and a lot of it, as I said, I haven't used because I haven't worked since '94.

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CHAIRMAN: Very good. I will leave it at that. I am told by the stenographer that she has working all day and that she won't going beyond four o'clock, that she is just tired. I regret that we are going to have to come to an end at four o'clock. We are going to, if you want to finish anything else.

502 Q. MS. DILLON: Just very briefly, Sir. You signed an agreement Mr. McManus - with Mr. Barry - on the 19th of September, 1998?

A. Yes.

503 Q. And you received ú35,000?

A. That's correct.

504 Q. When did Mr. Barry pay you the balance between the 35 and the in excess of ú120,000 that we have seen that you advanced to him?

A. Between the time I left working for him and the final payment.

505 Q. On the 31st of May, 1989 you transferred ú35,000 Sterling out of your Barclays Bank plc account number 5766 in the Isle of Man. Do you remember the transaction?

A. I don't recollect any of the transactions because as I said I just, if he directed me to do something I did it.

506 Q. Are you saying --

A. Because he had promised me shares in Century and I was going to be the richest woman around and then he promised me a site on the golf course. So all of these things were an incentive for me to help out the company and keep the company going.

507 Q. The transfer of ú35,000 out of your account on the 31st of May, 1989, are you saying that that transfer was a transfer on the instructions of Mr. Oliver Barry?

A. What number is that?

508 Q. It is in the bank statements that you furnished yesterday evening to the Tribunal from Barclays Bank plc?

A. Yes, any of the transfers would be to him. Any withdrawal

00102

I made from Barclays would be for the maximum of ú5,000 at a time.

509 Q. So that this payment of ú35,000 was a transfer for the benefit of Mr. Barry?

A. For the company, Quality Artistes Management.

510 Q. Where did the money go, the ú35,000, in May of 1989?

A. May of 1989? Century, I am sure.

511 Q. It went into Century?

A. Possibly, yeah.

512 Q. The ú35,000 that you took out of your bank account on the 31st of May, 1989 on the instructions of Mr. Barry went into Century?

A. I am not saying definitely it could have gone in at that time.

513 Q. Were you a contributor to Century, Miss McManus?

A. No.

514 Q. Did you know at that Mr. Barry paid ú35,000 to Mr. Burke on the 26th of May of 1989?

A. Yes.

515 Q. Can you indicate what you were told that payment was in connection with?

A. No, but I didn't believe that it was an election.

516 Q. You did not believe it was an election?

A. I was, I thought that the sum was ú30,000 not 35.

517 Q. Who told you it was 30,000?

A. Oliver Barry mentioned it at some stage.

518 Q. And the figure that Mr. Barry told you he had paid to Mr. Burke was ú30,000?

A. Mm-hmm.

519 Q. And what was your understanding of that payment to Mr.

00103

Burke?

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MR. WALSH: Sorry, My Lord, this witness can only give evidence as to fact, not as to opinion. That has been your ruling all along.

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CHAIRMAN: Just a moment; this witness has paid a sum of money. She says she knows the designation of the money and that she is perfectly entitled to give her knowledge of the designation.

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MR. WALSH: No, no, sorry Sir, the sum of money she was talking about was her ú35,000 Sterling on the end of May, the 31st of May. Ms. Dillon has moved on from that particular sum and has asked about the payment by Oliver Barry to Mr. Burke. Now, she was not a party to that particular payment. And she is now being asked for her opinion. She is being asked for her opinion. You have ruled, Sir, on many occasions --.

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CHAIRMAN: Just a moment.

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MS. DILLON: I can rephrase the question, Sir.

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CHAIRMAN: Yes, would you, please.

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MS. DILLON: Without difficulty

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MR. WALSH: -- just for clarification.

00104

CHAIRMAN: -- just a moment; let's hear the question first.

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520 Q. MS. DILLON: What were you told by Mr. Barry about the payment to Mr. Burke, whether it was 30 or 35,000?

A. He mentioned to me that Mr. Burke was looking for a sum of ú30,000.

521 Q. Did he indicate to you why Mr. Burke was looking for a sum of around ú30,000?

A. No, but I assumed it was for Century.

522 Q. I see. I think it is an appropriate time to stop, Sir, for today.

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CHAIRMAN: Yes.

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MR. O'REILLY: Chairman, in relation.

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CHAIRMAN: Mr. O'Reilly.

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MR. O'REILLY: If I may address you, Chairman, in relation to the bank accounts and the difficulties we have had with Barclays in gaining same.

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Barclays have written to Denise McNulty Solicitors today as follows - I have a copy of the letter - I will hand that in to the Tribunal in due course. It literally came at lunchtime today - they say as follows - this is the Compliance Division of Barclays, John Ainley. He addresses the letter to Denies McNulty.

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"From the listed accounts detailed on your fax, dated the



00105

4th of December, 2000, I have provided details of the account numbers 70606766 and 002193/001.

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The No. 10600926 we are unable to identify as being a valid number." And then he states the two numbers that were in question earlier on which Ms. Dillon put to my client were accounts in the name of my client, you will remember they are quite long numbers.

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Then he states as follows: "Are not in the names of the persons on your letter." And they are Maeve McManus and her husband.

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"Account No. 60606677 has been provided but was not on your list." We have handed this over to the Tribunal.

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"I am unable to identify any other accounts.

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I have been able to ascertain why a delay in providing information has occurred." I will open another letter to you in respect of that, Chairman.

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"Mrs. McManus telephoned and requested the copy ledgers on 8th of August, 2000. My colleague Mr. Boothby responded by letter" - I have a copy of that letter - "asking for the request to be put in writing explaining a charge would be made. The copy of her letter dated the 13th of August, 2000, that you faxed to me was not received by the retrieval department and the request was placed to lapse."

- this is what is stated in the letter "placed to have

00106

lapsed. Attempts to contact Mrs. McManus by telephone were unsuccessful, as Directory Inquiries could not provide a number." Then he goes on to state that he has provided an invoice in respect of the work that they have carried out.

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Now, there is a further letter, Chairman, in respect of the difficulties we have had with Barclays, Isle of Man, and this is a letter yesterday from John Ainley, a Senior Compliance Assistant in Barclays, Isle of Man, addressed to 'Denise McNulty, Solicitors for Maeve McManus' and stating as follows: "Further to our telephone conversations of yesterday the 5th of December, I am writing to apologise for the delay in providing the information requested.

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As I explained, this matter only came to my attention yesterday afternoon when I was shown a copy of your fax on the 4th of December.

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I am still trying to get to the bottom of the reason why your request was not acted upon.

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From what I have ascertained so far, a part of the letter was lost in transit between Mr. Pilley" - who we understand to be an employee of Barclays - "to whom you first made contact, and the sending by him of your letter to another office of the Bank in another building, for that department to retrieve the information requested.

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This does not, however, explain why your further letters and telephone calls were not acted upon, and for this I can

00107

only apologise. Our service to you has fallen well below that we should and indeed would normally offer.

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The delay in providing the information requested has been caused by the Bank and should not be deemed to be that of Mrs. McManus.

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I am sending the paper copy ledgers of the accounts in the post to you, and have asked the retrieval team to check to ensure that no further accounts have been overlooked. If anything further is found I will fax it to you immediately".

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I read those two letters into the record simply to indicate the sheer difficulty which my solicitor has incurred with Barclays, Isle of Man in retrieving the documentation. My solicitor has had great difficulty finding the exact accounts, and none due to my client Ms. McManus, but rather due to the difficulties she has had with the Isle of Man.

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I think I can put it no further.

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CHAIRMAN: Would you be kind enough to ask your solicitor to furnish the Tribunal Office with a clip of correspondence that you have just, just dealt with?

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MR. O'REILLY: Certainly, Chairman.

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CHAIRMAN: A copy clip, obviously.

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00108

MR. O'REILLY: Certainly, Chairman.

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MR. HANRATTY: With regards to the sittings, Sir, we won't be in position to proceed tomorrow. It is not yet clear whether we will be in a position to proceed on Monday and as you are aware there are other matters listed for Tuesday and Wednesday. So, at this stage I would simply ask you to adjourn the hearing of this evidence in this Century inquiry sine die and we will announce on the website tomorrow and inform the parties concerned directly as to when it will resume.

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CHAIRMAN: Very good, I will make that order. Thank you very much.

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THE PROCEEDINGS THEN ADJOURNED UNTIL FURTHER NOTICE.

