

MAURICE KIRK v SOUTH WALES POLICE

For countless false imprisonments, malicious prosecutions and failure to properly investigate crimes committed against the Claimant and his family in his house, surgery, law courts and in particular in the court of The Royal College of Veterinary Surgeons

1st Particulars of Claim 04/09/1996 (1st Action)

Drafted not just inaccurately but 'ultra vires' by Bobetts Mackan, Solicitors, Berkley Square, Bristol who were sacked for their incompetence refusing to return the £8,000+ cost incurred.

Following years of deliberate delay by the Police, Crown Prosecution Service and Magistrate Courts, all knowing the harassment started in 1991, they have succeeded in losing/ hiding /shredding the **audit trail for DISCLOSURE** needed to draft any claims for compensation.

Just another example of the United Kingdom's daily **ABUSE OF PROCESS** in our courts under the invincible prejudice of **Her Majesty's Prerogative** giving the above mentioned cabal immunity to prosecution while abusing our basic human rights.

IN THE BRISTOL COUNTY COURT

CASE NO: BS6 14159

BETWEEN:

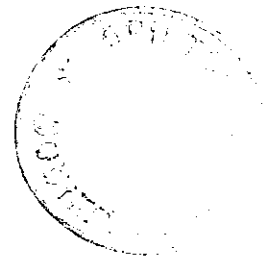
Maurice John Kirk

Plaintiff

and

South Wales Constabulary

Defendants



PARTICULARS OF CLAIM

1. The Plaintiff is a veterinary surgeon and operates surgeries at 51/53 Tynewydd Road, Barry, South Glamorgan 173 Cowbridge Road, West Cardiff and 1 Church Street Llantwit Major.
2. The Defendant's are the police force having control of the police stations which include Barry and Cardiff areas of South Wales.
3. The Defendants have the duty and power to stop and arrest any person who may reasonably suspect as having committed a criminal or road traffic offence, any attempt to stop, arrest, question or detain a suspect must be conducted in accordance with the Police and Criminal Evidence Act and the Defendants officers must at relevant times have and maintain reasonable grounds for the stopping and detention and the continued detention of any suspect.

4. The Plaintiff for reasons not relevant to these proceedings is known to the Defendants officers at Barry Police Station and in particular to the station sergeant and PC Kirlake and at all material times were aware that the Plaintiff held a current full driving licence, that he was not disqualified and further that he was a veterinary surgeon practising in the area.
5. Further the Defendants as a police authority have a duty and obligation to fully and diligently investigate any complaint from a member of the public and in respect of any criminal or motoring offence and/or to use their best endeavours to protect any property which comes into their control and particularly to protect any items of stolen property to ensure that it is not damaged or vulnerable to further theft.
6. The Defendants are not entitled to detain any person in custody without lawful authority and shall release any person from custody as soon as it is apparent or reasonably apparent that they have no lawful reasons for the continued detention.
7. The statutory duties and/or common law obligations hereinbefore mentioned are owed by the Defendants to the Plaintiff and they are in breach of those duties and obligations and/or have caused nuisance to the Plaintiff and/or assaulted him and/or committed trespass to his person or property and the Plaintiff has suffered loss and damage.

PARTICULARS

- 8.1. On the 7th March 1992 on the M5 motorway near Chepstow the Plaintiff was

unlawfully stopped by an officer of the Defendants and accused of driving failing to provide a specimen of breath. He was subsequently arrested, charged and convicted. The conviction was set aside by the Divisional Court on judicial review. On rehearing the Plaintiff was again convicted, and an Appeal to the Newport Court was refused and is the subject of an application for case stated to the Divisional Court.

8.2 Following the incident on the 7th March 1992 the Defendants unlawfully detained the Plaintiff's property causing him loss and damage.

8.3. On the 2nd January 1993, the Plaintiff was stopped by an officer of the Defendants on the A48 at Cowbridge, South Glamorgan without lawful authority. He was required to produce driving licence, MOT certificate and insurance cover note (hereinafter called the "motoring documents") at Barry Police Station which he did. The Defendant subsequently denied that such documents had been produced. The Plaintiff was prosecuted in the local Magistrates Court, was found guilty (the Defendants still maintains that no documents had been produced) and he was fined £450. The conviction was set aside on appeal on the 5th June 1993 and the Cardiff Crown Court was satisfied that the documents had been produced.

8.4. On the 9th January 1995 the Plaintiffs surgery was burgled. The Defendants arrested and/or detained a person for this offence but refused to prosecute or provide any details to the Plaintiff to enable him to prosecute or bring a private action for damages.

8.5. On the 24th March 1993, officers of the Defendants arrested the Plaintiff outside of his surgery for an offence of being in charge of a vehicle which had a tyre with

insufficient tread. The Plaintiff was found guilty in the local Magistrates Court following evidence from the police officers and was again set aside on appeal in the Cardiff Crown Court on the 17th December 1993.

8.6. In May 1993 the Plaintiff was arrested by officers of the Defendant at Grand Avenue, Cardiff and taken to Fairwater Police Station. There were no lawful reasons given to the Plaintiff for his arrest and detention. The station sergeant was aware of the Plaintiff's identity but refused to recognise him or confirm his identity. The Plaintiff was detained all night in the police cells and brought before the Cardiff Magistrates Court the following morning when evidence was offered by the Defendants that they could not confirm the identity of the Plaintiff. The Plaintiff was remanded in custody for three days to enable enquiries to be made. The charges were eventually withdrawn and the Plaintiff released. Further the Defendants seized and damaged the Plaintiff's motor cycle and refused to release the same to him for several days after the Plaintiff's release from custody.

8.7. On the 23rd June 1993 the Plaintiff was arrested by the Defendants' officers stationed at Bridgend Police Station. There was no lawful reason for the arrest, he was required to produce motoring documents at the Barry Police Station which he did. The Defendants denied that the said documents had been produced.

8.8. On the 30th June 1993 the Plaintiff was outside his surgery at Grand Avenue, Ely watching her Royal Highness Princess Diana visit the local Dr Barnados home, without just cause he was surrounded by sixteen of the Defendants' police officers, some of whom were known to him and they acted in a very intimidating way. He felt

threatened and after approximately 10 minutes they disbursed without any charge or suggestion that the Plaintiff had acted in any unlawful manner.

8.9. On the 22nd September 1993 an officer of the Defendants stopped the Plaintiff at St Nicholas Road, South Glamorgan. No lawful reason was given for the action and the Plaintiff was again required to produce his motoring documents which he did at the Barry Police Station, they were in accordance with law. He was on the 4th October 1993 charged with having no driving licence, such charge subsequently being withdrawn

8.10. On the 1st October 1993 the Plaintiff was involved in a road traffic accident near Barry. The police investigated and no action was taken against the Plaintiff and no suggestion was made that the Plaintiff was in any manner what so ever responsible for any motoring offence.

8.11. On the 3rd October 1993 at St Athan, South Glamorgan the officers of the Defendants stopped the Plaintiff whilst he was driving his motor car and no valid reason was given for his arrest. He was taken and detained in the Barry Police Station and held in custody on suspicion of driving whilst disqualified. He was released the following morning the 4th October 1993 without charge.

8.12. On the 4th October 1993 the Plaintiff having been released from police custody drove away from the police station and observed that there was a procession of police cars behind him. On reaching a nearby roundabout he drove around that roundabout in a lawful manner twice to ascertain if the police cars were following him. He was

stopped by a PC Kirslake (who was in one of the five Police cars), an officer who knew of the Plaintiff from previous incidents. He was arrested on an alleged charge of driving whilst disqualified, having no insurance and driving without due care and attention. The Plaintiff was taken to Barry Police Station when the said PC Kirslake charged him with:-

- a) Driving whilst disqualified and with no insurance on the 22nd September 1995 at South Glamorgan (See 8.8 above), despite having produced those documents as required by law.
- b) Driving whilst disqualified and no insurance on the 1st October 1993 (see 8.9 above).
- c) Driving whilst disqualified with no insurance and without due care and attention on the 4th October 1993 at the roundabout near Barry Police Station.

The Plaintiff was detained in custody to appear before the Barry Magistrates Court on the 4th October 1993. The prosecution did not produce any evidence in respect of the various charges of driving whilst disqualified, no insurance and no MOT and the prosecutions did not proceed. The Plaintiff was found guilty of driving without due care and attention. In his absence caused by ill health.

- 8.13 The Defendants officers were well aware that the Plaintiff was the owner of a BMW motorcycle. It was stolen on the 16th October 1993 and reported to the Barry Police Station. The police recovered possession of the motorcycle but failed to advise the

Plaintiff. He was eventually told by a third party that the Defendants had the motorcycle in their possession and with some difficulty the Plaintiff was able to recover his possessions from the police.

8.14. On the 15th December 1993 the Plaintiff was stopped by the police in Cardiff with lawful excuse and required to produce his motoring documents. These he produced at Barry Police Station who again denied that he had done so and he was charged with failing to produce. Such charges being discontinued with the prosecution offering no evidence.

8.15. On the 9th August 1994 the Plaintiff was stopped and arrested by the said PC Kirslake for driving whilst disqualified at 8 a.m. The police at Barry held the Plaintiff in custody until 12.45 p.m. before being released without charge.

8.16. As the Plaintiff left the police station and went to his car on the 9th August 1994, he was stopped and pushed by one of the Defendants police officers. He was immediately re-arrested with criminal damage accusation at 1 p.m. He was released at 4 p.m. without charge or explanation.

8.17. On the 10th August 1994 the Plaintiff was arrested by Sergeant Smith of Barry Police Station (an officer who previously had involvement with the Plaintiff). He was arrested for having no driving licence, was detained for several hours in Barry Police Station and eventually released without charge.

8.18. On the 21st July 1995 a Paul Stringer was observed breaking a window at the

Plaintiffs property at 52/53 Tynewydd Road. The said Stringer then headbutted, punched and tried to throttle the Plaintiff in front of witnesses causing him injury. The incident was reported to the Defendants who were made aware not only of the facts of the incident but also the threat of further incidents and PC 972 John Johnson refused to take a statement of complaint from the Plaintiff or record in his note book. On return from registering the complaint, the Plaintiff discovered that the doors had been damaged as had an internal door. The Plaintiff then again contacted PC Johnson who refused to take any further action. This incident was recorded by letter to the Defendants on the 21st July 1995.

8.19. On the 23rd July 1995 the police were in attendance at 51/53 Tynewydd Road and observed the said Paul Stringer without provocation attack the Plaintiff, throttle him and push him down the stairs, as a consequence of which the Plaintiff was taken to hospital by ambulance. The Defendants again refused to arrest or detain or charge the said Paul Stringer.

8.20. On the 24th July 1995 the said Stringer tried to gain access to the Plaintiffs veterinary hospital armed with a length of wood. The Defendants again refused to take any action or provide protection for the Plaintiff, his property or third parties.

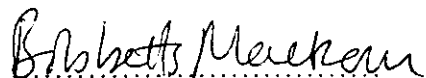
8.21. On the 6th August 1995 the said Paul Stringer again attacked, the Defendants were again called and refused to take any action and on the 7th August 1995 the said Stringer broke windows and caused damage to the Plaintiffs property at 52 Tynewydd Road, the police were caused and again refused to take any action.

10. The Plaintiff therefore claims of the Defendants:-

- a) Damages.
- b) Exemplary damages.
- c) Special Damages.
- d) Costs.
- d) Interest pursuant to Section 69 of the County Court Act 1984.

This claim be limited to £50,000.

Dated this day of 1996.



Bobbetts Mackan
20a Berkeley Square
Clifton
Bristol
BS8 1HP

IN THE BRISTOL COUNTY COURT

CASE NO:

B E T W E E N :

Maurice John Kirk

Plaintiff

and

South Wales Constabulary

Defendants

PARTICULARS OF CLAIM

Bobbetts Mackan
20a Berkeley Square
Clifton
Bristol
BS8 1HP

Solicitors for the Plaintiff

Maurice v South Wales Police

Final Drafted 1st Action

IN THE BRISTOL COUNTY COURT

CASE No. BS614159

BETWEEN

Maurice John Kirk

Plaintiff

and

South Wales Constabulary

Defendant

RE-RE-RE-AMENDED PARTICULARS OF CLAIM

1. The Plaintiff is a veterinary surgeon and operates surgeries at 51/53 Tynewydd Road, Barry, South Glamorgan, 175 Cowbridge Road West, Cardiff and 1 Church Street, Llantwit Major.
2. The Defendant's are the police force having control of police actions which include Barry and Cardiff areas of South Wales.
3. The Defendants have the duty and power to stop and arrest any person they may reasonably suspect as having committed a criminal or road traffic offence, any attempt to stop, arrest, question or detain a suspect must be conducted in accordance with the Police and Criminal Evidence Act and the Defendant's officers must at relevant times have and maintain reasonable grounds for the stopping and detention and the continued detention of any suspect.
4. The Plaintiff for reasons not relevant to these proceedings is known to the Defendant's Officers at Barry Police Station and in particular to the station sergeant and PC Kerslake and at all material times the Defendant's officers were aware that the Plaintiff held a current and full driving licence, that he was not disqualified and further that he was a veterinary surgeon practising in the area.
- 5A. Further the Defendants as a police authority have a duty and obligation to fully and diligently to investigation any complaint from a member of the public and in respect of any criminal or motoring offence.

- 5B Further or in the alternative the Defendants have a duty and obligation as bailees to use their best endeavours to protect any property which comes into their control and particular to protect any items of stolen property to ensure that it is not damaged or vulnerable to further theft.
- 5C Further or in the further alternative, the Defendants, once their investigations are concluded have a duty to provide to the injured party relevant information concerning the results of such investigations including, in particular, the identity of any person suspected of having caused wrong to the injured party.
6. The Defendants are not entitled to detain any person in custody without lawful authority and shall release any person from custody as soon as it is apparent or reasonably apparent that they have no lawful reason for the continued detention.
7. The statutory and/or common duties and obligations herein mentioned are owed by the Defendants to the Plaintiff as the person directly affected and or wronged and they are in negligent breach of those duties and obligations or have assaulted him and/or have committed trespass to his person or property and the Plaintiff has suffered loss and damage.

PARTICULARS

- 8.1 Deleted - sue Bobbetts Mackan - incorrect draft and wrong jurisdiction
- 8.2 Deleted - sue Bobbetts Mackan - incorrect draft and wrong jurisdiction
- 8.3 On the 2nd January 1993 the Plaintiff was stopped by an officer of the Defendants on the A48 at Cowbridge, South Glamorgan without lawful authority. He was required to provide driving licence, MOT certificate and insurance cover note (hereinafter called 'the motoring documents') at Barry Police Station which he did. The Defendant subsequently denied that such motoring documents had been produced. The Plaintiff was maliciously prosecuted in the local Magistrates Court, was found guilty of using a motor vehicle which was uninsured and with no Test Certificate (the

Defendants still maintain that no documents had been produced) and he was fined £450. The conviction was set aside on appeal on the 3rd June 1993 when the Crown Prosecution Service offered no evidence.

8.4 Delete - no law

8.5a On or about 24 March 1993 the defendant maliciously and without reasonable and probable cause stopped the plaintiff outside his hospital and reported him for various alleged offences and laid an information before local magistrates for the county of Barry sitting at Barry Magistrates Court against the plaintiff being in charge of a vehicle with ~~no current excise licence, MoT Certificate or Certificate of Insurance and a~~ tyre with insufficient tread.

b And procured the said magistrates to issue a summons directed to the plaintiff requiring him to appear before the said magistrates court to answer the said information.

c The Defendant knew that no examination of the tyre ~~or the windscreen~~ took place in the presence of the plaintiff and his passenger and that the defendant knowingly altered the HORT 1 to pervert the course of justice after the motorists copy had been issued.

d The plaintiff duly appeared before the said magistrates' court and was found guilty.

e The plaintiff appealed to the Crown Court and the convictions were set aside with the presiding judge reprimanding the police officer for knowingly altering the police copy of the originally issued HORT to support a conviction.

f In consequence of the matters aforesaid, the plaintiff was injured in his reputation and was put to considerable trouble, inconvenience, anxiety and expense and has suffered loss and damage.

Particulars of Special Damage

Set out in full after the civil action against Bobbetts Mackan, Solicitors, holding the files of evidence is successful, when the plaintiff has submitted to the blackmail paying the above exorbitant sums of money for work not done, the work being done being both negligent and possibly in conspiracy with others or as the court so directs.

8.6 In May 1993 the Plaintiff was arrested by officers of the Defendant at Grand Avenue, Cardiff and taken to Fairwater Police Station. There were no lawful reasons given to the Plaintiff for his arrest and detention. The station sergeant was aware of the Plaintiffs identity but reused to recognise him or confirm his identity. The Plaintiff was unlawfully detained all night in the police cells and brought before the Cardiff Magistrates Court the following morning when evidence was maliciously offered by the Defendants that they could not confirm the identity of the Plaintiff. The Plaintiff was remanded in custody for three days to enable enquiries to be made. The Plaintiff was maliciously prosecuted but the charges were eventually withdrawn and the Plaintiff released. Further the Defendants in breach of the duty pleaded in paragraph 5B above seized and damaged the Plaintiff's motor cycle and refused to release the same to him for several days after the Plaintiff's release from custody.

8.7 On the 23rd June 1993 the Plaintiff was arrested by the Defendants officers stationed at Bridgend Police Station. There was as no lawful reason for the arrest, he was required to produce motoring documents at the Barry Police station which he did. The defendants denied that the said motoring documents had been produced. The Defendant maliciously prosecuted the Plaintiff, but the charge was withdrawn at the Magistrates Court.

8.8 Deleted

8.9 On the 22nd September 1993 an officer of the Defendants stopped the Plaintiff at St Nicholas Road, Barry, South Glamorgan. No lawful reason was given for the action and the Plaintiff was again required to produce his motoring documents which he did at the Barry Police Station; they were in accordance with the law. He was on the 4th October 1993

charged with having no driving licence, such charge subsequently being withdrawn.

8.10 Delete - sue Bobbetts Mackan - incorrect draft

8.11 On the 3rd October 1993 at St Athan, South Glamorgan the officers of the Defendants stopped the Plaintiff whilst he was driving his motor cycle and no valid reason was given for his arrest. He was taken and unlawfully detained in the Barry Police Station and held in custody on suspicion of driving whilst disqualified. He was released without charge.

8.12 On the 4th October 1993 the Plaintiff having been released from custody drove away from the police station and observed that there was a procession of police cars behind him. On reaching a nearby roundabout he drove around that roundabout in a lawful manner twice to ascertain if the police cars were following him. He was stopped by PC Kerslake (who was in one of the five Police cars), an officer who knew the Plaintiff from previous incidents. He was arrested on an alleged charge of driving, having no insurance and driving without due care and attention. The Plaintiff was taken to Barry Police Station when PC Kerslake maliciously charged him with:

- a Driving whilst disqualified and with no insurance on the 22nd September 1993 at South Glamorgan (see 8.9 above), despite having produced those motoring documents as required by law
- b Driving whilst disqualified and no insurance on the 1st October 1993 (see 8.10) above.
- c Driving whilst disqualified with no insurance and without due care and attention on the 4th October 1993 at the roundabout near Barry Police Station

The Plaintiff was unlawfully detained in custody to appear before the Barry Magistrates Court on the 4th October 1993. In due course the prosecution did not produce any evidence in respect of the various charges of driving whilst disqualified, no insurance and no MOT and the

prosecutions did not proceed. The Plaintiff was found guilty of driving without due care and attention, in his absence caused by ill health.

8.13 The Defendants officers were well aware that the Plaintiff was the owner of a BMW motorcycle. It was stolen on the 16th October 1993 and reported to the Barry Police Station. The Police recovered possession of the motorcycle and thereupon became bailees thereof but, in breach of the duty pleaded in paragraph 5A above, the Defendants negligently failed to advise the Plaintiff. He was eventually told by a third party that the Defendants had the motorcycle in their possession and with some difficulty the Plaintiff was able to recover his possessions from the Police.

8.14 On the 15 December 1993 the Plaintiff was stopped by the Police in Cardiff with lawful excuse and required to produce his motoring documents. These he produced at Barry Police Station who again denied that he had done so and he was maliciously charged with failing to produce. Such charges were later discontinued with the prosecution offering no evidence.

8.15 On the 9th August 1994 the Plaintiff was stopped and arrested by the said PC Kerslake for driving whilst disqualified at 8.00am. The police at Barry unlawfully held the Plaintiff in custody until 12.45pm before being released. The Defendants maliciously charged the Plaintiff with driving without insurance, such charge being subsequently withdrawn.

8.16 As the Plaintiff left the Police station and went to his car on the 9th August 1994 he was stopped and pushed by one of the Defendants police officers. He was immediately re-arrested upon an unlawful charge of criminal damage at 1.00pm. He was released at 4.00pm. The charge of criminal damage as subsequently withdrawn.

8.17 On the 10th August 1994, the Plaintiff was arrested by Sergeant Smith of Barry Police Station (an officer who previously had involvement with the Plaintiff). He was arrested for having no driving licence, was detained for several hours in Barry Police station and eventually released. The Defendants maliciously charged the Plaintiff with driving without insurance but such charge was subsequently withdrawn.

8.18 On the 21st July 1995 a Paul Stringer was observed breaking a window at the Plaintiff's property at 52/53 Tynewydd Road. The said Stringer then headbutted, punched and tried to throttle the Plaintiff in front of witnesses causing him injury. The incident was reported to the Defendants who were made aware not only of the facts of the incident but also the threat of further incidents and PC972 John Johnson, in breach of the duty pleaded in paragraph 5A above negligently refused to take a statement of complaint from the Plaintiff or record in his notebook. On return from registering the complaint, the Plaintiff discovered that the doors had been damaged, as had an internal door. The Plaintiff then again contacted PC Johnson who again, in breach of the duty pleaded in paragraph 5A above negligently refused to take any further action. The incident was recorded by letter to the Defendant's on 21 July 1995.

8.19 On the 23rd July 1995 the police were in attendance at 51/53 Tynewydd Road and observed the said Paul Stringer without provocation attack the Plaintiff, throttle him and push him down the stairs, as a consequence of which the Plaintiff was taken to hospital by ambulance. The Defendant's again in breach of the duty pleaded in paragraph 5A above, negligently refused to investigate the incident or take any action to protect the Plaintiff.

8.20 On the 24th July 1995 the said Stringer tried to gain access to the Plaintiff's veterinary hospital armed with a length of wood. The Defendant's again in breach of the duty pleaded in paragraph 5A above, negligently refused to take any action to provide protection for the Plaintiff, his property or third parties.

8.21 On the 6th August 1995 the said Paul Stringer again attacked; the Defendant's were again called and in breach of the duty pleaded in paragraph 5A above, negligently refused to take any action and on the 7th August 1995 the said Stringer broke windows and caused damage to the Plaintiff's property at 52 Tynewydd Road; the police were called and again in breach of the duty pleaded in paragraph 5A above, negligently refused to take any action.

8.22 Delete - no law

8.23 In May 1995 the Plaintiff was stopped and detained by the Defendant's officer in Barry and required to produce his driving documents which he did. He was maliciously charged with failing to produce and found Not Guilty (Police Ref 33139/a).

8.24 Delete - no law

8.25 Delete - sue Bobbetts Mackan - incorrect draft

8.26 In June 1995 the defendants purported to arrest the plaintiff for illegal eviction of a tenant at the house. The defendant well knew and/or had insufficient evidence to justify the arrest and in any event should have conferred with the Local Authority who have direct responsibility for administering administering the Protection Against Eviction Act 1977. The arrest and detention was unlawful.

8.27 Delete - no law

8.28 Delete - sue Bobbets Mackan - incorrect draft

8.29 Delete - no law

9. Further it is alleged and averred the that Defendants had maliciously prosecuted the Plaintiff on the dates hereinafter set out.

- i) 2nd January 1993 when the Plaintiff was falsely an maliciously charged with driving a vehicle without insurance and with NO Test Certificate (refer to paragraph 8.3 above) when the Defendant knew that the Plaintiff had valid insurance and the vehicle, being registered in Jersey did not require a Test Certificate.
- ii) On 20th May an officer of the Defendant arrested the Plaintiff for no apparent or lawful reason and unlawfully took him in handcuffs to the Fairwater Police Station where he was unlawfully detained in custody and charged with:

- a assault with intent to resist arrest contrary to section 38 of the Offences against the Person Act 1861.
- b having an offensive weapon without lawful authority or reasonable excuse contrary to section 1(1) Prevention of Crime Act.
- c being a person whom a Constable had reasonable excuse to believe had committed an offence in relation to the use of motor vehicle on a road failed to supply details to the Constable of his name and address and the name and address of the owner of the vehicle contrary to section 165(3) Road Traffic Act 1981.

and the Crown Prosecution service subsequently, on or about 30 July 1993 discontinued proceedings against the Plaintiff in relation to (a) and (b) above (refer to paragraph 8.6 above

- iii) On 22nd September 1993 the Defendant, by an officer, stopped the Plaintiff at St Nicholas Road, South Glamorgan without giving any lawful reason for his action. He was required to produce his motoring documents which he did at Barry Police Station. Nevertheless on 4th October 1993 he was charged with having no licence. Such charge was subsequently withdrawn (refer to paragraph 8.9 above).
- iv) On 1st October 1993 the Plaintiff was stopped by an officer of the Defendant whilst driving a Triumph Spitfire and on 3rd October 1993 was wrongfully charged with driving such vehicle whilst disqualified from holding or obtaining a driving licence contrary to section 103(1)(b) Road Traffic Act 1988 and with using the said car without insurance contrary to section 143(2) of the Road Traffic Act 1998. Such charges were subsequently withdrawn.
- v) On 3rd October 1993 the Plaintiff was stopped by an officer of the Defendant whilst riding a BMW Motorcycle and was wrongfully

charged with driving the said motor cycle whilst disqualified from holding or obtaining a driving licence contrary to section 103(1)(b) road traffic act 1988 and with using the said motor cycle without insurance contrary to section 143(2) of the Road Traffic Act 1988. such charges were subsequently withdrawn.

- vi) On 4th October 1993 the Plaintiff, when driving away from the he Police Station, having been detained overnight, was again stopped and charged with driving without insurance contrary to section 143(2) of the Road Traffic Act 1988 and driving whilst disqualified from holding or obtaining a driving licence contrary to section 103(1)(b) Road Traffic Act 1988. Such charges were subsequently withdrawn.
- vii) On 15th December 1993, the Plaintiff having been stop and required to produce his motoring documents and having produced them, was unlawfully charged with failing to produce such documents. Such charge was subsequently withdrawn.
- viii) On 9th August 1994 the Plaintiff was stopped by PC Kerslake who, after assaulting him, arrested him, detained him and falsely charged him with driving without insurance. Such charge was subsequently withdrawn.
- ix) On 9th August 1994 the Plaintiff, when seeking his dog at the police station, was manhandled by one Inspector Davies and pushed or dragged on to the door of the Coroner's Officer's car coming into contact with the door mirror. The Plaintiff was then wrongfully charged with criminal damage. Such charge was subsequently withdrawn.
- x) In May 1995 the Plaintiff was stopped and detained by the Defendant's officers in Barry and require to produce his driving documents, which he did. He was charged with failing to produce and found Not Guilty (Police Ref 33139/A)

- xi) On 12th May 1996 the Plaintiff was stopped and charged with using a motor vehicle on a road without insurance contrary to section 143(2) of the Road Traffic Act 1988, driving without due care and attention and crossing a solid white line. The Plaintiff was convicted in the magistrates court and the conviction in respect of driving without insurance was quashed on appeal as the Plaintiff had, to the knowledge of the Defendant, a valid insurance at all times.

10. Further it is alleged and averred that the Defendant has falsely imprisoned the Plaintiff on the dates hereinafter set out:

- i) The Defendant was unlawfully detained in custody from 14.20 on 20th May 1993 until 10.35 on 21st May 1993, or thereabouts (refer to paragraph 8.6 and 9(ii) above).
- ii) The Defendant was unlawfully detained in custody on 3rd October 1993 between 17.40 and 19.50 or thereabouts (refer to paragraphs 8.11 and 9(v) above).
- iii) The Defendant was unlawfully detained in custody on 4th October 1993 between 07.50 and 14.30 or thereabouts (refer to paragraph 8.12 and 9(vi) above).
- iv) The Defendant was unlawfully detained in custody on 9th August 1994 between 08.00 and 12.45 or thereabouts (refer to paragraphs 8.15 and 9(viii) above).
- v) The Defendant was unlawfully detained in custody on 9th August 1994 between 13.00 and 16.00 or thereabouts. (Refer to paragraphs 8.16 and 9(ix) above).
- vi) The Defendant was unlawfully detained in custody on 10th August 1994 or thereabouts (refer to paragraph 8.17) above.

11. PARTICULARS OF COST

These details will be disclosed on discovery.

See schedule attached.

12. The Plaintiff therefore claims of the Defendants

- a) Damages
- b) Exemplary Damages
- c) Special Damages
- d) Costs
- e) Interest pursuant to Section 69 of the County Court Act 1984

13. PARTICULARS OF NEW CLAIMS SINCE THIS CAUSE LAST AMENDED
AND SUBJECT TO PARAGRAPH 11 AND 12

13.1a On or about 9 February 1995 the defendant maliciously and without reasonable and probable cause laid an information before local magistrates for the county of Barry sitting at Barry Magistrates against the plaintiff of being pilot in command of a British Registered Aircraft and conducting a flight contrary to the Prevention of Terrorism Act 1989 (Temporary Provisions).

b And procured the said magistrates to issue a summons directed to the plaintiff requiring him to appear before the said magistrates court to answer the said information.

c The defendant knew that clearance had been given for the flight to Eire and so acted partly due to information of an informant known to the defendant.

d The plaintiff duly appeared before the said magistrates' court and the Defendant knowingly committed perjury and presented a falsified

document which caused the Crown Prosecution Service from London to immediately withdraw the action, despite the plaintiff's protestations thus preventing the plaintiff to acquire still further evidence of a conspiracy to pervert the course of justice involving other officers and the informant.

e The Stipendiary Magistrate dismissed the action despite the plaintiff's pleadings.

f In consequence of the matters aforesaid, the plaintiff was injured in his reputation and was put to considerable trouble, inconvenience, anxiety and expense and has suffered loss and damage.

Particulars of Special Damage

Set out in full after the civil action against Bobbetts Mackan, Solicitors, holding the files of evidence is successful, when the plaintiff has submitted to the blackmail paying the above exorbitant sums of money for work not done, the work being done being both negligent and possibly in conspiracy with others or as the court so directs.

13.2a On or about May 1996 the defendant maliciously and without reasonable and probable cause caused the plaintiff to stop his motor vehicle and produce driving documents and laid an information before local magistrates for the county of Barry sitting at Barry Magistrates court against the plaintiff of various road traffic offences including driving without due care and attention, crossing a single white line and driving without insurance contrary to the relevant road traffic acts.

b And procured the said magistrates to issue a summons directed to the plaintiff requiring him to appear before the said magistrates court to answer the said information.

c The Defendant knew that the plaintiff crossed the white line at below ten miles per hour to avoid an elderly cyclist and caused no incident of driving without due care and attention, driving without insurance, driving without current MoT certificate, the defendant failing to procure witnesses or investigate complaints made by the plaintiff within a few minutes of the said incident.

- d The plaintiff duly appeared before the said magistrates' court and the said court, after the summary trial of the said information, found in favour of the defendant's causing the plaintiff's licence to be suspended.
- e The Plaintiff duly appealed to the Crown Court, the latter finding in favour of the plaintiff on all charges.
- f In consequence of the matters aforesaid, the plaintiff was injured in his reputation and was put to considerable trouble, inconvenience, anxiety and expense and has suffered loss and damage.

Particulars of Special Damage

Set out in full after the civil action against Bobbetts Mackan, Solicitors, holding the files of evidence is successful, when the plaintiff has submitted to the blackmail paying the above exorbitant sums of money for work not done, the work being done being both negligent and possibly in conspiracy with others or as the court so directs.

13.3a On or about January 1997 the defendant maliciously and without reasonable and probable cause caused the plaintiff to stop, accusing him of not wearing a seatbelt and to produce driving documents and laid an information before local magistrates for the county of Barry sitting at Bridgend Magistrates Court against the plaintiff of charges including no wearing of seatbelt, defective rear lights, defective windscreen, defective bumper, driving without insurance, driving without current MoT certificate and failing to produce driving licence, insurance and MoT certificate contrary to the relevant road traffic acts.

- b And procured the said magistrates to issue a summons directed to the plaintiff requiring him to appear before the said magistrates court to answer the said information.
- c The defendant knew that the condition of the windscreen, the rear lights and the bumper was not in breach of the law. The defendant also knew that the plaintiff produced the relevant driving documents at a Police

Station, the duty officer of that police station communicating directly with the officer in the case, all within the statutory period for production.

d The plaintiff duly appeared before the said magistrates' court and the said court, after the summary trial of the said information found the plaintiff guilty of driving without insurance and current MoT certificate and failing to produce driving licence, insurance certificate and MoT certificate and having a defective vehicle on all counts having withdrawn the summons of failing to wear a seatbelt, the excuse for stopping the plaintiff in the first place. The magistrates imposed a six month ban with immediate effect due to the totting up points procedure despite this appeal and another appeal (paragraph 13.2 above) already lodged with the Courts.

e The Crown Court found in favour of the plaintiff on all charges on both appeals, the court hearing evidence that the police officer in this action had had a conversation with another supporting the fact that the plaintiff's driving documents had been produced in accordance with the law. Further, at the Crown Court the presiding judge reprimanded the police officer for knowingly altering the police copy of the originally issued HORT 1 to support a conviction.

f In consequence of the matters aforesaid, the plaintiff was injured in his reputation and was put to considerable trouble, inconvenience, anxiety and expense and has suffered loss and damage.

Particulars of Special Damage

Set out in full after the civil action against Bobbetts Mackan, Solicitors, holding the files of evidence is successful, when the plaintiff has submitted to the blackmail paying the above exorbitant sums of money for work not done, the work being done being both negligent and possibly in conspiracy with others or as the court so directs.

13.4a On or about October 1997 the defendant forwarded to the plaintiff information relating to an alleged speeding offence, caught on camera, seeking the identity of the driver of the plaintiff's registered vehicle.

b The plaintiff duly identified the driver supplying his name and address.

- c The defendant maliciously and without reasonable and probably cause laid an information before local magistrates for the county of Barry sitting at Barry Magistrates Court against the plaintiff relating to a traffic offence at St Nicholas, Vale of Glamorgan.
- d And procured the said magistrates to issue a summons to the plaintiff requiring him to appear before the said magistrates court to answer the said information of exceeding a thirty mile per hour speed limit.
- e The defendant knew, prior to the hearing, that the plaintiff was not the driver, both the photograph and the plaintiff having identified the driver of the plaintiff's registered vehicle and the defendant taking no action to contact the said driver, known to them.
- f The plaintiff duly appeared before the said magistrates' court and the said court, adjourned the matter, part heard, for the plaintiff to produce information.
- g At a subsequent magistrates hearing information was heard that led to the defendant withdrawing the action. The plaintiff arrested the lawyer for perverting the course of justice asking the defendant to seize the court file and prosecution file.
- h The defendant refused to seize the file, take statements or properly investigate the information laid by the plaintiff.
- i In consequence of the matters aforesaid, the plaintiff was injured in his reputation and was put to considerable trouble, inconvenience, anxiety and expense and has suffered loss and damage.

Particulars of Special Damage

Set out in full after the civil action against Bobbetts Mackan, Solicitors, holding the files of evidence is successful, when the plaintiff has submitted to the blackmail paying the above exorbitant sums of money for work not done, the work being done being both negligent and possibly in conspiracy with others or as the court so directs.

13.5a On or about 16 March 1998 the defendant maliciously and without reasonable and probable cause stopped the plaintiff in his vehicle on the pretext of an alleged driving offence. The plaintiff was arrested and detained in custody after an alleged positive road side breath test. The plaintiff was then reported for driving without due care and attention and released from custody. The plaintiff was made to produce his driving documents.

b All proceedings were withdrawn in the plaintiff's favour.

c The Defendant knew that the plaintiff had not committed a traffic offence to cause him to be stopped, the plaintiff having previously stopped at the site of the alleged offence for a car accident to offer medical assistance until the ambulance arrived.

d The defendant knew that the plaintiff had no indication of having consumed alcohol or drugs, had not failed a roadside breath test and had refused the plaintiff a breath test at the police station.

e In consequence of the matters aforesaid, the plaintiff was injured in his reputation and was put to considerable trouble, inconvenience, anxiety and expense and has suffered loss and damage.

Particulars of Special Damage

Set out in full after the civil action against Bobbetts Mackan, Solicitors, holding the files of evidence is successful, when the plaintiff has submitted to the blackmail paying the above exorbitant sums of money for work not done, the work being done being both negligent and possibly in conspiracy with others or as the court so directs.

13.6.a At the Vale of Glamorgan Agricultural Show on the 19 August 1998 the defendant refused to take a statement of complaint of the plaintiff being assaulted by Davies and Turner.

b The plaintiff was maliciously and without reasonable and probable cause illegally arrested at the scene.

- 1) The plaintiff was illegally detained including the use of CS gas in his face.
- 2) The plaintiff was illegally detained in custody throughout the night, requesting at regular intervals the reason for his original detention and the reason for his continuing detention contrary to the regulations. He was given no explanation.
- 3) In custody the plaintiff was refused a copy of the charge sheet.
- 4) In Barry Magistrates on the 20 August 98 the plaintiff was refused a copy of the charge sheet.
- 5) In Barry Magistrates on the 20 August 98 the court told the plaintiff it was for the defendant to tell the plaintiff why he was arrested and kept overnight in a police cell.
- 6) Whatever information was before the Magistrates, the Clerk of the Court, in the absence of the plaintiff persuaded the defendant to withdraw it stating that the plaintiff was likely to deny it if put to him leading to a mandatory prison sentence.
- 7) In Barry Magistrates the plaintiff said 'if I am being released why was I detained?' he received no reply.
- 8) In Barry Magistrates the defendant made no statement.
- 9) In Barry Magistrates no mention of bail or recognisance's were mentioned by anyone.
- 10) The plaintiff left Barry Magistrates believing the matter to be over where the defendant was concerned.
- 11) The plaintiff left Barry Magistrates to prepare yet another record of false imprisonment and act of harassment by the South Wales Police.
- 12) The plaintiff left Barry Magistrates not knowing then that there had been a meeting of freemasons including Mr A G Thomas, show organiser, security guards involved in the incident and the Head of the Barry Police force, Colin Jones, a fellow member of a secret society, where the incident was discussed at length.
- 13) On the 2 October 98 the plaintiff received a letter from the Bridgend Court stating a hearing date of the 29 October but with no indication as to its reason.
- 14) On the 29 October a hearing took place in the plaintiff's absence with three new charges now before the court and

known to the prosecution witnesses present. ~

- 15) The plaintiff did not attend due to his prolonged stay in Llandough hospital.
- 16) The plaintiff attended Bridgend Magistrates on the 7 January 1999 and overheard the defendant say in the foyer they would hand him something once he was in court.
- 17) During court proceedings the plaintiff was handed for the first time the three new charges.
- 18) The plaintiff asked the Clerk of the Court to make notes in a bound book of his applications and refusals and to take contemporaneous notes of the defendant's excuses as to why they had deliberately delayed notifying an accused person.
- 19) The Clerk of the Court refused but wrote a lot of notes on little yellow tags generally used for marking pages.
- 20) The defendant told the court that they were served on the 27 November on the plaintiff at his veterinary hospital in Barry. This was a deliberate lie being a date the plaintiff would not have forgotten.
- 21) The clerk of the court noticed they were original documents.
- 22) The defendant then back tracked saying they had difficulty in serving the summons' on the plaintiff because he had been in hospital. This was a deliberate lie.
- 23) The case proceeded with the defendant withholding witness statements applied for by the plaintiff despite him having previously applied, the defendant either denying they existed or were not relevant.
- 24) The plaintiff reminded the court, as he did in the Crown Court on the 22 April 1999, the obligations of the court and prosecution under **Article 6 of the European Charter of Human Rights**.
- 25) The defendant deliberately withheld the charges from the plaintiff for about five months, taking from statements in December, some of which were denied or withheld in open court.
- 26) The plaintiff was asked if he had any witnesses to be called, his reply being how could he if it was only now that he was aware of the alleged offences?

- 27) The case proceeded with no attempts to allow the plaintiff to take legal advice or seek witnesses relevant to the incident. The defendant stating that he'd had ample time to seek, interview and summons witnesses for the hearing.
- 28) (At the original incident the plaintiff had asked the general public to call the defendant because he had been assaulted by Davies and then Turner and asked the crowd to be witnesses and to put themselves forward to the defendant when they arrived).
- 29) The plaintiff left the court part heard having established evidence on oath by a number of witnesses that he had been assaulted by Davies (ex police inspector) and Turner.
- 30) The plaintiff wrote to the Bridgend Court on the 4 February 1999 applying for clarification in the matter but was refused any information before the continuation of the hearing on the 2 March 1999.
- 31) The plaintiff made a statement of complaint to the defendant on 11 January 1999 including complaint of perversion of justice, assault and perjury.
- 32) The defendant has refused to investigate and tried their usual ploy of 'treacle treatment' by first denying they had received the plaintiff's statement of complaint sent and recorded deliberately by a third party.
- 33) On the 2 March 1999 the case proceeded, the clerk of the court again refusing to record his applications and refusals.
- 34) The plaintiff attempted to make an application for witness summons' to be issued and for an adjournment to interview and take statements from witnesses at the scene and the custody officer, security guards not called and the clerk of the Barry Magistrates - the plaintiff was refused the right to make any applications at all, the court saying he could only do it after the end of evidence.
- 35) The defendant supported the magistrates telling the court that the plaintiff was deliberately delaying proceedings with Turner waiting to give further evidence.
- 36) This was a deliberate conspiracy to pervert the course of justice.

- 37) Turner had only been recalled because, on cross examination, it was established he had taken contemporaneous notes now in the possession of the police when making his written statement in September and his extra statement in December.
- 38) The court refused the plaintiff a copy of those notes that were materially different to that of his evidence in chief and cross examination evidence.
- 39) During the court hearing the defendant referred to their note books and the plaintiff was promised a copy of them before the end of the days proceedings.
- 40) The plaintiff only received them a few days before the appeal. (Received 17 April).
- 41) Both police officers confirmed the correct procedures when arresting and detaining an accused.
- 42) Both police officers could not give an explanation why the plaintiff had not been told the reason for my detention overnight in a police cell.
- 43) When the three different charge sheets made exhibits by the plaintiff, as the charged person and the offence relating to public order the defendant in the case being Walters neither he nor the Inspector could explain why they were all different and why the court record at Barry showed that there were no continuation charges from the incident for which they had now given evidence.
- 44) Neither police officer was re-examined on the matter leaving no doubt in the court that the procedure in custody (notifying prisoners rights, giving the plaintiff a charge sheet etc.) nor the conduct in the Barry Court was legal.
- 45) Despite the two police confirming the illegal conduct the case proceeded, the plaintiff having warned the court in advance by letter of 4 February and his applications on the first day that this would be proved.
- 46) At 3.40 the plaintiff made a submission of No Case to Answer which was not accepted.
- 47) At 4.35 the plaintiff made application for above witnesses to be interviewed or called to give evidence. All were refused.
- 48) The plaintiff was convicted on all charges with costs against

him.

- 49) On the 30 March the plaintiff received a letter from Cardiff Crown Court dated 24/3/99 asking for his appeal documents.
- 50) The Bridgend Magistrates refused to supply the plaintiff with the exhibits or a list of the prosecution and defence exhibits in the hearing. Confirmed in writing on 12 April 1999.
- 51) On the 21 April the plaintiff received his first notification of a hearing date for the Appeal less than 24 hours before.
- 52) The prosecution outlined the case stating '*detention was authorised to prevent a further breach of the peace*'.
- 53) The plaintiff made an application that he could not be tried twice for the same offence and that the defendant from the very outset of the incident deliberately conspired to pervert the course of justice.
- 54) The defendant lied when they said there were no proceedings in Barry Magistrates.
- 55) Defendant adjourned despite the plaintiff's application to the contrary.
- 56) They returned to say the Barry proceedings was a separate matter.
- 57) This was the very first time the defendant have spoken about the cause of my custody and under what charge the plaintiff was detained, other than the clerk of the court saying these were new charges (on appeal) the defendant now withdrawing an original charge. (During the Bridgend proceedings the plaintiff extracted three versions in writing made as exhibits).
- 58) The defendant when pressed by the Judge admitted they had record of the plaintiff being detained in custody, appearing in Barry Magistrates and being **released on bail**.
- 59) The plaintiff asked the court to seize that record before it was destroyed. The plaintiff was refused.
- 60) The judge pressed the defendant and asked if this was a separate incident, the defendant responding they are 'one in the same'. The plaintiff said he was a 'bloody fool'.
- 61) The defendant was unable to tell the court what the plaintiff was in Barry court for.
- 62) A deliberate lie to pervert the course of justice.

63) The judge stopped proceedings against the plaintiff's wishes which will give the defendant the opportunity to conspire with court officials and the police to concoct a defence and destroy the very records that the plaintiff was entitled to as a prisoner and from his applications in all three courts.

64) The plaintiff has failed to establish what information was before the Barry Magistrates on 20 August 1998 because the defendant has maliciously obstructed justice.

- c The defendant procured the said magistrates to issue something directed to the plaintiff requiring him to appear before the said magistrates court on 20 August 1999 to answer the said something, whatever it was but not known to the plaintiff.
- d The plaintiff duly appeared before the said magistrates' court and the said court, after the summary trial of the said something, accepted the withdrawal of something by the defendant, refusing the plaintiff costs.
- e The defendant continued to conduct an Abuse of Process hearing even in the Crown Court deliberately conspiring with agents namely the Crown Prosecution Service, police officers and an ex police officer to pervert the course of justice.
- f For example, the evidence given on oath by the defendant's solicitor relating to a purported complaint leading to the plaintiff's appearance before Barry Magistrates on the 20 August 1998 portrays the malicious conduct of the defendant's barrister and string of CPS witnesses in an attempt to hide the truth and protect members of their profession.
- g During the Crown Court hearing of May 1999 Davies again assaulted the plaintiff but the defendant again made no attempt to take statements or cause a proper investigation.
- h In consequence of the matters aforesaid, the plaintiff was personally injured and injured in his reputation and was put to considerable trouble, inconvenience, anxiety and expense and has suffered loss and damage.

13.7a On Sunday 4 July 1999 the defendant maliciously and without reasonable and probable cause scrambled a police helicopter to chase the plaintiff's British Registered Aircraft, registration G-KIRK, inside a Class D Air traffic Control zone.

b The said helicopter flew within such a distance as to be in breach of Article 55 and 56 of the Air Navigation Order 1996. After the plaintiff's aircraft had landed the defendants continued to be in breach of the law including 5(i)e of the Rules of the Air, ANO 1996 having no reasonable or probable cause to so endanger the plaintiff or his aircraft or conduct a flight within 500ft of the plaintiff or his aircraft. The defendants were also in breach of the regulations laid down in the police air operations certificate.

c Further, Air Traffic Control Cardiff were instructed not to inform the plaintiff of the close proximity of the said helicopter and were instructed not to pull the tapes as requested by the plaintiff to support this claim of continuing police harassment.

d The defendant had no reasonable or probable cause to so endanger the plaintiff or his aircraft and that the defendant wrote a letter to the plaintiff dated 2 September 1999 which was false and that the plaintiff suffered personal injury, loss and damage as a result.

e In consequence of the matters aforesaid, the plaintiff was injured in his reputation and was put to considerable trouble, inconvenience, personal danger and has suffered loss and damage.

13.8a On 8 August 1999 the defendant maliciously and without reasonable and probable cause caused the plaintiff to be arrested for supplying a positive specimen of breath at the roadside.

b The defendant, upon receiving two specimen's of breath at the police station with two zero measurements from the plaintiff, proceeded to falsely imprison the same whilst the arresting officer returned to the

plaintiff's vehicle on the purported excuse of needing the registration number.

- c The defendant ordered that the plaintiff bring to the police station, within the statutory period, his certificates of insurance and MoT.
- d The defendant laid an information before local magistrates for the county of Barry sitting at Barry Magistrates Court against the plaintiff of failing to comply with a red light signal, driving without insurance and Mot Certificate and failing to produce insurance and MOT certificate
- e And procured the said magistrates to issue a summons directed to the plaintiff requiring him to appear before the said magistrates court on 12 November 1999 to answer the said information.
- f The defendant knew that the plaintiff had no indication of having consumed alcohol or drugs.
- g The plaintiff duly appeared before the said magistrates' court and the said court after the summary trial, of the said information and pleaded Not Guilty to the charges. Despite the plaintiff wishing to proceed at that time, the magistrates adjourned the matter to be heard at another court, the Clerk indicating that it would be of benefit to the plaintiff, he being known to the magistrates. The plaintiff is also known to the magistrates at the alternative court, Bridgend.
- h In consequence of the matters aforesaid, the plaintiff was injured in his reputation and was put to considerable trouble, inconvenience, anxiety and expense and has suffered loss and damage.

13.9a On 1 December 1995 the defendant maliciously and without reasonable and probable cause stopped the plaintiff in his vehicle. The defendant refused to give the plaintiff any explanation. The defendant then forced entry into the vehicle and demanded a roadside breath test. The plaintiff was arrested and cautioned for failing to give a breath test, the plaintiff now spoke repeating all the conversation that had been uttered asking that it be taken down and used in evidence.

- b The plaintiff was denied medical attention or served his rights but instead manhandled into a drunk cell.
- c Two specimens of breath were taken by the custody officer, the plaintiff being refused a copy of his custody records and the analysis, the latter recording two zero measurements.
- d The plaintiff was ordered to leave the police station and to take his insurance and MoT certificates to either Llantwit Major or Barry police station, he having produced his driving licence.
- e The defendant knew the plaintiff before the alleged offence, of failing to supply a specimen of breath, knowing no traffic offence had occurred nor had the plaintiff refused to supply a specimen of breath at the roadside.
- f The defendant knew the plaintiff had no indication of having consumed alcohol or drugs
- g The defendant caused the plaintiff to be deprived of the motor vehicle - since the incident.
- h In consequence of the matters aforesaid, the plaintiff was injured in his reputation and was put to considerable trouble, inconvenience, anxiety and expense and has suffered loss and damage.

20 December 1999

BETWEEN:

Maurice John Kirk

Plaintiff

and

South Wales Constabulary

Defendant

SCHEDULE OF SPECIAL DAMAGES

8.2	Loss of use of car - two months. Hire car - eight weeks	£800.00
	Loss of use of mobile telephone	£300.00
	Letters 8 @ £10	£80.00
	Telephone calls 19 @ £5 each	£195.00
	Paid agent, time and expenses, travel from Barry to Chepstow (4 hours per trip) to collect car. First visit, defendants refused to hand over car	£150.00
	When car collected	£150.00
	Repair to ignition system	£25.00
8.3	Visit to produce documents at Barry PS (40 minutes)	£60.00
	Telephone calls 8 @ £5	£40.00
	Letters 4 @ £10	£40.00
	Loss of work?	
	Prepare for trial - 7½ hours at £60 per hour	£450.00
8.4	Telephone calls 6 @ £5	£30.00
	Letters 2 @ £10	£20.00
	Damage to door/lock/frame	£210.00
8.5	Attend Barry Magistrates x 2 times - £60 per hour	
	1)	£100.00
	2)	£120.00

Attend Cardiff Crown Court, trial and waiting time	£180.00
Two Witness expenses, Scott Parry and representatives of the tyre company	£220.00
8 letters written	£80.00
Telephone calls 12	£60.00
Locum tenens for court - two days at £150 per day	£300.00
Prepare for trial and appeal - £60 per hour	£800.00

8.6 Locum tenens 4 days (whilst Plaintiff was in Cardiff Prison £600.00	
Accommodation for locum	£100.00
Estimated damage to BMW motorcycle	£280.00
Collection and inspection of motorcycle	£245.00
Loss of motorcycle for four days at £25 per day	£100.00
Letters 8	£80.00
Telephone calls 18	£90.00
Prepare for trial including support staff for four hearings	£800.00

8.8 Letter	£25.00
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8.9 Preparation for trial and attending trial - 6 hours	£350.00
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8.10

8.11 Preparation for trial - 5½ hours	£325.00
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8.12 Preparation for trial at Magistrates Court	£300.00
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8.13 Depreciation of damage to cycle due to delay	£422.00
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8.14 Preparation for trial and attending hearing	£325.00
Telephone calls 6	£30.00

8.16 Unlawful detention on two days - 8 a.m. to 4 p.m. = 12 hours
and 10 a.m. to 1 p.m. = 3 hours at £80 per hour £880.00

8.18 Repair one window	£84.20
2 doors (smashed) and frames	£310.10
Paint and materials	£14.54

8.22	Loss of ambulance with contents Telephone calls 6	£2200.00 £30.00
8.23	Preparation for trial, 2½ Attend court. Locum tenens, one day	£200.00 £150.00
8.24	Theft of citreon (C86 NAN) Police refusal to release name of thief (caught) Car value	£2,000.00
8.25	a) Damage to property by police Shelter door (crow barred)	£480.00 plus vat
	b) Damage by A Gafael:-	
	i) ceiling/electrics water damage	£622.00 plus
	ii) Broken window/door	£124.00 plus VAT
	iii) Clean eggs/paint off walls, windows, doors	£132.00
	c) Loss of use of flat (2 months)	£320.00
	d) Locum £150 per day	£300.00
	e) Publicity	£3000.00
	f) My loss of work	£2000.00
8.26		
8.27	Repair to spit fire	£450 (?)
8.28	Value of Propellor	£1500
8.29	The amount of fine and costs imposed by the Court.	

Bobbeys Mackan
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Bristol BS8 1HP
Solicitors for the Plaintiff

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PARAGRAPH 8.19

PARTICULARS OF CLAIM FOR PERSONAL INJURIES

The plaintiff sustained 2 visible bruises each measuring 4" x 2" to the lower lumbar region of the back with partial paralysis of both legs for 24 hours. The plaintiff also suffered pain from the torn ligaments and fibres of the epaxial musculature in that area.

The plaintiff was in a non ambulatory state requiring his transportation to the Cardiff Royal Infirmary by ambulance.

The plaintiff was discharged later that day and was unable to work in his capacity as principal of the practice for one week.

The plaintiff required co-dydramol by mouth, three times a day for seven days.

The plaintiff still suffers intermittent back pain in the lumbar area six or seven times a year for a period of two to three days, on each occasion requiring various analgesics by mouth.

It is anticipated that there will be permanent disability to the plaintiff's spine and that there may well develop some post traumatic arthritis in the future.

Shock, pain, suffering.

PARAGRAPH 8.21

PARTICULARS OF CLAIM FOR DAMAGE TO PROPERTY

Item	Value
Two chairs at £40.00 each	£80.00
Repairs to front Bay window, louvered windows and kitchen window, including labour and VAT	£332.18
TOTAL AMOUNT	£412.18

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Maurice v South Wales Police

2nd Action

IN THE CARDIFF COUNTY COURT
BETWEEN:

Claim No. CF 101741

MAURICE JOHN KIRK

Claimant

and

THE CHIEF CONSTABLE OF THE SOUTH WALES CONSTABULARY
Defendant

AMENDED PARTICULARS OF CLAIM

1. The Defendant is and was at all material times the Chief Officer of the South Wales Constabulary and the police officers hereinafter referred to were at all material times acting under the direction and control of the Defendant in the performance or purported performance of their functions.
- 2.1 On or about 9th February 1995 a police officer or officers laid an information against the Claimant at Barry Magistrates Court alleging that, whilst a pilot in command of a British registered aircraft, he had conducted a flight contrary to the provisions of the Prevention of Terrorism (Temporary Provisions) Act 1989.
- 2.2 A summons was issued against the Claimant and he appeared on a number of occasions before the Barry Magistrates Court to answer the charge.
- 2.3 On or about 12th May 1997 the prosecution was determined in the Claimant's favour at

Barry Magistrates' Court and he was found not guilty of the charge.

- 2.4 The prosecution of the Claimant was instituted and continued by police officers maliciously and without reasonable and probable cause.

Particulars

1. On the night before he made his flight from Cardiff to Weston near Dublin in about January 1995 the Claimant informed a special branch officer by telephone of his intended flight and was given clearance therefor.
 2. The Claimant filed a flight-plan in the course of his flight to Ireland.
 3. On his return from Ireland the following day the Claimant informed a special branch officer at the Cardiff airfield of his return.
 4. There was no evidence that the Claimant had committed the offence with which he was charged and the police officers had no reasonable and probable cause for belief in the Claimant's guilt.
- 3.1 On or about 12th May 1996 a police officer or officers laid an information against the Claimant at Barry Magistrates Court alleging a number of traffic offences, including that he had crossed a barrier line, driven on a public road without due care and attention and without proper insurance cover.
- 3.2 As a result summonses were issued against the Claimant. He pleaded guilty to the charge of crossing a barrier line, but contested the other two charges.
- 3.3 On the basis of evidence from police officers on or about 21st January 1997 the magistrates at Barry convicted the Claimant on all charges and suspended his driving licence.
- 3.3 On or about 6th February 1998 the prosecution was determined in the Claimant's favour

when his appeal to the Cardiff Crown Court was allowed.

- 3.4 The prosecution of the Claimant was instituted and continued by police officers maliciously and without reasonable and probable cause.

Particulars

Apart from the offence to which the Claimant pleaded guilty, there was no evidence that the Claimant had committed the offences with which he was charged and the police officers had no reasonable and probable cause for belief in his guilt.

- 4.1 In about **January 1997** P.C. Roche stopped the Claimant as he was driving his Ford Orion on the Link Road in Barry, purportedly on the ground that he was not wearing a safety belt. Thereafter they laid an information against the Claimant at Barry Magistrates Court alleging a number of traffic offences, including that he had failed to wear a seatbelt; that his motor vehicle had defective rear lights, windscreen and bumper; that he was driving without insurance and without MoT certificate; and that he had failed to produce his driving licence, proof of insurance and proof of MoT certificate.
- 4.2 As a result summonses were issued against the Claimant. The charge of failing to wear a seatbelt was subsequently withdrawn.
- 4.3 On the basis of evidence from police officers the magistrates at Bridgend convicted the Claimant on all charges and imposed a six month ban on the Claimant.
- 4.3 The prosecution was determined in the Claimant's favour when his appeal to the Cardiff Crown Court was allowed.
- 4.4 The prosecution of the Claimant was instituted and continued by police officers

maliciously and without reasonable and probable cause.

Particulars

1. The police officers knew that the Claimant's vehicle was not defective as alleged and further knew that he had produced the relevant driving documents to the Duty Officer at Ely Police Station within seven days.
 2. There was no evidence that the Claimant had committed the offences with which he was charged and the police officers had no reasonable and probable cause for belief in the Claimant's guilt.
-
- 5.1 In about **October 1997** the Claimant received a notice requiring him to identify the person driving his Escort van on a highway near St Nicholas, Vale of Glamorgan, which was allegedly exceeding the speed limit when photographed by a speed camera.
 - 5.2 The Claimant duly supplied the information required, including the name of the driver, one Kevin Fairman.
 - 5.3 Thereafter a police officer or officers laid an information against the Claimant at Barry Magistrates Court relating to the alleged traffic offence. As a result, the magistrates issued a summons against the Claimant.
 - 5.4 The prosecution was determined in the Claimant's favour when the summons was withdrawn at Barry Magistrates Court.
 - 5.5 The prosecution of the Claimant was instituted and continued by police officers maliciously and without reasonable and probable cause.

Particulars

1. The police officer or officers knew that the Claimant was not the driver of his car at the time of the alleged traffic offence.

2. There was no evidence that the Claimant had committed the offence with which he was charged and the police officers had no reasonable and probable cause for belief in the Claimant's guilt.

- 6.1 On or about 16th March 1998 the Claimant was stopped by P.C. Holmes whilst driving in Southey Street, Barry and required to provide a breath sample.
- 6.2 Although the Claimant had not been drinking he was arrested at about 13.00 on the ground that the breath sample was positive. He was taken to Barry Police Station, where a further breath test was negative. He was released from custody at about midnight.
- 6.3 The arrest and detention of the Claimant were unlawful.

Particulars

1. There were no reasonable grounds to suspect that the Claimant was probably guilty of the offence for which he was arrested.
 2. The decisions to arrest and detain the Claimant were such as no reasonable police officer would have reached.
-
- 7.1 On or about 4th July 1999 the Claimant was a passenger in his light aircraft, which was being piloted by Andrew Ashe and flying towards his airstrip at St Donats.
 - 7.2 When the aircraft was about five miles from the airstrip a police helicopter flew up close behind it and moved from left to right and then above the aircraft.
 - 7.3 The helicopter followed the aircraft in close formation until it landed and then hovered above it for some minutes.
 - 7.4 There was no good reason for the police officers in the helicopter to have conducted

themselves in this manner.

- 8.1 At about 18.15 on 8th August 1999 the Claimant was stopped by police officers driving a marked police vehicle as he drove along the Pontyprydd Road in Barry. The reason given for stopping him by P.C. Abi Brown was that he had driven through a red traffic light.
- 8.2 P.C. Brown required the Claimant to provide a breath sample and then arrested him on suspicion of driving with excess alcohol.
- 8.3 The Claimant was taken to Barry Police Station, where a further breath test was negative, but he continued in detention until about an hour later.
- 8.4 The arrest and detention of the Claimant were unlawful.

Particulars

1. There were no reasonable grounds to suspect that the Claimant was probably guilty of the offence for which he was arrested.
 2. The decisions to arrest and detain the Claimant were such as no reasonable police officer would have reached.
 3. The Claimant was detained at Barry Police Station in breach of the Police and Criminal Evidence Act 1984 and for longer than was reasonably necessary.
- 8.5 P.C. Brown reported the Claimant for failing to produce his insurance and MoT certificates, driving without insurance and MoT, and failing to comply with a red traffic signal.
- 8.6 In consequence summonses were issued requiring the Claimant to attend at Barry Magistrates Court. At a subsequent trial at Bridgend Magistrates Court the Claimant was convicted.
- 8.7 The prosecution was determined in the Claimant's favour when the convictions were

overturned on appeal to the Cardiff Crown Court.

- 8.8 The prosecution of the Claimant was instituted and continued by police officers maliciously and without reasonable and probable cause.

Particulars

There was no evidence that the Claimant had committed the offences with which he was charged and the police officers had no reasonable and probable cause for belief in the Claimant's guilt.

- 9.1 At about 23.00 on 1st **December 1999** as the Claimant was driving his BMW motor vehicle through Llantwit Major the Claimant was stopped by a vehicle occupied by PC Kihlberg and PC Humphreys.
- 9.2 On of the officers thereafter smashed the nearside rear window of the Claimant's car with his truncheon and arrested the Claimant for failing to provide a breath sample.
- 9.3 There was no good reason for the above police actions.
- 9.4 The Claimant was then taken to Fairweather Police Station, where two breath samples were negative. He was then served with a HORT1 form, requiring him to produce insurance and MoT certificates in respect of his car.
- 9.5 Following his release, the Claimant had to take a taxi to his car, some 20 miles away, at a cost of £20.
- 9.6 Upon his arrival at the scene of his arrest he discovered that his car had been removed. The Claimant reported to the police that his car was missing, but the police officers failed to inform him that it had been removed to a garage near Cowbridge on the instructions of the police.
- 9.7 Upon discovering the whereabouts of his car some weeks later, the Claimant informed

the police that he had recovered the car. No steps were taken to correct the information on the Police National Computer and, as a direct result thereof, the Claimant was arrested by officers of the Avon and Somerset Constabulary on or about 23rd January 2000 on suspicion of car theft.

9.8 Further, for a period of some six weeks the Claimant was deprived of the use of the car and became liable to pay removal and storage charges of £386.57.

10.1 On the night of 23rd January 2000 the Claimant was stopped as he drove along the A4050 by a police officer and required to provide a breath sample.

10.2 There was no good reason to stop the Claimant or to require him to provide a breath sample.

11.1 At about 11.00 on 5th April 2000, whilst the Claimant's car was stationary at the intersection of Newport Road and Albany Road in Cardiff, a police officer smashed the rear passenger window for no good reason. The Claimant was thereupon removed from the car and arrested for failing to give a breath sample.

11.2 The Claimant was taken to Roath Police Station and thereafter transferred to Rumney Police Station. There he was given two breath tests at about 12.04, which were both negative. Notwithstanding the negative breath tests the Claimant was detained in custody until about 14.02.

11.3 The arrest and detention of the Claimant were unlawful.

Particulars

1. There were no reasonable grounds to suspect that the Claimant was probably

guilty of an arrestable offence.

2. The decisions to arrest and detain the Claimant were such as no reasonable police officer would have reached.
 3. The detention of the Claimant beyond 12.05 was longer than was reasonably necessary and was in breach of the provisions of the Police and Criminal Act 1984.
- 11.4 The Claimant was charged with the offences of driving without valid insurance and MoT certificates, failing to wear a seatbelt and failing to provide a breath sample.
- 11.5 In May 2002 the prosecution on the first three offences was determined in the Claimant's favour in the Magistrates Court.
- 11.6 The prosecution of the Claimant on these three offences was instituted and continued by police officers maliciously and without reasonable and probable cause.

Particulars

There was no evidence that the Claimant had committed the offences with which he was charged and the police officers had no reasonable and probable cause for belief in the Claimant's guilt.

- 12.1 At about 22.35 on **16th August 2000** P.C. Rewbridge stopped the Claimant as he drove his Ford Escort on the A473.
- 12.2 The Claimant was required to produce a breath sample and was then arrested and taken to Bridgend Police Station.
- 12.3 Two breath samples taken at the Police Station were negative and the Claimant was released at about 23.29.
- 12.4 The arrest and detention of the Claimant were unlawful.

Particulars

1. There were no reasonable grounds to suspect that the Claimant was probably guilty of the offence for which he was arrested.
 2. The decisions to arrest and detain the Claimant were such as no reasonable police officer would have reached.
- 12.5 The Claimant was served with a HORT1 form requiring him to produce insurance and MoT certificates.
- 12.6 The Claimant was subsequently charged with dangerous driving and failing to produce a valid insurance document.
- 12.7 On 11th July 2001 the prosecution was determined in the Claimant's favour at the Cardiff Crown Court when the Judge directed the jury to acquit the Claimant on all charges.
- 12.8 The prosecution of the Claimant was instituted and continued by police officers maliciously and without reasonable and probable cause.

Particulars

- There was no evidence that the Claimant had committed the offences with which he was charged and the police officers had no reasonable and probable cause for belief in the Claimant's guilt.
- 13.1 At about 19.28 on 8th September 2000 P.C. Kihlberg arrested the Claimant in Church Street, Llantwit Major for "public order".
- 13.2 The Claimant was handcuffed and taken to Barry Police Station where he was detained in custody for a number of hours.

13.3 The arrest and detention of the Claimant were unlawful.

Particulars

1. There were no reasonable grounds to believe that the Claimant was probably guilty of the offence for which he was arrested.
2. The decisions to arrest and detain the Claimant were such as no reasonable police officer would have reached.
3. The Claimant was detained at Barry Police Station for longer than was reasonably necessary and in breach of the provisions of the Police and Criminal Evidence Act 1984.

13.4 The Claimant was charged with an offence under Section 5 of the Public Order Act 1986 and he appeared at Barry Magistrates Court on a number of occasions.

13.5 The prosecution was determined in the Claimant's favour when the Crown Prosecution Service decided that it was not in the public interest for the prosecution to proceed.

13.6 The prosecution of the Claimant was instituted and continued by police officers maliciously and without reasonable and probable cause.

Particulars

1. There was no evidence that the Claimant had committed the offences with which he was charged and the police officers had no reasonable and probable cause for belief in the Claimant's guilt.
2. P.C. Kihlberg did not honestly believe that the Claimant had committed the offence for which he arrested and reported him and he was activated by spite in taking those steps.

14.1 On 13th December 2000 the Claimant was arrested by a police officer outside the

Cardiff County Court and taken to Fairweather Police Station where he was detained for about a further hour.

14.2—~~The~~ arrest and detention of the Claimant were unlawful.

Particulars

1. There were no reasonable grounds to believe that the Claimant was probably guilty of an arrestable offence for which he was arrested.
 2. The arresting officer did not state the grounds on which the Claimant was arrested.
 3. The decisions to arrest and detain the Claimant were such as no reasonable police officer would have reached.
- 14.3 On or about 20th December 2000 police officers attended the Claimant's surgery in Cowbridge Road and required him to provide a breath sample. There was no good reason for this action and the breath sample was negative.
15. The Claimant relies upon the repeated instances of unjustified police action against him, which date at least from January 1993 and which are set out in the Particulars of Claim in Case No BS 614149-MC65 and above, as evidence of malice and the absence of reasonable and probable cause.
16. Further, the actions of police officers set out above constitute harassment within the meaning of section 1 of the Protection from Harassment Act 1997 and misfeasance in public office.

17. Unless restrained by the Court police officers will continue to harass the Claimant.

18. By reason of the matters aforesaid, the Claimant has suffered loss, damage, distress, anxiety, damage to his reputation and was deprived of his liberty.

Particulars

1. Travelling costs to attend court
- b. Loss of earnings and the cost of employing replacement staff when the Claimant was required to attend court
3. Court fees and other legal costs incurred in defending charges
4. Damage to motor vehicles

The Claimant is unable to provide precise particulars of his losses and expenses until such time as his former solicitors have returned his papers.

16. Further, by reason of the matters aforesaid the Claimant is entitled to aggravated damages.

17. Further, the actions of the said police officers were arbitrary, oppressive and unconstitutional and the Claimant claims exemplary damages.

18. Further, the Claimant claims interest pursuant to Section 69 of the County Courts Act 1984 on such damages as he may recover, at such rate and for such period as the Court may deem fit.

AND the Claimant claims:

1. Damages, including aggravated and exemplary damages;
2. Interest thereon; and
3. An order that the Defendant shall not by himself or his servants or agents harass the Claimant whether by stopping him without legal justification whilst he drives on public roads or by requiring him without legal justification to provide breath samples or to produce documents or to attend at police stations and/or by arresting and detaining him without legal justification.

JONATHAN WATT-PRINGLE

The Claimant believes that the facts stated in this Amended Particulars of Claim are true.


SIGNATURE

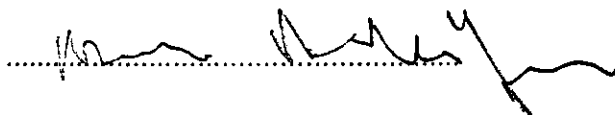
MAURICE J. KIRK

NAME

DATED this 1st day of June 2002

.....

DATED this 6 day of June 2002



Mark Auden Young

Maurice v South WalesPolice

3rd Action



Claim Form

CARDIFF
COUNTY COURT

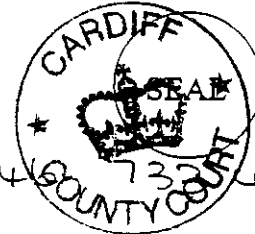
Claim No.

20441

Claimant

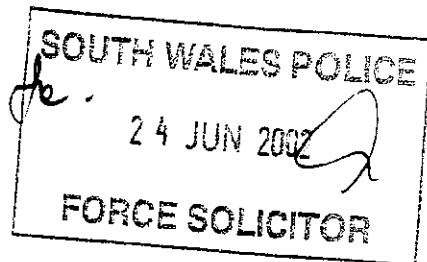
MAURICE JOHN KIRK
49153 TYNEWYDD ROAD
BARRY
VALE OF GLAMORGAN
CF62 8AZ

TEL: 01 446 732406



Defendant(s)

THE CHIEF CONSTABLE
SOUTH WALES POLICE
HEADQUARTERS
COWBRIDGE ROAD
BRIDGEND, SOUTH WALES



Brief details of claim

FALSE IMPRISONMENT
CONSPIRACY
~~MALICIOUS~~
MALICIOUS PROSECUTION
BEFORE A JURY

Kepler
Re. m.
Du.
14.06.02

Value

UP TO £50,000

Defendant's name and address

CHIEF CONSTABLE
SOUTH WALES POLICE
HEADQUARTERS
COWBRIDGE ROAD
BRIDGEND
SOUTH WALES

Amount claimed	UP TO 50,000
Court fee	350.00
Solicitor's costs	—
Total amount	
Issue date	14 JUN 2002

The court office at

2 PARK STREET, CARDIFF, CF1 1ET

is open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number NI Claim form (CPR Part 7) (10.00)

Printed on behalf of The Court Service

136

Does, or will, your claim include any issues under the Human Rights Act 1998?

☒ Yes

☐ No

Particulars of Claim (attached)(to follow)

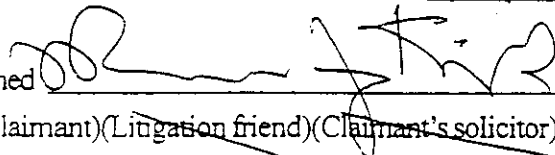
Statement of Truth

~~*(I believe)~~ (The Claimant believes) that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimant to sign this statement

Full name MAURICE JOHN KIRK

Name of claimant's solicitor's firm N/A

signed 

position or office held _____

* (Claimant) ~~(Litigation friend)~~ ~~(Claimant's solicitor)~~

(if signing on behalf of firm or company)

*delete as appropriate

14 JUNE 2002

Claimant's or claimant's solicitor's address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.

BETWEEN

CF 204141

MAURICE JOHN KIRK

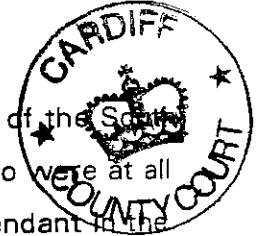
Claimant

and

THE CHIEF CONSTABLE OF SOUTH WALES CONSTABULARY

Defendant

PARTICULARS OF CLAIM



- 1.0 The Defendant is and was at all material times the Chief Officer of the South Wales Constabulary and the police officers hereinafter referred to were at all material times acting under the direction and control of the Defendant in the performance or purported performance of their functions.
- 2.1 On 19 August 1998 the Claimant attended the Vale of Glamorgan Agricultural Show as Honorary Veterinary Surgeon.
- 2.2 The Claimant was ordered to leave the showground by PC Walters.
- 2.3 The Defendant maliciously and without reasonable or probable cause, arrested the Claimant for Breach of the Peace and detained him overnight at Barry Police Station. The Claimant appeared before Barry Magistrates on 20 August 1998 and was then released without reason for the custody or for the appearance in court.
- 2.4 The Claimant next appeared before Magistrates at Bridgend on 7 January 1999 when the allegation of Breach of the Peace was withdrawn with neither explanation nor compensation.
- 3.1 On 19 September 2001 the Defendant received a complaint by the Claimant of theft of cheques in his own name.
- 3.2 The Defendant failed to interview and/or properly investigate, despite video and documentary records being available, causing the Claimant loss in excess of £1500.
- 4.1 On 13 December 2001 the Defendant, in Bridgend, maliciously and without reasonable or probable cause arrested and detained in custody the Claimant on motoring allegations.

- 4.2 On the 30 May 2002 the Defendant withdrew all charges at Bridgend Magistrates.
- 4.3 The Defendant again refused to release the custody records including the overhead video in the custody suite.
- 5.1 On 21 May 2002 the Defendant, in Cardiff, maliciously and without reasonable or probable cause arrested and detained in custody the Claimant on motoring allegations that included driving whilst disqualified and failing to produce a driving licence.
- 5.2 The Claimant held a valid driving licence about his person on the 21 May 2002 and was never asked to produce it.
- 5.3 On the 22 May at Cardiff Magistrates, the Defendant withdrew the charges of driving whilst disqualified and failing to produce a driving licence.
- 6.1 On 23 May 2002 the Defendant, in Cowbridge, maliciously and without reasonable or probable cause arrested the Claimant for driving whilst disqualified.
- 6.2 On 24 May 2002 at Barry Magistrates the Defendant withdrew the allegation of driving whilst disqualified, the Claimant being released from custody with no bail conditions.
- 7.0 **Particulars of Cost**
These details will be disclosed on discovery.
- 8.0 **The Plaintiff therefore claims of the Defendants**
- a) Damages
 - b) Exemplary Damages
 - c) Special Damages
 - d) Costs
 - e) Interest pursuant to Section 69 of the County Court Act 1984

Maurice v South Wales Police

4th Action



**Ffurflen Hawlio
(RTS Rhan 8)
Claim Form
(CPR Part 8)**

Yn

In the

Rhif yr Hawliad.

Claim No.

Cardiff County
Court

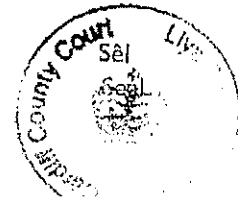
7CF07345

Hawlydd
Claimant

Mr MAURICE KIRK
51 TYNEWYDD RD
BARRA
CF62 8AZ

Diffynnydd/Diffynyddion
Defendant(s)

SOUTH WALES POLICE



28-11-07

A yw eich hawliad yn cynnwys unrhyw faterion sy'n dod dan
Ddeddf Hawliau Dynol 1998?

Does your claim include any issues under the Human Rights Act 1998?

☒ Ydyw
Yes

☐ Nac ydyw
No

Manylion yr hawliad (gweler drosodd hefyd)

Details of claim (see also overleaf)

DUTY OF CARE ABUSE OF PROCESS,
FAILED DISCLOSURE, HUMAN RIGHTS ACT
INFRINGEMENTS

Enw a chyfeiriad y diffynnydd
Defendant's name and address

SOUTH WALES POLICE
HQ - Cowbridge Road
BRIDGEND
CF31 3SU

Efi y llys

Court fee

Costau twrnai

Solicitor's costs

Dyddiad codi

Issue date

£

24 OCT 2007

• Mae swyddfa'r llys yn

yn agored rhwng 10 am a 4 pm o ddydd Llun hyd ddydd Gwener. With clerks at the llys, cyfeirir i'r rheolwr y llys os gwelwch yn ddid, gan

idfyddu rhif yr hawliad.

For more information, visit

• 208 Ffurflen Hawlio (RTS Rhan 8) (10.00)

• 208 Ffurflen Hawlio (RTS Rhan 8) (10.00)

Argyhoeddiad ar ran y Gwasaneth Llys

Rhif yr Hawliad.

Claim No.

Manylion yr hawliad (*parhad*)

Details of claim (*continued*)

ATTACHED

PICTO PLUS 23 PAGES PLUS SUBJECT TO SUBSEQUENT DISCLOSURE

Datganiad Gwirionedd

Statement of Truth

*(Credaf)(Cred yr Hawlydd) bod y ffeithiau a ddatgenir yma ym manylion yr hawliad yn wir.

*(I believe) (The Claimant believes) that the facts stated in these particulars of claim are true.

*Awdurdodir fi yn briodol gan yr hawlydd i lofnodi'r datganiad hwn.

~~I am duly authorised by the claimant to sign this statement.~~

Enw yn llawn

Full name

Enw ffyrn twrnai'r hawlydd

Name of claimant's solicitor's firm

llofnodwyd

signed

*(Hawlydd)(Cyfaill cyfreitha)(Twrnai'r Hawlydd)

*(Claimant)(Solicitor)(Claimant's solicitor)

*dileer fel sydd yn briodol

~~I declare as true and correct~~

safe neu swydd a ddelir

(os llofnodir ar ran ffyrn neu gwmni)

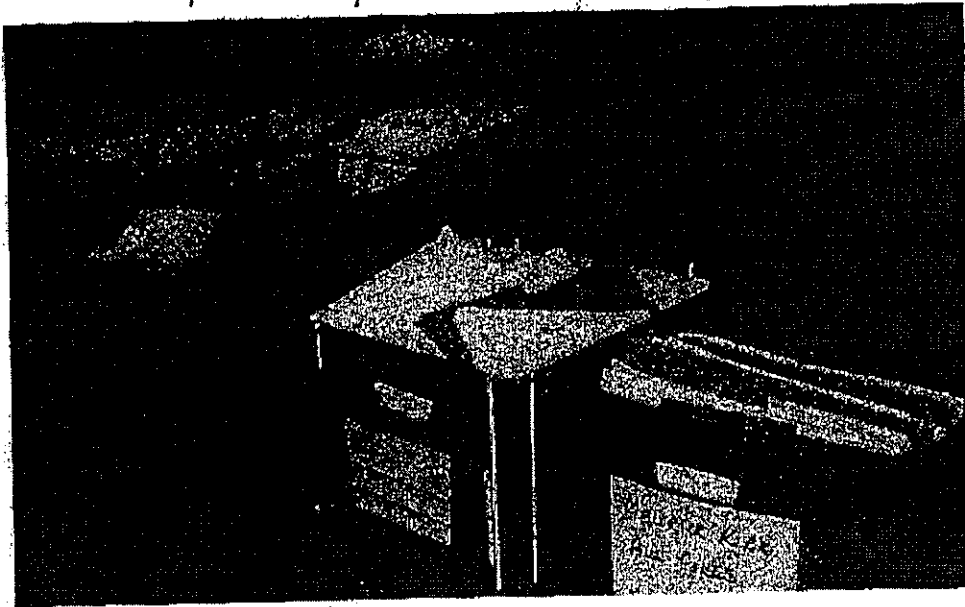
position or office held

(if signing on behalf of firm or company)

Cyfeiriad yr hawlydd neu dwrnai'r hawlydd, lle y dylid anfon dogfennau, os yw'n wahanol i'r cyfeiriad drosodd. Os ydych yn barod i dderbyn cyflwyniad trwy DX, ffacs neu e-bost, rhwch y manylion os gwelwch yn dda.

PRO ADMIN WVRT / CSU 51/2002

CO/8751/2007



22/10/07

RECENT PHOTO OF REMAINING 2 BOXES
OF ALL MR MAURICE KIRK'S COURT ACTIONS
IN CARDIFF JUSTICE CENTRE.

BEFORE MR KIRK'S FILES WERE SENT OUT
AROUND THE COUNTRY BY HMCS
THERE WERE 3 BOXES

DL JKR

COPY TO ADMIN COURT
COURT OF APPEAL
CUSTOMER SERVICE UNIT
SOUTH WALES POLICE
CARDIFF CIVIL JUSTICE CENTRE.

2A

In The Cardiff County Court

Case No.

Between

Maurice Kirk

Claimant

And

South Wales Constabulary

Defendant

Particulars of Claim

"Delay is the deadliest form of denial"

Delay in lodging this substantive claim against the Defendant was by mutual agreement of parties due to matters arising from the Claimant's right to have a **Trial by Jury** for the **Actions, BS614159 CF101741 & CF20414** over the similar time period.

Failed 'disclosure' by both the Defendant and the Royal College of Veterinary Surgeons, contrary to court orders, delay by HM Court Service to process current actions, interference by Crown Prosecution Service, HM Attorney General, Mr Justice Andrew Collins and others either to hand down an Extended Civil Restraint Order or obtain a Vexatious Litigant Order, clearly to protect the Defendant, all done without the Claimant's prior knowledge has contravened his rights under the European Convention of Human Rights and Fundamental Freedoms and the 1998 Human Rights Act.

In 2001 the Claimant instructed solicitors for this Action to include matters not already incorporated in the 3 current actions (numerous false imprisonments and malicious prosecutions) lodged by the Claimant against the same Defendant as most were not all eligible for **Trial by Jury**.

The Claimant applies for leave to amend these particulars with up to 20 further incidents following proper 'disclosure' by the Defendant it having been sought by the Claimant for over the past 10 years.

The Defendants have a duty and power to stop and arrest any person that they may reasonably suspect as having committed a criminal offence.

Further, the Defendants as a police authority have a duty and obligation to fully and diligently investigate any complaint from the general public in respect of any criminal offence.

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Further or in the alternative, the Defendants have a duty and obligation as bailees to use their best endeavours to protect any property which comes into their control and in particular to protect any stolen property to ensure that it is not damaged or vulnerable to further theft.

Further or in the further alternative, the Defendants, once their investigations are concluded, have a duty to provide to the injured party relevant information concerning the results of such investigations including, in particular, the identity of any person suspected of having caused wrong to the injured party.

The statutory and/or common duties and obligations herein mentioned are owed by the Defendants to the Claimant as the person directly affected and or wronged and they are negligent breach of those duties and obligations or have assaulted him and/or have committed trespass to his person or property and the Claimant has suffered loss and damage.

Particulars

The Defendants failed in their duty to properly, if at all, investigate and/or apprehend the perpetrators of crime.

The Defendants failed to prevent or limit loss for the Claimant.

Any one of the 100 or so incidents cited below, taken either in conjunction with the 40 or so incidents already in current Case numbers BS614159, CF101741 & CF20414 (eligible for jury trial) or not indicate malice and/or a failure of duty of care by the Defendant.

1. In 1993 at 52 Tynewydd Road, Barry, the property of the Claimant, persons known to the Defendant occupied part of the premises without permission. The garage of the said premises contained a WW2 US Army aircraft, a Piper Cub and spares exceeding a value of £15,000. Also veterinary memorabilia, a collection by 2 generations of the claimant's family, with value exceeding £11,000.

The above property was destroyed by fire and the squatters boasted about it. The Plaintiff was interrogated at the police station being accused of arson for financial gain. The aircraft and main contents of the garage were uninsured. The Claimant suffered loss due to Defendant conduct.

2. On 30th June 1993 the Claimant's Barry property was burgled and suffered criminal damage. The Claimant suffered loss due to the conduct of the Defendant.
3. On 10th Feb 1994 the Claimant's motor vehicle suffered damage, exceeding £700, leaving the road to avoid an accident caused by the excessive speed of another vehicle. The Defendant refused to divulge particulars of any of the drivers of the cars that sustained substantial damage and serious injury. The Claimant suffered loss due to the conduct of the Defendant.
4. On the 13th June 1994 the police falsified evidence before Barry Magistrates relating to the plaintiff driving around a roundabout, adjacent to Barry Police Station, South Wales.

Further, the plaintiff was convicted for 'driving without due care and attention' as he caused an imaginary car to 'stop' before entering the roundabout while the defendants' veterinary ambulance was parked due to a uniformed police officer's direction.

The Defendant knew the plaintiff had suffered a motorcycle accident and was in hospital on the day of the Magistrates hearing which was heard in his absence despite the Defendant knowing the Claimant was in Bridgend Hospital casualty unit that morning and unfit to attend.

In 2002 before the Royal College of Veterinary College (RCVS) court evidence was heard from the Defendant that the Plaintiff's veterinary Ambulance never exceeded 4 mph on that roundabout with no other traffic on the 4 lane roundabout at any of the time except police cars, lots of police cars.

There was no car required to stop due to the claimant's alleged 'careless driving'. The police officer originally giving that evidence was not at the scene at the time of the alleged offence.

The Royal College of Veterinary Surgeons ruled on the 29th May 2002 the conviction of 'driving without due care and attention' rendered the Claimant to be 'unfit to practice veterinary surgery and was struck off for life. The Claimant suffered loss due to defendant's conduct.

5. On 10th Feb 1994 the Claimant's motor vehicle suffered damage, exceeding £700, leaving the road to avoid an accident caused by the excessive speed of another vehicle. The Defendant refused to divulge particulars of any of the drivers of the cars that sustained substantial damage and serious injury. The Claimant suffered loss due to the conduct of the Defendant.
6. Between 1994 and 30th August 1995 the Claimant's surgery in Llantwit Major was burgled 3 times the crime reported to the Defendant. In Crown Court on the 22nd March 1996 the Defendant on oath denied the surgery had been burgled during the period quoted above. The plaintiff was convicted of 'allowing' clinical waste from the said premises to be found elsewhere with costs incurred to the Claimant exceeding £8000.

The Defendant was aware the RCVS and judge knew the fact that the only other veterinary practice in the town possibly liable had submitted a false veterinary certificate to the prosecution and the principle had given appropriate evidence in order not to be subject to the same possible prosecution. A small black bag containing clinical waste had been found with some 50 others of unlawful household waste on the edge of the town car park.

The Royal College of Veterinary Surgeons ruled on the 29th May 2002 the conviction of 'failing to prevent the deposit of controlled waste' rendered the Claimant to be 'unfit to practice veterinary surgery and was struck off for life. The Claimant suffered loss due to the conduct of the Defendant.

7. In 1995 the Claimant's motorcycle was stolen out side his surgery in Barry. Claimant suffered loss due to the Defendants' conduct.
8. On 8th June 1995 the claimant's Cardiff surgery was burgled with criminal damage. Claimant suffered loss due to the Defendants' conduct.
9. In 1995 the Defendant received a complaint from the Claimant of criminal damage and theft of property exceeding £2000 by a previous occupier of the property, 52, Tynwydd Road, Barry. A thief was also caught red handed by the Claimant in the property but instead he was fined £500 for 'common assault' the conviction only obtained by perjury committed by the Defendant.

The Royal College of Veterinary Surgeons ruled on the 29th May 2002 the conviction of 'common assault' rendered the Claimant to be 'unfit to practice veterinary surgery' and was struck off for life. The Claimant suffered loss due to the Defendant's conduct.

In 1995 the Claimants' veterinary ambulance was stolen in Barry and later found a few streets away by the Defendants. They were asked to immobilise it or protect it while the Plaintiff

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arranged immediate collection. The Claimant suffered total loss due to the Defendant's conduct.

10. On 14th September 1995 the Claimant was assaulted and had his premises severely damaged by fire by persons known to the Defendants. The plaintiff entered the premises and fought the flames alone with 2 fire extinguishers neither of which appeared to function. Examination of the appliances later revealed they were both faulty missing internal mechanism. The Defendant refused to investigate a complaint on those who supplied the fire extinguishers. The Claimant suffered loss due to the Defendant's conduct.
11. On 3rd May 1996 the Claimant's stolen motor vehicle was found in a police car park. Defendant refused to reveal the circumstances. Claimant suffered loss due to the Claimants conduct.
12. On or around 1996 the Claimants' surgery in Barry was burgled using a JCB excavator. The burglars were caught by the Claimant. The Claimant suffered loss due to the Defendant's conduct.
13. On the 17th October 1997 the Defendants watched and did nothing as drunken youths threatened assault and criminal damage on the Plaintiff and his property. The Claimant, at around midnight, was attempting to attend to an emergency in a marked veterinary ambulance only to have the windscreen smashed and serious damage done to the body work. The claimant suffered loss due to the Claimants conduct.
14. In January 1998 the claimant caught a burglar in his Barry premises. The claimant suffered loss due to the Defendant's conduct.
15. On 1st April 1998 the Claimant's Llantwit Major Surgery was again burgled and the claimant suffered loss due to the defendant's conduct.
16. On 1st June 1999 in the Cardiff Crown Court, during an Abuse of Process Application by the Plaintiff, the Crown Prosecution Service lawyer, Ms Jackie Seals, committed perjury in that she deliberately lied on matters relating to a purported 'Breach of the Peace' allegation committed by the Plaintiff at the Vale of Glamorgan Agricultural Show where the Claimant had been on duty.

Prosecution documents were falsified and presented before the Cardiff Crown Court and custody records shredded. The Defendants fabricated new charges months later, held back these new charges even when the Claimant attended court on a summons not indicating its purpose.

The Claimant was only ever handed the court copies of summonses by the clerk of the justices and the trial proceeded immediately with the Defendant being refused an adjournment as is the custom here.

The Breach of the Peace allegation was removed from the list at lunch time following the clerk of the court warning the prosecution that if the Claimant refused to be 'bound over' the Claimant would have to go to prison. The Claimant suffered imprisonment and loss exceeding £20,000 due to the Defendant's conduct.

- 16 1st June 1999 in the Cardiff Crown Court the Plaintiff was again assaulted by Howard Davies, recently retired South Wales Police inspector, in the presence of the Defendants. The Claimant suffered personal injury and loss due to the Defendant's conduct.
- 17 11th June 1998 by way of correspondence to the Claimant's Member of Parliament it was admitted by the Defendant, in writing, that neither the Civil Aviation Authority nor the Defendants could pursue prosecutions against a Mr

instigated complaints to the RCVS in the first place but gave false evidence so often to secure criminal convictions [see **Actions, BS614159, CF101741 & CF20414**]

Following receipt of the compelling jury notes passed to Judge Cooke he deliberately stopped the trial only to prevent further evidence being obtained by cross examination of the conspiracy between the Defendant and the RCVS.

The Judge's conduct was unlawful.

The Defendants had a number of high ranking police officers present to keep the police commander at Barry Police station fully informed, minute by minute, the transcript reveals.

These police officers witnessed the criminal conduct of the judge, CPS and police officers on oath who were committing perjury. The Defendants witnessed themselves in the well of the court caught repeatedly signalling to their colleagues in the witness box.

The Claimant suffered loss due to the Defendants' conduct.

- 22 On 10th Nov 2000 the Claimant reported a burglary and criminal damage on his surgery premises in Barry. The Claimant suffered loss due to the Defendant's conduct.
- 23 In 2000, following the Defendant's request for the Claimant to rescue a horse at night from a flooded ravine with the assistance of the Barry Fire Brigade, despite submitting a fee note considerably less than that recommended by the British Veterinary Association at the time, the Claimant had to commence prosecution proceedings in the Petty Debts Court in order to obtain payment. The Claimant suffered loss due to the Defendant's conduct.
- 24 On 13th December 2000 in Cardiff the Claimant was arrested by the Defendants and locked up with his 3 English Springer Spaniels. No charges, no caution, no explanation causes the claimant to fear harassment with malice. The Claimant suffered loss due to the Defendant's conduct.
- 25 On 20th Dec 2000 at the Claimant's Cowbridge Road West, Cardiff surgery the Defendant refused to reveal details of a driver of a vehicle following a motor accident on the Claimant's property. The Claimant suffered loss due to the Defendant's conduct.
- 26 On the 20th Dec 2000 at the same premises as (19) a burglary and theft of drugs was dealt with by the Defendant in the usual manner. The Claimant suffered loss due to the Defendant's conduct.
- 27 In December 2000 the plaintiff's surgery, Barry Veterinary Hospital, Barry suffered theft of articles reported to the Defendant. The Claimant suffered loss due to the Defendant's conduct
- 28 On 7th January 2001 at Cold Knapp Beach, Barry the Defendant, having called the Claimant to attend 2 dogs purportedly fallen over a cliff, obtained evidence and the identity of witnesses favourable to the plaintiff but failed to disclose it. The Claimant suffered loss due to the Defendant's conduct.

The Defendants during 2001 disclosed confidential police records relating to the Claimant, some of which was incorrect and was used by the Royal College of Veterinary Surgeons in order to render the Claimant 'unfit to practice veterinary surgery'. The Claimant suffered loss exceeding £100,000.



The Defendants in March 2002 attended the RCVS court, contrary to a Court of Appeal Order and gave information that was manifestly false when purported to be non hostile witnesses for the Claimant. The Claimant suffered further loss due to the defendant's Conduct.

The Defendants entered into a financial contract with the Royal College of Veterinary Surgeons to be their 'client', being the only complainants of the Claimant's alleged conduct on 7th January 2001. The purpose to enter into such a clandestine contract was in order to avoid favourable Disclosure of evidence to the Claimant from either the RCVS or Defendants under their premise that all information from witnesses gathered by them [including the Claimant's own clients], concerning the RCVS allegations against the Claimant, was 'privileged'. Whether 'qualified' or 'absolute' is anybody's guess with the current state of the UK Judicial system.

In return for confidential police information, contrary to Home Office Regulations 45/87, the Royal College of Veterinary Surgeons ensured the Claimant would be refused **any witnesses relating to the convictions** [by using a medically unfit 'Learned Legal Assessor' for the RCVS hearings], originally obtained by the Defendants, now at risk of having convictions being overturned if the Defendants were to be subjected to giving evidence on oath, again. The convictions were necessary, however trivial, under the 1966 Veterinary surgeons Act, in order for the RCVS to render the Claimant 'unfit to practice veterinary surgery' for life.

The conduct of the RCVS, Defendants and many others that daily exploit the lucrative UK legal industry, answerable to no one, not even the taxpayer, was unlawful.

Immunity to prosecution under the purpose of a Royal Charter and oath of bias taken by every UK judge is contrary to the 1998 Human Rights Act despite all this nonsense having been ratified by her Majesty The Queen in the first place.

The welsh Crown Prosecution Service, those most culpable for perverting the course of justice, cannot therefore be co- defendants in this Action for damages.

Similarly the RCVS cannot also be joined as co-defendant. Further, the Claimant, his father and his wife would be tempting the ultimate sanction.

The Claimant and his family have suffered not inconsiderable loss and mental anguish by the 15 year conspiracy.

Back ground to support paragraph 28.

- 29 By 2001 the Defendants had been made aware of the monies (5 figures) routinely donated from public funds by the Defendants to the Cardiff Animal Shelter (deceased) who were then unaccountable to the associate organisation under which whose name they were purported to operate.

By 2001 The Defendants had been made aware of the complaints directed to the RCVS by the 'Cardiff and District Veterinary Practitioner's Association' concerning the widespread animal suffering in South Wales caused by the Defendant's 'donations' of public funds to an autonomous run charity implementing a rogue policy for the neutering of animals for an area with at least a 40 mile radius to just one practice in Barry, South Wales that did not have adequate 24 hour cover.

By 2001 the Defendants had been made aware that the specific veterinary surgeon was invariably unavailable at night or on week ends using an unintelligible tape message for those members of the public requiring urgent veterinary attention. These included animals that had just under gone neutering operations by his practice.

The Defendants were therefore well aware on the day of the emergency, on Sunday 7th Jan 2001, the true state of affairs with his veterinary surgery not a mile from the beach.

9

The Defendant maliciously allowed hours to pass unnecessarily before the Claimant could attend the scene.

The clinical condition of the dog was clearly indicative of **criminal negligence**.

Implications on the other Barry veterinary practice were not then apparent to the Claimant as he had no way of knowing, until later, when the owner was traced, just who was responsible for the appalling state of the wretched animal.

The Defendants conspired with the RCVS lawyers to be their 'clients' when they already knew the Defendants were a 'client' of the Claimant they were complaining about.

The Defendants knew and were negligent in being silent when the RCVS ruled that failure by the Claimant to divulge to the disciplinary committee the confidential client information regarding the 2 dogs, between veterinary surgeon and the South Wales Police, was the substantive reason for his name being removed from the register.

The Defendants acted with malice by complaining to the RCVS of the failure of the Claimant to "discuss with the general public" what he confidentially found following a clinical examination.

Clinical findings, witnessed by the Defendants included indications of hypothermia, a collapsed, moribund patient having suffered a suppurating [frank pus] malignant mouth tumour the size almost of a cricket ball for some months/years. The patient was in pain and appeared to be dying. Immediate removal of both patients to the Veterinary Hospital was paramount.

When the RCVS realised they were prosecuting the wrong veterinary surgeon they:

- 1) Falsified eye witness statements,
- 2) Gave the Claimant false addresses of eye witnesses so they could not be traced
- 3) Withheld witness statements
- 4) Refused all 30 odd witness summonses needed to be served on behalf of the Claimant
- 5) Used their cronies in the Court of Appeal to block them again even blocking defence witnesses not even objecting to giving evidence or requiring a witness summons
- 6) fabricated the Defendants, members of the public and investigators to be their 'clients' in order to block both favourable and damning DISCLOSURE.

- 30 The Defendants were notified of the unnecessary animal suffering. It was spelt out in words of one syllable to the Defendants and RCVS warning them of the obvious consequences if the wide spread animal suffering in the area was allowed to continue. It was taped, photographed and shortly to go on new website, www.kirkflyingvet.com in 2008 the latter being the only medium left for citizens in the UK for any chance in obtaining that elusive sanction of established injustice.

Further, information under the control of Inspector Collins and favourable to the Claimant was withheld from the RCVS legal proceedings despite specific requests for that material by the claimant. The conduct was unlawful.

Information supplied by the Defendants and used on oath at the RCVS proceedings were known by the Defendant to have been false. Failure to correct these anomalies was unlawful.

Defendants who attended the 2002 RCVS enquiry, posing as 'defence' witnesses, was unlawful and malicious there in order to do harm to the Claimant.

The Defendants' false information, on oath, in both Charge A and in Charge B at the 2002 RCVS proceedings led to the Claimant's name being removed from the veterinary register and has been relied on by the RCVS ever since on each subsequent attempt by the Claimant to be put back on the register. The Defendant's conduct was unlawful.

The Defendants conspired with the RCVS lawyers to be their 'clients' or visa versa when they knew the Defendants were a 'client' of the Claimant complained about.

Failure by the Defendants and RCVS to disclose which one was the 'client', fabricated late in order to withhold investigator's notes, eye witness accounts and the identity of witnesses favourable to the claimant, given to the 1996 Data Protection Act Information Commissioner but not disclosed for the 2002 hearing, was unlawful.

The Defendants knew and did nothing about it when the RCVS ruled that failure by the Claimant to divulge to the disciplinary committee confidential client information, between their veterinary surgeon and them selves, without their consent was the substantive factor for his name being removed from the register for life. Their conduct was unlawful.

- 31 The Defendants knew the RCVS 'Learned Legal Assessor', Sir John Wood, retired medically unfit judge, Allison Foster QC, Geoffrey Hudson of Penningtons, solicitors and many other lawyers cited in these 4 actions were thoroughly deceitful and their conduct was unlawful.
- 32 In August 2001 the Claimant reported the theft of his property in Barry and the Claimant suffered loss due to the Defendant's conduct.
- 33 In 2001 the Claimant was stopped on the motorway arrested and handcuffed for the theft of a motor vehicle. The claimant suffered loss due to the Defendant's conduct.
- 34 During 2001 statements of complaint, listing more than 47 incidents of lawyers lying in court, were reported to the Defendants. The claimant suffered loss due to the Defendant's conduct.
- 35 In December 2001 17 complaints by the Claimant of perjury by others. The Claimant suffered loss due to the Defendant's conduct.
- 36 The Claimant has had been refused legal representation by over 80 law firms specialising in police harassment cases. The Claimant suffered loss.
- 37 In 2001 the Claimant instructed solicitors for the main Particulars of Claim compounding matters not already incorporated in the 3 current actions and not necessarily eligible to **Trial by Jury**. The Defendants and Royal College of Veterinary Surgeons were put on notice of pending legal action as co Defendants.
- 38 During a quieter spell of police harassment, between 2000 and 2001, 30 or so court appearances related to whether or not he had motor vehicle insurance?

The court was told by the Claimant the Defendants had for years been playing the same old game of police harassment as their counterparts had done on him in a different but equally notorious British jurisdiction, Guernsey in the Channel Islands.

There the police had succeeded in hounding the insurance agents on the island to such an extent by their telephone tapping for 2 years of the Claimant's surgery, threatening visits and phone calls to their offices that the Claimant was refused, it appeared, any insurance for anything!

Today, the 10 years conduct of the Defendant and the purpose in both jurisdictions is only too apparent with the Claimant remembering that soon after getting the 'message' from the 'Insular Authority' in that feudal island his life was threatened by the local Masonic Lodge if he did not leave the island immediately.

11

The Claimant's insurers in Somerset, England, were of different stuff and lodged several official complaints of the harassment received by the Defendants.

The Claimant has been forced by the Defendant's harassment to produce perfectly valid driving documents over 40 times with the Defendants knowing under the 'balance of probabilities', under statute law, they are always likely to be valid.

The unlawful conduct of the Defendants has made the Claimant have to change the vehicle he is seen in often every month, use foreign registrations, some in fictitious names with fairy tale addresses or with his favourite, in the names of famous aviators or aviatrix of yesteryear.

The Claimant suffered loss due to the Defendant's conduct.

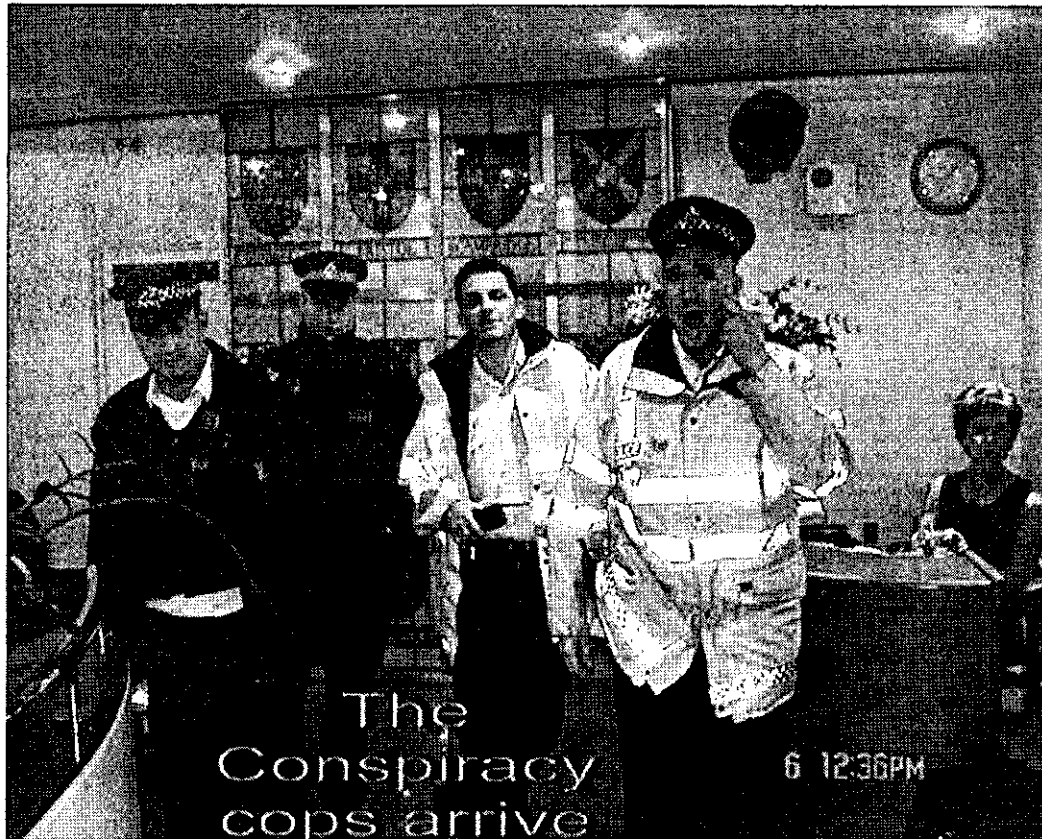
- 39 On the 24th July 2002 the Defendant conspired with others to arrest the Claimant in the Cardiff Civil Justice Centre in order to prevent a judgment by default against the Defendant, for failing to lodge his defences in time. Undue force was used causing **actual bodily harm** and the arrest was unlawful. The Claimant was later released from custody without explanation. The Claimant suffered loss due to the Defendant's conduct.
- 40 In 2002 the Claimant caught a burglar on the Veterinary Hospital, Barry premises. The Defendants refused to arrest, prosecute or identify the person to the Claimant. The Claimant suffered loss due to the Defendant's conduct.
- 41 In October 2002 the Complainant reported criminal damage to his Llantwit Major surgery identifying the culprit known to the defendant. The Claimant suffered loss due to the Defendant's conduct.
- 42 In October 2002 the Defendants received complaints of squatters on the Claimant's premises. The Claimant suffered loss due to the Defendant's conduct.
- 43 On 9th January 2003 the Claimant's motor vehicle was destroyed by arson. The Claimant suffered loss due to the Defendant's conduct.
- 44 On 22nd March 03 criminal damage exceeding £1,500 was reported to the Defendants with those responsible known to the Defendants. The Claimant suffered loss due to the Defendant's conduct.
- 45 On 07th Aug 2003 the Claimant was made to stop and produce driving documents. The Defendant sent particulars to John o Groats' police station and they have never been seen since. The claimant suffered loss due to the Defendant's conduct
- 46 On 9th September 2003 the Claimant caught a burglar in his Cardiff surgery premises. The claimant suffered loss due to the Defendant's conduct.
- 47 Between 2003 and 2005 the Claimant laid statements of complaint of perjury and perversion of justice by the RCVS before the Judicial Committee of the Privy Council committed in 7 separate hearings in Downing Street. Information was sent to both the Metropolitan Police Force and the Defendants for appropriate action. The Claimant suffered loss due to the Defendant's conduct.
- 48 In 2005 and again in 2006 the Claimant complained to the Defendant that the clerk to Mr Justice Andrew Collins, Manager of the Royal Courts of Justice's Administrative Court, during the Claimant's appeal for his Lordships' handed down 26th January 2005 Extended Civil Restraint Order (ECRO) was unlawful.

The Clerk denied his Lordship had written to the Claimant direct, failed to inform the Court of Appeal that his Lordship had written direct to the Claimant but within the statutory time to the Claimant for the ECRO to be subjected to an appeal.

His Lordship asked the Claimant for evidence that Mr Gary Flather QC had in fact directed the RCVS to disclose (see paragraph 28). The RCVS transcript was sent by return of post. The Claimant suffered loss due to the Defendant's conduct.

- 49 Mr Patrick Cullinane Esq., supported by transcripts and statements of complaint directed to the Defendants, witnessed and will confirm Mr Justice McComb, Mr Andrew Collins and at least 2 RCVS hearings, for '**disclosure**' for this Claim and reinstatement to 'practice veterinary surgery' were conducted with **criminal intent to abuse due process**. All disregarded the files lodged as they had scribbled on them, from the orders of the HM Attorney General's Office, '**Maurice John Kirk – Potential Litigant**'. The Claimant suffered loss due to the Defendant's conduct.
- 50 In 2006 the Defendant was informed the Registrar of the Judicial Committee of the Privy Council refused several times to refer the Claimant's Humble Petitions to Her Majesty to the court as it outlined the proof of the conspiracy between the Defendant's and the RCVS. On one occasion a court application, special delivery from Brittany, France, was returned unopened to the recipient, The Registrar, un aware of its content with only the name of the sender of the parcel. The Claimant suffered loss due to the Defendant's conduct.
- 51 Between October and November 2006 the Defendant, despite receipt of previous complaint of illegal trespass, threats of violence and criminal damage, failed to prevent persons known to the Defendant to inflict further damage and theft at his old surgery in Grand Avenue, Ely, Cardiff. The Defendants stood and watched the wielding of the sledge hammer. The Claimant suffered loss, exceeding £15,000, due to the Defendant's conduct.
- 52 In 2007 the Defendant was asked by the Claimant to investigate the criminal conduct caught on both tape and camera of the RCVS lawyers outlined in a letter of complaint, recorded delivery, to Cannon Street Police Station, London. The latter refused service of said information. The Claimant suffered loss due to the Defendant's conduct.
- 53 On the 12th October 2007 the Defendant refused to investigate the destruction or deliberate loss of court files lodged at the Cardiff Civil Justice Centre. The court admitted there had been 5 boxes but with the Attorney General's intervention years earlier and with the Treasury Solicitor sending all these files for **Actions, BS614159, CF101741 & CF20414** to '**interested parties**', as the internal memo put it, the court were down to one box. This was confirmed by a sequence of photographs within the confines of the HM court building, taped personally by the Claimant in open court and further confirmed by court correspondence.
- 54 On 12th October 2007 Fire broke out in the Cardiff Civil Justice Centre, apparently, as the Claimant was leaving and if it had not been for the quick arrival of a number of fire appliances the last and lonely box of the Claimant may have also been destroyed.
- 55 On the 12th October 2007 the Defendants refused at Cardiff Central police station to accept a 9 page statement of complaint headed, **Abuse of Process** or take a statement relating to the ongoing illegal activity within the UK judiciary. The Defendant refused to secure, for safe keeping, the lonely box in the Cardiff Justice Centre. The Claimant suffered loss due to the Defendant's conduct.

56 The Claimant at the RCVS court, 62, Horseferry Road London, on both 7th November 2005 & 6th October 2006 arranged for the Defendants to witness, first hand, the 'Abuse of Process' and further proof of a conspiracy.



57 On 18th January 2007 The Claimant was placed in police custody overnight following orders from the Barry Magistrates:

- 1) Quashing a conviction that the RCVS used in 2002 rendering him 'unfit to practice veterinary surgery' [On the 7th September 1997 the Claimant failed to present his valid motor insurance to the correct police station].
- 2) The Claimant was to serve a term of imprisonment if he did not pay the fines and CPS costs outstanding since 1996.

The Claimant offered the Defendant payment in full in order to be released from custody.

58 He offered UK cash, credit cards, business and private cheque books even a few Euros thrown in or his wife could bring the cash that night. These forms of payment and application for his wife to pay at the gate before being transferred to Cardiff prison in the morning were all refused. The Claimant suffered loss due to the Defendant's conduct.

.Mr Justice Collins later refused the service of Claim Form N1 (CPR part 7) containing similar allegations on the Secretary of State for the Home Office, his lordship using his Extended Civil Restraint Order due to expire on the 26th January 2008.

59 Some other thefts, burglaries, acts of arson, personal injury and criminal damage suffered by the claimant in the 10 years are referred to in some of the following Crime Reference numbers:

1. 12996/93
2. DA/2134/93
3. E/6284/93
4. 2124/93
5. EA/00/9637
6. Ea/00/9516
7. CA/00/28310
8. EA/251/051200
9. EA/00/9703
10. CA/0027437r
11. EA/01/7170
12. EA/99/7990
13. EA/99/9058
14. EA/99/7990
15. EA/98/2816
16. EA/98/5720
17. EA/98/5403
18. LA/98/736
19. DA/97/10941
20. DA/97/10071
21. DA/97/7596
22. EA/97/2130
23. EA/97/2450
24. DA/97/6474
25. EA/96/5731
26. DA/94/12521
27. DA/94/12740
28. EA/97/5304
29. EA/97/3319
30. EA/97/2450
31. EA/97/2130
32. EA/96/7162
33. EA/96/1883
34. EA/95/6841
35. EA/94/12996
36. E/8126/93
37. DA/94/2030
38. EA/94/1617
39. DA/94/2372
40. DA/94/2085
41. EA/94/1617

This list is NOT exhaustive due to the Defendant's apparent inability to disclose incidents reported without crime reference numbers. The Claimant suffered loss due to the Defendant's conduct.

ALL support evidence of a pattern of conduct by the Defendant's failure to properly investigate crime during the time the Claimant had to spend in welsh law courts and prison cells to quash 130 malicious criminal charges brought by the South Wales Constabulary.

60 Failed Disclosure with intent to deceive and delay.

- a. 10 years prior to 2002 the Defendants had conducted a policy of obstructing justice, failing to investigate crime and actively perverting the course of justice.
- b. Incidents cited for damages over that time had been segregated out for an independent tribunal, a **Trial by Jury** or the claimant would never have been so stupid as to commence legal proceedings.
- c. But Actions **BS614159, CF101741 & CF20414** were then joined without the consent of the Claimant on the lawyer pretext there would be a jury.
- d. The UK judiciary with the Defendants swindled the Claimant of that basic right before Mr Justice Thomas and Mr Patrick Cullinane Esq in September 2007 at The Royal Courts of Justice.
- e. Mr Justice Thomas admitted both he and Mr Justice Maurice Kaye, from whence the appeal to the Court of Appeal had come, had neither read the lodged application papers by the claimant for a **Trial by Jury** nor did they need to.
- f. The appeal for a jury had been lodged at the Court of Appeal in December 2004 and deliberately delayed to quietly phase out UK jury trials even though it is still on the statute book.
- g. The Defendants were informed and their conduct was unlawful.

61 Claimant applies that this action is heard by **Trial by Jury**.

Cessation of harassment and the right to practice veterinary surgery was concurrent

By reason of the matters aforesaid, the Claimant has suffered loss, damage, distress, anxiety, damage to his reputation and was deprived of his liberty

And the Claimant claims costs, aggravated and exemplary damages at interest rate pursuant to Section 69 of the County Courts Act

18

Maurice v South Wales Police

5th Action

Court will not enforce judgement
of false imprisonment by police

...WHY?

Judgment for Claimant (in default)

Secretary of State To The Home Office
Treasury Solicitor
C/O 1 Campbell Street
London
WC2 B4TS

In the	CARDIFF County Court
Claim Number	8CF02269
Claimant (including ref.)	Mr Maurice Kirk
Defendant (including ref.)	Secretary of State To The Home Office
Defendant's date of birth	
Date	16 June 2008

To the Defendant

You have not replied to the claim form.

It is therefore ordered that you must pay the claimant £15000.00 for debt (and interest to date of judgment) and £360.00 costs



You must pay the claimant a total of

£ 15,360.00

by 30 June 2008

Warning

If you ignore this order your goods may be removed and sold, or other enforcement proceedings may be taken against you. If this happens further costs will be added. If your circumstances change and you cannot pay, ask at the court office what you can do.

Notes for the defendant

If you did not reply to the claim form and believe judgment has been entered wrongly in default, you may apply to the court office giving your reasons why the judgment should be set aside. An application form is available for you to use and you will need to pay a fee. A hearing may be arranged and you will be told when and where it will take place. If you live in, or carry on business in, another court's area, the claim may be transferred to that court.

If judgment is for £5,000 or more, or is in respect of a debt which attracts contractual or statutory interest for late payment, the claimant may be entitled to further interest.

Address for Payment

Mr Maurice Kirk
51 Tynenydd Road
Barry
Wales
CF62 8AZ

Details of this judgment will be entered in a public register, the Register of Judgments, Orders and Fines. They will then be passed to credit reference agencies, who will supply them to credit grantors and others seeking information on your financial standing. **This will make it difficult for you to get credit.** A list of credit reference agencies is available from Registry Trust Ltd, 173/175 Cleveland Street, London, W1T 6QR.

If you pay in full within one month, you can ask the court to cancel the entry on the Register. You will need to give the court proof of payment. If you also want a Certificate of Cancellation from the court, there is a fee for this. If you pay the debt in full after one month, you can ask the court to mark the entry as satisfied and, for a fee, obtain a Certificate of Satisfaction to prove that the debt has been paid.

How to Pay

- Payment(s) must be made to the person named at the address for payments giving the claimant's reference and claim number
- **DO NOT bring or send payments to the court - they will not be accepted**
- You should allow at least 4 days for your payment to reach the claimant (defendant) or his representative.
- Make sure that you keep records and can account for all payments made. Proof may be required if there is any disagreement. It is not safe to send cash unless you use registered post.
- Leaflets on registered judgments, how to pay and what to do if you cannot pay are available from the court.

The Court Office at CARDIFF County Court, Cardiff Civil Justice Centre, 2 Park Street, Cardiff, CF10 1ET is open between 10am and 4pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 02920 376400 Fax: 029 20376475