

IN THE CARDIFF COURT

Case number:

Maurice Kirk

Appellant

V

Chief Constable of South Wales Police

Respondent

Particulars of Claim

1. The Defendant 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. **1977:** Five decommissioned WW1 Lewis machine guns were designated for various replica period aircraft by the Claimant's old friend, Mr Viv Bellamy.
3. **1997:** MJK purchased the DH2 replica aeroplane and 'gun' from a prosecution witness with its log books and other Civil Aviation Authority (CAA) paperwork identifying the 'gun' as an integral part of the fuselage and therefore exempt under the 1968 Fire Arms Act.
4. **1998:** The 1968 Fire Arms Act was amended meaning that if the 'gun' remained as it had first been decommissioned, it remained exempt from the new regulations. This became the critical argument in the trial but blocked throughout the twelve days of proceedings of utter nonsense.
5. **2000:** The DH2 with the same Lewis antique was flown by the Claimant at the Farnborough Air Show by invitation of another old friend of the Claimant, Captain Brian Trubshaw of 002 Concorde fame.
6. **2006:** The DH2 was moved to RAF Lyneham, Wiltshire, for repair and display with the 'gun' mounted.
7. **2007:** The DH2 and 'gun' was handed out, by the Royal Air Force, to a civilian for further repair in Hampshire also aware it was decommissioned.
8. **2008** MJK sold the aircraft and 'gun' to another display pilot, a prosecution witness, who 'modified' the gun for his own purposes.
9. On or about **25th February 2009** the Defendant signed a sworn affidavit knowing it to be or ought to have known it to be, false, in that paragraphs, between 14 to 21, contained erroneous information, namely, incidents, involving both the Defendant and Claimant

had appeared to never have occurred. Police court cases had occurred and the Defendant's attendance, in force, with the use of a crow bar and sledge hammer, to enter the Claimant's Cardiff veterinary surgery, had also occurred. This amounts at least to misfeasance in public office.

10. Following the 2008 Court Order by His Honour Judge Nicholas Chambers QC, for the Defendant to sign an affidavit that full disclosure of evidence, under the Defendant's control, had been disclosed to the Claimant, the latter entered the Defendants solicitor's offices, on or about the 25th February 2009 complaining the Court Order had still not been carried out.
11. The Claimant, upon receipt of a copy of the Defendant's affidavit then entered Barry Police Station and was both videoed and interviewed at length following his complaint that the Chief Constable had knowingly signed a false affidavit to avoid disclosure of evidence relevant to the nineteen year running covert police surveillance and civil actions for damages, referred to in CF101741 + four others.
12. The sale and subsequent management change of the Claimant's South Wales veterinary practice, in **May 2009**, allowed the Claimant to reveal, at last, on U Tube and websites worldwide the conduct of the South Wales Police with their covert surveillance team that had operated for well over ten years. The Claimant's 64 page June 09 witness statement, summarising their unusual and extreme behavior, was now being prepared for court.
13. On **1st June 2009** the Defendant caused the Claimant to be subjected to a Multi Agency Public Protection Arrangements (MAPPA) enquiry following a meeting, at the South Wales Police Head Quarters, Bridgend, by the Independent Advisory Group (IAG).
14. On **8th June 2009**, at Barry police station MAPPA meeting, police informed the agencies, present, including staff from Caswell Clinic psychiatric prison, that the Claimant was a category level 3, very dangerous and was to be arrested and 'taken into custody' for being in possession of a prohibited weapon, a machine gun.
15. The police also informed the agencies that should the Claimant approach the Chief Constable then he was likely to be shot which has caused the Claimant to seek asylum in France for fear of his life.
16. On **15th June 2009** the Claimant brought further civil proceedings, in the Administrative Court, London, against the Defendant and Co Defendant, the Royal College of Veterinary Surgeons relating to covert police surveillance. Covert plain clothed police officers were already in attendance.
17. On **18th June 2009** the Claimant again laid the complaint, this time inside the offices of the Defendant's Bridgend South Wales Police head quarters where again there was refusal, by the Defendant, to 'mutually exchange witness statements' ordered by HHJ Seys Llewellyn QC.

18. On **19th June 2009** the Defendant again refused to exchange witness statements when the Defendant's solicitors, Dolmans, were contacted by the Claimant despite the Court Order having given the Defendant until 4pm.that day.
19. On **20th June 2009** the Defendant's solicitors laid complaint with their client, against the Claimant, to be arrested for a 'threat of criminal damage' which amounts to more bullying and harassment.
20. On **21st June 2009** police Operations, 'Orchid' and 'Chalice', caused a sizeable force of police officers to surround the Claimant's home, in St Donats, Vale of Glamorgan, requiring an armed response unit, a police helicopter and both forensic psychiatrists and a lay advisor for the Claimant to be in attendance. The operation was aborted once the Claimant was seen drinking tea with his family in their front garden.
21. On **22nd June 2009** 24/7 police surveillance caused the Claimant to be arrested in the road outside his property and cautioning him from a written script, following legal advise, that he had been arrested for:
 - a. Threat of committing criminal damage
 - b. Being in possession of a prohibited weapon
 - c. Being in possession of prohibited ammunition.
22. 'Operation Orchid' caused a second team of South Wales Police to interview the Claimant's wife at the family home, with the hope they could obtain a statement from her that the Claimant had a history of mental illness. This was in the hope of avoiding the criminal proceedings being put to strict proof. The Claimant's wife was threatened that her and Claimant's ten years old daughter was at serious risk of being taken into care, by the South Wales social services, if she did not cooperate. Blatant intimidation and harassment of the Claimant and his family.
23. The Claimant was never charged with the first arrest allegation, (a), and despite repeated court orders to reveal the evidence and statements by Dolmans, solicitors, they assisted their client by being a party to the February 2009 Chief Constable's sworn affidavit.
24. Despite repeated applications in Cardiff Crown Court, by the Claimant, for specific disclosure relating to the alleged 'threat of criminal damage' to countless judges, HM Crown Prosecution Service, South Wales Police and Dolmans, the Defendant's solicitors, being the complainant, all refused.
25. Final proof of conspiracy needed just one last refused application, this time before His Honour Judge Seys Llewellyn QC, the management judge in the ongoing civil proceedings between the Claimant and Defendant.
26. Dolmans had little choice but to again refuse to disclose the evidence of their client's criminal conduct and/or gross mismanagement during the days leading up to the Claimant's 22nd June 2009 ridiculous arrest.

27. Dolmans falsified evidence assisting in the arrest of the Claimant, their client, the then Chief Constable of South Wales Police, Ms Barbara Wilding, the latter assuring them, no doubt, of their immunity to prosecution. The overall plan was to prejudice the Claimant's position in the ongoing civil proceedings now that the 'cover up' of an expensive ten year police covert surveillance team, on the Claimant, was starting to fall apart.
28. There was no intention of arresting the Claimant on fire arms charges. The Claimant, without full MAPPA approval or understanding, had been set up to be 'lawfully killed' by an armed South Wales Police unit under direct orders from senior police officers.
29. Events following the early 2009 decision by these high ranking police officers, to have the Claimant eliminated, eventually became unmanageable due to the unpredictable conduct of their moving target and the effect of his postings on his website.
30. Between **22nd and 23rd June 2009** the police filmed and removed, from his home, the Claimant's lawfully held shot guns, ammunition and court files, the latter relating to the Claimant's ongoing complaint of police bullying, harassment, malicious prosecutions and false imprisonments conducted in most un usual and extreme manner suggesting vengeance at the tax payer's expence.
31. None of the above items, guns, ammunition or court files have ever been returned to the Claimant with the police continuing to block the Claimant's right to re new his gun licences.
32. On **24th June 2009** a police officer or officers laid information against the Claimant at Barry Magistrates court alleging that that the Claimant had been 'in possession of a prohibited weapon', one antique 1916 Lewis machine gun and had sold the 'gun', a year earlier, both contrary to the 1968 Fire Arms Act.
33. The English police refused to 'touch the subject with a barge pole' once they became aware that the South Wales Police had persuaded the Civil Aviation Authority to telephone ahead to the new owner, in England, to dismount the Lewis antique and alone drive it across Lincolnshire and beyond to find any licenced arms dealer where it could be, later, collected by the Defendant.
34. The Welsh police then 'hawked' the Lewis antique nearly two thousand miles around the UK, contrary to strict Home Office Regulations, during which time the Defendant had it 'modified' at their special police laboratory in South Wales. This Claim is yet another one of misfeasance in public office.
35. Upon reading the Claimant's June 2009 64 page Defence statement, on the Defendant's real motives behind his arrest, the Barry Magistrates court, together with legal advice, allowed the Claimant immediate and unconditional bail.
36. On **25th June 2009** the police appealed the Court Order deliberately lying on the relevant facts, under consideration, to HHJ Hughes causing the Claimant to be further detained in custody in Cardiff prison.

37. Repeat of these lies by the Defendant occurred before a further nine more Cardiff Crown Court judges when opposing bail. False antecedent history together with this malicious false imprisonment is one of the major Claims of the Claimant.
38. The Defendant, over nearly eight months, deliberately refused the Claimant standard or specific disclosure of evidence, under their control, that would have cleared the Claimant's name before the need of a trial. Defamation is another serious Claim by the Claimant.
39. In **July 2009** the Defendant brought a third indictment namely, obtaining income from the 'proceeds of crime'. A judge, much later, caused this third indictment to be withdrawn. This event contributes to the large number of proceedings that the Claimant has won against the Defendant.
40. On **3rd August 2009** Dr Tegwyn Williams, forensic psychiatrist and Director of Caswell Clinic, South Wales Police forensic Unit, at Bridgend, signed a psychiatric report recommending the Claimant be sectioned and further remanded in custody to his medium secure psychiatric unit, Caswell Clinic, under Section 35 of the 1983 Mental Health Act having not even examined his patient.
41. Dr Tegwyn Williams had in his possession, before 3rd August 2009, psychiatric reports from both HM Prison Cardiff and his own Caswell Clinic doctors, that the Claimant did not need any medication or treatment relevant to the 1983 Mental Health Act.
42. On **28th August 2009** a series of brain scans, arranged by Dr Tegwyn Williams, indicated no relevant abnormalities in the Claimant, confirmed at the time, in writing, by at least one expert at the Princess Elizabeth Hospital, Bridgend.
43. In **September 2009**, after it was clear the Claimant was not going to employ a lawyer, with sworn allegiance to the South Wales courts, Dr Tegwyn Williams recommended that the Claimant be now transferred to Ashworth High Security Psychiatric Prison (IPP), Imprisonment for Public Protection with a term of imprisonment, without trial, of an inordinate length stating, without appropriate qualifications, the Claimant had 'significant brain damage' and 'possible cancer', neither of which had much chance of recovery.
44. Whilst this Claim could be conceived against Dr Tegwyn Williams alone, it is concluded here as a major act of harassment by the Defendant who had commissioned Dr Williams via FTAC and MAPPA.
45. The Claimant, following much needed legal advice retains the right of including Dr Tegwyn Williams as a Co Defendant in these civil proceedings for damages.
46. On or about the **24th October 2009** the Claimant was further remanded in custody in Cardiff Prison reliant on a further Dr Tegwyn Williams psychiatric report the Defendant knew or ought to have known was false as the National Health Service doctor was not even qualified to sign such a court document as true, to the best of his belief.
47. On the **2nd December 2009** the prosecution had convened a hearing, not tape recorded and in the absence of the Claimant, left locked up under the court, to discuss, at length,

with the proposed trial judge and Dr Tegwyn Williams, the possibilities of avoiding the trial by way of a Section 41 or similar, of the 1983 Mental Health Act, that could have the Claimant locked away, without trial, for life.

48. But the Defendant had failed to obtain the second signatory from any appropriately qualified forensic psychiatrist, required by law, in either England or Wales, but not for the want of trying.
49. On the **2nd December 2009** The Defendant failed to inform the proposed trial judge, HHJ Bidder QC, that the Claimant had caused not less than twelve psychiatric reports from a same number of psychiatrists that the Claimant was not requiring the need for either psychiatric assessment or treatment.
50. HM Court Service (Wales), as is their habit, failed to disclose to HHJ Bidder QC or the Claimant of the Claimant's privately obtained expert medical report, from outside Wales, having been served on Cardiff Crown Court the day before by an English solicitor and past MP for the Vale of Glamorgan.
51. The report seriously contradicted both those of Dr Tegwyn Williams' and the findings of Professor Roger Wood, the latter also unqualified to state an opinion that might affect permanent custody of the Claimant.
52. On **7th December 2009** the Claimant, using other lawyers, again from well outside South Wales, caused the MAPPA coordinator, based at the Defendant's HQ, to indicate, in writing, 'The right arm did not know what the left arm of the law was doing'.
53. On **17th December 2009** the Defendant headed a hurriedly convened MAPPA meeting in the Caswell Clinic, Bridgend, due to yet another Claimant bail Application before HHJ Bidder QC scheduled that day in Newport Crown Court.
54. The Claimant's name for some reason, currently subject to HHJ Seys Llewellyn QC's outstanding Order for disclosure, was removed from the MAPPA register without any explanation to the Claimant causing further hardship and distress to the Claimant, in prison, still trying to establish his exact MAPPA status and why, just a before trial carrying a possible mandatory ten year prison sentence.
55. The Claimant has to this day never established why and later, why not, he was on the MAPPA register with the Defendant repeatedly refusing to disclose, contrary to law.
56. Defense evidence or 'summing up' was never needed due the prosecution's fairy tale, a view held by at least nine members of the jury, stating to the Claimant, immediately after the trial, that their decision was already concluded by eleven of the jury after the first day of evidence and cross examination.
57. On **9th February 2010**, at Cardiff Crown Court, the Claimant was found 'not guilty' on the two remaining indictments and was released from custody with no conditions.

58. The jury also made the Claimant aware, immediately after the hearing, that they questioned why both the original seller to the Claimant, of the Lewis antique and the current owner, buying from the Claimant, were not also in the dock or behind bars.
59. The Claimant's complaints to the relevant police authorities, to investigate the conduct within South Wales Police, before and after his arrest and nearly eight months in custody, have been swept under the proverbial carpet in a perfunctory manner to which the Claimant is accustomed since first settling in South Wales.
60. The arrest and detention and prosecution of the Claimant were unlawful as the most appalling act of malice.
61. There were no reasonable grounds to believe that the Claimant was probably guilty of the offence for which he was arrested.
62. The decisions to arrest and detain the Claimant were such as no reasonable police officer would have reached.
63. The Claimant was detained for longer than was reasonably necessary and in breach of the provisions of the Police and Criminal Evidence Act 1984.
64. Further, the actions of police officers set out above constitute harassment within meaning of section 1 of the Protection from Harassment Act 1997 and misfeasance in public office.
65. By reason of the matters aforesaid, the Claimant has suffered loss, damage, distress, anxiety, damage to his reputation and was deprived of his liberty. He has been subjected to bullying, malicious prosecution and harassment, false imprisonment and contrary to the 1998 Human Rights Act.

Withheld NHS Medical Records

66. On or about **10th February 2010** the Defendant arrested and detained in custody the Claimant for entering Caswell Clinic, when invited by the staff to collect his full medical records, promised by Dr Tegwyn Williams following the Claimant's applications under the Freedom of Information and Data Protection Acts. Also promises to his GP's secretary, in the presence of the Claimant, by the manager, stated they could be collected from the Caswell Clinic porter's lodge. His multi agency collusion has caused serious aggravation to the Claimant's health.
67. The full medical records were not disclosed and currently remain with the South Wales National Health Service, also now refusing to hand them over.
68. The Claimant was charged with numerous allegations and jailed. Severe bail conditions were set before all charges were later dropped with the Defendant refusing to properly investigate the Claimant's complaint into the apparent falsified medical records written

by both Dr Tegwyn Williams of Caswell Clinic and Professor Roger Wood of Swansea University.

69. The Defendant's actions were both malicious and bullying and/or yet a further example of misfeasance in public office the Claimant has suffered under, by the Defendant, since 1992

HM Court Service (Wales).

70. In **July 2010** ex South Wales Police officer, a Derrick Hassan, violently assaulted the Claimant, defendant at the time on a pair of crutches and on daily morphine sulphate and other analgesic medication. Hassan pushed the Claimant part way down a flight of stairs in Cardiff Crown Court causing the Claimant to attend casualty and treatment for a damaged ankle and increased his hip pain in a much overdue total hip replacement required, caused by the failure of the Defendant to investigate the Claimant's complaint, relating to falsified medical evidence. The Vale Hospital, Vale of Glamorgan, had to take this into consideration, without clarification being available, to cancel elected surgery.

71. Despite being given the name and address of an independent witness, not part of HM Court Service (Wales), the Defendant refused to have him interviewed thereby acting irresponsibly and with without due care. The conduct was malicious.

Racially Aggravated Public Order allegations

72. 69 On or about the **2nd August 2010** the Claimant was arrested and jailed by the Defendant purely for monetary gain by a third party. The Crown Prosecution Service offered 'no evidence' and the Claimant was found 'not guilty' in his absence of all parties.

73. Again, the Defendant refused to investigate thousands of pounds of damage caused, caught in the act by the Claimant, by these same complainants of the dismissed Public Order offences.

74. This malicious prosecution is a further act of both misfeasance in public office and harassment

Stolen Cheques incident currently under appeal at The Court of Appeal

75. On or around **November 2010** the Claimant identified the thief of his stolen surgery cheques, some nine years earlier, the subject currently on appeal from Action CF101+ three others, before the Court of Appeal (Wales). The thief was giving his identity details to a named clerk in Barry Post Office. The Defendant, due to ill health and on crutches was unable to apprehend the thief.

76. Previously, the Defendant in the defenses of the earlier Action admitted to the Claimant that the Defendant had not been able to trace the thief despite being, known to the Defendant, given film footage of his cashing falsified Claimant's cheques and given his home address in Barry.

77. The Claimant informed the Defendant of the above new information but the Defendant refused to properly investigate or even speak to the clerk at the Barry Post Office or the Claimant on the new evidence.
78. In summary, the Claimant has suffered from the malicious intent of the Defendant's misfeasance in public office as well as the unprofessional behaviour of the Defendant's solicitors and of the Defendant's forensic psychiatrist. The Defendant's bullying and harassment resulted in false imprisonment, severe damage to reputation, completely unnecessary legal proceedings and thus a claim to damages, exemplary damages, special a criminal investigation and costs.
79. **Unless restrained by the Court, police officers will continue to harass the Claimant.**
80. The Claimant retains his right for trial by jury and for a lawyer to read and amend this Claim

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26th May 2011

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