

IN THE CARDIFF COUNTY COURT

Claim No. BS614159-MC65

BETWEEN:-

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT


This is the Exhibit marked "RLH/1" referred to in my Affidavit.

Sworn this 28th day of April 2016

RHM

At Vale Solicitors
100 Regent Street Rd
Cardiff CF61 1XZ

Before me

 Elizabeth Hunt

Solicitor / Commissioner for Oaths



FILE NO. 1732

RE: MAURICE JOHN KIRK

DOCUMENTS RE: INCIDENT NO. 5

IN THE CARDIFF COUNTY COURT

Claim No. BS614159-MC65

BETWEEN:-

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE


Defendant

EXHIBIT

This is the Exhibit marked "RLH/2" referred to in my Affidavit.

Sworn this 28 day of April 2016

Rising

At the solicitors
Grange 1 Boverton Rd
Cardiff, major
time of 6.15.00pm CF611XZ.
Before me  Elizabeth Hunt,

Solicitor / Commissioner for Oaths



S:\INDEX - 1732(5)

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1. REPORT DATED 10TH MARCH 1997 OF D.C. 3052 P. THOMAS.
2. ARREST INFORMATION SHEET AND CUSTODY RECORD.
3. STATEMENT OF PHILIP THOMAS DATED 10TH MARCH 1997.
4. TRANSCRIPT OF TAPE RECORDED INTERVIEW OF
MAURICE JOHN KIRK ON 20TH MAY 1993.
5. TAPE - REF.NO. DA/1955/931

IN THE CARDIFF COUNTY COURT

Claim No. BS614159-MC65

BETWEEN:-

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT

This is the Exhibit marked "RLH/3" referred to in my Affidavit.

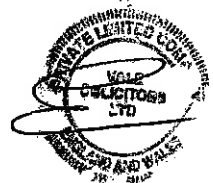
Sworn this 28 day of April 2016

Rutin

At Vale Solicitors
4 Rongey Road
Warrington, Cheshire WA6 1XZ
Cheshire

Before me

 Elizabeth Hurst
Solicitor / ~~Commissioner for Oaths~~



IN THE CARDIFF COUNTY COURT

CASE NO. BS 614159-MC65

CF101741

CF204141

BETWEEN

MAURICE JOHN KIRK

Claimant

and

THE CHIEF CONSTABLE OF THE SOUTH WALES CONSTABULARY

Defendant

STATEMENT

1. I Richard Leighton Hill, make this statement on behalf of the Defendant in the above matters which are currently being heard in the Cardiff County Court. I make this statement in my capacity as Assistant Director and Head of South Wales Police and Gwent Police Joint Legal Services.
2. This statement has been prepared in response to the indication given by Leading Counsel on behalf of the Defendant on Friday 22 February 2013, that pursuant to comments from His Honour Judge Seys Llewellyn QC, the Defendant would seek to make enquiry into the circumstances in which Former Inspector Sydney Griffiths (then PS Griffiths) of South Wales Police carried out investigation(s) in 1996 into allegations made by the Claimant and as to any reports made by him as a result of those investigation(s). I have been invited to refer to correspondence generated by me at that time with Mr Griffiths in order to assist the Court as to the evidence provided by Mr Griffiths at the above trial.
3. In order to assist the Court in understanding the context of the investigations undertaken by Mr Griffiths I will refer to a copy of the original Particulars of Claim in Action 1 dated 1996 which were served upon the Defendant in September 1996 and other pleadings served subsequently. At this time, the Claimant was represented by Bobbetts Mackan Solicitors. An Amended Particulars of Claim dated 1 September 1997 was

subsequently served upon the Defendant by that firm of solicitors, who at that time continued to represent the Claimant. Subsequent to the service of the Amended Particulars of Claim the Defendant received two further Re-Amended Particulars of Claim signed by David Spens of Counsel, instructed on behalf of Bobbetts Mackan Solicitors, one pleading dated 25 February 1998 and the second copy pleading being dated 1 April 1998. I exhibit copies of all of these pleadings to my statement, marked "Exhibit RLH 1".

4. As further identified below, some claims within Action 1 have been struck out by virtue of a Court Order dated 19 May 1998 and a Court Order dated 30 November 2010. I exhibit copies of these Court Orders to my statement marked, "RLH 2". The fact that aspects of the original pleaded case are no longer before the court has to be borne in mind in terms of my response to the comments of the judge. I have limited my response to dealing with only those matters that are currently being dealt with by the court so as to assist the court and ensure that only appropriate court time is taken up on this issue. I will seek in this statement to identify where amendments to the allegations have been made in this case so as to assist in clarifying the position for the court with regard to those parts of the proceedings which the court has ordered should be dealt with at this trial.
5. At the time that the original proceedings were threatened and then served, twenty three (23) separate causes of action were identified in the Particulars of Claim. In my role as legal advisor to the Defendant I was required to ascertain and understand the material that might have been available to the Force for the Defence of this action and the officers who might be required to be interviewed in respect of the same. Accordingly, I sought that investigations should be carried out to seek to identify any information in the possession of the Force that might relate to the various incidents identified in the Particulars of Claim. Bobbetts Mackan Solicitors had been instructed on behalf of the Claimant and I had instructed Dolmans solicitors to assist the Defendant in the defence of the civil action. At this stage I was seeking to obtain all appropriate information with a view

to providing the same to Dolmans for the purpose of obtaining advice as to the defence of the civil action and so that I might instruct Dolmans in this regard. I intended that the responsibility for identifying the location and existence of any documents should be delegated to an officer in the Vale of Glamorgan area of the Force, who could then obtain the relevant documents and details and direct the same to my office in order that I might seek to determine the legal advice and assistance that should be provided to the Defendant in this matter.

6. I contacted Chief Inspector Brian Greaves who indicated that the best officer available to seek to collate this material would be Police Sergeant Griffiths. I therefore addressed an amount of correspondence from my department to Chief Inspector Brian Greaves that he might pass this material to Sergeant Griffiths with the instruction to report back to me on his initial findings. I wished to locate all documentation which existed in the Vale of Glamorgan Division of South Wales Police relative to the allegations being made by the Claimant and this was the basis on which Sergeant Griffiths was being asked to report back to me.
7. It is my recollection that a "summary of incidents" was prepared identifying incident numbers with reference to the allegations in the Particulars of Claim. I am assisted in this recollection by the fact that the allegations were divided and were the subject of a letter of instruction from me. Each letter of instruction to Sergeant Griffiths is headed with an incident number. My summary letter to Chief Inspector Brian Greaves dated 18 November 1996 also indicates that a "summary of incidents" was enclosed. I cannot now however be certain as to which "summary of incidents" would have been provided to Sergeant Griffiths and therefore I cannot produce a copy of the same. There is no copy of the summary document retained with the items of correspondence.
8. I would emphasise that I have always regarded my instructions to Sergeant Griffiths and the responses to me as being material that has been subject to a claim for legal professional privilege, or alternatively,

public interest immunity privilege (the latter being claimed as to the efficacy of parties being entitled to investigate claims made against a Defendant without exposing any such investigations to a duty of disclosure).

9. The instructions issued by me were in direct response to the allegations being made by solicitors representing the Claimant and in response to pleadings drafted on his behalf. The intention of conducting the investigations was to enable appropriate legal advice to be provided to the Defendant as to the defence of the claim (s). I have therefore always considered (and have also been advised by those instructed to represent the interests of the Defendant) that this material would not form part of standard disclosure.
10. However, in order to assist the court and to answer the comments raised by the trial judge in this matter I am authorised by the Defendant to consent to waive any claim for legal professional privilege (or public interest immunity privilege) to the limited extent of providing details of my letters of instruction to Sergeant Griffiths and his responses to me in respect of the matters that are currently before the court. I do so in order to assist the court as to the queries that have been raised by the evidence of Sergeant Griffiths.
11. The following relevant correspondence is exhibited to my statement which refers to the period of November and December 1996 and is marked "RLH 3".
12. Incident 1 corresponds to paragraph 8.1 and 8.2, which was withdrawn when Bobbetts Mackan withdrew that allegation by virtue of service of the Re-Amended Particulars of Claim. The two copies of that pleading received by the Defendant are within "RLH 1" and they identify that this incident / allegation was no longer being pursued.
13. Incident 2 corresponds with paragraph 8.3 of the Particulars of Claim, a matter upon which Mr Sidney Griffiths commented in his statement for the

purposes of these civil proceedings. I exhibit a copy of my letter of instruction and his report. The report encloses various documents which I can confirm have been previously disclosed in these proceedings by means of standard disclosure.

14. Incident 3 corresponds to paragraph 8.4 of the Particulars of Claim. This allegation was struck out by virtue of the Court Order of 19 May 1998, a copy of which is exhibited to my statement at "RLH 2". Accordingly this incident no longer forms part of these proceedings.
15. Incident 4 corresponds to Paragraph 8.5 of Action 1. This is a matter which other officers will give evidence before the court. As such, Sergeant Griffiths did not comment upon this allegation in his statement for the purposes of these civil proceedings. However, he was instructed by me to look into this matter and I exhibit a copy of the letter of instruction and his response. I note that in his response Sergeant Griffiths indicated that the officer concerned with the incident, PC Lott, was on maternity leave and that she would locate a copy of her pocket note book for the relevant date. A copy of the pocket note book of PC Lott in respect of this incident was not forwarded to my department and was not disclosed as part of standard disclosure in these proceedings.
16. Incident 5 corresponds to Paragraph 8.6 of Action 1. This incident did not take place in the Vale of Glamorgan Division and as such I did not instruct Sergeant Griffiths to investigate this incident.
17. Incident 6 corresponds to Paragraph 8.7 of Action 1. I exhibit a copy of my letter of instruction and his report. The report encloses a document which I can confirm has been previously disclosed in these proceedings by means of standard disclosure.
18. Incident 7 corresponds to Paragraph 8.8 of the Particulars of Claim. This allegation was struck out by virtue of the Court Order of 19 May 1998, a copy of which is already exhibited to my statement. Accordingly this

incident no longer forms part of these proceedings. In any event, this incident did not take place in the Vale of Glamorgan Division and as such I did not instruct Sergeant Griffiths to investigate this incident.

19. Incident 8 corresponds with Paragraph 8.9 of the Particulars of Claim. I exhibit a copy of my letter of instruction and his report. The report encloses documents which I can confirm have been previously disclosed in these proceedings by means of standard disclosure, save for the report of PC Hillman.
20. The report of PC Hillman is clearly subject to legal professional privilege as it came into existence in contemplation of this litigation and only pursuant to my request for information. However as the court has requested clarification of the instructions to Sergeant Griffiths, I am prepared to provide disclosure of this document by way of clarification and by agreeing to waive legal professional privilege. A copy is enclosed in "Exhibit RLH 3".
21. Incident 9 corresponds with paragraph 8.11 of the Particulars of Claim. After this period of time I cannot locate a copy of my letter of instruction within the relevant papers in my possession. I am however able to exhibit Mr Griffiths' response to my letter of instruction. The custody record has already been disclosed by means of standard disclosure.
22. Incident 10 corresponds with paragraph 8.12 of the Particulars of Claim which was struck out by virtue of the Court Order of 30 November 2010.
23. Incident 11 corresponds to paragraph 8.13 of the Particulars of Claim. I exhibit a copy of my letter of instruction and his report. The report encloses various documents which I can confirm have been previously disclosed in these proceedings by means of standard disclosure.
24. Incident 12 corresponds to 8.14 of the Particulars of Claim. I exhibit a copy of my letter of instruction and his report. No documents were enclosed with the report of Sergeant Griffiths in respect of this incident.

25. Incident 13 corresponds to 8.15 of the Particulars of Claim. I exhibit a copy of my letter of instruction and his report. The report encloses various documents which I can confirm have been previously disclosed in these proceedings by means of standard disclosure.
26. Incident 14 corresponds to 8.16 of the Particulars of Claim. I exhibit a copy of my letter of instruction and his report. The report encloses various documents which I can confirm have been previously disclosed in these proceedings by means of standard disclosure.
27. Incident 15 corresponds to 8.17 of the Particulars of Claim. I exhibit a copy of my letter of instruction and his report. The report encloses various documents which I can confirm have been previously disclosed in these proceedings by means of standard disclosure.
28. Incident 16 corresponds to 8.18 of the Particulars of Claim. I exhibit a copy of my letter of instruction and his report. The report encloses documents which I can confirm have been previously disclosed in these proceedings by means of standard disclosure, save for the report of PC Johnson.
29. The report of PC Johnson is clearly subject to legal professional privilege as it came into existence in contemplation of this litigation and only pursuant to my request for information. However as the court has requested clarification of the instructions to Sergeant Griffiths, I am prepared to provide disclosure of this document by way of clarification and by agreeing to waive legal professional privilege. A copy is enclosed in "Exhibit RLH 3".
30. Incident 17 corresponds to 8.19 of the Particulars of Claim. I exhibit a copy of my letter of instruction and his report. The report encloses various documents which I can confirm have been previously disclosed in these proceedings by means of standard disclosure.

31. Incident 18 corresponds to 8.20 of the Particulars of Claim and Incident 20 corresponds to 8.21 of the Particulars of Claim. I exhibit copies of my letters of instruction and his report which dealt with both incidents. Sergeant Griffiths did not locate any documents which relate to the pleaded case of incidents taking place on 24 July 1995 and 7 August 1995. However, Sergeant Griffiths commented that he had located four other incidents which had concerned the Claimant's premises at Tynewydd, Barry in respect of offences of criminal damage. These other incidents had taken place in June and September 1995. In these circumstances, I exhibit copies of the four crime reports which were enclosed with the report of Sergeant Griffiths in respect of Incidents 18 and 20. I do not accept that these reports have any relevance to the pleaded action, but I disclose the same with a view to assisting the court in clarifying its understanding of the evidence of Sergeant Griffiths and the process of disclosure that has been effected.

32. Incident 19 corresponds to 8.21 of the Particulars of Claim. I exhibit a copy of my letter of instruction and his report. Sergeant Griffiths did not locate any documents which relate to the pleaded incident of 6 August 1995. However, he commented that he had located an incident where Paul Stringer had been arrested on 6 June 1995. Sergeant Griffiths had located a pocket note book in respect of this incident. In the circumstances, I exhibit a copy of this pocket note book. Again, I do not accept that this pocket note book entry has any relevance to the pleaded action, but I disclose the same with a view to assisting the court in clarifying its understanding of the evidence of Sergeant Griffiths and the process of disclosure that has been effected.

33. Incident 21 corresponds to 8.22 of the Particulars of Claim. This allegation was struck out by virtue of the Court Order of 19 May 1998, a copy of which is already exhibited to my statement. Accordingly this incident no longer forms part of these proceedings.

34. Incident 22 corresponds to 8.23 of the Particulars of Claim. I exhibit a copy of my letter of instruction and his report. Inspector Griffiths did not locate any documents which relate to the pleaded case.
35. Incident 23 corresponds to 8.24 of Particulars of Claim. This allegation was struck out by virtue of the Court Order of 19 May 1998, a copy of which is already exhibited to my statement. Accordingly this incident no longer forms part of these proceedings.
36. I did not instruct Sergeant Griffiths to deal with any matters beyond the original twenty three (23) incidents in the Particulars of Claim.
37. Sergeant Griffiths provided a further report to me dated 6 December 1996 in which he indicated that whilst making enquiries into the twenty three (23) civil claims, various other documents were discovered relating to the Claimant. Sergeant Griffiths forwarded this material to me. At that time, it appeared to me that none of these documents related to the pleaded case. Disclosure of these documents was therefore not effected as part of standard disclosure.
38. However, by way of an Amended Particulars of Claim dated 1 September 1997, the Claimant claimed at paragraph 8.26 that the Defendant's officers had purported to arrest the Claimant for illegal eviction of a tenant contrary to the Protection Against Eviction Act 1977 in June 1995. The Defendant had no record of any such incident and was not able to identify the same from enquiries.
39. However, just before Christmas 2009, the Claimant produced a statement from Mr Gafael concerning an incident which took place in June 1995 as part of his on-going disclosure. This was not a document which had been disclosed by the Claimant previously.
40. As a result of the Claimant disclosing this statement, the Defendant was able to trace officers who arrested the Claimant on 3 July 1995 (not June 1995) for an offence of criminal damage to the property of Mr Gafael (not

illegal eviction). The custody record EA/1819/95 refers to the Claimant's arrest on this occasion and is within the trial bundle. I do not disclose copies of the additional material enclosed with the report of Sergeant Griffiths dated 6 December 1996 which appears to me not to relate to the matters which the court is concerned with in Actions 1 to 3 and which do not relate to the enquiry emanating from the judge's comments as to the investigations by Sergeant Griffiths.

41. I am not aware of receiving any other documentation from Sergeant Griffiths relating to the current allegations being dealt with by the court.

42. I submit this statement to assist the court and in accordance with the indication provided by Leading Counsel on behalf of the Defendant.

43. This information contained within this statement is, to the best of my information and belief, true.

Signed: 

Dated: 1st March 2013

Assistant Director and Head of South Wales Police and Gwent Police Joint Legal Services

IN THE CARDIFF COUNTY COURT

**CASE NO. BS 614159-MC65
CF101741
CF204141
7CF0734S**

BETWEEN

MAURICE JOHN KIRK

Claimant

and

THE CHIEF CONSTABLE OF THE SOUTH WALES CONSTABULARY

Defendant

STATEMENT OF RICHARD LEIGHTON HILL

Dolmans

One Kingsway

Cardiff

CF10 3DS

APO.MS.SWP1-138

DX 33005 CARDIFF

IN THE CARDIFF COUNTY COURT

**CASE NO.BS 614159-MC65
CF101741
CF204141**

BETWEEN

MAURICE JOHN KIRK

Claimant

and

THE CHIEF CONSTABLE OF THE SOUTH WALES CONSTABULARY

Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH1" in the Position Statement of Richard Leighton Hill

SIGNED:..... *Richard*

DATED:..... 01. 02 . 2013

(3)

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 Tynwydd 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 Plaintiff's 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 for 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.

8.22. On the 31st October 1995 a Honda Acta Van 43083 used by the Plaintiff for a veterinary ambulance was discovered by officers of the Defendants in Vere Street, Barry and a PC Swerson advised the Defendants station of its whereabouts. The vehicle was removed by persons unknown to the Plaintiffs from that address but was subsequently reported by Inspector Webster that the vehicle was not at Myrtle Grove, Barry. Again on investigation the vehicle had been moved from that address. The Defendants took no action or attempt to protect the stolen items and the Plaintiff has therefore suffered loss and damage.

8.23. In May 1995 the Plaintiff was stopped and detained by the Defendants Officers in Barry and required to produce his driving documents which he did. He was charged with failing to produce and found Not Guilty (Police Re. 33139/A).

8.24. In February 1996 the Plaintiff's Citroen motor car C86 NAN was stolen. It was eventually located in a local scrap yard. The Defendants have failed and refused to provide any details of their investigations thus preventing the Plaintiff from pursuing any compensation claim.

9. **PARTICULARS OF LOSS**

These details will be disclosed on discovery.

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
Bobbetts Mackan
20a Berkeley Square
Clifton
Bristol
BS8 1HP

IN THE BRISTOL COUNTY COURT

CASE NO:

BETWEEN:

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

AMENDED PURSUANT TO ORDER 15, RULE 2 OF THE COUNTY COURT RULES 1981

IN THE BRISTOL COUNTY COURT

CASE NO: BS6 14159

BETWEEN:



Maurice John Kirk

Plaintiff

and

South Wales Constabulary

Defendants



AMENDED PARTICULARS OF CLAIM

1. The Plaintiff is a veterinary surgeon and operates surgeries at 51/53 Tynwydd 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 Kinslake and at all material times were aware that the Plaintiff held a current full driving licence, that he was not qualified 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 herein 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 7th March 1997 the Defendants unlawfully detained the Plaintiff's property causing him loss and damage.
- 8.3 On the 2nd January 1997, the Plaintiff was stopped by an officer of the Defendants on the A48 at Cowbridge, South Glamorgan without lawfully 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 his 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 stopped~~ 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 Plaintiffs 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 motor cycle and refused to release the same to him for several days after the Plaintiff 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 whatsoever 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-cycle~~ 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 without disqualified. He was released the following morning on 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 Kinslake (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, having no insurance and driving without due care and attention. The Plaintiff was taken to Barry Police Station when he PC Kirlake 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 19th August 1994 the Plaintiff was stopped and arrested by the said PC Kirslake for driving whilst disqualified at 8am. The police at Barry held the Plaintiff in custody until 12.45pm 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 1pm. He was released at 4pm 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 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 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. The incident was recorded by letter to the Defendants on 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 1997 the said Stringer tried to gain access to the Plaintiff veterinary hospital armed with a length of wood. The Defendants again 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 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 called and again refused to take any action.
- 8.22. On the 31st October 1995 a Honda Acta Van 43083 used by the Plaintiff for a veterinary ambulance was discovered by officers of the Defendants in Vere Street, Barry and a PC Swerson advised the Defendants station of its whereabouts. The vehicle was removed by persons unknown to the Plaintiffs from that address but was subsequently reported by Inspector Webster that the vehicle was not at Myrtle Grove, Barry. Again on investigation the vehicle had been moved from that address. The Defendants took no action or attempt to protect the stolen items and the Plaintiff has therefore suffered loss and damage.
- 8.23 In May 1995 the Plaintiff was stopped and detained by the Defendants Officers in Barry and required to produce his driving documents which he did. He was charged with failing to produce and found Not Guilty (Police Ref: 33139/A).
- 8.24 In February 1996 the Plaintiff's Citroen motor car C86 NAN was stolen. It was eventually located in a local scrap yard. The Defendants have failed and refused to provide any details of their investigations thus preventing the Plaintiff from pursuing any compensation claim.
- 8.25 On the 2nd February 1995 the Plaintiff reported to the Defendants Police Station at Barry an illegal entry of his house at 52 Tynewydd Road, Barry (The House) by a former tenant. He further reported the theft of many items of property, including post. The Defendants once

again refused to investigate these offences and the offender was never arrested and the Plaintiff various personal items.

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 the Protection Against Eviction Act 1977. The arrest and detention was unlawful.

8.27 On the 10th February 1994 the Plaintiff was driving his spit fire motor vehicle in a lawful manner when he was forced to leave the road by the dangerous and reckless driving by the driver of a Ford Escort. The matter was reported to the Defendants who refused to enter a record of the incident or take a statement. Thus preventing the Plaintiff pursuing his claim for damages to the bonnet, bumper and broken back axle.

8.28. In or about 1995 the Plaintiff had a propeller stolen, this was reported to the Defendants. In or about September 1996, the Plaintiff became aware that the propeller was in the possession of a Mr Roach they refused to make any meaningful investigation or take statements from the Plaintiff or his witnesses.

8.29. During the period March 1996 to the 31st July 1996, the Plaintiff's premises at Llantwit Major were burgled on at least five occasions all of which were reported to the Defendants on the 31st March, 28th April, 3rd May and 15th July 1996. The Defendants refused to carry out any investigations and during the course of the burglaries controlled waste was dumped on the Plaintiff's land. He was charged with the offence of permitting controlled waste on the land on the 1st August 1996 and found guilty. The offence would not have occurred if the Defendants had investigated the burglaries and the Plaintiff is therefore entitled to damages.

9. PARTICULARS OF COST

These details will be disclosed on discovery

See Schedule attached


10. 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.

This claim be limited to £50,000.

Dated the 12th September 1996

Amended the 1st September 1997


.....
Bobbetts Mackan
17 Berkeley Square
Clifton
Bristol BS8 1HB

CASE NO: BS6 14159

IN THE BRISTOL COUNTY COURT

BETWEEN:

Maurice John Kirk

Plaintiff

and

South Wales Constabulary

Defendants

AMENDED PARTICULARS OF CLAIM

Bobbett Mackan
Solicitors
17 Berkeley Square
Clifton
Bristol BS8 1HB

(8)

AMENDED PURSUANT TO ORDER 15, RULE 2 OF THE COUNTY COURT
RULES 1981

IN THE BRISTOL COUNTY COURT

CASE NO: BS6 14159

BETWEEN:

Maurice John Kirk

Plaintiff

and

South Wales Constabulary

Defendants

RE-AMENDED 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 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

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 Kirslake and at all material times the Defendant's officers 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 herein 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 Chopstow 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 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 lawfully 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 of using a vehicle while uninsured and with no Test Certificate (the Defendants still maintaining that no documents

Plaintiff. The Plaintiff was remanded in custody for three days to enable inquiries to be made. The charges were eventually withdrawn and the Plaintiff released. Further the Defendants seized and damaged the Plaintiff 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, Fly, 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 whatsoever responsible for any motoring offence but the Defendant refused to release any information to the Plaintiff to enable him to pursue the offending driver.

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~~ cycle 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 on the 4th October 1993 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 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, having no insurance and driving

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. The incident was recorded by letter to the Defendants on 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 1997 the said Stringer tried to gain access to the Plaintiff veterinary hospital armed with a length of wood. The Defendants again 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 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 called and again refused to take any action.

- 8.22. On the 31st October 1995 a Honda Acta Van 43083 used by the Plaintiff for a veterinary ambulance was discovered by officers of the Defendants in Vere Street, Barry and a PC Swerson advised the Defendants station of its whereabouts. The vehicle was removed by persons unknown to the Plaintiffs from that address but was subsequently reported by Inspector Webster that the vehicle was not at Mrytle Grove, Barry. Again on investigation the vehicle had been moved from that address. The Defendants took no action or attempt to protect the stolen items and the Plaintiff has therefore suffered loss and damage.
- 8.23 In May 1995 the Plaintiff was stopped and detained by the Defendants Officers in Barry and required to produce his driving documents which he did. He was charged with failing to produce and found Not Guilty (Police Ref: 33139/A).
- 8.24 In February 1996 the Plaintiff's ~~Citroen~~ ~~Swerson~~ motor car C86 NAN was stolen. It was eventually located in a local scrap yard. The Defendants have failed and refused to provide any details of their investigations thus preventing the Plaintiff from pursuing any compensation claim.

8.25 On the 2nd February 1995 the Plaintiff reported to the Defendants Police Station at Barry an illegal entry of his house at 52 Tynwydd Road, Barry (The House) by a former tenant. He further reported the theft of many items of property, including post. The Defendants once again refused to investigate these offences and the offender was never arrested and the Plaintiff lost various personal items.

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 the Protection Against Eviction Act 1977. The arrest and detention was unlawful.

8.27 On the 10th February 1994 the Plaintiff was driving his spit fire motor vehicle in a lawful manner when he was forced to leave the road by the dangerous and reckless driving by the driver of a Ford Escort. The matter was reported to the Defendants who refused to enter a record of the incident or take a statement. Thus preventing the Plaintiff pursuing his claim for damages to the bonnet, bumper and broken back axle.

8.28. In or about 1995 the Plaintiff had a propeller stolen, this was reported to the Defendants. In or about September 1996, the Plaintiff became aware that the

propeller was in the possession of a Mr Roach they refused to make any meaningful investigation or take statements from the Plaintiff or his witnesses.

8.29. During the period March 1996 to the 31st July 1996, the Plaintiff's premises at Llantwit Major were burgled on at least five occasions all of which were reported to the Defendants on the 31st March, 28th April, 3rd May and 15th July 1996. The Defendants refused to carry out any investigations and during the course of the burglaries controlled waste was dumped on the Plaintiff's land. He was charged with the offence of permitting controlled waste on the land on the 1st August 1996 and found guilty. The offence would not have occurred if the Defendants had investigated the burglaries and the Plaintiff is therefore entitled to damages.

9. Further it is alleged and averred that the Defendant has maliciously prosecuted the Plaintiff on the dates hereinafter set out:-

i) 2nd January 1993 when the Plaintiff was falsely and 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 1993 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 a 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 30th July 1993, discontinued proceedings against the Plaintiff in relation to (a) and (b) above (refer to paragraph 8.6 above) and did not proceed with the charge at (c) 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 the 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 the 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 contract to Section 143(2) of the Road Traffic Act 1988. Such charges were subsequently withdrawn.

v) On 3rd October 1993 the Plaintiff was stopped by an officer of the Defendant whilst riding a BMW motor cycle and was wrongfully charged with driving the said motor cycle whilst disqualified from holding or obtaining a driving licence contract to Section 103(1)(b) Road Traffic Act 1988 and with using the said motor cycle without insurance contract 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 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 licence 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 stopped 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 required 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 the 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 Plaintiff was unlawfully detained in custody from 14.20 on 20th May 1993 until 10.35 on 21st May 1993, or thereabouts, (refer to paragraphs 8.6 and 9(ii) above).

ii) The Plaintiff 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 Plaintiff was unlawfully detained in custody on 4th October 1993
between 07.50 and 14.30 or thereabouts (refer to paragraphs 8.12 and
9(vi) above).

iv) The Plaintiff 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 Plaintiff was unlawfully detained in custody on 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 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

10. 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.

~~This claim be limited to £50,000.~~

Dated the 12th September 1996

Amended the 1st September 1997

Re-Amended this 25th day of February 1998 David Spens, Counsel

.....
Bobbetts Mackan
17 Berkeley Square
Clifton
Bristol BS8 1HB

Amended Pursuant to Order 15, Rule 2 of the County Court Rules 1981

IN THE BRISTOL COUNTY COURT

CASE NO: BS6 14159

BETWEEN:

Maurice John Kirk

Plaintiff

and

South Wales Constabulary

Defendant

RE-AMENDED PARTICULARS OF CLAIM

1. The Plaintiff is a veterinary surgeon and operates surgeries at 51/53 Tynewydd Road, Bony, 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 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

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sergeant and PC Kirslake and at all material times the Defendant's officers 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.A Further the Defendants as a police authority have a duty and obligation to fully and diligently to investigate any complaint from a member of the public and in respect of any criminal or motoring offence.

5.B Further, or in the alternative the Defendants have a duty and obligation as bailees ~~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.

5.C 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 reasons for the continued detention.

7. The statutory ~~duties~~ and/or common law 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 ~~and/or have caused nuisance to the Plaintiff and/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 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 7th March 1992 the Defendants unlawfully detained the Plaintiffs 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 lawfully 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 motoring documents had been produced. The Plaintiff was maliciously prosecuted in the local Magistrates Court, was found guilty of using a vehicle while uninsured and with no Test Certificate (the Defendants still maintaining that no documents had been produced) and he was fined £450. The conviction was set aside on appeal on the ~~5th~~ 3rd June 1993 and the ~~Cardiff Crown Court~~ was satisfied that the documents had been produced when the Crown Prosecution Service offered no evidence.
- 8.4 On the 9th January 1995 the Plaintiff's surgery was burgled. The Defendants arrested and/or detained a person for this offence but, negligently, in breach of the duty pleaded in paragraph 5C above, 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~~ stopped 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 the conviction 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 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 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 Magistrate's Court.

~~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 ~~maliciously~~ 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 whatsoever responsible for any motoring offence, but the Defendant negligently in breach of the duty pleaded in paragraph 5C above refused to release any information to the Plaintiff to enable him to pursue the offending driver.
- 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 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. The following morning on the 4th October 1993 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 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, having no insurance and driving

without due care and attention. The Plaintiff was taken to Barry Police Station when he PC Kirlake maliciously charged him with:-

- a) Driving whilst disqualified and with no insurance on the 22nd September 1995~~3~~ at South Glamorgan (see 8-89 above), despite having produced those motoring documents as required by law.
- b) Driving whilst disqualified and no insurance on the 1st October 1993 (see 8-910 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 while 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 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 maliciously charged with failing to produce. Such charges being ~~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 Kirslake for driving whilst disqualified at 8 am. The police at Barry unlawfully held the Plaintiff in custody until 12.45 p.m. before being released ~~without charge.~~ 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 ~~with~~ upon an unlawful charge of criminal damage accusation at 1 p.m. He was released at 4 p.m. ~~without charge or explanation.~~ The charge of criminal damage was 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 ~~without charge.~~ 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 Plaintiffs property at 52/53 Tynwydd 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 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 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 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 Defendants on 21st July 1995.

- 8.19 On the 23rd July 1995 the Police were in attendance at 51/53 Tynwydd 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 in breach of the duty pleaded in paragraph 5A above, negligently refused to arrest or detain or charge the said Paul Stringer, 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 Defendants 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 Defendants 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 Plaintiffs property at 52 Tynwydd 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 On the 31st October 1995 a Honda Acta Van 43083 used by the Plaintiff for a veterinary ambulance was discovered by officers of the Defendants in Vere Street, Barry and a PC Swerson advised the Defendant's station of its whereabouts. Negligently, and in breach of their duty pleaded in paragraph 5B above, the Defendants failed to secure the vehicle. The vehicle was removed

by persons unknown to the Plaintiff from that address but was subsequently reported by Inspector Webster that the vehicle was not at Mrytle Grove, Barry. Again on investigation the vehicle had been moved from that address. The Defendants took no action or attempt to protect the stolen items and the Plaintiff has therefore suffered loss and damage.

8.23 In May 1995 the Plaintiff was stopped and detained by the Defendant's Officers 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 In February 1996 the Plaintiffs Citroen ~~Citroen~~ motor car C86 NAN was stolen. It was eventually located in a local scrap yard. The Defendants negligently in breach of the duty pleaded in paragraph 5C above have failed and refused to provide any details of their investigations thus preventing the Plaintiff from pursuing any compensation claim.

8.25 On the 2nd February 1995 the Plaintiff reported to the Defendants, Police Station at Barry an illegal entry of his house at 52 Tynnewydd Road, Barry (The House) by a former tenant. He further reported the theft of many items of property, including port. The Defendants once again negligently in breach of the duty pleaded in paragraph 5A above refused to investigate these offences and the offender was never arrested and the Plaintiff lost various personal items.

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 On the 10th February 1994 the Plaintiff was driving his spittfire motor vehicle in a lawful manner when he was forced to leave the road by the dangerous and reckless driving by the driver of a Ford Escort. The matter was reported to the Defendants who negligently in breach of the duty pleaded in paragraph 5A above refused to enter a record of the incident or take a statement. Thus preventing the Plaintiff pursuing his claim for damages to the bonnet, bumper and broken back axle.

8.28 In or about 1995 the Plaintiff had a propeller stolen, this was reported to the Defendants. In or about September 1996, the Plaintiff became aware that the propeller was in the possession of a Mr Roach but the Defendants they refused to make any meaningful investigation or take statements from the Plaintiff or his witnesses.

8.29 During the period March 1996 to the 31st July 1996, the Plaintiff's premises at Llantwit Major were burgled on at least five occasions all of which were reported to the Defendants on the 31st March, 28th April, 3rd May and 15th July 1996. The Defendants negligently in breach of the duty pleaded in paragraph 5A above refused to carry out any investigations and during the course of the burglaries controlled waste was dumped on the Plaintiff's land. He was charged with the offence of permitting controlled waste on the land on the 1st August 1996 and found guilty. The offence would not have occurred if the Defendants had investigated the burglaries and the Plaintiff is therefore entitled to damages.

9 Further it is alleged and averred that the Defendant has maliciously prosecuted the Plaintiff on the dates hereinafter set out:

i) 2nd January 1993 when the Plaintiff was falsely and 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 1993 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 a 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 30th July 1993, discontinued proceedings against the Plaintiff in relation to (a) and (b) above (refer to paragraph 8.6 above) and did not proceed with the charge at (c) 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 the 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 1988. Such charges were subsequently withdrawn.
- v) On 3rd October 1993 the Plaintiff was stopped by an officer of the Defendant whilst riding a BMW motor cycle 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 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 stopped 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 required 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 magistrate's 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 paragraphs 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 paragraphs 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 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 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.


~~This claim be limited to £50,000.~~

Dated the 12th September 1996

Amended the 1st September 1997

Re-Amended the 1st day of April 1998. DAVID SPENS

Bobbetts Mackan
17 Berkeley Square
Clifton
Bristol BS8 1HB



IN THE CARDIFF COUNTY COURT

CASE NO. BS 614159-MC65

CF101741

CF204141

BETWEEN

MAURICE JOHN KIRK

Claimant

and

THE CHIEF CONSTABLE OF THE SOUTH WALES CONSTABULARY

Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH2" in the Position Statement of Richard Leighton Hill

SIGNED:..... *Richard*

DATED:..... 01. 03. 2013

General form of judgment or order

Plaintiff

Bobbetts Mackan
17 Berkeley Square
Clifton
Bristol

BS8 1HP
DX 37011 CLIFTON (BRISTOL)

In the

BRISTOL

County Court

Case No. *Always quote this*

BS614159

Plaintiff

Maurice John Kirk

Defendant

South Wales Constabulary

Plaintiff's ref.

BCC/DME/6740.10

Defendant's ref.

JNM EJP BR SOU 5 65

Before District Judge Stuart-Brown sitting at Bristol County Court, 2nd Floor, Greyfriars, Lewins Mead, Bristol, BS1 2NR.

Upon hearing Counsel for the Plaintiff and upon hearing Counsel for the Defendant

S ORDERED THAT

- 1) There be leave to file the re-amended Particulars of Claim save that paragraphs 8.4, 8.5, 8.10, 8.18, 8.19, 8.20, 8.21, 8.22, 8.24, 8.25, 8.27, 8.28 and 8.29 be struck out as disclosing no reasonable cause of action.
- 2) The amended pleading to retain the original sequence and numbers of paragraphs and to be filed and served by 09 June 1998.
- 3) The Defendant to file and serve their amended defence by 07 July 1998.
- 4) The application to transfer to Cardiff County Court be adjourned generally with liberty to restore.
- 5) The matter be listed for further directions, on application with a time estimate. The matter be reserved to District Judge Stuart-Brown.
- 6) Order 17 directions do not apply.
- 7) The Plaintiff's do pay the Defendant's costs of and occasioned by this application and the costs of the application to strike out part of the claim as disclosing no reasonable cause of action.
- 8) Certified fit for Counsel.

Defendant

Dolmans
17 Windsor Place
Cardiff

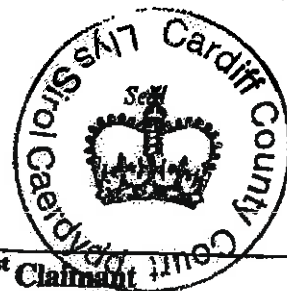
CF1 4PA DX 33005 CARDIFF

Date Order Made: 19 May 1998
Order Drawn: 28 May 1998

The court office at BRISTOL COUNTY COURT, GREYFRIARS, LEWINS MEAD, BRISTOL, BS1 2NR 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 case number. Tel: 0117 9294414

General Form of Judgment or Order

In the	Cardiff County Court
Claim Number	BS614159
Date	1 December 2010



MAURICE JOHN KIRK	1 st Claimant Ref
SOUTH WALES CONSTABULARY	1 st Defendant Ref APO.MS.SWP001-138

Case No: BS 61459-MC65, CF101741, CF204141

Before His Honour Judge Seys Llewellyn Q.c. sitting at Cardiff County Court, Cardiff Civil Justice Centre, 2 Park Street, Cardiff, CF10 1ET.

Upon having previously heard the Claimant in person and having received written submissions from him and on his behalf (as set out at paragraph 6 of the Judgment of 30th November 2010);

And upon hearing Leading Counsel for the Defendant;

It is ordered that:-

1. Paragraph 3 of Action CF204141 be struck out as disclosing no reasonable cause of action.
- (The following paragraphs be struck out as being an abuse of process:-
 1. Paragraph 8.12 of Action BS 614159-MC65;
 - b. Paragraph 3 of Action CF101741, save that the Claimant be entitled to pursue his claim for malicious prosecution in respect of the offence of driving without insurance;
 - c. Paragraph 9 of Action CF101741, save that the Claimant be entitled to pursue his claim for wrongful detention of his motorcar.
 - d. Paragraph 11 of Action CF101741, to the extent that the Claimant alleges that he was wrongfully arrested and maliciously prosecuted for the offence of failing to provide a specimen of breath.
 - e. Paragraph 2 of Action CF204141.
3. If the Claimant seeks permission to appeal the judgment in any respect, he shall within 7 days, namely by 4pm on 7th December 2010, submit in writing a succinct statement of those aspects which he seeks to appeal and the reasons, if any, which he identifies for permission to appeal being granted.
4. The Defendant do disclose to the Claimant the MAPPA Executive Summary by 14th December 2010.
5. Any application by the Claimant seeking disclosure of the MAPPA Minutes should be issued by 4pm on 25th January 2011, by application notice together with supporting evidence.

6. In the event of an application being issued by the Claimant in respect of disclosure of the MAPPA Minutes, the Defendant has permission to file and serve evidence in response by 4pm on 22nd February 2011.
7. The Defendant shall file and serve written submissions by 4pm on 7th January 2011 as to the issues of costs incidental to and arising from the adjournment of the trial and the hearing of the preliminary issues.
8. The Claimant do file and serve written submissions in response by 4th March 2011.
9. A Pre-Trial Review hearing in respect of the above actions shall be listed on the first open date after 14th March 2011, with a time estimate of 2 days, when the issue of costs will also be determined by the Court, together with any application for disclosure of the MAPPA Minutes, if issued.
10. Counsel are to file dates of their availability by 4pm on 17th December 2010.
11. The costs of today are reserved.

Dated 30 November 2010

IN THE CARDIFF COUNTY COURT

CASE NO. BS 614159-MC65

CF101741

CF204141

BETWEEN

MAURICE JOHN KIRK

Claimant

and

THE CHIEF CONSTABLE OF THE SOUTH WALES CONSTABULARY

Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH3" in the Position Statement of Richard Leighton Hill

SIGNED:..... *R. Hill*

DATED:..... 01 . 03 . 2013

SOL/RLH/EKO/1732

18th November 1996

The Superintendent,
VALE OF GLAMORGAN

For the attention of Ch.Insp. B. Greaves

Re: Maurice John Kirk

I write with reference to the above named and our recent meeting.

As indicated at the meeting, Mr. Kirk has now issued proceedings against the Force which encompasses 23 civil actions for damages. The vast majority of the incidents referred to by Mr. Kirk occurred in 'E' Division. In this respect, I enclose herewith a "summary of incidents" which I hope will be of use to you in dealing with the matter.

I will write to you under separate cover to obtain the relevant documents relating to each incident. I am mindful that it may often be difficult to collate the various documents, particularly as Mr. Kirk's solicitors have not furnished us with a great deal of information in relation to each matter.

However, I would be grateful if you could kindly arrange to let me have as much documentation as possible in early course. I anticipate that we will need to discuss the matter on a regular basis and in this respect please do not hesitate to contact me whenever convenient.

R. Leighton Hill
for Force Solicitor

SOL/RLH/EKO/1732

18th November 1996

IN CONFIDENCE

The Superintendent,
VALE OF GLAMORGAN

For the attention of Ch.Insp. B. Greaves

Re: Maurice John Kirk
Incident No. 2 - 2nd January 1993

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on 2nd January 1993.

Mr. Kirk alleges that he was stopped on the A48 at Cowbridge without lawful authority. He was required to produce his driving documents at Barry Police Station. Mr. Kirk further alleges that he so produced the documents but that the police denied that he had done so. As a result of this, Mr. Kirk was prosecuted at Barry Magistrates' Court for the failing to produce offence. I understand that he was fined in the sum of £450. Mr. Kirk later appealed against this conviction which was heard at Cardiff Crown Court on 5th June 1993. This appeal was allowed.

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued ..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 2nd December 1996.

R. Leighton Hill
for Force Solicitor

South Wales Police



Heddlu De Cymru

Working with the Community

Cydwethio Gyda'r Gymuned

CHIEF CONSTABLE

A T BURDEN, QPM, BSc (Hons)

PRIF GWNSTABL

Ref/Cyf: SG/ZM/32

Yr. Ref. SOL/RLH/EKO/1732

Direct Line/Llinell Uniongyrchol:

Extension No./Rhif Estyniad: 32-217

December 6, 1996

Mr. R. Leighton Hill,
Force Solicitor,
Police Headquarters,
BRIDGEND.

Dear Sir,

Maurice John KIRK
Incident No. 2 - 2nd January, 1993.

I refer to the above incident and report as follows:

Enquiries with the A.S.U. at Cardiff have revealed that Mr. KIRK was issued with a HORT/1 BY P.C. 2148 PHILLIPS on the 2nd January, 1993. This officer is now on the Traffic Department and a request has been forwarded to him to furnish a report in respect of this matter.

Enquiries with the Crown Court Department revealed that the appeal was heard on 3rd June, 1993 and not the 5th. All files kept by the Crown Court are destroyed after 3 years.

The following documentation is forwarded for your information:

1. Copy of HORT/1.
2. Copy of Conviction record

When further information is received I will forward it to you.

Yours faithfully,

S.C. Griffiths
S.C. GRIFFITHS
Police Sergeant 913 "E"

Enc. 21943/Dec

South Wales Police - 'E' Division - Vale of Glamorgan - Barry Police Station - Gladstone Road - Barry, CWS LTD.
Heddlu De Cymru - Rhanbarth 'E' - Bro Morgannwg - Gorsaf Heddlu Y Bard - Gladstone Road - Y Bard - CWS LTD.
Telephone/Telffon 01446 734451 - Ffôn Ffôn/Ffôn Ffôn 01446 731616

All correspondence should be addressed to 'The Superintendent'

SOL/RLH/EKO/1732

18th November 1996

IN CONFIDENCE

The Superintendent,
VALE OF GLAMORGAN

For the attention of Ch.Insp. B. Greaves

Re: Maurice John Kirk
Incident No. 4 - 26th March 1993

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on 26th March 1993.

Mr. Kirk alleges that he was arrested outside his surgery in respect of a bald tyre offence. He was subsequently prosecuted for this offence and found guilty of the same at Barry Magistrates' Court. However he appealed against conviction which was heard at the Cardiff Crown on 17th December 1993. I understand that the appeal was successful and the conviction was set aside.

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued ..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 2nd December 1996.

R. Leighton Hill
for Force Solicitor

South Wales Police



Heddlu De Cymru

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Cydwethio Gyda'r Gymuned

CHIEF CONSTABLE

A T BURDEN, QPM, BSc (Hons)

PRIF GWNSTABL

Ref/Cyf: SG/CH/32 Yr. ref: SOL/RLH/EKO/1732

Direct Line/Litell Unlongrychol:

Extension No./Rhif Estyniad: 32 303

December 5, 1996

Mr. R. Leighton Hill,
Force Solicitors Office,
Police Headquarters,
Bridgend,
Mid. Glam.

Maurice John KIRK
Incident No. 4 - 26.3.96
26.12.96

I refer to the above enquiry and report as follows.

The officer in this case was P.C. 4059 Jane LOTT. This officer is currently on maternity leave. However I have spoken to the officer and informed her of the claim. The officer has informed me that at no time was KIRK arrested for this incident but was reported by way of Summons for having a defective tyre on a motor vehicle. He appeared at the Barry Magistrates Court on 25.10.93 where he was convicted on the offence.

A subsequent appeal at the Cardiff Crown Court on 17.12.93 had the offence dismissed.

The officer is making enquiries to locate and forward to me a copy of her pocket note book for the relevant date. This will be forwarded to you in due course.

S.C. GRIFFITHS
S.C. GRIFFITHS
Police Sergeant 913

SOL/RLH/EKO/1732

18th November 1996

IN CONFIDENCE

The Superintendent,
VALE OF GLAMORGAN

For the attention of Ch. Insp. B. Greaves

Re: Maurice John Kirk
Incident No. 6 - 23rd June 1993

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on 23rd June 1993.

Mr. Kirk alleges that he was arrested by officers stationed at Bridgend Police Station. He alleges that there was no lawful reason for the arrest and that he was subsequently required to produce his motoring documents at Barry Police Station. He alleges that he produced the documents but the police denied that he had done so.

As you are aware, this is one of 23 separate claims made by Mr. Kirk and although the arrest appears to have occurred by officers of 'F' Division I anticipate that you may have further details of the same at your Division. In this respect, in order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 2nd December 1996.

R. Leighton Hill
for Force Solicitor

South Wales Police



Heddlu De Cymru

Working with the Community

Cydwethio Gyda'r Gymuned

CHIEF CONSTABLE

A T BURDEN, QPM, BSc (Hons)

PRIF GWNSTABL

Ref/Cyf: CG/ZM/32
Direct Line/Llinell Uniongyrchol:
Extension No./Rhif Estyniad:

Yr. Ref. SOL/RLH/EKO/1732

32-217

December 6, 1996

Mr. R. Leighton Hill,
Force Solicitor,
Police Headquarters,
BRIDGEND.

Dear Sir,

Maurice John KIRK
Incident No. 6 - 23rd June 1993

I refer to the above incident and I report as follows.

On 23.6.93 P.C. 520 ROGERS of the Central Traffic Sector stopped Mr. KIRK whilst driving a Ford Escort J78 TDW on the A.48. The vehicle had no rear lights. The officer issued KIRK a Vehicle Defect Rectification form. He was not arrested.

Enquiries with the A.S.U. Department revealed a copy of the HO/RT2, but upon examination it shows the document production was requested by P.C. 526 ROGERS. There is a possibility that the number was misread by the Enquiry Clerk or possibly altered to cause difficulty. There is no P.C. 526 ROGERS in this force.

I enclose the following documentation:-

1. Copy of HORT/2.

Any further information will be forwarded to you.

Yours faithfully,

S.C. [Signature]
S.C. GRIFFITHS
Police Sergeant 913 "E"

Enc.

SOL/RLH/EKO/1732

18th November 1996

IN CONFIDENCE

The Superintendent,
VALE OF GLAMORGAN

For the attention of Ch.Insp. B. Greaves

Re: Maurice John Kirk
Incident No. 8 - 22nd September 1993

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on 22nd September 1993.

Mr. Kirk alleges that he was stopped by the police at St. Nicholas Road for no lawful reason. He was required to produce his motoring documents and alleges that he subsequently did so at Barry Police Station. He was subsequently charged with the offence of having no driving licence which was later withdrawn. I understand that the charge may have occurred on 4th October 1993.

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued ..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 2nd December 1996.

R. Leighton Hill
for Force Solicitor

South Wales Police



Heddlu De Cymru

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Cydwethio Gyda'r Gymuned

CHIEF CONSTABLE

A T BURDEN, QPM, BSc (Hons)

PRIF GWNSTABL

SG/CH/32 Yr. ref: SOL/RLH/EKO/1732

Ref/Cyf:

Direct Line/Llinell Uniongyrchol:

Extension No./Rhif Estyniad:

32 303

December 5, 1996

**Mr. R. Leighton Hill,
Force Solicitors Office,
Police Headquarters,
Bridgend,
Mid. Glam.**

Rel. ... SD

Maurice John KIRK
Incident No. 8 - 22nd September 1993

I refer to the above incident and report as follows.

The civil claim by Mr. KIRK refers to being stopped at St. Nicholas Road. The natural inference of this would be that this took place in Barry.

Enquiries reveal that this may be the village of St. Nicholas on the A48 Vale of Glamorgan.

I forward for your perusal the following documentation.

- 1. Report by P.C. HILLMAN 2483 ref. stop vehicle on 22.9.93 and subsequent action.**
- 2. Copy of HORT2 for production of driving documents.**
- 3. Copy of Custody Record EA/3390/96 showing arrest of KIRK being reported by PC 2483 HILLMAN.**

From examination of this claim I question whether Mr. KIRK is being deliberately evasive in his details of the claims so as to frustrate any enquiries made by the police to answer the claims.

S.C. Griffiths
S.C. GRIFFITHS
Police Sergeant 913

SOUTH WALES POLICE.

Licensing Department,
Police Station,
Barry.
Dated: 04/12/96

Superintendent JONES,
Divisional Police Headquarters,
BARRY.

Sir,

Re: Maurice KIRK. Incident on Wednesday 22nd September 1993

At 2020hrs on Wednesday the 22nd September 1993, I was on duty in a marked police panda vehicle, travelling along the A48, through the village of St. Nicholas, when my attention was drawn to a Triumph Spitfire motor vehicle Reg No. CKV629K, being driven by a male person, whom I now know to be Mr. Maurice J. KIRK, with a female passenger also in the vehicle.

I stopped the Spitfire motor vehicle on a routine stop check and found that the vehicle was not displaying a vehicle excise licence. The offence was then pointed out to Mr. KIRK and he replied after caution, "I've just bought it".

I then issued him with a HORT/1 memorandum slip No. 94685 and he elected to produce his driving documents at the Barry Police Station within 7 days.

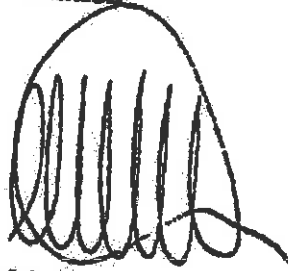
At 1025hrs on Monday the 4th October 1993, as a result of information received regarding Mr. Maurice KIRK, I attended at the Barry Police Station where I spoke to Mr. KIRK regarding information that I had received indicating that at the time I stopped him driving the Triumph Spitfire motor vehicle Reg No. CKV629K, on the 22nd September 1993, he was a disqualified driver.

I informed Mr. KIRK that I had information to suggest that he was a disqualified driver and I reported him for the offence of driving whilst disqualified and for using the vehicle without insurance. I cautioned him and he replied, "I believe I had a valid driving licence".

As a result of further information received to the effect that Mr KIRK was not disqualified when he was stopped on the 22nd September 1993, no offence report was submitted to the C.P.S. in relation to the disqualified driving and no insurance. However, a CLE 2/7 excise offence report was submitted for proceedings for the offence of using the Triumph Spitfire on a road without a vehicle excise licence.

I have had no further contact with Mr KIRK since this date.

I submit this report for your information

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

Police Constable Paul HILLMAN
Licensing Department,
Barry Police Station.

SOL/RLH/EKO/1732

18th November 1996

IN CONFIDENCE

The Superintendent,
VALE OF GLAMORGAN

For the attention of Ch.Insp. B. Greaves

Re: Maurice John Kirk
Incident No. 11 - October 1993

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on or about October 1993.

Mr. Kirk alleges that his BMW motor cycle was stolen on 16th October 1993 and reported to Barry Police Station as a stolen vehicle. He states that the police subsequently recovered the motor cycle but failed to advise him of the same. He was subsequently informed as to the correct position by a third party and was able to recover the BMW motor cycle from the police.

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued ..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 2nd December 1996.

R. Leighton Hill
for Force Solicitor

South Wales Police



Heddlu De Cymru

Working with the Community

Cydwethio Gyda'r Gymuned

CHIEF CONSTABLE

A T BURDEN, QPM, BSc (Hons)

Ref/Cyf: SG/CH/32 Yr. ref: SOL/RLH/EKO/1732

Direct Line/Llinell Unlonyrchol:

Extension No./Rhif Estyniad:

32 303

PRIF GWYSTABL

December 5, 1996

Mr. R. Leighton Hill,
Force Solicitors Office,
Police Headquarters,
Bridgend,
Mid. Glam.

Rn

SD

Maurice John KIRK
Incident No. 11 - October 1993

I refer to the above incident and report as follows.

On 16th October 1993 KIRK reported the theft of B.M.W. motorcycle 1876 to P.C. DRISCOLL 3126. This was crimed and allocated crime no. EA/12996/93. The necessary circulations were made as can be seen from the crime report. IRIS message no. 353 and P.N.C. MS164.

In 1993 a stolen vehicle book was kept at Barry Police Station where a record was made of all vehicles that were stolen. Entries were made of where and when they were recovered with the necessary IRIS cancellation message number. There is no record in this book of the vehicle having been recovered.

Enquiries with the P.N.C. Bureau also reveal that the vehicle has never been cancelled with them. All vehicles circulated as stolen will remain on the P.N.C. for 3 years unless recovered. The vehicle has never been cancelled by the police.

I forward the following documentation for your information.

1. Copy of crime report EA/12996/93 with FCR50A showing Scenes of Crime examination.
2. Copy of entry in Barry Stolen Vehicle Book register, showing entry of vehicle 1876.

South Wales Police, 'B' Division, Vale of Glamorgan, Barry Police Station, Gladstone Road, Barry, CF63 1TD.
Heddlu De Cymru, Rhanbarth 'B', Bro Morgannwg, Gorsaf Heddlu Y Barri, Gladstone Road, Y Barri, CF63 1TD.
Telephone/Teliffon 01446 734451, Facsimile/Ffacsinielli 01446 731616

All correspondence should be addressed to 'The Superintendent'
Dylid cyflwynu pob gohebiad at 'Yr Arolygydd'

3. Copy of P.N.C. Bureau record in respect of entry for vehicle 1876.

I am unable to find any other records in respect of this vehicle at Barry Police Station and enquire as to whether Mr. KIRK can furnish more details in order to resolve this.

S.C. Griffiths
S.C. GRIFFITHS
Police Sergeant 913

SOL/RLHEKO/1732

18th November 1986

IN CONFIDENCE

The Superintendent,
VALE OF GLAMORGAN

For the attention of Ch.Insp. B. Greaves

Re: Maurice John Kirk
Incident No. 12 - 15th December 1983

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on 15th December 1983.

Mr. Kirk alleges that he was stopped by police in the Cardiff area and required to produce his driving documents at Barry Police Station. He states that he subsequently produced the documents but the police at Barry denied that he had done so. As a result of this he was charged with the offence of failing to produce his documents. He states that such charges were later discontinued by the Crown Prosecution Service.

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 2nd December 1996.

R. Leighton Hill
for Force Solicitor

South Wales Police



Heddlu De Cymru

Working with the Community

CHIEF CONSTABLE

A T BURDEN, QPM, BSc (Hons)

Cydwethio Gyda'r Gymuned

PRIF GWNSTABL

Ref/Cyf: SG/CH/32 Yr. ref: SOL/RLH/EKO/1732
Direct Line/Llinell Uniongyrchol:
Extension No./Rhif Estyniad: 32 303

December 5, 1996

Mr. R. Leighton Hill,
Force Solicitors Office,
Police Headquarters,
Bridgend,
Mid. Glam.

For [signature]

Maurice John KIRK
Incident No. 12 - 15th December 1993

I refer to the above incident and report as follows.

Enquiries with the A.S.U. Department in Cardiff have proved negative in respect of production of Mr. Kirk's driving documents. A further check with the Summons section of that department has also shown negative.

On the information provided I am unable to establish who the officer in the case would have been and therefore, cannot provide any relevant information in respect of this incident.

S. C. Griffiths
S.C. GRIFFITHS
Police Sergeant 913 'E'

South Wales Police . 'E' Division . Vale of Glamorgan . Barry Police Station . Gladstone Road . Barry . CF63 1TD.
Heddlu De Cymru . Rhanbarth 'E' . Bro Morgannwg . Gornaf Heddlu Y Barri . Gladstone Road . Y Barri . CF63 1TD.
Telephone/Telêffon 01446 734451 . Facsimile/Ffacsiniill 01446 731616

All correspondence should be addressed to 'The Superintendent'

SOL/RLH/EKO/1732

19th November 1996

IN CONFIDENCE

The Superintendent,
VALE OF GLAMORGAN

For the attention of Ch.Insp. B. Greaves

Re: Maurice John Kirk
Incident No. 13 - 9th August 1994

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on 9th August 1994.

Mr. Kirk alleges that he was stopped and arrested by Police Constable 1324 Kerslake for driving whilst disqualified. This occurred at approximately 8.00 a.m. and he was subsequently taken to Barry Police Station where he remained in custody until 12.45 p.m. before being released without charge.

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued ..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 3rd December 1996.

R. Leighton Hill
for Force Solicitor

SOL/RLH/EKO/1732

19th November 1996

IN CONFIDENCE

**The Superintendent,
VALE OF GLAMORGAN**

For the attention of Ch. Insp. B. Greaves

**Re: Maurice John Kirk
Incident No. 14 - 9th August 1994**

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on 9th August 1994.

Mr. Kirk alleges that having been released from police custody at Barry Police Station in respect of Incident no. 13, he was subsequently stopped and pushed by a police officer. He alleges that he was immediately re-arrested for the offence of criminal damage at approximately 1.00 p.m. He was later released from custody at 4.00 p.m. without any charge or explanation.

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued ..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 3rd December 1996.

R. Leighton Hill
for Force Solicitor

SOL/RLH/EKO/1732

19th November 1996

IN CONFIDENCE

The Superintendent,
VALE OF GLAMORGAN

For the attention of Ch Insp. B. Greaves

Re: Maurice John Kirk
Incident No. 15 - 10th August 1994

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on 10th August 1994.

Mr. Kirk alleges that he was arrested by Sergeant Smith for the offence of having no driving licence. He was subsequently detained at Barry Police Station for several hours and subsequently released without charge. Mr. Kirk alleges that he was known to Sergeant Smith and infers that the officer should have been aware that he had a driving licence.

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued ..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 3rd December 1986.

R. Leighton Hill
for Force Solicitor

South Wales Police



Heddlu De Cymru

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CHIEF CONSTABLE

A T BURDEN, QPM, BSc (Hons)

PRIF GWNSTABL

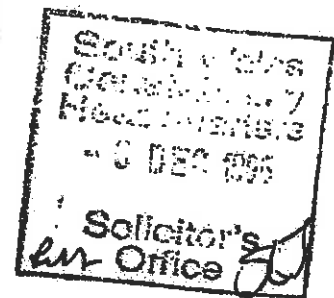
Ref/Cyf: SG/CH/32 Yr. ref: SOL/RLH/EKO/1732

Direct Line/Llinell Uniongyrchol:

Extension No./Rhif Estyniad: 32 303

December 5, 1996

Mr. R. Leighton Hill,
Force Solicitors Office,
Police Headquarters,
Bridgend,
Mid. Glam.



Maurice John KIRK
Incident Nos. 13, 14 and 15

I refer to your communication concerning the above named. The above three incidents are connected and have been grouped together.

Documentation in respect of each of them is listed below and forwarded for your perusal.

INCIDENT 13

1. Custody Record 62EA/2495/94 which refers to the arrest of KIRK by PC 1324 KERSLAKE ON 9.8.94. Record shows KIRK refused any details whilst in police custody and was charged before release.
2. Copy of Pocket Book entry for PC 1324 KERSLAKE
3. Copy of crime report EA/95/10381 detected crime reported by PC 1344
4. IRIS Inc. No. 327 of 9.8.94 showing PC 1324 following and stopping KIRK in Triumph Spitfire.


INCIDENT NO. 14

1. Custody Record 62EA/2500/94 showing reason for arrest and reason for release.
2. Copy of Pocket Book entry for Insp. 1909 Howard DAVIES the arresting officer.
3. Copy of complaint made by KIRK against Inspector DAVIES 1909 and P.S. SMITH 1419 in respect of this incident.

INCIDENT NO. 15

1. Custody Record 62EA/2509/94 showing arrest of KIRK by P.S. SMITH 1419
2. Copy of Pocket Book entry by P.C. FRANCIS 1694.

Should any further information in respect of these matters be revealed it will be forwarded to you.


S.C. GRIFFITHS
Police Sergeant 913 'E'

SOL/RLH/EKO/1732

19th November 1996

IN CONFIDENCE

The Superintendent,
VALE OF GLAMORGAN

For the attention of Ch.Insp. B. Greaves

Re: Maurice John Kirk
Incident No. 16 - 21st July 1995

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on 21st July 1995.

Mr. Kirk alleges that one Paul Stringer broke a window at his property at 51/53 Tynewydd Road, Barry. He further states that he was subsequently assaulted by Mr. Stringer who he alleges headbutted, punched and tried to throttle him thus causing injury. Mr. Kirk states that this matter was reported to Police Constable 972 Johnson who refused to take any action in respect of the matter either by taking the complaint or making a record of the incident in his notebook.

Mr. Kirk further alleges that he subsequently discovered that an internal door of his property had been damaged. He states that he again contacted Constable Johnson who refused to take any further action.

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued ..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 3rd December 1996.

R. Leighton Hill
for Force Solicitor

South Wales Police



Heddlu De Cymru

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CHIEF CONSTABLE

A T BURDEN, QPM, BSc (Hons)

PRIF GWNSTABL

SCG/CH

Yr. ref: SOL/RLH/EKO/1732

Ref/Cyf:

**Direct Line/Llinell Uniongyrchol:
Extension No./Rhif Estyniad:**

32 303

November 28, 1996

**Mr. R. Leighton Hill,
Force Solicitors Office,
Police Headquarters,
Bridgend,
Mid. Glam.**

**Re: Maurice John KIRK
Incident No. 16 - 21st July 1995**

I refer to the above enquiry and having made enquiries the following documentation is forwarded to you for your consideration:-

1. Report submitted by P.C. JOHNSON in respect of attendance at 51/53 Tynewydd Road, Barry.
2. Copy of Pocket Book entry made by P.C. JOHNSON.

As can be seen from the report there is a noticeable difference between Mr. KIRK's version of events to that of the Police.

**S.C. GRIFFITHS
Police Sergeant 913 'E'**

South Wales Police, 'E' Division, Vale of Glamorgan, Barry Police Station, Gladstone Road, Barry, CF63 1TD.
Heddlu De Cymru, Rhanbarth 'E', Bro Morgannwg, Gorsaf Heddlu Y Barri, Gladstone Road, Y Barri, CF63 1TD.
Telephone/Teliffon 01446 734451, Facsimile/Ffacsiniell 01446 751616

All correspondence should be addressed to 'The Superintendent'

(N 1

SOUTH WALES POLICE

'E' Vale of Glamorgan Division,
Gladstone Road,
Barry.

Superintendent Colin Jones,
'E' Vale of Glamorgan Division,
Barry.

27 November, 1996

Re: Maurice John KIRK (Incident 21.7.95)

In relation to the above incident, I report as follows:-

At 17.50 hrs on Friday 21st July 1995 I attended 52 Tynewydd Road, Barry reference problems at these premises with a person known as Paul STRINGER.

The owner of the premises (a bedsit) was spoken to by myself and he requested STRINGER to be removed from the premises as he believed STRINGER had possibly smashed a lounge window at the address. The owner identified himself to me as Maurice KIRK.

I then searched 52 Tynewydd Road in company with KIRK but found no persons at the premises. On finishing this search with KIRK, he requested to examine and sign my pocket note book to acknowledge the fact that he had reported this incident. KIRK further stated that all he had required as far as STRINGER was concerned was for STRINGER to be removed from the premises as he believed further problems could occur at the address. KIRK further stated that he had many enemies at the Barry Police Station and he would now also be reporting myself to the Barry Police Station for failing to let him sign and examine my pocket note book.

I then explained to KIRK the circumstances in which my pocket book could be signed. I immediately made a full pocket note book entry of these circumstances, Serial No. 36640, a copy of which I attach herewith.

95

SOL/RLH/EKO/1732

19th November 1996

IN CONFIDENCE

The Superintendent,
VALE OF GLAMORGAN

For the attention of Ch.Insp. B. Greaves

Re: Maurice John Kirk
Incident No. 17 - 23rd July 1995

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on 23rd July 1995.

Mr. Kirk alleges that the police were called to his property at 51/53 Tynwydd Road, Barry and observed that Mr. Paul Stringer made an unprovoked attack upon Mr. Kirk. As a consequence of this, Mr. Kirk was taken to hospital by ambulance. He alleges that the police refused to take any action against Mr. Stringer and, in particular, did not arrest, detain or charge him.

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued ..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 3rd December 1996.

R. Leighton Hill
for Force Solicitor

17

South Wales Police



Heddlu De Cymru

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CHIEF CONSTABLE
SG/ZM/32

A T BURDEN, QPM, BSc (Hons)
Yr. Ref. SOL/RLH/EKO/1732

PRIF GWNSTABL

Ref/Cyf:

Direct Line/Llinell Uniongyrchol: 32-217

Extension No./Rhif Estyniad:
6th December, 1996

Mr. Leighton Hill,
Force Solicitor,
Police Headquarters,
BRIDGEND.

De *ST* *Leighton Hill*
Fe 24-12
On
P.12.96

Maurice John KIRK
Incident No. 17 - 23rd July, 1995

I refer to the above incident and report as follows.

On the 23rd July, 1995 P.C. 1623 JAMES attended the property of Mr. KIRK where he arrested Paul STRINGER for an offence of assault on Mr. KIRK. STRINGER is an alcoholic and due to his condition at the time of arrest the police surgeon stated that he was not fit for detention. STRINGER was deferred bailed and released for medical treatment. He was re-interviewed on 13th December, 1995 and released pending further enquiries. The officer in the case is on sick leave/annual leave and I am unable to ascertain present why no further action was taken against STRINGER.

I enclose with this report the following documentation:

1. Custody Record EA/2054/95
2. Copy of entry in pocket note book for P.C. 1623 JAMES

When I am able to speak to P.C. JAMES I will pass the relevant information to you.

D.C. Griffiths
Police Sergeant 913 J.C. GRIFFITHS

Encs.
Z1951/Dec.

SOL/RLH/EKO/1732

19th November 1996

IN CONFIDENCE

The Superintendent,
VALE OF GLAMORGAN

For the attention of Ch.Insp. B. Greaves

Re: Maurice John Kirk
Incident No. 18 - 24th July 1995

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on 24th July 1995.

Mr. Kirk alleges that Mr. Paul Stringer tried to gain access to his veterinary hospital armed with a length of wood. He alleges that the police refused to take any action against Mr. Stringer or provide protection for Mr. Kirk, his property or third parties.

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued ..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 3rd December 1986.

R. Leighton Hill
for Force Solicitor

SOL/RLH/EKO/1732

19th November 1996

IN CONFIDENCE

**The Superintendent,
VALE OF GLAMORGAN**

For the attention of Ch.Insp. B. Greaves

**Re: Maurice John Kirk
Incident No. 20 - 7th August 1995**

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on 7th August 1995.

Mr. Kirk alleges that Mr. Paul Stringer broke windows and caused damage to Mr. Kirk's property at 51/53 Tynewydd Road. He alleges that the police were called and again refused to take any action against Mr. Stringer.

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued ..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 3rd December 1996.

R. Leighton Hill
for Force Solicitor

South Wales Police



Heddlu De Cymru

Working with the Community

Cydwethio Gyda'r Gymuned

CHIEF CONSTABLE

A T BURDEN, QPM, BSc (Hons)

PRIF GWNSTABL

Ref/Cyf: SG/ZM/32 Yr. Ref. SOL/RLH/EKO/1732
Direct Line/Llinell Unffongyrchol:
Extension No./Rhif Estyniad:

32-217

December 6, 1996

Mr. R. Leighton Hill,
Force Solicitor,
Police Headquarters,
BRIDGEND.

Dear Sir,

Maurice John KIRK.
Incidents 18 & 20.

I refer to the above incidents and report as follows.

I have been unable to find any information in respect of both these incidents. The reliefs working on the relevant dates have been spoken to and have been unable to provide any information. Enquiries with the C.I.S. and I.R.I.S. were also negative.

As you are aware, incidents 16, 17 and 19 refer to similar incidents about the same time as incidents 18 and 20. Whilst making enquiries the following crimes were recorded on the C.I.S. which all refer to Mr. KIRK's premises at Tynewydd Road, Barry and all are offences of criminal damage:-

1. EA/95/6841
2. EA/95/12952
3. EA/95/11088
4. EA/95/11089

Copies are included for your information.

Yours sincerely,

S.C. Griffiths
S.C. GRIFFITHS,
Police Sergeant 913 "E"

South Wales
CRIME REPORT

PAGE 1

DATA PROTECTION ACT 1984
THIS DOCUMENT CONTAINS PERSONAL DATA
DO NOT USE OR DISCLOSE UNLAWFULLY

Sub-division: EA

Bt/Sn:49

Crime No:EA/95/6841

Offence: CRIMINAL DAMAGE MORE \$20 - MOTOR VEHICLE

Status: DETECTED

Location:

52, TYNEWYDD ROAD
BARRY

Committed: On/Between 0005 07/06/95 Wednesday
and/prior to 0006 07/06/95 Wednesday

Grid Ref:311901

Reported At: 0006 07/06/95 Wednesday

To: PC/3120/DAVIDSON

Means: FOUND BY POLICE

Reporting Officer: PC/3120/DAVIDSON

Xref/Index	Reason	Description
1 N6554	DISMISSED	STRINGER PAUL GERRARD MR
2 RELATED	RCW	KIRK MORRIS
3 PROPERTY	1 ITEM	VALUES Stolen \$0.00 Rec \$0.00 Damgd \$60.00
4 Q43857	SUBJECT	N6554 STRINGER PAUL GERRARD

ALLOCATION

Investigating Officer PC/3210/MARTIN

Allocated By C188G DEFAULT
Date Report Due

Sub-div/Dept UNI

Time/

10028

MODUS OPERANDI

NOMINAL SEEN TO THROW OBJECT AT VAN WINDSCREEN SMASHING WINDSCREEN.
NOMINAL THEN ARRESTED BY POLICE OFFICERS AT SCENE.

NOMINAL DETAILS

Urn N6554
 Surname STRINGER Forenames PAUL GERRARD
 Title MR Sex MALE Ethnic App WHITE EUROPEAN
 Dob/Age 13/01/61 Pob BARRY Height 1.80to
 Occupation UNEMPLOYED Nationality UNITED KINGDOM
 Address CRO/CN Result
 County Sub.div EA Bt/Sn49

PROCESS DETAILS

Process URN Q43857
 Time/Date 0010 07/06/95 Process Mode CHARGED
 Relationship To Victim Process Officer PC/3210/MARTIN
 Pre Court Event: CHARGED AND BAILED
 Time/Date 0859 07/06/95 Location BARRY POLICE STATION

RESULT OF PROCESS

Date: 09/10/95 Court: VALE OF GLAMORGAN DIV
 Plea: NOT GUILTY Found: NOT GUILTY
 Offence: DAMAGE - CRIMINAL DAMAGE
 Act: Criminal Damage Act 1971

Judication:
 Duration/Amount
 Qualification:

Section: 1(1)

Compensation: \$
 TIC:

OFFICERS INVOLVED

PC/3120/DAVIDSON
 CIV/50113/TAYLOR
 DS/927/RUNNALLS
 DS/927/RUNNALLS
 PC/3210/MARTIN
 PC/3210/MARTIN

UNI	0006	07/06/95		
UNI	0841	12/06/95	Y	REP OFF
CID	1542	12/06/95		INV OFF
CID	1550	15/06/95		INV OFF
UNI	1443	30/06/95		INV OFF
UNI		18/01/96		PROC OFF
				INV OFF

INVESTIGATION DETAILS

Scene Visited
 Racial Motive
 Liason With LIO
 PNC 150 Submitted
 C.C.T.V. Viewed
 SWALLOW Viewed
 CPO Requested

Y
 N

Scene Searched
 Victim Support
 Liaison With FCIO
 Dealers Visited
 Other Evidence Found
 Photo's Shown
 Comp Agrees TIC

N
 N

House To House
 Soco Requested
 Repeat Victim
 Local Informants
 Photo's Taken
 Scene Re-visited
 Enquiries Compl

Number of Offender Identifications made
 Officer Authorising Ident

Last Updated

Officer's Reports:-

NOMINAL CHARGED ON 070695 TO BARRY MAGISTRATES COURT ON 140795
 ----- 07:18:33 12 Jun 1995 CIV/51607/SAUNDERS INVESTIGATION ---
 J01 0695CV TAR
 ----- 08:41:11 12 Jun 1995 CIV/50113/TAYLOR ALLOCATOR -----
 PNC1 SUB
 ----- 15:41:57 12 Jun 1995 DS/927/RUNNALLS ALLOCATOR -----
 R ECTED AND RESUBMITTED
 ----- 15:49:54 15 Jun 1995 DS/927/RUNNALLS ALLOCATOR -----

RELATED PERSONS

Status: Reporting Person Complainant Witness

RP.No: 01

Co./Surname: KIRK
 Forenames: MORRIS
 Occupation: VETERINARY SURGEON
 Address: ANIMAL HOSPITAL, 51, TYNEWYDD ROAD
 BARRY
 S GLAM
 Phone: 01446 733406
 Injuries: NONE

Dob/Age: 45
 Sex: MALE

Interviewed: Y By: PC/3120/DAVIDSON

Statement Taken: N

PROPERTY

URN P427261
 Status DAMAGED
 Category DAMAGED
 Description SMASHED WINDSCREEN
 Values:

Damaged \$ 60.00

Veh Reg 43083

Make HONDA

Model ACTY

Type "VAN"

Colour WHITE

PAGE 4

DATA PROTECTION ACT 1984
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Sub-division: EA

Bt/Sn:49

Crime No:EA/95/11088

Offence: CRIMINAL DAMAGE MORE \$20 - DWELLING

Status: UNDETECTED

Location:

52, TY NEWYDD ROAD
BARRY

Committed: On/Between 1800 16/09/95 Saturday
and/prior to 0900 19/09/95 Tuesday

Grid Ref:311901

Reported At: 0920 19/09/95 Tuesday

To: PC/56/EDWARDS

Means: OTHER TELEPHONE CALL BY AGGRIEVED

Reporting Officer: PC/56/EDWARDS

Xref/Index	Reason
1 EA/95/1108	LOCATION
2 RELATED	RCW
3 PROPERTY	1 ITEM

Description
CRIMINAL DAMAGE MORE \$20 - DWELLING
KIRK MAURICE JOHN
VALUES Stolen \$0.00 Rec \$0.00 Damgd \$170.00

ALLOCATION

Investigating Officer PC/56/EDWARDS

Allocated By PC/363/WALL
Date Report Due

Sub-div/Dept UNI

Time/

10166

MODUS OPERANDI

PERSONS OR PERSON UNKNOWN SMASHED INTERNAL DOOR DAMAGING FRAME, AND
SMASHED SIDE LANDING WINDOW.

CIRCULATIONS

Circulation

C&C 0920 19/09/95 0335

Cancellation

C&C

OFFICERS INVOLVED

PC/56/EDWARDS
C/56/EDWARDSUNI 1100 19/09/95
UNI 1438 20/09/95Y REP OFF
INV OFF

INVESTIGATION DETAILS

Scene Visited
Racial Motive
Liaison With LIO
PNC 150 Submitted
C.C.T.V. Viewed
SWALLOW Viewed
CPO RequestedY
NScene Searched
Victim Support
Liaison With FCIO
Dealers Visited
Other Evidence Found
Photo's Shown
Comp Agrees TICY
NHouse To House
Soco Requested
Repeat Victim
Local Informants
Photo's Taken
Scene Re-visited
Enquiries ComplY
NNumber of Offender Identifications made
Officer Authorising Ident

Last Updated

Officer's Reports:-

ENQUIRIES AT SCENE PROVED NEGATIVE.

----- 13:04:17 20 Sep 1995 CIV/51596/MILLER INVESTIGATION -----
WHAT ENQS WERE MADE. PLEASE GIVE DETAILS----- 14:38:13 20 Sep 1995 PC/363/WALL ALLOCATOR -----
FROM CONSTABLE 56 EDWARDS, MR KIRKE OWNS 52 TYNEWYDD ROAD, BARRY
BUT DOES NOT RESIDE AT ADDRESS. IT WAS LET TO A NUMBER OF DOWN AND
OUTS. WHEN I ATTENDED THE SCENE I OBTAINED DETAILS FROM MR. KIRKE
AND ALSO SPOKE TO NEIGHBOURS OF THE HOUSE WHOM MR. KIRKE POINTED OUT
HAD INFORMATION REGARDING THE CULPRITS. NONE OF THESE PERSONS SAW
PERSONS RESPONSIBLE. ENQUIRIES NEGATIVE. NO FURTHER INFORMATION
AVAILABLE.

----- 15:38:41 31 Oct 1995 CIV/50113/TAYLOR ALLOCATOR -----

RELATED PERSONS

Status: Reporting Person Complainant Witness

PAGE 3
RP.No: 01

Co./Surname: KIRK
Forenames: MADRICE JOHN
Occupation: VETERINARY

Address: VETERINARY HOSPITAL,, TY NEWYDD ROAD
BARRY
S GLAM

Phone: NO NUMBER

Injuries: NONE

Dob/Age: 12/03/4
Sex: MALE

Interviewed: Y. By: PC/56/EDWARDS

Statement Taken:

PROPERTY

URN P506946
Status DAMAGED
Category DAMAGED
Description DOOR FRAME DAMAGED AND WINDOW SMASHED
Values:

Damaged \$ 170.00

South Wales
CRIME REPORT

PAGE 1

DATA PROTECTION ACT 1984
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DO NOT USE OR DISCLOSE UNLAWFULLY

Sub-division: EA

Bt/Sn:49

Crime No:EA/95/11089

Offence: CRIMINAL DAMAGE MORE \$20 - DWELLING

Status: UNDETECTED

Location:

52, TY NEWYDD ROAD
BARRY

Committed: On/Between 2030 19/09/95 Tuesday
and/prior to

Grid Ref:

Reported At: 2040 19/09/95 Tuesday

To: PC/56/EDWARDS

Means: 999 CALL BY ANOTHER

Reporting Officer: PC/56/EDWARDS

Xref/Index	Reason
1 EA/95/1108	LOCATION
2 RELATED	CW
3 RELATED	RW
4 RELATED	W
5 PROPERTY	1 ITEM

Description
CRIMINAL DAMAGE MORE \$20 - DWELLING
KIRK MAURICE JOHN
HANSON ROBERT
HIMSWORTH COLIN
VALUES Stolen \$0.00 Rec \$0.00 Damgd \$485.00

ALLOCATION

Investigating Officer PC/146/ROSS

Allocated By PC/363/WALL
Date Report Due

Sub-div/Dept UNI

Time/

10140

MODUS OPERANDI

PERSONS OR PERSON UNKNOWN WITH LEGITIMATE ACCESS, CAUSED SEVERE
DAMAGE TO FIVE EXTERNAL WINDOWS AND TWO INTERNAL DOORS.

CIRCULATIONS

Circulation
C&C 2034 19/09/95 1241

C&C

Cancellation

OFFICERS INVOLVED

PC/56/EDWARDS
PC/146/ROSS

UNI 1100 20/09/95
UNI 1432 20/09/95

Y REP OFF
INV OFF

INVESTIGATION DETAILS

Scene Visited Y
Racial Motive N
Liason With LIO N
PNC 150 Submitted
C.C.T.V. Viewed
SWALLOW Viewed
CPO Requested

Scene Searched Y
Victim Support Y
Liason With FCIO
Dealers Visited
Other Evidence Found
Photo's Shown
Comp Agrees TIC

House To House Y
Soco Requested N
Repeat Victim
Local Informants
Photo's Taken
Scene Re-visited
Enquiries Compl

Number of Offender Identifications made
Officer Authorising Ident

Last Updated

Officer's Reports:-

----- 13:09:40 20 Sep 1995 CIV/51596/MILLER INVESTIGATION -----
BOTH WITNESSES SPOKEN TO, WHO WITNESSED DAMAGE BEING CAUSED.
I DO NOT SEE THE PERSONS RESPONSIBLE. ALL DAMAGE WAS CAUSED FROM
INSIDE THE PREMISES.

----- 13:10:28 20 Sep 1995 CIV/51596/MILLER INVESTIGATION -----

PC 405 DIXON AND PC 146 ROSS ATTENDED THIS INCIDENT ON THE 19/9/95
AND SPOKE WITH PERSONS AT THE SCENE. CAN THIS BE REALLOCATED FOR
THEIR INFORMATION AND FURTHER ENQUIRIES.

----- 13:12:19 20 Sep 1995 CIV/51596/MILLER INVESTIGATION -----
4901 0995CD UNI

----- 14:31:16 20 Sep 1995 PC/363/WALL INVESTIGATION -----
PLEASE UPDATE WITH THE RESULT OF THE ENQS MADE TO DATE AND ANY
SUSEQUENY ENQS

----- 14:32:08 20 Sep 1995 PC/363/WALL INVESTIGATION -----
FROM PC146.I HAD SPOKEN TO NEIGHBOURS ON THE NOIGHT

----- 11:17:32 05 Oct 1995 PC/363/WALL ALLOCATOR -----

ALSO FROM 146.OCCUPANT OF NO 50,TYNYWYDD RD AND OCCUPANTS OF WOMENS
REFUGE DIRECTLY OPPOSITE WHICH NEGATIVE RESULT.NO SUSPECTS,THE DOOR
TO HIS PREMISES FREQUENTLY UNLOCKED /OR HAS NO LOCKS AS OCCUPANTS
ARE LOCAL DRUNKS WHO ALLOW FREE ACCESS TO THE PREMISES TO ANYBODY.
NO FURTHER ENQS.

PAGE 3

11:22:34 05 Oct 1995 PC/363/WALL ALLOCATOR

RELATED PERSONS

Status: Complainant Witness

Co./Surname: KIRK

Forenames: MAURICE JOHN

Occupation: VETERINARY

Address: VETERINARY HOSPITAL,, TY NEWYDD ROAD
BARRY
S GLAM

Phone:

Injuries: NONE

Interviewed: Y By: PC/56/EDWARDS

RP.No: 01

Dob/Age: 12/03/45
Sex: MALE

Statement Taken:

Status: Reporting Person Witness

Co./Surname: HANSON

Forenames: ROBERT

Occupation: UNKNOWN

Address:

Phone: NOT KNOWN

Injuries:

Interviewed: Y By: PC/56/EDWARDS

RP.No: 02

Dob/Age:
Sex:

Statement Taken:

Status: Witness

Co./Surname: HIMSWORTH

Forenames: COLIN

Occupation: UNKNOWN

Address:

Phone:

Injuries:

Interviewed: Y By: PC/56/EDWARDS

RP.No: 03

Dob/Age:
Sex:

Statement Taken:

PROPERTY

URN P506952
Status DAMAGED
Category DAMAGED

Description FIVE EXTERNAL WINDOWS AND TWO INTERNAL DOORS
Values: Damaged \$ 485.00

South Wales
CRIME REPORT

PAGE 1

DATA PROTECTION ACT 1984
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Sub-division: EA

Bt/Sn:49

Crime No:EA/95/10952

Offence: ARSON ENDANGERING LIFE

Status: DETECTED

Location:

52, TYNEWYDD ROAD
BARRY

Committed: On/Between 1515 16/09/95 Saturday
and/prior to

Grid Ref:311901

Reported At: 1518 16/09/95 Saturday

To: DC/2600/JONES

Means: 999 CALL BY ANOTHER

Reporting Officer: DC/2600/JONES

Xref/Index	Reason	Description
1 N13678	CHARGED	BURNS TERENCE JAMES MR
2 RELATED	RCW	KIRK MAURICE
3 PROPERTY	1- ITEM	VALUES Stolen \$0.00 Rec \$0.00 Damgd \$2000.00
4 Q54400	SUBJECT	N13678 BURNS TERENCE JAMES

ALLOCATION

Investigating Officer DS/1264/COTTE

Allocated By C188G DEFAULT
Date Report Due 21/10/95

Sub-div/Dept CID

Time/20/10/95

10123

MODUS OPERANDI

THERE HAS BEEN AN ONGOING DISPUTE BETWEEN LAND MR KIRK AND TENANT MR BURNS WHICH CULMINATED IN THE NOMINAL SETTING FIRE TO BED AND CHAIR IN ROOM DESTROYING HIS PROPERTY AND CAUSING SMOKE DAMAGE TO THIS ROOM. FIRE CONTAINED BY FIRE SERVICE DAMAGE BEING ACCESSED CIGARETTE LIGHTER USED TO START FIRE.

NOMINAL DETAILS

Urn N13678
Surname BURNS Forenames TERRENCE JAMES
Title MR Sex MALE Ethnic App WHITE EUROPEAN Height 1.75to
Dob/Age 08/08/46 Pob BARRY Nationality UNITED KINGDOM
Occupation UNEMPLOYED CRO/CN Result [REDACTED]
Address [REDACTED]
County [REDACTED] Sub.div EA Bt/Sn49

PROCESS DETAILS

Process URN Q54400
Time/Date 1738 16/09/95 Process Mode CHARGED
Relationship To Victim Process Officer DS/1264/COTTLE
Pre Court Event: CHARGED AND DETAINED
Time/Date 1300 17/09/95 Location BARRY POLICE STATION

RESULT OF PROCESS

Date: 08/12/95 Court: VALE OF GLAMORGAN DIV
Plea: Found:
Offence: DAMAGE - ARSON ENDANGERING LIFE
Act: Criminal Damage Act 1971
Adjudication: Section: 1(2)
Duration/Amount
Qualification: Compensation: \$
TTC:

OFFICERS INVOLVED

DC/2600/JONES	CID	1518	16/09/95	Y	REP OFF
CIV/50113/TAYLOR	UNI	1508	17/09/95		INV OFF
DS/927/RUNNALLS	CID	1319	18/09/95		INV OFF
DS/1264/COTTLE	CID	0905	20/10/95		PROC OFF

INVESTIGATION DETAILS

Scene Visited Y Scene Searched Y House To House Y

Racial Motive
Liason With LIO
PNC 150 Submitted
C.C.T.V. Viewed
SWALLOW Viewed
CPO Requested
Domestic Violence

N
N
N
N
N
N
N

Victim Support
Liason With FCIO
Dealers Visited
Other Evidence Found
Photo's Shown
Comp Agrees TIC
Drugs Involved

N
N
N
N
N
N
N

PAGE 3
Soco Requested
Repeat Victim
Local Informants
Photo's Taken
Scene Re-visited
Enquiries Compl
Firearms Involved

Number of Offender Identifications made
Officer Authorising Ident

Last Updated

Officer's Reports:-

ENTERED NOMINAL CHARGED AND IN CUSTODY FOR BARRY M.C. 18091995.
----- 14:34:47 17 Sep 1995 CIV/50525/MCDONALD INVESTIGATION ---
4901 0995dd tar
----- 15:07:49 17 Sep 1995 PC/363/WALL INVESTIGATION -----
CH
NC1/PRINTS SUBMITTED TO NIB RE-N13678.
----- 13:19:26 18 Sep 1995 DC/2583/ASTON ALLOCATOR -----

RELATED PERSONS

Status: Reporting Person Complainant Witness

RP.No: 01

Co./Surname: KIRK
Forenames: MAURICE
Occupation: VETERINARY SURGEON
Address: 51, TYNEWYDD ROAD
BARRY
S' GLAM
Phone: UNKNOWN
Injuries: NONE

Dob/Age: 12/03/45
Sex: MALE

Interviewed: Y By: DC/2600/JONES

Statement Taken: Y

Ref Details:- DETAILING OFFENCE

PROPERTY

URN P504432
Status DAMAGED
Category DAMAGED

Description TO FURNITURE AND SMOKE DAMAGE TO FIXTURES AND FITTINGS IN
Ident. Marks ROOM
Values:

Damaged \$ 2000.00

SOL/RLH/EKO/1732

19th November 1996

IN CONFIDENCE

**The Superintendent,
VALE OF GLAMORGAN**

For the attention of Ch. Insp. B. Greaves

**Re: Maurice John Kirk
Incident No. 18 - 6th August 1995**

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred on 6th August 1995.

On this occasion, Mr. Kirk alleges that he was attacked once more by Mr. Paul Stringer. He states that the police were called but refused to take any action against Mr. Stringer.

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued ..

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 3rd December 1996.

R. Leighton Hill
for Force Solicitor

South Wales Police



Heddlu De Cymru

Working with the Community

Cydwethio Gyda'r Gymuned

CHIEF CONSTABLE

SG/ZM/32

A T BURDEN, QPM, BSc (Hons)

Yr. Ref. SOL/RLH/EKO/1732

PRIF GWNSTABL

Ref/Cyf:

Direct Line/Llinell Uniongyrchol:

32-217

Extension No./Rhif Estyniad:

6th December, 1996

Mr. Leighton Hill,
Force Solicitor,
Police Headquarters,
BRIDGEND.

De
SD

leph
ka sa.
De
P.L.P.

Maurice John KIRK

Incident No. 19 - 6th August, 1995

I refer to the above incident and report as follows.

Having made enquiries with C.I.S. and I.R.I.S. I am unable to find any record of an incident involving Mr. KIRK and Paul STRINGER on the 6th August, 1995. Enquiries with the relevant shift working on that date have also proved negative.

However, my enquiries did reveal an incident for the 6th June, 1995 where Paul STRINGER was arrested for an offence of criminal damage to a vehicle belonging to Mr. KIRK. STRINGER was given Custody Record No. EA/1549/95, interviewed and charged with the offence. Unfortunately, the independent witness to the incident, a Mr. JENKINS, refused to give a statement and the case was withdrawn. The officer in the case was P.C. 3120 DAVIDSON and a copy of his pocket notebook for the date is enclosed. I am unable to locate the relevant custody record which is missing from the files.

With the amount of claims Mr. KIRK is making is it possible that this incident is the one he refers to in his complaint?

Submitted for your information.

S.C. Griffiths
Police Sergeant S.C. GRIFFITHS

Enc.Z1930/Dec.

anyone else.
Call to 52
Tynnydd Rd
Junkin Woodland
Rd. he came down
in a white
Van 43083
Parker Woodland
Rd window
smashed.

Then Mr Jenkins
stopped - he said
PC Ross driving
Panda.

Jenkins said.

THAT PERSON THERE

SMASHED THE WINDOW
OF THE VAN &
pointed to a person
stood outside near
Tynnydd. Paul
STRINGER ran to
PC Ross. 3 other
people with him they
were all drunk &
arguing they all
went to No 52
& closed the door
3 children in
Pina Colada &
knocked a door
STRINGER answered
& invited us in
at the house &
sent to STRINGER
I'm arresting you

Abstract

15512
Debus.

13-1-61

67-1542/25

Hander Acty

180

SOL/RLH/EKO/1732

19th November 1996

IN CONFIDENCE

The Superintendent,
VALE OF GLAMORGAN

For the attention of Ch.Insp. B. Greaves

Re: Maurice John Kirk
Incident No. 22 - May 1995

I write with further reference to the above named who is making a civil claim against the Force in respect of an incident which occurred in May 1995.

Mr. Kirk alleges that he was stopped and detained by officers at Barry Police Station. He was required to produce his driving documents which he alleges he did but was subsequently charged with the offence of failing to produce such documents. Mr. Kirk states that he was subsequently found not guilty at Barry Magistrates' Court. Mr. Kirk indicates that the matter was dealt with under police reference number "33139/A".

In order that I may deal with the matter I would be obliged if you could please let me have a full report, together with copies of the following:-

1. Custody record and arrest information sheet.
2. Any pocket book entries made by any officers involved in the matter.
3. Any file of evidence including any tape recordings of interviews.

Continued ..

124

-2-

4. Any correspondence with the Crown Prosecution Service regarding the matter.
5. Any other supporting documents.

Please also note that in view of the claim all original documentation regarding this matter, including the above, should be preserved and should not be destroyed or otherwise disposed of without prior reference to me.

I would be obliged to receive the above by 3rd December 1996.

R. Leighton Hill
for Force Solicitor

South Wales Police



Heddlu De Cymru

Working with the Community

Cychweithio Gyda'r Gymuned

CHIEF CONSTABLE

SG/ZM/32

A T BURDEN, QPM, HSc (Hons)

Yr. Ref. SOL/RLH/EKO/1732

PRIF GWNSTABL

Ref/Cyf:

Direct Line/Llinell Uniongyrchol:

32-217

Extension No./Rhif Estyniad:

6th December, 1996

Mr. Leighton Hill,
Force Solicitor,
Police Headquarters,
BRIDGEND.

Maurice John KIRK
Incident No. 22 - May 1995

I refer to the above incident and report as follows.

Enquiries have been made with the A.S.U. Dept., at Cardiff which included a physical check of HO/RT2 books and computer record check, and there is no trace of KIRK producing driving documents in respect of this matter. A further check was made with the Summons Section of the A.S.U. with a negative result.

I made further enquiries with the Records Section of Barry Magistrates' Court who, after checking their records for 1995 and January 1996, could find no trace of Mr. KIRK having appeared before them in respect of failing to produce driving documents.

In view of the foregoing I am unable to further the enquiry and submit this report for your information. The reference no: "33139/A" was of no significant to either the Summons Dept., or the Magistrates' Court.

S. C. Griffiths
Police Sergeant 213 S. GRIFFITHS

Encs.

Z1931/Dec

South Wales Police, 'E' Division, Vale of Glamorgan, Barry Police Station, Gladstone Road, Barry, CP63 1TD.
Heddlu De Cymru, Rhanbarth 'E', Bro Morgannwg, Gorsaf Heddlu Y Barri, Gladstone Road, Y Barri, CP63 1TD.
Telephone/Telffon 01446 734451. Facsimile/Ffacsimili 01446 731616

All correspondence should be addressed to 'The Superintendent'
Dullia cyfario pob gohebiaeth at 'Yr Arlywydd'

South Wales Police



Heddlu De Cymru

Working with the Community

Cydweithio Gyda'r Gymuned

CHIEF CONSTABLE

A T BURDEN, QPM, BSc (Hons)

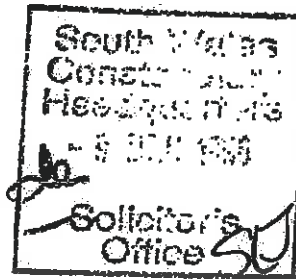
PRIF GWNSTABL

Ref/Cyf: SG/ZM/32 Yr. Ref.

Direct Line/Llinell Uniongyrchol:

Extension No./Rhif Estyniad: 32-217

Mr. R. Leighton Hill,
Force Solicitor,
Police Headquarters,
BRIDGEND.



December 6, 1996

Leighton
Re 24.
De
12.12.96

Dear Sir,

re: Mr. Maurice John KIRK

Whilst making enquiries into the 23 civil claims made by Mr. KIRK various other documentation was discovered. This information is not connected with the individual claims, but referred to other incidents during the same period of time. I forward copies of the following:-

1. D.V.L.A. print out of licence enquiry.
2. 3 HORT/2 print outs
3. Correspondence ref. Animal Health Veterinary Hospital.
4. Further reports re. Animal Hospital.
5. File re. complaint against Julie BARRETT, C.P.S.
6. Reports re. complaint against the police.
7. Custody Record EA/457/94
8. Custody Record EA/401/95
9. Custody Record EA/1819/95

Yours faithfully

S.C. Griffiths
S.C. GRIFFITHS
Police Sergeant 973 "E"

Encs.
Z1949/Dec

IN THE CARDIFF COUNTY COURT

Claim No. BS614159-MC65

CF101741

CF204141

BETWEEN:-

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT

This is the Exhibit marked "RLH/4" referred to in my Affidavit.

Rutan

Sworn this 28 day of April 2016

use Solicitor Friends

At

1 Baweta Rd

use of E. Morgan CF611X2

Before me

[Signature] Elizabeth Hunt

Solicitor / ~~Commissioner~~ for Oaths



①
Ely Police Station,

Cowbridge Road West,

CARDIFF.

Monday 10th March 1997

R. Leighton Hill

Force Solicitor's Office

Police Headquarters

Bridgend

Sir,



With Reference to your letter SOL/RIH/SLJ/1732 (copy attached)

I am unable to obtain a copy of the file of evidence submitted in the case of Maurice John KIRK (reference DA/1955/93). Please find attached a copy of the Custody Record and a duplicate section 9 statement I have prepared.

When I receive a copy of the tape recording of Kirk's interview I will forward a transcript. My recollection of the interview is that Kirk declined to confirm our suspicions as to his identity and it was for this reason that he was not granted bail.

Corroboration statements can be obtained from other officers in relation to these events if required but my evidence contains details of events throughout the incident and Kirk's detention.

P. L. Thomas
.....

P. L. Thomas, D.C. 3052

NOI

IN THE CARDIFF COUNTY COURT

Claim No. BS614159-MC65

CF101741

CF204141

BETWEEN:-

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT

This is the Exhibit marked "RLH/5" referred to in my Affidavit.

Rutin

Sworn this 28 day of April 2016

At Vale Solicitors
100 Regent Road
Cardiff CF61 1XZ.
Witnessed by me of Gwentmarch

Before me

S. Elizabeth Hunt

Solicitor / Commissioner for Oaths



Witness Statement

(CJ Act 1967, s.9 MC Act 1980, s.102 MC Rules 1981, r.70)

Statement of

Philip THOMAS

Age if under 21 OVER 21 (if over 21 insert 'over 21'). Occupation Detective Constable 3052

This statement (consisting of 5 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Dated the 10th day of March 1997

Signature

P. L. Thomas

I am a Detective Constable with South WALES Police. I have been asked to provide copies of all available documentation in relation to events when I arrested Maurice John KIRK at 2 p.m. on Thursday 20th May 1993. I have been unable at this time to locate a copy of the file of evidence I subsequently prepared and this statement, made with reference to my pocket note book, is a duplicate.

Around 1:45 p.m. on Thursday 20th May 1993 I was due to start my shift at Ely Police Station - my rostered working hours for the day being 2 p.m. to 10 p.m. I had reported for duty and was wearing full police uniform. Members of the morning shift were also present in the parade room and were in the process of 'handing over'. At this time the morning shift received a report over personal radios of a fight or disturbance at the shops on Grand Avenue, Ely opposite CHARLEIS GREEN. I attended in company with Constable BEEK, 3174 who drove a police van.

Signature

P. L. Thomas

Signature witnessed by

Continuation of Statement/Interview of

PHILIP THOMAS

Upon our arrival Constable BEER parked the police van outside the SUPASAVE Store. At this location is a block of around fifteen shops with a wide pavement and a number of parking bays outside. The parking bays and access road for the shops is partitioned from the carriageway of GRAND Avenue by a metal crash barrier. Opposite the shopping area - across the carriageway of GRAND Avenue is CHARTERIS GREEN which is a grassy area with a foot path through its middle. There is a 'zebra' pedestrian crossing on GRAND AVENUE between CHARTERIS GREEN and the block of shops. The crash barrier is divided in its length at the crossing to allow pedestrians to use the crossing. We found no signs of any disturbance at this location at this time.

Whilst looking around this location my attention was drawn to a Motor-cycle. I immediately found suspicious. The vehicle was a large 1000 c.c. BMW and appeared 'out of place'. It was in a dirty condition and the vehicle index displayed was 1876 - an unusual vehicle index. I caused a check to be made of the vehicle index which established that no trace of the vehicle existed on the Police National

Signature

August 1993

Signature witnessed by

Continuation of Statement/Interview of Philip THOMAS

Computer. I suspected that the vehicle was displaying a false number plate and alighted to investigate. I made a search of the vehicle and may have checked its frame or engine number. In the vehicle's rear panniers I found a hypodermic syringe and several vials of a drug. I also found two items I took to be garrots - they consisted of a length of wire wound at either end around a stick or piece of wood.

I believed that the vehicle may have been involved in the fight that had been reported and went to the nearest shop to make enquiries before returning to the van. There I saw a man standing leaning against the barrier between the parking bays and GRAND Avenue next to the 'zebra' crossing. I now know that this person was Maurice John KIRK. KIRK was wearing leather motor-cycle trousers and I alighted and approached him. As I walked towards KIRK he crossed GRAND Avenue onto Charteris GREEN away from me. I followed calling after him. I cannot recall what I was calling but recall that I was endeavouring to appear approachable and non-threatening and merely wanted to establish if he was connected with the motor-cycle. KIRK ignored me and

Ph. Thomas

Signature

Signature witnessed by

Continuation of Statement/Interview of Philip THOMAS

carried on walking onto CHARTERS GREEN. I found this behaviour inappropriate and suspicious. His actions appeared irrational and I thought he may be deaf or mentally ill. KIRK was walking away at a medium pace with no apparent direction. Not reacting or acknowledging me but making no determined effort to get away.

In an effort to get KIRK's attention - because I suspected he may be deaf - I gently took his left arm at the elbow.

KIRK vigorously withdrew his arm and walked backwards. I said

"I just need to speak to you about Motoring Matters in relation to the motorcycle I've just been looking at."

KIRK took a few steps backwards and made to walk off - his manner had become agitated and he appeared more determined to get away. I took hold of his arm more firmly and said "LOOK, THERE'S NO NEED FOR THIS, I CAN SEE YOU'RE UPSET BUT IF YOU TALK TO ME WE CAN SORT THIS OUT."

KIRK then pulled his arm from the sleeve of his jumps and ran towards CHARTERS ROAD across the grass on CHARTERS GREEN. I followed and held KIRK in a bear-hug. He struggled violently and I took him to the ground by placing my left leg behind his

Signature

August, 1993

Signature witnessed by

P.H. - THS

Continuation of Statement/Interview of

Philip THOMAS

left leg and throwing him. This is a technique I learnt at the Police Training College, Cwmbran and I am advised it is approved by the Home Office. I fell to the floor also and when I regained my feet KIRK was on his hands and knees. I restrained him and with the assistance of Constable BEEK he was hand-cuffed and placed in the rear of the police van. I said to KIRK as he was placed in the van.

"I AM ARRESTING YOU UNDER SECTION TWENTY-FIVE OF THE POLICE AND CRIMINAL EVIDENCE ACT."

He was cautioned but did not speak. I recall that KIRK was subsequently transferred to a 'PANDA' car to be conveyed to FAIRMATER and I removed the motor-cycle 1876 to FAIRMATER in the police van.

While I waited at the scene for other units I recall that a blonde woman was present who gave the impression 'she knew' KIRK but who also declined to speak to me.

I am awaiting the retrieval of the tape recording of the interview I subsequently held with KIRK which will be detailed in a further statement.

P. L. Thomas

IN THE CARDIFF COUNTY COURT

Claim No. BS614159-MC65

CF101741

CF204141

BETWEEN:-

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT

This is the Exhibit marked "RLH/6" referred to in my Affidavit.

fun

Sworn this 28 day of April 2016

At Vale solicitors
100 Regent Road
Llan-twit major Vale of Glamorgan
CF61 1QZ

Before me

[Signature] Elizabeth Hunt.
Solicitor / Commissioner for Oaths



Record of Tape Recorded Interview

Person interviewed Morris John Kirk
 Place of interview FAIRWATER Police Station
CARDIFF
 Date of interview 20/5/93
 Time commenced 10:55 pm
 Duration of interview 45 minutes
 Interviewing Officer(s) D. GRIFITHS DC
 Other persons present PO John Williams (sticker)

Police Exhibit No:

Number of pages 35
 Signature of interviewing officer producing exhibit
[Signature]
Time concluded 11:40 pmTape reference no's DA/1955/93P THOMAS PC3052

Tape counter times	Person speaking	Text
1:09	DC GRIFITHS	CAUTION
1:16	DC GRIFITHS	When the tape started I asked you your name Mr. Morris Kirk. Am I correct in saying that's the first time, since the time you've been in custody, you've given your name?
1:28	Kirk	I'VE BEEN ADDRESSED BY THE POLICE AS MORRIS KIRK THROUGHOUT MOST OF MY CUSTODY FROM ABOUT 2:30 THIS AFTERNOON UNTIL ABOUT TWENTY PAST EIGHT WHEN I AGAIN EXPRESSED CONCERN ABOUT NOT GETTING MY RIGHTS.
1:49	DC GRIFITHS	Which rights do you feel you haven't had?
1:53	Kirk	NOT WISHING TO BE MISUNDERSTOOD I WAS GIVEN EVERY INDICATION I'D BE ALLOWED TO SEE A DUTY SOLICITOR WHEN I WAS FIRST BROUGHT TO THE STATION AND I FOUND IT VERY STRANGE THAT WHEN I EVENTUALLY - BECAUSE I HAVE A VER BAD NECK - I WAS ABLE TO GET TO THE DOOR AT TWENTY PAST EIGHT SO THE POLICE MAN SAID THE TIME WAS AND ASK

Continuation sheet No. 1

Record of tape recorded interview of M. KIRK

Tape counter times	Person speaking	Text
		<p>FOR WHERE THE HELL IS MY DUTY INSPECTOR ER MY DUTY SOLICITOR OR WORDS TO THAT EFFECT. IT WAS ONLY THEN I NOTICED, ABOUT TEN OR FIFTEEN MINUTES LATER THAT I'M TOLD WHY I'VE BEEN DETAINED FOR OVER SIX HOURS BY TWO POLICE OFFICERS WHO CAME INTO MY CELL. I WANT TO KNOW WHY I'VE BEEN DETAINED HERE ALL AFTERNOON WITH NO APPARENT EXPLANATION UNTIL THEY REALISE THAT A THIRD PARTY IS COMING TO MY CELL TO WHOM I CAN COMMUNICATE IN PRIVATE.</p> <p>D.C. Griffiths points out that he wasn't present at KIRK'S arrest</p> <p>3:08 D.C. GRIFITHS Could you tell me then what happened at 2 p.m. today.</p> <p>3:14 KIRK I WISH TO KNOW FROM YOU WHY I WAS ARRESTED AND WHY I HAVE BEEN DETAINED FOR THIS PERIOD OF TIME AND WHY DID IT TAKE OVER SIX HOURS FOR SOMEBODY TO TELL ME WHAT THEY CONSIDERED WHY I WAS BEING DETAINED</p> <p>D.C. GRIFITHS explains that if an officer is in a position to 'book' somebody and that person does not provide a name and address then a power of arrest is provided by the police and Criminal Evidence Act</p> <p>KIRK complains that he has sustained</p>

Continuation sheet No. 2

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		a neck injury during his arrest and is in pain as a result.
4:56	DC GRITTINS	Would you like to tell me the circumstances of your arrest.
5:05	KIRK	WHEN I'M SATISFIED ABOUT YOUR INFORMATION AS TO WHY I WAS ARRESTED AND WHY I WAS DETAINED FOR SO LONG BECAUSE YOU HAVEN'T ANSWERED THOSE QUESTIONS
		It is pointed out that Mr. Kirk is being interviewed and that the interviewer is endeavouring to obtain an explanation of the events.
5:34	DC GRITTINS	The fact is that you were arrested at two o'clock
5:36	KIRK	WA WHAT?
5:38	DC GRITTINS	AS 9th Section 25 of the Police and Criminal Evidence Act
5:42	KIRK	BUT THEY KNEW WHO I WAS, I WAS OUTSIDE MY SURGERY AND THE GENERAL PUBLIC WERE TELLING THEM WHO I WAS AND THEY KNEW WHO I WAS ANYWAY I HAD JUST COME FROM THE POLICE STATION HAVING COINED TWO SERIOUS COMPLAINTS OF HARASSMENT THEY KNEW ALL THIS THAT IS WHY I SUSPECT THEY WERE THERE WAITING FOR ME WHEN I RETURNED TO MY SURGERY. WHAT GAME ARE WE PLAYING HERE? I'VE BEEN TO THE POLICE STATION

Continuation sheet No. 3

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		<p>TWICE TODAY TO COMPLAIN ABOUT HARASSMENT AND I'D RETURNED ON THE SECOND OCCASION BECAUSE I'D DECIDED IT COULDN'T BE DONE UNOFFICIALLY BECAUSE THINGS WERE GETTING TOO SERIOUS AND BASED ON THE INTERVIEW WITH INSPECTOR TRIGG I DECIDED I WOULD HAVE TO RETURN WITH A LETTER SUPPORTING PREVIOUS LETTERS OF COMPLAINTS OF HARASSMENT. SO TO SUGGEST THESE POLICE OFFICERS DIDN'T KNOW WHO I WAS AND THAT IS WHY THEY HAD THE RIGHT TO ARREST ME IS ABSOLUTE NONSENSE. YOU MAY NOT KNOW IT BECAUSE YOU ARE JUST CALLED IN TO DEAL WITH THIS ENQUIRY NOW.</p> <p>Mr. KIRK confirms that he believes the interviewing officer may not be in full possession of the facts and states he visited the police station for twenty minutes between 9:40 a.m. and 10 and at BARRY. He describes returning to that station with previous letters of complaint which had not be replied to and a letter describing the earlier visit that day en route to Glyn Surgery.</p>
7:33	DC GRILLITHUS	Would you accept that you've never seen this officer before? (PC THOMAS is present)
7:40	KIRK	NO

Continuation sheet No. 6

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		<p>KIRK states he may have seen the officer previously but that he is not in a position to say when.</p> <p>P.C. THOMAS states that he has not seen Mr. KIRK prior to events at his arrest earlier that day. The officer states that he came on duty at 13:40 that day and the first call he attended was where Mr. KIRK was arrested. The officer describes for Mr. KIRK's benefit attending a report of a fight at GRAND Avenue at the premises of SUPASAVE. The report the officer received is described and the location of the spot is also described for Mr. KIRK's benefit.</p>
8.52	DEGLATTAS	<p>I've spoken to this officer (P.C. THOMAS) and obviously he has given me a version of what occurred at about two o'clock today. Despite what you think about police harassment Mr. KIRK it's important that I get an explanation.</p>
9.11	KIRK	<p>I'VE BEEN DETAINED, I'M ON DUTY, I'M A VETERINARY SURGEON'S ON DUTY TONIGHT FOR EMERGENCY WORK AND I HAVE BEEN DETAINED THE WHOLE AFTERNOON WITH NO REASON GIVEN WHATSOEVER UNTIL ABOUT NINE O'CLOCK TONIGHT. THAT YOU CANNOT GET 'ROUND.</p>

Continuation sheet No. 5

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
9:30	DC GRIFITHS	BUT YOU ARE IN CUSTODY NOW AND IN ORDER THAT YOU GET RELEASED from custody as soon as possible what I want to do is get an explanation of certain occurrences that occurred at two o'clock. If you can - I know you may be mad or what have you at the police but I want you to do is for you to give me an explanation of how you came to be arrested. I want your side of the story.
10:06	KIRK	I AM NOT OBLIGED TO GIVE IT TO YOU
10:09	DC GRIFITHS	As you know, at the beginning of the interview I said to you "You don't HAVE TO SAY ANYTHING UNLESS YOU WISH TO DO SO BUT WHAT YOU SAY MAY BE GIVEN IN EVIDENCE." If you don't want to tell me what your side of the story is that's a matter for you.
10:25	KIRK	WHAT OCCURRED LEADING UP TO MY ARREST I DON'T THINK IS RELEVANT AT THIS POINT OF TIME CONCERNING MY CONTINUATION IN CUSTODY.
10:38	DC Grifiths	Do you accept that this officer wished to speak to you regarding the motor bike question repeated?
10:52	KIRK	I DON'T KNOW
10:59	DC GRIFITHS	I've been a police officer in Ely for a

Continuation sheet No. 6

Record of tape recorded interview of

KIRK

Tape counter times	Person speaking	Text
		<p>Number of years and as you can probably appreciate the GRAND AVENUE where you work is a fairly run down council estate. This motor bike in question is a BMW 1000 cc. - It's an expensive thing - it's a big old thing. Would you accept that - POSSIBLY</p>
11:23	KIRK	
11:25	DC GRITHMS	<p>Therefore from what I can gather - just as I would do - just as any police officer would do if I see a motor-bike then I may want to make enquiries as to whether it's stolen</p>
11:41	KIRK	<p>YOU'RE EXPECTING ME TO BELIEVE ALL THIS (LA) UP BT YOU ARE YOU? I DON'T INTEND TO COMMENT</p> <p>It is pointed out that the interviewer is trying to give a perspective of the incident from a police officer's view while Mr. KIRK is feeling aggrieved at what he interprets as harassment</p>
12:27	DC GRITHMS	<p>Did this officer come up and speak to you?</p>
12:44	KIRK	<p>I DON'T KNOW</p> <p>KIRK states if it was KIRK states he cannot recall if it was the officer present in the interview or another officer. He confirms that he was hand cuffed and placed in a police van.</p>
13:10	DC GRITHMS	<p>Are you willing to give me an explanation of what happened prior to you being placed in</p>

Continuation sheet No. 7

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
1323	KIRK	Be ear of the police van - hand cuffed? WHY THE RELEVANCE OF THAT? YOU'VE TOLD ME THAT I WAS ARRESTED BECAUSE THEY DIDN'T KNOW WHO I WAS
1333	DC GRIFITHS	Do you accept that?
1334	KIRK	NO I DO NOT
1336	DC GRIFITHS	Do you accept that you did not give your name and your address, when requested, to this officer?
1345	KIRK	INITIALLY I DID NOT
1348	DC GRIFITHS	You did at some stage?
1349	KIRK	NO, BECAUSE THEN THEY ADDRESSED ME WITH MY NAME AND THERE WAS THEREFORE NO NEED FOR ME TO FURTHER COMMUNICATE WITH THEM
1356	DC GRIFITHS	Who gave your name?
1358	KIRK	SEVERAL POLICE OFFICERS - IN THE STATION - SOMEBODY CAME TO THE CELL AT ABOUT, (OUN) ABOUT AT A GUESS BY THE LIGHT THROUGH THE WINDOW I WOULD SAY MID AFTERNOON AT ABOUT 4 SAYING "THAT IS MORRIS KIRK" AND HE WENT BACK AND TOLD EVERYBODY Mr. Kirk is asked about the time prior to his arrest.
1437	DC GRIFITHS	Did you give your name and address?
1440	KIRK	NO, I WOULD NOT HAVE DONE
1441	DC GRIFITHS	why was that?

Continuation sheet No. 8

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
14.43	KIRK	BECAUSE I KNEW THAT THEY WOULD KNOW WHO I WAS IF IT WAS RELEVANT AT ALL. I WAS WALKING IN THE PARK REMEMBER AT THE TIME
14.52	DC GRIFFITHS	This bike - registration number 1876 - a BMW. Is that your motor-bike?
15.09	KIRK	YOU'VE BEEN IN CONTACT WITH THE GUERNSEY POLICE
15.13	DC GRIFFITHS	And we've had no joy - I'm telling you that on tape.
15.15	KIRK	WELL WHO GAVE YOU THE INFORMATION TO CAUSE THE SERGEANT DOWN THERE TO WRITE ON MY FILE AS I CAME THROUGH THE DESK - MORRIS KIRK - THIS MAN BELIEVED TO BE VERY VIOLENT UNDERLINED IN RED INK. NOW IF THAT DIDN'T COME FROM GUERNSEY WHERE DID THAT INFORMATION COME FROM? IF IT WASN'T FROM THIS OFFICER THAT ARRESTED ME?
15.47	DC GRIFFITHS	My question is are you the owner of that bike?
16.01	KIRK	AM I 'M NOT OBLIGED TO TELL YOU?
16.05	DC GRIFFITHS	WELL again if you don't reply what can I do? You've complained about not being in custody. We are certainly making enquiries as to the lawful owner of this bike we can't have any joy - we've got you

Record of tape recorded interview of Kirk

Tape counter times	Person speaking	Text
		Sitting here with cycle leathers on and a big bike out in the police station yard. Yes, but
1625	Kirk	YES, BUT THERE WERE A LOT OF OTHER BIKES IN THAT ROAD WEREN'T THERE? WHY AM I BEING ATTACKED TO THAT PARTICULAR BIKE?
1633		It is pointed out the keys in Kirk's possession for the cycle.
1637	DCG/HMS	Is that like your bike? It's a simple question.
1642	Kirk	IT IS A VERY SIMPLE WAY TO ANSWER YOU BECAUSE YOUR CONDUCT IS NOT BECOMING OF AN OFFICER WHO WISHES TO KEEP HIS NOSE CLEAN THE GUERNSEY POLICE WILL HAVE INFORMED YOU BY NOW THAT NOT ONLY DID I BUY IT FROM THE GUERNSEY POLICE - FROM A POLICE OFFICER BY THE NAME OF FARNHAM - THE SON OF THE MUSICIAN WHO YOU MAY REMEMBER THE NAME OF - THEY KNOW THAT IT WAS IN MY POSSESSION THROUGHOUT MANY YEARS IN GUERNSEY AND THEY KNOW THAT IT IS MY PROPERTY AND YOU AS A POLICE OFFICER WILL HAVE BEEN INFORMED OF THIS INFORMATION DURING THE LAST SIX MONTHS OF MY CUSTODY WHEN THEY CONTACTED THE GUERNSEY POLICE. THE FACT THAT

Continuation sheet No. 10

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		<p>THE GUERNSEY POLICE ARE CURRENTLY BEFORE THE EUROPEAN COMMISSION ON INVESTIGATION BY ME DUE TO THE STINKING BEHAVIOUR THEY CONDUCT ON A DAY TO DAY BASIS MAY BE SOME REASON WHY THEY HAVE DISTORTED SOME OF THE FACTS TO YOU TO CAUSE YOU TO DETAIN ME LONGER THAN IS NECESSARY. BUT TO INSULT MY INTELLIGENCE BY ASKING ME WHETHER I OWN THAT BIKE IS REALLY PUSHING YOUR LUCK ISN'T IT?</p> <p>The officer states on tape that they have made enquiries but have not been able to establish the vehicle's owner. Mr. KIRK states he does not believe this.</p>
1821	KIRK	<p>INSPECTOR TRIGG NO DOUBT SAW ME GET ON THE BIKE OUTSIDE BARRY POLICE STATION AFTER I'D BEEN THERE TO COMPLAIN ABOUT HARASSMENT. I EXPECT THEY SAW ME ARRIVE AT THE POLICE STATION AS I NORMALLY ARRIVE ON AN ALMOST DAY TO DAY BASIS AND THAT BIKE IS PARKED OUTSIDE MY SURGERY AT ELY ON A REGULAR BASIS AND IS SEEN BY THE ELY POLICE ON A REGULAR BASIS. IT IS NOT UNTIL I LODGED MY COMPLAINT OF HARASSMENT WHICH I HAVE BEEN LOATHED TO DO THAT BUT THINGS ARE</p>

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		<p>MOUNTING UP QUITE FAST NOW. I'VE HAD TO APPEAR AT STUPID COURT APPEARANCES THIS WEEK YET AGAIN WHERE THE POLICE HAVE DECIDED TO WITHDRAW ALL CHARGES AGAIN GIVING NO REASON NO APOLOGIES, NO CASH COMPENSATION THEY'RE JUST OUT TO DO DAMAGE TO ME AND MY FAMILY AND MY BUSINESS WHICH IS WHY YOU LOT ARE DETAINING ME ALL THROUGH THE AFTERNOON AND ALL THROUGH THE THE NIGHT FOR THE MAXIMUM TWENTY FOUR HOURS YOU'RE ENTITLED TO BEFORE IT MOVES INTO SOMEBODY ELSE'S PATCH. NOW DO YOU EXPECT ME TO PROVE IT'S MY BIKE - REPEATS Question.</p>
1937	DC GRIFITHS	Have you got a log book?
1941	KIRK	NO
1944	DC GRIFITHS	Well how do you prove it's your bike?
1946	KIRK	I DON'T KNOW, YOU KNOW THAT
1951	DC GRIFITHS	Is the vehicle taxed?
	KIRK	IT'S NOT U.K. TAXED, NO, IT'S NOT A U.K. VEHICLE
2001	DC GRIFITHS	How long have you been here?
2003	KIRK	SOME TIME
		KIRK questions the officer regarding the law and whether he is required to pay excise duty.
2024	DC GRIFITHS	Is the vehicle taxed?
2027	KIRK	YOU'LL HAVE TO ASK THE PERSON WHOSE BIKE IT'S REGISTERED IN.

Continuation sheet No. 12

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		<p>11) YOU CATCH THAT, YOU'LL HAVE TO ADDRESS THAT SUBJECT TO THE PERSON WHOSE NAME IT'S REGISTERED IN.</p>
2043	DC GRIFITHS	<p>but it's not registered to anybody. The last person who had it told DC DICE they were no longer the keeper. (DC GRIFITHS looks at KIRK)</p>
2050	KIRK	<p>Who was that?</p>
2055	DC GRIFITHS	<p>I DON'T KNOW</p>
2056	KIRK	<p>What do you mean, how do you know that?</p>
2057	DC GRIFITHS	<p>BECAUSE I'VE BEEN TOLD</p>
2101	KIRK	<p>WHO WOULD HAVE TOLD YOU THAT? YOU'RE GETTING YOURSELF INTO A PROBLEM HERE. WHO TOLD YOU THAT - WE'VE BEEN ON TAPE RECORDED - I WARN YOU I'LL HAVE YOU. YOU HAVE BEEN GIVEN WHAT INFORMATION AND FROM WHOM</p>
		<p>PC THOMAS interrupts as DC GRIFITHS is under a misapprehension that the information had been gleaned from BRITAIN'S Police National Computer whereas the officer had made enquiries with Guernsey Police during the afternoon and had informed DC GRIFITHS of the result</p>
2127	DC GRIFITHS	<p>I beg your pardon.</p>
2128	KIRK	<p>RIGHT, SO YOU'VE HAD AN ENQUIRY AT GUERNSEY WHICH IS CONTRARY TO WHAT YOU WERE SAYING KANSER - AT WHAT DATE DID YOU</p>

Continuation sheet No. 13

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		HAVE THAT ENQUIRY? DO YOU MEAN A DATE PRIOR TO TODAY BECAUSE IF YOU ADMIT TO THAT YOU'RE GOING TO GET INTO EVEN MORE TROUBLE WITH ME AND MY SOLICITOR. EITHER BECAUSE YOU HAD INFORMATION PRIOR TO MY ARREST FROM PREVIOUS ENQUIRIES - FROM YOUR NATIONAL COMPUTER THAT NOT ONLY WAS I THE OWNER, THE GUERNSEY POLICE GAVE YOU FULL DETAIL OF HOW I ACQUIRED IT, ETC ETC ETC. AM I GOING TO BE ENTITLED TO A COPY OF THIS TAPE WHEN I LEAVE?
22:03	DC GRIFITHS	I will give you a form explaining what will happen to the tapes
22:05	KIRK	WILL I BE ALLOWED TO HAVE A COPY?
22:06	DC GRIFITHS	OF COURSE YOU WILL - IF YOU SPEAK TO MR. WILLIAMS (SOLICITOR)
22:08	KIRK	NO, I'M NOT SPEAKING TO MR. WILLIAMS HE'S SUIT A DUTY SOLICITOR AND VERY KINDLY SITTING IN. I WILL HAVE A COPY? AND IT WON'T BE DOCTORED BY YOU LOT?
22:26	KIRK	After Mr. KIRK is satisfied as to procedure as regards the tapes RIGHT, CARRY ON WITH YOUR QUESTIONS

Continuation sheet No. 14

Record of tape recorded interview of KINK

Tape counter times	Person speaking	Text
22 28	X GRIFITHS	First of all this was my mistake
22 30	KINK	WHAT MISTAKE? WHAT WAS YOUR MISTAKE — I DON'T WISH TO BE CONFUSED I AM THE DEFENDANT I HAVE RIGHTS NOW YOU'VE MADE A MISTAKE KINDLY EXPLAIN TO ME WHAT YOUR MISTAKE WAS
22 41	X GRIFITHS	About the Police National Computer
22 43	KINK	MEANING WHAT?
22 44		I was under the impression that the previous owner was shown on the police national computer. I was broadly wrong.
22 52	KINK	RIGHT SO WHAT DID THE NATIONAL COMPUTER GIVE YOU?
22 55	3052	There's no trace of the index of your motor cycle on the police national computer also I checked your motor cycle initially at the scene I got "NO TRACE" That further aroused my suspicions when I saw your motorcycle initially saw your motorcycle parked outside the surgery
23 13	KINK	YES BUT THE BOTTOM LINK (S) YOUR COLLEAGUE SAID THAT THE PREVIOUS OWNER DID NOT NOTIFY SOMEBODY AS TO WHO THE NEW OWNER WAS. I'VE ASKED WHO WAS THAT PREVIOUS OWNER AND YOU TWO KNOW WHO IT IS BECAUSE YOU'VE GOT THAT INFORMATION
		Re office explaining

Continuation sheet No. 15

Record of tape recorded interview of A. R. V.

Tape counter times	Person speaking	Text
23:21	3052	And I'm going to give it to you if you let me speak to you. Since coming to the police station I've made enquiries. When I established it was a Guernsey registration number which I told by contacting the Sten vehicle Squad.
23:35	Kirk	YOU ARE NOT ADVISED TO ALLOW HIM TO TAKE OVER THE QUESTIONING (to DC GRATTIS about R THOMAS) I WARN YOU
23:42	DC GRATTIS	Mr. Kirk, hang on a second
23:44	Kirk	IF YOU'RE IN CHARGE AND YOU'RE HAPPY - FINE - (COULD) YOU PLEASE ANSWER MY QUESTION.
23:50	DC GRATTIS	Mr. Kirk listen
23:51	Kirk	NO, I'VE COME HERE TO GET INFORMATION NOT TO GIVE YOU INFORMATION
23:54	DC GRATTIS	This is getting a little bit out of hand
23:56	Kirk	WHOSE NAME AND ADDRESS DID YOU HAVE ON THE COMPUTER - WHICHEVER COMPUTER YOU'RE REFERRING TO THAT WAS THE PREVIOUS OWNER OF THAT BIKE.
24:06	3052	I've got details here in front of me
24:07	Kirk	CAN YOU READ THEM OUT
24:12	3052	I'm endeavouring to give you these

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		<p>details but you're engaging yourself in a pointless argument. I'm trying to give you the details. If you're patient with us as we have to be patient with you well resolution matter much quicker. O.K. ? The previous details I've got one of MAXIMINE HANSHAW at Courtesies Caches, St. MARTIN'S, Jersey.</p>
24:37	KIRK	<p>Could you please give that to my duty solicitor who's present at this hearing so he can make a copy of what you've got written there.</p> <p>Mr. WILLIAMS confirms he has the details. The address is spelled for Mr. WILLIAMS' benefit.</p>
25:20	KIRK	<p>The date of the passport was when?</p>
25:23	3052	<p>The last date that we have is the date the TAX expired which was DECEMBER '88 and the other date we have is when it was first registered which was the 2nd January 1985.</p>
25:44	X GRITHUS	<p>Do you accept Mr. KIRK that - -</p>
25:48	3052 KIRK	<p>I CAN ACCEPT THAT YOU KNEW ALL ALONG BECAUSE YOU HAD THIS INFORMATION BEFORE I EVEN REACHED THE POLICE STATION BEFORE I WAS EVEN ARRESTED. YOU HAD THIS INFORMATION</p>

Continuation sheet No. 17

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		THIS OFFICER HAS NOW ADMITTED IT ON THIS TAPE RECORDING AND YOU HAVE BEEN DETAINING ME UNDER FALSE PRETENCES SINCE TWO O'CLOCK THIS AFTERNOON
26:06	X GRATTIS	Are you injured Mr. Kirk?
26:08	Kirk	I AM INJURED, YES
		R THOMAS explains that as a result of struggling with Mr. Kirk he has an injury to his elbow and tendons to his knee and lower back
26:06	Kirk	Have you MADE AN ACTION FOR ME ASSAULTING ME?
26:31	3052	I intend to charge you with assaulting me
26:33	Kirk	YES, WELL SEVERAL PEOPLE IN THE ROAD HEARD YOU SAY THAT I HAD NOT ASSAULTED YOU REMEMBER THE PEOPLE WHO, IN THE ROAD, ASKED YOU? DO YOU REMEMBER? I WAS IN A POLICE CAR WITH ANOTHER PRISONER AND I WANT HIS NAME AND ADDRESS BECAUSE HE MAY HAVE HEARD THOSE QUESTIONS TO YOU AS WELL.
26:55	X GRATTIS	As you can accept Mr. KIRK this is not a court of law what I'm doing is, in order to be fair to you, I'm letting you know what evidence there is. Do you accept that? I'm just

Continuation sheet No. 18

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
2709	KIRK	<p>trying to be totally fair HOW IS IT THAT YOU CAN INTERVIEW ME PRIOR TO CHARGES? WHEN YOU GIVE ME THE PRETEXT IN FRONT OF MY DUTY SOLICITOR THAT I'M HERE TO ESTABLISH THE OWNERSHIP OF A MOTOR-BIKE AND NOW ALL YOU WANT TO DO IS TO HAVE ME FOR ASSAULT ON POLICE BECAUSE THAT'S FAR MORE JUICY AND GETS YOU MORE BROWNIE POINTS. THAT'S WHAT IT'S ALL ABOUT ISN'T IT? ANYTHING TO PROVOKE ME SO THAT YOU CAN GET ME FOR ASSAULT OR MORE SERIOUS OR MORE GRIEVOUS ACCUSATIONS THAT'S WHAT THIS IS ALL ABOUT ISN'T IT?</p>
2743	DETECTIVE	<p>I can assure you Mr. Kirk that I'm the right Detective Constable, it's like World War Three out the City Subdivision at the moment. I'd rather not be here discussing this with you I'd rather be out there with other officers.</p>
28:00	KIRK	<p>AS A TAX PAYER I WOULD CONDONE EVERYTHING YOU SAY The officer states he is not been dealing with a personal matter and would rather be dealing with other matters</p>

Continuation sheet No. 19

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		as soon as Mr. Kirk is dealt with.
28:16	KIRK	DO I UNDERSTAND THAT I AM BEING REPORTED FOR ASSAULT ON POLICE BECAUSE IF THAT'S THE CASE THIS IS THE END OF THE INTERVIEW
28:27	GRITTUS	There's another few matters I want to discuss with you
28:30	KIRK	SO YOU AREN'T GOING TO ANSWER MY QUESTION
28:32	GRITTUS	As far as the assault on police I wasn't there.
		It appears confirms that that is his intention and if GRITTUS states he would also advise the officer to charge M. KIRK from the evidence available
29:11	GRITTUS	Have we got your address?
29:14	KIRK	YES, YOU HAD MY ADDRESS BEFORE I WAS ARRESTED
29:23	3052	We haven't got it on the custody record, what we have got is a letter that was found in your property when you came to the police station with an address on that. It is that the correct address? It's in the name you gave at the start of the interview
29:41	KIRK	What address?

Continuation sheet No. 20

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
29:43	DE GRATTAS	Well, what is your address Mr. Kirk?
29:45	KIRK	THERE'S A PIECE OF PAPER DOWN ON THAT DESK WHICH HAS MY NAME AND MY ADDRESS OF RESIDENCE IN BARRY AND UNDERNEATH IT ON THE SAME PIECE OF PAPER WHICH I NOW ASK TO BE AN EXHIBIT TO BE USED IN MY DEFENCE FOR ANY CASE THAT COMES TO COURT FOR AN ALLEGED ASSAULT ON POLICE WHICH SAYS " BELIEVED TO BE EXTREMELY VIOLENT" UNDERLINED IN RED INK BECAUSE I WANT THAT DOCUMENT NOT DESTROYED. IT'S ON A LOOSE PIECE OF PAPER ATTACHED TO THE CUSTODY RECORD AND THE SERGEANT WAS VERY ANNOYED THAT I WAS ABLE TO SEE IT AS I CAME THROUGH THE DESK NOW IT'LL BE DESTROYED, NO DOUBT. I ASK THE DUTY SOLICITOR TO SEE IT AND THEY WOULD NOT LET MIM SEE IT.
30:31	DE GRATTAS	Mr Kirk - what is your address?
30:32	KIRK	IT IS ON THAT PIECE OF PAPER AND THAT PIECE OF PAPER WAS IN YOUR POSSESSION BEFORE THIS INTERVIEW TOOK PLACE. YOU KNEW MY

Continuation sheet No. 21

Record of tape recorded interview of

KIRK

Tape counter times	Person speaking	Text
		NAME AND MY FULL ADDRESS
		BEFORE I WAS EVEN ARRESTED
29.47	DC GRIFFITHS	MR. KIRK WE DO OF NEED
		YOUR ADDRESS
30.50	KIRK	WELL YOU'VE GOT IT. IT'S
		ON THAT PIECE OF PAPER, SO
		AND GET IT AND I'LL READ
		IT OUT TO YOU, IT'S ONLY
		NEXT-DOOR
30.56	DC GRIFFITHS	I'M asking you
30.57	KIRK	I'M ASKING YOU TO GET PIECE OF
		PAPER AND I'LL READ IT OUT TO
		CONFIRM WHETHER IT IS CORRECT.
31.02	DC GRIFFITHS	I'm not prepared to suspend this
		interview to get a piece of paper because
		you see, thinking like a detective,
		it could well be that's not your
		address - or you can't remember
		what's on that bit of paper I want
31.17	KIRK	to know your correct address
		THAT IS IRISH ISN'T IT WHAT
		YOU'VE JUST SAID. I RECOGNISED
31.27		MY OWN ADDRESS ON THAT PIECE OF
		PAPER. I WANT THAT PIECE OF PAPER
		TO BE SHOWN TO YOU
31.30	DC GRIFFITHS	If that address says "10 DOWNING
		STREET" you could say "OH YES,
		I LIVE THERE" I want to know
		what your address is.
32.07	DC GRIFFITHS	Mr. KIRK?

Continuation sheet No. 72

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
32.21	X GRIFITHS	Do you want me to suspend the interview and we'll continue at a later stage? or are you not going to answer any more questions?
32.29	KIRK	YOU HAVEN'T GIVEN ME ANY MORE QUESTIONS
32.33	X GRIFITHS	I'm still waiting for the answer to my last one
32.36	KIRK	I'VE TOLD YOU WHERE IT IS. IT'S ALREADY WRITTEN DOWN, ACCURATELY ATTACHED TO MY RECORD FILE.
32.45	X GRIFITHS	Who lives at that address?
32.45	KIRK	I DO
32.46	X GRIFITHS	Anybody else?
32.48	KIRK	POSSIBLY
32.50	X GRIFITHS	Why are you being difficult about this address?
32.53	KIRK	I'M NOT BEING DIFFICULT. I ASKED FOR THAT DOCUMENT JUST NOW, ON THE WAY TO THIS ROOM, I'VE TOLD YOU WHERE IT IS. I'VE CONFIRMED THAT IT IS THE CORRECT ADDRESS
33.05	MR. WILLIAMS	Mr. Kirk - all you're doing is prolonging your detention. If you were to tell the officers and they can check it out.
33.09	X GRIFITHS	THAT'S ALL WE WANT. BELIEVE ME ALL I WANT TO KNOW IS WHAT YOUR

Continuation sheet No. 22

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		address is and I want to know how we can confirm that. That's all
33:16	KIRK	YOU CAN CONFIRM IT BY GOING DOWN AND READING IT OFF THE RECORD. IT'S THERE ON THE RECORD. NOW, I'VE JUST READ IT.
33:22	DE GRIFITHS	What does it say?
33:25	KIRK	IT SAYS MY ADDRESS
33:26	DE GRIFITHS	What is your address?
33:27	KIRK	IT'S WRITTEN ON THE RECORD
33:30	DE GRIFITHS	Mr. KIRK - WHAT IS YOUR ADDRESS?
	KIRK	Come on, what's your address? That's all we want to know, what your address is, if we verify it neither can be
33:42	KIRK	IT IS THE SAME ADDRESS THAT'S ON MY DRIVING LICENCE, MY INSURANCE, MY MORTGAGE MY BANK STATEMENTS, MY POLL TAX - YOU CAN CHECK ALL THESE THINGS BY PRESSING A COMPUTER. YOU'VE DONE ALL THAT SINCE TWO O'CLOCK THIS AFTERNOON.
34:00	DE GRIFITHS	I can assure you, at eleven o'clock at night we can't do all that
34:02	KIRK	YOU'VE DONE IT ALREADY
34:04	MR. WILLIAMS	Mr. KIRK - your main object is to get out of here as soon as possible

Continuation sheet No. 24

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
34:06	KIRK	<p>MY MAIN OBJECT SIR IS TO BUST THIS CONSPIRACY BECAUSE THESE TWO IDIOTS HAVE NOW BROKEN WHAT THEY'RE UP TO THEY'RE OUT TO FRAME ME FOR ASSAULTING A POLICE OFFICER THAT IS WHAT THIS IS ALL ABOUT THIS IS WHY YOU'VE DETAINED ME FOR THE WHOLE AFTERNOON AND EVENING WITHOUT THE RIGHTS THAT I'M ENTITLED TO TO TRY AND SOTTER ME UP TO TRY AND SET ME UP FOR AN ASSAULT ON A POLICE OFFICER</p>
34:33	D. GRITHAM	<p>I can assure you that when I read this officer's police book and from what he told me - I've got to look closely at the evidence and certainly I would say there's more than enough for an assault charge. That doesn't alter the fact that I need your address Mr. KIRK. That's all I want.</p>
35:00	D. GRITHAM	<p>It's like drawing teeth with you Mr. KIRK. Honestly. I asked you "Are you the owner of the bike" and you went</p>
35:06	KIRK	<p>YOU ALREADY KNOW, YOU KNEW BEFORE I CAME INTO THIS ROOM. WHAT GAMES DO YOU PLAY</p>

Continuation sheet No. 25

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		<p>I'M NOT A DRUG TRAFFICKER. I AM NOT A LEADER OF BUREAU THAT WORK THE CARDIFF PATCH. I AM A PRACTISING VETERINARY SURGEON ON DUTY TONIGHT BEING DETAINED FROM MY WORK WHICH IS ONE OF THE PURPOSES FOR YOU TO DETAIN ME.</p>
35:29	DC GRIFFITHS	<p>It saddens me the fact that I'm going to have to move away from where you live because that is a hurdle we haven't got over yet. Never mind, we can come back to that. In your prison was found two bits of wood joined by two bits of wire. What do you use that for Mr. KIRK?</p>
5:50	KIRK	<p>ARE YOU SUGGESTING THAT IT'S A GADGET FOR POLICE OFFICERS WHO MESS ME AROUND UNNECESSARILY AND INTERFERE WITH ME AND MY WORK AS I GO ABOUT MY PEACEFUL DUTIES AS A CITIZEN OF DLY</p>
36:02	DC GRIFFITHS	<p>Have I made any suggestions?</p>
36:03	KIRK	<p>WHAT SORT OF JOKE IS THIS?</p>
36:05	DC GRIFFITHS	<p>IT'S NOT A JOKE</p>
36:09	KIRK	<p>YOU THINK THE PIECE OF WIRE'S USED FOR BREAKING AND ENTERING DO YOU?</p>

Continuation sheet No. 26...

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
36:16	X GRIFTHS	There's a possibility of an offensive weeper. If you give me an explanation of why that vicious looking implement is in your gunnies. We'll see where we go from there. What is that for?
36:32	KIRK X GRIFTHS	WHAT OTHER IDIOTIC QUESTIONS ARE YOU GOING TO PUT TO ME. I'M STARTING TO GET A LITTLE UPSET ABOUT THE TRAIN OF THOUGHT.
36:42	X GRIFTHS	Is it a garrot for police officers? What is it for? You used the term GARROT which never entered my mind.
36:51	KIRK	WELL WHAT DID ENTER YOUR MIND? THAT CAUSED YOU TO EVEN ASK ME ABOUT IT? WHAT'S YOUR NEXT QUESTION?
37:00	GRIFTHS	What is it?
37:05	KIRK	WHAT IS YOUR NEXT QUESTION
37:06	GRIFTHS	What is it? and my next one is "WHAT IS IT"
37:11	KIRK	WHAT IS YOUR NEXT QUESTION AFTER THAT?
37:13	GRIFTHS	What is it? Are you prepared to tell me?
37:30	KIRK	I JUST SAID "WHAT IS YOUR NEXT QUESTION." IF YOU AREN'T GOING TO GIVE IT TO ME THERE'S

Continuation sheet No. 27

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
3740	GRIFTHUS	GOING TO BE SOME SILENCE Are you the owner of that? (indicating the wood / wire)
3744	KIRK	I'M THE OWNER OF WHAT I THINK YOU DESCRIBED
3750	GRIFTHUS	What would that be Mr. KIRK?
3755	KIRK	I DON'T INTEND TO ANSWER THAT QUESTION AT THIS TIME.
3805	GRIFTHUS	If after the evidence is studied and I would say that's possibly an offensive weapon - would you object to that?
3815	KIRK	I DON'T KNOW WHETHER I'M ELIGIBLE TO OBJECT
3819	GRIFTHUS	But you can't give me an explanation as to why
3826	KIRK	'TIL I'VE ESTABLISHED THAT I' ^{REASON FOR MY CUSTODY} AM ^{AM} RELUCTANT TO SAY FURTHER ON THAT PARTICULAR MATTER
3839	GRIFTHUS	Is it anything to do with your work?
3843	KIRK	YOU GAVE ME THE IMPRESSION THAT I WAS BEING DETAINED BECAUSE I WOULDN'T SAY WHO I WAS. WHEN I REMINDED YOU THAT YOU WEL KNEW WHO I WAS YOU THEN THOUGHT AH' WELL WE'RE DETAINING YOU BECAUSE WE THINK YOU'VE GOT A STOLEN MOTOR-BIKE. AND THEN AT FURTHER ENQUIRY BY ME IT IS ESTABLISHED THAT YOU LOT KNEW ALL

Continuation sheet No. 28

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		<p>ABOUT WHEN IT CAME FROM AND WHO OWNED IT AND WHO'D SOLD IT TO ME AND SO ON AND SO ON BEHIND I WAS BROUGHT TO THIS INTERVIEW - NOW YOU'VE MOVED ON TO ANOTHER ISSUE WHICH IS ASSAULT ON POLICE WHICH IS TOTALLY NOVEL TO ME. AND SUGGESTING YOU MIGHT BE MOVING ON TO ANOTHER AVENUE FOR EXCUSE TO DETAIN ME PURSUING TO JUSTIFY MY DETENTION FOR THE AFTERNOON - YOU'VE MOVED OFF THAT SUBJECT NOW YOU'VE MOVED ONTO SOMETHING ELSE. I'VE TOLD YOU I WISH TO SAY NOTHING FURTHER ON THAT AND I WANT TO HEAR WHAT YOUR NEXT SUBJECT IS GOING TO BE.</p>
3739	GRIFITHS	<p>I've got in front of me five points I wished to cover. I'll summarise it as far as I was concerned.</p>
3950	KIRK	<p>HAVE WE COVERED THE FIVE POINTS?</p>
4008	GRIFITHS	<p>I think to summarise - because I don't think we're getting anywhere as far as I'm concerned.</p>
4013	KIRK	<p>HAVE YOU ESTABLISHED THAT I AM THE LAWFUL OWNER OF THAT BIKE?</p>
4017	GRIFITHS	<p>If I may, NO.</p>
4020	KIRK	<p>WHOSE FAULT IS THAT? ME OR YOU?</p>
4025	GRIFITHS	<p>I would say that at two o'clock this afternoon after a two minute</p>

Continuation sheet No. 29

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
		Conversation with this officer we wouldn't have been here at half past eleven tonight.
40:53	KIRK	WHAT DIFFERENCE WOULD IT HAVE MADE ON HOW I COULD ESTABLISH LAWFUL OWNERSHIP ON THAT BIKE, WITHOUT YOUR COOPERATION, HITTING COMPUTERS I COULDN'T HAVE PROVED. I COULDN'T HAVE GIVEN YOU MORE INFORMATION THAN I'M GIVING YOU NOW.
40:58	GRIFITHS	Have you got insurance for the motor-bike?
40:51	KIRK	ISN'T THAT ON YOUR LIST?
40:52	GRIFITHS	It's just come to me now. Have you got insurance for the bike?
40:55	KIRK	POSSIBLY.
40:51	GRIFITHS	You see, again, there's that word again, possibly. Have you a license? you get insurance.
41:04	KIRK	HOW'S THAT GOING TO ASSIST THE OWNERSHIP OF IT?
	GRIFITHS	I'm moving on to another subject.
41:10	KIRK	HOW'S THAT GOING TO ASSIST THE OWNERSHIP OF THE BIKE?
41:13	GRIFITHS	If the bike is yours and you haven't got insurance you'll be charged with no insurance. It's as simple as that.
41:18	KIRK	THAT'S NOTHING TO DO WITH THE

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
4120	GRITTUS	OWNERSHIP OF THE BIKE IS IT?
4121	KIRK	No, it's to do with insurance
4121	KIRK	YES, BUT LET'S DEAL WITH THE OWNERSHIP - I BELIEVE THAT YOU ARE RELYING ON THE FACT THAT I CANNOT PROVE OWNERSHIP OF THE BIKE. THAT IS WHAT I BELIEVE YOU ARE HANGING YOUR CASE ON.
4133	GRITTUS	Why are you being so difficult Mr. Kirk.
4136	KIRK	I BELIEVE THAT IS WHAT YOU'RE HANGING YOUR CASE ON. I HAVE ESTABLISHED THAT YOU HAVE ESTABLISHED THAT I AM QUITE LIKELY THE CAUSAL OWNER OF IT BECAUSE YOU HAVEN'T FOUND ANYBODY ELSE AND YOUR ENQUIRIES TO QUEENSKY AND CENTRAL COMPUTER HAVE CONFIRMED THAT I AM. I'VE NOW TOLD YOU WHO I BOUGHT IT FROM - A QUEENSKY POLICEMAN WHO'S ALIVE AND KICKING AND COULD CONFIRM IT BY A SIMPLE 'PHONE CALL. WHAT MORE CAN I DO? YOU NOW MOVE ON TO INSURANCE WHICH IS TO ME A TOTALLY SEPARATE ISSUE TO DO WITH OWNERSHIP TO DO WITH OWNERSHIP OF THE BIKE. IS THERE ANYTHING ELSE YOU WISH TO GIVE ME CONCERNING ESTABLISHING THAT I OWN

Continuation sheet No. 31

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
4219	GRANTHUS	<p>THE BIKE - YES OR NO</p> <p>The simple matter is that at two o'clock this afternoon this officer saw a bike which - quite rightly - in fact if he didn't pick up on the fact bike as being a bit suspect there would be something wrong. He saw a registration plate which didn't clock out.</p>
4240	KIRK	<p>YOU CAN SAY ALL THIS BUT I DON'T BELIEVE A WORD OF IT</p>
4243	GRANTHUS	<p>This is how I see it</p>
4247	KIRK	<p>YOU AREN'T AWARE OF THE FULL FACTS OF THE CASE ARE YOU?</p>
4249	GRANTHUS	<p>This is how I see it - that when he came to speak to you</p>
4252	KIRK	<p>HE ASSAULTED ME IN FRONT OF ABOUT FIFTY PEOPLE. I WAS WALKING THROUGH THE PARK, UP HILL AND HE GRABBED HOLD OF MY ARM - AND HE'S HERE TO CONFIRM IT. HE THEN GRABBED HOLD OF MY ARM AGAIN AND WHAT HAPPENED AFTER THAT YOU'LL GET, ON OATH, IN A WITNESS BOX WHEN I AM ACCUSED - SO YOU SAY - OF ASSAULTING HIM</p>
4250	GRANTHUS	<p>This officer suspected that that motor cycle was committing an offence</p>

Continuation sheet No. 52

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
4324	KIRK	<p>WHATEVER HE DECIDED TO DO, HE HAD NO RIGHT TO ASSAULT ME IN THE PARK AND FOR A MATTER OF RECORD I HAVE NOT YET EVEN CONSIDERED MAKING A COMPLAINT - UNTIL NOW - BASED ON WHAT I UNDERSTAND OF YOUR MOTIVES AS TO WHY I HAVE BEEN DETAINED</p>
4349	GRIFFITHS	<p>Is there anything further you'd like to add Mr. KIRK?</p>
4350	KIRK	<p>I'LL SAY IT AGAIN, IS THERE ANYTHING ELSE YOU WISH TO ASK ME TO ESTABLISH THAT I AM THE TRUE, LAWFUL OWNER OF THAT BIKE AND THAT I HAD EVERY RIGHT TO BE THERE AT THAT TIME, SITTING ON A FENCE, ON THE OTHER SIDE OF THE ROAD AND WALKING THROUGH THE PARK LATER.</p>
4410	3052	<p>Do you have any documentation that can prove your ownership?</p>
4418	KIRK	<p>SOMEWHERE, YES</p>
4420	GRIFFITHS	<p>Where would that be</p>
4421	KIRK	<p>THAT'S THE PROBLEM, I DON'T KNOW WHERE IT IS</p>
4423	Griffiths	<p>Is that at your home address?</p>
4428	KIRK	<p>IT'S MOST LIKELY TO BE IN THE SURGERY.</p>
4431	Griffiths	<p>We're getting somewhere. That's all we want to do - believe me - that's all</p>

Continuation sheet No. 35

Record of tape recorded interview of KIRK

Tape counter times	Person speaking	Text
4435	KIRK	<p>we went to do IT'S ONLY GOING TO BE A LOG BOOK. THE LOG BOOK YOU CAN GET FROM GUERNSEY BY SIMPLY 'PHONING THEM. THEY WILL GIVE YOU A FAX COPY OF IT. NOW THE GUERNSEY POLICE HAVE ALREADY COMMUNICATED WITH YOU. THEY HAVE ALREADY SENT OVER A CERTAIN AMOUNT OF INFORMATION THAT IS FALSE. ON THE ESTABLISHMENT OF A DOCUMENT THEY WOULD BE VERY SILLY TO FALSIFY THE FACTS ESPECIALLY AS THEY KNOW.</p> <p>The warning for the end of the tape sounds and Mr. KIRK is advised the tape is about to end. DC Griffiths asks if Mr. KIRK wishes the interview wishes to continue.</p>
4524	KIRK	<p>I want to know about insurance. KIRK states he believes he has insurance but does not know where. He states he has so many policies he doesn't know which company. KIRK declines to provide his address and is questioned about the wire (wood). KIRK states it is not an official copy.</p>
4611	GR. GRIFFITHS	What is it?

Continuation sheet No. 34

Record of tape recorded interview of KICK

Tape counter times	Person speaking	Text
46:12	KICK	IT'S A PIECE OF WIRE TIED BETWEEN TWO BITS OF WOOD
46:13		I know that, but what is it?
46:17	KICK	THIS THING IS AN OFFENSIVE WEAPON DEPENDING ON WHAT IT'S BEING USED FOR.
		The tape and interview ends.

IN THE CARDIFF COUNTY COURT

Claim No. BS614159-MC65

CF101741

CF204141

BETWEEN:-

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT

This is the Exhibit marked "RLH/7" referred to in my Affidavit.

R. H. H.

Sworn this 28 day of April 2016

At Vale Solicitors

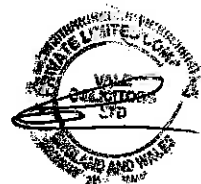
100 Regent Road

Cardiff CF61 1XZ

Before me

E. Elizabeth Hunt

Solicitor / ~~Commissioner for Oaths~~



SOL/RLH/SLJ/1732

21st June 2000

The Superintendent,
TERRITORIAL POLICING

For the attention of Mrs. Barbara Parish

Re: Maurice John Kirk

I am presently dealing with a civil claim against the Chief Constable in relation to this matter.

I would be obliged if you could let me have copies of tape recorded interviews as detailed below:-

TAPE REF. NO.	PERSON INTERVIEWED	NO. OF COPIES REQ'D
DA/1955/93	Maurice John Kirk at Fairwater Police Station on 20 th May 1993	2

I would be grateful to receive them by **30th June 2000.**

R. Leighton Hill
for Force Solicitor

South Wales Police



Heddlu De Cymru

Working with the Community

CHIEF CONSTABLE

A T BURDEN, QPM, BSc (Hons)

Cydwethio Gyda'r Gymuned
SOUTH WALES POLICE

PRIF GWNSTABL

Ref/Cyf: COPU/DJA/ARD/FF.
Direct Line/Llinell Uniongyrchol:
Extension No./Rhif Estyniad:

(01656) 869300
20300

26 JUN 2000
FORCE SOLICITOR

23rd June, 2000.

Mr. L. Hill,
Force Solicitors' Department,
HEADQUARTERS.

Perigwe
Fre ent.
26.6.00

Maurice John KIRK

I refer to your letter dated the 21st June, 2000, in relation to the above-named.

I can confirm that all tapes held at Headquarters have been destroyed in accordance with force policies, with the exception of those held for serious crimes such as murder. In view of this, I am unable to assist you in this matter.

It may well be that divisions are retaining tapes that were not sent to Headquarters.

Chief Superintendent D. A'Herne,
Crime and Operations Policy Unit.

IN THE CARDIFF COUNTY COURT

Claim No. BS614159-MC65

CF101741

CF204141

BETWEEN:-

MAURICE JOHN KIRK

Claimant

-and-


THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

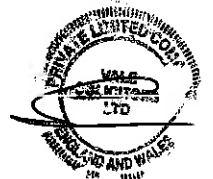
EXHIBIT

This is the Exhibit marked "RLH/9" referred to in my Affidavit.

Sworn this 28 day of April 2016

At Vale Solicitors
1 Rowdeg 1 Beveston Rd
Llan-twit major
Vale of Glamorgan CF61 1XZ
Before me  Elizabeth Hunt.

Solicitor / Commissioner for Oaths



1

Motoring Unit
Cardiff Bay Police Station
James Street
Cardiff
CF10 5EW

10 April 2013

Tape Reference DA/1955/93 Maurice Kirk -20 May 1993
Assault Police and possess offensive weapon

The above are Summary Offences

*The South Wales Police force policy stated that the following retention periods for audio cassette/disks applied:

Working copy audio tapes/disks are kept for 12 months then destroyed

Master copies for Major crimes retained indefinitely.

Master copies for other crimes retained for 10 years then destroyed

Master copies for summary offences retained for 5 years then destroyed as per Weekly Order 51/1994 Part 2.

For Eastern BCU there was a local agreement:

Working copy audiotapes/disks are kept for 12 months then destroyed

Master copies for Major crimes retained indefinitely.

Master copies for other crimes retained for 10 years then destroyed.

Master copies for summary offences retained for 7 years then destroyed.

From 2007 the Retention and Destruction of Records and Documents states:

Tapes

Audio

(a) Master copies – summary offences five (5) years, other crime seven (7) years and major crime indefinitely.

(b) Working copies – one (1) year.

There is no longer a record available of the 1993 Tape Library.

Upon reaching the 5 year expiry date the tapes/DVD's are put into sacks to be crushed.



Tape Librarian
Julie Parker 51420
Motoring Unit

Melanie Standley

From: Maurice Kirk <maurice@kirkflyingvet.com>
Sent: 01 May 2016 11:48
To: Pahl, Rosie; Cardiff County, Hearings
Cc: Melanie Standley
Subject: BS614159 etc Maurice Kirk v South Wales Police (Tape Response) Ref Dolmans:MA:SWP0001-00138
Attachments: 16 04 30 Tape claimant response.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Please find enclosed 30th April 2016 letter in response to 15th April 16 court order

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Maurice J Kirk BVSc

Tel 07708586202

www.kirkflyingvet.com

mauricejohnkirk.wordpress.com

maurice@kirkflyingvet.com

Cardiff County Court

BS614169 etc

South Wales

30th April 2016

Dear Sir/Madam,

Maurice Kirk v Chief Constable of South Wales Constabulary

Purported Disclosure of 20th May 1993 Police Interview Tape

Pursuant to 15th April 2016 Court Order

1. The claimant proposes his property, one copy or 'working copy' of his 20th May 1993 interview tape, made whilst in custody, be returned to him forthwith.
2. It is of surprise to neither the claimant's family nor his followers for this pathetic 'one off' gesture, twenty-three years later, of a purported 'disclosure' from so many still unlawfully withheld custody tapes, videos and other such relevant records hiding eye witnesses.
3. Not just 10 years of Royal College of Veterinary Surgeons enquiry, affecting HM Privy Council Judicial Committee's conclusions, is to be considered but it has also affected over sixty odd claimant filed Judicial Review applications at the Royal Courts of so called Justice in London.
4. The court should now photograph the held 'cassette', have it DNA tested and finger printed, it is humbly suggested and full results made public.
5. A substantive appeal is to be filed for full disclosure of what else has been 'held back' from the other claimant's delayed civil actions during these past twenty-three years.
6. What else has been distorted by our tax payer's funded Chief Constable's 'in-house' 'Special Legal Case-Work Department'? Orders for re-painting a Lewis machine-gun and having their victim sectioned MAPPA 3/3, under 1983 Mental Health Act, emanated from right there.

Maurice J Kirk BVSc (Claimant)