

**INDICTMENT**

**IN THE CROWN COURT AT CARDIFF**

**THE QUEEN - v - MAURICE JOHN KIRK**

**MAURICE JOHN KIRK is charged as follows:**

**Count 1**

**STATEMENT OF OFFENCE**

POSSESSING A PROHIBITED WEAPON, contrary to section 5(1)(a) of the Firearms Act 1968.

**PARTICULARS OF OFFENCE**

MAURICE JOHN KIRK between the 1st day of January 2008 and the 23rd day of June 2009 without the authority of the Secretary of State, had in his possession a firearm namely a Lewis Machine Gun, which was so designed or adapted that two or more missiles could be successively discharged without repeated pressure on the trigger.

**Count 2**

**STATEMENT OF OFFENCE**

SELLING OR TRANSFERRING A PROHIBITED WEAPON, contrary to section 5(1)(a) of the Firearms Act 1968.

**PARTICULARS OF OFFENCE**

MAURICE JOHN KIRK between the 1st day of January 2008 and the 23rd day of June 2009 without the authority of the Secretary of State, sold or transferred a firearm, namely a Lewis Machine Gun which was so designed or adapted that two or more missiles could be successively discharged without repeated pressure on the trigger.

**Officer of the Court**

**Count 3**

**STATEMENT OF OFFENCE**

POSSESSING CRIMINAL PROPERTY, contrary to section 329(1)(c) of the Proceeds of Crime Act 2002.

**PARTICULARS OF OFFENCE**

MAURICE JOHN KIRK between the 1st day of January 2008 and the 23rd day of June 2009 possessed criminal property namely, £2000 (two thousand pounds) knowing or suspecting it to constitute a person's benefit from criminal conduct.

**Officer of the Court**

# Summary of Evidence

**R v KIRK, MAURICE JOHN**

**Applications:** Exclusion Order ☐ Compensation ☐ Forfeiture/Destruction ☐ Other ☒

(Tick box if required)

If 'Other' please specify:

The circumstances of this case are as follows -

This case relates to the investigation into the unlawful possession of a Section 5 Firearm, this being a 'Lewis' machine gun and ammunition, along with ammunition both of which are prohibited by section 5 Firearms Act 1968. The suspect is Maurice John KIRK 12/03/45.

In order to put this matter in context it is important to realise that Maurice Kirk has numerous previous convictions and has a history of conflict and disputes with South Wales Police and other Police forces across the UK over several years. He is what could be deemed as anti establishment and does not appear to recognise any authority within the UK, including Police, Crown Prosecution Service and Court systems. He is currently in civil litigation against South Wales Police where is making over 70 separate claims against the Chief Constable Ms Wilding which is due to be heard in January 2010..

Mr Kirk has a website WWW.KIRKFLYINGVET.COM where he has posted a request for personal information offering a £10,000 reward leading to the prosecution of Barbara Wilding, Chief Constable of South Wales Police and several other persons including CPS representatives, current and retired Police Officers also requesting details of their home addresses, vehicle details, families and schools attended, friends and acquaintances.

In August 2008, KIRK offered for sale a variety of items on this site, including aeroplanes, aeroplane parts, motor vehicles, houses and most relevant to this enquiry a 'Lewis' machine gun and spare ammunition for £4000.

On 2nd April 2009 Kirk has posted a photograph of himself holding what is believed to be the above machine gun.

The suspect has re-posted the same photograph of himself holding the "Lewis" machine gun on his web-site on 13th May 2009. This is accompanied by the words "Dressed for Cardiff Court and a level playing field".

On 13th May 2009 there is a second photograph of him holding the machine gun. This is accompanied by the words "The Final Solution?"

In addition to the above photographs the suspect has also posted video clips of himself onto the web-site "youtube.co.uk".

The videos themselves give a greater insight into the demeanour of Mr KIRK, providing primary evidence of him in possession of this weapon whilst on British soil. The video clips can be broken down as follows;

Video1 - (CAA demand flight test.flv)

The clip opens with the suspect sitting on the floor with his back to the rear of a red Ford Escort Index 8 42 XK 22. Propped up against the Escort is what appears to be a 303 calibre First World War "Lewis" machine gun. This weapon has a drum magazine on top of the main body and has traces of rust near the barrel and on its working parts. It would seem that the video is filmed the day before he re-takes his pilot's licence as he states that he has been up all night studying for the test. He appears tired, unkempt and complains of pain from arthritis. He goes on to say how he landed his plane too close to the home ranch of President George W Bush, however there was an investigation with the civil aviation authority who revoked his pilots licences. He says he eventually, after spending time in a psychiatric hospital in the USA persuaded the CAA that he had not committed any offences. He states he has concerns over re-sitting the test and that he has been flying for over 40 years. He continues to say how tired he is and how his head hurts so much from studying, he then proceeds to pick up the machine gun and says "Well, She won't be with me tomorrow. I hope it won't be appropriate". The film then ends.

Video 2 - (Royal College of Veterinary Surgeons.flv)

This video opens with KIRK standing in what is believed to be the grounds of his house at St Donats, Vale of Glamorgan in South Wales, holding what is believed to be the same "Lewis" machine gun in his right hand, the

(Continuation Sheet YES ☒ NO ☐

barrel facing towards the ground. KIRK seems extremely irritated and physically tired. His appearance is dishevelled and he seems confused. He repeats the story above about flying onto the president's land. He discloses that the CAA notified Gatwick that he had been involved in criminal activity and that they believe he is a danger to members of the public. The FAA have corrected that however the CAA have made him take an examination for re-testing his pilots licence. He states that when taking the test he will have to be polite and charming, which appears to disagree with him. When he talks about how he must pass the test or he will never fly again, this appears to bother him. KIRK is seen on the video to raise the gun with his right hand place it across his chest, gripping the barrel with his left hand. KIRK's has adopted bladed stance, slightly rocking from side to side and still talking with a slightly slurred speech with his head bowed slightly downwards.

Video3 - Lost passport03 08.flv

This video opens as KIRK is stood on a road in front of his red convertible escort and there is a trailer stationary in front of his Escort which appears to contain aeroplane parts (i.e. wings). He begins by complaining about British beurocracy and talks in a slurred manner with his head bowed downwards. He explains on video how he manage to get through customs at Portsmouth from France without a current passport. He then elaborates stating that it wasn't long ago that he took live ammunition and a large knife in his hand luggage into Florida and out again with out being stopped by Aviation Authorities.

Extensive checks have been carried out with the National Firearms management system, into whether KIRK holds a legitimate license or certificate to possess a firearm. There is no record of Maurice John Kirk ever having held or currently holding a firearms certificate. There are no historical reports in existence relating to Mr KIRK ever having applied or being granted any form of firearms certificate.

A copy of Mr KIRKS web page where places items for sale is attached and it can be seen that item 9 shows for sale a - 'Lewis machine gun with spare ammo circa 1916 £4000'.

The video clips outlined above are also available for the reviewing lawyer to examine. It can be clearly seen that Mr. KIRK is in possession of a firearm. I have caused the force armourer within South Wales Police to view these clips and he has stated that to the best of his knowledge and with the limited information available he believes the weapon to be a 'Lewis' machine gun.

It is not known whether this weapon has been deactivated at any time and to that end enquiries have been made at both 'Proof Houses' in England. Unfortunatley without the serial number of the weapon, the proof houses are not in a position to confirm this fact.

Extensive enquiries have been made within the firearms licensing department of South Wales Police where a National Database is held in respect of firearms certificates (National Firearms Management System). It has been confirmed that Mr. KIRK is not a firearms certificate holder. A statement is attached from Sarah WILLIAMS who is the Firearms Licensing Manager within South Wales Police. Ms WILLIAMS will confirm that Mr. KIRKS wife however is in possession of a firearms certificate that relates to the lawful possession of 2 shotguns and 3 humane killers held for the purpose of her employment as a veterinary surgeon. The 'Lewis' machine gun is not recorded on any documentation that relates to Mrs. KIRK.

From a covert enquiry it can be confirmed that Mr. KIRK has himself stated that the weapon was 'live', he did not own it legally and he has now sold it.

At 1305hrs on Saturday 30th May 2009 a Covert Police Officer identified only as 'Foxy' made a telephone call to mobile telephone number 07966 523940, the mobile telephone with this number was seized from KIRK whilst he was in custody. The purpose of this telephone call was to make enquiries regarding a Lewis Machine Gun. 'Foxy' stated that she spoke to a person who identified himself as Mr KIRK and that she told told him she was interested in purchasing the gun if it was still for sale. After a general conversation in relation to where she saw the gun advertised he informed her that the gun was no longer with him. She explained to him that she was disappointed as she had previously owned a similar which had been deactivated, to which KIRK replied "Oh I see, no no this one worked". The call was then ended.

A check on Mr. KIRKS web page this very morning still reflects the fact that the weapon and ammunition remain for sale.

Approximately 0815hrs on 22<sup>nd</sup> June 2009 KIRK was arrested in St Donats, Llantwit Major, Vale of Gamorgan for Possession of a Prohibited Weapon and Threats to Cause Criminal Damage and conveyed to Port Talbot Police Station where he remains in custody. He has been interviewed throughout this time and has remained uncooperative and obstructive.

(Continuation Sheet YES ☒ NO ☐

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As a result of speaking to his wife and obtaining a statement from her (although she has refused to sign the statement), she confirmed that the gun and the aircraft were bought by KIRK and were bought together and subsequently sold to a filming company last year but did not know when and did not know what the name of the company.

Enquiries with the Civil Aviation Authority revealed that Ronald Henry COOPER residing in the Lincoln area was the purchaser of the aircraft. Contact was made with Mr COOPER by the Civil Aviation Authority who confirmed that he was still in the possession of the aircraft and when he purchased the aircraft from KIRK the gun was attached to the front of it.

Mr COOPER immediately took the gun to a reputable firearms dealer in the Nottinghamshire area - Mr Michael SCOTT who examined the gun (statement obtained).

Officers from Nottinghamshire Police were instructed to attend Mr SCOTT's premises and seize the gun, after which, they met with officers from South Wales Police and handed them the exhibit. Statement from the Nottinghamshire Police have been obtained.

The gun has been examined at 0830hrs on 23<sup>rd</sup> June 2009 by Andrew HUXTABLE, a National Ballistics Intelligence Service Armourer. The examination took place at the Scientific Support Unit, Police Headquarters, Bridgend. He has concluded that the gun is a lethal barrelled weapon contrary to Section 5 (1)(a) of the Firearms Act 1968 (his statement is attached).

Throughout KIRK's time in custody he was interviewed on several occasions and remained silent throughout. During the last interview he stated that he was told by someone in RAF St Lytham that the Lewis machine gun had been deactivated. Throughout the interviews he stated that he had previously made a prepared statement which he did not produce to the interviewing officers.

On the evening of Tuesday 23<sup>rd</sup> June 2009 KIRK was formerly charged with the offences for which he appears before the court. After caution he replied "*I think it's ridiculous*".

**IN THE CARDIFF CROWN COURT**

**REGINA**

v

**MAURICE JOHN KIRK**

**CASE SUMMARY**

1. Maurice John Kirk is aged 64, having been born on the 12<sup>th</sup> March 1945. He is a qualified veterinary surgeon and a pilot. He has a website, WWW.KIRKFLYINGVET.COM.
2. Mr. Kirk faces 3 counts in the Indictment. Each of them relates to his ownership of a Lewis Machine Gun, which the prosecution say was a prohibited weapon under the Firearms Act 1968, since it was "designed or adapted so that two or more missiles could be successively discharged without repeated pressure on ten trigger".
3. Count 1 relates to Mr. Kirk's possession of the machine gun in 2008, count 2 to the sale of that gun to a gentleman named Ronald Henry Cooper in 2008, and count 3 to his possession of criminal property, namely the proceeds of the sale of what was an illegal gun.

**The Firearms legislation**

4. Section 57 of the Firearms Act 1968 defines the term, "firearm".

57 (1) – In this Act the expression "firearm" means a lethal-barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes –

- a) any prohibited weapon, whether it is such a lethal weapon as aforesaid or not; and
- b) any component part of such a lethal or prohibited weapon.

Under the Firearms Act 1968 section 5, which deals with prohibited weapons –

5 (1) A person commits an offence if, without the authority of the Defence council, he has in his possession, or purchases or acquires, or manufactures, sells or transfers:

- a) any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger.

Section 5 creates offences of strict liability.

15/5/11



Section 8 of the Firearms Act 1988 deals with de-activated weapons.

8 – For the purposes of the principal Act and this Act it shall be presumed, unless the contrary is shown, that a firearm has been rendered incapable of discharging any shot, bullet or other missile, and has consequently ceased to be a firearm within the meaning of those Acts, if –

- a) it bears a mark which has been approved by the Secretary of State for denoting that fact and which has been made either by one of the two companies mentioned in section 58 (1) of the Principal Act (*in effect the London and Birmingham Proof Houses*) or by such other person as may be approved by the Secretary of State for the purposes of this section; and
- b) that company or person has certified in writing that work has been carried out on the firearm in a manner approved by the Secretary of State for rendering it incapable of discharging any shot, bullet or other missile.

#### The Lewis Machine Gun

5. The expert evidence relating to the Lewis machine gun itself comes from Andrew Huxtable (p.64) and Philip Charles Rydeard (p.66).
6. Andrew Huxtable is the National Ballistics Intelligence Service Armourer, who is based at the Scientific Support Unit at Bridgend. He is responsible for the initial intake and examination of all firearms for South Wales Police, Dyfed-Powys Police and Gwent Police. He previously served for 5 and a half years with the Royal Electrical and Mechanical Engineers as an Armourer.
7. Mr. Huxtable describes the Lewis Machine Gun as a World War One era Light Machine Gun which was invented in 1911. It is of American design, and uses a .303 cal British cartridge. It utilised 2 different drum magazines, one holding 47 rounds and the other 97 rounds.
8. Mr. Huxtable examined the gun and found on the top of the weapon towards the rear an Alan key type headed screw. This is screwed vertically from above into the barrel. In his opinion that is not in line with the Deactivation Regulations required by Firearms law, as it is neither pinned nor blocked. Mr. Huxtable is of the opinion that the gun was a firearm (a lethal barrelled weapon ...from which any shot, bullet or other missile can be discharged) and falls within section 5(1) of the Firearms Act as being a "firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger."
9. Mr. Philip Rydeard is a Senior Forensic Scientist based at the Northern Firearms Unit who has specialised in the examination of firearms, ammunition and related items since 1998. He has 45 years' experience in the handling and use of firearms. He was requested to classify the Lewis Machine Gun according to the current firearms legislation.

10. He described the gun as a composite weapon having the appearance of a British Military Mark II .303" Lewis, aircraft model, light machine gun. He said that in its current form it may have been constructed for training or display purposes. It appears to comprise a combination of original Lewis Gun components and other, non-standard, components which do not allow full automatic function.
11. A number of the components appear to originate from an original Lewis Gun or Guns. There are a number of non-standard parts including the barrel. The weapon has no bolt assembly or cartridge feed mechanism, and cannot be fired in the full automatic mode.
12. The gun will accept a variety of rimmed cartridges. It can be cocked by pulling back the cocking handle to the rear and fired by pulling the trigger. In this way it will function as "a simple blowback weapon fired from the open bolt." Mr. Rydeard test-fired the Gun using a capped case from a .303" British cartridge and a number of normally loaded .410" shotgun cartridges. Missiles were discharged with lethal potential and the recoil effect re-cocked the weapon.
13. In Mr. Rydeard's opinion the Lewis Gun fulfils the requirements of a firearm as defined in section 57(1) of the Firearms Act 1968. He does not consider that the weapon has been deactivated. He also considered the further classification of the weapon in so far as it appeared to include "component parts" of a firearm as defined in section 57 (1) (b) of the Act, to which section 5 (1)(a) applies, and which relate to prohibited weapons. Such an item would remain a "prohibited weapon" notwithstanding anything done to convert it into a weapon of a different kind. Whilst the weapon includes components which are old, it will accept calibres of cartridges which are excluded from the list of obsolete calibres which can attract antique status.
14. Evidence from Richard Mabbitt, who is employed by the Worshipful Company of Gunmakers, examined the gun simply to see whether it had been deactivated. His conclusion was that it not. No de-commissioning work had ever been carried out on the weapon, and there were no deactivation marks, which are dated stamps put on various parts of the gun if it is examined by either the London or Birmingham Proof House.

#### Narrative background

15. Maurice Kirk is bringing a civil action against South Wales Police in which he is making over 70 separate claims against the Chief Constable Barbara Wilding. The current hearing date for that action is in 2010.
16. Mr. Kirk has used his website to offer a £10,000 reward for information leading to the prosecution of Barbara Wilding and a number of other people including members of the Crown Prosecution Service and current and retired police officers. In connection with this he has requested via the website



personal details such as home addresses, details of their vehicles, details of their families and schools attended by their children, and of their friends and acquaintances.

17. In August 2008 Mr. Kirk offered a number of items for sale on his website. These included aeroplanes, aeroplane parts, motor vehicles, houses and the Lewis Machine Gun which is the subject of this case, together with ammunition. The gun and ammunition were offered for £4,000.
18. On the 2<sup>nd</sup> April 2009 Mr. Kirk posted a photograph of himself on his website which showed him holding the Lewis Machine Gun.
19. On the 13<sup>th</sup> May 2009 he posted the same photograph, this time accompanied by the words, "Dressed for Cardiff Court and a level playing field." On the 13<sup>th</sup> May another photograph of him holding the gun was posted. This was accompanied by the words, "The Final Solution." Another caption read "Vengeance is mine. Crooked lawyer shooting."
20. In addition to the photographs Mr. Kirk has also posted video clips of himself on his website. 2 of these provide further evidence of his possession of the Machine Gun. One of the clips was filmed the day before he re-took his pilot's licence test, which was in August 2008. (Graham Clifford p.11) The machine gun can be seen in the clip. The second clip shows Mr. Kirk with the machine gun in his right hand. As he addresses the camera he raises the gun across his chest. In both these clips he talks of landing his plane close to the ranch of the American president George Bush, and goes on to refer to re-taking his pilot's licence test.
21. In a third video clip Mr. Kirk explains how he managed to get through customs at Portsmouth from France without a current passport, and then says that it was not long ago that he took live ammunition and a large knife in his hand luggage into Florida and out again without being stopped by the Aviation Authorities.
22. At 13.05 on Saturday 30<sup>th</sup> May 2009 a covert police officer (Foxy, p.8) telephoned Mr. Kirk on his mobile telephone. The call was recorded. "Foxy" told Mr. Kirk that she was interested in the Lewis Gun and asked if it was still for sale. He asked her if she meant the machine gun, and she confirmed that she did. He then said the gun was no longer with him. "Foxy" said that she was disappointed as she owned a similar item. Mr. Kirk asked, "How do you stay legal when you have something like that?" "Foxy" replied that hers was deactivated, to which he replied, "Oh I see, no no, this one worked."

#### The sale of the Machine Gun

23. Ronald Henry Cooper (p.42) is a collector of aircraft from World War I and World War 2. In 2008 he purchased a De Havilland Airco DH2 from Maurice Kirk. The Lewis Gun was of the type that was used with that aircraft, which had its propeller mounted behind the pilot (a "pusher" aeroplane) and so could fire forwards without the gun having to be synchronised with the propeller.

24. Mr. Cooper and Mr. Kirk discussed the Lewis Gun. Mr. Cooper was told that the gun was deactivated. The aircraft was purchased before the gun, but subsequently in the summer of 2008 the gun was sold to Mr. Cooper for £2000. It was collected by Mr. Cooper's wife, who paid the money to Mr. Kirk.

Arrest and interview

25. Mr. Kirk was arrested and interviewed by the police on the 22<sup>nd</sup> and 23<sup>rd</sup> June 2009. An appropriate adult, Mr. Martin Reeves was present, but he was not legally represented. During those interviews he largely made no comment to questions asked. He said he had prepared a statement. There was a statement, which is exhibited at p.204; it does not deal with the alleged offences. In an interview during the early evening of 23<sup>rd</sup> June, Mr. Kirk did answer questions in relation to the aircraft and the gun. He said that it was his understanding that the gun was decommissioned when he presented it to an armourer at RAF Lynham, and it was decommissioned when he had it returned to him. He continued to describe matters concerning his action against South Wales Police.
26. Mr. Kirk was subsequently charged with the offences.

RICHARD TWOMLOW  
9 Park Place, Cardiff  
3<sup>rd</sup> September 2009

BM 8473  
Maurice Kirk  
HM Prison  
Cardiff

3<sup>rd</sup> December 2009

### **PRISON WITHOUT TRIAL**

Nearly 6 months ago I was jailed for being 'in possession' of an antique machine gun it having been offered for sale years ago whilst attached to a replica World War Two de Havilland biplane, used in airshows.

This week, I discovered the South Wales police have had me under covert surveillance for years, in the highest category of 'risk', level 3 of MAPPA.

### **MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS OF THE SOUTH WALES POLICE**

This appears to be a repeat procedure enacted between 1992 to 2000 when, as complainants, they had my name removed from the Veterinary Register.

The civil trial for damages from that police harassment is due to start on the 10<sup>th</sup> January requiring a three figure number of witnesses.

It is therefore not that surprising to some for the South Wales police to have arranged my imprisonment of 'an inordinate length', relying on:

- 1) 1968 Fire Arms Act and Bail Act
- 2) 1964 Criminal Procedures (Sanity) Act for a High Security Hospital
- 3) 2000 Terrorism Act
- 4) Or an I.P.P., their favoured option, now that the 12<sup>th</sup> psychiatrist has confirmed my legal right to stand trial (Imprisonment for Public Protection)

In the meantime the civil damages claim, for false imprisonment, has caused the South Wales police to deny knowledge of court cases and police incidents having ever taken place supported by an erroneous 25<sup>th</sup> February sworn affidavit by the chief constable.

This, in turn, has led to a private criminal prosecution under the 1977 Criminal Law Act, 'conspiracy to do acts tending to corrupt morals or outrage public decency', due again in Cardiff Magistrates on 11<sup>th</sup> December 09.

But 2<sup>nd</sup> December Crown Court hearing quashed anyone's current attempt to have me locked away under the Mental Health Act. The 12<sup>th</sup> psychiatrist, at least, we are made to believe, stated I was suffering from a 'mental disorder' to prevent my entering a plea or defend myself for trial on 17<sup>th</sup> December.

Despite yet another extended civil restraint order on me since 15<sup>th</sup> June, to protect the Royal College of Veterinary Surgeons, South Wales police and HM Attorney General, I appear to have obtained a 27<sup>th</sup> November 09 £50,360 judgment against my H.M. Governor! This will be attached to tomorrow's daily applications on F Wing for my canteen. Any realisation of judgment will cause 'HM conspiratorial partnership' to fail.

BAIL APPLICATION

7<sup>th</sup> August, 2009

Just a few of the lies uttered by HM Crown Prosecution barrister, Richard Ace, before his honour judge Hughes on 25<sup>th</sup> June, 2009 to overturn Barry Magistrates granting of unconditional bail.

- Maurice Kirk is unemployed - (He is a company director)
- Maurice Kirk is of no fixed address.
- Maurice Kirk was arrested at Marlpits, St Donats.
- Maurice Kirk refused to co-operate when arrested.
- Arrested primarily for threats of criminal damage (only for the allegation to then be withdrawn)
- Likely to abscond - he could obtain an aircraft and fly away.
- Likely to interfere with witnesses including police officers - (not a shred of evidence)
- Maurice Kirk has had full disclosure of evidence.
- At interview he refused to co-operate - (detailed reply plus 64 page statement of explanation tendered)
- Maurice kirk offered £10,000 reward, threatening violence on members of the public - (actually advertisement on his website requesting the whereabouts of police officers to be witnesses in the 6 month trial for damages against South Wales Police commencing in January 2010 despite failed police disclosure)
- 11. Kirk must remain locked up until we have obtained a witness statement from the previous owner of the circa 1916 Lewis machine gun - (police have had a warrant for his arrest for many years, it has just been established, living abroad)
- 12. Richard Ace omit's the fact that that the chief Constable's very own solicitors laid the complaint to lay a smokescreen relating to her 25<sup>th</sup> Feb 2009 false affidavit denying police incidents ever occurred.
- 13. MJK refused right to apply for bail.

Maurice J Kirk BVSc

A PACK  
OF  
LIES