

Appellant's notice

(All appeals except small claims track appeals)

For Court use only	
Appeal Court Ref. No.	
Date filed	

Notes for guidance are available which will help you complete this form. Please read them carefully before you complete each section.



Section 1

Details of the claim or case you are appealing against

Claim or Case no. BS614159

Help with fees –
Ref no. (if applicable) **H W F** - - - - -

Name(s) of the ☒ Claimant(s) ☐ Applicant(s) ☐ Petitioner(s)

MAURICE JOHN KIRK BVSc

Name(s) of the ☒ Defendant(s) ☐ Respondent(s)

CHIEF CONSTABLE OF SOUTH WALES POLICE

Details of the party appealing ('The Appellant')

Name

MAURICE JOHN KIRK BVSc

Address (including postcode)

Puits aux Papillons,
St. Doha,
22230
France

Tel No.	07708 586202
Fax	
E-mail	maurice@kirkflyingvet.com

Details of the Respondent to the appeal

Name

CHIEF CONSTABLE OF SOUTH WALES POLICE

Address (including postcode)

South Wales Police Headquarters,
Cowbridge Road,
Bridgend
Mid Glamorgan,
CF31 3SU

Tel No.	01656 655 555
Fax	Unknown
E-mail	Unknown

Details of additional parties (if any) are attached

☐ Yes ☒ No

Section 2

Details of the appeal

From which court is the appeal being brought?

☒ The County Court at

Cardiff

☐ ~~High Court~~

☐ ~~Queen's Bench Division, Administrative Court~~

☐ ~~Chancery Division~~

☐ ~~Family Division~~

☐ Other (please specify)

What is the name of the Judge whose decision you want to appeal?

His Honour Judge Seys Llewellyn QC

What is the status of the Judge whose decision you want to appeal?

☐ ~~District Judge or Deputy~~

☒ Circuit Judge or Recorder

☐ ~~Tribunal Judge~~

☐ ~~Master or Deputy~~

☐ ~~High Court Judge or Deputy~~

What is the date of the decision you wish to appeal against?

5th December 2016

To which track, if any, was the claim or case allocated?

☐ ~~Fast track~~

☒ Multi-track

☐ ~~Not allocated to a track~~

Nature of the decision you wish to appeal

☐ ~~Case management decision~~

☐ ~~Grant or refusal of interim relief~~

☒ Final decision

☐ ~~A previous appeal decision~~

Section 3**Legal representation**

Are you legally represented?

☐ ~~Yes~~ ☒ NoIf 'Yes', please give details of
your solicitor below

Name of the firm of solicitors representing you

--

The address (including postcode) of the firm of solicitors representing you

--

Tel No.	
Fax	
E-mail	
DX	
Ref.	

Are you, the Appellant, in receipt of a Legal Aid Certificate or
a Community Legal Service Fund (CLS F) certificate?☐ ~~Yes~~ ☒ No

Is the respondent legally represented?

☒ Yes ☐ ~~No~~If 'Yes', please give details of the
respondent's solicitor below

Name and address (including postcode) of the firm of solicitors representing the respondent

Dolmans Solicitors, 1 Kingsway, Cardiff South Glamorgan CF10 3DS
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Tel No.	029 2034 5531
Fax	029 2029 8206
E-mail	adriano@dolmans.co.uk
DX	33005 Cardiff 1
Ref.	APO.MS.SOU-5-65

Section 4**Permission to appeal**

Do you need permission to appeal?

☒ Yes ☐ ~~No~~

Has permission to appeal been granted?

☐ ~~Yes (Complete Box A)~~☒ No (Complete Box B)**Box A**

Date of order granting permission <table border="1"><tr><td></td></tr></table>	
Name of Judge granting permission <table border="1"><tr><td></td></tr></table>	

Box B

I <table border="1"><tr><td>Maurice John Kirk BVSc</td></tr></table> the Appellant('s solicitor') seek permission to appeal.	Maurice John Kirk BVSc
Maurice John Kirk BVSc	

If permission to appeal has been granted **in part** by the☐ Yes ☐ No

Section 5 Other information required for the appeal

Please set out the order (or part of the order) you wish to appeal against

IT IS ORDERED THAT

1. Audio Forensic Services (whose contact details are to be derived via <http://audioforensicservices.com>) shall be instructed to examine and to report on the audio tape handed in to court on 15th April 2016 in accordance with the letter of instruction approved by His Honour Judge Seys Llewellyn QC which is annexed to this Order; and the tape shall be forwarded by the court direct to Audio Forensic Services and not via the Defendant or the Claimant.

Have you lodged this notice with the court in time? (There are different types of appeal - see Guidance Notes N161A)

☐ Yes ☒ No
If 'No' you must complete
Part B of Section 9

Section 6 Grounds of appeal

Please state, in numbered paragraphs, **on a separate sheet** attached to this notice and entitled 'Grounds of Appeal' (also in the top right hand corner add your claim or case number and full name), why you are saying that the Judge who made the order you are appealing was wrong.

☒ I confirm that the grounds of appeal are attached to this notice.

Section 7 Arguments in support of grounds for appeal

☐ I confirm that the arguments (known as a 'Skeleton Argument') in support of the 'Grounds of Appeal' are set out **on a separate sheet** and attached to this notice.

OR

☒ I confirm that the arguments (known as a 'Skeleton Argument') in support of the 'Grounds of

Section 8 What are you asking the Appeal Court to do?

I am asking the appeal court to:-
(please tick the appropriate box)

- ✓ set aside the order which I am appealing
- ✓ vary the order which I am appealing and substitute the following order. Set out in the following space the order you are asking for:-

1. That the order for the tapes to be examined by set aside.
2. That the tapes be returned to the Claimant.
3. The costs of this appeal be the Appellant's in any event to be paid by the Respondent to the Appellant.

- ✓ order a new trial

Section 9 Other applications

Complete this section **only** if you are making any additional applications.

Part A

- ✓ I apply for a stay of execution. (You must set out in Section 10 your reasons for seeking a stay of execution and evidence in support of your application.)

Part B

✓ I apply for an order that:

The court orders a “Protective Costs Order” in favour of the Claimant/Appellant of £50.

(You must set out in Section 10 your reasons and your evidence in support of your application.)

Section 9 Evidence in support

In support of my application(s) in Section 9, I wish to rely upon the following reasons and evidence:

1. This Appellant’s Grounds of Appeal raise important issues regarding the transcribing and possible destruction of a tape which belongs to the Claimant.
2. I am therefore seeking these permissions to appeal in the overall public interest regarding the above issues, which raise constitutional issues of general public importance.
3. I also seek the making of a “Protective Costs Order” in the sum of £50. I would therefore most respectfully submit that it is just and equitable that there should be a “Protective Costs Order” in this appeal in the overall public interest.

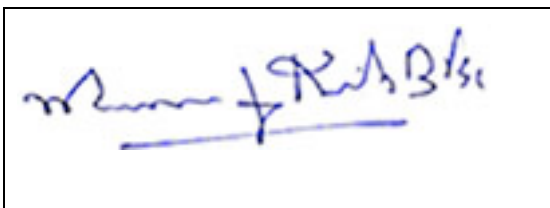
Statement of Truth – This must be completed in support of the evidence in Section 10

I believe ~~(The appellant believes)~~ that the facts stated in this section are true.

Full name MAURICE JOHN KIRK B VSc

Name of appellant’s solicitor’s firm

signed



Appellant (or solicitor)

~~position or office held~~

~~(if signing on behalf of firm or company)~~

Section 11 Supporting documents

To support your appeal you should file with this notice all relevant documents listed below. To show which documents you are filing, please tick the appropriate boxes.

If you do not have a document that you intend to use to support your appeal complete the box over the page.

In the county court or High Court:

- ☐ ~~three copies of the appellant's notice for the appeal court and three copies of the grounds of appeal;~~
- ☐ ~~one additional copy of the appellant's notice and grounds of appeal for each of the respondents;~~
- ☐ ~~one copy of the sealed (stamped by the court) order being appealed;~~
- ☐ ~~a copy of any order giving or refusing permission to appeal; together with a copy of the judge's reasons for allowing or refusing permission to appeal; and~~
- ☐ ~~a copy of the legal aid or CLSF certificate (if legally represented).~~

In the Court of Appeal:

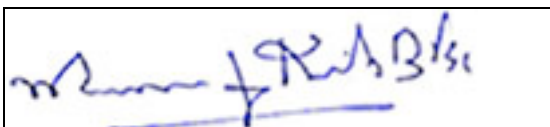
- ✓ three copies of the appellant's notice and three copies of the grounds of appeal;
- ✓ one additional copy of the appellant's notice and one copy of the grounds of appeal for each of the respondent;
- ✓ one copy of the grounds of appeal on a separate sheet attached to each of the appellant's notices filed;
- ✓ one copy of the sealed (stamped by the court) order or tribunal determination being appealed;
- ✓ a copy of any order giving or refusing permission to appeal together with a copy of the judge's reasons for allowing or refusing permission to appeal;
- ☐ ~~one copy of any witness statement or affidavit in support of any application included in the appellant's notice;~~
- ☐ ~~where the decision of the lower court was itself made on appeal, a copy of the first order, the reasons given by the judge who made it and the appellant's notice of appeal against that order;~~
- ☐ ~~in a claim for judicial review or a statutory appeal a copy of the original decision which was the subject of the application to the lower court;~~
- ✓ a copy of the order allocating the case to a track (if any)
- ☐ ~~one copy of the skeleton arguments in support of the appeal or application for permission to appeal;~~
- ✓ a copy of the approved transcript of judgment; and
- ☐ ~~a copy of the legal aid or CLSF certificate (if legally represented)~~

Reasons why you have not supplied a document and date when you expect it to be available:-

Title of document and reason not supplied	Date when it will be supplied
A transcript of the relevant parts of the judgment of HHJ Seys Llewellyn.	When available from the shorthandwriters.

Section 12 The notice of appeal must be signed here

Signed



Appellant(~~'s Solicitor~~)

GROUNDS OF APPEAL

TAPE TRANSACTION

(Grounds raise issues of fact and/or points of law)

1. The learned Judge erred in fact and/or law in ordering the 4 tapes to be examined as this is a ruse for them to be destroyed.
2. The tapes are the property of the Appellant.
3. The learned Judge acted Wedensbury unreasonably and unlawfully and perversely and irrationally thereby.