IN THE HIGH COURT OF JUSTICE **CLAIM NO: C90CF012**

QUEEN'S BENCH DIVISION

CARDIFF DISTRICT REGISTRY

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

THE SECRETARY OF STATE FOR JUSTICE (1)

THE PAROLE BOARD FOR ENGLAND AND WALES (2)

THE CHIEF CONSTABLE OF SOUTH WALES POLICE (3)

Defendants

REQUEST FOR FURTHER INFORMATION PURSUANT TO PART 18 CPR ON BEHALF OF THE SECOND DEFENDANT AGAINST THE CLAIMANT

Preamble

In the Claim Form dated 21 January 2016 the Claimant seeks damages in respect of a number of alleged causes of action specified therein, namely misfeasance in public office, unlawful imprisonment, unlawful imposition of licence conditions, unlawful revocation of licence, unlawful detention, unlawfully failing to arrange an oral hearing before the parole board and breach of articles 3, 5 and 8 of the European Convention on Human Rights.

The Second Defendant prepared a Part 18 Request for Further Information and Clarification dated 6 July 2017 in compliance with the order of HHJ Keyser QC dated 22 June 2017. That request related to Particulars of Claim dated 29 July 2016, those being the only Particulars of Claim that had been served upon the Second Defendant by the Claimant at the time by which the Part 18 Request was due to be served and filed (7 July 2017).

HHJ Keyser QC, sitting as a judge of the High Court, ordered, on 31 July 2017 that:

1. The Particulars of Claim in this case shall henceforth be only those headed "Amended Particulars of Claim" and dated 7 September 2016.

2. For the avoidance of doubt, all other actual or purported Particulars of Claim in this case, including the document dated 7 September 2016 and headed "Particulars of Claim" be and are struck out.

In the circumstances and given the differences in the documents dated 29 July 2016 and 7 September 2016, the Second Defendant makes the following Part 18 Request for Further Information and Clarification in respect of the "Amended Particulars of Claim" dated 7 September 2016, which are now the only operative Particulars of Claim in the case.

<u>Request</u>

1. In respect of paragraph 5 of the Amended Particulars of Claim which relate to the 'unlawful prison licence conditions', please specify as follows:

a. whether it is alleged that any person employed by the Second Defendant committed the acts and/or omissions set out in the subsections of paragraph 5;
b. if so, identify the persons or said persons;
c. in respect of each such person identify the act or omission for which he/she was responsible and provide the dates thereof;
d. in so far as it is intended to allege that any such person committed the tort of misfeasance in public office identify the acts or omissions for which such person is responsible and all facts or matters relied upon to demonstrate that such person acted maliciously;
e. in so far as it is intended that any person committed breaches of the Claimant's human rights under the European Convention on Human Rights identify the article contravened and all facts and matters relied upon in support of the allegation and for which such person is responsible;
f. identify the statutory provisions which formed the 'remit' referred to in paragraph 5 (v), which are said to have been breached.

2. In respect of paragraphs 6 and 7 of the Amended Particulars of Claim which relate to the 'malicious arrest and subsequent false imprisonment by the Third Defendant', please specify as follows:

a. whether it is alleged that any person employed by the Second Defendant committed the acts and/or omissions set out in paragraphs 6 and 7;
b. if so, identify the persons or said persons;
c. in respect of each such person identify the act or omission for which he/she was responsible and provide the dates thereof;
d. in so far as it is intended to allege that any such person committed the tort of misfeasance in public office identify the acts or omissions for which such person is responsible and all facts or matters relied upon to demonstrate that such person acted maliciously;
e. in so far as it is intended that any person committed breaches of the Claimant's human rights under the European Convention on Human Rights identify the article contravened and all facts and matters relied upon in support of the allegation and for which such person is responsible;
f. in respect of the sentence within paragraph 7, namely, "The Second Defendants acquiesced in the flawed process in breach of their statutory duty to the Claimant", in addition to the above points of request, identify the statutory provisions alleged to have been breached.

3. In respect of paragraphs 8-11 of the Amended Particulars of Claim which relate to the Claimant's 'unlawful detention without a parole hearing being arranged', please specify as follows:
a. whether any employee of the Second Defendant was responsible for the alleged failure to hold a parole hearing;
b. if the answer is yes, identify the person or persons;
c. in respect of any such person(s), all facts and matters relied upon to demonstrate that he/she failed to give justification, reasons and/or adequate reasons for the failure to hold a parole hearing.

4. Specifically in relation to paragraph 10 of the Amended Particulars of Claim, identify the individuals and facts and matters relied upon by the Claimant in respect of the allegation that he was refused the opportunity to cross examine witnesses at a parole hearing and/or appear at an oral hearing before the Parole Board.

5. In respect of paragraph 12 of the Amended Particulars of Claim which relate to the 'Third Defendant's continued complicity in the Claimant's false imprisonment', please specify:

a. whether any employee of the Second Defendant was responsible for the alleged complicity with the Chief Constable of South Wales Police and the First Defendant's staff, as alleged or at all;
b. if the answer is yes, identify the person or persons;
c. In respect of any such person(s), all facts and matters relied upon to demonstrate the alleged 'complicity' involving the Second Defendant.

6. In respect of Paragraph 13 of the Amended Particulars of Claim and the Claimant's claim that he was refused the right to "a doctor/ a wheelchair and/or adequate medical attention", please specify:
a. whether it is alleged that any person employed by the Second Defendant committed the acts/omissions set out therein;
b. if so, identify the person or said persons;
c. in respect of each such person identify the act or omission for which he/she was responsible and provide the dates thereof.

The Defendant requires a response as soon as reasonably practicable and in any event by 4pm 14 August 2017, as ordered by HHJ Keyser QC, sitting as a judge of the High Court, on 31 July 2017.

RICHARD COLE

31 July 2017