**The Appellant’s Submissions in between 26th October 2015 Judgement**

1. **Action 1 claim 8.3 2 January 1993 no back lights**

**The whole purpose for the Appellant’s 64 page June 2009 interrupted by armed police unfinished witness statement was to set the scene for proving *‘unusual, extreme and exceptional’* conduct by senior Barry police officers from the moment PNC records , on or before the December 1992, were re examined.**

**The first ‘trigger’ was a destructive fire at his home with the loss including his garaged WW2 Piper Cub when accused of doing it on purpose. (see TV exhibit video)**

**The Appellant was already well known to both the Barry magistrates and area police from numerous police forced detentions, some twelve or fourteen years earlier, all on spurious grounds including an arrest At Cardiff airport while passing through South Wales, carrying a fare paying passenger, for Eire, to go hunting or, on another occasion, returning from the Isle of Man from the TT and vintage races.**

**An ignominious Barry magistrates acquittal for their airport based Special Branch Barry based police had, unfortunately coincided with a string of high profile acquittals, including ‘dangerous driving’, ‘speeding’, ‘low flying’, ‘fire-arms charges’ and ‘theft of the Taunton area’s police commander’s personal pocket note book’ when no defence was needed to win any of the trumped up lies.**

**Another incident at about the same time, leaving the South Wales Police with ‘egg on their faces’, was when the Appellant’s WW2 aircraft was yet again unlawfully detained by angry South Wales police, no doubt at the behest of Taunton police just across the water, provoking a serious collapse in the roof of a police patrol car and a slow speed chase across the Irish Sea at forty five knots, on a November night, at six feet by a Hawker Hunter out of then, RAF Brawdy.**

**Apart from giving the RUC much entertainment, at St Angelo aerodrome, Enniskillen, in the moon light, reciting the unbelievable telexes from clearly hysterical South Wales no enquiry into the pilot’s conduct accounted any ‘caution’, ‘warning’ or ‘prosecution’ by either the police or Civil Aviation Authority the police conduct, that day, had been unlawful.**

**Whereas the Appellant was only too well aware of the well documented phenomenon known as ‘*police vengeance’*, currently then being metered out on an almost weekly basis in Taunton, with only an accurately calculated success rate of only 25%, in Taunton’s courts, meant the future for this veterinary surgeon to practice, where ever he went, was going to be grim.**

**The Appellant was naive, therefore, as the trial judge touched upon when, some twelve or so years later, on returning to Wales to do just a two week locum for a local veterinary surgeon and then, ‘get out of there’, had no intention of staying in such a notoriously known environment of ‘spite’ based on inherent deceit and an apparent hatred of the English from birth.**

**But the farmers and small animal clients appeared to be no different to those he had had the pleasure of serving in the Vale of Taunton, in Somerset and so, with ‘affairs of the heart’ to cloud his vision, this naive Appellant reminded himself he was, himself, the grandson of a famous Jenkins with his special grandmother, a Morgan.**

**The Appellant was completely amazed, therefore, so long after, in 1992, that the ‘war of attrition’ was re-kindled from police contact with Taunton and where both extreme and exceptional police practices are the norm, the tax haven of the Channel Islands.**

**This first motoring incident, if taken out of context, carries little weight for compensation, on the face of it, because, as in the remaining sixty or so incidents, disguise the determined dishonesty of certain senior police offers, behind closed doors, with absolutely no fear of a public disclosure of their nefarious conduct recorded on their paper trail.**

**The original ordering of police to disclose their paper trail by either criminal or civil courts was, of course, an outrageous suggestion for it would of been almost the complete destruction of such a lucrative industry over night.**

**q an outragioous suggestion to make for a most lucrative industry, at the cost of the tax payer, would have been is still ruled out as it would disclosure by the criminal courts of the police audit trail flowing from each incident**

1. **Action 1 claim 8.3 2 January 1993 no back lights**
2. The claim is that Mr Kirk was stopped by a police officer without lawful authority when he was driving his vehicle on the A48 at Cowbridge; and that he was required to provide his driving licence MOT certificate and insurance documents, did so, and yet was maliciously prosecuted, and found guilty of using a motor vehicle uninsured and with no test certificate, the conviction being set aside on appeal on 3rd June 1993.
3. At paragraph 9 it is further alleged that he was maliciously charged with driving a vehicle without insurance and no test certificate “when the Defendant knew that the Plaintiff had valid insurance and the vehicle being registered in Jersey did not require a test certificate”.

**Incorrect, it was a Guernsey registered driven vehicle just a few days after Barry police station’s Commander’s grilling clearly accusing the new veterinary surgeon in the area from burning down his own garage for the insurance.**

**The mere fact that thousands of pounds worth of museum of tomes and veterinary antiques, his WW2 Piper Cub, parachutes and personalty, not insured, warned the Appellant someone had been communicating with Guernsey already**

1. The Defence is that the stopping was lawful because the Ford Escort which Mr Kirk was driving had a defective off-side light; that it was thought he had failed to produce his insurance and MOT certificate; and it is denied that the police acted unlawfully or maliciously.
2. The police officer who stopped him was PC 2148 Huw Phillips. His witness statement of 19 May 2000 says that he was on general patrol at about 3.55pm, when there was a Ford Escort car directly in front of his vehicle which came to his attention as it had a defective off-side light. It is evident that on stopping Mr Kirk he issued an HORT 1 form to Mr Kirk. That form records the time of stopping as 15:55, the vehicle as being a Ford Escort registration 54925 (a non UK registration), the name and address of Mr Kirk, and the location of the police station identified by Mr Kirk as that where he was to produce the documents as being Cowbridge Police Station. It also recorded “defects found F/O/S side light and R/O/S side light”.Two days into 1993, there was an immaterial error as to the year in the date entered.
3. Mr Kirk sets out his evidence for this claim in his long witness statement of 19 June 2009 (64 pages and 824 paragraphs). In his oral evidence I assisted Mr Kirk by directing him to the relevant paragraphs, namely 387, 391, 394 and 401 – 406. At paragraph 394 he states that a full record of documents should be available for trial once his computer and memory stick were uncorrupted, but in oral evidence he told me that this had not proved possible.

DUE TO THE ORCHESTRATED DELAY IN PRESENTING ORAL EVIDENCE

1. As to the stop itself, I find it entirely likely that Mr Kirk’s vehicle was stopped because of a defective side light. That is what is entered on the HORT 1 form. In his long witness statement, Mr Kirk did not challenge this. In oral evidence, he told me that he “vaguely” remembered PC Phillips stopping him and, asked whether he agreed that PC Phillips pointed out two defective lights, front off-side and near off-side lights, he stated “there was a light situation”.

**How** **do the Appellant’s rear lights become faulty when checked so meticulously, as a marked man, as if it were one of his aircraft?**

1. Further, the police notebook of PC Phillips (not challenged) records a stop at 3:55 on the A48 Cowbridge, and “VDR 061793 [namely reference to a vehicle defect rectification document] Escort 54925. Maurice John Kirk…. FOS side light ROS side light”. As a matter of detail, I note that PC Phillips’ witness statement says that due to weather conditions, all motor cycles were grounded hence him continuing duties in a marked patrol vehicle and that this was January. If there was a defect in a side light, it may have been in these conditions conspicuous. [HORT 1 reference: A1/1.13 police notebook reference A1/1.39].
2. Mr Kirk’s ‘suspicion’ now is that there had been some prior arrangement of his lights by the police (not individually identified), so as to be defective.
3. If a police officer requires a motorist at the road side to produce documents, and he is not able to do so, it is open to the police officer to issue an HORT 1 form. The motorist can elect at which police station to produce the relevant documents. If he produces the relevant documents at a police station within 7 days he commits no offence. If he fails to produce documents within 7 days, he is guilty of an offence; although a number of police officers in the course of evidence in the trial told me that in their experience the motorist would most likely not be prosecuted if he produced the documents albeit after the 7 days.

**This is the start of the theme throughout this appeal of his first 20 years, in South Wales, originating from Taunton police’s ignominious string of failed aviation prosecutions, including alleged overload cars and trailers carrying vintage aircraft back from France. All were lost culminating with a letter of rebuke from the Civil Aviation Authority, copied to the pilot, to not meddle in law beyond their understanding.**

**Also this Avon and Somerset Constabulary history was obviously passed on to Guernsey, where the naive Appellant had moved to, to practice veterinary surgery, believing it was also a country of English standards.**

**The letter from Guernsey’s then HM Comptoller, whose grandfather caused the identity of all Jews on the island to be disclosed when the Nazis arrived, including 17 year old Maria Steiner, summed up the politics well.**

**As then the President of the Guernsey Aero Club he had his secretary write, the Appellant has the letter framed, stating that he Appellant’s aircraft , registration, G-KIRK, was not allowed to to be ed in or outside the club’s hangar and neither his wife nor he could have membership or take flying lessons.**

**Any appellate court from these Cardiff County Court civil proceedings must be made aware of this political history in order for it to understand *the unusual, extreme and exceptional* police** **conduct that transferred the habit to South Wales.**

**Further, any appellate court must be made aware, that there is unlikely to have been but a mere smidgen of malice, human nature, in the heat of the moment, in the minds of such South Wales police officers, as examples, such a PC Holmes in Barry, Retired Sergeant Booker in Llantwit, PC Thomas in Ely and many others but they were all clearly acting under orders from the ring leaders, now identified, as mainly inspectors and above.**

**Whereas the venom is clearly seen flowing from Chief Inspector Genner and Sergeant Roe’s cover up, Inspectors, Khilberg, Andrew Rice, Howard Davies and others those still further up had handed down orders that had to be complied with, whether they liked it or not.**

**This is, of course, why the conspiracies hatched from police HQ, Bridgend, including an order to having the Appellant shot, if need be, (see official 8th June 2009 MAPPA meeting notes taken at Barry police station) for the, also present, police black mailed Dr Tegwyn Williams, their chief forensic psychiatrist to knowingly falsify the Appellant’s brain scan results, yet to be taken, when not even qualified so to do.**

**Still further, any appellate court, it is also humbly pleaded, should be made aware the ‘stayed’ ‘trading in machine guns’ acquittal damages claim along with six or so others should of been ‘consolidated’ by this same refused to recuse himself judge and also not to of ‘struck out’ such critical cases such as Khilberg’s conduct in the Llantwit Major bypass incident (Action 2, Paragraph 9, 1 December 1999 detention of Mr Kirk’s vehicle).**

**Not only has the Appellant’s name been removed from the veterinary register by Inspector Khilberg, Inspector Howard Davies and Christopher Paul Ebbs/Alexander’s much later embellished oral evidence before the Disciplinary Committee, as the over arching precedent for the victim, were all germinated from maliciously motivated motoring prosecutions, nearly all of which failed with rarely need for defence evidence.**

**As for this ‘over arching’ modus operandi of harassing the motorist for promotion, as in both Taunton and Guernsey, seeked favour with their respective station inspectors:**

**Guernsey police then commenced a 10 year strategy in attempting to prevent their victim from obtaining basic motoring insurance to force he and others, of similar political persuasion, off the island. This failed technique was eagerly taken up by the South Wales Police, with memories of encounters with the Appellant with his various antique aircraft, so the moment the Appellant’s forensic history was given to them from the vindictive few in Guernsey it was oh so easy.**

**The outstanding arrest warrant, now withdrawn, from the Bailiwick, see HRH’s Boverton farm incient with ‘garrotte type instrument’ arrest in Cardiff the true reason forAction 1 claim 8.6 20th May 1993 and the pregnant Chief Inspector’s daughter case, paragraph 515 Action 1 8.26 6 June 1995: the “Gafael” incident just as two of many examples, was the real reason for holding their victim in Cardiff prison but could not tell either magistrates or victim of the existence of the ridiculous warrant for fear of the obvious consequences.**

1. I heard evidence also from Clare Willis, (in 1993, Clare Reohorn) a force civilian clerk and PC 1289 Kirkpatrick then stationed at Barry Police Station. Mrs Willis produced an HORT 2 form which confirmed that she spoke to Mr Kirk at 3:00pm on 9 January 1993 when he produced a driving licence to her in response to the HORT 1 of 2 January 1993 issued by PC Phillips. The HORT 2 form is one filled in by a civilian clerk, or by a police officer, on a motorist producing or sending to a police station motoring documents in response to an HORT 1 form.
2. The HORT form produced by her (at A1/1.15) shows that Mr Kirk produced a driving licence to her, and signed on the form, but there is endorsed by her that the following offences were disclosed “failing to produce insurance, failing to produce MOT certificate”. That is a form, which, she told me, would be one of many they dealt with each day, and which would be placed in a basket labelled “Divisional Office”, the Divisional Office being where the paperwork was dealt with.
3. Retired PC Kirkpatrick produced an HORT 2 form dated 11 January 1993 (A1/1.34) which records an insurance certificate for the relevant period (23.12.1992 to 23.12.1993), issued to M J Kirk, but showing “M/Vehicle covered 43083”. The vehicle which Mr Kirk was driving on 2 January 1993 was Ford Escort registration mark 54925. It also recorded “one docs originally produced on 9.1.93 HORT 2 book 112 page 47”. The document shows Mr Kirk himself as producing this insurance certificate at 4:00pm on Monday 11th January 1993. Mr Kirkpatrick told me that Mr Kirk said that he had been in two days earlier, so he looked in the HORT 2 book to check; he filled in this document which he checked, put it in, and it went to the [Divisional] Office.
4. Thereafter, the documents show the following procedural history.

**But police fanatical interest centred primarily on obtaining the name of the Appellant’s insurance company knowing, from the start, no MOT or UKroad fund tax is required for a foreign vehicle in their first 6 months from entry into the UK.**

**There were no associated prosecutions or warnings from any other authorities but these police relating to the vehicles ever used in the Appellant’s veterinary practice.**

1. On 17 February 1993, summons was issued against Mr Kirk for using vehicle registration number 54925 on 2 January 1993 without insurance (A1/1.53); witness statements of PC Phillips and force civilian clerk Reohorn were served on Mr Kirk in preparation for a hearing at Barry Magistrates Court on 19 April 1993 (A1/1.40); on 19 April 1993 at the Magistrates Court at Barry Mr Kirk was convicted in his absence of offences of using that vehicle on 2 January 1993 with no insurance and with no MOT certificate (A1/1.49 and 50).
2. The case was adjourned until 17 May 1993 for the licence to be produced to the court (as above, and A1/1.41). On 11 May 1993 South Wales Police wrote to Mr Kirk stating “in connection with the summons/es against you which are due for hearing at the Barry Magistrates Court on 17 May 1993 I write to inform you that your attendance will not be required as the prosecution will make an application to the Court for these summonses to be withdrawn” (A1/1.56). This was addressed to Mr Maurice J Kirk at his address, at the foot of the letter, but is plainly a pro forma letter used for purposes such as this, addressed “Dear Sir, re: Police –v- yourself” in which there has been inserted into gaps the name of the Barry Magistrates Court and the date of the hearing.
3. Mr Kirk must, by about then, have also approached the Magistrates Court, since on 13 May 1993 the Clerk to the Justices at Barry Magistrates Court wrote “Dear Sir, re: police –v- yourself.. I am in receipt of your copy letter dated 10 May 1993. According to the Court records the matter is listed on 17 May 1993 for sentence. I enclose for your information copies of the adjournment notices already forwarded to you in relation to this matter. There is no power for the proceedings to be withdrawn at this stage” (A1/1.57). By letter of 20 May 1993 the Clerk to the Justices wrote again to Mr Kirk stating “Further to our telephone conversation yesterday I would reiterate that because of the number of penalty points endorsed on your licence that you are liable to be disqualified under the penalty points system for at least 6 months as when you are sentenced for the current offences the number will exceed 12. The Justices are therefore obliged to impose a disqualification…. I would emphasise again that if you were unaware of the summons which resulted in a conviction in your absence the most expedient way of resolving this matter is for you to make a Statutory Declaration”.
4. On 25 May 1993, the Magistrates Court register records endorsement and disqualification of 6 months but disqualification suspended pending appeal (A1/1.52). Mr Kirk wrote a handwritten Notice of Appeal dated 24/5/1993 against conviction and sentence for the offences alleged before the Court stating “I was insured and produced insurance certificate in time” (A1/1.46). By letter dated 2 June 1993, the CPS wrote a letter to Mr Kirk stating “I write to confirm that the prosecution will not seek to oppose your Appeal and there will be no need to attend Crown Court on 5th June. I have written to the Court to confirm this. There is a note on the file to indicate that you *eventually* produced your insurance certificate and that as the vehicle was registered in Jersey the MOT offence could not be proved” (A1/1.60, emphasis supplied). On 3 June 1993 the appeal was allowed (A1/1.47).
5. Mr Phillips (former Police Sergeant 2148 retired June 2011) told me that at this period prosecution was initiated by the police, not the CPS, as far as he could recall, and that he “vaguely” recollected being required to attend the Magistrates Court, in that at that time the Magistrates would have required the officer to attend to give evidence on each charge, namely here just the vehicle defective light, and service of the document HORT 1 requiring Mr Kirk to produce his documents.
6. In oral evidence, Mr Kirk told me that he was surprised that he had produced his driving licence at the police station, in that it was his habit to do so at the road side. The Clare Reohorn HORT form however shows not only the production of a driving licence, but his own signature, not challenged by him; and his own long statement says “391. My driving licence was produced at Barry Police Station, during one of my many visits to complain of harassment as I had no intention of disclosing my insurance records too quickly just to allow pressure again on my current insurance company as had occurred in Guernsey”.
7. As to attending on this occasion in order to complain of harassment, I strongly suspect that Mr Kirk’s recollection is misplaced. Elsewhere he told me that it was about the end of 1992 that “things got going”; and it is following the incident of 24 March 1993 when stopped by PC Jane Lott (as she then was) that letters of complaint to the Station Inspector at Barry, among the documents produced by him, start.
8. He agreed that he had attended at Barry Police Station on the occasion recorded by Clare Reohorn. He was asked in cross examination why he had not produced his insurance certificate at the same time, and replied, sarcastically, that perhaps he had forged it. His more general evidence is that following experiences with the police in Taunton and then the police in Guernsey, with repeated stop by them and requirement to produce driving documents, he adopted a deliberate measure of producing documents late, with the intention of at least delaying police enquiry of his insurance brokers and insurers. This was, in turn because he drove variously a large number of vehicles, in order as he saw it to minimise the prospect of them being recognised as his and therefore him being stopped, but those vehicles were concomitantly registered in a name other than his own. As to this car, his statement of 19 June 2009 states, “392. Registered keeper of that particular car changed around this time to further harass their intent”. In oral evidence he told me he was satisfied that he did not do a Statutory Declaration (as the letter from the Clerk to the Justices had encouraged). Of the court appearance of 19 April 1993 at Barry, he told me “that’s the one I didn’t go to. Perhaps I forgot about it”. Asked about the police letter of 11 May 1993, Mr Kirk told me that he got a phone call from a Sergeant speaking to him to tell him that the summonses were to be withdrawn.
9. A letter of 10 May 1993 from Mr Kirk to the Barry police (by which time he had been stopped by PC Jane Lott) stated of this prosecution, “I wish this matter to be adjourned and not withdrawn to be heard alongside other pending cases in order that the same magistrates hear police evidence on cross examination….” (A1/1.93).

**An extremely relevant Appellant application, early on in this vendetta, to show lay magistrates was what would be in store if he refused to move out of their harassment area. There was already an over arching ‘ course of conduct’ pattern emerging of malfeasance if not malice by the Spring of 1993.**

1. So far as Mrs Willis (then Reohorn) and PC Kirkpatrick are concerned, there was during their evidence in fact no challenge by Mr Kirk to it or to the accuracy as to what they had recorded. Each was asked by Mr Kirk whether they then knew him. Mrs Willis said she only knew him from 2 occasions of filling in an HORT 2, this one, and another when his licence was sellotaped up and “you weren’t very happy because I asked you to take the sellotape off”; otherwise she did not remember gossip at the police station about Mr Kirk or motoring matters in particular. Mr Kirkpatrick was stationed in Barry between 1993 and 1998. He said in oral evidence, “I heard that you were very obstructive to police officers, and were very difficult to deal with…. It was common knowledge”; but nothing more concrete. In particular asked directly whether he knew of pressure “to get my insurance withdrawn as in Guernsey”, he said that he knew nothing about such a matter and that his job was simply to record what Mr Kirk had brought in. To these officers, it appears plain to me that Mr Kirk’s attendance to produce documents was a routine matter with which they dealt as a commonplace at the police station.
2. Mr Phillips told me that he had not dealt directly with Mr Kirk prior to 2 January 1993. I note that on 3 October 1993 PC Phillips, while on general motorcycle patrol, attended when Police Sergeant Booker stopped Mr Kirk. On that occasion Mr Kirk was arrested by Sergeant Booker, and he drove Mr Kirk’s motorcycle into Jeff White’s Motors. He told me he had dealt with Mr Kirk directly on one other occasion, in attending Mr Kirk at his surgery when one of his staff had been threatened harm by somebody.
3. He also told me that on that occasion he got on very well with Mr Kirk, who wanted to show him a Vincent motorcycle he had, of which as a motorcycle enthusiast he was very envious. (Mr Kirk appeared himself to remember this, with some pleasure). As to the incident of 3 October 1993, it post-dated the stop of 2 January 1993; and his attendance on 3 October 1993 was firstly after Sergeant Booker had already stopped Mr Kirk, and secondly appears to have been peripheral. As to the incident of attendance at Mr Kirk’s surgery, he told me that the chatting was only about 10 minutes. Mr Kirk explored with Mr Phillips what if anything he knew of Mr Kirk but did not suggest to me that there was any prior individual dealing between himself and Mr Phillips. I note that PC Phillips was attached to the Eastern Traffic Sector (ETS) based at Cardiff Docks Police Station, not Barry. It was Mr Phillips who volunteered that the prosecution department at that time was the police in Barry Police Station, not the CPS. He was willing to say that Mr Kirk’s reputation was one of not liking authority saying “I just got the feeling you didn’t like being told what to do. That’s just my own personal thought”, albeit he said it was from reading the newspapers that he knew anything of Mr Kirk such as the incident when he landed on the USA President’s ranch and (“vaguely”) in the national papers of Mr Kirk going round a roundabout, and “your exploits in Court”.
4. I detected no animus in his demeanour. On the evidence specific to this incident of 2 January 1993, where Mr Kirk himself agrees that “there was a lights situation”, there is nothing to indicate bad faith on the part of PC Phillips in stopping Mr Kirk or making a routine service of the HORT 1 form to produce documents.
5. It remains to be considered whether I should infer that there was want of good faith on the part of those who initiated the prosecution.
6. On the one hand, Mr Kirk is able to say that he did produce his insurance certificate, albeit out of time. On the other hand, given what might be described as the unique habit of Mr Kirk in habitually driving vehicles which were not the vehicle identified in his insurance certificate, I am faced with the fact that whoever considered the papers in the Divisional Office had before them a form HORT 2 identifying the insurance certificate as being for a different vehicle than the vehicle stopped. Permeating the evidence of a number of police officers who gave evidence before me, and who dealt with traffic matters, was a belief that so long as a motorist produced his documents either at the police station or at Court, the summons would proceed no further. Mr Kirk did so, but not within the 7 days. I consider it unsurprising that a prosecution should have been initiated and equally unsurprising if the police indicated later that the charge would be withdrawn, on Mr Kirk producing (“eventually”, see above) evidence that the insurance did cover the vehicle in question, itself not named on the face of the insurance certificate. In these circumstances the evidence individual to this incident does not satisfy me on the balance of probabilities (or individually at all) of bad faith.
7. That is, I stress, the case in each of the incidents sued upon, subject to what inferences may be drawn, or conclusion made overall, from the much larger canvas of the number of incidents depicted where withdrawal of prosecution or successful appeal ensued.
8. It is convenient to record here that, in oral evidence in particular, Mr Kirk stressed that the incidents which are pleaded in these actions as individual incidents the subject of claim, are illustrations rather than the totality of the number of occasions when he was stopped by the police.
9. That this is so, namely that the incidents sued upon do not represent the totality of incidents when Mr Kirk was stopped, is illustrated by the documents to hand in respect of this individual incident. Deanna Young gave evidence before me. In 1993 she was a clerk at Cardiff Central Police Station attached to the Administration Support Unit. Part of her duties at the time included checking to see whether members of the public, who had been issued with an HORT 1 by police officers, had produced documents relating to any vehicle they may have been driving or in possession of. She produced a copy of an HORT 1 showing that Mr Kirk was stopped on 19 December 1992 when driving a Ford Escort motor car J78 TDW (A1/1.25). This was a stop by a police constable from the Avon and Somerset Police at Taunton. On that occasion Mr Kirk elected to produce documents at Barry Police Station.
10. On the other hand, and for completeness, Ms Young in a contemporaneous statement, recorded searching the production of driving documents record books for HORT 2 at Barry Police Station for the relevant period (19 December 1992 to 16 January 1993) without finding trace of Mr Kirk in fact producing his documents at that police station (A1/1.21 at 23) (whether or not he had elected so to produce them for the purposes of the HORT1 form). Her evidence was that whilst she had no specific recollection, she believes that had she observed that Mr Kirk had produced relevant documents in respect of Ford Escort 54925 [the car stopped on 2 January 1993] she would have included the details in her statement of 25 February 1993, which she did not. It was since this period that she worked on station enquiries, when if the insurance certificate were not for the vehicle for which HORT 1 had been issued, “we would look to see” whether the motorist was covered to drive another vehicle.
11. As to insurance, the police notified Mr Kirk that they wished to withdraw the summonses against him (see A1/1.92 and 56). However, the offences had already been found proved, (on attendance of police officers to prove the HORT1 service and what Mr Kirk had produced (late) at the police station). It was for this reason that the magistrates’ court proceeded as it did, to a later hearing for sentence (in fact adjourned to a yet further hearing). Mr Kirk did not attend the original magistrates’ court hearing, as he could have done. He did not in fact make a statutory declaration as invited by the clerk to the magistrates’ court, as he could have done, which would have brought matters to an end. He chose to have complicated arrangements for driving an assortment of vehicles, some with foreign registrations as this one, some in fictitious names (usually those of distinguished figures in aviation history) which led to the strong criticism of his insurance habits by His Honour Judge Jacobs to which I refer in more detail below. The insurance certificate which he produced (late) at the police station identified a different vehicle. Probably rightly, in the end, the conviction was quashed on appeal, which was unopposed. (I say “probably”, because it is not utterly clear on the evidence given at trial whether this vehicle was or was not owned by Mr Kirk; and if it had been, the insurance would not have covered it). The CPS acknowledge by letter of 2 June 1993, that there was a note on file that an insurance certificate had been produced and that since the vehicle was registered in Jersey, the MoT offence could not be proved.

**Registered in Guernsey**

There is no evidence to support Mr Kirk’s suspicion, expressed at trial, that the police had maliciously interfered with his vehicle lights. The closing submissions state “covert surveillance” but I am satisfied that it was a routine stop on the part of PC Phillips. I am satisfied that the summonses were issued and dealt with in a routine way. I have considered other incidents, and the number of charges which led to withdrawal, or conviction and subsequent successful appeal, but as to this incident the court has full and extensive evidence of what happened at each stage and the reasons for it. In respect of this incident, there is no evidence of want of probable cause at the time when the police laid the charges and there is no evidence of malice on the part of police officers who dealt with the prosecution thereafter. The claim in respect of this incident is not made out

**The police knew the Claimant had to travel that route, on 2nd January 1993, due to published veterinary practice information and 24/7 surveillance, no doubt, already having been started.**

**This first incident, of ‘no back lights’ of so many, not even identified in these proceedings of police stopping tactics during the time period of these three first of so many claims stayed, was to indicate to a promised jury the Appellant was tricked into believing, to understand the lengths their local police, in the Vale of Glamorgan, certain senior police officers were prepared to go when neither financial nor moral restraints appeared to be either their problem or of a personal concern.**