**DRAFT Police Helicopter Incident Appeal Document**

**Another fine example of unlawful conduct and expense to the tax payer with no one, except the Appellant, his pilot and barred air traffic controller, aware of the realities of the incident as laid down in Air Navigation Order 1999 as amended**

**The Defendant’s closing submissions are tantamount to criminal conduct**

1. **Action 2 paragraph 7 – 4 July 1999 the police helicopter**. Mr Kirk alleges that he was harassed by a police helicopter during a flight in his light aircraft G-KIRK.
2. The pleaded case is that he was “a passenger” in his light aircraft which was being piloted by Andrew Aish and flying towards Mr Kirk’s airstrip at St Donats. “When the aircraft was about 5 miles from the airstrip a police helicopter flew up close behind it and moved from left to right and then above the aircraft. The helicopter followed the aircraft in close formation until it landed and then hovered above it for some minutes. There was no good reason for the police officers in the helicopter to have conducted themselves in this manner”.
3. The pleaded Defence is that the Defendants helicopter went to investigate the aircraft with the purpose of identifying the pilot of the aircraft and it is denied that the matters pleaded give rise to any cause of action.
4. I heard oral evidence from Mr Kirk and Mr Aish, and for the Defendant from retired PC 949 Pauline Walters, retired PC 122 Paul Hayes, and retired PC 823 Phillip Bracegirdle of Gwent Police.
5. At the date of the incident, the pilot’s licence of Mr Kirk was suspended pending an appeal in the court at Taunton (an appeal which in due course was successful). Being a banned pilot, he ‘took a licensed pilot to fly my Cub from my private field near Cardiff to a rally in the Midlands’; on return the aircraft landed at Gloucester Airport; and from there the aircraft was flown towards his own landing strip at St Donats. Between Gloucester and Cardiff one passes from one controlled zone, to the “Wenvoe” controlled zone, and thus into the airspace controlled by Air Traffic Control [“ATC”] at Cardiff Airport. Because the aircraft had landed at Gloucester airport, it was necessary for the pilot to sign in within the “landing book” there.

**Incorrect-no evidence was heard that Gloucester ATC zone abutted Cardiff zone which and would require a minimum period of warning before entry by the aircraft.**

**To the contrary, it was the ATC that unusually contacted G-KIRK to warn it of ‘conflicting’ traffic that turned out to be the deliberately scrambled police helicopter.**

**No, it was the police that had first warned ATC Cardiff of the Piper Cub’s approach which is why the NATS tape recordings had to be withheld from hearing.**

**If it had not been for the specific wording used by ATC over the radio, to both the Appellant and his pilot, the Appellant would not have warned his pilot of its significance**

**Of course ATC officers, including the barred Appellant’s witness by the airport police, Mr Clayton, were shown the police video only be told to shut up about it after the police had their knuckles wrapped, yet again by the CAA, as the flight was deemed lawful.**

1. At the time, Mr Aish was a relatively recently qualified pilot. Mr Kirk’s witness statements assert that the helicopter harassed his aircraft at a very close range, less than 60 feet, prancing from side to side, that at no time was he informed of its close presence and that it clearly frightened the pilot (statement 19 June 2009); that during the buzzing of his aircraft, they travelled a distance of about 5 miles; and that be believed on landing in the field at St Donats that this constituted harassment and that they “deliberately and maliciously put me and Andrew in danger…. There was no need for them to fly so close, they were flying so close to try and confirm that I was the only pilot in the aeroplane and therefore in breach of the law, that was an unnecessary risk to take in the first place” (statement May 2002 A2/2.81A-E). Mr Aish in a witness statement June 2009 said the police helicopter was very close and made him very uneasy; “I was concentrating on flying the aircraft but as I to keep glancing at the helicopter its closeness made me think that the rotors could touch at any time”).

**The police refused to identify the pilot’s whereabouts or disclose his MG11 statement, his contemporaneous notes, including private and company log books, engine and airframe log books and air movements records or subsequent CAA enquiry records following the subsequent Appellant’s complaints.**

**Police records recorded the real purpose of the flight with so many police officers inside purely to have a ‘jolly’ and film the incident for Air Traffic Control Cardiff to examine.**

**The helicopter flight was contrary to The Air Navigation Order as the situation, transmitted in detail to police HQ direct and via Cardiff control tower, was neither life threatening nor dangerous to warrant such joint reckless behaviour by police and pilot.**

1. The police helicopter was piloted by a Captain Moseley. In it there were two police observers: PC Hayes (the senior), who took a video film of Mr Kirk’s aircraft and its occupants, and PC Walters. PC Bracegirdle was a Gwent Police officer who was at the heliport when request came for assistance from the police helicopter and it was dispatched, but he himself remained on the ground. He was attending a training session for police officers on that day at the heliport. Each of these police officers gave evidence of report that a light aircraft was suspected of being flown by Mr Kirk despite having had his pilot’s licence revoked. The evidence of PC Hayes and PC Walters was that the exercise was to video who was piloting the aircraft, that when Mr Kirk attended the heliport the next day they recognised him as the man who had been sitting in the passenger seat of the aircraft, and that matters were reported to Air Traffic Control and the Civil Aviation Authority.
2. It is clear that Mr Kirk took strong exception to the fact and manner of observation during the flight. A police IRIS log compiled after the incident on the same day at about 7.10pm records “Mr Kirk has already contacted Air Traffic Control at Cardiff Airport to enquire as to why WO99 [the police helicopter] was watching him. At 4 pm the next day he attended the police at the heliport to “enquire why the helicopter had flown around him” (statement 2.2.2004 paragraph 13 A2/2.94). In a letter of 23 August 1999 he wrote to Superintendent Colin Jones “I refer to your letter of the 9 July 1999 concerning my complaint of further harassment. This relates to the taxpayers’ helicopter, operated by the police, seriously endangering one of my aircraft in a recent tail chase across the Vale of Glamorgan in controlled airspace with orders to ATC not to inform the pilot of the real danger” (A2/2.108). The flight had been on 4 July 1999. [As to this latter assertion, I did not receive from Mr Kirk, at trial or otherwise, any further material in support of the suggestion that ATC were not to inform the pilot of danger and his own evidence before me is that ATC did radio to inform him of its presence, namely a “bear in the sky”].

**ATC informed the cub crew, as the police helicopter scrambled, there was, in effect, ‘a bear in the air’. On crossing zone boundary the cub was then ordered to ‘orbit’ the Wenvoe TV mast whish she immediately did, no doubt via police air frequency, in order that close up video could be taken before she landed-utterly ridiculous conduct.**

**ATC Jonathan Clayton was not only prevented by armed police not to give evidence but also by the trial judge, as he would have stated that he had seen the police video, catching the words on the Appellant’s T shirt, as it was so close to the cub, “I would rather be flying G-KIRK’.**

**The helicopter had then diverted from St Donats airfield to land beside Cardiff airport control tower just to show the video to Johnathan Clayton who had to have pointed out that the police flight was not only extremely dangerous but had been unlawful.**

1. The police observers on the one hand and Mr Kirk and Mr Aish on the other all agree that after the initial approach of the police helicopter, at one point the aircraft manoeuvred itself so as to go out of sight of, and reappear behind, the police helicopter. As to the distance was maintained between the helicopter and the aircraft, or the manner of flying, there was conflict.
2. The police said that their helicopter was always at a safe distance, PC Walters estimating the courtroom as 60 feet long and stating the distance maintained by the helicopter was twice that. Mr Kirk said that it was less than 60 feet. Mr Aish did not state a distance, but said he had to let Mr Kirk take the controls because he was so uneasy, that it stuck in his memory as a very frightening thing, and that with all his present flying experience of now 1500 hours flying he would still feel very uneasy if a helicopter were so close adding that “to fly in formation, you need agreement”.
3. Flying is Mr Kirk’s passion. He became very heated in cross examination of the police officers, particularly Mr Hayes. By the time of trial he voiced strong complaint about a number of matters: that to seek to observe him and his aircraft was in itself harassment; that the helicopter endangered the safety of the aircraft; and that it was wrongly being suggested that he failed to speak to Air Traffic Control. The latter loomed large, because it emerged in the course of trial (by degrees) that although Mr Aishe was the nominated pilot, Mr Kirk himself was flying the aircraft for much of the time. It emerged slowly, first by Mr Kirk hinting at it in cross examination and then derisively enquiring of the police officers whether they did not realise that this was a dual controlled plane which could be piloted by him sitting as he was behind Mr Aish. By the time of his own evidence, he candidly answered questions from leading counsel as follows “Q. Was Mr Aish flying the plane in any meaningful sense? A. No Q. Did he take off at Gloucester? A. I hope not. I was flying. Q. Did he land it? A. Impossible. Q. Was he in control of the plane at any time? A. I can’t remember who did the communications on the radio”; and at another point, “He might have touched the control column, maybe when I had a whisky or a cigar (sic)”. So far as I can see, Mr Kirk relished the fact that he was flying this aircraft unknown to the police, notwithstanding that his pilot’s licence was suspended at the time. It was Mr Kirk who brought the aircraft round behind the helicopter, delighting in the phrase “Beware the Hun in the sun”.

**The Appellant’s flight, under the Air Navigation Order, had been entirely lawful, at all times, especially when the Appellant was eventually forced take over the flying controls from Andy Aish, as a matter of blunt ‘flight safety’, once encountering those extreme and unusually dangerous conditions by police pressure on an ATPL helicopter pilot.**

[The Air Navigation Order 2009](http://www.legislation.gov.uk/uksi/2009/3015/article/50/made)

**NEW EVIDENCE**

**Subsequent communication with the CAA by this Appellant, right up to his 26th February 2016 requests, below, following His Honour’s apparent ruling that the Appellant may find ‘new evidence’ and now even FOI applications confirm the usual disgusting conduct to attempt to ‘cover up’ by others in positions of privilege.**

**Extract from Appellant’s 26th February 2016 letter to CAA flight Safety Branch:**

2nd South Wales Police Incident

1. Following evidence from the South Wales Police, recently, it appears both police officers and NATS personnel, of Cardiff Airport, reported me to the CAA on or just after 4th July1999, for flying my aircraft, registration G-KIRK, neither with a valid licence nor keeping at a safe distance from a police helicopter.
2. The court heard that senior management had ordered its helicopter, piloted by Captain Mosely, to be scrambled to intercept my aircraft simply to identify who the pilot in command was by taking close up video of the occupants for Cardiff ATC. Just a four-minute drive from my local police station would of sufficed.
3. Please confirm what communication police and NATS was made with you and supply full documentation for both the IPCC and Royal Courts of Justice.
4. Please note records supplied at my expense, if need be, are to contain dates and times of all communications with the South Wales Police since so many apparently dangerous incidents. and also since my Auster caved in the roof of a police car at Haverford West to cause a RAF Brawdy Hawker Hunter to give pursuit.

1. As to contact between the aircraft and Air Traffic Control, in witness statements PC Walters said, “at no time did the pilot of aircraft “G-KIRK” appear to speak to Air Traffic Control, even when the police helicopter arrived on the scene” (paragraph 6 witness statement 15.01.2003 A2/2.83); as did PC Hayes - in identical words (paragraph 6 witness statement 2.2.2004 A2/2.92). In oral evidence, PC Walters said “I understand you weren’t speaking to Air Control for a time”. In fact, neither police officer was in a position to know.

**There was no police evidence to support such nonsense and especially when the police officer in the helicopter was on another frequency with Barbara Wilding’s tax payer funded South Wales Police HQ.**

1. PC Walters told me that their main job was to monitor the police frequency, “I would have been monitoring the police frequency just in case an urgent call came in, I can’t say whether [Mr Kirk] was speaking to Air Traffic Control”. Mr Hayes told me that their pilot Captain Moseley would be using the Air Traffic Control frequency, whereas the observer was using police frequencies and “I was not on the ATC frequency”. The police IRIS log compiled from 19.10 hours onwards merely states (whether accurately or not), “Mr Kirk has *in the past* refused to communicate with Air Traffic Control and they were only able to monitor him via radar” (emphasis supplied) without suggesting that he failed to make contact on this occasion. Mr Kirk and Mr Aish both told me of the aircraft being contacted by radio from Air Traffic Control in Cardiff. On the evidence both of Mr Kirk and the police observers, I have no doubt that failure to make contact with Air Traffic Control would have been a serious matter, yet there is no suggestion of any further proceeding or investigation in respect of failure to so on this occasion. In short, there is no evidence that Mr Kirk failed to contact ATC on this occasion. Suggestion or understanding of PC Hayes and PC Walters to the contrary, appears to be at best a sloppy misreading of the police IRIS log or unsupported hearsay.
2. Mr Kirk’s next concern was who instigated the enquiry. PC Walters and PC Hayes both told me, (consistently with the evidence of PC Bracegirdle), that there had been a message from their own police control room, relating request from Air Traffic Control, for enquiry to confirm who was piloting the aircraft. This is exactly what appears in the police IRIS log created the same evening: “Following a request from ATC, at Cardiff, WO1999 despatched to monitor and report light aircraft suspected of being flown by Mr Maurice Kirk, of Green acres, [address], St Donats, who’s(sic) CAA pilots licence has recently been revoked”.

**Yet another example of the court being denied police disclosure, this time from the Appellant’s main witness, Mr Clayton and his ATC records of the incident. The presiding judge had little choice but to come to such a perverse decision.**

1. Mr Kirk’s suspicions are aroused by the fact that at Gloucester airport his light aircraft had been parked, he said, close to a helicopter emblazoned with “Heddlu”. (In his witness statement of June 2009 Mr Kirk says he noticed a police helicopter and “police taking ‘an interest’” (para 656 A2/2.81B), and suspected that the helicopter had followed them all the way from England. In an earlier witness statement, closer to the time, Mr Kirk stated merely that “I suspect the police….. had taken an interest in me” (statement May 2002 para 45 A2/2.81D). Likewise, in evidence before me, he made no suggestion of directly observing police officers at Gloucester Airport. The suspicions of being followed from Gloucester Airport to Wenvoe are in fact disproved, by the contemporaneous logs for the South Wales/Gwent police helicopter WO99 (see A2/2.100, also 107). In the earlier witness statement of May 2002, Mr Kirk’s reference was to “the Gloucestershire police helicopter parked beside us”, and suspicion that the police “at Gloucester” had taken an interest in him [emphasis supplied]; and there was no reference to “Heddlu”. Even if there had been a nearby helicopter at Gloucester Airport with “Heddlu” written on it, the evidence is that there was a maintenance company based at Gloucester Airport which serviced helicopters.

**Contemporaneous flight logs ‘available’ for court when it suits them but not even these, listed above, was ever disclosed to the Appellant.**

1. In my judgment there is a much simpler explanation, in there being a message from Air Traffic Control, and thus ATC Cardiff being aware of his flight before its arrival. Susan Jenkins, the air instructor at Cardiff Flying Club (who was a straightforward witness and whose evidence I recount in relation to the alleged prevention of terrorism offence above), was unsurprised that such might happen, saying “the airport you took off from has telephoned ahead”. In turn, Mr Kirk accepts the likelihood of Mr Aish having signed in Mr Kirk as the pilot who landed at Gloucester Airport. A letter from PC Hayes to Mr Ken Lilley, at the CAA London, wrote that it was not police policy to divulge the identity of persons reporting incidents to them, as Mr Kirk had asked, but Mr Kirk “suspects quite correctly that it was ATC at Cardiff”.

NEW EVIDENCE

**Incorrect-Mr Aish, the Appellant may have signed Gloucester aerodrome’s air movements log book but the Appellant’s name did not appear on it nor is it normal for an ATC ever to telephone ahead when processing internal domestic flights.**

**The Appellant stayed in aircraft at Gloucester and only left at destination after the circling helicopter had flown away. Cf Defendant’s daft closing submissions p299 etc**

**Especially, in this case, as the Appellant rarely allows the police advance warning of his proposed destination, whether on foot, riding a bicycle or when motorised, for had the Appellant been able to obtain full disclosure this police conspiracy.**

**In any event it was known within aviation circles and the South Wales Police that Maurice Kirk very, very rarely dared to venture anywhere near any airfields, except to go ‘foreign’, aftera life of suffering police persecution following the misplacement of a Taunton police superintendent’s personal note book, back in the mid-70s, is evidence of that fact.**

**This brief history is deliberately set down in the Appellant’s 2009 64-page witness statement, signed just hours before armed police, with helicopter, surrounded his home, to try and snatch his then 10 year old daughter and instead, deliberately stole in excess of £10,000 worth of perfectly legally held material, including guns and humane killers, all needed for this damages claim. (See unlawfully withheld police video/Trojan search records/22 personal police note book records of MAPPA 3/3 Barbara Wilding instructed to ‘shoot to kill’ unit).**

**Mr Aish di sign the movements book so easily proven, of course, had the Appellant been aloud proper disclosure. Examination was done, of course, by allocated CAA licenced personnel many years before this trial after the police had to seek CAA advice following the Appellant’s complaint to them.**

**The content of these two cub pilots’ mandatory held log books had been tendered but the Welsh police already knew their content only supported their right to fly, that day, unmolested and at no risk to their lives.**

1. Mr Kirk is an experienced, indeed accomplished, aviator. There may have been not the slightest danger in him piloting the aircraft, or flying it on this occasion. Mr Kirk himself seems to have regarded it as a jolly jape that Mr Aish was not flying the aircraft in any meaningful sense, other than when Mr Kirk enjoyed a cigar or a whisky. I consider that in Air Traffic Control there would have been real concern if it appeared that a pilot whose CAA pilot’s licence had been suspended was nonetheless landing at Gloucester, with the risk that he would pilot the aircraft further.

**Untrue-no evidence was heard that ATC personnel had any such concerns as they all knew the flight was lawful throughout and had there been any doubt The Appellant and or indeed, the co-pilot Mr Aish would of had to have answered to the CAA following this and other similarly erroneous police complaints over the years. The purported ATC complaint was for another purpose and yet to be disclosed.**

**The overturned conviction at Taunton Crown Court, referred to by the learned judge and causing the Appellant’s temporary suspension, was, as in this incident and numerous incidents in the past, just more proof of rampant senior police officers abuses of process, hear in South Wales, as no defence evidence was again needed to be acquitted, as in the proven 2010 ‘machine gun’ conspiracy, 2001 ‘dangerous driving’ and ‘stolen note book’ mid 70s Bristol jury trials and many more.**

**The current rot within our shortly to become Welsh autonomous judiciary, fed the lucrative business by its shortly to become very own Welsh police force, is smelt throughout these 33 or so of about 100 incidents, many yet to heard, for the Appellant to be acquitted, each time, but never allowed costs.**

**Even in the criminal courts when presided over by the current trial judge, His Honour Judge Seys Llewellyn QC, this Appellant has never received compensation because he was forced, each time, to act as a ‘Litigant in Person’ (LiP).**

**Does it stink or does it stink?**

**This flying incident highlights yet another example of the growing anger from within our UK judicial system, now completely out of step with western civilisation thinking, due to their plain un adulterated avarice.**

**Any aspect of aviation is to be taken most seriously and ‘*the breaking of the bonds of Earth’*, just or a police quick paid-for ‘jolly’ in the tax payers’ helicopter, was again, here in South Wales, guaranteed any IPCC investigation due to immunity to any civil or criminal prosecution.**

1. In oral evidence Mr Kirk thought it unlikely that Air Traffic Control would know that he was without a licence, at Gloucester Airport. I am satisfied, on the evidence at large in the case, that aviation is a small world, and one where Mr Kirk would not, to say the least, be inconspicuous. This is illustrated by the way in which he appeared surprised (and disappointed) when his flying exploits were not known to police witnesses whom he questioned, including such matters as flying under the Severn Bridge. It would be unsurprising if there was message sent from Gloucester to alert ATC Cardiff.

**Should these assumptions by the learned judge in fact been true how then and why was there no police evidence disclosed as to the fact that it knew the majority of people travelling, whilst accompanied, in private aircraft far outnumber those holding valid pilot’s licences?**

**‘Small world’ but not as small as the police in nearby Llantwit Major and Cowbridge sub police stations controlled and dispatched from Barry police station every morning’**

**Yes, the message sent by ‘Heddlu’ marked helicopter parked not more than 20 yards from the Appellant’s aircraft at Gloucester, as the Appellant waited for his pilot to pay the landing fee, was also quite irrelevant as there was no proof before or since that the Appellant had been unlawfully in control of a UK registered aircraft, once moving.**

1. I have equally considered carefully the evidence of the police officers involved, as to whether they knew Mr Kirk, prior to this incident. The content and demeanour of their evidence was convincing that they did not. Illustratively, PC Walters described seeing the shirt bow tie and shorts of the person sitting in the rear seat of this light aircraft, and Mr Kirk’s identical dress the next day at the heliport as identifying to her that he was the person she had seen in the rear seat; and the enquiry by PC Hayes by letter to Mr Lilley at CAA London reads as an enquiry by someone familiar neither with Mr Kirk nor with his history.
2. Mr Kirk was emphatic that it was wholly unnecessary to launch a helicopter, (at a cost of some £3,000 to £4,000), when a police car ‘could have been sent a couple of miles down the road’ to the St Donats address to inspect his log book and aircraft records. There is a naivety in this approach: if in fact the aircraft was suspected of being flown by a pilot whose licence had been suspended, it would be uncritical (and illogical) on the part of the police to assume that that person would carefully and conscientiously record, in his log book, the details of his own flying the plane in illegal contravention of the Air Regulations.

**Untrue-the learned judge is wrong and or incorrectly assumed on three points when:**

1. **The Appellant was legally allowed to log a proportion of the said flight**
2. **The conduct of the Appellant, at all times relevant to this flight, was not unlawful and was not undermined by what was or not logged in his log book**
3. **The police should of properly investigated the documentation created by the flight as the CAA always attempt to do this even if they only find a cartoon of ‘Mickey Mouse’ recorded on the relevant page.**
4. **The police often took the 4.5 minute drive to the Appellant’s airfield, from Llantwit Major police substation and even after the Appellant’s customary Christmas Day flight, one year, without the bother of ATC radar, to land on the beaches, even PC Holmes confirmed, in court, of such an incident.**
5. I do not know whether enquiries were made of the possible availability of Captain Moseley as a witness. The simple fact is that I have not heard evidence from him. The video taken by the police observer is not available. PC Walters said that it would have been delivered in a sealed cassette to the Air Traffic Control officers for the purpose of the CAA. She also said that it would have been retained for 7 years. It appears that Mr Kirk has made some efforts to have access to it, but without success.

**Untrue**

1. **Attempts were made by Appellant to witness summons the helicopter pilot and each time blocked for reasons listed earlier in this application to appeal first to the Royal Courts of Justice and/or Supreme Court and if need be, the relevant European Courts.**
2. **The ‘tell all’ video is still available as police, CAA and NATS, together with private individuals acquired copy of same with the Appellant’s originally £1000 circulated reward no longer still stands. He has raised the offer to £5,000 with all associated data no w created by this trial now heard.**
3. **As within the South Wales Police ‘Lynette White murder’ police conspiracy such damming video evidence is found again’ when it suits a Chief Constable.**
4. In cross examination he suggested that “by getting an ATC person drunk [an ATC person who had seen the video]” he learned that it did show that the helicopter had flown too close. The helicopter may well have moved around seeking to give the police observer a view or angle to video the occupants of the light aircraft, and such manoeuvring is likely initially to have been carried out by the helicopter not the aircraft. PC Hayes himself put in his witness statement that the next day Mr Kirk enquired why the helicopter “had flown around him” (A2/2.94). However a second hand report from someone intoxicated, who may or may not have been trying to please Mr Kirk with their answers, does not assist me objectively as to how close the helicopter came.

**The deliberate blocking by armed police at Cardiff airport to prevent the service of Mr Clayton’s paid for witness summons on either himself or his appropriate agent was knowingly unlawful as it was common gossip that the incident was not just flagrantly dangerous but it had been an unlawful with the senior ATC controller, who had ‘waxed eloquent’ on the Appellant’s whisky, in the Six Bells, being able to answer most of the questions to further confirm yet another police conspiracy.**

1. I have no objective way of coming to a conclusion that the helicopter was at distance *x* or distance *y* from the light aircraft. On the balance of probability, I accept the evidence of Mr Aish that the police helicopter came so close that as an inexperienced pilot he was very frightened, and would to this day be very uneasy if he experienced what he did on that day.

**So, was the experienced pilot when fully aware of the stupidity not allowed to be frightened sufficiently enough to take control of his apparent destiny?**

1. Mr Kirk contends that the flying was too close because the police observers wished to get video evidence of the person piloting the plane. I am surprised to be told by PC Walters and by PC Hayes that there was no radio contact between the helicopter and the light aircraft, where inherently mutual awareness is important at so close a distance, and where (as Mr Aish said) craft may encounter turbulence; and this may be a matter of legitimate complaint on the part of Mr Kirk. However it seems to me that unless there is evidence that the helicopter pilot was directed to fly so close, it is a complaint which concerns the manner of flying which was in the direct operational control and responsibility of the helicopter pilot. I can discern nothing in the evidence which supports an intention on the part of the police officers present, or some unspecified police officer elsewhere, to direct Captain Moseley to “buzz” Mr Kirk’s aircraft; as opposed to the likely following up of STC concern that the aircraft was or might be being flown illegally by a pilot whose licence was known by them to be suspended.

**Untrue-**

1. **The helicopter pilot and pilot Mr Clayton both knew full well the validity of the Appellant’s flying licence was totally irrelevant as whichever seat the pilot was sitting in and is why both were unlawfully denied access to court.**
2. **When the P1 designated pilot was Andy Aish logged in, as such, in all the flight records created that day, from a 200 yd field out of a St Donats, South Wales to Cranfield, Milton Keynes, PFA annual air show and back it beggar’s belief that going to try and get away with it, again, when having failed so many times in the past with so many CAA slaps on the wrist’**
3. During the course of the trial, Mr Kirk made an application for a Mr Jonathan Clayton to be called as a witness, stating that Mr Clayton would explain that Mr Aish “may have inadvertently booked in the Claimant’s aircraft, while paying the Cheltenham/Gloucester airfield landing fee, under the name of the registered owner a Mr Maurice Kirk”. In cross examination, Mr Kirk himself said that Mr Aish may well have put Mr Kirk’s name in the landing book – “which is an obligation of a pilot – there is a strong suspicion, because my name is in there”. There was no witness statement from Mr Clayton, or witness summary of what he might say; the subject matter of possible evidence from Mr Clayton was evidence was vague; and in my judgment was tangential to the issued before me. I did not make any order to admit evidence from him. To the extent that this evidence had been admitted, it would have been likely only to fuel the likelihood to which I refer in the immediate preceding paragraph.

**Why did the police not ask Mr Aish about his possibly signing the Appellant’s name in Gloucester’s air movement’s log book is because it was a complete ‘red herring’ argument and intended to bamboozle the proposed magistrates’ court.**

**Barbara Wilding would have been informed as such as Gloucester rarely rings an airfield so far away unless a flight plan is logged.**

**Mr Clayton’s potential evidence was far from ‘vague’ and indeed the opposite.**

1. I have dealt at length with evidence as to factual matters, first because they are advanced by Mr Kirk as matters of great concern, and second in case that revealed or supported inference of an intent to harass Mr Kirk. Mr Kirk may have regarded it as trivial that he was flying the aircraft himself despite the fact that his pilot’s licence was suspended, but it was rational for Air Traffic Control to be concerned at an apparent breach and to request that the flight be monitored. The signing in at Gloucester airport that day in Mr Kirk’s own name, which I find was likely, (without having to rely on any statement of Mr Clayton) was easily capable of raising suspicion. The contemporaneous IRIS log of that day records there having been a request to the police to “monitor and report” upon the flight. I do not consider that the evidence supports any inference that the helicopter was launched in order to “harass” Mr Kirk, and its actual flying was the responsibility of the pilot Captain Moseley.

**The responsibility of such irresponsible conduct lay fair and squarely with the police.**

1. For completeness, as a matter of law I cannot discern that a claim in could succeed in the present proceedings since there is no cause of action. A claim in negligence, (irrespective being probably limitation barred), could succeed only if negligent or reckless flying of the helicopter caused physical harm or damage or the development of a diagnosed and medically recognised psychiatric condition, and no such damage or injury is alleged.

IS IT NOT?

1. On the facts as I have found them, this complaint could not support a claim of harassment in law on the part of the South Wales Police (and none is pleaded). I have conscientiously considered the evidence rather to explore Mr Kirk’s theme of harassment in the more general sense of the word, but as set out above, I do not find that it is supported by analysis of the evidence individual to this incident and nor is any link to wider police action so supported.

**Judgment quote: ‘*I do not find that it is supported by analysis of the evidence individual to this incident and nor is any link to wider police action so supported*’ was the main reason for this claim and the myriads ever since, stayed and not yet lodged and why the first judge, over ten years ago, when juries still existed, originally granted a trial by jury for the General Aviation industry have already voiced their opinions on this obscene motive, to be repeated in the DH2 Machine-gun conspiracy to fool a criminal jury, to yet again endanger the Appellant’s life and those too near to him at the time.**

**No harassment pleaded!**

**This incident, along with the rest, should never have come before a civil hearing of this nature, in the first place. Rampant criminal conduct has again been occasioned and proved but HM Partnership continues to protect its own.**