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Your ref:

Our ref: Z1717234/CAU/A1

7 July 2017

Dear Mr Kirk

Maurice John Kirk v Secretary of State for Justice
Claim No: C90CF012

We write further to the Court hearing on 22 June 2017.

The First Defendant has had sight of one version of 'Particulars of Claim' dated 29 July 2016, copy attached. These run to 33 paragraphs over 5 pages. At the Directions Hearing before HHJ Keyser QC on 22 June 2017, HHJ Keyser QC made an order (§2) giving the Claimant permission to amend the Particulars of Claim, with any amendment limited to matters required to comply with the Civil Procedure Rules 1998. No further version of the Particulars of Claim has been served on the First Defendant.

It is apparent from the Request for Further Information ("RFI") submitted on behalf of the Third Defendant that a further set of Particulars of Claim has been served on the Third Defendant, which would appear to contain substantive changes from the version of the Particulars of Claim that the First Defendant has seen. For example, the Third Defendant's RFI asks at the first request about paragraph 6, which is said to state, "The Third Defendant arrested the Claimant for the following spurious reasons....". These words do not appear in paragraph 6 of the only version of the Particulars of Claim that the First Defendant has seen; instead paragraph 6 relates to the Claimant alleging that he has been denied a right to free movement. It is clear from the questions asked by the Third Defendant that the Particulars of Claim provided to them on 28 June 2017 (not provided to the First Defendant) must have been markedly different.

It appears that the Claimant is at very least in breach of §2 of HHJ Keyser QC's order in that he has failed to serve CPR-compliant Particulars of Claim on the First Defendant. The Court has indicated that service was to be effected by the Claimant and as such has not provided the First Defendant with anything which the Claimant has provided in purported compliance with §2 of the order. It further appears that the Claimant may be in breach of §2 of the order for making substantive changes to his Particulars of Claim of 29 July 2016.

In the circumstances, and in compliance with §3 of HHJ Keyser QC's order, the First Defendant makes its RFI in relation to the only version of the Particulars of Claim that it has seen, i.e. those dated 29 July 2016. The First Defendant reserves the right to request further information of any alternative version of the Particulars of Claim that is to be taken to represent the Claimant's case; further the First Defendant reserves its position on

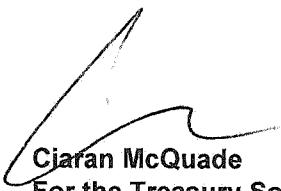
Sarah Goom - Head of Division
Anna Milton / Fiona Montgomerie - Deputy Directors, Team Leaders Litigation A1



costs in relation to the current document and any further Part 18 requests that may be necessary arising from the Claimant's conduct. All references in the First Defendants Request for Further information to 'Particulars of Claim' are to the version dated 29 July 2016.

We look forward to receipt of your responses within the time frame set down by the Court.

Yours sincerely



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IN THE CARDIFF COUNTY COURT

C90CF012

B E T W E E N:

MAURICE JOHN KIRK

Claimant

- and -

SECRETARY OF STATE FOR JUSTICE

First Defendant

- and -

NATIONAL PROBATION SERVICE

Second Defendant

- and -

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Third Defendant

REQUEST FOR FURTHER INFORMATION OF THE PARTICULARS OF CLAIM DATED
29.6.16 ON BEHALF OF THE FIRST DEFENDANT

Introduction

1. All references below to 'Particulars of Claim' are to the version dated 29 July 2016, the only Particulars of Claim which the First Defendant has seen. These run to 33 paragraphs over 5 pages.

Requests for Further Information

Of the Particulars of Claim as a whole

Request 1: For each and every allegation against the First Defendant, specify:

- a. Who (by name) is alleged to have committed the alleged act or omission;
- b. What the alleged act or omission is;
- c. When the alleged act or omission was committed;
- d. How the alleged act or omission was committed;
- e. If and to the extent that it is alleged that any person employed by the First Defendant committed the tort of misfeasance in public office:
 - i.]identify the person by name;

- ii. identify the acts or omissions for which such named person is responsible;
- iii. set out whether it is the Claimant's case that such person acted maliciously or with reckless indifference; and
- iv. identify all facts or matters relied upon to demonstrate that such person acted maliciously or with reckless indifference;
- f. If and to the extent that it is alleged that the First Defendant was responsible for any breach of the European Convention on Human Rights:
 - i. identify the Convention right relied on in each instance;
 - ii. explain how it is said that the right is engaged;
 - iii. explain how it is said that the right is breached; and
 - iv. set out all facts and matters relied upon in support of the allegation.

Of Paragraph 2, "The Claimant firstly contends that the licence was not lawfully signed by a person authorised to sign it by the Secretary of State and did not have lawfully delegated authority."

Request 2: Who does the Claimant contend signed the Claimant's licence?

Request 3: State the basis for the Claimant's contention that the signatory to the licence was not authorised to sign it and/or did not have lawfully delegated authority.

Of Paragraph 3, "The Claimant secondly contends that the conditions of that licence were not in accordance with either the "standard conditions" or the regulations laid down by the Secretary of State in section 250(1)(a)(b) of the Criminal Justice Act 2003..."

Request 4: On which regulations (giving the full title) laid down by the Secretary of State does the Claimant rely?

Request 5: Set out the Claimant's case on why the conditions of the licence were not in accordance with "the regulations laid down by the Secretary of State".

Of paragraph 9, "The conditions imposed had not been imposed on the Claimant at either of his sentence appearances..... and went way beyond the "standard conditions" normally imposed on released inmates under section 250(2)(a)(ii) and 4(a) of [the Criminal Justice Act 2003] or on the regulations prescribed by the Secretary of State under section 250(2)(b)(ii) and 4(b)(i) of that Act."

Request 6: Set out the Claimant's case on how the conditions on the Claimant's licence went "way beyond" the standard conditions or the regulations.

Of paragraph 10, "Therefore, the Claimant, if released on licence applied for a variation of its terms to comply with both his "convention rights" under the Human Rights Act 1998 and his rights to freedom of movement within the EU under articles 45 to 55 of the Treaty on the Functioning of the European Union and/or EU Directive 2004/38/E."

Request 7: Is it the Claimant's case that he did apply for a variation of the terms of his licence? If so, provide full particulars of the same, including but not limited to when this request was made; to whom; in what form; what conditions were sought to be varied; and what the outcome was?

Request 8: In any event, explain whether paragraph 10 contains an allegation against the First Defendant, and if so set out precisely what that allegation is.

Of paragraph 11, "The Claimant firstly contends that the revocation of his licence was not lawful as signed by a person authorised to sign it by the Secretary of State and did not have lawfully delegated authority.....".

Request 9: Who does the Claimant contend signed the revocation of the Claimant's licence?

Request 10: State the basis for the Claimant's contention that the signatory to the revocation of the licence was not authorised to sign it and/or did not have lawfully delegated authority.

Of paragraph 12, "The Claimant's licence was in any event unlawfully revoked under section 254(1) and/or section 255(1)(b) of the Criminal Justice Act 2003....".

Request 11: State the full basis for the Claimant's allegation that the revocation of the Claimant's licence was unlawful.

Of paragraph 22, "Finally, the Claimant contends that any "reasons" that he has been served with either in the licence revocation notification or the further details of the "reasons" purportedly under section 254(2)(b) and section 255(2)(b) of the Criminal Justice Act 2003, which ever provision is applicable in Applicant's case, aren't legally valid and should be totally ignored by the Board." (sic).

Request 12: Who does the Claimant contend provided the "reasons" referred to in paragraph 22?

Request 13: State the full basis for the Claimant's allegation that any reasons with which he has been provided are not legally valid.

The First Defendant requires a response as soon as reasonably practicable and in any event no later than 4pm on 21 July 2017 as set out in §4 of HHJ Keyser QC's order of 22 June 2017.

LOUISE JONES

7 July 2017

IN THE COUNTY COURT AT CARDIFF

C90CF012

MAURICE JOHN KIRK BVSc

The Claimant

- and -

SECRETARY OF STATE FOR JUSTICE

1st Defendant

NATIONAL PROBATION SERVICE

2nd Defendant

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

3rd Defendant

PARTICULARS OF CLAIM

1. The Defendant was released on licence from his prison sentences in poor health, on the 4th July 2014, passed by His Honour Judge Rowlands at Cardiff Crown Court totalling 16 months and also by Cardiff Magistrates Court, on 12 December 2014, of six weeks as reduced to three weeks by His Honour Judge Crowther QC at Newport Crown Court.

CLAIMANT'S ORIGINAL LICENCE CONDITIONS

2. The Claimant firstly contends that the licence was not lawfully signed by a person authorised to sign it by the Secretary of State and did not have lawfully delegated authority. The licence was therefore invalid and was not lawfully issued.
3. The Claimant secondly contends that the conditions of that licence were not in accordance with either the "standard conditions" or the regulations laid down by the Secretary of State in section 250(1)(a)(b) of the Criminal Justice Act 2003 and were consequently, all unlawful.
4. The Claimant was firstly forbidden to contact various members of his own family without valid reasons and also with no apparent application or by way of consent from any of the family members named on the licence, (see condition x of the licence).
5. The Claimant was thereby denied his right to contact close members of his family when there were no other court orders imposed by the Family Court in force in breach of his right to family life under article 8(1) of the ECHR as incorporated under schedule 1 of the Human Rights Act 1998.
6. The Claimant was further denied the right to travel outside the United Kingdom within the European Union without permission, which was stated would be "given in exceptional circumstances only" that he was thereby denied freedom of movement within the European Union in breach of articles 45 to 55 of the Treaty on the Functioning of the European Union and/or EU Directive 2004/38/E, (see condition vi of the licence).

7. The Claimant was also the subject of onerous reporting restrictions relating to his residence at Quay House Approved Premises, 1 Strand Swansea SA1 2AW, by being subject to an onerous curfew and required to report every hour outside the curfew thus breaching his right to family life and/or privacy under article 8(1) of the ECHR as incorporated under schedule 1 of the Human Rights Act 1998, (see conditions viii and ix of the licence).
8. It is accepted that there should be a curfew and some reporting restrictions imposed but both the hours of the curfew and the intermittent terms of the reporting conditions were disproportionate and an interference with the Claimant's family life and privacy under article 8(1) of the ECHR as incorporated under schedule 1 of the Human Rights Act 1998.
9. The conditions imposed had not been imposed on the Claimant at either of his sentence appearances before His Honour Judge Rowlands or His Honour Judge Crowther Q.C. under section 238(1) and section 250(2)(a)(i) of the Criminal Justice Act 2003, and went way beyond the "standard conditions" normally imposed on released inmates under section 250(2)(a)(ii) and (4)(a) of that Act or under the regulations prescribed by the Secretary of State under section 250(2)(b)(ii) and (4)(b)(i) of that Act.
10. Therefore, the Claimant, if released on licence applied for a variation of its terms to comply with both his "convention rights" under the Human Rights Act 1998 and his rights to freedom of movement within the EU under articles 45 to 55 of the Treaty on the Functioning of the European Union and/or EU Directive 2004/38/E.

REVOCATION OF THE CLAIMANT'S LICENCE

11. The Claimant firstly contends that the revocation of his licence was not lawful as signed by a person authorised to sign it by the Secretary of State and did not have lawfully delegated authority. The revocation of the licence was therefore completely invalid and was not lawfully issued.
12. The Claimant's licence was in any event unlawfully revoked under section 254(1) and/or 255(1)(a)(b) of the Criminal Justice Act 2003 and it was unclear under which of these provisions the Claimant was actually released under when, for spurious reasons, it alleged relating to the alleged publishing of photographs on his web site in breach of his "right to freedom of expression" to "hold opinions and receive and impart information and ideas without interference by public authority" under article 10(1) of the ECHR as incorporated under schedule 1 of the Human Rights Act 1998.
13. The publishing of the photographs concerned was with the full consent of the persons in the photographs and there was no restraint order in force in respect of the publishing of them.
14. Any such prohibitions would not have been "prescribed by law" nor "necessary in a democratic society" as fulfilling any pressing social need shown for prohibiting such publication, nor satisfied any of the other criteria set out under article 10(2) of the ECHR as incorporated under schedule 1 of the Human Rights Act 1998.
15. In addition, there were no prohibitions on the publication of the hostel's location or address that is widely accessible on the Internet in any event and is common knowledge in the immediate locality and Swansea area.

16. The Claimant has not been served with any evidence to show that any such photographs had been published on his web site or that he was responsible for such publication in any event.
17. There is no evidence available that the Applicant used any threatening or abusive behaviour towards the reception staff at the clinic concerned, and no witness statements have been served on him in relation to any of the alleged incidents.
18. The Claimant contends therefore that without either Witness Statements being served by any of the staff who are alleged to have been threatened or abused or them being called to give evidence personally before the Board, the contentions alleged in the purported detailed reasons are mere conjecture and hearsay and the Parole Board must ignore them.
19. There is also no evidence available that the Claimant used any threatening or abusive behaviour towards prison staff of either HM Prison Cardiff or HM Prison Swansea and no witness statements have been served on him in relation to any of the alleged incidents.
20. The Claimant will rely on *R. v. Hull Board of Prison Visitors ex p. St. Germain (No. 2) [1979] 1 W.L.R. 1401* for the contention that such evidence shouldn't be given in hearsay form and therefore shouldn't be taken into consideration.
21. 22. The Claimant further contends that in the event that the specific reasons for alleged "bad behaviour" aren't proved to the satisfaction of the Board, then his previous convictions and the nature of the offences in respect of which he was sentenced to the terms of imprisonment relevant to the present application therefore cease to be of relevance as to whether he should be granted further re-release either automatically or discretionarily.

GIVING OF "REASONS" UNDER SECTION 254(2)(B) AND 255(2)(B) OF THE CRIMINAL JUSTICE ACT 2003

22. Finally, the Claimant contends that any "reasons" that he has been served with either in the licence revocation notification or the further details of the "reasons" purportedly under section 254(2)(b) & section 255(2)(b) of the Criminal Justice Act 2003, which ever provision is applicable in Applicant's case, aren't legally valid and should be totally ignored by the Board.
23. The Claimant was neither served with either the short version of the reasons in the licence revocation notification or the further details of the "reasons" "on his return to prison" at HMP Swansea, until at least 2 weeks after his arrival in the prison as required by section 254(2)(b) and section 255(2)(b) of the Criminal Justice Act 2003, whichever is applicable.
24. As a result the Claimant would contend that not only are both sets of "reasons" legally invalid for being served in breach of section 254(2)(b) and section 255(2)(b) of the Criminal Justice Act 2003, whichever is applicable, but he is being unlawfully continued to be detailed in custody as a result, and in breach of article 5(1)(a) and/or (b) of the ECHR as incorporated under schedule 1 of the Human Rights Act 1998.
25. In the premises, the Claimant therefore sought his immediate release on automatic re- release as required by sect 255A(2) & (3)-(6) and/or sect 255B(1)-(6) of the Criminal Justice Act 2003 and/or by the Board under section 256(1)(a) & (4) of the Criminal Justice Act 2003.
26. The Claimant considered the issue of applying for permission to apply for Judicial Review of any adverse decision of the Board, and/or a Writ of Habeas Corpus simultaneously thereby.

27. The Claimant had repeatedly requested an oral hearing from first day of his April 2014 prison sentence to both HM Governor and the Board, as a result of *Osborne v. Parole Board [2013] 3 W.L.R. 1020* and full opportunities to both call and cross examine any witnesses against him, see *R. v. Visitors of Blundeston Prison ex p. Fox-Taylor [1982] 1 All E.R. 646*.
28. The Defendant also wished to have the assistance of either legal representation or his McKenzie advisers at any hearing before the Board in accordance with *R. v. Leicester City JJ. ex p. Barrow [1991] 2 Q.B. 260* and was refused.

CONTINUED UNLAWFUL DETENTION IN CUSTODY WITHOUT A PAROLE HEARING BEING ARRANGED

29. The Claimant was thereafter continued to be denied a parole hearing without any lawful justification or reason, and/or failing to make arrangements for an oral hearing before the Parole Board with all due expedition and/or failing to provide the said oral hearing eventually set for hearing on 4 February 2015 in respect of his release from custody.
30. The Claimant was as a result unlawfully detained in custody in breach of article 5 of the ECHR as incorporated under schedule 1 of the Human Rights Act 1998 until the Claimant's final release from HMP Swansea on 28 March 2015.
31. The 3rd Defendant, the current Chief Constable of the South Wales Police was, at any time during their victim's incarceration, quite at liberty to correct erroneous information set out in his supplied forensic history including the known fabricated medical reports to cause the OASys 11th July 2014 Recall Report which was originally compiled to have his victim registered MAPPA Category 3 Level 3 status for almost a year without even informing him.
32. Without the collaboration between HM Court & Tribunal Service, HM Treasury Solicitor and various 'officers of the court', ordered not to independently advise or represent the Claimant, then none of these claims brought against the South Wales Police would ever have been required to be before court.
33. The combined conduct of all three Defendants has further damaged the health, wealth and access to the Claimant's family life following his having been:
 1. Sectioned under the Mental Health Act 1983 by using an unqualified doctor
 2. MAPPA registered by using known erroneous forensic history
 3. Falsely imprisoned for being in 'possession of a prohibitive weapon' and 'ammunition'
 4. Prevented from disclosure of decades of relevant police and court records
5. When all three Defendants are so reliant on retaining the trial judge, HHJ Seys Llewellyn QC, who had heard the oral evidence in the first three Claimant claims of ten, against the 3rd Defendant, by his refusing to recuse himself from future proceedings due to his direct influence in the original criminal trials, still withheld MAPPA records, blocked NHS(Wales) civil litigation claims and apparently erroneous perverse October 2015 interim judgment in an attempt to cover-up 'evidence of similar fact', namely police bullying to a scale yet to be seen anywhere else in the United Kingdom.

6. Further, the Claimant has suffered severe mental anguish and anxiety caused by the unlawful revoking of his licence and recall to prison and thereafter as a result of his continued unlawful detention without a parole hearing being arranged until the Claimant's eventual release from prison in March 2015.

Maurice J Kirk BVSc

Dated: 29th July 2016

