

IN THE HIGH COURT OF JUSTICE

Claim No:C90CF012

QUEEN'S BENCH DIVISION

CARDIFF DISTRICT REGISTRY

BETWEEN: MAURICE JOHN KIRK

Claimant

- and -

SECRETARY OF STATE FOR JUSTICE

1st Defendant

PAROLE BOARD FOR ENGLAND AND WALES

2nd Defendant

CHIEF CONSTABLE OF SOUTH WALES POLICE

3rd Defendant

REPLY TO AMENDED DEFENCE OF 3rd DEFENDANT

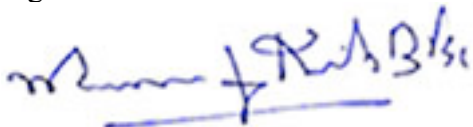
1. The Claimant joins issue with the 3rd Defendant on its Amended Defence, save and in so far as the same consists of admissions.
2. Paragraph 3 of the 3rd Defendant's Amended Defence is denied.
3. So far as paragraph 9 of the 2nd Defendant's Amended Defence is concerned, the Claimant denies that the 3rd Defendant was entitled to treat the licence revocation as either lawful or valid under section 254 of the Criminal Justice Act 2003 as alleged or at all.
4. The Claimant alleges and avers that the arrest of the Claimant by PC Mitcham on 11th July 2014 would be rendered unlawful, if this Honourable Court were to find both as a matter of law and fact that there were no lawful grounds for revoking the Claimant's licence under section 254 of the Criminal Justice Act 2003 aforesaid.

5. In the light of paragraphs 3 and 4 herein, paragraphs 10, 11 and 13 of the 3rd Defendant's Amended Defence are denied.
6. The Claimant denies paragraph 15 of the 3rd Defendant's Amended Defence and alleges and *avers* that time runs for the purposes of section 7(5)(a) of the Human Rights Act 1998, from the last date of his continued and unnecessary detention at HMP Swansea thereby in breach of article 5(1) and (4) ECHR as incorporated under schedule 1 of the Human Rights Act 1998, as a result of the 3rd Defendant, by its servant and agent PC Mitcham on 11th July 2014 unlawfully arresting him regarding the revocation of his Parole licence.
7. Alternatively, the Claimant seeks extensions of time under section 7(5)(b) of the Human Rights Act 1998 as is deemed appropriate and in the overall interests of justice thereby.
8. Save for any matters expressly stated herein to be admissions, the Claimant denies each and every allegation contained in the 2nd Defendant's Amended Particulars of Claim as though the same were set forth and denied individually.

Maurice J Kirk BVSc
Dated: 1st September 2017

I believe that the facts stated in this Reply are true.

Signed

A handwritten signature in blue ink, appearing to read 'Maurice J Kirk BVSc', written over a horizontal line.

Maurice John Kirk BVSc
Claimant

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Maurice John Kirk,
Claimant