

IN THE HIGH COURT OF JUSTICE  
QUEENS BENCH DIVISION  
TAUNTON DISTRICT REGISTRY

Claim No: G00TA220

BETWEEN:-

MR MAURICE JOHN KIRK

Claimant

-and-

G4S CARE & JUSTICE SERVICES (UK) LIMITED  
INCORRECTLY NAMED AS G4S PLC

Defendant

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DEFENCE

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1. Save where expressly admitted below, no admission is made as to any fact or matter in the Particulars of Claim and the Claimant is required to prove the same.
2. Paragraph 1 of the Particulars of Claim is noted.
3. Paragraph 2 of the Particulars of Claim is admitted.
4. The Defendant is incorrectly named and is not a PLC. The Claimant is invited to substitute the correct Defendant named above. It is accepted that the Defendant (as described above) is vicariously liable for any torts committed by its employees, provided they were committed in the course of their employment.
5. In respect of paragraph 4 of the Particulars of Claim:
  - a. It is admitted that the Defendant was at all material times under a contract with the Ministry of Justice to run HMP Parc in Bridgend.
  - b. It is admitted that the Claimant was detained in HMP Parc during the following periods:
    - i. 18 July 2014 – 22 July 2014
    - ii. 19 December 2017 – 13 December 2018
    - iii. 28 June 2019 – 1 November 2019

6. It is averred that in February 2019 the Claimant was recalled for a breach of his licence conditions, but he was not detained in HMP Parc until 28 June 2019. It is believed that he resided at HMP Cardiff (a prison which is not owned or controlled by the Defendant) between February and June 2019. It is denied that the original sentence imposed on the Claimant was vindictive, but in any event that was a matter for the Courts not the Defendant.
7. It is admitted that the Claimant wrote a number of letters during his prison sentence and it is admitted that a number of those letters were intercepted by the Defendant. No further admission is made as to paragraph 5 of the Particulars of Claim for want of knowledge and the Claimant is required to prove the same.
8. It is admitted that at one stage, the Claimant owned a wheelchair. The Defendant avers that the Claimant leant his wheelchair to an inmate, who returned it to him "deliberately smashed due to plain spite." This occurred at some time shortly prior to 23/24 August 2019. It is denied that the Claimant's wheelchair remains at the prison.
9. It is not accepted that the Claimant had in his possession, when resident at HMP Parc, "a large number of Caswell Clinic, Glanrhdy Hospital and prison medical records and legal papers in connection with his 40 odd failed malicious criminal prosecutions claim etc" as detailed in paragraph 6 of the Particulars of Claim. It is admitted that the Claimant had a volume of papers (no admission being made as to their contents) which the Claimant left behind when he left prison. The Claimant has not provided a forwarding address. It is further admitted that the healthcare services at HMP Parc was in possession of the Claimant's medical records relating to his time at HMP Parc, as stored on SystmOne. Those were not the Claimant's copies of medical records.
10. It is admitted that on 1 November 2019 the Claimant was released on licence. It is not admitted that the Defendant seized items from the Claimant's cell and the Claimant is required to prove the same. It is not admitted that the Defendant confiscated any letters or log on 1 November 2019 and the Claimant is required to prove the same.
11. Paragraph 9 of the Particulars of Claim is not admitted and the Claimant is required to prove the same.

12. The Defendant has no knowledge of the facts contained in paragraphs 10-17 of the Particulars of Claim and requires the Claimant to prove the same. Most of the facts and matters contained therein do not relate to the Defendant.

13. The Defendant makes no admission as to whether it confiscated letters to Rebecca Pow MP in 2019 and requires the Claimant to prove the same. The Defendant avers that:

a.

- b. The Claimant was the subject of a number of restraining orders.
- c. In accordance with PSI 04/2016, letters sent by the Claimant were intercepted and monitored.

14. Paragraph 19 of the Particulars of Claim is not admitted and the Claimant is required to prove the same. The Defendant has no record of a letter before claim being sent by the Claimant.

15. Paragraph 20 of the Particulars of Claim is not admitted for want of knowledge. The relevance of the same to this claim against the Defendant is not understood.

16. In respect of paragraphs 21-23 of the Particulars of Claim:

- a. The Claimant was not in HMP Parc in February, March, April and May 2019.
- b. The Claimant returned to HMP Parc on 28 June 2019.
- c. The Claimant was at all times lawfully in the Defendant's custody.
- d. The Defendant admits that it stopped a number of letters written by the Claimant, but avers that it was entitled to do so pursuant to PSI 04/2016. No admission is made as to any specific letters the Claimant says were stopped.
- e. The Defendant avers that some of the letters were inappropriate, and that at various points the Claimant was enabling the publication of documents on the internet.
- f. It is admitted that the Claimant has filed numerous complaints with HMP Parc about a variety of matters.

No further admissions are made as to paragraphs 21-23 of the Particulars of Claim and the Claimant is required to prove the same.

17. In respect of paragraphs 24-26 of the Particulars of Claim:

- a. It is denied that the Claimant was ever assaulted by the Defendant's employees.
- b. The Claimant was not returned to HMP Parc until 29 June 2019.
- c. The Claimant's failure to particularise the correct dates of the alleged first two incidents leads to the Defendant being unable to plead further in respect thereof.
- d. It is admitted that on or around 1 July 2019 the Claimant refused to leave the Healthcare department unless he was given his old wheelchair. The Claimant was warned that if he did not leave the treatment room he would have to be forcibly removed and taken to his residential unit. As the Claimant did not move, force was authorised and the Claimant was informed he would be returned to his residential unit. He again refused, and guiding holds were initially used, but the Claimant dropped his weight. The Defendant's employees had to use control & restraint measures and the Claimant was carried to A2. He was carried down the stairs. The Claimant then began to walk and the handcuffs were removed. No injuries were reported.
- e. It is admitted that on 1 November 2019, the day the Claimant was released, he refused to leave the prison without seeing a Doctor. He was carried by six officers to the Admissions Unit. He was then carried to a waiting car. He left with his property.

No further admissions are made as to paragraphs 24-26 of the Particulars of Claim and the Claimant is required to prove the same.

18. Paragraph 27 of the Particulars of Claim is not admitted and the Claimant is required to prove the same. It is not accepted that the Claimant was deprived of medication, although it is admitted that during some periods when he was in prison he was not permitted to keep his own medication in possession and he had to request it from the Healthcare team. He is required to specify the dates on which he says he was not given medication.

19. Paragraph 28 of the Particulars of Claim is not admitted and the Claimant is required to prove the same. The Claimant has not served any medical evidence to support his assertion that he has sustained injury as a result of any act or omission on the part of the Defendant.

20. It is denied that medical treatment was withheld from the Claimant at any time.

21. Paragraph 30 of the Particulars of Claim is not understood. No admissions are made as to the same.

- a. It is admitted that the Claimant had a Parole hearing on 15 October 2019 at which the Claimant represented himself.
- b. No admission is made as to what was said in that hearing.
- c. The Defendant does not understand what 'relevant records' the Claimant asserts should have been disclosed to him, and what he is actually asking for and/or suggests he has already requested. He was given his medical records when released in December 2018 and it is noted that on 20 February 2019, when outside of prison, the Claimant again requested his medical records which were sent to his GP. There are documents belonging to the Claimant at the prison which he has not provided a forwarding address for.
- d. No admission is made that the Claimant has requested CCTV relating to his alleged assaults. It is likely that any footage has now been automatically wiped in any event.
- e. It is denied that the Defendant passed false forensic history to other prisoners.
- f. Whilst the Claimant reported on 10 July 2018 that faeces was smeared around the cell, it is denied this occurred as officers found no evidence of this.
- g. It is denied that the Defendant inadvertently released the Claimant's forensic records. It is not understood to whom it is suggested the records were inadvertently released.
- h. The Defendant is not responsible for the views of the Parole Board.
- i. The Defendant is concerned to note the veiled threat contained against the Chief Constable in paragraph 30(m) of the Particulars of Claim.

22. The second paragraph 18 of the Particulars of Claim is not admitted and the Claimant is required to prove the same. To the extent that the allegations and assertions made relate to the Defendant:

- a. The reference to February 2019 release is not understood. The Claimant was not in custody with the Defendant at that time.
- b. It is believed that the Claimant sent the letters to his MP containing the substances from HMP Cardiff.
- c. If, which is not accepted, there were substances in those letters from his prison cell wall, that would presumably be his cell at HMP Cardiff.
- d. The letters were presumably in the custody or control of the police or HMP Cardiff.

23. The second paragraphs 19 and 20 of the Particulars of Claim are not admitted and the Claimant is required to prove the same. The Defendant queries whether the Claimant wrote to HMP Cardiff.

24. The second paragraphs 21-23 of the Particulars of Claim are denied. The Defendant will further say:

- a. It is denied that the Defendant converted or wrongfully interfered with the Claimant's records, legal papers, wheelchairs and letters.
- b. It is denied that the Defendant harassed the Claimant within the meaning of the Protection from Harassment Act 1997 whether as alleged or at all.
- c. It is denied that the Claimant's Convention Rights have been infringed.
- d. The Defendant was lawfully permitted to intercept the Claimant's correspondence. Any interference with the Claimant's correspondence was in accordance with law and necessary in a democratic society in the interests of public safety and for the prevention of disorder or crime, and the protection of health or morals and the rights and freedoms of others.
- e. It is denied that the Claimant's right to freedom of expression has been infringed, but in the event that the Court determines otherwise, any such infringement was subject to such restrictions as are prescribed by law and necessary in a democratic society in the interests of public safety, the prevention of disorder and crime, the protection of health or morals, the protection of the reputation or rights of others, or for maintaining the authority and impartiality of the judiciary.
- f. It is denied that the Defendant has interfered with the Claimant's peaceful enjoyment of his possessions, save as otherwise permitted by law.

25. It is denied that the Claimant has suffered damage whether by way of shock and mental anguish or otherwise as a result of the Defendant's actions or omissions, and it is denied that the Claimant is entitled to aggravated or exemplary damages.

26. The Defendant notes that the Claimant seeks £500,000 by way of compensation which is plainly a nonsensical amount pleaded without basis or breakdown.

27. The Claimant's contingent right to interest is noted, no admission being made as to the rate and period thereof.

Dated this

07 day of December

2020

The Defendant believes that the facts stated in this defence are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I am duly authorised by the Defendant to sign this defence.

Signed *Michael Ledwith*

Name: Michael Ledwith

Position: Solicitor