

John Smith MP, Labour Member for the Vale of Glamorgan, South Wales, UK.  
House of Commons  
Westminster

13<sup>th</sup> Feb 2009

Dear Mr Smith,

## **ABUSE of PROCESS**

### **Summary**

**Exhibit 11:** This was my repeat application before the 2002 RCVS Disciplinary Committee for 'disclosure' of evidence, as laid down by 1966 Veterinary Surgeons Act and Paras. 7/8 Statutory Instrument 2004 No.1680, [Exhibit 16] asking as to just how, who, what, when, where and why obtained the contemporaneous notes of evidence and recorded witness statements necessary for consideration of a prosecution to remove my name from the veterinary register (for life)?

No RCVS lawyer, until November 2006 [Exhibit 6], referred to 'legal professional privilege' (absolute) as their excuse for failure to disclose the 2001/2002 years of enquiry record when different RCVS Legal Assessor 'advised' the RCVS Disciplinary Committee there must be proper 'disclosure'. There has been no 'disclosure', at all, since the hearing.

RCVS lawyers have repeatedly stated before seven RCVS Disciplinary Committees, countless High Court Judges and seven Privy Council Courts in Downing Street, saying, each time, "There is no undisclosed evidence". Even Lord Hutton's ruling, [Exhibit 15] in January 2003, that there were to be 'undertakings' assured by the RCVS lawyers to make full 'disclosure' of original evidence, before my 19<sup>th</sup> January 2004 Appeal, was treated with similar contempt.

This withheld 'disclosure' of evidence included what was before the 20th June 2003 Preliminary Investigation Committee to have caused the order for a disciplinary hearing in the first place! [Exhibit 3, RCVS Internal Memo].

The 2002 RCVS Chairman, Brian Jennings, said, Line C, [Exhibit 11] in reply to my request, under Article 6 of ECHR Convention and 1989 Human Rights Act,:

"The Legal Assessor says you are not allowed to know that"

This was uttered in the full face of the court and before the then President of the Royal College, Roger Eddy, who had earlier sat on the Preliminary Investigation Committee to have me prosecuted. He put his signature to the drafted para.7/8 Statutory Instrument 2004 No.1680, [Exhibit 16]. He announced to the media, on 29<sup>th</sup> May 2002, that there had been a fair trial.

Also in court were three college, two external and two Queen's Council lawyers all of whom remained silent, on the matter of this 'refused disclosure', throughout the four month trial knowing, every day, the court was being conducted in an unlawful manner. RCVS lawyers falsified witness statements, hiding my own clients from giving evidence, refusing me any 'witnesses of fact' and knowing the Legal Assessor's job was completely independent and only to 'advise' either party, not to 'order'.

The prosecution legal team were even so bold, under 'HM immunity' to prosecution, to 'represent' the Legal Assessor at the 2002 Court of Appeal to again block service of summonses on relevant witnesses, the evidence from whom would, also, have further uncovered the conspiracy between the South Wales Police and RCVS enquiry team that operated across South Wales.

Recent admission by HM Treasury Solicitor causes me to include the HM Attorney General's name to these years of 'Abuse of Process' started shortly after my arrival, in 1991, to practice veterinary surgery in the Principality of Wales.

Due to obvious medical reasons this retired High Court Judge, employed by the same RCVS lawyers, to be Legal Assessor, was unfortunately, see official transcript, clearly 'unfit for purpose' to ensure that court proceedings were conducted in a lawful manner.

Her Majesty's Privy Council was Statutory and 'HM' power to cause an enquiry.

This Abuse of Process is ultimately the responsibility of Parliament.

### **HM Conundrum**

Further to our constructive meeting and my 4<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Feb letters on this matter let us first 'knock on the head' this long running 'All British' fraudulent nonsense of '**HM**' and the perpetual apparent injustice to Her Majesty the Queen, [ **Exhibit 1.**] RCVS 1967 Royal Charter extract.

Respective UK Governments of any colour, with monotonous regularity, hide behind the title '**HM**' especially when "there's trouble at mill" and things are not going so well. This is exactly what is going on in our courts right now and it is for MPs to take this new surge of complaint, around the United Kingdom, more seriously.

Numerous '**HM**' Institutions, such as Inland Revenue, the judiciary, including the Privy Council, parliamentary watch dogs such as the Attorney General and Information Commissioner for the 1966 Data Protection Act, Royal Chartered organisations such as the Royal College of Veterinary Surgeons and those of the medical professions have, with my personal experience, ALL hidden behind the pleated skirts crying "'Her Majesty's Prerogative'" for immunity from prosecution.

'**HM**' function, whether it is to gather taxes, manage that man made concept called 'justice' or simply to control those in positions of privilege, like lawyers, judges, is your responsibility when it goes wrong.

Our 'wonderful Queen', as we are given to believe, is the 'Titular Head of Government' and 'Constitutional Monarch', there to protect us from the nefarious conduct of others and it is on this fraudulent concept and **abuse of process** which my grievance is based.

'**HM**' is Government.

Daily '**HM**' impropriety, anywhere in Great Britain, Channel Islands included, is the responsibility of the currently elected Government and the whole of Parliament.

The UK judiciary is no more independent of Government than is the Privy Council or any other Freemason dominated organisation. The Privy Council, for example, by statue has the power to intervene in the conduct of the Royal College of Veterinary Surgeons, South Wales Police and HM Attorney General current conduct but chose, time and time again to 'turn a blind eye' for fear of opening up a 'can of worms' and for fear of what else they may find?

I enclose a statement from your Justice Ministry in the writings of another disillusioned citizen, another 'litigant in person', no doubt, also unable to get independent legal representation.

Britain's freedom has meant a great deal to the freedom of people everywhere. Britain's freedom in peril places the freedom of people everywhere in peril.

We now face the takeover of British laws and liberties by the European Union. A feckless Parliament, unresponsive to the people, has allowed this to happen.

Consequently I've been engaged in correspondence with Her Majesty The Queen, our Constitutional Monarch. My concern is that The Queen has not been acting as a constitutional safeguard against unlawful and undemocratic power. To serve as that safeguard is the Sovereign's primary responsibility according to the Coronation Oath.

The Queen explicitly acknowledged her role in 1964 -

"The role of a Constitutional Monarch is to personify the democratic state, to legitimate authority, to assure the legality of its measures and to guarantee the execution of its popular will."

The Queen forwarded my September letter to the Ministry of Justice. The Ministry responded by saying that "The Queen no longer has a political or executive role" and that Parliament, not The Queen, "holds sovereignty".

Since this position subverts [the British Constitution](#), and the people's covenant with their Sovereign, I wrote to The Queen again to ask her when this vital Constitutional change had taken place, and on whose authority.

MR SMITH, the RCVS know they can never risk allowing me back on the veterinary register for fear it will allow my direct access for the withheld disclosure, as a member of the profession, unlawfully withheld from the 2002 trial and ever since.

RCVS's conduct was fraudulent, see Section 3 of the 2006 Fraud Act, for failed disclosure and when they successfully claimed the £66,000 costs for the seven Downing Street hearings, mainly convened for applications for their failed disclosure!

My refused request for the original trial transcript, to be in electronic form was, likewise, was a fraudulent move of the RCVS to obtain money and further costs of £12,000 at the Royal Courts of Justice for my applications for 'character witnesses', 'disclosure' and re-instatement, the latter being a wish clearly indicated by the Privy Council Judicial Committee.

## **Disclosure**

### **RCVS and Barbara Wilding, Chief of the South Wales Police**

Sufficient time has now lapsed since that treacherous pantomime in the RCVS building, in 2002, to prove **malfeasance** in just too many other '**HM**' departments. Following my Application of the Data Protection and Freedom of Information Acts on the leading culpable parties, the RCVS, HM Attorney General and South Wales Police, all defendants now, for what it is worth, shortly to heard in another if not farcical 'de novo' Judicial Review Application, following the 6<sup>th</sup> refusal from practicing veterinary surgery by one committee member, sitting alone and again, contrary to statute law,

**I enclose the very latest, this week, from both the RCVS and Barbara Wilding, the latter looking for early retirement.**

Extract of 9<sup>th</sup> Feb 2009 police lawyer letter in our 18th year running charade of **failed disclosure**.

Dear Mr Kirk,

**RE: YOURSELF v SOUTH WALES CONSTABULARY - BS614159-MC65, CF101741, CF204141 & 7CF07345**

We are awaiting the return of several signed witness statements on Action 1, namely BS614159-MC65. In the circumstances, we seek your agreement for the parties to delay exchange of witness statements on Action 1 until 27 February 2009. The Court has not yet notified the parties of a trial date and in the circumstances, we are of the view that a delay of several weeks will not prejudice the position of either party. We look forward to hearing from you.....

My similar request for **failed disclosure** to RCVS and their 12th Feb 2009 reply;