

IN THE CARDIFF COUNTY COURT

Case No: BS 61459-MC65, CF101741, CF204141

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

Draft Order

Before His Honour Judge A. Seys Llewellyn, QC sitting at Cardiff Civil Justice Centre on 30th November 2010;

Upon having previously heard the Claimant in person and having received written submissions from him and on his behalf (as set out at paragraph 6 of the Judgment of 30th November 2010);

And upon hearing Leading Counsel for the Defendant;

It is ordered that:-

1. Paragraph 3 of Action CF204141 be struck out as disclosing no reasonable cause of action.
2. The following paragraphs be struck out as being an abuse of process:-
 - a. Paragraph 8.12 of Action BS 614159-MC65;
 - b. Paragraph 3 of Action CF101741, save that the Claimant be entitled to pursue his claim for malicious prosecution in respect of the offence of driving without insurance;
 - c. Paragraph 9 of Action CF101741, save that the Claimant be entitled to pursue his claim for wrongful detention of his motorcar.
 - d. Paragraph 11 of Action CF101741, to the extent that the Claimant alleges that he was wrongfully arrested and maliciously prosecuted for the offence of failing to provide a specimen of breath.
 - e. Paragraph 2 of Action CF204141.

3. If the Claimant seeks permission to appeal the judgment in any respect, he shall within 7 days, namely by 4pm on 7th December 2010, submit in writing a succinct statement of those aspects which he seeks to appeal and the reasons, if any, which he identifies for permission to appeal being granted.
4. The Defendant do disclose to the Claimant the MAPPA Executive Summary by 14th December 2010.
5. Any application by the Claimant seeking disclosure of the MAPPA Minutes should be issued by 4pm on 25th January 2011, by application notice together with supporting evidence.
6. In the event of an application being issued by the Claimant in respect of disclosure of the MAPPA Minutes, the Defendant has permission to file and serve evidence in response by 4pm on 22nd February 2011.
7. The Defendant shall file and serve written submissions by 4pm on 7th January 2011 as to the issues of costs, incidental to and arising from the adjournment of the trial and the hearing of the preliminary issues.
8. The Claimant do file and serve written submissions in response by 4th March 2011.
9. A Pre-Trial Review hearing in respect of the above actions shall be listed on the first open date after 14th March 2011, with a time estimate of 2 days, when the issue of costs will also be determined by the Court, together with any application for disclosure of the MAPPA Minutes, if issued.
10. Counsel are to file dates of their availability by 4pm on 17th December 2010.
11. The costs of today are reserved.