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IN THE CROWN COURT
AT CARDIFF

A20000246
A20010009

The Law Courts
Cathays Park
Cardiff

B

Tuesday 19th March 2002

C

Before:

HIS HONOUR JUDGE P. JACOBS

D

R E G I N A

-v-

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MAURICE JOHN KIRK

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1C The Court, Newport Road, Cardiff, CF24 1RH
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The appellant appeared in person

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RULING

Tuesday 19th March 2002

R U L I N G

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JUDGE JACOBS: This is a further hearing in relation to the disqualification of Maurice John Kirk. The circumstances are fully set out in the transcript of my ruling of Friday 15th March 2002 of which I have a copy before me. I do not propose to reiterate the facts of that judgment.

On that occasion I lifted Mr. Kirk's disqualification simply because he had produced to me very late in the day a certificate of motor insurance from the Bishop Gate Insurance Company in relation to one motor vehicle which enabled him to drive vehicles not owned by him. I expressed real concern, as I do again, that in reality this is a device which enables Mr. Kirk to get around specifically insuring a number of vehicles in which he either has ownership or a significant proprietary interest. But I indicated then as I indicate now, I would be very reluctant to embark upon proceedings as to whether or not those policies are void or voidable for fraud or misrepresentation. The answer is for the insurance companies to look at this at the root of the problem.

The difficulty is this: Mr. Kirk had originally come before His Honour Judge Hickenbottom. As a result of the proceedings that took place that day, Judge Hickenbottom in the end imposed a sentence. That sentence was one of disqualification, the circumstances being that a number of Mr. Kirk's appeals came to a head, and as a result of decisions in the Administrative Court, proceedings which had prevented the immediate implementation and

A consequences of some of Mr. Kirk's motor offences ended.
He was disqualified under what we used to know as the
"totting up procedure" because he had reached 13 points.

B After the hearing and after His Honour Judge
Hickenbottom had left the building, for reasons only known
to himself, Mr. Kirk produced yet another certificate of
C insurance, which on the face of it appears valid,
indicating that he in fact would have been insured to
drive one of these vehicles for which he had now been
given seven penalty points.

D I took the view that it would be fair under those
circumstances to lift temporarily the disqualification,
and I directed that the matter be listed in front of
another judge today. Ideally this matter should be in
E front of Judge Hickenbottom but he is not available. In
fact it is now clear that it is necessary for this matter
to be in front of His Honour Judge Hickenbottom because
effectively I am being invited to alter a Crown Court

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There is a power to do so, but it has to be

certificate. But in the meantime I want to make it quite clear to you, Mr. Kirk, that you are now disqualified.

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