

In The Cardiff County Court  
Claims BS 614159, CF101 741 & CF204 141 .

Between

**MAURICE JOHN KIRK**

Claimant

And

**THE CHIEF CONSTABLE OF THE SOUTH WALES CONSTABULARY**

Defendant

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**CONSOLIDATED ADDENDUM PARTICULARS OF CLAIM PURSUANT TO ORAL EVIDENCE RECEIVED**

**AND SUBJECT TO THE LEAVE OF HIS HONOUR JUDGE SEYS-LLEWELLYN QC**

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1. Paragraphs 1-12 in The Particulars of Claim numbered BS614159 as amended are repeated. Paragraphs 1-18 in The Particulars of Claim numbered CF101 741 as amended are repeated. Paragraphs 1-8 in The Particulars of Claim numbered CF204141 are repeated,
2. The Claimant was, at all material times, a veterinary surgeon with fixed community ties and with surgeries in the Barry, Cardiff and Llantwit Major areas. He was well-known to all the police officers referred to in the Particulars of Claim hereinbefore set out in paragraph 1, all of whom have made spurious claims either that it was necessary to arrest The Claimant pursuant to 'The General Arrest' provisions of The Police and Criminal evidence Act 1984 namely that it was necessary to arrest The Claimant as his identity was unknown and he had no known identifiable address for service of summons or that The Claimant had committed certain arrestable offences The Claimant avers were assertions unsupported by evidence.
3. The Defendant is and was the individual officer in charge as Chief Officer of the South Wales Constabulary at all material times particularised in the aforementioned claims and all police officers referred to in the said three claims were, at all material times, acting under the direction and control of the Defendant in the performance or purported performance of their functions.
4. The Claimant relies upon the evidence of Anthony Glen Gafael and Jane Davies nee Walker, from many examples, which are a matter of record to the honourable court seized of the

aforesaid three Claims to the effect that Chief Inspector Brian Jenner said that the Claimant was a 'nasty piece of work' and that they (the police) would 'get him', from 6<sup>th</sup> June 1995 witness and "we will eventually get the bastard" by the other 1993 witness by both sworn affidavit, made at the time and by her evidence during this substantive trial. Further, the evidence of both the Claimant's secretary, at the time, of 'almost weekly telephone calls' re the Claimant's vehicle status and retired insurance broker of the Defendant confirming same but also that the Claimant's insurance company were considering not renewing the Claimant's annual policy due to direct communication from the Claimant.

5. The Claimant further relies on the premise that 'reasonable suspicion' or 'reasonable cause' to arrest is largely dependent on the evidential sufficiency test deployed by The Crown Prosecution Service ('CPS'). Claim BS 614 159 discloses no less than 12 occasions when the servants or agents of The Defendant commenced the prosecution of The Claimant under the Road Traffic legislation for alleged offences court records of his acquittal show The Claimant had not committed. In the absence of evidence of criminal conduct on the part of the Claimant it can be inferred by the number of failed prosecutions that evidence of a malicious motive by The Defendant, his/her servants or agents is implicit in the same way a conspiracy can be inferred by circumstances under criminal law.
6. The Claimant further relies upon Claim BS 614 159 and, in particular, 1<sup>st</sup> Action paragraphs 8.6, 8.11 8.12, 8.15, 8.16, 8.17 and, 8.26, 2<sup>nd</sup> Action paragraphs 6.1, 8.1, 9.1, 11.1,12.1, 13.1, 14.1, and 3<sup>rd</sup> Action paragraphs 2.1 (Breach of the Peace), 4.1, 5.1, 6.1, in which the servants and/or agents of The Defendant purport to arrest The Claimant for nefarious other offences court records reveal he was not guilty of committing.
7. The Claimant relies upon the implicit lack of any evidential sufficiency criteria disclosed by particulars under Claim CF 101 741 in which a further nine occasions when the Defendant through his/her servants and/or agents commenced to prosecute The Claimant under the Road Traffic legislation are there set out. Court records of the acquittals of The Claimant demonstrate the Claimant had not committed these offences. In the absence of evidence of criminal conduct on the part of the Claimant it can be inferred by the number of failed prosecutions that evidence of a malicious motive by The Defendant, his/her servants or agents is implicit in the same way evidence of a conspiracy can be inferred by circumstances under criminal law. The said Claim further demonstrates the Defendant's servants and/or agents commenced to prosecute the Claimant under the Protection from Terrorism legislation and Public Order legislation for offences he had not committed according to CPS and court records. Claim CF 101 741 further discloses an occasion when the Claimant was arrested outside Cardiff County Court seemingly without just cause and another occasion when a light aircraft in which the Claimant was passenger was seriously put at risk of an air to air collision, in breach of the 500ft rule of the Air Navigation Order, by a police helicopter. In addition, the Claimant relies on his 2009 acquittal for an offence under The 1968 Firearms legislation, as amended, namely being in the possession of a decommissioned Lewis gun fitted to a replica World War One DH2 bi-plane and procurement by the CPS in those proceedings, on behalf of The Defendant, his/her servants and/or agents of inaccurate

psychiatric reports containing the false premise that the Claimant presented a high risk of danger to the general public by having 'significant brain damage' and possible cancer.

8. The Claimant further relies on Claim CF 204 141 wherein a further four occasions are therein set out when, notwithstanding the lack of any evidential sufficiency test required for prosecution, the servants and/or agents of The Defendant arrested The Claimant without reasonable and probable cause.
9. The aforesaid repeated instances represent unjustified police action against The Claimant and number in excess of thirty. The number and frequency of repeated patterns of behaviour by The Defendant, his/her servants or agents, are *indicia* of bias against The Claimant and, in the absence of any other rational explanation, evidence of a malicious pre-disposition.
10. Further, the actions of police officers as hereinbefore set out in all three aforesaid Claims constitute harassment of the Claimant within section 1 of The Protection from Harassment Act 1997 and, in consequence thereof, misfeasance in a public office by The Defendant and his/her servants or agents with regard to all instances pleaded in Claims BS 614 159, CF 101 741 and CF 204 141.
11. By reason of the matters aforesaid the Claimant has suffered loss, damage, distress, anxiety, damage to his reputation and was deprived of his liberty.

#### PARTICULARS

- (a) Travelling costs to attend court.
  - (b) Time spent for preparation and court appearances over more than twenty years
  - (c) Loss of Earnings and the cost of employing replacement staff when the Claimant was required to attend court.
  - (d) Court fees and other legal costs incurred defending criminal charges.
  - (e) Damage to motor vehicles and property.
  - (f) Irreversible damage to his family life.
12. Further, by reason of the matters aforesaid, the Claimant is entitled to aggravated damages.
  13. Further, the actions of all officers in all matters pleaded in all three actions hereinbefore referred to be unusual, arbitrary, oppressive and unconstitutional and the Claimant claims exemplary damages.

14. Further, the Claimant claims interest pursuant to section 69 of The County courts Act 1984 on such damages as he may recover, at such rate and for such period as the court may deem fit.

AND THE CLAIMANT CLAIMS

- (I) Damages, including aggravated and exemplary damages.
- (II) Interest thereon.
- (III) An Order that the Defendant shall not by his/herself or his/her servants or agents harass The Claimant whether by stopping him without legal justification whilst he drives on public roads or by requiring him without legal justification to provide breath samples or to produce documents, or to attend police stations and/or by arresting and detaining him without legal justification.

THE CLAIMANT BELIEVES THE FACTS STATED IN THIS AMENDED CONSOLIDATED PARTICULARS OF CLAIM ARE TRUE

SIGNED

DATED

28<sup>th</sup> May 2013