

**IN THE CARDIFF COUNTY COURT**

**CASE NO. BS 614159-MC65**

**CF101741**

**CF204141**

**BETWEEN:**

**MAURICE JOHN KIRK**

**Claimant**

**and**

**THE CHIEF CONSTABLE OF SOUTH WALES POLICE**

**Defendant**

**DEFENDANT'S RESPONSE TO CLAIMANT'S APPLICATION OF 24th JULY 2013**

1. At the hearing on 23rd July 2013, having heard complaints made by the Claimant regarding his inability to access his documents and Court bundles, which had been kept in a flat at 175 Cowbridge Road West used by the Claimant, the Court indicated that it might be willing to make an order against Mark Davenport, who had been identified as the tenant of the premises, which would at least allow the Claimant to gain access to those papers. The Claimant declined the Court's assistance on the basis that he had already instructed lawyers to prepare the necessary proceedings.
2. By this present application, it appears the Claimant seeks to resurrect this particular issue and invites the Court to make an order of some sort against some party, regarding his documents and bundles. This application is not supported by a witness statement confirmed by a signed statement of truth, as was directed by the Court.
3. The basis of this present application is unclear; paragraph 1 refers to the Claimant's legal papers and to that extent, appears to be a repetition of the

complaints made by the Claimant on 23rd July 2013. Thereafter, in paragraph 3, the Claimant refers to obtaining an order against the South Wales Police in order to prevent “continuing acts of harassment”.

4. Insofar as this application seeks orders against Mr Davenport, that must be a matter to be considered by this Court, having heard from the Claimant and Mr Davenport. The South Wales Police have no role to play as a party to any proceedings seeking such an order. Those representing the Defendant will of course seek to assist this Court on any particular issue arising, but that of course cannot be considered as in any way representing the interests of Mr Davenport, or as to taking any particular side as between the Claimant and Mr Davenport.
5. If the Claimant is seeking orders against the Defendant in respect of a proposed harassment claim, then this appears to be a wholly fresh application, which was not a matter raised by the Claimant on 23rd July 2013. It is difficult for the Defendant to consider the merits (if any) of such an application without having a draft of the order sought by the Claimant, and a fully particularised Application Notice and witness statement, setting out the incidents upon which the Claimant seeks to rely.
6. The Defendant will give further consideration to this matter once the Claimant has complied with the provisions of the CPR as to making of such an application, and in particular, the direction given by the Court on 23rd July 2013 as to the necessary formalities for such an application (albeit that this direction was given in reference to proposed action against Mr Davenport alone).

LLOYD WILLIAMS QC  
NATALIE SANDERCOCK  
On behalf of the Defendant  
26th July 2013