

In the High Court of Justice
High Court Appeal Centre Cardiff
On appeal from the Cardiff Civil Justice Centre
Order of HHJ Seys Llewellyn QC dated 5 December 2016
County Court case number: BS614159
Appeal ref: CF005/2017CA

BETWEEN

Maurice John Kirk

Claimant and Appellant

and

Chief Constable of South Wales Police

Defendant and Respondent

ORDER

Before **the Honourable Mr Justice Newey** sitting at the Cardiff Civil Justice Centre, 2 Park Street, Cardiff CF10 1ET on 17 January 2017

IT IS ORDERED THAT

1. Appellant's application for permission to appeal is refused.
2. **REASONS:**
 - (a) Contrary to the first ground of appeal, there is no reason at all to suppose that the examination of the tapes that the Judge ordered is a "ruse for them to be destroyed". The letter of instruction draws attention to the need to consider whether there is a risk that accessing the tapes might lead to their destruction.
 - (b) As regards the second ground of appeal, the Judge had power to order the tapes to be examined regardless of their ownership. In any case, it is by no means clear that the tapes are (as alleged) the property of the Appellant.
 - (c) With respect to the third ground of appeal, no sound basis has been advanced for characterising the Judge's order as unreasonable, unlawful or perverse. To the contrary, the order appears sensible.
3. The Appellant may, within seven days of receipt of this order, apply for a hearing at which he may renew his application for permission to appeal. Such application may be made by post to the High Court Appeal Centre, Cardiff Civil Justice Centre, 2 Park Street, Cardiff CF10 1ET quoting the above appeals reference number. Any such application must also be served on the Respondent.

