

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

STATEMENT

1. I Richard Leighton Hill, Assistant Director and Head of the Special Legal Case Work Department in South Wales Police make this statement pursuant to paragraph 4 of the order of His Honour Judge Seys Llewellyn QC (hereafter referred to as the "Trial Judge") of the 29th December 2016, the time limit set out therein having been extended by order of 24th day of January 2017. In particular, I will seek to address the issues of Case Management Directions, venue and mode of trial.
2. For the purposes of this statement the Claimant will be called "C" and the Defendant will be called "D".
3. The pleadings in this action are attached hereto marked RLH/1.
4. This present action is one of a series of actions commenced by C against D. In order to understand the present state of affairs in respect of this action, it may assist the Court to know something of the background to all these claims.
5. C was formerly a veterinary surgeon who moved into the Vale of Glamorgan area in about 1992 opening surgeries in Barry, Cardiff and elsewhere. It is apparent from material disclosed from C in the other actions, that C has a long

- history of falling into dispute with local Police forces, including in particular the Avon and Somerset Police Force and the Guernsey Police.
6. From 1992 C has complained at length about D, alleging that they have harassed him by, amongst other things, wrongfully arresting and maliciously prosecuting him. He has alleged that this was all part of a deliberate course of conduct on the part of D who, he contends, were part of a nationwide conspiracy against him. In substance, C has alleged that there were numerous parties involved in this conspiracy, including other Police forces, Special Branch, Magistrates Clerks, Magistrates, Circuit Judges, High Court Judges, Lord Justices of Appeal, the Royal College of Veterinary Surgeons and the Civil Aviation Authority.
 7. The first set of proceedings that C issued against D was Case Number: BS614159/MC65, issued in the Bristol County Court on 12th September 1996. The history of that action was long and convoluted. The claim initially consisted of 25 separate allegations against D covering a period from 1992 until 1997. Over a 4 year period C attempted to draw in other allegations against D, with some of them being struck out as disclosing no cause of action, thereafter followed by attempts by C to draw them back into the pleadings.
 8. During this period, C made some 50 separate allegations of misconduct against D but by 2000 these had been significantly pared down. It is important to note that C was alleging that these were “mere examples” of the overarching conspiracy between D and other parties. Although that action was commenced in Bristol, it was transferred to Cardiff, the Judge in Bristol, His Honour Judge Jack as he then was, concluding that since the claims concerned issues arising in South Wales, Cardiff was the most appropriate venue.
 9. Subsequently in 2001 C commenced the second action CF101741, which once again made an allegation of an overarching conspiracy against D, as well as setting out 14 specific allegations of misconduct running from 1995 to 2000.
 10. On 13th June 2002 C issued a third action, CF204141, which contained 5 allegations against D.

11. The full history of these actions and the subsequent difficulties which D faced in getting these actions on for Trial is set out in the Defendant's written Submissions on Costs dated 5th September 2016 which was served and filed in respect of the issue of costs in regard to those 3 actions, marked **RLH/2**. Throughout the course of the various proceedings concerning those 3 actions and other actions, they have always been referred to as actions 1 to 3. For the purposes of clarity, I will refer to those actions as actions 1 to 3 in this statement.
12. Eventually, actions 1 to 3 were listed for trial in 2009, but as a result of C having been remanded in custody in respect of one of the matters raised in the present action (which has always been referred to as Action 6), the so called "machine gun case", the trial could not go ahead in 2009. Subsequently the matter was listed for trial for 6 September 2010. The events concerning that trial are set out in paragraphs 16 to 19 of D's submissions on costs in actions 1 to 3. In effect, although D was fully prepared for trial, C claimed he was suffering ill health, as a result whereof the Trial Judge directed that the full trial on liability would be adjourned, but that he would proceed with D's preliminary application to strike out various parts of C's claim.
13. D had filed a 75 page skeleton argument to deal with the issues of fact as well as a further skeleton argument together with a lever arch file of authorities dealing with issues of law. As a result of this hearing the Trial Judge struck out part of C's claims as well as limiting other parts of his claims.
14. Attached hereto are the pleadings in actions 1 to 3, marked **RLH/3** as well as copies of the Trial Judge's Judgement on Preliminary Issues, marked **RLH/4**. The subsequent history of those 3 actions is set out in paragraphs 20 to 26 of the submissions on costs. C's habitual practice was to continually issue applications and when those applications were dismissed, to seek to appeal those Judgements / Orders.
15. At one stage His Honour Judge Chambers QC, who was the judge designated to deal with all preliminary issues leading up to trial, had allowed C to have Jury Trial on some specimen allegations contained in actions 1 to 3. That Order was successfully appealed by D which resulted in the 3 actions being listed for trial

by judge alone, attached hereto is the order made by the Judge, marked **RLH/5**. C attempted to appeal that Order, but that appeal was dismissed marked **RLH/6**. In any event, C continually raised with the Trial Judge the issue of jury trial, but all of those applications were dismissed. In addition, C's assertion that all judges in Wales (and possibly elsewhere) were corrupt, C attempted on numerous occasions to have the trial of actions 1 to 3 transferred out of Wales; those applications were dismissed by the Trial Judge, he having concluded that judges having taken a Judicial Oath, unless there was specific evidence that C could produce which would suggest it would be inappropriate for a Trial to proceed in Wales, that the trials of actions 1 to 3 would be heard in Wales.

16. Eventually, actions 1 to 3 were listed for trial in February 2013. In order to explain precisely what the case was about D was directed to file a detailed skeleton argument setting out C's case. At that time, the Court had to deal with over 30 individual incidents, all of which C claimed were merely examples of the overarching conspiracy of which D was said to be a part. The trial took 47 days. The Court had before it some 16 lever arch files of documents. In addition, the Court had to consider the oral evidence of over 80 witnesses called on behalf of D as well as 13 witnesses called on behalf of C.
17. The Court required the parties to file written final submissions in those actions. As a result of delays on the part of C the Court was not in a position to hand down judgement on liability until 26th October 2015. A copy of that Judgement is attached hereto, marked **RLH/7**. This Court may wish to consider that judgement since it gives some insight into C's general behaviour as well as the way he conducts himself both in respect of interlocutory matters as well as at trial.
18. In that judgement the Trial Judge dismissed the claims made by C in respect of an overarching conspiracy on the part of D. In addition, apart from three specific matters, the Trial Judge dismissed all of the allegations of misconduct.
19. During the course of 2016 the Trial Judge attempted to deal with the issues of damages and costs, those matters only finally being resolved at the very end of the year. C was awarded a very modest amount of damages as can be seen from

the order of 7th day of February 2017, marked **RLH/8**. On the issue of costs, C was ordered to pay 85% of D's costs whilst D was ordered to pay only 15% of C's costs. Judgement on the issue of costs was handed down on 29th December 2016. A copy of that judgement is attached hereto, marked **RLH/9**. The Court may wish to consider this judgement as it provides an overview concerning C's conduct in actions 1 to 3 from 1997 up to and including 2016.

20. Whilst actions 1 to 3 were making their very slow progress to trial, C issued further proceedings on 28th November 2007, namely action 7CF07345. This claim included about 100 allegations against D, all of which were said to be examples of the overarching conspiracy involving D and others against C. The allegations ran from 1993 up to 2007.
21. C made numerous attempts to consolidate this action (action 4) with actions 1 to 3. This was clearly a device to delay trial of the first 3 actions. Attached hereto are the pleadings in action 4, marked **RLH/10**. In order to allow actions 1 to 3 to proceed to trial His Honour Judge Chambers QC stayed action 4 until final determination of actions 1 to 3. A copy of that Order is attached, marked **RLH/11**; that action remained stayed until 2016 when the Trial Judge lifted the stay in order to hear D's application to strike out all or part of action 4. That application was heard in November 2016, following which the Trial Judge struck out nearly all of action 4. Attached hereto is the judgement and order made in respect of that application to strike out, marked **RLH/12** and **RLH/13**.
22. On 26th May 2011, C issued the present proceedings (known as action 6), following which D served a Defence and then an amended Defence. C attempted to have this action consolidated with actions 1 to 3 and action 4 and have them all heard by a Judge and Jury. He also sought to have them transferred out of Wales. He failed in those applications. On 12th July 2011 action 6 was stayed until resolution of actions 1 to 3. The Trial Judge was aware that action 6 was stayed at a time when further particulars were required of C's pleadings and before D had been able to fully bring together all of its evidence. That being so, a request for further particulars is required before D can fully identify the action being pursued against it; the Court is referred by way of example to the

Defendant's Position Statement dated 1st June 2016 which was filed in respect of actions 4 and 6, especially paragraphs 11 to 14, marked RLH/14.

23. I will now deal with the 3 issues that the Court has directed need to be considered in action 6.
24. It is clear that the pleadings need to be put into proper form, in particular, the Defendant needs the opportunity to discover exactly how the case is put against it, and thereafter, if appropriate, file a re-amended defence. I would therefore respectfully suggest that D be given 3 weeks from this case management hearing to serve a request for further particulars of C's claim. Thereafter, given the inevitable delays which occur when C is called upon to reply to any requests, he be given 6 weeks to answer that request. Thereafter, in order to enable D to consider C's case and to allow it to file a fully pleaded defence, I would respectfully invite this Court to allow 3 months from the date of service of C's answers to the request for D to file a re-amended Defence.
25. In regard to the venue of Trial, the Court in actions 1 to 3 and action 4 has always taken the view that, in the absence of any compelling material being put before it, a matter concerning issues arising in Wales should be heard in Wales. This is particularly so here as D is likely to be calling many witnesses to trial so that the listing of this matter for trial elsewhere will cause very significant logistic difficulties in ensuring the attendance of witnesses. In any event, it is for C to put evidence before the Court if he wishes to pursue this particular issue. It is not for D to speculate on the matters upon which C may rely. I therefore invite this Court to consider any material put before it regarding this issue, and if there is none, simply direct that the trial take place in Cardiff. If C does produce any material then I invite the Court to allow D an appropriate period of time to file a response to that material.
26. The issue as to mode of trial will, as in actions 1 to 3, turn primarily upon the amount of material which any jury might have to consider, in particular, the amount of documentation. In actions 1 to 3 C brought documentation to the offices of Dolmans, which amounted to some 50 or so lever arch files. This documentation was copied by Dolmans. C contended this was relevant

documentation and Dolmans were required to copy and lodge at Court copies of these lever arch files. Copies of these lever arch files were also provided to C. The D subsequently prepared trial bundles from the documentation which had formed part of disclosure and additional bundles were lodged at Court.

27. In that case it was discovered that many of the documents contained in C's lever arch files were either duplicates of existing documents or were documents which had no conceivable connection with actions 1 to 3. However, as the Court will observe from the Trial Judge's judgement on liability in actions 1 to 3, a considerable amount of that case turned on documents which had been produced by both C and D. There is no reason to believe that the trial of action 6 will be any different.
28. D hold's not less than 5 large / archive boxes of documentation relating to the machine gun case, which is one of the claims included in action 6. In his blog, C has stated that he has over 200 arch lever files of documents which are relevant to action 6, marked **RLH/15**. As a result of the stay which was placed upon action 6, those documents have not been disclosed to D. I am unable to assist the Court as to whether those files contain documents that are relevant to action 6.
29. In actions 1 to 3 a large number of the allegations concerned events which had taken place many years before proceedings had commenced. That being so, in respect of some of the incidents there was only a few pages of relevant material still in existence. In action 6, we are concerned with events which took place quite recently. In particular, the machine gun case concerns events in 2009 and 2010. It is likely therefore that there will be a reasonably large number of documents which are still in existence which touch upon that particular case. It is perhaps unwise to speculate as to how many lever arch files the Court may need to consider in action 6, but if only 50% of C's files are relevant that could produce over 100 files.
30. At the appropriate time, D will make detailed submissions to the effect that it would be wholly improper for the trial of action 6 to be heard by a Judge and Jury, rather it should be heard by Judge alone. For the present however, I would invite this Court to put back the issue of mode of trial until after disclosure of

documents has taken place. It is only at that stage that this Court would be in a position to properly consider the merits of D's arguments.

31. As was noted by the Trial Judge in his judgement in actions 1 to 3, it was extremely difficult to get C to disclose all of his documents prior to Trial. Indeed, in respect of some documents, he deliberately kept them hidden so that he could ambush witnesses called on behalf of D. Given the number of files identified by C and the need for D to collate all of its relevant documents I would respectfully submit that the parties need sufficient time to identify all relevant documents, in particular, so to avoid late disclosure of relevant material. D would submit that an appropriate period of time for disclosure to take place is a period of not less than 9 months from the filing of D's re-amended Defence. Following disclosure this matter should then be listed for further case management, so that this Court can take stock of the case as it then stands. If appropriate, D can then issue an application that action 6 be heard by Judge alone.

Signed:

Rishi

Dated:

16 . 02 . 2007 .

CASE NO: 1CF03361

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

SOUTH WALES POLICE

Defendant

STATEMENT

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IN THE CARDIFF COUNTY COURT

BETWEEN:

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Claimant

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CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH/1" in the Statement of Richard Leighton Hill

SIGNED:..... *R.L.H.*

DATED:..... *16 . 02 . 2019*

CASE NO: 1CF03361

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH/2" in the Statement of Richard Leighton Hill

SIGNED:.....*Ruth*.....

DATED:.....*16. 02. 2017*.....

CASE NO: 1CF03361

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH/3" in the Statement of Richard Leighton Hill

SIGNED:.....*RLH*.....

DATED:.....*16. 02. 2017*.....

CASE NO: 1CF03361

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

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and

CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH/4" in the Statement of Richard Leighton Hill

SIGNED:..... *R. Hill*

DATED:..... *16. 02. 2017*

CASE NO: 1CF03361

IN THE CARDIFF COUNTY COURT

BETWEEN:

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and

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Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH/5" in the Statement of Richard Leighton Hill

SIGNED:..... *RLH*

DATED:..... *16.02.2017*

CASE NO: 1CF03361

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH/6" in the Statement of Richard Leighton Hill

SIGNED:..... *RuAm*

DATED:..... *16 . 02 . 2017*

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH/7" in the Statement of Richard Leighton Hill

SIGNED:..... *RLH*

DATED:..... *16. 02. 2017*

CASE NO: 1CF03361

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

CHIEF CONSTABLE OF SOUTH WALES POLICE

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EXHIBIT SHEET

This is the exhibit marked "RLH/8" in the Statement of Richard Leighton Hill

SIGNED:.....*Ruth*.....

DATED:.....*16. 02. 2017*.....

CASE NO: 1CF03361

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

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EXHIBIT SHEET

This is the exhibit marked "RLH/9" in the Statement of Richard Leighton Hill

SIGNED:.....*RAM*.....

DATED:.....*16. 02. 2017*.....

IN THE CARDIFF COUNTY COURT

BETWEEN:

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Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH/10" in the Statement of Richard Leighton Hill

SIGNED:.....*Rufus*.....

DATED:.....*16. 02. 2017*.....

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

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and

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Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH/11" in the Statement of Richard Leighton Hill

SIGNED:.....*MJK*.....

DATED:.....*16. 02. 2017*.....

CASE NO: 1CF03361

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH/12" in the Statement of Richard Leighton Hill

SIGNED:.....*Richard Leighton Hill*.....

DATED:.....*16 . 02 . 2017*.....

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH/13" in the Statement of Richard Leighton Hill

SIGNED:.....*Rutan*.....

DATED:.....*16. 02. 2017*.....

CASE NO: 1CF03361

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH/14" in the Statement of Richard Leighton Hill

SIGNED:.....*R. Hill*.....

DATED:.....*16 . 02 . 2017*.....

CASE NO: 1CF03361

IN THE CARDIFF COUNTY COURT

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "RLH/15" in the Statement of Richard Leighton Hill

SIGNED:.....*R. Hill*.....

DATED:.....*16.02.2017*.....