

***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 Birss** sitting at the High Court Appeal Centre Cardiff on the 31st day of October 2017

ON PAPER

UPON the appellant seeking permission to appeal by an Appellant's Notice dated 10<sup>th</sup> January 2017

AND UPON the appellant's application for permission to appeal being refused on paper by Newey J on 17<sup>th</sup> January 2017 and refused at an oral hearing before Newey J on 12<sup>th</sup> May 2017

AND UPON the appellant by an application notice dated 4<sup>th</sup> May 2017 seeking permission to "consolidate" his permission application to "include all matters" and not limited to the discrete ruling which was the subject of the application for permission to appeal

AND UPON the appellant's counsel Mr Leathey writing to the court to explain that the order of Newey J of 12<sup>th</sup> May did not dispose of the outstanding application of 4<sup>th</sup> May 2017 and asking the court to deal with the application and for it to be listed

**IT IS ORDERED THAT**

1. The application of 4<sup>th</sup> May 2017 is dismissed.
2. This Order has been made by the Court under PD 52B para 7.1, as the court has disposed of an application without a hearing. Any party may apply to have this order set aside or varied within 7 days of the date of service upon that party, and must serve a copy of the application on all other parties at the same time

## Reasons

- I. The purpose of the appellant's application of 4<sup>th</sup> May 2017 was to bring into the then extant appeal proceedings a further application for permission to appeal an earlier decision of HHJ Seys Llewellyn QC made on 25<sup>th</sup> October 2015.
- II. At the time of that earlier decision (2015) the right court in which to bring an appeal from that order was the Court of Appeal. Counsel submits that the appellant did bring (or try to bring) an appeal from that decision to the Court of Appeal. He submits the appeal was rejected because of the lack of a sealed order.
- III. Counsel also submits that at the hearing on 12<sup>th</sup> May 2017 Newey J did not deal with the outstanding application. The application does not appear to have been put before Newey J at the time.
- IV. I will assume therefore that the 12<sup>th</sup> May order did not dispose of the 4<sup>th</sup> May application and I will also assume that even though the 12<sup>th</sup> May order brought the appeal proceedings in which the 4<sup>th</sup> May application was made to an end, the 4<sup>th</sup> May application survives and has not yet been determined.
- V. Before considering whether any grounds exist to give permission to appeal the decision made in 2015, an extension of time would be required for the time to bring such an appeal. Highly cogent grounds would be required to justify such a long extension of time to 4<sup>th</sup> May 2017. No such grounds have been advanced. Therefore the application is dismissed.

Colin Birss