

**THE QUEEN**

- v -

**MAURICE JOHN KIRK**

---

**APPLICATION FOR REDETERMINATION OF COSTS**

---

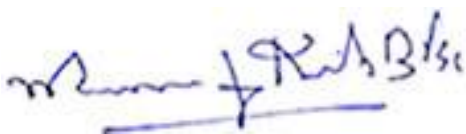
1. The Defendant and Costs Claimant was acquitted of 1 count of Harassment by Stalking, contrary to section 2A(a),(b) of the Protection of Harassment Act 1997 before HHJ Johnson and a jury at the Crown Court at Exeter on 20<sup>th</sup> May 2021.
2. At the conclusion of the trial, HHJ Johnson made a Defence Costs Order in favour of the Defendant and Costs Claimant, presumably from Central Funds under section 16(2)(b) of the Prosecution of Offences Act 1985.
3. The Defendant and Costs Claimant has submitted his claim for costs to the Crown Court at Exeter for the payment of “expenses properly incurred” along with those of his “McKenzie Adviser” dated 28<sup>th</sup> June 2021 and 28<sup>th</sup> May 2021.
4. The Crown Court at Exeter Case Progress Officer has issued a decision determining payment of some of the travel costs claimed by the Defendant and Costs Claimant by letter dated 5<sup>th</sup> July 2021.
5. The Defendant and Costs Claimant now applies to the Crown Court at Exeter for a redetermination of his defence costs under regulation 9(1) of the Costs in Criminal Cases Regulations 1986.

6. It is unclear at the moment which of these regulations applies as the Crown Court at Exeter have not so far notified the Defendant and Costs Claimant under which provisions it has purported to determine the Defence Costs under.
7. The Defendant and Costs Claimant also applies to the Crown Court at Exeter for an oral hearing of his application for redetermination of his costs under regulation 9(3) of the Costs in Criminal Cases Regulations 1986 and will wish to appear in person.
8. The Defendant and Costs Claimant will send to the court any appropriate documents and receipts as requested in support of his application under regulation 9(4) of the Costs in Criminal Cases Regulations 1986.
9. The Defendant and Costs Claimant is at present unclear as to whether the court has directed itself to assess his costs under Part III of the Costs in Criminal Cases Regulations 1986 as such assessments are usually assessed by the Ministry of Justice itself or has directed the court itself to assess the costs under CrimPR 45.4(6)(b) as the Defendant and Costs Claimant has not consented to that course, and clarification is therefore sought.
10. If the former, clarification is also sought as to whether the Officer of the Court was “the appropriate authority” “appointed by the Lord Chancellor” as required by regulation 5(2)(c) of the Costs in Criminal Cases Regulations 1986.
11. The Defendant and Costs Claimant therefore seeks a redetermination of refusal to pay the following items of costs as listed in his original Expenses Costs dated 22<sup>nd</sup> June 2021:
  - (a) Payment of the Defendant and Costs Claimant’s Costs incurred in instructing Amicus Law, Solicitors in Bridgewater for advice and assistance and related travel expenses to see them in connection with the proceedings before the Bridgewater Magistrates’ Court and Taunton Crown Court, the payment of which was reasonable and as “expenses properly incurred” (Item 1).
  - (b) Travel Costs and subsistence allowance on release from Exeter Prison on 17/07/20, wrongly stated as 17/07/21, the payment of which was reasonable and as “expenses properly incurred” (Item 2).

- (c) Subsistence Allowances assessed on the same basis as for Witness Expenses claims, sought in respect of all attendances before the Exeter Crown Court, the court having only allowed journey costs, the payment of which was reasonable and as “expenses properly incurred” (Items 2, 7-23).
- (d) Board and lodging costs compulsorily incurred under the Bail Conditions as then applied as a result of residing at the address required by the court in Nether Stowey and related costs, the payment of which was reasonable and as “expenses properly incurred” (Items 3-5).
- (e) Parking Costs, the payment of which was reasonable and as “expenses properly incurred” (Item 24).
- (f) Defendant’s preparation for witnesses, the payment of which was reasonable and as “expenses properly incurred” (Item 25).
- (g) McKenzie Adviser’s Costs and Expenses as the Defendant and Costs Claimant had agreed with his McKenzie adviser that he would be paid for all of his time and expenses incurred, the payment of which was reasonable and as “expenses properly incurred” (See the McKenzie Adviser’s itemised Details of expenses).

Dated 9<sup>th</sup> July 2021

Signed

A handwritten signature in blue ink, appearing to read 'Maurice John Kirk', with a horizontal line underneath.

**MAURICE JOHN KIRK**  
**Defendant and Costs Claimant in Person**

**IN THE CROWN COURT AT EXETER**

**Case No. T2020177**

**THE QUEEN**

- v -

**MAURICE JOHN KIRK**

---

**APPLICATION FOR REDETERMINATION OF  
COSTS**

---

Maurice John Kirk,  
34A Westgate Street,  
Taunton,  
Somerset  
TA1 4EY  
Defendant and Costs Claimant