

POLICE
HELICOPTER
CHASE

4/7/99

EXTRACT OF
WITNESS
STATEMENT OF
MR KIRK DATED
19th JUNE 2009

2nd Action 7.1.

655. As per statement attached

656. I was a passenger in G-KIRK Piper Cub when I noticed a police helicopter at Cheltenham airport and police taking 'an interest'. My name spashed across the fuselage in large letters did not help my desire for anonymity.

657. Next thing I hear about them I am being warned of a helicopter "operating in the area" as I was orbiting over Cardiff on ATC instructions. They appeared to have followed us all the way from England.

658. Once the helicopter is in sight we were allowed to transit the zone to my airfield only to be harassed at very close range, less than 60 ft , by a police helicopter prancing from side to side.

659. At no time was I informed of its close presence and it clearly frightened my pilot.

660. It hovered for some time on our landing and despite promises; no record of the incident was kept by ATC by logs or tapes. Complaint by me to retain records and demand a reason achieved no favourable response from either ATC or the police.

EXTRACT OF
WITNESS
STATEMENT OF
MR KIRK DATED
19th MAY 2002

20 ACTION

44

7-1

This averment relates to a flying incident on 4th July 1999. South Wales police have police helicopter at Swansea and in Cardiff. Being a banned pilot I took a licenced pilot to fly my Cub from my private field near Cardiff to a rally in the Midlands, and on the way back I was suspicious by what was being said on the radio by air traffic control as I understood that the police helicopter was up and flying and, because of previous incidents, I suspected the Helicopter was interested in my flight. I mentioned this to the pilot in my aircraft to make sure we were flying legal regarding height and so on, and as we came near to it within 5 miles of my airstrip, the police helicopter came down to within 50 feet of my aircraft and continued to move between left and right to the rear of us. We had no warning that it was there, mine being a high winged aircraft - so that when it went above us we were not aware where it was due to the wing, and only by tipping the wings could we see where the helicopter had moved to. My pilots name is Andrew Ashe and can give evidence .

45 We had left Gloucester airport, and whilst there the Gloucestershire police helicopter parked beside us, and I suspect the police at Gloucester, the aircraft had Kirk written all over it, had taken an interest in me and may have conveyed information to Cardiff police because when we were approaching Cardiff it was Cardiff airport that called me up to warn me there was a helicopter operating, if I remember rightly, I'm not too sure about this bit. there was a helicopter operating in the area, and the air traffic at Cardiff had no reason to know it was my aircraft. It was then about 15 miles from Cardiff airport they actually called me up, we were low level so we were out of radar range up until we got within radar range, and they then called up, we wish to inform you that there is a helicopter operating in the area.

46 During this "buzzing" of my aircraft we traveled a distance of about 5 miles and we landed in the field and they hovered over the top of us at about 500 feet for about 5 minutes. I thereupon made a complaint that they had approached us from behind whereby we had no warning that they were going to be flying in close formation with us.

- 47 Being a banned pilot, I could not make a there and then report regarding the behavior of the police and Andrew, I suspect that he was so frightened and we were so close to landing that I think our complaint went by way of letter after we had landed, and the police just denied that they had infringed any regulations.
- 48 I believe this constituted harassment and they deliberately and maliciously put me and Andrew in danger because they could see the registration of the aircraft and the flight of my aircraft, the top speed is far less than their top speed. I was routing towards the place where my airstrip is, and there was no need for them to fly so close, they were flying so close to try and confirm that I was the only pilot in the aeroplane and therefore in breach of the law, that was an unnecessary risk to take in the first place.
- 49 They may have taken film which I could seek to requisition and that will confirm the distance between us.

27
7.1

Witness statement of Andrew Aish (2nd)

This is statement of facts to the best of my knowledge for events that took place as I recall on July 1999

I was pilot in command of piper cub G-KIRK traveling from Gloucester to Cardiff on approaching cardiff zone I was asked by air traffic to orbit for about 5 mins.

My passenger commented that he could see a helicopter approaching I was given clearance to transit Cardiff Zone and within a few mins a helicopter came along side the aircraft in very close formation.

I recognised it as the police helicopter it was very close and made me very uneasy I was concentrating on flying the aircraft but as I had to keep glancing at the helicopter it closeness made me think that the rotors could touch at any time .

The helicopter followed across the Zone and after I landed circled overhead for a few mins before departing.

Andy Aish

7th June 2009

Taunton, Somerset

Claim number:CF 101741

Initials :PW

Statement Made on Behalf of:
Name of Witness :
Number of Statement:
Exhibits :

Defendant
Pauline Walters
First
Two
2002

Dated this day of

CLAIM NO. CF 101741

IN THE CARDIFF COUNTY COURT

B E T W E E N

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

WITNESS STATEMENT

I, Pauline Walters, (DOB.6.12.1958.) C/o The Gwent
Police, Police Headquarters, Croesyceiliog, Gwent.

WILL STATE

1. I am Police Constable 949 of the Gwent Police. I joined the service on 31st August 1977 and I am currently on long term sick leave.

2. This statement is made from my own knowledge except where I have indicated that matters are based on information that I have obtained or matters which I believe to be true. Where appropriate I have indicated the source of my information and/or belief.
3. I am aware of a civil claim being made by Mr Maurice John Kirk regarding an incident on 4th July 1999.
4. In July 1999 I was stationed at Cardiff Heliport where I was a Police Air Observer with the South and East Wales Air Support Unit. On 4th July 1999, I was on duty when a call was received from the Eastern Area Control room to the effect that information had been received from Air Traffic Control that an aircraft registered as "G-Kirk" was in the Wenvoe area making its way to St Donats. It was believed that the pilot was Mr Kirk who it was suspected had had his licence revoked by the Civil Aviation Authority, because of this we were asked to assist.
5. I did not know Mr Kirk at that time but I was aware of him because of local intelligence arising out of other flying incidents involving his aircraft.
6. As a result of the above report the Police Helicopter piloted by Captain Moseley responded at 17:30 hours, the observers were myself and Police Constable Hayes. On take off we were immediately directed to the Wenvoe mast area. By this time it was to my knowledge that the aircraft "G-Kirk" had been directed by Air Traffic Control to fly around the Wenvoe mast in a holding circuit. At no time did the pilot of aircraft "G-Kirk" appear to speak to Air Traffic Control, even when the police helicopter arrived on the scene.

7. Our purpose in being directed to the scene was to try and observe and if possible confirm whether Mr Kirk was indeed flying the aircraft.
8. Separation was maintained by our aircraft under the control of Cardiff Air Traffic Control. Using the camera mounted video pod we started filming the occupants so that we could have a record to identify who the pilot was.
9. I remember that there were two persons in the aircraft and I am positive that the passenger was wearing a shirt, dickey bow and a pair of shorts. At this point the pilot of "G-Kirk" manoeuvred in a wide left hand turn and disappeared from view. He then came up behind us, it was if he was trying to prevent us from viewing him and the plane. For a short period we lost sight of the aircraft. I remember that at this time our pilot, Captain Moseley, became very concerned about the safety aspect and the fact that the pilot of "G-Kirk" appeared to be playing and messing us about.
10. Within a short space of time Captain Moseley regained sight of "G-Kirk" and we filmed the aircraft and its two occupants until it landed in a field at the rear of Mr Maurice Kirk's home at St Donats. I saw two persons get out of the aircraft. Because of the presence of livestock and animals near Mr Kirk's residence our pilot was reluctant to land to inspect records and to identify the pilot. Having maintained an operating height of 500 feet above Mr Kirk's property we then left the area to make further enquiries.
11. During the flight and the filming of "G-Kirk" I had a clear view of

the occupants but as I have stated I did not know Mr Kirk at that time, only of him, and therefore could not say whether he was the person flying the aircraft.

12. At 17:25 hours on 4th July 1999 we landed at Cardiff airport to continue with our enquiries. We left the airport at 18:25 hours and returned to base at 18:35 hours.
13. At 16:00 hours on 5th July 1999 a male person attended at the Cardiff Heliport and identified himself to P.C. Hayes as Mr Maurice Kirk. Mr Kirk was dressed in a shirt, bow tie and shorts and I immediately recognised him as the passenger who was in the aircraft "G-Kirk" on 4th July 1999. I did not speak to Mr Kirk and I left the matter for P.C. Hayes to deal with.
14. The situation with persons who break the law in respect of flying matters is that any prosecution is normally carried out by the Civil Aviation Authority with evidence sometimes being supplied by ourselves.
15. Due to the lapse in time I am not sure of the outcome of the enquiries. If my memory serves me correctly I don't believe that Mr Kirk's licence had been revoked and therefore no further enquiries were necessary and no further action was taken.
16. I would reiterate that we only responded to a request from Air Traffic Control because of their suspicion that he was unlicensed and therefore contravening the air navigation order. The action that we took is part of our remit and any contravention of an air navigation order is a criminal offence.

17. During the operation we made no radio contact with the aircraft "G-Kirk". As I have stated we did film the incident but I don't know, because of the lapse of time, whether the video has by now been destroyed or not.

"Flight Information Document"

18. I have made this statement by referring to a Flight Information document (Exhibited as "PW 1") and an Incident Log (Exhibited as "PW 2").

"Incident Log"

I believe that the facts stated in this witness statement are true

SIGNED... *P. Lindbergh*

DATED... 15/01/03

WITNESSED... *[Signature]*

DATED... 15.01.03

Statement Made on Behalf of:
Name of Witness :
Number of Statement:
Exhibits :
Dated this day of 2002

Defendant
Pauline Walters
First
Two

CLAIM NO. CF 101741

IN THE CARDIFF COUNTY COURT

B E T W E E N

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT

This is the Exhibit marked "PW 1" referred to in the Witness Statement of Pauline Walters.

SIGNED P. Walters.....

DATED 15/01/03.....



Flight Log Reference	Ref Num	X-Ref	Ops/Captor	Source Code	Day	Month	Date
	330		1308		Sunday	July	04 July, 1999

Requested By

Rank Miss	Name/Control	Time 17:28	Date 04/07/1999
Call by Telephone	User Dept Air Support	Station Name E.A.C.R	Force South Wales

Request Details

Report from Air traffic control that G-KIRK is in the Wenvoe area making his way to St Donats. It is believed that he has had his licence revoked by the CAA and therefore is flying without a licence. Can you assist in obtaining evidence for the CAA.

Activity	Pursuit	Purpose	Vehicle	Incident	Air incident
Station	Cowbridge	Div	E	Force	South Wales

	Location	Time	
Aircraft Responds	Cardiff Heliport	17:30	Down Time 00:30
Aircraft on Task	Cardiff Airport	17:55	Task Time 00:00
Aircraft Finished	Cardiff Airport	18:25	Flight Time 00:35
RTB or Reassigned	Cardiff Heliport	18:35	Mispec Search Area Sq Km

Result	Response Details	Target Time = 08	Actual Time = 25	Achieved	Yes No N/A
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Area searched and aircraft found, occupants video. CAA enforcement Department to be contacted. Mr Williams contacted at CACR and updated as in the past Kirk has complained bitterly when the aircraft is airbourne near his aircraft or overhead his property. [Iris incident 1308 created and placed in briefing file.]

Cost Code

A/C used	Abandoned	Denial
G-SAEW		

Pilot Capt J. Moseley server 1 P Hayes server 2 P Walters	Value of equipment recovered	<input type="checkbox"/> Nightsun <input type="checkbox"/> 35mm <input checked="" type="checkbox"/> Video <input type="checkbox"/> T.I. <input type="checkbox"/> Stab Bind's <input type="checkbox"/> Tracker	Passengers
	Feedback	Completed by PC P Hayes	

W A O U 1

Statement Made on Behalf of:
Name of Witness :
Number of Statement:
Exhibits :
Dated this day of 2002

Defendant
Pauline Walters
First
Two

CLAIM NO. CF 101741

IN THE CARDIFF COUNTY COURT

B E T W E E N

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT

This is the Exhibit marked "PW 2" referred to in the Witness Statement of Pauline Walters.

SIGNED P. Walters

DATED 15/01/03

erial: 1308 Create Date/Time: 04/07/1999 19:14
er: 2997 Terminal: CACR_INSPT Control Area: WA
tatus: CL Incident Date/Time: 04/07/1999 19:10

Alarm URN: Received By: PHONE
Location: CACR,CACR
Postcode: Grid Ref:
Main Type:
Station: WO AIR SUPPORT UNIT Beat: Response: Routine

Description:
ASSIST CIVIL AVIATION AIR TRAFFIC CONTROL AT ST. HILARY MAST,ST.HILARY

Caller Name: PC 5004 BRACEGIRDLE Phone: 01222 498807
Address: SOUTH WALES POLICE AIR SUPPORT UNIT,CARDIFF.

Incident Log:

997 CACR_INSPT 04/07/1999 19:14
ACKNOWLEDGED BY CONTROLLER, ADDED TO TERMINAL'S PERSONAL LIST
997 CACR_INSPT 04/07/1999 19:27
FOLLOWING A REQUEST FROM ATC. AT CARDIFF,WO99 DISPATCHED TO MONITOR AND REPORT
SHT AIRCRAFT SUSPECTED OF BEING FLOWN BY MR MAURICE KIRK, OF GREEN ACRES,
OSS, ST DONATS WHO'S CAA PILOTS LICENCE HAS RECENTLY BEEN REVOKED.
1 HAS IN THE PAST REFUSED TO COMMUNICATE WITH AIR TRAFFIC CONTROL AND THEY
ERL ONLY ABLE TO MONITOR HIM VIA RADAR.
099 IDENTIFIED KIRKS AIRCRAFT, REG. NO. G/KIRK, AT ST HILARY, AIRBOURNE. TWO
PERSONS WERE IN THE AIRCRAFT. WO99 CREW WERE NOT ABLE TO ID ANY OF THESE
PERSONS. VIDEO RECORDING CARRIED OUT OF THE FLIGHT AND THE AIRCRAFT WAS
MONITORED UNTIL IT LANDED AT HIS OWN PREMISES AT ST. DONATS.
THE VIDEO AND EVIDENCE OF CREW OF WO99 WILL BE MADE AVAILABLE TO ANY CAA
INVESTIGATION.
2 KIRK HAS ALREADY CONTACTED AIR TRAFFIC CONTROL AT CARDIFF AIRPORT TO ENQUIR
3 TO WHY WO99 WAS WATCHING HIM.
JTO AUTO 04/07/1999 20:44
MESSAGE ACTIVATED
INCIDENT RESPONSE TIME EXPIRED
0024 CACR_INCIDENT_6 04/07/1999 20:51
MESSAGE ACKNOWLEDGED BY [50024] AT [CACR_INCIDENT_6]
INCIDENT RESPONSE TIME EXPIRED
120 EACR_INCIDENT_3 05/07/1999 16:15
1 PC HAYES AIR SUPPORT UNIT..UPDATE PLSE..AT 1600HRS 050799 MR KIRK ATTENDE
2 PF HELIPORTREQUESTING INFO AS TO WHO WAS THE INF RE THIS INC.MR KIRK INF
3 CONTACT INSP MERRETT WHEN HE IS NEXT ON DUTY IF HE REQUIRES FURTHER INFO.NO
4 INFO PASSED TO HIM
023 CACR_INSPT 08/07/1999 02:03
INCIDENT CLOSED

Summary:

1) FURTHER ACTION REQUIRED AT THIS TIME.

Disposition Code: ACTION COMPLETE Officer Dealing: 2997

Posting
Main Types:
Sub Types 1:
Sub Types 2:
Sub Types 3:

Contingency Plans:

Vehicle Details:

Source History:

Statement Made on Behalf of:
Name of Witness :
Number of Statement:
Exhibits :

Defendant
Paul Hayes
First
Three
2004

Dated this day of

CLAIM NO. CF 101741

IN THE CARDIFF COUNTY COURT
B E T W E E N

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

WITNESS STATEMENT

I, Paul Hayes, (DOB.31.8.1960.) C/o The South
Wales Police, Cardiff Heliport, Foreshore Road, East
Moors, Cardiff.

WILL STATE

1. I am Police Constable 122 of the South Wales Police. I joined the service in 1982 and I am currently stationed at Cardiff Heliport, East Moors, Cardiff.
2. This statement is made from my own knowledge except where I have indicated that matters are based on information that I have obtained or matters which I believe to be true. Where appropriate I have indicated the source of my information and/or belief.

3. I am aware of a civil claim being made by Mr Maurice John Kirk regarding an incident on 4 July 1999.
4. In July 1999 I was stationed at Cardiff Heliport where I was an observer with the South and East Wales Air Support Unit. On 4 July 1999, I was on duty when a call was received from the Eastern Area Control Room to the effect that information had been received from Air Traffic Control that an aircraft registered as "G-Kirk" was in the Wenvoe area making its way to St Donats. It was believed that the pilot was Mr Kirk and it was suspected that his licence had been revoked by the Civil Aviation Authority. We were therefore asked to assist.
5. I did not know Mr Kirk at that time but I was aware of him because of local intelligence arising out of other flying incidents involving his aircraft.
6. As a result of the above report the Police Helicopter piloted by Captain Moseley responded at 17:30 hours. The observers were myself and Police Constable Walters. On take off we were immediately directed to the Wenvoe mast area. By this time it was to my knowledge that the aircraft "G-Kirk" had been directed by Air Traffic Control to fly around the Wenvoe mast in a holding circuit. At no time did the pilot of aircraft "G-Kirk" appear to speak to Air Traffic Control, even when the police helicopter arrived on the scene.
7. Our purpose in being directed to the scene was to try and observe and if possible confirm whether Mr Kirk was indeed flying the aircraft.

8. Separation was maintained by our aircraft under the control of Cardiff Air Traffic Control. Using the camera mounted video pod we attempted to identify the pilot at the controls. I remember that there were two persons in the aircraft. At this point the pilot manoeuvred in a wide left hand turn in an attempt to position himself behind us and therefore out of view. For a short period of time we lost sight of the aircraft "G-Kirk".
9. Within a short space of time Captain Moseley regained sight of "G-Kirk" and we filmed the aircraft and its two occupants until it landed in a field at the rear of Mr Kirk's home at St Donats. I saw two persons get out of the aircraft. Because of the presence of livestock and animals near Mr Kirk's residence we were reluctant to land to inspect records and to identify the pilot. Having maintained an operating height of 500 feet above Mr Kirk's property we then left the area for further enquiries to be made.
10. During the flight and the filming of "G-Kirk" I had a clear view of the occupants but as I have stated I did not know Mr Kirk at that time by sight but only by reputation and therefore could not confirm whether he was the person flying the aircraft.
11. At 17:25 hours on 4 July 1999 we landed at Cardiff Airport to continue with our enquiries. We left the airport at 18:25 hours and returned to base at 18:35 hours.
12. At 16:00 hours on 5 July 1999 a male person attended at the Cardiff Heliport and identified himself to me as Mr Maurice Kirk. Mr Kirk was dressed in a shirt, bow tie and shorts and I immediately recognised him as the passenger who was in the aircraft "G-Kirk" on 4 July 1999.

13. Mr Kirk enquired why the helicopter had flown around him. I told him that it was to do with a matter being investigated by the Civil Aviation Authority and if he had any further queries he should contact them, or Inspector Merrett when he was next on duty.
14. I did not question Mr Kirk when he came to the Heliport about the incident because I first had to confirm a number of points with the Civil Aviation Authority. They included: 1) Had his licence been revoked, when did this occur and when did the expiry end?, 2) If he was supervising the other person in the aircraft was he allowed to do so if his licence had been revoked?, 3) Were there any further offences being committed and if so what did the Civil Aviation Authority require if they intended to act on the information?. I included the above points in a letter I sent to the Civil Aviation Authority on 21 July 1999. (Exhibited as "PH 1").
15. Where persons break the law in respect of aviation matters it is the practice that any prosecution is normally carried out by the Civil Aviation Authority with our role often being simply the provision of any relevant evidence.
16. Due to the lapse in time since the incident I am not sure of the outcome of my enquiries. If my memory serves me correctly I do not believe that Mr Kirk's licence had in fact been revoked and therefore no further enquiries were necessary and no further action was taken.
17. I would reiterate that we only responded to a request from Air Traffic Control because of their suspicion that he was

"Copy of
Letter"

unlicensed and therefore contravening the Air Navigation Order. The action that we took is part of our remit and any contravention of an air navigation order is a criminal offence.

18. During the operation we made no radio contact with the aircraft "G-Kirk". As I have stated we did film the incident but as far as I am aware the film would now have been destroyed.
19. I have made this statement by referring to a Flight Information document (Exhibited as "PH 2) and an Incident Log (Exhibited as "PH 3").
20. I believe that the facts stated in this witness statement are true.

"Flight Information Document"

"Incident Log"

SIGNED.....  DC122
DATED..... 2nd February 2004
WITNESSED..... FM Leighton 51306
DATED..... 2.2.04

Statement Made on Behalf of:
Name of Witness :
Number of Statement:
Exhibits :

Defendant
Paul Hayes
First
Three
2004

Dated this day of

CLAIM NO: CF101741.

IN THE CARDIFF COUNTY COURT

BETWEEN

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "PH 1" in the Witness Statement of Paul Hayes

SIGNED:.....

 127

DATED:.....



Cardiff Heliport,
Foreshore Road,
East Moors,
Cardiff.
CF10 4LZ.

Hofrenfa Caerdydd,
Foreshore Road,
East Moors,
Cardiff.
CF10 4LZ.

Tel: / Ffon: 029 - 20498807

Fax: / Facs: 029 - 20452957

Date: / Dyddiad: 21st July 1999

Mr Ken Lilley
Head of A.R.E & I
C.A.A. House
45 - 59 Kingsway,
London.
WC2B 6TE

Dear Mr Lilley;

I am writing to you for information and assistance with regards to one Mr Maurice J who gives a business address of Barry Veterinary Hospital, 49-53 Tynewydd Road, Barry, a home address in the St Donat's, area near Llantwit Major.

Mr Kirk has forwarded a letter of complaint to our Air Support Unit alleging harassment by our Aircraft within the Controlled airspace surrounding Cardiff airport. The letter also makes a demand on who provided us with the information that he was flying.

It is not Police policy to divulge the details of persons reporting incidents to us. Mr Kirk is well aware of this but suspects quite correctly that it was ATC at Cardiff and I suspect will be making a separate complaint to them. The following is a synopsis of the incident.

On Sunday 4th July 1999, I was contacted by the Cardiff Air Traffic Control Tower informing me that an aircraft registered G-Kirk was airborne in the Wenvoe area heading towards St Donat's for attending a Air Show at Gloucester Airport. They suspected Mr Kirk was believed to have his Pilots Licence revoked by the CAA and was at the Controls of that aircraft.

Due to these circumstances, I decided that this required further investigation and our aircraft was tasked to the location to observe and if possible confirm whether Mr Kirk was indeed flying. Our duty Pilot Captain Jim Moseley was in contact with the Control Tower at all times and with their assistance directed us into the location of Mr Kirk's Aircraft who had been informed by them to carry out a circuit around the Wenvoe mast. The Pilot of G-Kirk, appeared to have no time to speak to Air Traffic Control even when the police aircraft arrived.

Separation was maintained by our aircraft under the watchful eyes of Cardiff ATC. Using the camera mounted video pod we attempted to identify the pilot at the controls. At this point he manoeuvred the aircraft in a wide left-hand turn in an attempt to position him-self behind us and out of view. For a short time we lost sight of the Aircraft G-Kirk.

Our Pilot was then able to regain sight and we filmed the aircraft and its occupants until it landed in a field at the rear of Mr Kirk's home address. We were aware of the presence of livestock and animals near Mr Kirk's residence so were reluctant to land on to inspect records and identify the pilot. Having maintained an operating height of 500 feet above Mr Kirk's property we then left the area for further enquiries to be made.

I have now established that Mr Kirk was NOT flying the aircraft but was a passenger in it positioned in a seat directly behind the person at the controls.

I would be grateful if you could supply me with the following information as further investigation of the complaint is necessary.

1. Can you confirm the status of Mr Maurice Kirk as a Pilot. Has his licence been revoked, when did this occur, when does the expiry end?
2. If he was supervising the other person who was flying, is he allowed to do this with a revoked licence, if not, what act and section.
4. We know we have the power to request the production of this persons flying documents [article 68 and 118 A.N.O.] This will be arranged in due course. .
5. Are there any further offences, that are apparent and do you require anything further if you intend to act on this information.

Please do not hesitate to contact me at the above address if I can be of further assistance.

Yours Faithfully

Paul Hayes
Police Constable 122

Statement Made on Behalf of:
Name of Witness :
Number of Statement:
Exhibits :

Defendant
Paul Hayes
First
Three
2004

Dated this day of

CLAIM NO: CF101741.

IN THE CARDIFF COUNTY COURT

BETWEEN

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "PH 2" in the Witness Statement of Paul Hayes

SIGNED:.....

Paul Hayes

DATED:.....

2nd February 2004

Flight Log Reference	Ref Num	X / Ref	Crs/Captor	Source Code	Day	Month	Date
	330		1308		Sunday	July	04 July, 1999

Requested By

Rank	Name/Consol	Time	Date
Miss		17:28	04/07/1999
Call by	User Dept	Station Name	Force
Telephone	Air Support	E.A.C.R	South Wales

Request Details

Report from Air traffic control that G-KIRK is in the Wenvoe area making his way to St Donats. It is believed that he has had his licence revoked by the CAA and therefore is flying without a licence. Can you assist in obtaining evidence for the CAA.

Pursuit	Purpose	Vehicle	Incident	Air incident
	Station	Cowbridge	Div	E
	Force	South Wales	Base at	

	Location	Time		
Aircraft Responds	Cardiff Heliport	17:30	Down Time	00:30
Aircraft on Task	Cardiff Airport	17:55	Task Time	00:00
Aircraft Finished	Cardiff Airport	18:25	Flight Time	00:35
TB or Reassigned	Cardiff Heliport	18:35	Mispass Search Area (Sq Km)	

Result	Response Details	Target Time = 08	Actual Time = 25	Achieved	Yes	No	N/A
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Area searched and aircraft found, occupants video, CAA enforcement Department to be contacted. Williams contacted at CACR and updated as in the past Kirk has complained bitterly when the aircraft is airbourne near his aircraft or overhead his property. [Iris incident 1308 created and by placed in briefing file.]

Cost Code

Missed	Missed	Not Pmt	A/C used	Abandoned	Denial
			G-BAEW		

Operator	Video of aircraft	Equipment	Passengers
Capt J. Moseley		<input type="checkbox"/> Nightsun <input type="checkbox"/> 35mm <input type="radio"/> Ref: <input type="text"/> <input checked="" type="checkbox"/> Video <input type="radio"/> Ref: 31 <input type="checkbox"/> T.I. <input type="checkbox"/> Stab Bino's <input type="checkbox"/> Tracker	
Server 1			
P Hayes			
Server 2			
P Walters	Feedback		Completed by PC P Hayes

W.A.O.U. 1

Statement Made on Behalf of:
Name of Witness :
Number of Statement:
Exhibits :

Defendant
Paul Hayes
First
Three
2004

Dated this day of

CLAIM NO: CF101741.

IN THE CARDIFF COUNTY COURT

BETWEEN

MAURICE JOHN KIRK

Claimant


-and-

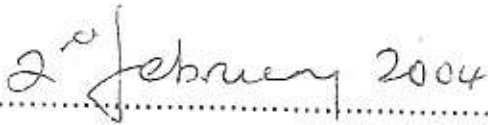
THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "PH 3" in the Witness Statement of Paul Hayes

SIGNED:..........

DATED:..........

nr: 2997 Terminal: CACR_INSPT Control Area: WA
atus: CL Incident Date/Time: 04/07/1999 19:10

arm URN: Received By: PHONE
ation: CACR,CACR Grid Ref:
stcode:
in Type:
ation: WO AIR SUPPORT UNIT Beat: Response: Routine

escription:
SIST CIVIL AVIATION AIR TRAFFIC CONTROL AT ST. HILLARY MAST,ST.HILARY

aller Name: PC 5004 BRACEGIRDLE Phone: 01222 498807
dress: SOUTH WALES POLICE AIR SUPPORT UNIT,CARDIFF.

cident Log:

97 CACR_INSPT 04/07/1999 19:14
KNOWLEDGED BY CONTROLLER, ADDED TO TERMINAL'S PERSONAL LIST
97 CACR_INSPT 04/07/1999 19:27
FOLLOWING A REQUEST FROM ATC. AT CARDIFF,WO99 DISPATCHED TO MONITOR AND REPORT
SHT AIRCRAFT SUSPECTED OF BEING FLOWN BY MR MAURICE KIRK, OF GREEN ACRES,
ROSS, ST DONATS WHO'S CAA PILOTS LICENCE HAS RECENTLY BEEN REVOKED.
RY HAS IN THE PAST REFUSED TO COMMUNICATE WITH AIR TRAFFIC CONTROL AND THEY
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IDENTIFIED KIRKS AIRCRAFT, REG. NO. G/KIRK, AT ST HILARY, AIRBOURNE. TWO
RSONS WERE IN THE AIRCRAFT. WO99 CREW WERE NOT ABLE TO ID ANY OF THESE
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NITORED UNTIL IT LANDED AT HIS OWN PREMISES AT ST. DONATS.
E VIDEO AND EVIDENCE OF CREW OF WO99 WILL BE MADE AVAILABLE TO ANY CAA.
VESTIGATION.

KIRK HAS ALREADY CONTACTED AIR TRAFFIC CONTROL AT CARDIFF AIRPORT TO ENQUIR
TO WHY WO99 WAS WATCHING HIM.

TO AUTO 04/07/1999 20:44

SSAGE ACTIVATED

IDENT RESPONSE TIME EXPIRED

024 CACR INCIDENT_6 04/07/1999 20:51

SSAGE ACKNOWLEDGED BY [50024] AT [CACR_INCIDENT_6]

IDENT RESPONSE TIME EXPIRED

03 CACR INCIDENT_3 05/07/1999 16:15

PC HAYES AIR SUPPORT UNIT..UPDATE PLSE..AT 1600HRS 050799 MR KIRK ATTENDE
IFF HELIPORTREQUESTING INFO AS TO WHO WAS THE INF RE THIS INC.MR KIRK INF
CONTACT INSP MERRETT WHEN HE IS NEXT ON DUTY IF HE REQUIRES FURTHER INFO.NO
F ASSESSED TO HIM

3 CACR_INSPT 08/07/1999 02:03

IDENT CLOSED

Summary:

FURTHER ACTION REQUIRED AT THIS TIME.

Disposition Code: ACTION COMPLETE

Officer Dealing: 2997

osing

in Types:

> Types 1:

> Types 2:

> Types 3:

Contingency Plans:

Article Details:

Source History:

Claim number:CF 101741

Initials :PB

Statement Made on Behalf of:
Name of Witness :
Number of Statement:
Exhibits :

Defendant
Philip Bracegirdle
First
One
2002

Dated this day of

CLAIM NO. CF 101741

IN THE CARDIFF COUNTY COURT

B E T W E E N

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

WITNESS STATEMENT

I, Philip Bracegirdle, (DOB.22:02:1956.) c/o The
Gwent Police, Police Headquarters, Croesyceiliog,
Gwent.

WILL STATE

1. I am Police Constable 823 of the Gwent Police. I joined the service on 22 February 1975 and I am currently attached to the South and East Wales Air Support Unit.
2. This statement is made from my own knowledge except where I have indicated that matters are based on information that I have obtained or matters which I believe to be true.

Where appropriate I have indicated the source of my information and/or belief.

3. I am aware of a civil claim being made by Mr Maurice John Kirk regarding an incident on 4 July 1999.
4. In July 1999 I was stationed at Cardiff Heliport where I was a Police Air Observer with the South and East Wales Air Support Unit.
5. On 4 July 1999, I was on duty when a call for assistance was received from Air Traffic Control at Cardiff Airport.
6. It was requested that we dispatch our aircraft to monitor and report on a light aircraft suspected of being flown by Mr Maurice Kirk, of Green Acres, St Donats. It was also suspected that Mr Kirk had recently had his Civil Aviation pilot's licence revoked.
7. In the past Mr Kirk had failed to communicate with Air Traffic Control, as he is obliged to, and he had again failed to do so on this occasion. Air traffic Control was only able to monitor him via Radar.
8. As a result of the above request I dispatched our aircraft, which was piloted by Captain Jim Moseley, and crewed by Police Constables Walters and Hayes, whilst I remained on the ground. The purpose in trying to locate the aircraft was to observe, and if possible confirm, whether Mr Kirk was indeed flying the aircraft.
9. Mr Kirk's aircraft was identified as registration number G/Kirk at St Hilary, airborne. Two persons were seen to be in the aircraft

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St Hilary, airborne. Two persons were seen to be in the aircraft but could not be identified.

- 10. I am aware that a video recording was made of the flight and that the aircraft was monitored until it landed at St Donats.
- 11. At some point during the flight Mr Kirk eventually spoke to Air Traffic Control and enquired as to why the police aircraft was observing him.
- 12. I am also aware that at 16:00 hours on 5 July 1999 a male person attended at the Cardiff Heliport and identified himself to P.C. Hayes as Mr Maurice Kirk. I did not speak to Mr Kirk and I left the matter for P.C. Hayes to deal with. I believe that Mr Kirk was anxious to know who the informant was in respect of this incident.
- 13. My understanding was that Mr Kirk was identified by Air Traffic Control in the initial stages of this matter simply because he had failed to make contact with them on entering their air space.
- 14. I have made this statement by referring to a 'Captor' incident log number 1308 and dated 4th July 1999. (Exhibited as "PB 1").
- 15. I believe that the facts stated in this witness statement are true.

SIGNED.....*Paul D. Smith*.....
 DATED.....*15.01.04*.....
 WITNESSED.....*Quinn Insp 295*.....
 DATED.....*15.01.04*.....

Statement Made on Behalf of:

Defendant

Philip Bracegirdle

First

One

2002

Name of Witness :
Number of Statement:
Exhibits :

Dated this day of

CLAIM NO. CF 101741

IN THE CARDIFF COUNTY COURT

B E T W E E N

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

EXHIBIT SHEET

This is the exhibit marked "PB 1" in the Witness Statement of Philip Bracegirdle.

SIGNED: *Philip Bracegirdle*

DATED: *15 JUNE 2004.*

SINGLE INCIDENT - FULL LOGS

Serial: 1308 Create Date/Time: 04/07/1999 19:14 Control Area: WA
 Number: 2997 Terminal: CACR_INSPT
 Status: CL Incident Date/Time: 04/07/1999 19:10

Alarm URN: CACR, CACR Received By: PHONE
 Location: CACR, CACR Grid Ref:
 Incident Type: WO AIR SUPPORT UNIT Beat: Response: Routine
 Location:

Description: ASSIST CIVIL AVIATION AIR TRAFFIC CONTROL AT ST. HILLARY MAST, ST. HILARY

Caller Name: PC 5004 BRACEGIRDLE Phone: 01222 498807
 Address: SOUTH WALES POLICE AIR SUPPORT UNIT, CARDIFF.

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 TO CONTACT INSP MERRETT WHEN HE IS NEXT ON DUTY IF HE REQUIRES FURTHER INFO. NO
 INFO PASSED TO HIM
 423 CACR_INSPT 08/07/1999 02:03
 INCIDENT CLOSED

Summary:

NO FURTHER ACTION REQUIRED AT THIS TIME.

Disposition Code: ACTION COMPLETE

Officer Dealing: 2997

Closing

Main Types:

Sub Types 1:

Sub Types 2:

Sub Types 3:

Contingency Plans:

Vehicle Details:

Resource History: