

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

Defendant
Abigail Carys Biddle
First
Three
2009

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

Defendants

WITNESS STATEMENT

I, Abigail Carys Biddle, (DOB.14.9.73.) C/o The
South Wales Police, Barry Island Police Station,
Barry .

WILL STATE

1. I am Detective Sergeant 3849 in the South Wales Police. I joined the service on the 28th September 1998, and I am currently attached to the Intelligence Cell and stationed at

Barry Police Station, Barry.

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 his arrest on 8th August 1999.
4. In August 1999 I was a uniform patrol officer stationed at Barry. On 8th August 1999 my tour of duty was from 14:00 hours to 22:00 hours. During my shift I was in full uniform accompanied by Special Police Constable 7149 Lewis, we were using a marked police car, I was driving and P.C. Lewis was the front seat passenger.
5. At about 18:15 hours on Sunday 8th August 1999, we were in the Pontypridd Road area of Barry. The traffic was light and we had turned into Pontypridd Road from either Jenner Road or Park Crescent, I can't remember which.
6. Pontypridd Road is subject to a 30 miles per hour speed restriction. We were travelling in the direction of Weycock Cross, and Pontypridd Road has a sharp incline before it drops down to traffic lights.
7. Shortly after we had entered Pontypridd Road, I became aware of a white Ford Escort motor car, registration number J 755 KGA. I had not seen this vehicle before and it was not known to me. The Escort was in front of us travelling in the same

direction. As I saw the vehicle I immediately became aware that it seemed to be accelerating away from us as we climbed the incline in Pontypridd Road. I tried to catch up with the Escort and as I did so I saw my speedometer was showing a speed in excess of 45 miles per hour. Even at that speed the gap between the police car and the Escort was increasing.

8. As we topped the incline the traffic lights came into view and I could see they were on red. As the Ford Escort approached the lights there appeared to be no attempt by the driver of the Escort to stop or even slow down, I noted that the brake lights on the Escort did not light up. The Ford Escort drove through the traffic lights while they were on red. As it did so I had a clear and unobstructed view of the vehicle.
9. I then immediately activated the blue light on the police car and with the blue light flashing I went through the traffic lights, which were still on red. About 50 yards beyond the traffic lights the Ford Escort came to a halt. I pulled up next to the Escort and both P.C. Lewis and myself got out of our car. I approached the driver's side of the Escort, while P.C. Lewis carried out a check on the vehicle via the police radio.
10. As I got alongside the driver's door of the Escort I opened the door and I saw a man, who I now know to be Maurice Kirk, was sitting in the driver's seat apparently talking to someone on a mobile telephone. Kirk was the only occupant of the car.
11. As soon as I opened the car door Kirk got out and walked around to the back of the car. He was still talking on the mobile telephone and I recall him saying, to whomever he was talking, "Take a note of these numbers". He then gave my number and

P.C. Lewis' number out over the telephone.

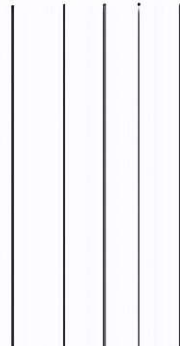
12. As soon as I came into contact with Mr Kirk I could smell intoxicants on his breath. At this time he was still standing to the rear of the Escort and I asked him to step on to the pavement. Mr Kirk was wearing open toed sandals with straps and as he stepped on to the pavement he tripped on the kerb and his spectacles fell onto the pavement from one of his pockets. By this time he had finished talking on his mobile telephone and he picked up his spectacles.
13. I then said to Mr Kirk, "Do you know why I stopped you?". He said, "No idea". I said to him, "The reason I've stopped you is because you were driving in excess of the speed limit, which is 30 mile per hour, and you've also just driven through a red traffic signal. These are both offences". Mr Kirk replied, "I didn't notice the red traffic signal". I then cautioned Mr Kirk and he made no reply.
14. I then said to him, "Due to the fact that you've committed these road offences, I have the power to breathalyse you. I must warn you that should you fail or refuse to provide me with a sample of breath for a breath test, you may be arrested. Do you understand?". Mr Kirk replied, "Yes yes" in an impatient manner. I asked Mr Kirk when he had last had a drink and he said, "Lunch time". I then asked him if there were any medical reasons why he would be unable to provide me with a specimen of breath, to which he replied, "No". I said to Mr Kirk, "I now require you to provide me with a sample of breath".
15. I assembled the Lion SL2 Intoximeter and asked Mr Kirk to blow into it, which he did. The light on the intoximeter indicated

red immediately. I showed this to Mr Kirk and said to him, "The light on the machine has turned to red, which indicates to me that the proportion of alcohol in your breath exceeds the prescribed limit. I am therefore arresting you on suspicion of driving a motor vehicle on a road when the proportion of alcohol in your breath exceeds the prescribed limit". I cautioned Mr Kirk and he made no reply, he had gone completely silent at this stage.

16. At some point, I believe it was prior to breathalysing Mr Kirk, he had told me that he was in a rush and had been on his way to treat an animal. He said that animals were far more important than humans, or words to that effect.
17. Mr Kirk's vehicle was then secured and he was placed in the rear of the police car, P.C. Lewis sat with him in the back of the car, Mr Kirk was silent throughout the journey to the police station.
18. On arrival at Barry Police Station I outlined the circumstances of Mr Kirk's arrest to the custody sergeant who was Sergeant 526 Lott. By referring to custody record number EA/1241/99 (exhibited as "ACB 1") I can say that at 18:29 hours Mr Kirk said, "I did not go through a red light and I have not had enough to drink today to have a positive breath test". At 18:31 hours he said, "I have had one can of beer with my lunch". I am fairly sure that I was present when Mr Kirk made those comments but I cannot specifically remember.
19. At 1853 hours Mr Kirk provided two specimens of breath and the lower reading was zero.

20. When Mr Kirk came out of the room where he had been breathalysed he went to leave the custody suite and said "False arrest, let me out", or words to that effect. Mr Kirk could not leave the custody suite because there was a security lock on the door.
21. I then told Mr Kirk that I required him to produce his documentation in respect of his vehicle and the road traffic offences that he had committed. Mr Kirk produced his driving licence straight away. I then issued him with a HORT/1 form for him to produce his MOT and Insurance certificates. I asked him which police station would be the most convenient for him to take his documents to and he said, "I won't be producing any documents".
22. I then said to Mr Kirk, "I am reporting you for failing to produce your insurance; alternative charge that you have no insurance. I am also reporting you for failing to produce your MOT certificate; alternative charge no MOT certificate". I then told Mr Kirk, "I am also reporting you for failing to comply with a red traffic signal". I cautioned him and he made no reply. Mr Kirk was then released and left the police station.
23. Before terminating my tour of duty I made a full pocket book entry (**exhibited as "ACB 2"**) of the incident. I also prepared an IIB 1 relating to this incident (**exhibited as "ACB 3"**).
24. There is now produced to me marked exhibit "**ACB4**" a piece of note paper which has been taken from the custody sheets, on which two people have written details pertaining to Mr Kirk's driving licence details and the charges reported to Mr Kirk. I

"Pocket
Book"



presence of the custody sergeant. The details of the driving licence were not written by me and I cannot recall who did write it.

25. There is now produced to me and marked exhibit "ACB5" copies of the papers that were sent to Mr Kirk as a result of the charges for which he was reported which include a request for driver details at the time of the offence and the Summons.
26. I subsequently submitted a file of evidence and summons were issued against Mr Kirk for:- 1. Failing to comply with the indication given by a red traffic signal. 2. No Insurance. 3. No test certificate. 4. Failing to produce a test certificate and relevant certificate of insurance.
27. The case was transferred to Bridgend Magistrates Court where Mr Kirk required the attendance of PC Lewis Sergeant Lott and myself. The matter was adjourned on at least two occasions. When the hearing eventually went ahead we all gave evidence, and Mr Kirk was found guilty. The sentence was adjourned until a later date and I was not present at that time.
28. Prior to this matter I had not had any previous dealings with Mr Kirk and as I have stated I did not know the vehicle, or attribute it to him when I first saw the vehicle.

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

SIGNED 


Claim number: CF 101741

Initials : DG

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Name of Witness :
Number of Statement:
Exhibits :

Defendant
Dianne Griffiths
First
One
2008

Dated this day of

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B E T W E E N

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendants

WITNESS STATEMENT

I, Dianne Griffiths, (DOB.12.07.1954) C/o The South
Wales Police, Police Headquarters, Bridgend.

WILL STATE

1. I am a clerical assistant in the Administration Support Unit at Barry Police Station. I have held this position since approximately 1997.

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

3. I have been informed that Mr Kirk is bringing a civil claim regarding his arrest on 8 August 1999 and subsequent prosecution.

"Statement"

4. On 20 September 1999 I prepared a statement. I refer to this statement which I exhibit to my witness statement marked "DG 1".

5. I can confirm that I believe the facts stated in the exhibited witness statement are true.

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

SIGNED.....*D. G. [Signature]*.....

DATED.....*2-10-2008*.....