

# General Form of Judgment or Order after a hearing

To the Defendant

<p>Hm Prison Governor Hm Prison Knox Road Cardiff CF24 OUG</p>
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In the <b>CARDIFF</b> County Court	
Claim Number	9CF02983
Claimant (including ref.)	Mr Maurice John Kirk
Defendant (including ref.)	Hm Prison Governor
Defendant's date of birth	
Date	27 November 2009

### It is adjudged that

the claimant recover against the defendant the sum of

and

amounting together to the sum of

And the defendant having paid the sum of

**It is ordered that the defendant pay the sum of**

\*(by instalments of

*\* If no sum is shown in this box, payment is due in full by the date shown*

50360.00
0.00
50360.00
0.00
<b>50,360.00</b>

for debt and interest to date of judgment

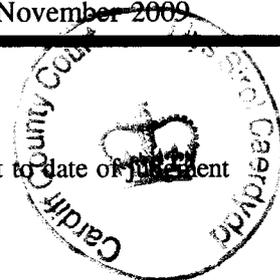
for costs

to the claimant

for every calendar month

the payment to reach the claimant by)

27 November 2009



**Dated 23 October 2009**

### Warning

If you ignore this order your goods may be removed and sold, or other enforcement proceedings may be taken against you. If this happens further costs will be added. If your circumstances change and you cannot pay, ask at the court office what you can do.

If judgment is for £5,000 or more, or is in respect of a debt which attracts contractual or statutory interest for late payment, the claimant may be entitled to further interest.

#### Address for Payment

Mr Maurice John Kirk  
Marlpits  
St Donats  
Llantwit Major  
Wales  
CF61 1ZB

#### How to Pay

- Payment(s) must be made to the person named at the address for payments giving the claimant's reference and claim number.
- **DO NOT** bring or send payments to the court - they will not be accepted.
- You should allow at least 4 days for your payment to reach the claimant (defendant) or his representative.
- Make sure that you keep records and can account for all payments made. Proof may be required if there is any disagreement. It is not safe to send cash unless you use registered post.
- Leaflets on registered judgments, how to pay and what to do if you cannot pay are available from the court.



**THE TREASURY SOLICITOR**

Queen Anne's Chambers, 28 Broadway, London SW1H 9JS

DX 123242 St James's Park. Switchboard 020 7210 3000 (GTN 210).

Direct Line: 020 7210 3345 Direct Fax: 020 7210 3260 E-mail: [bmc bain@treasury-solicitor.gsi.gov.uk](mailto:bmc bain@treasury-solicitor.gsi.gov.uk)

*I believe this is a true copy of a document on the Court file 14/07/03 G Driver*

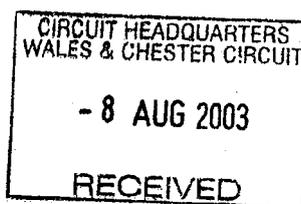
Mr. Graham Pickett  
Group Manager, South Wales Circuit  
Group Manager's Office  
2nd Floor, Circuit House  
Churchill Way  
Cardiff CF10 2HH.

Please quote: LT3/0124C/BXM/C4

Your reference:

Date: 5 August 2003

**DX 121723 CARDIFF 9**



Dear Mr. Pickett

**MR. MAURICE JOHN KIRK – Potential Vexatious Litigant**

I am instructed on behalf of Her Majesty's Attorney General to investigate whether or not it would be in the public interest for the Attorney General to apply to the Divisional Court for a civil or an all proceedings Order pursuant to Section 42 of the Supreme Court Act 1981 (as amended) to declare Mr Kirk a vexatious litigant.

It has come to my attention that Mr. Kirk has made a large number of applications to the High Court for Judicial Review against a number of courts in your circuit. Courts which have been cited as defendants appear to include Cardiff County, Magistrates and Crown Courts, Barry Magistrates Court, Bridgend Magistrates Court, and Vale of Glamorgan Magistrates Court. I enclose a schedule of the Judicial Review applications of which I am currently aware. From the documents that have come to my attention, it would seem that these applications form part of further litigation issued or defended by Mr. Kirk at these various courts. If so, it falls to me to consider any such other litigation for the purposes of my ongoing investigation.

I should accordingly be most grateful if you could check with all the courts in your circuit (namely County, Crown and Magistrates Courts), including and especially those courts named above, to discover whether or not Mr. Kirk has issued or defended any civil proceedings or laid any informations/defended any prosecutions at any of these courts. If there exists such further information and/or litigation, I would be very grateful if you could ask the court managers of the relevant courts to provide me with copies of any claim forms, defences, informations, summonses, applications made, interim and final orders, and where available, transcripts of judgments.

Philip Kent - Head of Private Law Group  
Jane Denton - Team Leader, General Private Law Team

*Authority to release papers hereby given in respect of the South and West Wales Group of Courts.  
Principals*



These documents are important to the decision as to whether it is in the public interest to prevent further litigation by Mr Kirk. For your information, I am also writing to the Group Manager of the Western Circuit.

I assume that this letter will be treated as an Application under Rule 5.4 of the Civil Procedure Rules 1998. Where necessary, I would be grateful if it could also be treated as an application for the requisite consent without notice under Rule 5.4 (2)(c) of the CPR.

Your swift response to this request would be very much appreciated.

Thank you for your assistance in this matter.

Yours sincerely



**BEVERLEY MCBAIN**  
For the Treasury Solicitor

Hm Prison Governor  
Hm Prison  
Knox Road  
Cardiff  
CF24 OUG

GWASANAETH LLYSOEDD EI  
MAWRHYDI  
Cofrestrfa Ddosbarth yr Uchel Llys Barn  
LLYS SIROL CAERDYDD  
Y Ganolfan Materion Sifil  
2 Heol y Parc  
Caerdydd CF10 1ET

DX 99500 Caerdydd 6

T / Ffon 029 20376400  
F / Ffacs 029 20376475  
Minicom VII 0191 4781476  
(Helpline for the deaf and hard of hearing  
/ Llinell Gymorth ar gyfer y byddar a'r  
trwm eu clyw)

21 January 2010

[www.hmcourts-service.gov.uk/wales](http://www.hmcourts-service.gov.uk/wales)

[www.gwasanaeth-llysoeddem.gov.uk](http://www.gwasanaeth-llysoeddem.gov.uk)

Our ref/Ein cyf:

Your ref/Eich cyf:

Dear Sir/Madam,

**Re: Mr Maurice John Kirk -v- Hm Prison Governor**  
**Case No.: 9CF02983**

1. A claim form was issued by Mr Kirk as long ago as 20th April 2009 and authorised by His Honour Judge Seys Llewellyn QC to be issued on 30th June 2009: His Honour Judge Seys Llewellyn Q.C. stated "for court service on the Defendant(s)".
2. A note on the file says "clm served 8/7/09". The First Defendant (South Wales Police) did acknowledge service.
3. Judgment was entered in default against the Second Defendant. The Treasury Solicitor wrote to the Court asserting that there has not ever been service, and thus seeks to set aside judgment. His Honour Judge Seys Llewellyn Q.C. considered that letter and observed that if there had been no service, the Second Defendant was entitled to have the judgment set aside; but if the court says that it did serve, the Second Defendant would have to apply to set aside with evidence that it did not receive service.
4. His Honour Judge Seys Llewellyn Q.C. requested that HMCS provide a definitive answer whether the court did or did not serve the Second Defendant. The answer received is that the court file is not finally conclusive because of the form of wording which has been used to endorse as to service, which does not expressly identify service on the First and Second Defendant.
5. In these circumstances His Honour Judge Seys Llewellyn Q.C. is satisfied that it is necessary for the Second Defendant to apply to set aside with evidence that it did not receive service; and in the particular circumstances it will be necessary for any evidence relied upon to be sufficiently particular as to the arrangements for receipt of correspondence and system of dealing with it and as to identifying the source of information. For example, it would not be enough for there to be a general statement that "I am informed that the Second Defendant did not ever receive service" without more.
6. It is hoped that this response is as fully informative to each of the parties as it can reasonably be and it is regretted that the matter is not put beyond doubt by the endorsement on the court file.

7. The Court Manager at Cardiff Civil Justice Centre has undertaken to take the matter forward with the court section involved in order to ensure no further repetition of such ambiguity. If further information emerges from that it will be communicated to both parties.

Yours sincerely

**Rosie Williams**

Personal Assistant to His Honour Judge Seys Llewellyn Q.C.

Ext 6400