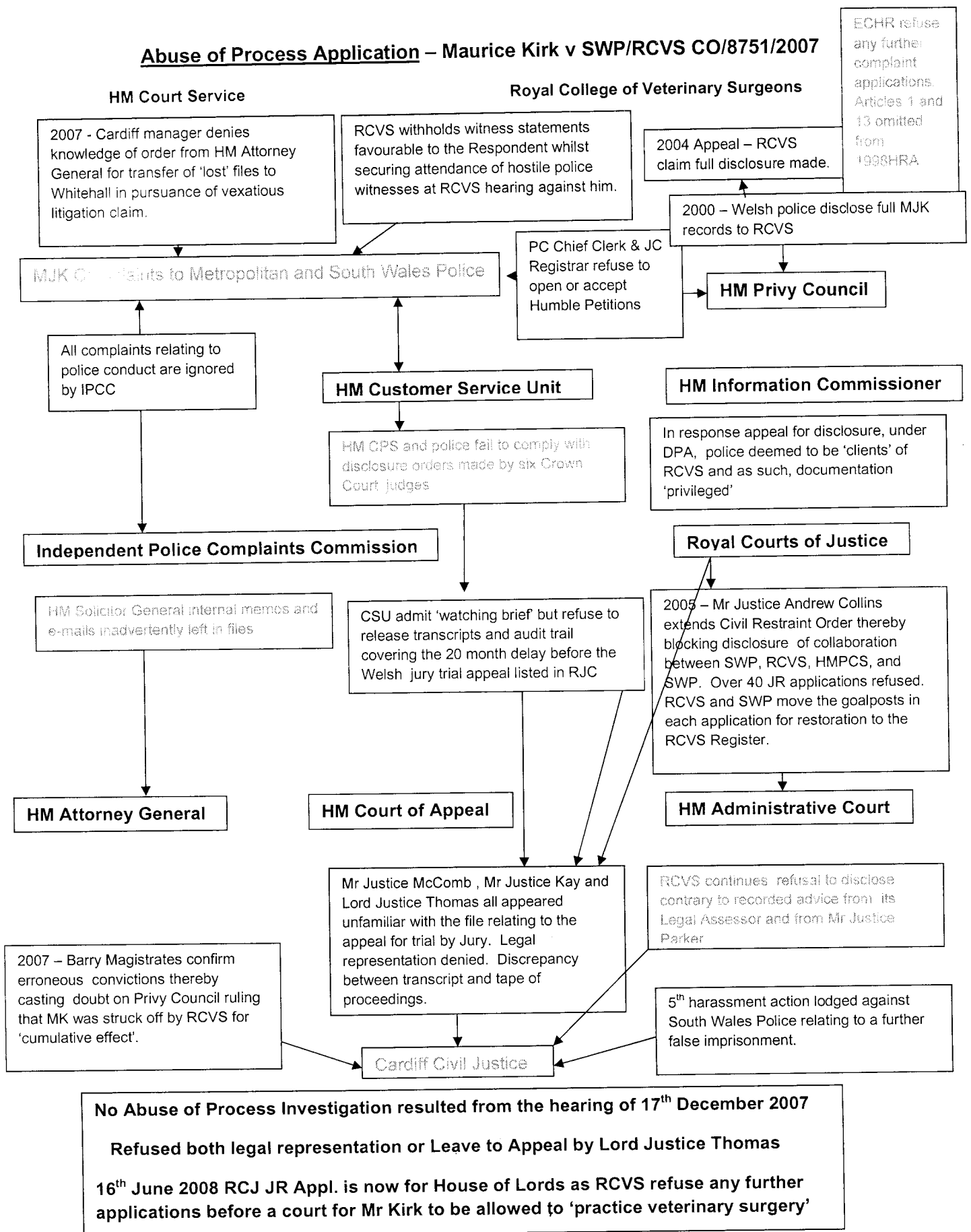
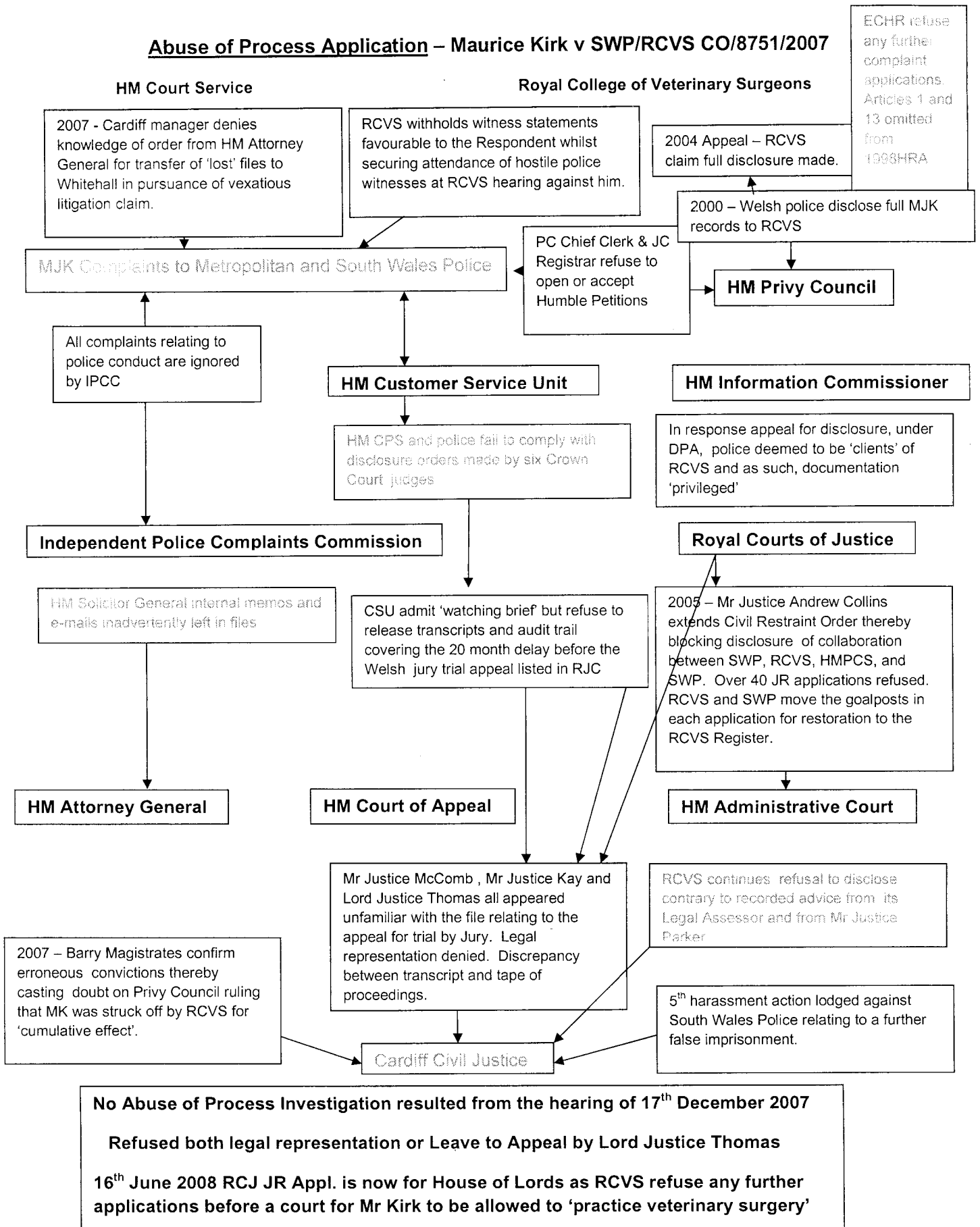


# Abuse of Process Application – Maurice Kirk v SWP/RCVS CO/8751/2007



## Abuse of Process Application – Maurice Kirk v SWP/RCVS CO/8751/2007



**POLICE ARREST/JAIL/PROSECUTE ETC MAURICE KIRK FOR MOTORING OFFENCES**  
 Custody records, video & audio tapes often destroyed or withheld despite countless applications to court, contrary to PACE 1984 etc. ie DISCLOSURE

Date	Location	Vehicle	Offence/Outcome
7 Mar 92	Chepstow	Escort	Dismissed or withdrawn at magistrates at Chepstow, Cwmbran, Tredegar.!!!! A
2 Jan 93	Cowbridge	Escort	Convicted - won on appeal
24 Mar 93	Veterinary Hospital, Barry	Escort	All charges either withdrawn or won at appeal WPC Lott alters hort 1 between trials
May 93	Grand Avenue, Cardiff Cattle on Prince's Charles farm had just been de-horned by me	BMW Motor cycle	Handcuffed. Jailed 4 days Cardiff prison on pretext 'could not be identified' - all charges later withdrawn (offensive weapon, 'a garrotte like instrument', resist arrest, no tax etc etc)
23 June 93	Bridgend	Escort	6 month ban, some Charges withdrawn at magistrates won at appeal
22 Sept 93	St Nicholas, Vale of Glamorgan	Spitfire	All charges withdrawn at magistrates
1 Oct 93	Cowbridge	Spitfire	All charges withdrawn at magistrates
3 Oct 93	St Athan	Motor cycle	Jailed - all charges withdrawn at magistrates
4 Oct 93	Outside Barry Police Station	Honda van	Jailed - most charges later withdrawn B
25 Oct 93	Esplanade Weymouth	VW	Jailed - most charges later withdrawn C
15 Dec 93	Cardiff	Escort	All charges withdrawn at magistrates
9 Aug 94	Barry	Spitfire	Jailed - all charges withdrawn at magistrates
10 Aug 94	Veterinary Hospital Barry	Spitfire	Re-arrested, jailed - all charges withdrawn
May 95	Barry	Honda van	All charges dismissed at magistrates
Jan 97	Barry	Ford Orion	Won on appeal PC alters HORT 1 after magistrates
May 96	St Athan	Maestro Van	Won on appeal except crossed white line D
98	St Nicholas	Escort Van	Withdrawn - no costs awarded
98	Barry	Escort	Arrested. Breath Test negative - withdrawn
Aug 99	Barry	Escort	Arrested. Breath test positive at roadside but Zero/Zero at station. Won on Appeal.
20 Oct 99	Bristol	Citroen	Handcuffed. Jailed 4 days. Refused breath test. All charges thrown out. (robbery, child abduction, criminal damage, dic)
Nov 99	Newport	BMW	Stopped to produce
Dec 99	Llantwit Major	BMW	Smash window, Arrested. Refused Breath Test. Zero/Zero at police station Police destroy custody video. On Appeal at Royal Courts
Jan 2000	Severn Bridge	BMW	Arrested for theft. to produce docs withdrawn
Jan 2000	Link Road	BMW	Stopped on pretext - negative breath test
April 2000	Cardiff	Peugeot	Smashed window (caught on VIDEO) Refused Breath Test. Breath Test Zero/Zero negative so detained for 'under influence of drugs'. custody video doctored On Appeal
June 2000	Llantwit Major	BMW	Refused to produce documents.
August 2000	Bridgend	Escort	Arrested. Negative breath test. Charged Dangerous Driving. Refused to produce docs Judge aborts trial. Jailed for contempt (no costs)
Sept 2000	Llantwit Major	?	Arrested. Charges withdrawn.
Dec 2000	Cardiff	VW	Demo outside Courts Arrested (obstruction). Refused to produce any docs. All withdrawn
Dec 2000	Ely	VW	RTA breath test neg. Refused to produce. Charges withdrawn in court.
Feb 2001	M4	Volvo	Handcuffed. Charges dropped.

Guilty Verdicts				
1992	Refusing to give roadside Breathest	A	1996	Ross white line - no fine no points
1992	Without due care	B	1999	Red-light - camera - 3 points
1993	Overloaded	C		

Compensation to date around £200

FULL DETAILS ON WEBSITE: [www.kirkflyingvet.co.uk/news](http://www.kirkflyingvet.co.uk/news)

Tel No. 01 446 733406

ADMINISTRATIVE COURT

In the matter of an application for judicial review

THE QUEEN on the application of

MAURICE KIRK

Claimant

and

THE ROYAL COLLEGE OF VETERINARY SURGEONS

Defendant

**Submissions on behalf of Maurice Kirk BVSc**

Following Mr Kirk's receipt yesterday of RCVS Submissions, dated 22<sup>nd</sup> November 2007 and 11<sup>th</sup> February 2008, in reply to the 19<sup>th</sup> November 2007 and 22<sup>nd</sup> January 2008 High Court Orders, respectively, for the RCVS to 'state their position', he is, at last, able to offer at least a limited reply.

- a. Who, since 1844, has been struck off only to be urged by the Privy Council Judicial Committee, in their next breath, to re apply as soon as the law allows, 10 months down the line? Why was he not just suspended without the need for application?
- b. Who, since 1844, as a veterinary surgeon ever been struck off for a string of such trivial motoring offences?
- c. Who, since 1844, has ever been refused the right to practice veterinary surgery because he refuses to accept being correctly convicted for 'driving his veterinary ambulance at 4mph two and a half times around a 4 lane empty round about, early in the morning'?
- d. Who, since 1844, when refused independent legal representation, has been persecuted by the UK Judiciary simply because this case exposes the widespread deceit in the Royal Courts of Justice and elsewhere purely to protect their legal trade driven by avarice?

- 1.** The RCVS failed to **disclose** the identity of witnesses interviewed and **disclose** original information obtained from the South Wales Police, the complainants in the 2002 proceedings to get Mr Kirk struck off, including witness statements from his own animal clients and other eye witnesses. This was deliberate and contrary to law.

2. The RCVS served altered witness statements, favourable to the RCVS case, without the consent or knowledge of the witnesses. This was also deliberate and unlawful.
3. Mr Kirk only became aware, on the 20<sup>th</sup> March 2008, that Mr Justice Collins had only now been handed the 'court file', the day before yesterday, despite the fact Mr Kirk had lodged an extra Emergency Judicial Review Application, specifically for Collins J, in October 2007. It makes you wonder whether the demand for the extra £40 that had to be paid is in contravention of the 2006 Fraud Act.
4. The RCVS avoided Mr Justice Kenneth Parker QC's order to reply within 21 days as to 'their position on relevant **disclosure**'. Yet another example of **HM Partnership** and **Abuse of Process**.
5. Examination of the Royal Courts of Justice file by Mr Kirk on the 29<sup>th</sup> February 2008, after almost 3 hours of arguing to get at it, now purported to be before His Lordship, if you are so stupid as to believe anything from that building, did **not** contain the RCVS Submissions, dated 11<sup>th</sup> February 2008, now begrudgingly just disclosed by the RCVS. A further **Abuse of Process**.
6. The JR Application: The RCVS Chairman of the Disciplinary Committee, without legal advice, had refused Mr Kirk a hearing before the Tribunal sitting on the 6<sup>th</sup> September 2007. His name was removed from the court list on the 4<sup>th</sup> September on the written argument that he had raised 'irrelevant matters', his desire to call 'character' witnesses. This refusal was contrary to ECHR, Article 6 and the 1966 Veterinary Surgeons Act and yet another **Abuse of Process**.
7. [In 2002 the Registrar of the RCVS, at the beginning of the defence's case, contrary to the court order by Sullivan J, in the Court of Appeal, arranged for 11 police officers to appear for Mr Kirk as 'defence witnesses', would you believe, when we all now know they had not just been complainants of Mr Kirk but were clandestine 'clients' of the college due to the now 15 year running civil action against them by Mr Kirk for civil damages due to some 20 odd false imprisonments.]
8. The Extended Civil Restraint Order (ECRO) of 27<sup>th</sup> January 2006, obtained from Collins J by the RCVS in a previous Judicial Review Application (CO/734/2005) for re instatement, purely to block the exposure of their clandestine deal with the South Wales Police, does not apply to any new application afforded to Mr Kirk every 10 months under the 1966 Act.
9. Incidentally, some of those 'character witness' were refused by the Cardiff County Court on a previous application, in 2006, by Mr Kirk. Without Mr Kirk's knowledge RCVS solicitors had telephoned HHJ Higginbottom direct to prevent witnesses appearing and disclosure of their 'client' also appearing in court. Mr Kirk was denied the right to appeal. This was a further **Abuse of Process**.
10. RCVS Paragraph 3 indeed confirms the point. It refers to this same application in 2006 where MJK was allowed an oral hearing before the Tribunal without the permission needed, the

RCVS 'considered', of Collins J. Upon that application to the RCVS for an adjournment by MJK to appeal HHJ Higginbottom's Order to Collins J, already arranged at the RCJ, he was refused they stating it was nothing whatever to do with Collins J, contrary to the 27<sup>th</sup> Jan 2006 High Court Order. The RCVS Tribunal dismissed his application in 2006, contrary to 19<sup>th</sup> January 2004 Privy Council Judgment and the 1966 Veterinary Surgeons Act. RCVS conduct was, again, under the full protection of **HM Partnership and the Royal Prerogative (1967 Royal Charter)** and was yet another **Abuse of Process**.

**11.** Paragraph (3 b) of the RCVS submissions is their reason for refusing an RCVS hearing and it states:

**12. b. that Mr Kirk should have disclosure of documents that he believed were in the possession of the RCVS and were relevant to the disciplinary proceedings.**

**13.** **If** this is the RCVS submission then what lawful right did the Chairman of the RCVS have, alone and without legal advice, to remove Mr Kirk's name from the court list stating the request for **disclosure** and 'character' witnesses was the reason and was 'irrelevant'? If it was irrelevant then why was it relevant? Mr Kirk's is entitled, under the law, to have that information whether he had been making an application to practice veterinary surgery or not as their very own Learned Legal Assessor, Mr Garry Flather QC had so ordered some years before.

**14.** The law states that had there been any legal advice to the Chairman Mr Kirk was allowed to challenge it. He was told no such legal advice was sort. Someone was lying.

**15.** How does this relate as to whether Mr Kirk is 'fit to practice veterinary surgery'?

**16.** During the 2006 RCVS hearing the college lawyers stated, for the very first time and by handing it down on manuscript, the 'contemporaneous' evidence gathered[ like in a policeman's note book] all over the UK by RCVS staff and outside lawyers, Penningtons, was 'privileged' and would therefore not be disclosed. Without the RCVS stating, as Mr Deputy Justice Kenneth Parker QC has ordered, 'what is their position?', Mr Kirk must assume the police and his own clients were clients of the college throughout the relevant period in 2000/2004 and in the period now under challenge now, all without his knowledge, a further **Abuse of Process**.

**17.** The fact Mr Kirk was only enlightened in 2006 and the RCVS continue to refuse to **disclose** the Law Society contract between 'lawyer' and 'client' or evidence of money or, in this case, clandestine favours changing hands, Mr Kirk or any court will remain in 'some difficulties'. This was the very reason why both the RCVS but more importantly, their client, the South Wales Police, have continued for 15 years to refuse to **disclose** to numerous Crown Court and High Court Orders and other such nonsense procedures the legal trade excrete just to fool the

masses and tax payer that 'justice is seen to be done'. The judiciary is not independent of HM and the HM Executive which is contrary to European law.

- 18.** The manner by which police disclosed confidential but incorrect police records, including wrong convictions, must also be relevant to this current Judicial Review Application. Police records were revealed to third parties, contrary to the Home Office Regulations 45 of 1987.
- 19.** Paragraph 3 of the RCVS submissions goes on to mislead the reader more into thinking the manner of the successful application to practice veterinary surgery was dependent upon the conduct of Mr Kirk alone. None of it. The Privy Council, in 2002, specifically ordered the RCVS for Mr Kirk to be re instated after 10 months but for them to indicate the 'assurances' upon which he could comply.
- 20.** Mr Kirk's 1st Application for restoration, 10 months later, to the day, the college refused, ignoring the Privy Council Judgment and dismissed his application without a hearing, contrary to the 1966 Veterinary Surgeons Act.
- 21.** Mr Kirk's 2<sup>nd</sup> Application, following his ridiculed Nov 2004 JR Application, between RCVS and judge alone on the phone, had to be on the demands now laid down by 23<sup>rd</sup> December 2004 Pennington letter for the RCVS. No honest man could ever have agreed such terms, including the stipulation, in order to practice again, Mr Kirk had to admit 'the convictions had been correct and the RCVS had done no wrong'! In short the letter was tantamount to blackmail. [Exhibit1]
- 22.** Every subsequent Application to practice veterinary surgery has been prejudiced with different pre requisite demands being laid down by the RCVS complicated with an interpretation, each time, of the original RCVS judgment now at gross variance that of the original or that of the Privy Council Judgment on the specific matter. In 2007 several of the convictions originally before the Tribunal in 2002 have now been proved either to have never existed or were significantly incorrect in their format. July 2004 Privy Council Judgment ruled Mr Kirk was 'struck off' for the 'cumulative effect of his convictions' not what the RCVS now rule! The RCVS have now ruled Mr Kirk is unfit to practice veterinary surgery for **each** conviction because, in 2007, yet another conviction had just been quashed by court as not as sustainable but never having existed in 2002.
- 23.** 130 criminal charges were laid against MJK by the complainants, the South Wales Police, leading only to 9 convictions. There have been no convictions or attempts to prosecute Mr Kirk, to his knowledge, since the 29<sup>th</sup> May 2004 when his name was removed from the veterinary register. This fact alone clearly further supports each application ,every 10 months is '**de novo**' and can have no bearing on Collins J's now extinct Order.

24. The RCVS submission in Paragraph 7 signifies the heart of the challenge by way of this latest JR Application:

**The RCVS has appreciated the protection that has been afforded to it by the order over the past 2 years given (a) that it has no powers to limit the frequency of Mr Kirk's applications for restoration beyond the statutory 10 months restriction referred to in the footnote to these submissions and (b) any attempts by the RCVS to limit the frequency of applications being made which are of no obvious merit have resulted in further challenges as evidenced by the current proceedings.**

25. Each application to practice veterinary surgery has caused different reasons of refusal and significantly different demands by the RCVS, quite unprecedented in the history of the profession but never the suggestion, until now, that they were, **'of no obvious merit'**.

Exhibit 1 23<sup>rd</sup> Dec 2004 Penningtons' blackmail letter to Mr Kirk

Exhibit 2 23<sup>rd</sup> July 2003 HM Treasury Solicitor leaked 'internal memo' citing Mr Justice Andrew Collins, just a sample from the file HHJ Sir Nicholas Chambers QC promised he would retrieve, temporarily mislaid in the 100 odd court files gathered up from around the country by Collins J in an attempt with the HM Attorney General to have Kirk certified as a 'vexatious litigant' for but one purpose.

**Maurice J Kirk BVSc**

**21<sup>st</sup> March 2008**

**[www.wacl.org.uk](http://www.wacl.org.uk)**



Mr M J Kirk  
51 Tynwydd Road  
Barry  
Vale of Glamorgan  
CF62 8AZ

**COPY**

23 December 2004

Dear Mr Kirk

**Application for Restoration to the Register of Veterinary Surgeons -  
Hearing: 6 January 2005**

The Clerk to the Disciplinary Committee has forwarded to me copies of your Application for Restoration and her letter to you of 16 December 2004 giving you notice of the date for hearing your Application. I note that your Application comprises simply 2 faxes received by the College on 21 November 2004.

I am instructing Mr David Bradly of Counsel to represent the College at the hearing.

Under Part V, Rule 20.5 of the Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules Order of Council 2004, I invite you to:

- provide evidence that you accept the findings, judgment and full reasons of the Disciplinary Committee dated 29 May and 10 June 2002;
- provide evidence that you accept the judgment of the Lords of the Judicial Committee of the Privy Council delivered on 19 January 2004;
- acknowledge that the matters found against you by the Disciplinary Committee rendered you, in respect of the convictions, unfit to practise as a veterinary surgeon and, in respect of the misconduct, guilty of disgraceful professional conduct;
- provide details of any convictions or formal cautions, whether or not subject to appeal and/or judicial review and/or other challenge since 2 January 2001, the date of the last conviction considered by the Disciplinary Committee;
- provide evidence of your character and conduct (including details of any convictions or formal cautions, whether or not subject to appeal and/or judicial review and/or other challenge) since 29 May 2002, the date of the Disciplinary Committee's judgement;
- confirm that your intention now is to conduct yourself in such a manner "generally in accordance with the standards of professional men and women" [paragraph 33 of the

Judgment of the Lords of the Judicial Committee of the Privy Council delivered on 19 January 2004].

I take the opportunity to mention additionally the fact that the costs ordered against you in respect of your unsuccessful Appeal to the Privy Council and your unsuccessful Taxation Appeal remain outstanding. Those costs amount to £44,233.72 with interest accruing from the date of judgment at the rate of 8% per annum. The Disciplinary Committee may want to know what your proposals are to discharge those outstanding sums and I shall be grateful if you will, when responding to this letter, confirm your proposals in that regard.

The College will produce this letter and any response to the Disciplinary Committee for the hearing of your Application for Restoration.

Yours sincerely



G R F Hudson

cc. Clerk to the Disciplinary Committee

2

2

3/62



**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)

*1 Copy this is a true copy of a document on the Court file 14/07/03 G. Driver*

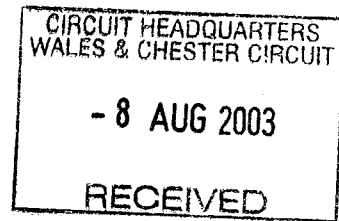
Mr. Graham Pickett  
Group Manager, South Wales Circuit  
Group Manager's Office  
2nd Floor, Circuit House  
Churchill Way  
Cardiff CF10 2HH.

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 Smith and West Wales Group of Courts.  
[Signature]*



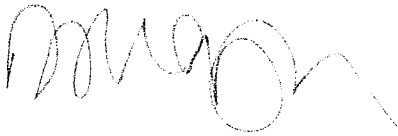
These documents are important to the decision as to whether it is in the public interest to prevent further litigation by Mr Kirk. For your information, I am also writing to the Group Manager of the Western Circuit.

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

A handwritten signature in black ink, appearing to read 'Beverley McBain', with a long horizontal flourish extending to the right.

**BEVERLEY MCBAIN**  
For the Treasury Solicitor

## Cardiff Cty, Office Mgr

---

**From:** Cardiff Cty, Office Mgr [/o=LCD/ou=BIRMINGHAM/cn=Recipients/cn=CARDDFFCTYOM]  
**Sent:** 18 August 2003 11:25  
**To:** 'bmcbain@treasury-solicitor.gsi.gov.uk'  
**Subject:** Potential Vexatious Litigant - Maurice John Kirk

Dear Beverley

Further to your letter dated 5th August 2003 regarding the above named potential vexatious litigant which has been passed to me today.

I will deal with the compilation at Cardiff Civil Justice Centre, please use me a future contact. Perhaps you could confirm the deadline for submission.

Look forward to you reply.

Dean Whiteley  
Deputy Office Manager  
Tel: 029 2037 6444



I certify that  
this is a copy  
of a document  
for the Court  
file.  
G. Ormer  
19/07/07



# MINUTE

Your ref: KIRK

Our Ref: LT/30124C/BXM/C4

TO:Beverley

Date: 23 July 2003

Beverley,

I have put ALL the documents into (two) bundles and the schedule of actions is now up-to-date.

On the basis of what we already have, this matter could go off to counsel and I would expect a positive advice on the merits. There are already 36 applications for JR, all of which are devoid of merit and none of which enjoyed any success. Collins J has made some caustic remarks as to some of these applications.

However, I suspect that the picture is much broader and grimmer. Further enquiries could and should be made of/to all the relevant defendants, the courts especially, as to documents in all the civil and criminal matters in which Kirk has been involved. A remark by Collins J that, "This and other applications merely (and are, it seems intended to) delay the appeals which should now be determined" (Tab 28), leads me to suspect that Kirk is vexatious in litigation in all possible arenas.

Time has gone today. If you like, I will draft the necessary letters of enquiry when I am next in.

Regards,

Gillian



# 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 2959 Direct Fax: 020 7210 3260 E-mail: lkhajenouri@treasury-solicitor.gsi.gov.uk

The Court Manager  
Cardiff County Court  
2, Park Street  
Cardiff CF10 1ET  
Wales

Please quote: LT3/0124C/RAD/C4

Your reference:

Date: 23 June 2004

Dear Sir/Madam,

### Maurice John Kirk-Potential Vexatious Litigant

Please note that the attached box contains documents requested by the Treasury Solicitor's Department from your Court in September 2003, which is returned herewith.

Please note also that a further box containing more documents in respect of the above matter will be forwarded to you in due course.

In the event of any queries, please ensure to quote the above reference number in all correspondence with this office.

I apologise profusely for the delay in returning the documents.

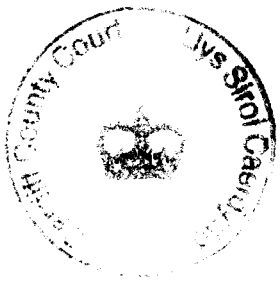
Kindly, acknowledge safe receipt.

Yours faithfully,

**L.Khajenouri**  
**For the Treasury Solicitor**

Handwritten notes: "NIL 94" and other illegible scribbles.

I acknowledge & copy this is a true copy of the document from the Court file. G. Denton 14/5/04





HER MAJESTY'S  
COURTS SERVICE  
**hmcs**

**Administrative Court Office**  
Royal Courts of Justice  
Strand  
London  
WC2A 2LL  
**DX 44450 RCJ / Strand**  
**T 020 7847 6359**  
**F 020 7947 6802/ 7845**  
**E [administrativecourtoffice.general@hmcourts-service.x.gcl.gov.uk](mailto:administrativecourtoffice.general@hmcourts-service.x.gcl.gov.uk)**  
**Text Phone 18001 020 7847 6205**  
**[www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)**

Mr M Kirk  
Barry Animal Health Centre  
51 Tynewydd Road  
Barry  
Wales CF62 8AZ

22<sup>nd</sup> June 2006

Our ref: Misc/2184/06

Your ref:

Dear Mr Kirk

Thank you for your letter dated 18<sup>th</sup> June 2006, received in this office on 20<sup>th</sup> June 2006.

Below is a list of the cases which you have issued in the Administrative Court Office from 1996. I trust this is of assistance, if this is not what you required please forward further details for consideration.

- |                  |                  |
|------------------|------------------|
| 1. CO/1785/1996  | 22. CO/2012/2000 |
| 2. CO/1361/1997  | 23. CO/2013/2000 |
| 3. CO/4368/1997  | 24. CO/3422/2000 |
| 4. CO/299/1998   | 25. CO/3936/2000 |
| 5. CO/1637/1998  | 26. CO/4153/2000 |
| 6. CO/357/1999   | 27. CO/3609/2001 |
| 7. CO/1329/1999  | 28. CO/4015/2001 |
| 8. CO/2071/1999  | 29. CO/4286/2001 |
| 9. CO/2072/1999  | 30. CO/4991/2001 |
| 10. CO/2394/1999 | 31. CO/599/2002  |
| 11. CO/2395/1999 | 32. CO/1746/2002 |
| 12. CO/3152/1999 | 33. CO/4118/2002 |
| 13. CO/5153/1999 | 34. CO/4218/2002 |
| 14. CO/3996/1999 | 35. CO/4574/2002 |
| 15. CO/4199/1999 | 36. CO/4429/2004 |
| 16. CO/4865/1999 | 37. CO/6226/2004 |
| 17. CO/4983/1999 | 38. CO/734/2005  |
| 18. CO/1013/2000 |                  |
| 19. CO/1569/2000 |                  |
| 20. CO/1795/2000 |                  |

Yours sincerely

Heather Nelmes  
Customer Service Officer



INVESTOR IN PEOPLE



ADMINISTRATIVE COURT OFFICE

The Administrative Court Office will not accept service via email. When using the above email address it should be noted that mail sent after 4.30 p.m. may not be opened until 8.00 a.m. on the following working day. Court users should not send confidential or restricted information over the public Internet.



The police officer in court is making Noddling  
movements in Answer to the policemen's  
questions. Can he refrain from this.

TZ0010277

July note

10.2

12/10/1

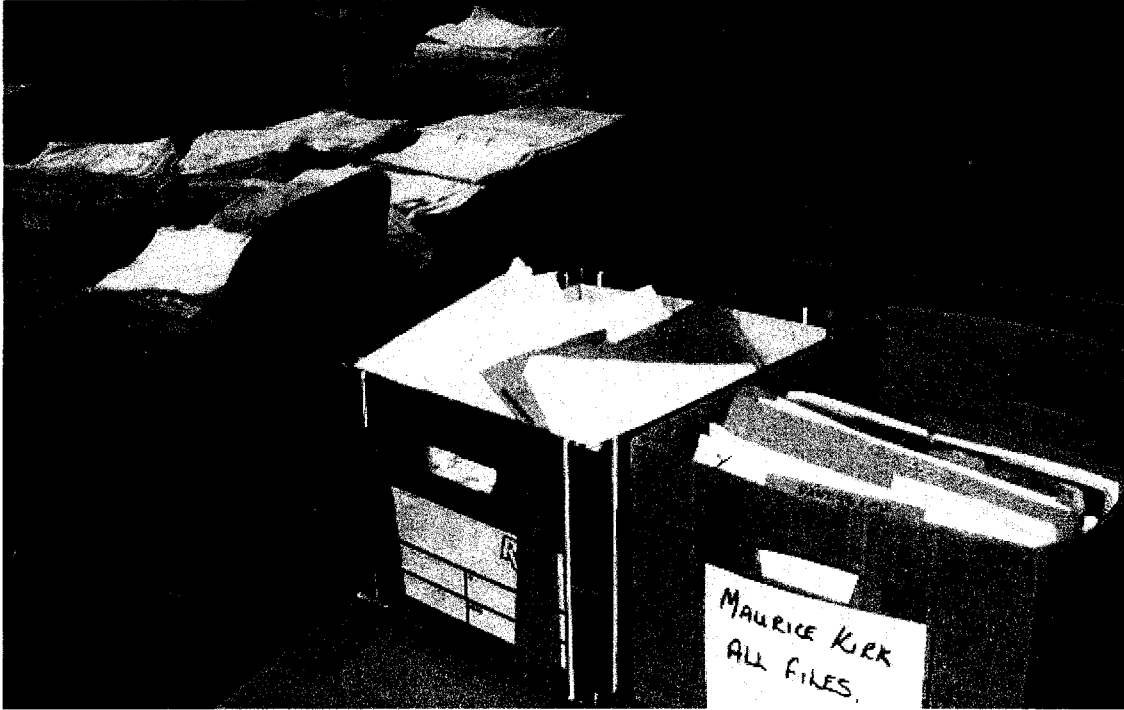
C

55-21

WMA

FRU ADMIN WVRT / CSU 51/2002

CO/8751/2007



22/10/07

RECENT PHOTO OF REMAINING 2 BOXES  
OF ALL MR MAURICE KIRK'S COURT ACTIONS  
IN CARDIFF JUSTICE CENTRE.

- BEFORE MR KIRK'S FILES WERE SENT OUT  
AROUND THE COUNTRY BY HMCS  
THERE WERE 3 BOXES

OR JKR

COPY TO ADMIN COURT  
COURT OF APPEAL  
CUSTOMER SERVICE UNIT  
SOUTH WALES POLICE  
CARDIFF CIVIL JUSTICE CENTRE.

\Clerk to the Disciplinary Committee,  
Royal College of Veterinary Surgeons, (RCVS)  
62, Horseferry Rd  
London SW1P 2AF  
The United Kingdom

23rd August 2007

## 5<sup>th</sup> Application to practice veterinary surgery

Dear Madam,

I am in receipt of your e-mail and am grateful for a hearing set down for **10.30am Thursday, 6<sup>th</sup> September 2007** to consider my Application to 'practice veterinary surgery'.

I feel it my duty, however, to bring to the Legal Assessor's (LA) attention that it is not just certain members on RCVS Council that appear to be concerned about my welfare, there appear to be others:

1. In order to expedite my application and obtain a fair trial, under Article 6, I am obliged to apply for the **disclosure** of relevant evidence now under RCVS disciplinary committee 'control'.
2. The relevant material is not '**privileged**' 'between client and lawyer'. The Information Commissioner (IC), for the 1996 Data Protection Act has corrected the lawyers for the RCVS.
3. Some RCVS **undisclosed** but relevant evidence is classified as '**qualified privilege**'.
4. All this material is therefore eligible for challenge.
5. This may account for the RCVS appearing to respond to my Data Protection Act and Freedom of Information Act applications but then, within a few days, following initial enquiry from others, appeared to halt the requirement. I enquire as to why this happened and ask the LA to examine all the material as I am advised it must be **disclosed**, even under civil procedure rules?
6. **Undisclosed** evidence includes RCVS 'contemporaneous notes' taken from potential and used witnesses, some my own clients. RCVS communications with the South Wales Police and courts, since the last hearing, are particularly significant.
7. Just which material is 'between which client and which lawyer'? Apparently, unless the police and my own clients were or are now clients of the RCVS, all material must be **disclosed**.
8. If a witness or complainant was designated as a 'client', as was admitted in court last year by the RCVS, then who paid who and when and for what?
9. Is either the LA or myself entitled to see 'the contract' that would have been signed between parties, set down by the Law Society?
10. My **Abuse of Process Application**, currently lodged at the Royal Courts of Justice, refers to similar communications that are taking place this August 2007 between the RCVS and my proposed witnesses. The Attorney General, whilst instigating a nation wide enquiry, must have

come up with further information favourable to me, now in RCVS possession, now eligible for disclosure.

11. I will require copies of all this please, under my rights within the new RCVS rules and Human Rights Act unless the LA considers this 'enquiry' is **privileged**? If he does then an adjournment is sought for it to be challenged in a higher court.
12. Records in the control of Lady Oxford, the current Attorney General, will disclose lawyers have failed when attempting to assist the Treasury Solicitor to certify me as a **Vexatious Litigant**.
13. These 5 years of clandestine investigations were deliberate to bury my right for an independent tribunal, a jury, by delaying the Kirk v South Wales Police, as it enters its 15 year.
14. Am I to assume a fair trial without proper **disclosure**?
15. Am I to assume a fair trial before an almost permanent jury picked from the RCVS Council, against the invincible prejudice of an HM organisation with its usual built in bias in the Royal Charter?
16. Am I to assume a fair trial by the RCVS when it is represented on both sides of the court room by lawyers of similar moral persuasion?
17. I have collated numerous transcripts of judges both in from the Royal Courts of Justice and welsh courts, all stating that they did not have to read either my Judicial Review Applications against the RCVS or my Court of Appeal Applications against the South Wales Police. Why?
18. For the past 5 years, unbeknown to me, HM agents had been '**sealing**' my lodged files, [REDACTED].
19. I have seen it stamped on several such files at Cardiff Civil Justice Centre where it was admitted over 100 such files had been freely circulated between defendants and respondents, including the RCVS, across the UK with appalling lack of supervision during my many futile 'judicial attempts' to practice veterinary surgery.
20. 5 boxes out of 6, stuffed with leaver arch files, re Kirk v South Wales Police ref B2/2006/2307, are admitted now, in writing, as missing, presumed lost.
21. Am I to assume for the South Wales Police to have now admitted disclosing my confidential record to the RCVS investigation team this negates any defence so far tendered by the RCVS?
22. This apparent malfeasance caused wrong information to go before the RCVS hearing, in 2002, leading to my being struck off.
23. That same material, now under your Disciplinary Committee's (DC) control needs to be handed to the appropriate court dealing with my **Abuse of Process Application**. I require copies of those documents, please, for that application.
24. Please correct me if I am wrong but in the 2002 hearings the RCVS refused me any witnesses [about 30] relating to this now identified **undisclosed** evidence and substituted hostile witnesses, all policemen, to be defence witnesses, contrary to the Order of Sullivan J of the Court of Appeal, a few days earlier.
25. This was organised personally, I understand, by the Registrar of the RCVS because she told me. I require, please, all your documentation on that subject for this application, the latest **Abuse of Process Application** to the Court of Appeal, Ref B2/2006/2307 and latest complaint to the

**Independent Police Complaints Commission**, IPCC ref: 2007/010564 ....copies of each to follow, subject to their permission and whether the RCVS require them.

26. The South Wales Police, Crown Prosecution Service and others were again identified as 'clients' of the RCVS, this time in the County Court this summer, so I am sure the RCVS LA will agree it is long over due for the proof thereof and its consequences duly settled?
27. A welsh magistrates court ruled, this year, one of the convictions relied on by the RCVS was quashed as it was incorrect [see 13<sup>th</sup> July 2004 Privy Council Judgment: The reason for being struck off was the 'cumulative effect' of convictions].
28. So where did the RCVS get this erroneous material if not from the complainant's confidential records in Barry police station?
29. In 4 separate 2003 Privy Council hearings, convened only for **disclosure**, the RCVS barrister, Ms Alison Foster QC, repeatedly assured the Privy Council Judicial Committee, there had been **full disclosure** [see transcripts and RCVS contemporaneous notes] when clearly there had not as was proved when several original witness statements later came to the surface. Many still remain '**privileged**'.
30. RCVS lawyers have since admitted that the erroneous witness statements and criminal convictions that had been served on me and the RCVS court in 2001, by the RCVS, had been substituted for original withheld material.
31. Favourable statements such as one from a South Wales magistrate, Mrs Williams and another from a Head Teacher, praising my concern for **animal welfare**, are but examples of significant **failed disclosure**.
32. The 1966 Veterinary Surgeons Act is only about **animal welfare**.
33. In the 2004 hearing the RCVS informed their Lordships (some 15 Law Lords by now), at the Appeal in Downing Street, there had been '**full Disclosure**' [see court record].
34. In the 2005 hearing the new RCVS Legal Assessor, once the **undisclosed** evidence was identified as obviously having existed [e.g. record of investigation interviews across the UK], directed its immediate **disclosure**. This appears not to have been done and I seek advise from the LA on what now should be done?
35. The Crown Prosecution Service [CPS], UK government department deciding as whether to prosecute or not, did something similar before me and my secretary, in the days of my 'police harassment', but openly laughing in the faces of a string of Cardiff and Newport Crown Court judges after they had given the very same order for **disclosure**!
36. Most departments within the RCVS building have been contacted by me now on this issue (around 17 letters for **disclosure**) but they remain unanswered.
37. On the 6<sup>th</sup> October 2005 the 'directions' given to the RCVS prosecution, by RCVS Legal Assessor, Mr Gary Flather QC, need to be addressed under the current rules. I am confident the current DC will appreciate the need for this 'direction', under Article 6, as criminal rules were then also applicable to RCVS disciplinary hearings when I was struck off.
38. In the Nov 2006 hearing, the RCVS barrister confused me further by admitting, for the first time, the 'evidence' [including the withheld investigation material over 25 years] did exist after all but it was withheld because it was '**privileged**'. The RCVS reason for its failure to inform the court, me or my Mackenzie's Friend, Mr Patrick Cullinane Esq., until then may be getting closer to the heart of my grievance and the need for this letter.

39. 'Withheld evidence' was only **'qualified'** and should have been identified by the RCVS in order for it to be examined by the Legal Assessor and his/her advice then given to the DC.
40. I apply for that to be done.
41. Just how many Freemasons are proposed to be on the DC this time and who decides I have the same jurors each time?
42. Civil Court Rules (CPR) appear to indicate a requirement for RCVS lawyers to have indicated why they were withholding favourable statements and other favourable, challengeable material from a Litigant in Person (LIP) over 7 years. What else am I entitled to request in advance?
43. I apply to the DC for that **disclosure** as it is within their remit, under the new rules, recently ratified by Her Majesty the Queen.
44. To highlight some of the other anomalies, currently before the DC, Her Majesty's latest RCVS Royal Charter again discloses the **'Royal Command for favouritism'** for the RCVS or their agent, like the CPS, in any UK court.
45. Similar bias and protection from prosecution for other agents of Her Majesty's, implicated in my case, also enjoy this unfair advantage. I refer to anyone with an 'HM' on their lapel. E.g. HM Court Service, HM Crown Prosecution Service, HM Attorney General, HM Treasury Solicitor and 84 HM judges so far involved.

#### Extract of 1967 Veterinary Surgeons Royal Charter

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- 33 It is my unqualified opinion and I am saddened by it, but to which I am entitled to state under the current legislation, is that both the 1966 Veterinary Surgeons Act and the 1967 Royal Charter are in apparent breach of the 1998 Human Rights Act and that it is relevant to the RCVS and its listed 'de novo' hearing for me on the 6<sup>th</sup> September 2007 to practice my chosen vocation.
- 34 The Human Rights Act, ironically, was also ratified by 'Queen in Council'.

- 35 The conduct of some since my being struck off are of such proportions that its influence over the last 7 years on both my life and that of my family suggests a clear breach of Article 8, to name just one breached Article, in this litigious trail of apparent intrigue and deceit.
- 36 It should not be overlooked by the DC the bias towards 'Her chosen' is also incorporated in any UK HM judge's oath. That has risked invincible prejudice in over 50 court cases so far, affecting not just me but affecting each member of the veterinary profession.
- 37 I sincerely believe it was the duty of someone to have disclosed this '**judicial bias**' at the onset of proceedings by the RCVS, instigated by the South Wales Police, in 2001. To embark on a defence, like I did, without that knowledge was clearly doomed to failure.
- 38 As both my wife and my father, both veterinary surgeons, said at the time, quite independently of each other, words similar to, "you are far too trusting in 'the college' to disclose your evidence from your proposed [30 odd] defence witnesses".
- 39 In order that I may have the witnesses I had been made by the original LA, Sir John Wood, to reveal to the prosecution [RCVS], in advance, the relevance of my witnesses despite many having stated they did not even require witness summonses. I had further been told I could only have witness summonses if issued by the RCVS].
- 40 Since my last refused application to practice I have become aware that the new RCVS Rules allowed the then Chairman of the Disciplinary Committee, a Mr Brian Jennings, Privy Council representative, to make up court procedure as he so pleased, 'on the hoof' as it were. He warned me in writing he could prevent any further oral applications by me to practice veterinary surgery if I implied the veracity of lawyers was in doubt. How do any court cases conclude without one side or the other having implied just that?
- 41 I therefore apply to Mrs Bruce, the new chairman of the DC, to examine this information, now under her control, with the aid of the Learned Legal Assessor who had originally directed it be released before the 6<sup>th</sup> September hearing.
- 42 I apply for the same Rule [from memory being the last paragraph in the relevant section] in order that I might also refer to **new evidence** and other matters that have arisen since the last application. This **new evidence**, I suggest, further indicates the 2002 hearing was a mistrial.
- 43 The disciplinary committee, on 4 previous occasions, has refused me the right to refer to what had occurred prior to the previous application, to practice veterinary surgery my being told it is the rules.
- 44 The RCVS prosecution, on the other hand, each time referred to information prior to my previous application allowing them selves to go back in time even referring to an incident 15 years ago, for example, even before the 2002 hearing had me struck off. I sincerely believe this practice is unfair and that my belief, however misconceived, should not prejudice my right to practice.

#### **Witnesses allowed under the law.**

- 45 Just days prior to my last application in 2006 the RCVS telephoned Cardiff Civil Justice Centre and persuaded his Honour Judge Higginbottom, unbeknown to me, to quash all my paid up witness summonses about to be served for my defence mitigation.
- 46 Your disciplinary committee, last time, refused me an adjournment on this issue in order I may take the matter to appeal at the Royal Courts of Justice.

- 47 As I may again require witnesses will this DC, '*de novo*' allow me to serve witness summonses and call character witnesses?
- 48 Will you allow both my father and wife to give evidence?
- 49 If I am again refused all witnesses by the RCVS, as applied for in 2002, will you assist me, please, in expediting my appeal to the Court of Appeal in the time available before the RCVS hearing date of 6<sup>th</sup> September?
- 50 **Proper disclosure**, previously ordered by the courts, will negate the need for any witnesses.
- 51 **Proper disclosure** of favourable evidence, recently revealed since my last application to practice veterinary surgery, involving the South Wales Police and RCVS solicitors identified in the Attorney General instructions to the HM Treasury Solicitor and HM Court Service, will negate any need for witnesses.
- 52 The RCVS Professional Conduct Department already know the Treasury Solicitor (one of my 30 blocked witnesses of 2002), ordered the Cardiff courts to circulate my court cases, lodged with them for safe keeping, to be disclosed to countless defendants without adequate supervision and without my knowledge.
- 53 I am confident witnesses will not be needed following proper **disclosure** of the outcome following the Attorney General's direct orders back in 2003 to inquire of all judges [exceeding 60], [see enclosed sample of internal memos between Crown offices confirming what has happened] defendants and plaintiffs, the RCVS, as to whether my conduct has been honourable throughout the last 15 years of forced litigation.
- 54 [see enclosed internal memo between HM Crown Offices confirming what is happened while intervening in our case]
- 55 As the South Wales Police have been defendants in my 15 year running civil action for false imprisonments and malicious prosecutions, by their losing 130 charges, I ask the DC to consider their motive as to why they complained to have me struck off? My civil action to reveal further evidence, to assist my being able to practice, has been deliberately delayed.

Why?

- A) In order to prejudice the outcome, contrary to Article 6 of the Human Rights Act.
- B) In order to bury every citizen's right to have an independent tribunal, a '**Trial by Jury**', the cornerstone of British justice, primarily set up to limit corruption within the judiciary, dating back long before the 1215 Magna Carta.
- C) In order to block my cross examining the complainants to the RCVS, policemen, for yet another variation of their 'fairy tales' that would have a real risk of affecting the outcome of any RCVS related Judicial Review Application. Just what I naively told the RCVS when explaining why I needed many of the same witnesses back in my original trial, in the days when I had absolute trust in the veterinary profession's **self regulation** system. i.e. 1966 Act, the right to call witnesses on the 'nature and circumstances' surrounding the incident leading to a conviction.
- 56 In the light of the 6th October 2006 letter by RCVS Chairman, Mr Brian Jennings, following the last oral hearing, addressed to the RCVS Registrar, Miss J Herne, stating he alone would decide whether or not there would be any further oral hearings for '*de novo*' applications, may I then propose the following?
- 57 I am in full agreement for being re instated, in order to practice veterinary surgery, without the need of an oral hearing and would consider any proposal from the RCVS never to apply



again, should the matter need arise, in the light of the apparent unchecked cost it is to members of my family's once loved profession.

I am late to catch the boat with my father for Brittany so will communicate further by e-mail and telephone should anything arising need further clarification.

Yours faithfully,

**Maurice J Kirk BVSc**  
[www.kirkflyingvet.com](http://www.kirkflyingvet.com)  
cell: 07966523940

2/11

Clerk to the Disciplinary Committee,  
RCVS  
London

4<sup>th</sup> Sept 2007-09-04

Dear Ms Whall,

### **Refused 5th Application to practice veterinary surgery**

Further to your e-mail of 3rd September 2007, refusing my 5th application for re instatement, again without a public hearing, I also require information, information to which I am entitled under the law:

1. Proper **disclosure**, as set out in my letters of the 23rd Aug 2007 and suggestions as to the way forward set out in my letter of the 3<sup>rd</sup> Sept 2007.
2. The right to call witnesses.
3. No further blackmail letters written by thoroughly deceitful lawyers deliberately concocted as a conundrum to delay my practicing veterinary surgery.
4. Who refused my first application in November 2004, also without a hearing? This was despite their Lordships wishes to the contrary, set out in the Privy Council Judgment of 19th Jan 2004.
5. Just who refused my 5<sup>th</sup> application, again without a hearing? Again where is the record of deliberations and legal advice to which I am entitled?
6. When will I be allowed an impartial tribunal, a **trial by jury**, instead of a Masonic riddled council controlling so called 'self regulation' under an HM Charter of bias?
7. Where is the financial compensation for the vindictive but repetitively illegal conduct of RCVS lawyers, for more than 7 years now, while they enjoy not just HM immunity to prosecution but, apparently, the bottomless pockets of my family's profession?
8. Just how much longer do you think the general public will tolerate HM domination in our courts ridiculing the concept of basic human rights?

Yours truly,

Maurice J Kirk BVSc

2/17

Penningtons, Solicitors,

CO/ 8751/2008

Gutter Street, London

11<sup>th</sup> June 2008

**Maurice Kirk v RCVS      Royal Courts of Justice      16<sup>th</sup> June 2008**

Dear Sir,

In the light of your assurance I will be given a 6<sup>th</sup> application to be allowed 'to practice veterinary surgery', if I reapply on the 4<sup>th</sup> July, I request the following:

A Sworn Affidavit by the Registrar to disclose all those previous applicants to Royal College membership, since 1844, that have been subjected to or even remotely subjected to, any of the following:

1. The Royal College demands as set down in your 23<sup>rd</sup> Dec 2004 letter to me indicating, apparently, I had to be thoroughly dishonest and accept convictions in order to be successful on my, then, 2<sup>nd</sup> Application 'to practice veterinary surgery'.
2. Where evidence was gathered of eye witnesses for a disciplinary hearing by college lawyers and/or college staff only for it to be withheld from court [ and Information Commissioner] on the argument of lawyer/client 'privilege', whether 'absolute' or 'qualified'.
3. Produce evidence of 'veterinary competence' before one can practice despite their Lordships comments in their Privy Council Judgment.
4. Witnesses gathered up for the defence case for disciplinary proceedings in a police van, the night before, contrary to the Court of Appeal ruling the defence could have no police officers.
5. Refused the right to call 'character witnesses' for a re instatement application.
6. Was my being struck off the register based on **each of my convictions**, as recorded in January 2005 or was it the '**cumulative effect**' as stated by their Lordships in June 2004?
7. Why is my application for Judicial Review deemed 'vexatious' when the original complainants, the South Wales Police, lost around 121 charges out of an original 130 against me?

My 'crossing a single white line at 4 mph' and 'delivering my valid motor insurance to the wrong police station' had me struck off 7 years ago. It is College conduct that prevents my re instatement.

RCVS conduct has led to my wife first leaving her government post, having to give up our cherished farm work, then horse work and now a personal 24 hour service to our clients due to health reasons.

Yours truly

Maurice J Kirk BVSc

The Registrar,  
Royal College of Veterinary Surgeons,  
Horseferry Road,  
London

23rd June 2008

Dear Madam,

I require a detailed reply, at my expence if need be, to my questions in my 11th June 2008 letter to the college.

I am again asking for evidence of any other applicant to join the veterinary register that has been subjected to such demands since 1844?

I also enclose a video of out side the Royal Courts of Justice and ask if any of its content is irrelevant, misleading or FALSE?

I must not raise any issue after the 4th July for fear of having my name not put on the list for a hearing as what occurred with my 3rd September 2008 letter asking for 'character witnesses'.

Yours faithfully

MauriceJ Kirk BVSc

A handwritten signature in black ink, appearing to read 'Maurice J. Kirk', written in a cursive style.

RCVS Registrar

24<sup>th</sup> June 2008

London

Dear Madam,

### **Pre Litigation Protocol**

I put you on notice that we will commence civil proceedings for damages in Cardiff County Court without further notice following your failure to properly respond to my 'list' requested by your Legal Assessor, Mr Gary Flather QC. It identifies the whereabouts of some of the withheld favourable witness evidence gathered by college lay staff in the nineties and early part of the new millennium during complaint from the South Wales Police to have me removed from the veterinary register.

The latest excuse by the college of withholding or altering vital evidence, told also to Patrick Cullinane Esq. and the Learned Legal Assessor, was that the undisclosed material was deemed '**privileged**'. This will be settled in a court of law if I find an honest judge.

The College's very own Learned Legal Assessor, in open court, directed you to respond and it was confirmed, yet again, on the 16<sup>th</sup> June 2008 by your own barrister, when forced to admit to Mr Justice Lloyd Jones that **disclosure** had still has not been complied with, contrary to law.

Mr Justice Lloyd Jones would be one of the first to ask, "If all the contemporaneous notes created whilst gathering witness material are not relevant to Mr Kirk or the court and are also '**privileged**,' having interviewed the police and Mr Kirk's own clients, do you mean 'absolute privilege'? Does it matter? Either is eligible to challenge in the courts. Disclose to the judge and explain how it can it be deemed 'privileged, whether 'qualified' or not". Who is the client, who is the lawyer, where is the Law Society contract between which parties, who received payment for services rendered and from whom?"

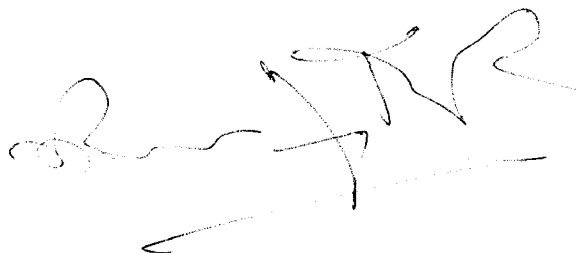
I am anticipating we will soon all be back in a variety of courts as I am also considering a private criminal prosecution at Barry Magistrates court but while your immunity to prosecution under the 1967 Royal Charter holds then God help the future of 'self regulation'.

I must not refer to any of this in my 4<sup>th</sup> July 2008 6<sup>th</sup> application to 'practice veterinary surgery' or my name will be again removed from the court list by the chairman. Is that still correct? If so I need the material before I apply to the Court of Appeal and my application before the college or both will fail.

I enclose part of my 5<sup>th</sup> Nov 2005 letter to you requesting same, 2 pages found recently whilst moving premises. I would like, please, a copy of the full letter as my computer has been stolen and disc mislaid. The complete letter acts as a reminder to the court as to just how long this matter has been ignored.

Yours faithfully

Maurice J Kirk BVSc

A handwritten signature in black ink, appearing to be 'M. J. Kirk', written over a horizontal line. The signature is stylized and somewhat cursive.

Deputy Registrar,

RCVS

28<sup>th</sup> June 08

**RCVS Conditions demanded in order I may 'Practice Veterinary Surgery'**

Dear Sir,

My 11<sup>th</sup> June 2008 letter requesting evidence of any other previous applicant, wishing to be on the veterinary register, being subjected to such demands, since 1844, remains unanswered despite a reminder 23<sup>rd</sup> letter and a phone call to the college.

'Fact' not 'fiction' is required for the 'de novo' disciplinary committee hearing, to be heard shortly.

Examination of the transcripts and correspondence, since my first application refusal in November 2004, confirms the college's rule with me that I must not refer to anything prior to my previous application (August 07) or my name may again be removed from the court list as introducing something irrelevant.

Is that still the situation and will you answer my 11<sup>th</sup> June 2008 letter before my possible application on the 4<sup>th</sup> July 2008 comes due?

Yours faithfully

Maurice J Kirk BVSc

# ATTORNEY GENERAL'S REVIEW OF THE YEAR 2001/2002

## Extracts by Maurice Kirk

### CHAPTER 5: CIVIL CASE—WORK (public interest role)

- (a) Charity
- (b) Family — Part III of the Family Law Act 1986— Queen's Proctor
- (c) Appointment of Advocates to the Court
- (d) Special Advocates
- (e) Vexatious litigants

### FOREWORD

The Law Officers occupy a unique position. We are the Government's chief legal advisers. We superintend the Crown Prosecution Service, Serious Fraud Office and Treasury Solicitor's Department, and act as guardians of the public interest. We also have functions in relation to Parliament and the legal profession.

In discharging our responsibilities, we seek to uphold the principles of fairness and independence. This is the first ever Law Officers' Review of the Year. In publishing it, we hope to increase the openness and accountability that are key to our work.

The Review of the Year sets out in detail the functions of the Attorney General and Solicitor General. It provides a record of the work of the Law Officers' Department in 2001-2. Our role is not widely recognised outside Government and the legal profession, and there are few sources of external reference. We hope that this and further annual reviews will help address that.

### (g) Vexatious Litigants

Vexatious litigants are those who persistently issue legal proceedings with no hope of success. Actions may be started against one person or against many, and over periods of months or even years. Vexatious litigation can cost defendants significant sums of money, even if the proceedings are hopeless. It also takes time and other resources from the court system. For this reason, the High Court has since 1896 been able to make an order against a vexatious litigant which requires them to get the permission of the Court before starting any more proceedings. This acts as a filter, ensuring that people are called on to defend only those cases where there are reasonable grounds for bringing them. This power is contained in section 42 of the Supreme **Court Act 1981**. The order can only be made against a person who has habitually and persistently, and without any reasonable ground, instituted vexatious civil proceedings, applications or criminal proceedings.

Applications for an order under section 42 can only be made by the Attorney General. Members of the public or their solicitors write to the Attorney General and ask the Attorney General to make an application. The Attorney General requests that he be sent details of all the claims known to be made by the potential vexatious litigant, including the basis of the claims, details of interim applications, and all orders made by the court in the course of the proceedings, including the ultimate outcome. It is usual for the Attorney General to seek the advice of Panel Counsel before deciding whether to make a section 42 application.

Once the High Court has decided to make a vexatious litigant order, the Attorney General's involvement ends. He does not maintain a list of vexatious litigants, although the court does. Nor does the Attorney General generally take any role in the application for permission to begin

proceedings which a vexatious litigant (who has been made the subject of a Court Order) is required to make if he wishes to embark on fresh proceedings. An exception to this is those cases where the court informs the Attorney General of the application so that he can appoint Counsel to appear as an *Advocate to the Court* (see section (c) above).

On a number of occasions the courts have considered whether the vexatious litigant procedure was compliant with the European Convention on Human Rights, most recently in the Court of Appeal in the case of **Ebert v Official Receiver** (March 2001). Although the Court of Appeal accepted that the system represented a restriction on the right of individuals to have access to the courts (for the purposes of Article 6 of the Convention), it held that the system was justified, because the restrictions were for a good reason and were under the control of the courts.

Moreover, an order under section 42 does not impose an absolute ban on access to the courts; vexatious litigants are still able to begin court proceedings where they can show that they have reasonable grounds for doing so.

In the year to 31 April 2002, five orders were made under section 42. In just one of these cases, the individual in question had, over a period of little more than two years, issued over 100 proceedings, including 49 against a single defendant. These showed the hallmarks of vexatious litigation: attempting to re-litigate the same issue once the court had determined the issue and automatically appealing against every decision of the court. These cases included a number of private prosecutions. The Attorney General applied for, and obtained, an interim injunction pending a final hearing of his application. As at 31 April 2002 a number of other applications were outstanding.

Review drawn up and signed by Mr Goldsmith and Ms H Harman MP



Patron: Her Majesty Queen Elizabeth II

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Secretary & Registrar: Miss J. C. Herr



**PERSONAL & CONFIDENTIAL**

Mr M J Kirk BVSc  
Barry Animal Health Centre  
South Wales  
CF62 8AZ

**Ref: Disciplinary Committee**

**Direct line:** 020-7202 0789

**E-mail:** [profcon@rcvs.org.uk](mailto:profcon@rcvs.org.uk)

**Website:** [www.rcvs.org.uk](http://www.rcvs.org.uk)

24 October 2008

Dear Mr Kirk

I have received from the Clerk to the Disciplinary Committee a copy of your letter of 3 October 2008 relating to deferral of your application for restoration to the Register.

**The Original Direction**

The Directions issued by Disciplinary Committee on 6 October 2006 state that;

*'c. if the Chairman decides that your written application for restoration is not on relevant grounds and has no reasonable prospect of success, he will advise you of this with reasons in writing and your application will not be listed for hearing;*

*e. if you make an application in writing to the Disciplinary Committee for restoration and such application is, following a decision by the Chairman under the provisions of a-d above, not listed for hearing, such application will be an application within the meaning of section 18 of the Veterinary Surgeons Act 1966 and, pursuant to the provisions of sub-section 18 (3) (b) you will not be permitted to make a further application within 10 months of that earlier application.'*

A full copy of these directions is enclosed for ease of reference.

**Your 5<sup>th</sup> Application for restoration, made on 4 July 2008, which was refused**

Following your application for restoration, I wrote to you on 21 August 2008, and stated that;

*'In relation to this... application, your 5<sup>th</sup>, I have three comments;*

*1) You have not provided further information in support of your answers to the questions set out on 7 November 2005. Indeed, your application of 4 July 2008 was merely a repeat of your brief answers of July 2007.*



2) Material placed on your website in the past 12 months continues to attack the probity of the RCVS, which you have been informed is inconsistent with a practising veterinary surgeon.

3) Apart from brief confirmation in an email of the 6<sup>th</sup> September 2007 addressed to the Clerk to the Disciplinary Committee that you have continued to participate in informal CPD discussions and kept up to date with veterinary journals since your removal in 2004, there has been no evidence of your participation in CPD or any proposal for the future.

I therefore conclude that, on the information you have provided, your application for restoration made 4 July 2008 is not made on relevant grounds and does not have a reasonable prospect of success and should not be listed at the present time. As stated in the RCVS's email of the 6 August 2008;

*"On 16<sup>th</sup> June 2008 at an oral appeal hearing at the High Court, Mr Justice Lloyd Jones... indicat[ed] that the RCVS was entitled to protect its procedures from abuse."*

*I enclose a copy of my letter to you of 4 September 2007 and advise that any further relevant information received before the end of September 2008 will be considered as part of your 5<sup>th</sup> application for restoration.'*

You had until 30 September 2008 to put forward any further information to be considered as part of your application for restoration. You wrote to me by letter on 22 August 2008 and I responded by letter on 22 September 2008 stating;

*'...I therefore conclude that, on the information you have provided, your application for restoration made 4 July 2008 is not made on relevant grounds and does not have a reasonable prospect of success and should not be listed at the present time.'*

*Nothing in your letter of 22<sup>nd</sup> August has altered that conclusion.*

*If you wish to submit any additional information then I would be pleased to receive it. Any such information received before 30 September 2008 will be considered as part of your 5<sup>th</sup> application for restoration.'*

Nothing further was submitted by 30 September 2008.

### **Refusal to defer application**

Your application for restoration made on 4 July 2008 which has been refused, cannot now be deferred. The next date that you are eligible to make an application for restoration is 4 May 2009.

Yours sincerely

P.P. L. E. Bruce

**Mrs Alison Bruce**  
Chairman of the Disciplinary Committee

cc: Mrs E Ferguson, solicitor, Disciplinary Cases



**ROYAL COLLEGE OF VETERINARY SURGEONS**

**MR MAURICE JOHN KIRK**

**JUDGMENT**

Mr Kirk made application to be re-instated to the Register of Veterinary Surgeons in a letter to the College, dated 21<sup>st</sup> August 2006, and has appeared before us today with his Mackenzie friend. Mr. Kirk chose not to address the Committee himself.

The burden of demonstrating that he is a fit and proper person to be re-instated to the Register falls upon Mr. Kirk.

During the course of the hearing today, Mr Kirk, despite being given every opportunity and encouragement has not addressed any of the issues that might persuade the Committee that he had met that burden. These issues have been set out in detail in a letter sent to Mr. Kirk in December 2004, and in a note prepared by the Committee, dated 7<sup>th</sup> November 2005, setting out eight questions that the Committee would require him to answer, if he is to achieve his re-instatement.

Mr Kirk has not placed before the Committee any evidence nor any submission addressing any of the questions identifying the relevant issues to support his application.

The Committee, having listened to Mr Kirk through his Mackenzie friend, for some four hours, finds that Mr. Kirk has not discharged the burden that falls upon him.

The Committee dismisses his application.

The College invited the Committee to make a number of directions which the College's solicitors had set out in a letter addressed to Mr Kirk, dated 2<sup>nd</sup> October 2006.

In order to ensure that any future application for re-instatement made by Mr Kirk is a genuine application which has a reasonable prospect of success, and that the resources of the College are not wasted for a frivolous or vexatious application, or one which seeks the determination of irrelevant issues, the Committee makes the directions that the College have sought, without amendment.

A copy of the College's letter has been attached to this judgment.



GRFH/UPS/2603931

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Mr M J Kirk

2 October 2006

Dear Sir

**Royal College of Veterinary Surgeons – Application for Restoration 6 October 2006**

We write to put you on notice that, in the event that you are not successful in securing restoration to the Register of Veterinary Surgeons at the hearing listed for 6 October 2006, the Royal College of Veterinary Surgeons ("the College") will, at the conclusion of proceedings on 6 October 2006, invite the Disciplinary Committee to give directions about any future applications for restoration that you may make.

The College has sought to address the issues raised by you in your applications for restoration. However, the College is of the view that many of the issues you raise are not relevant to the issue of whether you should be restored to the Register. The College's view is that it is not appropriate that irrelevant issues be raised repeatedly before the Committee upon applications for restoration. It is an abuse of process and a disproportionate use of resources for you to request that irrelevant matters be considered and re-considered in this way. The Committee has already sought to assist you in focusing your applications for restoration by outlining the questions it would like to see addressed by you before you are restored to the Register. However, it appears that you reject the Committee's guidance and continue to wish to raise irrelevant matters before it.

The College therefore proposes that directions be given by the Committee at the end of the hearing on 6 October 2006 in order to focus any further applications you might make for restoration, should you not succeed on that date. The directions that the College seek are as follows:

- a. upon your applying for restoration in writing, the clerk to the Disciplinary Committee will ask the Chairman of the Committee, if necessary with advice from the legal assessor, to consider whether your application is on relevant grounds and has a reasonable prospect of success;



b. in considering your application the Chairman may, in addition to having regard to the terms of your application, have regard to any communications by you with members or representatives of the College since your last application for restoration and the material posted by you on your website since your last application for restoration when making his decision;

c. if the Chairman decides that your written application for restoration is not on relevant grounds and has no reasonable prospect of success, he will advise you of this with reasons in writing and your application will not be listed for hearing;

d. if after your application has been listed for a hearing, you place material on your website and/or submit to the clerk to the Disciplinary Committee material which indicates that you will be seeking to raise matters at the hearing which are irrelevant to an application for restoration, then the clerk to the Disciplinary Committee will ask the Chairman of the Committee to reconsider his decision, if necessary with advice from the legal assessor;

e. if you make an application in writing to the Disciplinary Committee for restoration and such application is, following a decision by the Chairman under the provisions of a-d above, not listed for hearing, such application will be an application within the meaning of section 18 of the Veterinary Surgeons Act 1966 and, pursuant to the provisions of sub-section 18 (3) (b) you will not be permitted to make a further application within 10 months of that earlier application.

The College considers that the making of such directions is both appropriate and lawful within the terms of the Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Evidence and Procedure) Rules Order in Council 2004. Rule 20.1 requires that an application for restoration sets out in writing the grounds upon which it is based. It is understood by the College that the grounds must be relevant to the application for them to be grounds upon which reliance is placed. Rule 20.6 provides that an applicant for restoration shall address the Committee, and adduce evidence and make submissions, but only in support of the application. It is understood by the College that the rule does not permit the making of submissions or adducing of evidence which is not relevant to the application. Rule 20.7 permits the Committee to determine its own procedure in relation to applications for restoration apart from the matters provided for under that part of the Rules, as does rule 28 more generally. It is therefore the view of the College that the Committee may properly determine its own procedure, and accordingly, give directions in order to ensure that an application for restoration is confined to relevant matters.

You will of course be able to make submissions in response to the College's request that the directions set out in this letter be made by the Committee.

A copy of this letter has been sent to Mrs Whall, the Clerk to the Committee, with the request that it is forwarded to the Legal Assessor for your hearing on 6 October 2006.

Yours faithfully

Penningtons Solicitors LLP