

## **COUNCIL TAX INFORMATION V13, February 2023**

Covers the council tax fraud: corporations, legislation, persons, personal data, obligation to pay, Direct Debit Guarantee, debt collectors, trespassers case law, court summons, magistrates' court, liability orders, warrants, county courts, Debt Collectors, Vulnerable Notice, police, legislation to quote to the council, the notice process, how to make a court claim under GDPR, liens, and the Herefordshire Case Study.

### **Introduction**

If you know the law and your rights the corporations that form the legal and financial system cannot intimidate or coerce you into doing something that isn't lawful. If you do your research and stand in your power you can refuse to be coerced and there is nothing they can do about it.

Financial institutions, the legal system, and government have used personage and legal entrapment to enslave men and women by tricking us into registering our names as a corporate entity through the Certified Copy of an Entry (Birth Certificate), Drivers Licence, and Passport. We then believe that this ALL CAPS legal fiction with the title Mr/Mrs/Miss/Ms is actually us, so we unwittingly represent this implied corporation and therefore bear the burden of fines, taxes, tickets, and policies.

Their use constitutes an unlawful attempt to lower the status a man or a woman, which is above a public servant, to that of a PERSON, which is under a public servant. It also constitutes an unlawful attempt to gain jurisdiction, when no such jurisdiction exists, nor can it ever exist unless there is a provable cause where a man or woman has filed a verified claim (affidavit).

Together with the crime of personage or legal entrapment is another criminal activity known by the term 'barratry', which is a legal term in British case law that describes a criminal offence committed by people who are overly officious in instigating or encouraging prosecution of groundless litigation, or who bring repeated or persistent acts of litigation for the purposes of profit or harassment. Knowingly bringing false claims into court is something that the police, politicians, judges, and local councils are doing on a daily basis.

There is no obligation to acknowledge, believe, or adhere to written instruments such as Statutes, Acts, or Legislation authored by other men and women acting as public servants, unless you are property of the public servants who authored the foregoing written instruments. Since living men and women are not owned by the author of these documents or anyone accepting liability for these false statements, we have no obligation to contract with the author or anyone accepting liability for the false statement.

An obligation is a moral or legal requirement or duty; the act of obligating; or the state of being obligated. It is a legally enforceable agreement to perform some act, especially to pay money, for the benefit of another party. It is a legal bond by which one or more parties (the obligated) are bound to act, or indeed to refrain from acting, which is in essence a contract.

A contract is an agreement made by the mutual consent of two or more persons by their own free will.

In order to be legally binding a contract MUST have: Offer, Acceptance, Consideration, Full disclosure and be signed by two sentient living beings. Only a wo/man and another wo/man can sign a contract. A corporation cannot sign a contract with a wo/man.

Our duties, rights and obligations are created by such contracts and creating them without our agreement would be an act of force that is unlawful. Nobody has entered in any contract with their local council nor has anyone ever agreed to pay them.

Nobody can create an obligation for another man or woman without their permission. But that is exactly what your local council is doing when they send you a council tax bill.

When a corporation writes to you saying that you owe them money, always write back asking for verification of a contract with wet ink signatures, a true bill, and all of the material evidence to support their claim in the form of an Affidavit which means that a living man or woman must accept liability. Since there is no such contract, no bill that conforms to the Bill of Exchanges Act 1882, and no Affidavit (corporations can't write them) the chances are that this won't happen.

## **COUNCILS ARE CORPORATIONS**

The first thing you can do is send an FOI request to the council asking for their DUNS Number, Company Number with Companies House, their ICO number, and their VAT registration number.

When you write to the council always quote their Dun & Bradstreet number - DUNS Number. Put it on the letter or notice you are sending under the name of the Chief Executive and the address on the left-hand side. Look up the number here: <https://www.dnb.co.uk/duns-number/lookup.html>

They will also be registered with Companies House in England & Wales. You can do a search here: <https://www.gov.uk/get-information-about-a-company>

If the result doesn't come up try this search: <https://companycheck.co.uk>

Also look up their ICO registration number: <https://ico.org.uk/about-the-ico/what-we-do/register-of-fee-payers/>

As evidenced by the DUNS Number the council is a private, for-profit company charging for so-called 'services' (which have not been evidenced as consideration in any contract with us) and is therefore no different to McDonalds.

Under the Clearfield Doctrine, a Supreme Court Case, Clearfield Trust Co. v. United States, (1943) 318 US 363-371, when the State or government enters into commercial business it abandons its sovereign capacity and is to be treated like any other corporation. The Clearfield Doctrine strips the council of its "government" cloak and any protection that it offers. Therefore legislation that applies to all companies also applies to the council.

## **LEGISLATION**

Profit is made from you by the way of legal (not lawful) fines from Legislation or Acts and Statutes, utility bills, and the many different forms of taxation. Research the Data Protection Act 2018, the General Data Protection Regulation, the Law of Property Act 1925, sections 53, 136 and 196; and the Law of Assignment and Practice Directive 51U.

The burden of proof is on the council, because they are under a legal obligation to prove that we are under an obligation to comply with the councils command. Under section 34 (6) of The council Tax (Administration and Enforcement Regulations) 1992, the council is required to satisfy the courts of the following two presumptions:

- 1) the sum has become payable by the defendant
  - 2) That any obligation has not been paid
- <https://www.legislation.gov.uk/ukxi/1992/613/regulation/34/made>

When explaining why you have to pay council tax, Local Councils will reference The Local Government Finance Act 1988/1992 stating that it 'sets out the legal ability to administer and collect Non-Domestic Rates and council tax respectively'.

So here is the section to which they are referring:

### **1. Council tax in respect of dwellings.**

*(1) As regards the financial year beginning in 1993 and subsequent financial years, each billing authority shall, in accordance with this Part, levy and collect a tax, to be called council tax, which shall be payable in respect of dwellings situated in its area.*  
<https://www.legislation.gov.uk/ukpga/1992/14/section/1>

Here we can see that the legislation says a council can 'levy and collect a tax'. So yes they are permitted to send out bills, however, it does not say that living men and women are required to pay council tax nor does it state that payment is obligatory or compulsory. There is no legal or equitable obligation to make payments to any council under the Local Government and Finance Act 1992.

The burden of proof is on the council to prove the payment is compulsory to their private company.

Section 1(1) of the Local Government Finance Act 1992 says it 'shall' be payable but where does it say when it is payable?

Councils will also say that 'all persons have a duty to pay their council tax upon receipt of a council tax bill'. Indeed, the legislation states that 'persons' and 'residents' or 'owners' are required to pay council tax.

*6. Persons liable to pay council tax.*

*(1) The person who is liable to pay council tax in respect of any chargeable dwelling and any day is the person who falls within the first paragraph of subsection (2) below to apply, taking paragraph (a) of that subsection first, paragraph (b) next, and so on.*

*(2) A person falls within this subsection in relation to any chargeable dwelling and any day if, on that day—*

*(a) he is a resident of the dwelling and has a freehold interest in the whole or any part of it;*

*(b) he is such a resident and has a leasehold interest in the whole or any part of the dwelling which is not inferior to another such interest held by another such resident;*

*(c) he is both such a resident and a statutory [F1, secure or introductory tenant] of the whole or any part of the dwelling;*

*(d) he is such a resident and has a contractual licence to occupy the whole or any part of the dwelling;*

*(e) he is such a resident; or*

*(f) he is the owner of the dwelling.*

<https://www.legislation.gov.uk/ukpga/1992/14/section/6>

But what is a 'person' and what is a 'dwelling'?

## **PERSON - DEFINITIONS IN LAW**

Presumption of person: "Persons" are of two kinds, natural and artificial.

PERSONA-EST-HOMO-CUM-STATU-QUODAMONSIDERATUS. A person is a man considered with reference to a certain status.

A Natural Person is a man or woman considered according to the rank they hold in society, with all the rights to which the place held entitles him and the duties which it imposes.

HOMO-VOCABULUM-ESTNATURZE; PERSONA-JURIS-CIVILIS. Man (homo) is a term of nature; person (persona) of civil law.

An Artificial Person is created and devised by human laws for the purposes of society and government as distinguished from Natural Persons.

Corporations are also "persons". Persons include a collection or succession of natural persons forming a corporation. Every full citizen is a person and a 'country' is a person in a legal sense. Unless challenged it is presumed that you are a 'person', that is a fiction in the public, a subject of civil rights, duties, and obligations - such as paying fines and taxes.

The definition of a 'person' in Blacks Law Dictionary 1990 edition six is:

*Person. In general usage, a human being (i.e. natural person), though by statute term may include labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.*

So in legal terminology, a 'person' may also be a 'corporation' in reference to statues and Acts. Therefore every Act is directed at a 'person' or 'persons'.

Blacks Law Dictionary 1990 edition six goes on to describe 'artificial persons':

*Artificial persons. Persons created and devised by human laws for the purposes of society and government, as distinguished from natural persons. Corporations are examples of artificial persons.*

Various pieces of UK legislation include a definition of 'person':

The Bills of Exchange Act 1882, Section 2:

*"Person" includes a body of persons whether incorporated or not.*  
<https://www.legislation.gov.uk/ukpga/Vict/45-46/61/section/2>

The Local Government Act 1888, Section 100

*The expression "person" includes any body of persons, whether corporate or unincorporate.*  
<https://www.legislation.gov.uk/ukpga/Vict/51-52/41/section/100>

The Interpretation Act 1978, Schedule 1, "Words and expressions defined";

*"Person" includes a body of persons corporate or unincorporate. [1889]*  
<https://www.legislation.gov.uk/ukpga/1978/30/schedule/1>

Representation of the People Act 1983, Section 202, 'General provisions as to interpretation':

*"person" includes (without prejudice to the provisions of the **M1** Interpretation Act 1978) an association corporate or unincorporate;*  
<https://www.legislation.gov.uk/ukpga/1983/2/section/202>

So the meaning of the word person is different in legal usage than in standard English. A person is not what we think it is; it is in fact an association which can be corporate or unincorporate.

According to the UK Government website 'An 'unincorporated association' is an organisation set up through an agreement between a group of people who come together for a reason other than to make a profit (for example, a voluntary group or a sports club). ... Individual members are personally responsible for any debts and contractual obligations.'  
<https://www.gov.uk/unincorporated-associations>

So in this sense a person that is unincorporated agrees to be responsible for debts and contractual obligations.

## **MEN & WOMEN**

In contrast, Genesis 1:27 says that men and women are a creation of God:

*'So God created man in his own image, in the image of God created he him; male and female created he them.'* King James Version

Therefore a person is not a man or woman, nor a male or female.

A person is an invention of man as defined in the law created by man. A person was not created by God therefore, a person is not a man or woman.

Our entire system of taxation and fines is fake and has been designed as a commercial system that uses persons in commerce. A corporation cannot contract with a man or woman, they can only contract with another corporation, so they have invented the term 'person' so that they can unlawfully contract with men and women through implied consent.

The bills, the fines, the taxes are all directed at our legal fiction Mr/Mrs/Miss/Ms ALL CAPS name or straw-man, not at us. To avoid this fraud and to not allow them to commit the crimes of legal entrapment on us we need to comprehend that we are man and woman not a person or persons with titles and CAPITALIZED NAMES.

These things also belong to the wise. It is not good to have respect of persons in judgment: Proverbs 24:23

For there is no respect of persons with God: Romans 2:11

## **REBUTTAL OF PRESUMPTION OF PERSON**

I :name: formally challenge, rebut, revoke, and rescind the presumption of 'Person'. I a wo/man am living, breathing, and of flesh and blood, who stands under Natural Law, and God, the creator, that was, is and ever shall be. I am a wo/man under God and I renounce any and all civil rights, duties, and obligations. It is by definition a presumption and has no standing or merit in presentable or material fact, therefore I do not consent. I a wo/man :name: remove any and all contracts, implied, expressed or Quasi. They are void ab initio "estoppel by contract".

## **FREEDOM OF INFORMATION REQUESTS**

FOI emails to the council can be used to access general information that is not personal to you. We need to separate out our requests into DSARs, which cover personal information, and FOI which covers information that should be available to any member of the public. Do not put general information request into a DSAR.

### **Example FOI Request**

Under The Freedom of Information Act 2000 (FOIA) I would like to request proof of where the resident's Council Tax payments are being spent.

1 - I am writing to request a copy of the expenditure statement for the year 2021 to 2022. I would like the full transactional list of all of the expenses paid by the council. I do not require the profit and loss spreadsheet. I do not want to see percentages but itemised proof in pounds (£s) as to where the annual council tax is being spent.

2 - I would like to know if my council tax funds the Police Service, Ambulance Service, waste collection and Schools.

3 - If the above services are being funded I would like to know the percentages for each.

You are respectfully reminded of the following guidance from the ICO:

- Section 10 of the Act sets out the time frames within which a public authority must respond to an FOIA request.
- It applies whenever the public authority has:
  - a duty under section 1(1)(a) confirm or deny whether the information is held;
  - a duty under section 1(1)(b) to provide information that is held to the requester;
  - a duty under section 17 to issue a refusal notice explaining why a request has been refused.
- Authorities must respond to requests promptly, and by the twentieth working day following the date of receipt of the request.

- A working day is any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.  
- Where required, an authority may claim a reasonable extension of time to consider the public interest test. An extension beyond an additional 20 working days should be exceptional.

<https://ico.org.uk/media/for-organisations/documents/1165/time-for-compliance-foia-guidance.pdf>

## **PERSONAL DATA**

In 2019 the court of Appeal ruled that 'no legal duty exists that requires a resident to notify a council of their residence at a particular address for council tax purposes'. This means that there is no legal obligation to provide any local council with any personal details.

The judge said that 'the defendant appeared liable to pay council tax ... but that cannot of itself, as we see it, connote that she was obliged in law to notify the council of her continued residence. The fact is, as we have said, that such a provision simply is not there, either within the primary legislation or in subordinate legislation made pursuant to the provisions of the 1992 Act itself.'

<http://www.bailii.org/ew/cases/EWCA/Crim/2019/209.html>

## **PAYMENTS**

There is no law requiring anyone to pay any tax. There is no legal or equitable obligation to make payments to any council under the Local Government and Finance Act 1992. There is no obligation whatsoever to make payments to any council under any legislation whatsoever.

Legislation and Acts of Parliament use force to make claims upon us, but they are neither proof of claim or authority over us. Acts require our consent to be given the force of law, otherwise they are merely rules and regulations - not law. Living men and women must agree to these written instruments authored by our public servants for them to be of any relevance and hold any force.

For a corporation or company to say that we owe them money, without a contract is a blatant lie constituting trespass, forgery, fraud, barratry and identity theft. The council must prove an obligation to pay. The burden of proof is on the council to prove the payment is compulsory to their private company.

The council is under a legal obligation to prove that we are under an obligation to comply with the councils command, as detailed in Section 34(6) of The council tax (Administration and Enforcement) Regulations 1992, which requires the council to satisfy the courts the following two presumptions:

- 1) The sum has become payable by the defendant (you) and
- 2) That any obligation has not been paid.

The burden of proof is also on the local authority to demonstrate that it has complied with the rules of billing, as per the Bills of Exchange Act 1882; it is not upon us to show why we have not paid.

We should not be making payment to a private company without evidence of equitable consideration in the form of a legal contract, signed by two sentient beings. However, when we are presented with these fake bills, taxes, and fines, we should never refuse to pay them because that will only cause controversy, and the legal society thrive and prosper purely on the creation of controversy. By removing any controversy or argument, there is nothing for a judge or magistrate to deal with.

The easiest way to deal with this fraud is to always remember that the bills, fines, taxes etc are simply offers to contract. If you contract, then you have to pay. But rather than contracting, send them a counteroffer by way of a conditional acceptance. You then agree to pay any and all bills, fines, taxes etc in full upon receipt of a lawful contract; a commercial true bill and full and complete statement of accounts.

For clarity, a lawful contract must include full disclosure with nothing added or removed after being signed, consideration, meaning that both parties bring something to the table and all signatories get what they want from the contract, lawful terms and conditions laid out in simple English, plus the wet signatures of all contracting parties.

Halsbury's laws of England: "The law is absolutely clear on this subject. There is no authority for administrative courts in this country and no Act can be passed to legitimise them because of the constitutional restraints placed upon her Majesty at her coronation. Her oath requires her to govern us according to our respective laws and customs, a vital part of which consists of the tripartite system of separation of powers between judiciary, parliament (legislature) and executive. The collection of revenue by administrators is extortion, and extortion has been found reprehensible since ancient times".

## **DIRECT DEBIT RECLAIM**

Direct Debit Reclaim (DDR). After you have cancelled your Direct Debit phone your bank and claim back all the payments. Go here for the full explanation: <https://awakenedgb.wordpress.com/2022/02/10/the-direct-debit-guarantee/>

The council can reverse your indemnity claim depending on which one of the eight Indemnity Claim reasons you gave. The bank will inform the council and give them nine days to challenge the claim and provide the relevant proof. After 14 working days, or if the bank hears nothing, or if the challenge was not successful then the bank take the money out of the company's account.

If a reversal isn't successful the council may try to pursue you for arrears using their standard threats of court summons.

## **COURT SUMMONS**

Options on receipt of a summons:-

1. Go in to court and ask for a proof of obligation/valid contract which they won't have.
2. Ignore and deal with the debt collectors at the door - they give up after a while.
3. Go to court. They will try to negotiate with you outside the court - make an offer of £20 per month
4. Write a notice of rejection of offer and rebut the summons - ask which valid court has sent this/ which judge etc.

The court summons for council tax is fabricated by the council and issued by the council, it is not a proper summons issued by a magistrates court and is therefore not on the court system.

We know that a magistrates' court handles criminal cases; and that debts are not a criminal matter but a civil matter. Civil matters are heard in county courts. So the fact that a civil matter is being heard in a criminal court is the first clue that there is something wrong. They can't hear it in a civil court which is responsible for money disputes because they would have to provide the evidence that a contract or agreement was broken, which, of course, they can't because they can't provide proof of claim.

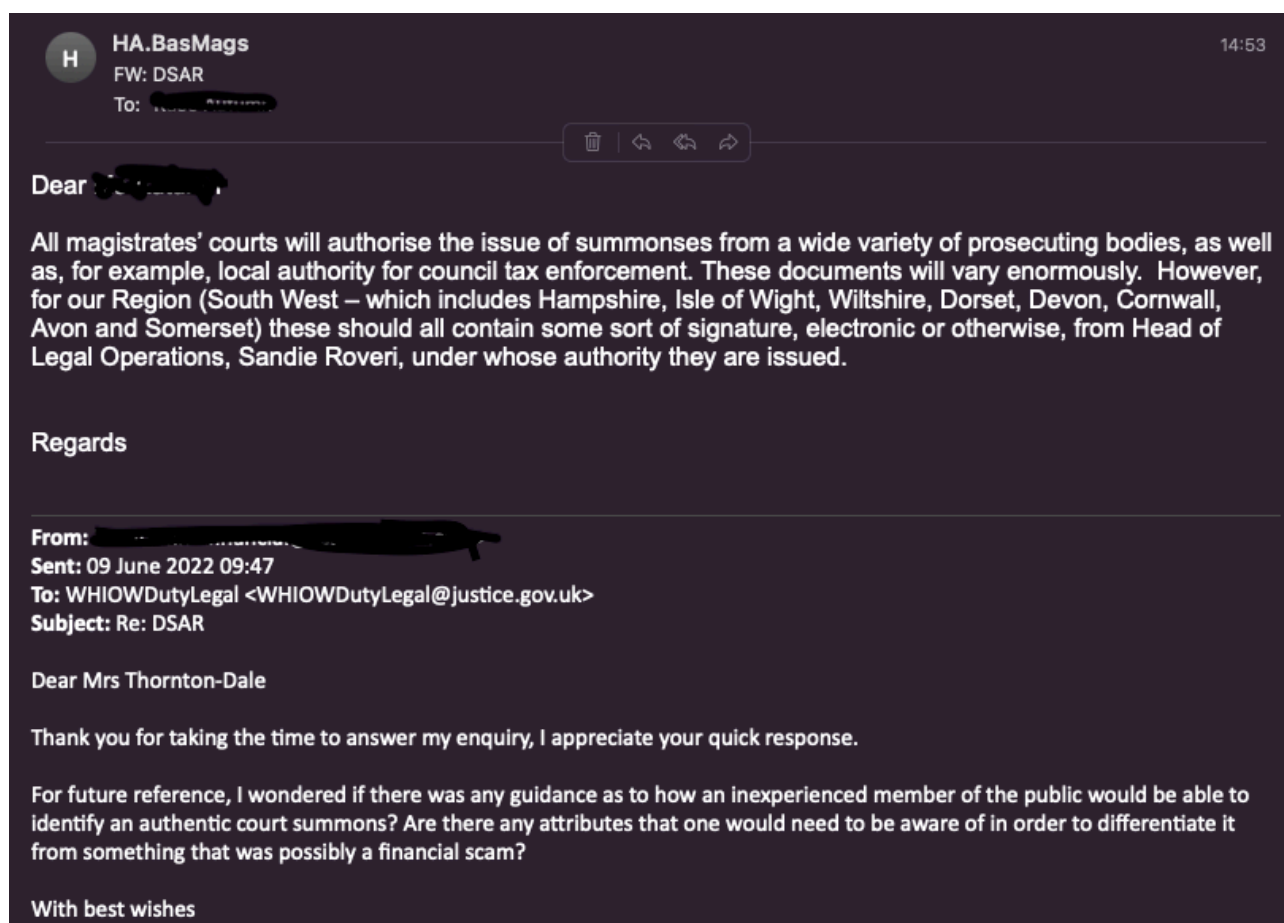
Pursuant to the Magistrates' Court Act 1980, a justice of the peace issues a summons and signs it so that the individual can answer to the complaint.

I read through a council tax summons and noticed that:  
- the name of the court is not mentioned on the summons

- the name of the individual at the court who issued the summons as recorded by the designated officer is not mentioned
- there is no court seal
- there is no signature of the Clerk, Magistrate, or the Justice of the Peace.
- the envelope the summons was sent in has the unique franking machine die number of the council printed next to the postage amount.
- court documents do not have barcodes. Barcodes are produced by the council to track documents from their bulk processing centre.

## SIGNATURES

A court summons requires a signature. Send an FOI request to the alleged court asking them how you can identify an authentic summons.



## STEPS TO TAKE ON RECEIPT OF A COUNCIL TAX SUMMONS

1. Phone the court.

If you phone up the magistrates court directly and ask them if they have any criminal matters before them in your name and ask for the case file numbers and the name of the case progression officer at the court. They will confirm that their system doesn't have any record of any criminal cases in your name.

2. Send the court a DSAR

You can back this up by sending a DSAR asking for the personal data that they hold on you.



The summons for council tax has a 'summons number' which is not shown on an authentic magistrates court summons. If you ask for further details from the magistrates' court regarding this number they will say it was issued by the council and refer you back to them.

An authentic court summons issued by a magistrates' court shows the following:

- the case number
- the born date of the defendant
- the date and time of the hearing (you will not be required to 'make an appointment')
- the name of the court and the number of the court room where the hearing will be held
- the name of the Justices Clerk issuing the summons
- a summary of the case against the defendant

The correct process should follow the Civil Procedure Rules (CPR) <https://www.justice.gov.uk/courts/procedure-rules/civil> and the official guidance in the magistrates' court Act 1980, Section 51.

The Civil Procedure Rules (CPR) state that official documents, such as a claim form stating the amount being claimed, must be sealed by the court.

## PART 2 - APPLICATION AND INTERPRETATION OF THE RULES

### 2.6 court documents to be sealed

- (1) The court must seal<sup>(GL)</sup> the following documents on issue –
  - (a) the claim form; and
  - (b) any other document which a rule or practice direction requires it to seal.
- (2) The court may place the seal<sup>(GL)</sup> on the document –
  - (a) by hand; or
  - (b) by printing a facsimile of the seal on the document whether electronically or otherwise.
- (3) A document purporting to bear the court's seal<sup>(GL)</sup> shall be admissible in evidence without further proof.

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part02>

The magistrates' court records should contain:

- the original complaint against you
- a copy of the official court Summons produced by the court and signed by the Clerk of the Justice of the Peace
- the case file which you are entitled to access for the information about your case
- the name of the case progression officer.

However, according to the Magistrates' Courts (Amendment) Rules 2019 (SI/2019/1367) Rule 7, the requirement for a signature on a summons or warrant is removed if there is a record of issue. So there still needs to be a paper trail at the court even if there isn't a signature.

The summons is accompanied by a notice headed with the logo of HM Courts & Tribunals Service which is fraudulent under the Fraud Act 2006, Section 2 (1) False Representation and Section 11, obtaining services dishonestly. <https://www.legislation.gov.uk/ukpga/2006/35/contents>

Pursuant The Local Government Act 1888, section 78 (2) (a), a council is not a court and does not have powers to act as a court. <https://www.legislation.gov.uk/ukpga/Vict/51-52/41/section/78>

The employees responsible for draughting and issuing fabricated court summons documentation may be committing fraud pursuant to the Fraud Act 2006, Section (1) and (2), and Section (4), which carries a penalty of imprisonment.

If it is found that the council is impersonating a court we can take our case to the High Court because individuals at the council are committing an offence by breaking legislation.

### **DSAR 1 to the Court**

Under DPA 2018 and GDPR 2018 I am writing to request a copy of the data that xxx court hold about me on their system.

Have you any knowledge that my information has been given to the court by any company claiming to be taking me to court?

If so please can you give me the details.

I attach my proof of ID and residency.

Thank you

### **DSAR 2 to the Court**

If they come back with nothing send a second DSAR with the summons number and ask for the above details relating to it. They will write back saying that they don't hold any data on their system because it is related to Council Tax and that you should contact the council directly. This is confirmation that the council is issuing the summons and fraudulently claiming it is from the court. The court is complicit in this deception.

### **DSAR to Ministry of Justice**

You can also send a DSAR to the Ministry of Justice, 102 Petty France London. Please provide the data and information contained in the court management files relating to me.

### **DSAR to the Council**

The burden of proof is on the council so you can also send them a DSAR for proof of the documents and proof of claim supplied by the council to the court in their application.

You can also send an FOI request asking for the court rules or legislation that they are following which supports their claim.

### **FOI to the Court & Council**

We are confused as to why XYZ Council is sending a summons for a magistrates court for council tax when it is a criminal venue?

It is our understanding that debts are a civil cases and are always heard in a county court.

A magistrates court is a criminal court for summary offences such as traffic, assault or either-way offences such as theft and handling stolen goods.

A summons for an alleged debt is usually a civil matter held in a County Court. Since a council tax summons hearing is held in a criminal venue (XYZ Magistrates Court) yet is civil in nature; please confirm the jurisdiction of the court and which legislation and court rules apply.

Since a council tax application for a liability order is held in a criminal venue, yet in nature is a civil matter, please confirm the jurisdiction of the court and which legislation and CPR rules apply to those hearings.

### **Case Law**

Regina v Brentford Justices, Ex parte Catlin [1975] QB 455<sup>1</sup>

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<sup>1</sup> <https://swarb.co.uk/regina-v-brentford-justices-ex-parte-catlin-1975/>

“A decision by magistrates whether to issue a summons pursuant to information laid involves the exercise of a judicial function, and is not merely administrative.”

“... It must however be remembered that before a summons or warrant is issued the information must be laid before a magistrate and he must go through the judicial exercise of deciding whether a summons or warrant ought to be issued or not. If a magistrate authorises the issue of a summons without having applied his mind to the information then he is guilty of dereliction of duty and if in any particular justices’ clerk’s office goes on a practice goes on of summonses being issued without information being laid before the magistrate at all, then a very serious instance of maladministration arises which should have the attention of the authorities without delay....” - Lord Justice Widgery.

<https://swarb.co.uk/regina-v-brentford-justices-ex-parte-catlin-1975/>

Anyone except a court issuing a document that appears to be from a court is breaking the law and may be committing fraud and perjury pursuant to the 1911 Perjury Act<sup>2</sup> and may also be committing a crime under the Administration of Justice Act 1985<sup>3</sup>.

The employees responsible for draughting and issuing fabricated court summons documentation may be committing fraud pursuant to the Fraud Act 2006<sup>4</sup>, Section (1) and (2), and Section (4), which carries a penalty of imprisonment.

Fraud Act, 2006

(1) A person is guilty of fraud if he is in breach of any of the sections listed on subsection (2) (which provide for different ways of committing the offence).

(2) The sections are-

- (a) section 2 (fraud by false representation),
- (b) section 3 (fraud by failing to disclose information)
- (c) section 4 (fraud by abuse of position).

Fraud Act 2006, Section 4, Fraud by abuse of position.

(1) A person is in breach of this section if he-

(a) occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person,

(b) dishonestly abuses that position, and

(c) intends, by means of the abuse of that position-

(i) to make a gain for himself or another, or

(ii) to cause loss to another or to expose another to a risk of loss.

(2) A person may be regarded as having abused his position even though his conduct consisted of an omission rather than an act.

(3) A person who is guilty of fraud is liable-

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or to both);

(b) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine (or to both).

<https://www.legislation.gov.uk/ukpga/2006/35/contents>

## Rebut the Summons

After sending the DSARs send a separate notice to the council to rebut their summons: a Notice of Rejection of Summons.

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<sup>2</sup> <https://www.legislation.gov.uk/ukpga/Geo5/1-2/6/contents>

<sup>3</sup> <https://www.legislation.gov.uk/ukpga/1985/61/contents>

<sup>4</sup> <https://www.legislation.gov.uk/ukpga/2006/35/contents>

According to the Twelve Presumptions of Law, The Presumption of Summons is that by custom a summons un rebutted stands and therefore one who attends court is presumed to accept a position (defendant, juror, witness) and jurisdiction of the court. Attendance to court is usually invitation by summons. Unless the summons is rejected and returned, with a copy of the rejection filed prior to choosing to visit or attend, jurisdiction and position as the accused and the existence of 'guilt' stands.

Rebuttal of the Presumption of Summons: I, Firstname Lastname, the undersigned formally challenge the Presumption of Summons as it is by definition a presumption, by definition and has no standing or merit in presentable or material fact.

We hereby reject:

- any assumed position of being the 'defendant' or the 'accused'
- the jurisdiction of the alleged court
- the existence of any 'guilt'.

We hereby rebut all Twelve Presumptions of Law from The BAR Association. [EXHIBIT A]

<https://www.commonlawcourt.com/wp-content/uploads/2020/11/Exhibit-7.pdf>

List your reasons for believing it is fabricated:

- it was issued by the council and not by a court
- the name of the court is not mentioned on the summons
- the name of the individual at the court who issued the summons as recorded by the designated officer is not mentioned
- there is no court seal
- there is no signature of the Clerk, Magistrate, or the Justice of the Peace.
- the envelope shows the unique franking machine die number printed next to the postage amount.

Include your declaration that any future liabilities shall be paid by the council on behalf of our person in accordance with the Local Government Act 1888 c41 part V proceedings of a council and committee section 79 subsection 2.

Provide the evidence you gained from you telephone call with the court and their response to your DSAR.

Then go through the document and pull out all the problematic points:

The document states 'COMPLAINT has this day been made to me, the undersigned...' however, the document is not signed nor is there a name of an individual who claims to be 'me'.

The document references 'you, being a person'. We require clarification as to whom 'you' is and we need you to provide the evidence of whom the 'person' is. We cannot accept documents that do not specifically specify our name as being a defendant.

The document has the legal fiction name 'Mrs/Mr xx xx' at the top, but doesn't state whether they are the defendant in a current criminal or civil case.

We need you to confirm which styles manual you are following since according to the Oxford Styles Manual anything in ALL CAPS is an acronym and cannot be read as simple English. According to the four corners rule anything in a box is not on the page and cannot be seen. As such, once anything in capital letters and in a box is removed there is a lot of missing information from the 'summons'.

The summons states that 'YOU ARE SUMMONED to appear before the Magistrates' Court' but it doesn't name the individual who has been summoned or say to which Magistrates' Court the individual is being summoned.

We are also confused as to why you are sending a summons for a magistrates court for council tax when debts are a civil cases and are always heard in a county court. A magistrates court is a criminal court for summary offences such as traffic, assault or either-way offences such as theft and handling stolen goods.

On the accompanying 'Notice', claiming to be from X Magistrates' Court, our name was missing, it was simply addressed 'To: the person(s) named in the attached summons'. However, as previously stated, there was no individual named in the summons. Due to the fact that our name is not on the Notice we cannot make the assumption that it was intended for us.

On Page 2 of the 'Notice' we were advised that if 'you believe you have a good defence and want to go to court, you must book a time to attend'. However, this is suspicious on three points:

(1) the time of xx on x date was already specified on the summons so why does an appointment need to be booked?

(2) why does a document purportedly issued by a court require us to phone the council to 'book a time slot'?

(3) why does x Magistrates' Court have no record of a hearing at x time on x date if they have issued a summons for that hearing?

The summons is unsigned which also negates its legality according to the Companies Act 2006, Section 44 and 45.

The summons is accompanied by a notice headed with the logo of HM Courts & Tribunals Service which is fraudulent under the Fraud Act 2006, Section 2 (1) False Representation and Section 11, obtaining services dishonestly.

## **MAGISTRATES COURT**

A magistrates' court is for criminal cases such as summary offences which include minor assault, or either-way offences such as theft and handling stolen goods. Debts are a not a criminal matter, they are civil cases and they are always heard in a county court. Council tax is a debt, not a tax, so why is it treated as a criminal matter?

The summons is fabricated and the hearing is also fraudulent because the council is hiring both the magistrates' court and the magistrate for the day. Ask the magistrate if they are acting under their oath and it is likely they will leave the court or not answer because they know that they aren't acting under oath.

There is no court hearing conducted by any magistrates' court with respect to council tax under Criminal Practice Direction or Civil Procedure Rules. Councils conduct their own hearings under the guise of the jurisdiction of the magistrates' court.

When challenged to evidence Jurisdiction, they simply cannot. No record of any hearing exists at the magistrates' court by way of data and information retention or evidence of processing following any purported hearing.

A council is not a court and does not have powers to act as a court pursuant The Local Government Act 1888, section 78 (a)

(2) Provided that the transfer of powers and duties enacted by this Act shall not authorise any county council or any committee or member thereof—

(a) to exercise any of the powers of a court of record; or

(b) to administer an oath; or

(c) to exercise any jurisdiction under the Summary Jurisdiction Acts, or perform any judicial business, or otherwise act as justices or a justice of the peace.

<https://www.legislation.gov.uk/ukpga/Vict/51-52/41/section/78>

DSARs are effective when served upon a specific magistrates' Courts to evidence no such 'liability order' exists following any purported hearing.

The burden of proof is on the local authority to demonstrate that it has complied with the rules of billing; it is not upon us to show why we have not paid.

Article 6 of The Human Rights Act 1998 provides that everyone has the right to a fair trial in both civil and criminal cases. We have the right to be heard by an independent, impartial tribunal in public and within a reasonable amount of time.

If you are prevented from either addressing the court or seeing the evidence, you are entitled to appeal as the hearing was not fair. The procedure for the hearing follows rule 14 of the Magistrates Courts rules 1981. You should be allowed an opportunity to examine all the evidence produced by the local authority and ask questions in cross-examination. You can make a submission of 'no case to answer' if the local authority has failed to prove an essential part of its case.

If you do not receive a summons for a liability order hearing and the magistrates' court makes the order in your absence, the order may be quashed by the High court on judicial review. If a summons is not served, any liability order purportedly based upon it is invalid.

The local authority can use any statement in a document, including a computer-generated statement provided;

- the document forms part of a record compiled by the authority;
- direct oral evidence of any fact stated in it would have been admissible;
- if the document has been produced by a computer, it is accompanied by a signed certificate validating that the computer was operated properly.

The local authority officer presenting the case should be asked to produce the certificate for inspection. Failure to do so will make the computer evidence inadmissible, and the local authority will be unable to prove its case in court.

## **CIVIL JUDGEMENTS**

[trustonline.org.uk](http://trustonline.org.uk)

Pay £10

Search civil judgements (warrants, fines, court orders).

Enter your name and address - goes back 30 years.

Under licence to the Lord Chancellor and is the only database in contract to the Ministry of Justice.

A green file means that no records have been found. No evidence that there is a court record.

Courts don't recognise Liability Orders as court orders.

## **COUNTY COURTS**

Claims for compensation in the County Courts. Councils routinely attempt to unjustly enrich themselves at the expense of the uninformed in County Court.

The agents will start their assumptive and manufactured deception with "Upon an award in the magistrates' court" – there is no such award.

The agents will then proceed on the basis they have the legal rights to help themselves to property and income of those they are deceiving with their legalese templates and ignorant legal minions who spout the same nonsense of "having to pay".

These agents of deceit may be dealt with by way of an application to strike out any claim, set aside any interim or final charging order, or attachment to earnings and so forth.

There are procedures and pre-action protocols for attending magistrates' court to effectively derail any council application for a so-called liability order, and ways to successfully bring a claim in County Court to obtain damages under the Data Protection Act 2018.

You can recover all council tax payments through the County Court and the coup de grace of applying for a freezing order upon the Councils' Bank account for the judgment debt.

## **IMPERSONATING A JUDGE**

When the administrator is committing fraud by impersonating a judge reference the Fraud Act 2006 <https://www.legislation.gov.uk/ukpga/2006/35/contents>

### **1. Fraud**

(1) A person is guilty of fraud if he is in breach of any of the sections listed on subsection (2) (which provide for different ways of committing the offence).

(2) The sections are –

(a) section 2 (fraud by false representation),

(b) section 3 (fraud by failing to disclose information), and

(c) section 4 (fraud by abuse of position).

If the administrator is impersonating a judge and passing judgement in an unconstitutional court hearing then reference the Statutory Declarations Act 1835, S 13 which covers unlawful administration of his/her oath <https://www.legislation.gov.uk/ukpga/Will4/5-6/62/contents>.

## **LIABILITY ORDERS**

There has never once been a liability order granted by a magistrate's court on this land for the none payment of council tax. Only the application was granted. A court order is something of material substance that must comply with the civil procedure rules. This must contain upon it a court seal and the name in clear text of the Judge or Magistrate. No Such document or record exists because that was not the service that was requested by the council - they say they were submitting an application for a Liability Order. So where is the application?

The crux of the unlawful nature of council tax comes with the lack of paper work provided by the council to both the courts and the debt collectors.

The council either write a letter that is a 'Request for Information Notice' which includes a form for you to fill in about your finances. This letter claims that the court has 'granted a liability order', yet there is no copy included. Or the council may write their own 'Notice of a Liability Order', which isn't a court document. The courts don't recognise liability orders.

DSAR the council and the court requesting a copy of the original application made by the council to the named justice of the peace at the court. Without this written record any presumed Liability Order will be invalid. Also ask them for a copy of the actual Liability Order - they will only send you a Notice of Liability Order, which isn't the Liability Order.

The summons states that 'XXX Council is asking for a Liability Order' but Form A, which was originally used to draw up Liability Orders, was removed from law on 1st October 2003, and no form has been substituted in its place.

The Council Tax (Administration and Enforcement) Regulations 1992, Regulation 34 Application for a liability order:

(2) The application is to be instituted by making complaint to a justice of the peace, and requesting the issue of a summons directed to that person to appear before the court to show why he has not paid the sum which is outstanding. <https://www.legislation.gov.uk/uksi/1992/613/regulation/34/made>

Pursuant to the above, the council would need to prove that there was a sum outstanding that had not been paid.

Also, the above states that the 'person' can appear before the court 'to show why he has not paid'. However, those who attend these fake court hearings say that the magistrate doesn't allow them to state their case.

Without any written record of its order or judgement being issued by the court, an order from a magistrates' court may be invalid. This point has begun to be raised in various magistrates' courts proceedings since August 2015 and yet has to be resolved. The failure by parliament to create the necessary form is a serious flaw in the legislation, which potentially compromises the making of all orders and enforcement activity. It is clear that parliament envisaged magistrates making a physical liability order as the basis for taking any further enforcement action, including any further steps in the court which have to be based upon a judgement, e.g., bankruptcy.

A liability order is meant to identify the aggregate amount that can be recovered, including costs, but it is unclear how this can be achieved if a magistrate's court does not make a liability order in writing and only purports to issue the liability order orally.

If no proper stamped and sealed order is drawn up and issued by the court, effectively the local authority may not be able to establish that any such order exists or existed at any stage, nor show the magistrates were ever satisfied that the local authority had proven all the matters it is required to prove.

In practice, the courts seldom issue individual liability orders for council tax; the judge or chair of the magistrates normally just signs a certificate attached to the list of non-payers, but in a form that does not comply with regulations, without the stamp or seal of the court or any form laid down in regulations since 2003.

Full accurate and complete disclosure for all documents submitted for application of summons is required pursuant to the Civil Procedure Rules (CPR) 1998, Part 5.4B and Part 31.

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part05>

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part31>

Part 2.6 of The Civil Procedure Rules (CPR), Application and interpretation of the rules, states that official documents, such as a claim form stating the amount being claimed, must be sealed by the court<sup>5</sup>.

#### 2.6 court documents to be sealed

- (1) The court must seal<sup>(GL)</sup> the following documents on issue –
  - (a) the claim form; and
  - (b) any other document which a rule or practice direction requires it to seal.
- (2) The court may place the seal<sup>(GL)</sup> on the document –
  - (a) by hand; or
  - (b) by printing a facsimile of the seal on the document whether electronically or otherwise.
- (3) A document purporting to bear the court's seal<sup>(GL)</sup> shall be admissible in evidence without further proof.

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part02>

Pursuant to the Magistrates' Court Act 1980 a justice of the peace issues a summons so that the individual can answer to the complaint.

#### Section 51 Issue of summons on complaint

Where a complaint relating to a person is made to a justice of the peace, the justice of the peace may issue a summons to the person requiring him to appear before a magistrates' court to answer to the complaint.

<https://www.legislation.gov.uk/ukpga/1980/43/section/51>

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<sup>5</sup> <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part02>



Again, the 'person' is entitled to 'answer the complaint'. In reality this doesn't happen. Go to the room that is being hired out for the day and ask the magistrate who is being hired for the day if you can present your case. When they shout you down or prevent you from speaking ask if they are acting under their oath. It is likely that they will leave at this point.

#### Section 1 Issue of summons to accused

On an information being laid before a justice of the peace that a person has, or is suspected of having, committed an offence, the justice may issue—

(a) a summons directed to that person requiring him to appear before a magistrates' court to answer the information.

<https://www.legislation.gov.uk/ukpga/1980/43/section/1>

The Administration of Justice Act 1970, Part V Miscellaneous Provisions: Section 40 Punishment for unlawful harassment of debtors.

Without a copy of the Liability order the debt collectors cannot make a lawful claim against you. We need to remind them of this by sending a DSAR asking for a copy of the Liability order and the proof of claim against you. If they cannot provide it they must return the case back to the council.

If the magistrates' court has acted 'in excess of jurisdiction', you can ask it to set aside the order. There is no prescribed form for making an application to set aside a liability order, but a letter can be sent to the court's clerk identifying the liability order and requesting a hearing to consider setting it aside.

We can submit a FOI request to find out if they have followed due process.

Then send a Letter Before Action/Claim to the council and negotiate an out of court settlement or file a claim with the criminal courts.

The council is therefore impersonating a court so we can take it to the High court. We need to hold named individuals at the council to account because they are committing an offence by breaking legislation.

Pursuant to the Administration of Justice Act 1970, Part V Miscellaneous Provisions: Section 40 Punishment for unlawful harassment of debtors

(1) A person commits an offence if, with the object of coercing another person to pay money claimed from the other as a debt due under a contract, he—

(d) utters a document falsely represented by him to have some official character or purporting to have some official character which he knows it has not.

<https://www.legislation.gov.uk/ukpga/1970/31/section/40>

## **LIABILITY ORDERS**

There is no such thing as a liability order in any court whatsoever. Magistrates' Courts do not issue so called 'liability orders', there is no such document under Civil Procedure Rules or Criminal Practice Direction. Judges don't issue court Orders, they are printed by the administrative staff from the council. The council is therefore acting illegally.

The fabricated court then issues a fabricated Liability Order because there is no form issued by the council to draw up the liability order. No form exists. The court doesn't hold the form.

According to the council tax manual, the form for creating the liability order (form A) was withdrawn in 2003 and it has not been replaced with another recording method. This makes all future enforcement action null and void.

Here is the document from Plymouth Council which tells us that all that these liability orders are non-existent!



**Department For Corporate Support**  
Revenues Division  
Civic Centre, Plymouth, PL1 2AA

Tel: 01752 668000  
Fax: 01752 304278  
E-mail: [revenues@plymouth.gov.uk](mailto:revenues@plymouth.gov.uk)  
Plymouth City Council welcomes Typetalk users

My Ref: [REDACTED]

2nd December 2010

Dear Mr [REDACTED]

**Re Council Tax - Property:** [REDACTED] **Plymouth**  
**Account Reference:** [REDACTED]  
**Property Reference:** 0000000 [REDACTED]

I am writing in reply to your letter dated 30th November 2010, which has been passed to me for a response by Pamela Dean.

The answers to your questions are as follows:

1. Plymouth City Council **does not hold the liability order as a piece of paper,** enclose a copy of the relevant extract of the court list and the front sheet signed by the Magistrate.
2. Plymouth City Council does not 'hire' the Magistrates court: at the start of the financial year we agree certain dates with the court when we can hold liability order hearings. We then lay a complaint to the court approximately 21 days before the court hearing and send summonses, on behalf of the court. The council has to pay a fee to the court for each case that is listed on the complaint. The fee is set by Government regulation.
3. I am unsure who was in the court when your case was heard as several people went to the court building that day, they went in and out of the courtroom throughout the proceedings. I was sat next to Mr Steele - my job was to assist Mr Steele locate any paperwork that he may have needed when presenting his case. If you wish to know the names of the legal advisor (the female who sat in front of the bench) I would advise you to contact the court for this information.

We can DSAR the court and the council to ask for a copy of the form that was produced for the liability order. If they can't give you one then their liability order is fraudulent. If the council does provide a form we know it is fraudulent.

## ORDERS AND WARRANTS

R v. Clarke and McDaid [2008] UKHL8 the House of Lords confirmed that there is no valid trial if the bill/Indictment has not been signed by an appropriate officer of the court because Parliament intended that the Indictment be signed by proper officer of the court.

Until such times as a valid bona fide signed order has been "SERVED" in ACCORD and SATISFACTION no legitimate [legal obligation or authority] authority to assert any form of enforcement form of enforcement of any kind exists.

## VOID ORDERS

As I understand it an ORDER in court was made because the judge or any party to the judgement had no jurisdiction, broke the law or ignored due process. That order is then VOID

Halsbury's law 2011 states administrative courts unlawful.

The law is absolutely clear on this subject. There is no authority for administrative courts in the country and no act can be passed to legitimise them because of constitutional restraint placed upon her Majesty at her coronation. The collection of revenue by such means is extortion and has been found reprehensible since ancient times (15/12/2011 22:30:58) Catherine Crossant 1 Halsbury's laws of England. ADMINISTRATIVE LAW (VOLUME 1 (1) (2001) REISSUE) 1 England ADMINISTRATIVE (1) SCOPE AND NATURE OF THE SUBJECT/1. Scope

If the name is capitalised in any way shape or form or it is under legislation defined by Halsbury's "Legislative rule of a society given the force of law by the consent of the governed it is not law and no government act can be passed to make it law". IT IS AN ADMINISTRATIVE COURT!

IN MACFOY V UNITED AFRICA Co Ltd Lord Denning confirmed that: (i) a void order is automatically void without further ado (ii) a void order does not have to be set aside by a court to render it void although for convenience it may sometimes be necessary to have the court set the void order aside. (iii) a void order is incurably void and all proceedings based on the void order/ invalid claims are also void.

In re Pritchard (deceased) [1963] Upjohn LJ confirmed that:



- (i) a fundamental defect in proceedings will make the whole proceedings a nullity
  - (ii) a nullity cannot be waived.
  - (iii) it is never too late to raise the issue of nullity: and
  - (iv) a person affected by a void order has the right -ex debito justitia - to have it set aside.
- in frame v Ellis(1978) Lord Denning confirmed that a void act is void ab initio,

Lord Denning, in his book "The Discipline of law" - Butterworths 1979 - Page 77 states:

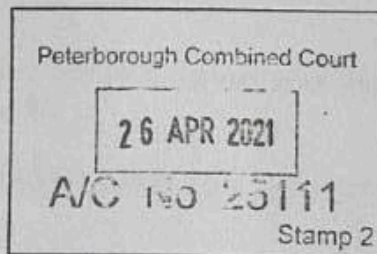
- (i) Although a void court order has no legal effect from the outset it may sometimes be necessary to have it set aside because as Lord Radcliffe once said: " it bears no brand of invalidity on its forehead"

In Bellinger v Bellinger [2003] the House of Lords confirmed that:

- (i) a void act is void from the outset: and
- (ii) no court not even the House of Lords(now the Supreme court) has the jurisdiction to give legal effect to a void act no matter how unreasonable that may seem because doing so would mean reforming the laws which no Court has power to do because such power rests only with Parliament. The duty of the court is to interpret and apply the Law not reform it.

Until you have been found guilty in a court of record by a jury of 12 IT IS NOTHING BUT HEARSAY. Unless you confess that is.

Valid Court Seal :



Invalid Court Seal : this is nothing more than a court emblem,



If the council has no valid claim then they are committing a number of offences. All the rules the council are supposed to follow are in the council tax Handbook which can be bought on Amazon. They are breaking their own rules.

Therefore, you can stop an attachment to earnings by asking the council for a copy of the form used to create the liability order together with a request to the court for a copy of the liability order. They will not be able to supply either document. They cannot proceed without a valid court recorded instrument.

A council is not a court therefore it doesn't have powers to act as a court pursuant to The Local Government Act 1888 section 78: Construction of Acts referring to business transferred.

Subsection 2: provided that the transfer of powers and duties enacted by this Act shall not authorise any county council or any committee or member thereof

- a) to exercise any of the powers of a court record, or
- b) to administer an oath, or
- c) to exercise any jurisdiction under the Summary Jurisdiction Acts, or perform any judicial business, or otherwise act as justices or a justice of the peace.

A Liability Order from the council is actually a notice in a maritime lien process. This is a form of non-consensual lien which arises from statutory law. For example, a tax lien can be imposed by law against the property of a taxpayer. Should the taxpayer fail to pay the taxes then the tax agency can seize personal property for the amount of the lien.

It is important to rebut the Notice of Liability so that they don't escalate it to one of their fake 'court orders' or 'charging orders' to confiscate property and goods.

For years people have campaigned in a number of cases to get the corrupt councils to produce a true and original copy of an alleged "Liability Order". This is the scam that the councils regularly pull off:

1. A summons is issued to you for non-payment of council tax.
2. As you go to court they try to trick you by meeting with you first in a side room. This is an attempt to have you admit to "liability" for the council tax. They try to have you agree to pay a regular amount each month. This admission of liability by you means that they can secure a "liability order" without you even entering the court.
3. If you do not agree to pay, they issue a liability order regardless.

Research has shown that a proper "court Order" MUST have certain things on it and these are:

1. A wet ink signature by the Judge or Justices Clerk who signed it on the day (Not a facsimile of a signature).
2. The Royal Identifier i.e. Royal Coat Of Arms.
3. Once the court date has passed they send a "Notice Of A Liability Order"

If councils had a true and original Liability Order (as described above) then why would they not send you a copy of that? Why would they send you a piece of paper typed up on a computer that claims that they have a liability order?

RESPONDING TO COUNCIL AND COURT AT THE SAME TIME TO NOTICE OF LIABILITY ORDER

TO COUNCIL

Further to your letter dated xxx, I have not received a liability order to date which is a legal obligation of the court at section 34(6) of the Council Tax (Administration and enforcement) Regulations 1992.

Rule 115(6) of the Magistrates Court Rules does not apply to Liability orders.  
This does not remove the legal obligation to serve a Liability Order.

Accordingly, service requirements elsewhere in the regulations would apply under the rules of equity, which prevail over the common law in the event of conflict under the Earl of Oxford case 1615 which binds all lower Courts in the land by common law precedent, and hence proof of service as specified elsewhere must be met.

Before you proceed any further under the fundamental law of 'He who asserts must prove', I put you to strict proof of your claim. Until then I cannot action your request.

**ALSO SEND TO COURT ASKING FOR PROOF OF LIABILITY ORDER**

Dear Clerk of the Court,

It has been alleged a Liability Order was granted by the court against me, [enter your full name so they can do a search], on the dd/mm/yyyy, and they have failed to evidence their allegation.

Rule 115(6) Service does not apply to Liability Orders and so default service is as required under rule 67.

This does not remove the legal obligation to serve a Liability Order.

Under rule 16(1) I require the courts record of adjudication from the court register for legal purposes, which is a legal obligation under rule 66(1)(a), and at 66(2) details the order must show my name (the respondent).

Accordingly, service requirements elsewhere in the regulations would apply under the rules of equity which prevail over the common law in the event of conflict under the Earl of Oxford case 1615 which binds all lower Courts in the land by common law precedent, and hence proof of service as specified elsewhere must be met.

No fee is due as if a Liability Order was granted as claimed as the court has already received payment from the complainant in their application costs for the same.

If there is none I require confirmation of the same.

## **LIABILITY ORDER - LIEN PROCESS**

To ignore the Notice of Liability for a demand for council tax is to agree by tacit agreement and tacit acquiescence - it should be rebutted.

If not rebutted, the council can take it a step further and issue a court order. These court orders are fraudulent because the judge isn't issuing them, it is the council administrative staff issuing the court orders.

If the Notice of Liability isn't rebutted, the council, as the lien creditor, make a Charging Order to confiscate property and goods. The council is acting illegally, because they are using their own staff to produce the fictitious Court Orders and Interim Charging Orders.

To attend court for council tax is also to agree by tacit agreement and tacit acquiesce under the jurisdiction of the council's administrative court procedure.

On receipt of a Notice of Liability for council tax demand to attend court you can reply with a Notice of Conditional Acceptance.

Points to raise include:

Asking whether the judge is on his oath. Ask for a copy of the judge's oath.

Ask if the council tax hearing is in a Constitutional Court of Record or if it is an Unconstitutional Administrative Hearing since you will only attend under common law in a Constitutional Court of Record.

Then you can issue a Notice of Liability, Notice of Complaint, Notice of Conditional Acceptance, Affidavit of Obligation, Notice of Interest, Notice of Fault & Opportunity to Cure, Notice of Default, Notice of Non-Jurisdiction, Notice of Misprision of Treason, etc.

The Rule of Three applies to all Notices before the Notices can be petitioned at a court for a Declaratory Judgement. This is the proceeding whereby you present your Affidavit of Obligation documentation and all of your evidence. It is not a trial, this is simply a judge reviewing the evidence and making a declaratory judgement in your favour or in favour of the defendant.

A declaratory judgement is not going to include an order to pay damages. This is a separate process by making a claim.

The second process, once recorded to make public, will have to start a Part-8 Claim in court. Part 8 claim under the Civil Procedure Rules (CPR). Follow the rules on How to start a claim, to get the claim into court. <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part08>

### **Liability Orders - Points to Raise**

No signed court paperwork means no claim.

House of lords 2008 R v Clarke and McDaid - request where in Law that has been superceded?

Try and remember to state your conditions for accepting their claims of it goes to court as well:

You need to see on risk of perjury:

- 1) Full electronic records of all hearings relating to the case
- 2) The fully signed and sealed warrant from the court
- 3) Fully financially audit level proof the court costs have been fully paid

Fraud by misrepresentation. Section 2 Fraud Act 2006.

### **VOID ORDERS**

FOI to the Court

*As a council tax liability order is held in a criminal venue (magistrates court) yet is of civil in nature; then please confirm the jurisdiction of the court and which [all] legislations [and CPR court rules] apply to those hearings?'*

- 1) We require full electric records of all hearings relating to the case
- 2) The fully signed and sealed warrant issued by {XYZ} Magistrates Court
- 3) Audit level proof the court costs have been fully paid

Given that the alleged 'hearing' on {date} was allegedly held in a criminal venue ({XYZ} Magistrates' Court) yet non payment is a civil matter, we consider that the court has no jurisdiction.

Without any signed court paperwork {XYZ COUNCIL} do not have a valid claim against us pursuant to R v Clarke and McDaid [2008] when the House of Lords confirmed that there is no valid trial if the bill/indictment has not been signed by an appropriate officer of the court because there is clear statutory provision that Parliament intended that an indictment should be signed by a proper officer of the court. <https://swarb.co.uk/clarke-regina-v-regina-v-mcdaid-hl-6-feb-2008/> and <https://publications.parliament.uk/pa/ld200708/ldjudgmt/jd080206/clarke.pdf>

Until such time as a valid, bona fide signed order has been 'SERVED' in ACCORD and SATISFACTION no legitimate legal obligation or authority to assert any form of enforcement exists.

However, if such an ORDER was made because the judge or any party to the judgement had no jurisdiction, broke the law, or ignored due process then that order is VOID. We have already established that {XYZ COUNCIL} has ignored due process.

In this case all of the above were broken when {XYZ COUNCIL} issued their own summons to a hired a room in a court building calling it 'a court'; hired a magistrate who rubber-stamped a list of non-payers; and issued a fraudulent Notice Of Order that does not relate to any court records. Therefore any Order {XYZ COUNCIL} claims to have against us is void.

Anything after the point where {XYZ COUNCIL} acted ultra vires is void ab initio. a 'void' order or claim has no legal effect ab initio (from the beginning/outset) and therefore does not need to be appealed, although for convenience it may sometimes be necessary to have it set aside (Lord Denning in MacFoy v United Africa Co. Ltd. [1961] and Firman v Ellis [1978])

A void order does not have to be obeyed because in Crane v Director of Public Prosecutions [1921] it was stated that if an order is void ab initio (from the beginning) then there is no real order of the Court.

A void order results from a 'fundamental defect' in proceedings (Upjohn LJ in Re Pritchard (deceased) [1963] 1 Ch 502 and Lord Denning in Firman v Ellis [1978] 3 WLR 1) or from a 'without jurisdiction'/ultra vires act of a public body or judicial office holder (Lord Denning in Pearlman v Governors of Harrow School [1978] 3 WLR 736).

A 'fundamental defect' includes a failure to serve process where service of process is required (Lord Greene in Craig v Kanssen Craig v Kanssen [1943] 1 KB 256);

Pursuant to Macfoy v United Africa Company Limited [1961] Lord Denning confirmed that:

- i) If an act is void, then it is in law a nullity.
- ii) There is no need for an order of the court to set it aside - it is automatically null and void without more ado, though it is sometimes convenient to have the court declare it to be so.
- iii) Every proceeding which is founded on it is also bad and incurably bad. <https://swarb.co.uk/macfoy-v-united-africa-company-limited-west-africa-pc-27-nov-1961/>

In Re Pritchard CA [1963] Upjohn LJ confirmed that:

- (i) a void order results from a fundamental defect in proceedings making the whole proceedings a nullity.
- (ii) a nullity cannot be waived.
- (iii) it is never too late to raise the issue of nullity: and
- (iv) a person affected by a void order has the right - ex debito justitiae - to have it set aside.

In addition, where there are defects in proceedings which are so fundamental they make the whole proceedings a nullity. These include: proceedings which appear to be duly issued but fail to comply with a statutory requirement. <https://swarb.co.uk/in-re-pritchard-ca-1963/>



In *Firman v Ellis* [1978] Lord Denning confirmed that a void act is a nullity and therefore void ab initio. <https://intelligenceuk.com/index.php/firman-v-ellis-1978-3-wlr-1-setting-aside-a-void-order/>

A 'fundamental defect' includes a failure to serve process where service of process is required (Lord Greene in *Craig v Kanssen* [1943] 1 KB 256); or where service of proceedings never came to the notice of the defendant at all (e.g. he was abroad and was unaware of the service of proceedings); or where there is a fundamental defect in the issuing of proceedings so that in effect the proceedings have never started; or where proceedings appear to be duly issued but fail to comply with a statutory requirement (Upjohn LJ in *Re Pritchard*

1963]). Failure to comply with a statutory requirement includes rules made pursuant to a statute (*Smurthwaite v Hannay* [1894] A.C. 494).

In his book 'The Discipline of Law' Lord Denning states on Page 77:

*i) Although a void order has no legal effect from the outset it may sometimes be necessary to have it set aside because as Lord Radcliffe once said: "it bears no brand of invalidity on its forehead".*

In *Bellinger v Bellinger* [2003] the House of Lords confirmed that:

- (i) a void act is void from the outset: and
- (ii) no court not even the House of Lords (now the Supreme Court) has jurisdiction to give legal effect to a void act no matter how unreasonable that may seem, because doing so would mean reforming the law, which no Court has power to do because such power rests only with Parliament. The duty of the court is to interpret and apply the law not reform or create it.

The procedure for setting aside a void order is by application to the Court which made the void order.

A person affected by both a void or voidable order has the right – *ex debito justitiae* – to have the order set aside (which means that the Court does not have discretion to refuse to set aside the order or to go into the merits of the case) (Lord Greene in *Craig v Kanssen* [1943])

The procedure for setting aside a void order is by application to the Court which made the void order, although it can also be set aside by appeal although an appeal is not necessary (Lord Greene in *Craig v Kanssen* [1943]) or it can be quashed or declared invalid by Judicial Review (where available) and where damages may also be claimed.

<https://windowsontheworld.net/windows-on-the-world-when-court-orders-are-void/>

<http://www.opg.me/THE%20VOID%20ORDER.pdf>

## **DEBT COLLECTORS, BAILIFFS, AND ENFORCEMENT OFFICERS**

If you fail to pay after the notice of liability order has been sent your details will be passed to a private debt collector. This is a breach of the Data Protection Act 2018.

Councils are not allowed to delegate their powers to collect a Tax to private corporations. The Crown gives the Council the authority to collect the Tax.

The coat of arms gives the Council the authority to collect tax for the Crown corporation - giving the Council the status as a billing authority. This status cannot be delegated to another third party corporation, that would be unlawful delegation.

A local Authority cannot delegate the exercise of its statutory functions without express provision. This means that a local authority is not able to enter into contracts which require a third party to exercise functions. Such arrangements are *ultra vires* and void.

Request a copy of their Published Debt Recovery Policy.

Request the information you have collected and considered about my personal financial circumstances.

Application for a discount sent to the 151 officer - zero my Council tax

Why is the council using unauthorised debt collectors to harass me?

Sharing my information is a breach of the Data Protection Act 2018 and the GDPR 2018.

## **DSAR THE COUNCIL**

In reference to a letter from XYZ Debt Collectors we are requesting the following information:

1. Under what legislation is ABC Council authorised to use private debt collectors to collect Council Tax?
2. Under what legislation is ABC Council authorised to delegate its powers to collect a tax to a private corporation?
3. Under what legislation is ABC Council authorised to delegate its status as a billing authority to a third party corporation?
4. Who gave ABC Council express provision to delegate the exercise of its statutory function to Collect Council Tax?
5. Provide a copy of your Published Debt Recovery Policy.
6. Provide a copy of the information you have collected and considered in regard to my personal financial circumstances.
7. Provide the process for applying for a discount to zero a Council Tax bill.
8. Is ABC Council permitted to share data with a third party corporation pursuant to the Data Protection Act 2018 and the GDPR 2018?
12. Provide your public liability insurance details.

Should you not fully answer the requests in this notice, or should you choose to ignore it, you will be in breach of Court Procedure Rules Part 31 Rule 11<sup>6</sup>, Part 3 Chapter 3 of the Data Protection Act 2018<sup>7</sup>, and the General Data Protection Regulation 2018<sup>8</sup>.

## **Protect Your Property**

Before you stop paying for anything protect your car from possible Debt Collector visits by changing the Registered Keeper to a Limited Company for which you are a director, or to the name of a trusted friend.

Fit extra locks and bolts on the doors.

## **Bailiffs**

Bailiffs are now called Enforcement Officers or Enforcement Agents.

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<sup>6</sup> <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part31#31.11>

<sup>7</sup> <https://www.legislation.gov.uk/ukpga/2018/12/part/3/chapter/3>

<sup>8</sup> <https://gdpr-info.eu>

There are different kinds of enforcement agents, namely:

- Certificated Enforcement Agents
- High Court Enforcement Officers
- County Court Bailiffs
- Civilian Enforcement Officers
- Debt Collection Agents (DCA)

An Enforcement Agent can be certificated by the County Court and are called Certificated Enforcement Agents and formerly know as Certified Bailiffs. They can be self-employed or work for private companies but must have an individual certificate, which means they are Certified by the court. They are used to take control of goods and act on a warrant or liability order issued by a Magistrates Court for debts such as council tax and parking fines.

It is important to distinguish between a certificated enforcement agent and a private debt collector. The enforcement agent will be authorised by the court, whereas a private debt collector is an employee of a private company and does not have the same legal power as a certificated enforcement officer eg they are not allowed to take control of goods.

You can search this website to check their details: <https://certificatedbailiffs.justice.gov.uk>

County Court Bailiffs are used to enforce County Court Orders made at tribunals that have been transferred to the County Court for enforcement. They are Crown employees and do not need to be certificated.

If a judgement obtained in the County Court is over £5000 and the claimant wishes to enforce this by way of execution against the debtor's goods, then it must be transferred to the High Court for enforcement.

Cases involving high value claims are dealt with by the High Court and a High Court Enforcement Officer has specific authorisation from the Ministry of Justice to enforce judgments known as High Court Writs.

Civilian Enforcement Officers are employed by the Magistrates Court executing a range of warrants including warrants of arrest, commitment for non-payment of fines, and other sums ordered by a court. They have no real power.

Debt Collectors are not Bailiffs. Debt collectors are fake bailiffs working for the council to recover council tax. They are sub-contracted companies acting without a valid Warrant or Court Order. A debt collector is an employee of a private company and is not allowed to take control of goods.

### **The Four Letter Process from Beat the Bailiffs**

By law they can't pass council tax on to unauthorised debt collectors.

<https://sites.google.com/view/council-for-council-tax/>

If you are Vulnerable, you simply do not have to deal with Bailiffs, Enforcement Agents or Debt Collectors. It is against their regulations to "Levy Distress" of take goods from a Vulnerable person. Notify the bailiff and council in writing that you are a Vulnerable Person using this letter: <https://sites.google.com/view/vulnerable-letter/home>

If he attempts to "levy distress" we can [report him for misconduct](#) with an EAC2 complaint. <https://sites.google.com/view/eac2-bailiff-complaint/home>

The law says you must be given at least seven days notice before a bailiff calls to your home.

This gives you time to send them a removal of implied rights of access notices, and a vulnerable person notice.

Notify the bailiff and council in writing that you are a Vulnerable Person.

<https://sites.google.com/view/vulnerable-letter/home>  
<https://sites.google.com/view/4letter-first-letter/home>

If the bailiff fails to provide proof of posting the notice, the enforcement fails and you can recover all their fees and charges.

If you have moved and the correspondence relating to your fine has been sent to your old address, then enforcement fails. If you were fined without knowing and the bailiff has traced you and turned up unexpectedly at your new address, the law says the enforcement is invalid. You can make a simple statutory declaration to quash the conviction, cancel the fine and stop the bailiffs. If the bailiffs do not know your new address, you must not give it to them.

Bailiffs use police-like terminology like "arrest" and "arrest warrant", there is no legislation enabling bailiff companies to "arrest" anyone, restrain and transport prisoners or bring suspects to court. Bailiffs use the word "arrest warrant" on documents for tracing missing defaulters by pushing documents through letter-boxes to see if anyone makes contact and gives the missing debtors new address. An arrest warrant issued under section 8 of the Police and Criminal Evidence Act 1984 can only be executed by a constable who must be on duty and wearing the correct uniform, or show a warrant card.

### **Before the Visit**

Move your car off the road, your driveway, or away from your usual place of business.

Park it in a public carpark or supermarket carpark which are deemed to be private property.

### **The Visit**

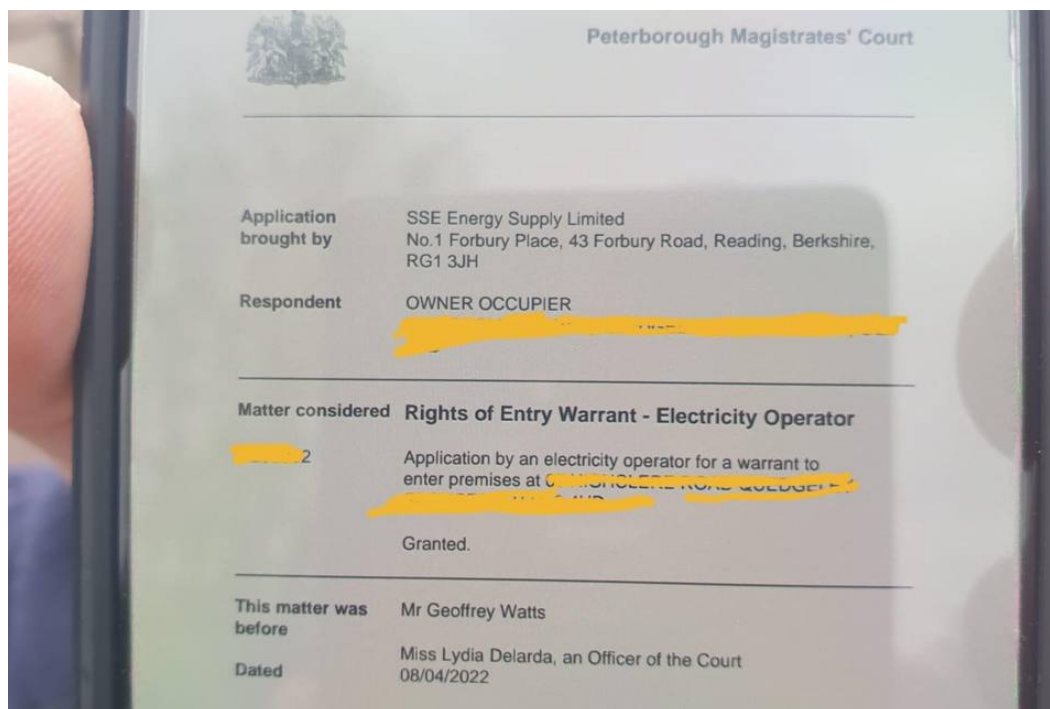
If the only person present is a child or is a vulnerable person, the bailiff cannot take control of goods.

The law says a bailiff must show evidence of his ID to the debtor or any person who appears to be in charge of the premises being attended. If the bailiff refuses to show it, then he is not "acting lawfully". The bailiff can be thrown off from the premises or property without the debtor or person committing an offence of "obstructing an enforcement agent".

The law says a bailiff must show evidence of his authority to enter the premises to the debtor or any person who appears to be in charge of the premises being attended. The authority to enter is conferred under the warrant of control. If the bailiff refuses to show the warrant, then he is not "acting lawfully". The bailiff can be thrown off from the premises or property without the debtor or person committing an offence of "obstructing an enforcement agent".

A big clue that you have a fraudulent warrant is the inclusion of fees, indicating that the DCA has printed their own warrant, which is not allowed. Bailiffs cannot type up their own warrants. The bailiff is acting as executive, voluntarily taking on a problem. There is a law court decision that says: The court cannot instruct bailiffs to collect fees because the court cannot put debtors into a Default Contract.

The law courts say the bailiff cannot charge money for work not done. Basically they cannot charge fees. The bailiff must have the certificate under the original court warrant. If the bailiff does not have the original court warrant in an intelligible form, then the police must arrest him, under section 125 of the County Court Act, section 78 of the Road Traffic Act, and section 2 of the Fraud Act.



The law requires any person instructed to take control of goods to have an enforcement certificate. You can report the person to the police for committing an offence under section 63(6) of the Tribunals Courts and Enforcement Act 2007. Any enforcement work carried out, including taking money, by a person without a certificate is invalid.

Ask if they have public liability insurance and show you the certificate. This policy pays out awards for personal injury or property damage sustained by the certificate holder in the course of their business.

To protect your car put it in the name of another individual or in the name of a limited company for which you are a director.

If the car is clamped on private land where you don't normally live, such as a car park or a neighbour's allocated parking space, then you can sue for damages and for the recovery of the vehicle.

Call TRACE on 0845 206 8602 and report the car stolen to the police. It doesn't matter if the police tell you it's a civil matter, you must report it to log the call onto the CAD (Computer Aided Dispatch). Inform the DVLA the car has been "taken without permission". That protects you from any traffic offence liabilities. If your car is on hire purchase, leased or has a logbook loan secured on it, you must inform the lender or leasing company.

Bailiffs are expected to check the car belongs to the debtor and they can take it from the debtors home, place of business, or a public highway. Not a private car park. If your car is registered with the DVLA in the name of your Limited Company or Private Trust then it belongs to a third party.

If it is taken by the bailiff, the debtor or the third party can complain to the bailiff's company and ask for the belongings to be returned. There is a clear complaint process to follow, which is available online here: <http://www.justice.gov.uk/courts/procedure-rules/civil/rules/part-85-claims-on-controlled-goods-and-executed-goods>

Should the bailiff not behave within the guidelines you may make a complaint to the company they are working for and then make an EAC2 complaint and a claim on their £10k bond which is lodged with the court: <https://sites.google.com/view/eac2-bailiff-complaint/home>

## **High Court Writs**

This is for amounts over £5,000.00 so check the amount to decide if the writ is authentic. Check the Enforcement Officers name against the writ as he must be named in person to be able to execute it.

If you are vulnerable, email a vulnerable notification to both the court and the enforcement company's head office. <https://sites.google.com/view/vulnerable-letter/home>

## **Wheel Clamps**

This applies to bailiff wheel clamps for unpaid parking tickets, council tax, and High Court writs, not un-taxed vehicles clamped by DVLA. You can legally remove a wheel clamp if there is an invalid levy over the car. If you have not signed a walking possession agreement and the DCA leaves the premises it becomes an abandoned levy and you can legally cut off the wheel clamp and move the car. If the clamping of your car is unlawful then you have lawful excuse to cut off the wheel clamp.

You can text the agent on the number they leave with you and tell them to remove it within a specified time limit or you will cut it off. Ask three times and then it's your clamp because it was unlawfully attached to your car and you have confiscated it.

It is unlawful if there is no contract with the agent's company. The company would need to provide proof of claim for the original debt in order to make a claim against you for removing their clamp.

## **Complain to the Council**

Write to the Section 151 Officer pointing out the failings of the Council and its sub-contractors. They can't simply instruct Debt Collectors - they are not bailiffs.

## **POLICE**

If a bailiff says he called the police, then you can get the conversation details from the police CAD (Computer Aided Dispatch) by calling them on 101. That will confirm if the bailiff called the police, and what the bailiff said to them. You are entitled to this information section 45 of the Data Protection Act 2018. It is a bailiff's tactic to scare you into thinking the police will be coming.

If a bailiff calls the Police, remember that it is a Civil matter and the Police are only there to ensure there is no 'breach of the peace'.

Remain polite and calm at all times - do not allow yourself to be intimidated into anger.

Remember that the Police have no jurisdiction over you - do not contract with them by answering their questions. You do not have to give your details, so keep refusing. If they persist and if they ask three times then it is legal entrapment which carries up to 14 years in prison under the Criminal Justice and Courts Act 2015.

There is no law saying that you cannot film the Police, do not be intimidated into stopping.

Ask the Police to state their full name, shoulder number, and station base for the record.

Ask them to confirm that they are standing under their sworn Oath of Office.

The constables Oath means that they are there to help you and to uphold the law, which means no harm to property or person and to keep the peace.

Ask them to show their warrant card - up to three times. If they don't show it they are now in breach of the Police Act 1996, Section 90 which carries a penalty of up to 6 months in jail for impersonating a police officer.

By law the police have to examine the bailiff's paper work. If the bailiffs do not have the documents, the police are required by law to arrest the bailiff. If the police officer refuse to arrest the bailiff, threaten the police with serious formal allegations under the police disciplinary codes, for perverting the course of justice and serious negligence of duty.

If the police officer gets found guilty under the police disciplinary code, the very least that can happen is that they will lose their job. No job, no career, no pension. If there is a serious failure, failure to arrest the bailiff, the police officer can go to jail.

The police officer is obliged to take a report of a crime and then walk off. On returning to the police station, by law, they have to log the reported crime. And it must go through to investigation. If the police officer fails to take a report of a crime, it is a serious negligence of duty under the police disciplinary code, and he can lose his job. Take the police officer's collar number and report the police officer.

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part-83-writs-and-warrants-general-provisions>

Malfeasance of public office: any officer that assists a civil matter in debt recovery is aiding and abetting a criminal act and is going against their oath.

Sending a council tax bill is the start of a commercial lien. The council will then sell the commercial lien to a company to recover the 'debt'.

Once the council sell the 'debt' on to a debt collection agency there is no longer any debt. The debt has been cleared with the council. You don't have a 'debt' with the debt collectors because there is no contract with them. All they can do is bully and intimidate people into paying. Personally I would do the three notice process. Go here for more information: <https://awakenedgb.wordpress.com/2022/02/27/debt-collection-agencies-the-three-notice-process/>

If they came onto my property I wouldn't give them any details as this creates joinder. I would have a Trespass Notice near the door and do the Bailiffs Role Play with them as per the CL training. Trespass Notice here: <https://awakenedgb.wordpress.com/2022/01/18/trespass-notice/>

According to the Magistrates' Courts (Amendment) Rules 2019 (SI/2019/1367) Rule 7, the requirement for a signature on a warrant is removed if there is a record of issue. There is also an amendment to the rules on the service of summonses to permit modern methods of communication such as email or cloud access. Complainants will no longer need to affix the name of the issuing officer on the summons.

Warrants are court orders requiring a third party to compel a person to go either to court or to prison. Rule 5 dispenses with the requirement that warrants are signed, subject to any statutory requirement for a signature. But there must be a record of the person issuing the warrant.

So the warrant can be emailed to you or a PDF shown to you on a tablet, but it should have your name on it and not 'owner occupier' as in the example above. There should also be a reason for the warrant.

A warrant does not need a wet-ink signature but if it doesn't have a signature the enforcement agent must have a signed certificate. Ask to see when they arrive as it must have a wet-ink signature by a judge. If the certificate is without a wet-ink signature then you can ask them to leave your premises and threaten to call the police. The bailiff must be civil and leave quickly.

You should phone the court using the number listed on the internet, not on the information provided by the debt collector, to verify that it is a real warrant.

Ask them three times to leave the property or it is unsolicited trespass with a fine. Move your car away from the property in advance of the visit: I have an angle grinder at the ready. More information here: <https://awakenedgb.wordpress.com/2022/01/18/how-to-deal-with-bailiffs/> I would make a claim against the council for breaching GDPR by selling my details to a third party. I would also ask them for the deed of assignment. This is the legal document that shows your signature and that you agree to this 'debt' being managed by the debt collection company.

## **DCA/BAILIFF ROLE PLAY**

Check that all the doors and windows are closed.

If you don't have a lockable gate and they are on your doorstep go to a window where you can speak to them - don't open the door.

- Do NOT confirm your name, identity or DOB.
- Do not take hold of any documents offered to you.
- Do NOT sign any document offered to you.
- Do NOT admit to responsibility for the alleged debt.

Ask the caller to complete and sign for your records a template letter confirming their attendance on your property. When completed they should post it through your letter box.

Ask the caller to formally identify themselves showing you both their company ID and their Drivers License.

If they cannot provide this tell them you are unable to proceed.

Ask them to leave three times and if they don't tell them they are committing unsolicited trespass.

If they do show you ID it take a photo of each card and continue to film the interaction.

Tell them you are filming the interaction as evidence for a claim for damages should they breach your trespass notice and/or removal of implied rights of access notice. Show them these notices (which should be clearly displayed in your window or on your locked gate).

Check the Bailiffs Register <https://certificatedbailiffs.justice.gov.uk/newsearchPublic.do?search=>

Further questions to ask:

- What is their bailiff's certificate number?
- Which County court certificated them?
- What is their business name and address?
- Ask if they have public liability insurance and to show you the certificate.
- Ask them to hold up their warrant and take a photograph of it. (Don't take hold of it if he offers it to you!) Check for a court stamp and/or the signature or name of an agent of the court. Court warrants do not show Bailiff fees – these are usually placed on a re-printed version of the warrant which is not lawful.
- Ask for a full breakdown of their fees.
- Ask if they have a Walking Possession Order; if so, ask them to hold it for you while you take a photograph. (Don't take hold of it if he offers it to you!)
- If their warrant did not have either a court stamp or the signature of a court official or both then tell them politely and kindly that it is invalid and why.
- Take a photograph of the bailiff with your front door in the background.
- Ask if they saw the notice at the front gate - the Notice of Removal of Implied Right of Access.
- Tell them politely and kindly that they have committed the statutory offence of trespass, because they have failed to comply with your notice and you will be pursuing damages in court.
- As they depart go with them and take photographs of them leaving your property (ideally with the notice in the background).



You now have evidence to pursue them for compensation in the County Court - follow this link for more information: <https://www.find-court-tribunal.service.gov.uk/courts/county-court-money-claims-centre-ccmcc>

## Case Law for Trespassers

Send a removal of implied rights of access in advance of the visit and put a up a trespass notice in your window or on your locked front gate.

Print out the following case law and give a copy to anyone on your property informing them that you know your rights.

A householder can remove the right of implied access by displaying a notice at the entrance. This was endorsed by Lord Justice Donaldson in the case of Lambert v Roberts [1981] 72 Cr App R 223.

Placing such a notice is akin to a closed door but it also prevents a bailiff entering the garden or driveway: Knox v Anderton [1983] Crim LR 115 or R. v Leroy Roberts [2003] EWCA Crim 2753.

Permission for a bailiff to enter may be refused provided the words used are not capable of being mistaken for swear words, Bailey v Wilson [1968] Crim LR 618. If the entry is peaceful but without permission then a request to leave should always be made first.

Debtors can also remove implied right of access to property by telling him to leave: Davis v Lisle [1936] 2 KB 434 similarly, McArdle v Wallace [1964] 108 Sol Jo 483.

A person, having been told to leave, is now under a duty to withdraw from the property with all due reasonable speed and failure to do so he is not thereafter acting in the execution of his duty and becomes a trespasser with any subsequent levy made being invalid and attracts a liability under a claim for damages, Morris v Beardmore [1980] 71 Cr App 256.

If you don't remove implied rights of access, a door left open is an implied license for a bailiff to enter, Faulkner v Willetts [1982] Crim LR 453.

Likewise a person standing back to allow the bailiff to walk through but the bailiff must not abuse this license by entering by improper means or by unusual routes, Ancaster v Milling [1823] 2 D&R 714 or Rogers v Spence [1846] M&W 571.

A bailiff rendered a trespasser is liable for penalties in tort and the entry may be in breach of Article 8 of the European Convention on Human Rights if entry is not made in accordance with the law, Jokinen v Finland [2009] 37233/07.

If a bailiff jams his boot into a debtors door to stop him closing, any levy that is subsequently made is not valid: Rai & Rai v Birmingham City council [1993], or Vaughan v McKenzie [1969] 1 QB 557, or Broughton v Wilkerson [1880] 44 JP 78.

Bailiffs cannot force their way into a private dwelling, Grove v Eastern Gas [1952] 1 KB 77.

A debtor can use an equal amount of force to resist a bailiff from gaining entry: Weaver V Bush [1795] 8TR, Simpson V Morris [1813] 4 Taunt 821, Polkinhorne V Wright [1845] 8QB 197.

The debtor's home and all buildings within the boundary of the premises are protected against forced entry, Munroe & Munroe v Woodspring District council [1979] Weston-Super-Mare County court.

Also wrongful would be an attempt at forcible entry despite resistance Ingle V Bell [1836] 1 M&W 516.

Bailiffs cannot apply force to a door to gain entry, and if he does he is not in the execution of his duty *Broughton V Wilkerson* [1880] 44 JP 781.

A Bailiff may not encourage a third party to allow the bailiff access to a property (i.e. workmen inside a house), access by this means renders the entry unlawful *Nash V Lucas* [1867] 2 QB 590.

A person (from 2014 onwards - without a warrant of control) having been told to leave is now under a duty to withdraw from the property with all due reasonable speed and failure to do so he is not thereafter acting in the execution of his duty and becomes a trespasser with any subsequent levy made being invalid and attracts a liability under a claim for damages, *Morris V Beardmore* [1980] 71 Cr App 256.

If a bailiff refuses to leave the property after being requested to do so or starts trying to force entry then he is causing a disturbance, *Howell v Jackson* [1834] 6 C&P 723 - but it is unreasonable for a police officer to arrest the bailiff unless he makes a threat, *Bibby v Constable of Essex* [2000] Court of Appeal April 2000.

It is not contempt to assault a bailiff trying to climb over a locked gate after being refused entry, *Lewis v Owen* [1893] *The Times* November 6 p.36b (QBD).

If a bailiff enters by force he is there unlawfully and you can treat him as a trespasser. *Curlewis v Laurie* [1848] or *Vaughan v McKenzie* [1969] 1 QB 557.

A debtor cannot be sued if a person enters a property uninvited and injures himself because he had no legal right to enter, *Great Central Railway Co v Bates* [1921] 3 KB 578.

*Vaughan v McKenzie* [1969] 1 QB 557 if the debtor strikes the bailiff over the head with a full milk bottle after making a forced entry, the debtor is not guilty of assault because the bailiff was there illegally, likewise *R. v Tucker at Hove Trial Centre* Crown court, December 2012.

If a person strikes a trespasser who has refused to leave is not guilty of an offence: *Davis v Lisle* [1936] 2 KB 434.

If a police officer arrests a debtor after throwing a bailiff off the premises who had refused a request to leave, the officer is guilty of false arrest because no offence was committed and the bailiff was there illegally: *Green v Bartram* [1830] 4 C&P 308.

A police officer must arrest a bailiff for breach of the peace if he places the debtor in fear of violence or harm if that offence is made in the presence of that officer, *R v Howell (Errol)* [1982] 1 QB 427.

A person performing certificated work without a certificate commits an offence. Section 63(6) of the Tribunals Courts and Enforcement Act 2007.

A person not a certificated bailiff conducting levy is trespass: *Hawes v Watson* [1892] 94 LT 191 ; [1890] 29 LJ 556; contrast *Varden v Shread* [1890] 36 EG 449 or 25 LJ 363, *Harker v Browne* [1890] 36 EG 59, [1892] 40 EG 402, *Thomas v Millington* [1894] 2 PMR 472, *Bray v Naldred* [1894] 2 PMR 227 and *Rodgers v Webb* [1912] 20 PMR 186, *Bray v Naldred* [1894] 2 PMR 227.

## **LEGISLATION**

### **Local Government Act 1888, section 78**

(2) Provided that the transfer of powers and duties enacted by this Act shall not authorise any county council or any committee or member thereof—

- (a) to exercise any of the powers of a court of record; or
- (b) to administer an oath; or
- (c) to exercise any jurisdiction under the Summary Jurisdiction Acts, or perform any judicial business, or otherwise act as justices or a justice of the peace.

### **Administration of Justice Act, 1970 Part 5 (1)(a)**

40 Punishment for unlawful harassment of debtors

(1) A person commits an offence if, with the object of coercing another person to pay money claimed from the other as a debt due under a contract, he—

- (a) harasses the other with demands for payment which, in respect of their frequency or the manner or occasion of making any such demand, or of any threat or publicity by which any demand is accompanied, are calculated to subject him or members of his family or household to alarm, distress or humiliation;

### **Perjury Act 1911, Section 5**

5 False statutory declarations and other false statements without oath.

If any person knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, and the statement is made -

- (a) in a statutory declaration; or
- (b) in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return, or other document which he is authorised or required to make, attest, or verify, by any public general Act of Parliament for the time being in force; or
- (c) in any oral declaration or oral answer which he is required to make by, under, or in pursuance of any public general Act of Parliament for the time being in force, he shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment, . . . **F1**, for any term not exceeding two years, or to a fine or to both such imprisonment and fine.

### **The Council Tax (Administration and Enforcement) Regulations 1992, Section 34 (6)**

34. Application for liability order

(6) The court shall make the order if it is satisfied that the sum has become payable by the defendant and has not been paid.

### **Data Protection Act 2018, Section 173**

173 Alteration etc of personal data to prevent disclosure to data subject

(1) Subsection (3) applies where—

- (a) a request has been made in exercise of a data subject access right, and
- (b) the person making the request would have been entitled to receive information in response to that request.

(2) In this section, “data subject access right” means a right under—

- (a) Article 15 of the **[F1UK GDPR]** (right of access by the data subject);
- (b) (b) Article 20 of the **[F2UK GDPR]** (right to data portability);
- (c) section 45 of this Act (law enforcement processing: right of access by the data subject);
- (d) section 94 of this Act (intelligence services processing: right of access by the data subject).

(3) It is an offence for a person listed in subsection (4) to alter, deface, block, erase, destroy or conceal information with the intention of preventing disclosure of all or part of the information that the person making the request would have been entitled to receive.

### **Fraud Act 2006, Section 3**

3 Fraud by failing to disclose information

A person is in breach of this section if he -

- (a) dishonestly fails to disclose to another person information which he is under a legal duty to disclose, and
- (b) intends, by failing to disclose the information -
  - (i) to make a gain for himself or another, or
  - (ii) to cause loss to another or to expose another to a risk of loss.

### **Fraud Act 2006, Section 7**

7 Making or supplying articles for use in frauds

- (1) A person is guilty of an offence if he makes, adapts, supplies or offers to supply any article -
  - (a) knowing that it is designed or adapted for use in the course of or in connection with fraud, or
  - (b) intending it to be used to commit, or assist in the commission of, fraud.

(2) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or to both);
- (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine (or to both).

(3) Subsection (2)(a) applies in relation to Northern Ireland as if the reference to 12 months were a reference to 6 months.

### **Magistrates Courts Act 1980, Section 51**

#### **51 Issue of summons on complaint**

Where a complaint relating to a person is made to a justice of the peace, the justice of the peace may issue a summons to the person requiring him to appear before a magistrates' court to answer to the complaint.

They are supposed to make a complaint and then we should be able to go into court and answer it, but that doesn't happen with council tax.

### **Council Tax (Administration and Enforcement) Regulations 1992, Number 613, Schedule 2**

Form A. Originally provided to draw up liability orders. Withdrawn 1st October 2003 and never replaced. <https://www.legislation.gov.uk/ukxi/1992/613/schedule/2/made>

### **Council Tax (Administration and Enforcement) (Amendment) (No. 2) (England) Regulations, 2003**

No. 2211. <https://www.legislation.gov.uk/ukxi/2003/2211/made>

## IDENTIFYING WARRANTS



By Appointment to  
HM The Queen



By Appointment to  
HRH The Duke of Edinburgh



By Appointment to  
HRH The Prince of Wales

These are the three crown seals on all warrants: 1) for England, 2) for Scotland and 3) for Wales.  
<https://www.royalwarrant.org/>

- 1) Badge: By Appointment to HM The Queen.
- 2) Badge: By Appointment to HRH The Duke of Edinburgh.
- 3) Badge: By Appointment to HRH The Prince of Wales.

The physical copy of the warrant will have the crown seal embossed at the top of the warrant in colour. Anything else is fraudulent.

If the police knock on your door don't open the door and ask them to post the warrant through the letter box. Or go outside and close the door behind you.

Things to look for:

- The address of the court
- The crown seal embossed on top centre
- The date, month, and year

- The judges wet ink signature
- The judges name in all caps
- The correct name of the man or woman
- The correct address of the specific place to be searched
- A list of the items that can be seized or taken by the police
- A deadline for when the arrest or search must take place
- The police must bring the warrant with them
- They must give you a second copy identical to the original
- Full court name, address, and other contact details

**Address:**

Checking that the warrant really does have your address on it is the most important thing. Also their address and contact details to ring up and verify this info. Police frequently search the wrong house or apartment, and all the wrong properties, and claim it was just a mistake. Note that a warrant can't be for a whole apartment building or floor—it has to be for a specific apartment room, or land if they do the wrong things, then correct them if they carry on then take the officer name and number down and report them for misconduct in public office thus you have been within the law to which they have not to which you can then hold them all accountable each one of them.

**Date:**

The date, month and year should not generally be older than two weeks. They can be served as long as a reasonable officer would expect to find the items listed in the warrant. Some judges have held that a particular warrant was valid even after a month or two or more this is false, but these were rare cases. For simplicity's sake, most police departments just make a rule for themselves about how many days the officers can wait before serving a search warrant—usually it's seven or ten days as they have 14days to do this in only.

**Signature:**

Both signature and name in full PRINT it's pretty unusual for a warrant to lack a judge's full name and signature but not a magistrate's signature is not valid as these are not a judge, but it could happen and does happen.

Warrants come in a wide variety of formats but all must abide by the law this means common law, and see how quickly you can spot the address, date, and signature full name in PRINT CAPS. (While you're looking for these items, imagine that you're standing in front of your door, with police officers breathing down your neck.) The address is hardest, so don't open the door but ask the POLICE to post the Warrant threw the post box so you can check it. because it's often in the middle of a paragraph, that they POLICE will keep stating to open the door. The date and signature with the full name printed of the judge will be at the end who signed the warrant then so as they can be held liable and accountable same as the Officer must make sure that they comply with the common law.

If you do find a flaw in the warrant, show it to the police and tell them that you "don't consent" to their coming in.

For example, you might say:

- This warrant is for a different address: it's for 1965 Montgomery St, and my house is 1966 Montgomery. i don't consent to your coming in.
- This house has apartments in it. Your warrant doesn't say whether it's for Unit A or Unit B, so it's no good. i don't consent to your coming in.
- This warrant is a month old or four months old. It's not valid any-more. i don't consent to your coming in.
- This warrant doesn't have a judge's signature and name printed, so it's not valid. i don't consent to your coming in.
- This is a laundry receipt, not a search warrant. i don't consent to your coming in.

Now, just because you point out a mistake in the warrant and withhold consent, that doesn't mean the officers won't come in and search. The police may decide to ignore your statements; or the warrant may, in fact, be valid. Your job is simply to create ammunition for your lawyer to defend you with later on, by showing that the police didn't "make an honest mistake" in relying on that warrant.

Record on your phone what the police say in response to your showing them the error in the warrant—especially if it's something like, "i don't give a shit what your address is." thus they have committed a crime then and are in misconduct of a public office as a public servants. There are other parts to a search warrant that may be relevant during the course of defending a criminal case, but they're not as useful while the police are right at your door.

For example, search warrants must specify what is being looked for and which parts of your home, vehicle, etc. can be searched. However, as you can see in the samples, search warrants usually have a whole long list of things to look for and places to look in. This gives the police plenty of room to manoeuvre. Nonetheless, you should make notes (written notes if possible, otherwise mental notes) about where the officers search and what they move. or recorded and video everything they do.

Normally, search warrants must be executed during daylight hours, unless the warrant includes specific permission for the officers to serve it at night.

While executing the search warrant, the officers are allowed to detain anyone who happens to be present.

The police can pat down the people they're detaining, but cannot search any of them more intrusively, unless the warrant specifies that particular not a person but a man or woman by name. However, it's not unusual for police who are searching pursuant to a warrant, to discover things that give them probable cause to arrest some or all of the people present—and once a suspects been arrested, the officers cannot search his/her clothing, body, etc unless a warrant is issued upon the man or woman and not a person.

Most searches are very destructive. Your property is likely to be thrown about and damaged. So after the police have gone, take three or four dozen photographs or video it as they do this this, of the place, before doing any clean-up. These may be useful in defending against criminal charges and/or in suing the police. Make sure you've got good enough lighting that the photos, videos will come out well.

If the police kick the door in and point guns at you, screaming, "Police! Down on the floor, nobody move," you can skip attempting to read the warrant, and instead just keep your hands in view and hold very still.

During a detention (as opposed to an arrest), the police are allowed to pat down the suspect, in order to protect themselves from hidden weapons. This search is limited to feeling the surface of clothing, and does not include emptying the suspects pockets or undressing the suspect, for this they need a real warrant.

A real warrant is issued under section 76 of the Magistrate's Courts Act 1980 - <https://www.legislation.gov.uk/ukpga/1980/43/section/76>

The Coat of Arms is always at the top left and It will always say "Note to the Defendant".

If you are shown a forged warrant: Everything is revoked. The moment a bailiff shows you a warrant that is a counterfeit, or looks like an amateurish effort to have thrown it together on a home computer - it revokes everything that follows as well as revoking the fees.

The use of fake warrants is commonplace for Council Tax and adding enforcement fees to official documents. The authority to enter premises is the court authority itself. A private company cannot grant itself that authority by making a document on a computer.

They fail to show you their alleged authority to enter premises and is in breach of paragraph 26 (1) (b) of Schedule 12 of the Tribunals, Courts and Enforcement's Act 2007. <https://www.legislation.gov.uk/ukpga/2007/15/schedule/12/paragraph/26>

You can now bring a legal action under paragraph 66 of Schedule 12 for the return of any property taken unlawfully by the bailiff.

A magistrate is a subspecies and not a real judge. Many courts and judges are now using false warrants and this is gross misconduct of public office those who imply this we will seek life in prison and no less that £50,000 compensations from the judge and each Officer that was involved.

Contact the court the alleged warrant is from. Send them a DSAR . It will come back that they have no record of it . Show that evidence to your employer and send council a notice asking them if they are attempting to trespass against you by way of fraud, and send with the evidence from the court.

The court will have no record. The debt collector will have what they believe is a real warrant but isn't. Warrants are produced by the council not the court which is a breach of Administration of Justice Act, Part V section 40. <https://www.legislation.gov.uk/ukpga/1970/31/section/40>



## HEREFORD CASE STUDY

A group from Herefordshire are challenging their local council. This is a screen shot taken in February 2023 with an update of their case against the council. They have served a Notice of Intended Prosecution.

Further to the Herefordshire Common Law leaflet:

Things have moved on: It seems that key council executives, including the 151 officer, have been served with a notice of intended prosecution if they do not come up with the information outlined on the flier within 28 days. I understand that this was delivered on Wednesday 1st February. Local MPs have also been notified ...

There also seems to be additional pressure arising from a magistrate's court hearing of nine cases. As far as I can gather, this hearing and the liability orders arising are void owing to circumstances that threaten to take this straight to the High Court.

One of the contentions of the HCL is that even the use of liability orders, for this purpose, has been unlawful since 2003, but that councils are still using them. If this is the case then that would be fraud. These liability orders have been used on thousands of occasions against the inhabitants of Herefordshire.



**TO:** Andrew Lovegrove and the board of Directors of Herefordshire Council  
**COPIES TO:** Jesse Norman MP and Bill Wiggan MP

**REF:** Notice of Intended Prosecution served on Andrew Lovegrove on behalf of the inhabitants of Herefordshire County

**Dear Board of Directors**

It is with great disappointment that I find myself in the position of having had to serve, today, on Andrew Lovegrove and the executive board of Directors of Herefordshire Council, a Notice of Intended Prosecution with regard to potential criminal activities pertaining to Fraud and Racketeering conducted in the issuance and collection of Council Tax.

We at Herefordshire Common Law have, over almost a year, attempted to engage the Council in dialog to answer questions related to the laws and statutes under which Council Tax is charged and enforced. However, we have consistently been met with a wall of silence combined with abusive threats and actions by yourselves and your enforcement agents, Bristow and Sutor. This has now gone beyond the point of civilised behaviour and we have been forced to seek redress through the Courts as the only remaining avenue available to compel you to do what is enshrined as a duty of transparency with regard to responding to communications with those who employ your services and pay your salaries, namely, the public.

Our consistent request we have made has simply been that you to inform us, in your opinion, of the laws and statutes that you believe give you the lawful or legal right to charge and enforce payment of Council Tax as an obligation, from the inhabitants of the County. In response there has been a refusal to provide this information and indeed, regardless that the process engaged was a lawful 'conditional acceptance' that if you provided proof of obligation to pay those charged would settle, in full, any liability that was confirmed in law.

Instead of providing the information, which is an obligation for Council officials to do, your various departments abused and mis-used the Courts in a number of ways that breach criminal jurisdiction, leaving us no other option other than to pursue criminal charges against all those responsible, hence the issuance of our Notice of Intended Prosecution which was served at your head office today.

The abuse you have engaged has been rife, and includes what appears to be manipulation of or collusion with the Courts, to the extent that the Constitutional separation of powers between the Executive and Judicial branches of government appear to have been seriously called into question, and the only method you have engaged has been to try and silence your questioners to the point of having myself unlawfully arrested and imprisoned for the act of daring to speak on behalf of 'summonsed residents' (for whom I had power of attorney) from whom you were attempting to extract money. Tomorrow I shall be in the Crown Court in Nottingham on the next stage of addressing this and challenging the behaviour of a judge who denied seven inhabitants their right to audience in what looks like a prearranged and agreed set-up. As consequence, and part of the criminal action we will take will be demanding of both the judge and of yourselves, full Discovery of all documents, communications and the minutes of meetings recorded, as well as any internal meetings held within the Council. You may rest assured that no stone will be left unturned and should it uncover any improper or illegal behaviour, we will be pressing for the maximum criminal penalties against those involved.

Our gloves have now been fully removed and you can expect revelations of your behaviour and tactics to be fully and publicly expressed in our public campaign to inform tax-payers of their lawful rights to refuse to pay Council tax until such time as you have provided proof of their obligation to do so.

We leave the door open for you to engage with us at any time during the next 28 days, following which we will only engage with you through the Courts.

Yours in honour  
**Herman-Austin**  
**Herefordshire Common Law**

**Attachment: served document**  
Notice of Intended Prosecution

Page of 1 6 **NOTICE OF INTENDED PROSECUTION** For the attention of: **Andrew Lovegrove** acting in the capacity of Section 151 Officer for Herefordshire County Council, and **Each and every member of the Executive Board of Directors of Herefordshire County Council** acting in their respective capacities for Herefordshire Council at: Plough Lane Hereford HR4 0LE **Service date:** February 1st, 2023 This **Notice of Intended Prosecution** is issued in accordance with the listed Statutory Duties **DCLG\_054:** requirement to ensure transparency - (**Local Government Act 1972 (LGA 1972). (Part VA)**) a statutory obligation of local government required to be adhered to by those in public service, **obligating a duty of accountability to those they serve.** **Introduction** During 2022 the executive management board of **Herefordshire Council** was challenged to verify the legality and lawfulness of the issuance of Council Tax to inhabitants of Herefordshire County and subsequent enforced collection. Herefordshire Council has a lawful obligation of transparency and a public duty of accountability to the inhabitants of Herefordshire County over many issues including tax, but despite the legitimate questions raised by the **Herefordshire Common Law Group**, with regard to providing **proof of obligation for County inhabitants to pay Council Tax**, Herefordshire Council knowingly and deliberately ignored its lawful obligation of accountability and, instead, set about a deliberate and calculated process of **harassment and abuse** as the means to coerce inhabitants into paying the tax, while refusing, in any substantive way, to respond to the legitimate and lawful requests to provide the information, provision of that information being the lawful obligation of an accountable public employee who is being paid from public funds. Page of 2 6 As a consequence the executive management board of Herefordshire Council has knowingly and deliberately engaged in actions pursuant to demanding money with menaces and has strayed beyond the boundaries of civilised behaviour into the criminal jurisdiction of Fraud, specifically obtaining money by deception, and Racketeering, given that a fraud committed serially by using the same methodology is referred to as Fraudulent Practice in law. Knowingly indulging in criminal activities is an extremely serious matter, and one that Herefordshire Council has, by default, admitted to have taken place as revealed under a process established through the issuance of Notices of Discovery, conducted on behalf of a member of the Herefordshire Common Law Group who was being systematically harassed for payment of Council Tax with no attempt by those accountable to provide the proof of obligation demanded under the legal Notices of Discovery served on the CFO for Herefordshire Council; a executive board member bearing unique responsibility, and personal liability, for each and every financial misdemeanour discovered under his tenure as described in the Local Government Act 1972, Section 151, as Herefordshire Council's Section 151 Officer. Andrew Lovegrove, acting in his capacity of Section 151 Officer for Herefordshire County, is hereby given twenty eight (28) days in which to provide written responses to specific questions, the answering of which has so far been avoided; failure to do so resulting, with no further notice, in the issuance of criminal proceedings to compel the Directors of Herefordshire County to appear in Court to provide under oath, under risk of perjury, answers to the serious legal issues raised by Herefordshire Common Law during 2022, in a public Court of record. This action is being taken on behalf of specific members of Herefordshire Common Law as well as all inhabitants of Herefordshire County who have been, or are, subject to Council Tax. In particular those who have at any time since 1992, received summonses for non-payment of Council Tax or, since October 1st 2003, received or had payment of Council tax enforced using a Liability Order, plus any Page of 3 6 inhabitants who have been threatened or received threatening letters or subsequent enforcement actions after presentation of documents that have been agreed not to exist. For the purposes of assisting expediency of your reply and to avoid wasting time we have already legally established, through a series of Notices of Discovery served on Andrew Lovegrove, acting in his capacity of Section 151 Officer for Herefordshire County, the following facts in Law, and having already been established in law, do not need to be addressed in your reply.. **LIST OF AGREED FACTS AND DATE OF AGREEMENT:** (25th August, 2022) **Notice of Clarification & Mutual Understanding** (General) **a)** The Inhabitant and the entitled person are separate entities in law. **b)** County Councils are responsible for discharging liabilities for inhabitants. **c)** The entitled person is a company in statutory jurisdiction. **d)** The entitled person may well be liable but the address the demand was sent to was incorrect, as the entitled person is the property of the Crown Corporation. **e)** Herefordshire Council is a company as defined in law. **f)** Andrew Lovegrove is vicariously liable for all financial irregularities under both the Local Government Act 1972, section 151 and the Consumer Protection Act 1987. (7th December, 2022) **Notice of Non-Response & Mutual Understanding** (Liability Orders) Andrew Lovegrove agrees that there is NO liability order issued by Kidderminster Court on 16th September 2022 as no copy of ANY liability order was received after the

Notice of Discovery to him on 8th November 2022. Furthermore, no liability order or copy of a liability order has been received from Anne Shuker, Hereford Justice Centre, or from District Judge Strongman, Kidderminster Magistrates Court or Page of 4 6 Richard James Sutor, Director of Bristow and Sutor, enforcement agents. All that was supplied was a memorandum of entry in a signed letter from DJ Strongman, on October 18th, 2022, stating that a Liability Order was granted on 16th September, but no Liability Order. **SPECIFIC QUESTIONS TO BE ANSWERED** In order to be as clear as possible regarding the issues that must be addressed, it is required that Andrew Lovegrove, acting in the capacity as Section 151 Officer for Herefordshire Council, provide specific written answers to all the following questions, within twenty-eight (28) days of the service of this Notice of Intended Prosecution. Failure to do so will result, without further notification, in the issuance of private criminal prosecution against him and the executive directors of Herefordshire Council. .... **QUESTION 1**

**Obligation to pay Council Tax;** What laws, statutes and Acts of Parliament are relied upon by Herefordshire Council to justify the issuance of Council Tax demands on inhabitants of Herefordshire County? • Provide a list and detailed explanation of where it is stated that the payment of Council Tax is an obligation within any statute, providing reference to the exact section and subsection that states such. ....

**QUESTION 2 Obligation of the County Council to discharge the liabilities of the inhabitants;** If the entitled person is indeed liable for the payment of council tax, how does Herefordshire County Council obfuscate its liability, under Section 79, subsection 2, of the 1888 Local Government Act, to discharge that liability on behalf of the inhabitants of the County of Herefordshire? • Again, provide a detailed explanation of where it is stated in any subsequent statutory act that postdates section 79 subsection 2 of the 1888 Local Government Act, that the payment of any liability Page of 5 6 of the entitled person does not have to be discharged by the Council of a County on behalf of the inhabitants of that County with reference to the exact section and subsection of any subsequent act that states such. ....

**QUESTION 3 RE: The issuance of summonses for non-payment of Council tax.** What are the laws, statutes, special exceptions or Acts of Parliament that sanction Court summonses being issued by Herefordshire Council, as opposed to by the Court; summonses, addressed and posted to entitled persons (companies), and not to inhabitants, being delivered unsigned and bearing no name, mark, stamp or insignia or seal of the Court, or of the Council, or signed by any responsible individual employed by the Court or the Council, for its issuance? • Specifically explain how this is considered to be legal and lawful practice with relation to Section 44 of the Companies Act 2006 and with Section 78 of the 1888 Local Government Act where the constitutional separation of powers under English Law is specifically referenced in relation to the restrictions of court powers regarding local government. ....

**QUESTION 4 RE: Engagement of externally contracted enforcement agents** What laws, statutes or special privileges are claimed to have been granted to the service corporation named Herefordshire Council that enables it to engage the services of 3rd-party enforcement agents or corporations that exempts both parties under GDPR regulations in relation to sharing private data without the creation of a Deed of Assignment or the issuance of a Notice of Assignment to the alleged debtor. • Specifically frame your reply with reference to the 1925 Law of Property Act, Section 136, and Section 196 (subsection 3) and the Data Protection Act 2018. Page of 6 6 **IN**

**CONCLUSION** This Notice of Intended Prosecution is required to be responded to by providing detailed answers to ALL questions posted. Failure to comply with the demand WILL result in the issuance, with no further warning, of criminal proceedings against those notified in this document Your detailed reply must be forwarded to the Advocate and elected Common Law Justice of the Peace for Herefordshire Common Law, Herman-Austin, whose email contact details are known to you, on or before the final expiry date, the limit for that being twenty-eight (28) days following service. **IMPORTANT SERVICE OF THIS DOCUMENT WILL BE MADE IN PHYSICAL FORMAT AT THE OFFICES OF HEREFORDSHIRE COUNCIL AS WELL AS IN ELECTRONIC FORMAT TO SPECIFIC BOARD EXECUTIVES OF HEREFORDSHIRE COUNCIL. ADDITIONALLY, ELECTRONIC COPIES WILL BE SENT TO ALEXANDER JESSE NORMAN, GOVERNMENT MINISTER OF STATE AND MEMBER OF PARLIAMENT FOR SOUTH HEREFORDSHIRE AND TO WILLIAM DAVID WIGGIN, MEMBER OF PARLIAMENT FOR HEREFORDSHIRE NORTH. For and on behalf of Herefordshire Common Law:**

## OTHER IDEAS FOR DEALING WITH COUNCILS

*copied and pasted from <http://council-tax-scam.blogspot.com/2019/05/inspirational-ideas-for-dealing-with.html>*

Since 1997 I have never paid a penny to the local company/Council in respect of Council Tax as there is no Law that requires good men and woman to do so. Sure there is the 1992 'Local Government Finance Act', but like all Acts this requires my informed-consent. Moreover, the aforementioned Act has no 'proclamation date' meaning it is fully invalid.

For the only reason I had to take on the local mafia is because I moved house and somehow they got hold of my names. The local mafia sent MR BROOKS documentation that was incorrectly addressed as the name and address was behind a see-through windowed-envelope, meaning the envelope its self was not correctly addressed, therefore not lawfully served.

I sent three of these articles back marked:  
:MAIL-FRAUD:  
:NO-CONTRACT:  
:RECORDED-FOR-EVIDENCE:

The local mafia then passed the alleged debt and fake warrant onto the debt enforcement agents. I contacted these cowboys by telephone and it was agreed that they would pass the alleged debt back to the council as it was over 6 years old therefore 'Statute Barred'. I was careful not to give these crooks 'joinder' so when asked such questions as: what is your name? My reply was the name is, I was born on, and the postal address is... I give them just enough to pass DPA (Data Protection Act).

For the next stage I sent the Councils Corporate Complaints dept. A subject access request which they duly ignored. I then escalated the DSAR through the commissioner's office who got me a reply of sorts from the council; however the council claimed an exemption saying it was not in the public's interest to answer in full my questions.

The council then sent MR. BROOKS some: Glossed, [Boxed] Italicized, Double-Spaced and Underlined documents claiming that they were going to take deductions from MR. BROOKS's wages or benefits in relation to the alleged debt.

I asked them for a copy of the court warrant and all I got was a court list with over 250 cases on it, which was signed off by an unknown entity. Moreover, this list was from well over six years ago, meaning the alleged debt is barred, however the council believe they are exempt from the Statute Limitations Act, they are not!

Anyway I was told I could attend the Fines Court at the all-caps 'DUDLEY COURT HOUSE' to appeal it so I did, I took along the Perjury Act, Fraud Act and Local Government Finance Act: I also took the Black's Law Dictionary and both the Oxford and Chicago styles manuals.

I was ushered into a room, not a court, and some man in a suit was stood on a wooden box, I guess legally this lifts him out the room! Anyway, I handed him copies of all my previous correspondence and just left the Perjury and Fraud Act on the stand in full view. He looked like he was going to pass out!

Long story short after some-time he withdrew the alleged warrants and then said if I wanted to confirm that the address was a private dwelling, not a commercial property then I should pop along to the council.

I arrived at the Council and was met by their legal adviser who was clearly expecting me, I ran through the DSAR with her and both the Perjury and Fraud Act; she couldn't get out the room quick enough. Anyway she concurred that my home was private and agreed to update the councils records. She then applied a zero-rate-exemption onto the address. This will be confirmed in writing this week. As for my names, she agreed to remove the Mr. and only address me by my given-name; she also agreed to remove the commercial postcode. Furthermore, she booked me in with



Births, Deaths and Marriages to discuss the Birth Certificate and clarify what my name is lawfully 😊;)

As soon as I receive documents from the council showing the-exemption and zero balance I will upload them below this post.

Here's a copy of the DSAR:

For the claimant is writing to make a request for access to data pursuant to the Data Protection Act 2018 and the General Data Protection Regulations. Please note that 'Notice of Conditional Acceptance' that was hand served to your legal department on the :07~02~19: still stands, and thus far remains unrebutted and unanswered.

For the claimant wishes to make clear that he is not refusing to pay any lawful debt that he may owe, such as Council Tax, however the claimant does require that the following concerns and questions be answered in full.

Please provide the claimant with the following information:

1. Who or what is Dudley Metropolitan Borough Council?
2. For what purpose and reason have Dudley Metropolitan Borough Council been accessing, processing, storing and holding our data?
3. Please provide us with irrefutable evidence of proof of our explicit consent for Dudley Metropolitan Borough Council to access, process, store, hold and share our data.
4. In what Fiduciary capacity has Dudley Metropolitan Borough Council accessed, processed, stored, held and shared our data?
5. Provide us with a detailed list of;
  - a. Who has our data been shared with.
  - b. For what purpose, and the reason it has been shared.
  - c. In what fiduciary capacity was that person/s (company or individual) acting?
6. Please provide hard copies of all data that you have accessed, processed, stored, held and shared.
7. In addition, please note that Dudley Metropolitan Borough Council is required by law to provide irrefutable evidence of proof of claim/debt. What capacity Dudley Metropolitan Borough Council has to make a legal claim on that debt in the form of an appropriate executed Notice or Deed of Assignment and acceptance compliant with section 136 Law of Property Act 1925.
8. Provide irrefutable evidence of proof that our address: xxx has been a non-domestic dwelling from the years 2001 – 2019
9. Please provide the name of the dictionary that Dudley Metropolitan Borough Council use to define the meanings of the following words: Person, Occupier, Resident, Order, You, Must, Human, Bill, Statement, and Account.
10. Please provide us with the name of the Styles Manual that is used by Dudley Metropolitan Borough Council to format its documents.
11. Please clarify, why are some words on Dudley Metropolitan Borough Councils documentation are written/signed in ALL CAPITAL TEXT, is this word art, dog Latin, America sign language or Capitis Diminutio Maxima ? Moreover, is this ALL CAPITALIUSED TEXT a GLOSSA as defined by the Black's law Dictionary: Glossa viperina est quae corrodit viscera textus. In English: It is a poisonous gloss which corrupts the essence of the text.
12. Why are boxes placed around certain text, do the boxes break the continuation of the facts, jurisdiction? Moreover, does the [boxed off] text remove it text from the page?
13. Please also provide a copy of all Dudley Metropolitan Borough Councils financial accounts, showing how much money comes in and from where, how much goes out and where it goes; please give a full breakdown and report showing the percentage of funds that go to West Midlands Police in particular. Moreover, I require sight of the accounts for all trading names and derivatives of Dudley Metropolitan Borough Council.
14. Please clarify who owns the companies listed on the attached pages which are numbered 3.
15. Who grants the permission, power and authorization for these companies to make demands upon good men and woman?
16. Please clarify what law is being used to make demands for 'council tax'. If it is the Local Government Finance Act please provide us with evidence that our home is a commercial property and not a domestic dwelling. Moreover, as this is only an Act and not law, please provide details of our consent along and a copy of the proclamation for this Act. Furthermore, please provide us with

your company's definition of a 'person' as the above Act is only aimed at 'persons' not people I.E. living men and woman.

17. Why does DMBC hire a room in the building trading as DUDLEY COURT HOUSE and print off what looks very much like a summons?

18. Why is the name of the Justice of Peace on these articles a retired solicitor that no longer has any kind of licence to practice?

19. Why does DUDLEY COURT HOUSE have no recorded or copy of any of these so called warrants? (I have attached a copy of both the the Perjury and Fraud Act I strongly suggest that one' reads both.)

We require Dudley Metropolitan Borough Council to be aware at the outset that we expect a reply to our request within one month of the date of this letter, as required under Article 12, failing to do so will result in us forwarding our enquiry along with a letter of complaint to the Information Commissioner's Office (ICO).

It may be helpful for you to know that data protection law requires you to respond to a request for data within one calendar month. If you need any more data from me, or a fee, please let me know as soon as possible.

We advise Dudley Metropolitan Borough Council to take this request with the utmost of seriousness. If the ICO find that our data is/has been concealed or willfully refused it is a criminal offence and will be reported to Action Fraud.

If you do not normally deal with these requests, please pass this letter to your Data Protection Officer, or relevant staff member. If you need advice on dealing with this request, the Information Commissioner's Office can assist you. Its website [ico.org.uk](http://ico.org.uk) or it can be contacted on 0303 123 1113.

For the claimant hereby gives Sarah Norman fourteen (14) days to reply to this notice from the above date with a notice sent using recorded post and signed under full commercial liability and penalties of perjury, assuring and promising the claimant that all of the replies and details given to the above requests are true and without deception, fraud or mischief.

Please Note: the claimant wishes to deal with this matter in writing and the claimant does not give your organization or any of its agents the permission to make contact by telephone or face-to-face. Should you or any of your agents do so, I must warn you that the contact or calls could constitute 'harassment' and I may take action using the Harassment Act 1997.

Sarah Norman we look forward to your response

Yours sincerely by :Ryan: of the house Brooks.

:CLAIM-OF-A-LIVE-LIFE: attached.

Notice to Agent is Notice to Principal – Notice to Principal is Notice to Agent

No assured value, No liability. Errors & Omissions Excepted. All Rights Reserved.

Without recourse, non-assumpsit, and without prejudice.

PS - Would the Chief Executive Sarah Norman

of DMBC or any derivative of please clarify, and or rebut the following:

Maxims of Law -Volenti non fit injuria. There is no injury to one who consents.

Ignorance of the Law does not excuse misconduct in anyone, least of all a sworn officer of the law.

- A general appearance cures antecedent irregularity of process, a defective service, etc.
- Certain legal consequences are attached to the voluntary act of a person.
- The presence of the body cures the error in the name; the truth of the name cures an error in the description
- An error in the name is immaterial if the body is certain.
- An error in the name is nothing when there is certainty as to the person.
- The truth of the demonstration removes the error of the name.
- A fiction is a rule of law that assumes something which is or may be false as true.
- Where truth is, fiction of law does not exist.
- There is no fiction without law.
- Fictions arise from the law, and not law from fictions

- Fiction is against the truth, but it is to have truth.
- In a fiction of law, equity always subsists.
- A fiction of law injures no one.
- Fiction of law is wrongful if it works loss or injury to anyone.
- For the Appellations used by your company - Mr, Ms, Mrs or Miss are military titles Refer (Style manual) is thee claiming that i the man is in the military?
- Use of Surname (Byname)

Name, title or epithet added to a person's name.

For the use of the surname is a convention rather than a legal necessity, and the Surname is never formally bestowed on a person but acquired by reputation.

At common law an adult may assume any surname by using such name, and becoming known by it. A surname is not a matter of law but a matter of repute

- Surname / Family Name is Crown copyrighted

Is it illegal to use the 'Crown © legal name'?

- Family Name - by its own definition is incorrect unless i choose to be your franchised and/or bonded slave/servant.

By requesting the "Family Name" are you enticing me to be your slave/servant?

Use of Surname (Byname) Nomen / Cognomen

The use of surnames appears to be more a response to needs of state and church administration (the exchequer, legal transactions, tenants' rolls) than for purposes of self-identification.

The use of a surname is a convention rather than a legal necessity, and the surname is never formally bestowed on a person but acquired by reputation. In the most recent

- Family Name

family (noun) early 15c., "servants of a household," from Latin familia "family servants, domestics collectively, the servants in a household," thus also "members of a household, the estate, property; the household, including relatives and servants," abstract noun formed from famulus "servant, slave," which is of unknown origin.

The Latin word rarely appears in the sense "parents with their children," for which domus (see domestic (adj.)) was used. Derivatives of famulus include famula "serving woman, maid," famulanter "in the manner of a servant," famulitas "servitude," familiaris "of one's household, private," familiaricus "of household slaves," familiaritas "close friendship."

Black's Law Dictionary, 4th Edition, 1968, Page 727.

- Gender - Male/Female. Are we cattle or farmyard animals? Would not Man/Woman, or Boy/Girl be more fitting?

- People – Man/Woman, Persons – Artificial/Natural & Private.

For the Vatican created the "Person", it is not the living man, it is the rank in society, a military account holder. By consenting to hold any form of account, thee has agreed to act as the person and thus be deceived to serve the false GOD, and pay the accounts of Rome. For i the man, neither consent nor agree. For the 'legal person' is also the "vessel" in which the State has a security interest, via the Birth Bond. Upon reaching the full legal age, we become the Master, (Mr/ Mrs/Ms) of that "vessel" that has "gone to sea", and under the Admiralty Maritime jurisdiction, which is the "Law of the Sea" and the Cestui Que Vie Act 1666 (chapter 11 18 and 19 Cha 2) 'persons' are considered 'lost at sea' and can be salvaged. For i the man am not lost at sea, and i do not consent to being salvaged under any law and or jurisdiction.

- Person = Debtor = Trustee = Payer = Under Admiralty/Martial Law (Vatican)
- Surname capitalised = Ledger Account Holder (inc. address or part thereof in caps.)
- Man/Woman = Creditor = Beneficiary = Receives Benefits = Under Common Law/ Constitution. (Un)der the God, the Man has the dominion over the whole Earth and the contents. Question – Is this a ploy by you and/or your corporation to trick thee into being a Vatican account holder (person) and thereby losing our God-given creditor-status?
- Date-of-Birth/Berth ( D.O.B.)

For the 'Date Born' and the 'Date-of-Birth' seem to be different events. The Date Born – requires no further explanation, and the date-of-birth for the surname is the date born. Moreover the Date-of-Birth for the 'Court Christian' (uses Given name/s only) and is the date when the birth was registered. - Refer Black's Law Dictionary, 4th Edition, 1968, Page 472 under DATE.

- Postal Address - Delivery of the Postal Articles to the Street address and/or the Post Office Box is also deemed Military.

Residential Address - "Persons" have "Residency" with the State. For i the man "Sojourn".

- Postcodes are Military Divisions also used to discriminate for insurance purposes school funding, home loans etc., and to determine Centre Of Main Interest.



- Four Corners Rule

Anything inside a box or square brackets creates an implied "inner box" that is separated from the "outer box" grammatically and thus legally isolates the contents of the "inner box," - rendering what is in the "inner box" as mere reference or comment, but non-substantial to the outlying text of the contract in the "outer box".

- Four Corners Rule

The Use of Brackets and the Four Corners Rule - Featured Content

FOUR-CORNERS RULE. 1. The principle that a document's meaning is to be gathered from the entire document and not from its isolated parts. ... 2. The principle that no extraneous evidence should be used to interpret an unambiguous document.

Black's Law Dict. 8th Edition, Page 1941.

For the use of brackets on certain information on a form combines a grammar device with legal theory to legally isolate whatever is in the brackets from (thus, render it legally inapplicable and insubstantial to) the body of text within the surrounding contract.

Four Corners Rule (cont.)

For the legal theory of this comes from the Four Corners Rule in law: Under "four corners rule", intention of parties, especially that of grantor, is to be gathered from instrument as a whole and not from isolated parts thereof. *Davis v. Andrews*, Tex.Civ.App., 361 S.W.2d 419,423. (Black's Law Dictionary, 5th ed. p. 591)

- DOG-LATIN. The Latin of illiterate persons; Latin words put together on the English grammatical system. Black's Law Dictionary, 4th Edition, 1968, Page 569.

and/or -

- GLOSSA VIPERINA EST QUIE CORRODIT VISCERA TEXTUS. 11 Coke, 34. It is A poisonous gloss which corrupts the essence of the text.

and/or - Black's Law Dictionary, 4th Edition, 1968, Page 820.

- CAPITIS DIMINUTIO MAXIMA. The highest or most comprehensive loss of status.

This occurred when a man's condition was changed from one of freedom to one of bondage, when he became a slave. It swept away with it all rights of citizenship and all family rights.

and/or - Black's Law Dictionary 4th Edition, 1968, Page 264.

- Personation in general

Any person who, with intent to defraud any person, falsely represents himself or herself to be some other person, living or dead, real or fictitious, is guilty of an offence which, unless otherwise stated, is a misdemeanour, and the person is liable to imprisonment for 3 years

- People – Man/Woman, Persons, - Artificial, Natural & Private.

There is a common misinterpretation by people in general as to the difference between a man/woman, a person, an artificial person, a natural person, and a natural & private-person.

"JOHN HENRY DOE" is a corporate artificial person, a citizen, and a 'legal entity' created by the government as an agent/employee to collect revenue for the federal, state, and local governments and whose future earnings are pledged to these ruling corporation/s by tacit hypothecation.

An "entity" can also be called a "natural person" Refer Black's Law Dictionary, 4th Edition 1968, ARTIFICIAL

- PERSONS - Page 145, CORPORATION – Page 409, INDIVIDUAL- Page 913, PERSON – Page 1299,

The (State owned) full name "John Henry Doe" is a 'citizen', a 'resident', a 'natural person', a 'trustee' and 'usufruct', consenting to accept and cover all debts of the State administrator by the use of 'their' surname. As a 'slave' J.H.D. consents to enter private international contracts and forgo all rights to natural justice (Common Law and Human Rights). Date Born used as D.O.B Birth.

A representative in unlimited capacity as a driver, tax-payer, rate-payer, etc. (jobs ending in er/or).

The (Court Christian) Given name "John Henry", in basic English grammar, is a name styled in title (upper and lower) case and is indicative of a living, breathing, flesh and blood man, created by God and able to exercise all his God given inalienable rights and is the only correct true full name to use. It is not our property. It is a creation of government, subject to security and is copyright

- SIGN

To make any mark, as upon a document, in token of knowledge, approval, acceptance, or obligation.

- SIGNATURE. ... ... A "signature" may be written by hand, printed, stamped, typewritten, engraved, photographed, or cut from one instrument and attached to another, and a signature lithographed on an instrument by a party is sufficient for the purpose of signing it; it being immaterial with what kind of instrument a signature is made.

And whatever mark, symbol, or device one may choose to employ as representative of himself is sufficient.

Black's Law dictionary, 4th Edition, 1968, Page 1553.

- AUTOGRAPH. One's handwriting.

Black's Law Dictionary, 4th Edition, 1968, Page 169.

- ALLOGRAPH. A writing or signature made for a person by another; opposed to autograph.

Black's Law Dictionary, 4th Edition, 1968, Page 100.

- Underlined, Underscored, Italics, and Bold.

Underlined, underscored - has the same grammatical effect as Italics and/or bold.

Refer (Government) Style manual- For authors, editors and Printers.

- Italics means removed from the page, or text that belongs in the margin, or from another place. It has no jurisdiction with the original content – rendering separation.

(Italics seem to be the 'language' of the Vatican.)

- Bold – Highlighted, up off the page, thus it is not on the page - rendering separation.

## **LAWFUL CHALLENGE**

It is best to fully do your own research and then plan your council tax withdrawal.

If you have already started paying the new bill by direct debit, or made any payments at all, then you have already contracted with them.

Some prefer to start their withdrawal at the start of the new council tax year on 1st April. You can cancel your direct debits towards the end of the year and then pay online by debit card until you have finished paying for that year.

Or, if you are confident you can send a notice of termination and cancel your direct debits. Be prepared for them to issue the summons very quickly, within a month.

I started by blocking all of their emails, forcing them to write to me. The same should be done with any telephone contact: do not answer any questions and then block their numbers. Do not contract with them over the phone, by email or via web forms. Once I had information from them by mail I started my process by writing a DSAR (see files) and then took it from there, responding to their letters with more information.

With council tax: if you are currently paying by Direct Debit then you have entered into a contract with them for this billing cycle. Cancel your direct debit and then pay the rest until then end of that contract period, as stated on your last bill, by doing online payments via the council website. Once you have completed the last billing cycle you can start the notice process with them. The minute you start paying a new billing cycle you have entered into a new contract so cancelling the direct debit means that payment control is put into your hands. For example, paying a final amount online.

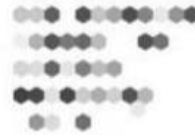
When they wrote to me with a Reminder & Final Notice I paid the remaining amount online via their website using my Debit Card and stated in my Notice of Conditional Acceptance that these payments were made under duress.

### **VALUATION OFFICE AGENCY**

Some people have managed to get a Qualified Exemption from Council Tax which means that their home has been removed from the register and documented as being exempt from council tax. See this example letter from the VOI following the FOI request from the council.

1. FOI the council for their accounts.

Freedom of Information request:



Date 30 August 2022

VOA Ref: 11  
Email: [foi@voa.gsi.gov.uk](mailto:foi@voa.gsi.gov.uk)

Thank you for your correspondence dated 16th August 2022 regarding Council Tax Public Spending Concerns. Your complaint was passed onto the relevant department and we have since had a reply. Your questions fall under the **Qualified Exemption** category which means that we have weighed up and assessed the balance of the public interest for and against disclosure and believe that the against outweigh those in favour to justify non-disclosure.

As of 01 October 2022, the address [redacted] will be removed from our register and documented as a resident exempt from council tax. It is important to note that you will be removed from the Electoral Roll and this may harm your credit score. You can contact us at any point to be added back onto the register. In doing so, we may reassess your council tax banding and you may be placed into a higher band.

If you are not content with the outcome of our review, you have the right to apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Valuation Office Agency. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SKG SAF.

Yours Sincerely

Tom [redacted]

Director of Business Valuation [redacted] Operations

Caption

Q1 - I am writing to request a copy of the expenditure statement for the year 2021 to 2022. I would like the full transactional list of all of the expenses paid by the council. I do not require the profit and loss spreadsheet. I do not want to see percentages but itemised proof in pounds (£s) as to where the annual council tax is being spent.

Q2 - I would like to know if my council tax funds the Hampshire Police Service, Ambulance Service, waste collection and Schools.

Q3 - If the above services are being funded I would like to know the percentages for each.

When you read through the spreadsheets you will discover where the money is really being spent. Make a note of the payments you don't agree with or those that are not covered by the list of what the council says the money is being spent on as per the council tax bill.

2. Once you have gathered all of your evidence raise a complaint with the VOA about how your council tax is being spent.

Request to see the VOA annual accounts showing all outgoings.

Submit your letter to the VOA here: <https://www.gov.uk/contact-voa>

## NOTICE PROCESS

### FREEDOM OF INFORMATION REQUEST

Always write to a named individual. Do an FOI request to the council to acquire the following names for sending your notices:

Section 151 Officer

Financial Director / Chief Financial Officer

Chief Executive Officer

Monitoring Officer

Head of Revenue

Head of Legal Services / Senior Legal Council Executive / Chief Legal Officer

Information Governance Manager / Data Protection Officer / Senior Data Controller

#### 1. DSAR

The council needs to provide evidence of the obligation to pay or they are committing fraud. A Data Subject Access Request is a request for information. Include a Notice of Removal of Implied Right of Access, and a Data Notice to ask them to stop processing your data. Include DUNS number, company number, ICO registration number. Send Royal Mail First Class Signed For. Legal obligation to respond within 30 days.

#### 2. Notice of Conditional Acceptance

You will pay provide certain conditions are met; these are your terms of contract. Never accept general privacy policy notices, their response must relate to your specific private data. Always Rebut. Ask on what grounds for refusal, seek clarification. Altar your DSAR questions.

#### 3. Notice of Opportunity to Cure

This is a further request for full disclosure. Give them 7 days to correct errors/omissions.

#### 4. Notice of Default

List all of the points they have failed to address.

#### or 3. Notice of Default & Opportunity to Cure

#### 5. Notice of Complaint

If they haven't responded in substance and on a point for point basis providing full disclosure, raise a formal internal complaint that they are concealing data and give them 7-14 days; also raise with ICO for investigation. Non compliance with a DSAR constitutes concealment, which is a very serious matter. It is a criminal offence pursuant to s.173 Data Protection Act 2018 and s.2 s.3 Fraud Act 2006. If the ICO pass judgement that DPA 2018, and GDPR is in violation made a claim for compensation. [www.ico.org.uk/make-a-complaint/](http://www.ico.org.uk/make-a-complaint/)

#### 6. Letter Before Action (Claim)

Give them 28 days to respond to the above. Compensation settlement out of court, or if no idea, move to File N1 claim at County Court or online; for data breaches causing distress. <https://www.citizensadvice.org.uk/law-and-courts/legal-system/small-claims/making-a-small-claim/>

#### 7. Sworn Affidavit of Truth

This gives them an opportunity to rebut. An un rebutted Affidavit stands as Truth in Commerce/ Law. Look at the one by David Ward. Take this to a court of Record and apply for a default judgement. You can also make a formal complaint to the Local Government Ombudsman.

#### 8. File all the entire paperwork, including postal receipts from the post office to the Crown Court for a final judgement.

#### 9. Get a summary default judgement in court.

#### 10. Personal liability for the CEO/each of the directors is a start, the company can be listed as co-defendant in the claim. You could put in a few schedule estimated pro-rata or depending on the contract he had before and add time/legal fees, costs on top and emotional distress according to hourly rates.

#### 11. Commercial Lien Process

You've given due process to the debtor you're going after, but how do you collect on your claim? A lien is a claim or legal right against assets that are typically used as collateral to satisfy a debt. A lien is usually established by a creditor through a legal judgement. A lien serves to guarantee an underlying obligation, such as the repayment of a loan or failure to pay a financial claim. If the underlying obligation is not satisfied, the creditor may be able to seize the asset that is the subject of the lien.

## **LIEN NOTICE PROCESS**

Write up your complaint.

- 1 Notice of Interest
  - 2 Affidavit of Obligations
  - 3 Notice of Fault & Opportunity to Cure
  - 4 Certificate of Default
  - 5 Take the Lien to County Court.
  - 6 Follow the 8 part claim process under the civil procedures rules.
- Learn all about the Lien Process in the Paperwork section of the website  
[www.thesovereignproject.live](http://www.thesovereignproject.live)

## **EXAMPLE DOCUMENTS**

Do not use any of these examples as templates. Put them into your own words and give them your own power. If the council receive multiple copies of the same documents they won't take you seriously.

### **1. DSAR**

When we write a Data Subject Access Request we refer to The Data Protection Act 2018 regarding UK legislation and also GDPR. The General Data Protection Regulation (GDPR) is a European data protection and privacy directive adopted on 14 April 2016, being made enforceable from 25 May 2018, which gives us the right to have data erased.

Non compliance with a DSAR constitutes concealment. This is a very serious matter for whomever has decided to conceal your data and is actually treated as a criminal offence pursuant to s.173 Data Protection Act 2018 and s.2 s.3 Fraud Act 2006.

Banks, debt collection agents and their legal agents alike, conceal data as a matter of course, contrary to their obligations or the pertinent directives or legislation.

If you have sent a DSAR which has not been complied with you are within your rights to bring a claim against the data controller or processor of your data.

Escalate to ICO <https://ico.org.uk>

Send a brief chronology of events, DSAR dates etc and write a Letter Before Claim.

Following non compliance with the LBC, a claim may be issued in the CCMCC for between £2,500 and £3,500 dependent upon the level of breach.

County Court Money Claims Centre (CCMCC)  
PO Box 527  
Salford  
M5 0BY  
t: 0300 123 1372  
f: 0161 743 4023  
e: [ccmcccustomerenquiries@hmcts.gsi.gov.uk](mailto:ccmcccustomerenquiries@hmcts.gsi.gov.uk)  
e-filing enquiries: [ccmcce-filing@hmcts.gsi.gov.uk](mailto:ccmcce-filing@hmcts.gsi.gov.uk)  
<https://www.gov.uk/make-court-claim-for-money>

## Standard Data Subject Access Request

Your Address

Date

INSERT THE INFORMATION REQUIRED IN RED AND THEN CHANGE TO BLUE.  
REMOVE THE DIRECTIONS IN RED  
SEND BY POST AND EMAIL.

Mr/Mrs/Ms Firstname Lastname  
Data Protection Officer  
Company  
Address

Office Found  
Your Ref: INSERT YOUR REFERENCE NUMBER  
ICO Reg Number: XXXX

## Specific Data Subject Access Request

If you do not normally deal with these requests, please pass this letter to your Data Protection Officer, or relevant staff member.

I am writing to formally make a 'Subject Access Request' for a copy of the information that COMPANY hold about me regarding XXX, which I am entitled under the General Data Protection Regulation 2018.

I require the following personal data:

- confirmation that you are processing my personal data;
- a copy of my personal data;
- the purposes of your processing;
- the categories of personal data concerned;
- the recipients or categories of recipient you disclose my personal data to;
- your retention period for storing my personal data or, where this is not possible, your criteria for determining how long you will store it;
  
- Confirmation of the existence of my right to request rectification, erasure or restriction or to object to such processing;
- confirmation of my right to lodge a complaint with the ICO or another supervisory authority;
- information about the source of the data, where it was not obtained directly from me;
- the existence of any automated decision-making (including profiling); and
- the safeguards you provide if you transfer my personal data to a third country or international organisation.
  
- please provide the mapping management process involved in the data usage;
- include the regulatory compliance process used to ensure sufficient governance is in place ;

- include the same for any third parties you provide access to my data;
- include what your legal reason for holding such data, and any data you do not have a legal reason to hold, please delete and provide necessary regulatory requirements to evidence the deletion of said data.

Should you fail to address all of our questions and choose not to provide any of the requested information, you will therefore be in breach of the Data Protection Act 1998/2018 (DPA) and the General Data Protection Regulation 2018 (GDPR).

You are advised that within 30 days of receiving our DSAR, you must answer that:

- (a) you have complied with the provisions of this notice in full; or
- (b) you have complied with the provisions of this notice in part, stating which parts; and
- (c) as to the parts not so complied with, your reasons for not doing so, including evidence that you can substantiate.

We respectfully advise that failure to fully comply with our Data Subject Access Request within one calendar month (31 days) may be construed as concealment, which may constitute an offence pursuant to section 173 (3) of the Data Protection Act 2018, which states it is an offence to alter, deface, block, erase, destroy, or conceal information with the intention of preventing disclosure.

Pursuant to the Civil Procedure Rules 1998, Part 31: Disclosure and Inspection of Documents, COMPANY has a duty to disclose all documents relevant to our case to us for inspection. This is including but not limited to providing: all of the material evidence to support your claim in the form of an Affidavit.

We may also forward a copy of this notice along with a complaint notice to the Information Commissioner's Office.

Should Congestion Charging / Transport for London require any advice on dealing with our request the ICO can assist you at [www.ico.org.uk](http://www.ico.org.uk) or contact them on 0303 123 1113.

Yours sincerely

Under the General Data Protection Regulation 2018 - **They should respond within one-month period.** If the request is complex they should advise that they will require a further two months (Article 12(3) GDPR). **If you have not had a full response in 3 months,** then you could file a complaint with the [Information Commissioners Officer](#), who has the authority to issue large fines for non compliance.

If they ask for I.D. in response to the request - send it to them

## **ADDITIONAL EXAMPLE DSAR QUESTIONS**

Use a DSAR to ask questions relating you your specific data, not general questions.

The original copy of our agreement or contract showing that we have agreed to make payments to xyz council. If this is not possible explain why.

A full statement of accounting including every payment made to xyz council.

The name of the man or woman sending us this council tax bill?

Provide the evidence of our explicit consent for xyz council to access, process, store and share our personal data as a private company operating in commerce?

Provide the evidence of equitable consideration in the provision of services to this dwelling.

Proof that we are a person and liable to pay a non-domestic levy.

Proof that we are a registered corporation.

Proof that you have our consent/agreement to be taxed and fined.

Provide an itemisation of the services actually rendered to our property

Under article 22 GDPR we have the right not to be subject to a decision based solely on automated processing. How are you compliant with Article 22 GDPR in this regard?

Provide an itemised Bill, compliant with the Value Added Tax Regulations 1995, Part 3.

In what fiduciary capacity, and for what specific purpose have xyz council and others, accessed, processed, shared, and stored our specific data?

Provide confirmation upon with which persons our data has been shared, for what specific purpose and in what specific capacity has the information been received and processed.

Provide confirmation (in writing) upon our express consent or any agreement you assume we have with you, allowing you access to process and store our specific data and information.

Provide full disclosure on who created this account on our behalf without our permission.

Provide an invoice that follows the guidelines in the Bills of Exchange Act.

Provide full disclosure of the fiduciary capacity you Firstname Lastname are operating under in this matter.

Provide full disclosure of the fiduciary capacity XYZ COUNCIL are operating under in this matter.

Provide full disclosure of the fiduciary capacity you Firstname Lastname are accessing and processing our private data.

Provide full disclosure of the fiduciary capacity XYZ COUNCIL are accessing and processing our private data.

Provide full disclosure of the jurisdiction you Firstname Lastname intend to operate under in this matter.

Provide full disclosure of the jurisdiction XYZ COUNCIL intend to operate under in this matter.

Provide evidence that a sum certain has been demanded for payment.



Provide the reason, purpose and in what fiduciary capacity XYZ DISTRICT COUNCIL are accessing, processing, using, storing, and sharing our specific data.

Provide evidence as to which companies XYZ DISTRICT COUNCIL has shared our data and for what specific purpose.

Provide the evidence that XYZ DISTRICT COUNCIL has obtained our express consent to share, process, access, use, or store our specific data.

Provide evidence for any agreement proving that the payment of Council Tax to XYZ DISTRICT COUNCIL has been consented to by us.

Provide evidence for any obligation that the payment of Council Tax to XYZ DISTRICT COUNCIL is compulsory upon us.

Provide evidence for valuable consideration from XYZ DISTRICT COUNCIL for the alleged debt. Provide a full and valid VAT invoice compliant with the Value Added Tax Regulations 1995 (Part III) specific to the alleged account, confirmation of your company number, and VAT registration number.

Proof of claim: provide evidence of a valid, lawful contract between XYZ DISTRICT COUNCIL and us showing, offer, acceptance, and consideration with wet ink signatures between all parties. Provide full disclosure on who created the alleged account on our behalf.

Provide a True Bill that complies with the Bills of Exchanges Act 1882 which details how a bill for a charge should be formulated.

Provide evidence that XYZ DISTRICT COUNCIL has given full disclosure (as required by common law) in relation to the services being offered and that these have been accepted by us for the value stated.

The Local Government Finance Act 1988/1992 does indeed 'set out the legal ability to administer and collect Non-Domestic Rates and Council Tax respectively', however, it doesn't say that I a :firstname: a wo/man am required to pay.

Provide the proof that there is an obligation for I :firstname: a wo/man to acknowledge, believe, or adhere to written instruments such as Statutes, Acts, or Legislation authored by other men and women acting as public servants.

Provide the proof that I :firstname: a wo/man am the property of the public servants who authored the foregoing written instruments.

Provide the proof that I :firstname: a wo/man have the obligation to contract with the author of these documents or anyone accepting liability for these false statements.

Provide proof of the legal or equitable obligation for I :firstname: a wo/man to make payments to any Council under the Local Government and Finance Act 1992.

The legislation states that 'persons' and 'residents' or 'owners' are required to pay Council Tax. Provide the proof that I :firstname: a wo/man am a 'person', 'resident', or 'owner'.

## 2. Notice of Conditional Acceptance

The strategy for council tax is make a conditional offer to pay if they can provide the proof to back up your questions or statements. Additional things you can add include provide the evidence:

1. That they are not trading insolvent
2. That they do not hold a DUNS number (ie are not a for profit company)
3. That they have no LOBO loans
4. That they issue you an invoice as per the Bills of Exchange Act
5. That they do not return any of their monies to central government.

All of the councils are for profit registered companies, so they are unfit to govern.

All of them have LOBO loans which are illegal for government bodies.

All of them are technically trading insolvent .

Most of them return money to the central government, sometimes up to 80% of collections.

None of them will issue a proper invoice.

So in essence, you would be asking for legally prescribed provisions, which they cannot supply without lying to you or without admitting they are frauds.

### EXAMPLE FOI REQUEST

Submit an FOI Request for general information.

Provide evidence that XYZ DISTRICT COUNCIL does not have to adhere to the Bills of Exchanges Act 1882.

The burden of proof is on XYZ DISTRICT COUNCIL to prove that payment to their private company is mandatory by men and women.

Provide the proof that the Local Government Finance Act 1992 states that payment is obligatory or compulsory for men and women.

Provide evidence that the Local Government Finance Act 1992 states that payment of Council Tax is mandatory.

Under what specific law is there an obligation to pay council tax?

Under which specific law is the payment of council tax compulsory?

Since regulations underpin a law; under what specific law does the Council Tax (Administration and Enforcement) Regulations 1992 sit.

When were these laws voted into law by Parliament?

Confirm your Dunn & Bradstreet number.

Confirm your VAT number.

Confirm your registration number with Companies House.

Under what authority can a for profit corporation with a Dunn & Bradstreet number raise a tax?

We require actual full profit and loss accounting in respect of all of the following:

- All pension funds and ALL investments using the proceeds of Council Tax.
- Enforcing tax liabilities and charges including court charges minus appeals and damages incurred.
- Enforcing any and all policies of xyz council upon the local community.
- Enforcing evictions for non-payment of tax/arrears upon the local community.

- Any and all remunerations paid into the pension funds from Council tax payments to any and all senior officers of the council.

What "Specific" act of parliament, does your "regulatory" powers exist under?

Provide full disclosure of the language you will be conducting commerce in; plain layman's English is the only acceptable language for mutual acceptance of contract.

Provide evidence that you Firstname Lastname are exempt from The Data Protection Act.

Provide evidence that the private for-profit corporation of XYZ COUNCIL are exempt from The Data Protection Act.

Provide evidence that you Firstname Lastname are exempt from section 40 of The Administration of Justice Act 1970.

Provide evidence that the private for-profit corporation of XYZ COUNCIL are exempt from section 40 of The Administration of Justice Act 1970.

How has the amount for a fair, just and reasonable voluntary contribution to actual council services rendered been calculated?

Provide the evidence that:

1. xyz council is not trading insolvent
2. xyz council does not hold a DUNS number (ie are not a for profit company)
3. xyz council does not hold LOBO loans
5. That they do not return any of their monies to central government.

Please consider your reply as perjury is a serious offence. A simple yes/no will do.

## **NOTES**

All of the councils are for profit registered companies, so they are unfit to govern.

All of them have LOBO loans which are illegal for government bodies.

All of them are technically trading insolvent .

Most of them return money to the central government, sometimes up to 80% of collections.

None of them will issue a proper invoice.

So in essence, you would be asking for legally prescribed provisions, which they cannot supply without lying to you or without admitting they are frauds.

## EXAMPLE DSAR

Time sensitive document. Estoppel conditions apply.

c/o address only: non-liability:  
In the Matter of:  
:firstname: surname (us, our, we)  
Address line 1  
Address line 2  
Town  
County  
[XX33 3YY]

XX, month, YEAR

Respondent:  
Name  
The Data Protection Officer  
Council  
address  
[postcode]

D-U-N-S® Number:

Your Alleged Payment Ref No: xxx

Private and Confidential

Office Found

Notice-to-Principal-is-Notice-to-Agent, Notice-to-Agent-is-Notice-to-Principal

Data Subject Access Request

This is not a letter; do not treat it as such. It is a lawful notice, served under the doctrine of notices if you are in any way unsure of its meaning we strongly recommend you seek advice from your legal department. Any failure to respond to this lawful notice without full and complete non-misleading disclosure shall be deemed as full acceptance of guilt, no lawful substance, and your claim to be unverified and unlawful, and full acceptance of liability for any and all costs/judgment in full should you wish to proceed.

The use of a postcode in our address is not to be taken as acceptance or obligation of contract, and is only to be used in connection with geographic location and not corporate association.

It shall be assumed that you are well aware of your lawful and legal obligations pertaining to The Data Protection Act (DPA) 1998/2018 and the General Data Protection Regulation (GDPR) 2018. Pursuant to article 21/recital 69 of the General Data Protection Regulation (GDPR) 2018, we require you to provide a full and compliant response to our specific Data Subject Access Request.

We require data and information as follows:

1. Provide the reason, purpose and in what fiduciary capacity x council are accessing, processing, using, storing, and sharing our specific data.
2. Provide evidence as to which companies x council has shared our data and for what specific purpose.
3. Provide the evidence that x council has obtained our express consent to share, process, access, use, or store our specific data.
4. Provide evidence that the Local Government Finance Act 1992 states that payment of council tax is mandatory.

5. Provide evidence for any agreement proving that the payment of council tax to x council has been consented to by us.
6. Provide evidence for any obligation that the payment of council tax to x council is compulsory upon us.
7. Provide evidence for valuable consideration from x council for the alleged debt.
8. Provide a full and valid VAT invoice compliant with the Value Added tax Regulations 1995 (Part III) specific to the alleged account, confirmation of your company number, and VAT registration number.
9. Proof of claim: provide evidence of a valid, lawful contract between x council and us showing, offer, acceptance, and consideration with wet signatures between all parties.
10. Provide full disclosure on who created the alleged account on our behalf.
11. Provide a True Bill that complies with the Bills of Exchanges Act 1882 which details how a bill for a charge should be formulated.
12. Provide evidence that x council does not have to adhere to the Bills of Exchanges Act 1882.
13. Provide evidence that x council has given full disclosure (as required by common law) in relation to the services being offered and that these have been accepted by us for the value stated.

We respectfully advise that failure to fully comply with our Data Subject Access Request within one calendar month (31 days) may be construed as concealment, which may constitute an offence pursuant to section 173 (3) of the Data Protection Act 2018, which states it is a criminal offence to alter, deface, block, erase, destroy, or conceal information with the intention of preventing disclosure.

Without ill-will, vexation, or frivolity, without prejudice, without recourse, non-assumpsit, all mistakes accepted.

*By:*  
*AUTOGRAPH IN PURPLE INK :Firstname-middlename: of the family Lastname.*  
*write 'all rights reserved' underneath the autograph so it is touching*  
*Thumb print covering the autograph to the right in blue or purple.*

By: sovereign :Firstname-middlename: of the family Lastname.  
 Secured Party Creditor UCC1-308  
 Owner FIRSTNAME LASTNAME LIMITED 12345678  
 Principal of/for MS FIRSTNAME LASTNAME and any/all Derivatives thereof

Witness: the father, son and holy ghost.

## **AFTER SENDING THE DSAR**

1. Send a Notice of Conditional Acceptance. We conditionally accept their offer to pay council tax upon proof of claim (they must prove a number of points) – if they fail to prove each individual point, we withhold payment.
2. When they send a summons (It's only an invitation to attend their place of business) we send a DSAR to the Court and a Notice of Conditional Acceptance to the council.
3. When they send a "NOTICE OF LIABILITY ORDER" we write back and send them a "NOTICE OF REBUTTAL" and "NOTICE OF REQUEST FOR TRUE AND ORIGINAL COPY OF COURT LIABILITY ORDER" which of course must meet the requirements as stated previously.
4. They then send in the bailiffs whom we serve with the Three Notice Process and issue them with our bills for attending (we also video them and put them on internet video outlets such as <http://www.metacafe.com/>).
5. Eventually the bailiffs get bored with that game and hand the case back to the council.
6. The council eventually send a letter telling you they will send you to court "for committal to prison" proceedings.
7. We then send them a letter which basically says this ...

"If you plan to present the matter before a criminal court and if you will rely on the alleged liability order to support your case then due process and the law dictates that you MUST send a copy of

the TRUE and ORIGINAL LIABILITY ORDER to me. The LIABILITY ORDER must bear all the correct attributes (signature & royal identifier).

The law concerning disclosure dictates that you (the council) are required to do this at least 14 days before the hearing. Therefore, if you plan to rely on this document we will tell the court that you have withheld it vexatiously from the beginning. Therefore, in this matter, the valuable time of the court will be wasted because you (the council) are required to disclose it 14 days before the hearing. You will have no problem sending it to me now. Will you?"

Normally at this point ... the council go away because you have backed them into a corner lawfully.

## **Court of Appeal rejects legal duty for council tax purposes to disclose fact of residence**

**March 7, 2019**

No legal duty exists that requires a resident to notify a council of their residence at a particular address for council tax purposes, the Court of Appeal has ruled.

Judges said the case would "clearly potentially have implications for other cases in the context of local government finance and payment of council tax".

The case arose when an anonymised defendant told Hertsmere Borough Council that she had moved out of one address but was believed to still be living there, possibly with a tenant.

Hertsmere alleged that there had been a false representation designed to avoid payment by her of the full amount of council tax by misusing a single person's discount.

It prosecuted her on several counts, one of which was fraud by failing to disclose, contrary to sections 1 and 3 of the Fraud Act 2006, that she lived at the original address "which you were under a legal duty to disclose, intending to make a gain for yourself or a loss to another, namely by avoiding to have (sic) to pay council tax."

When the case reached the Crown Court the judge was surprised to find there appeared to be no such legal duty and allowed the prosecution more time to find one, a search that proved fruitless.

The Court of Appeal noted a passage of the Crown Court judgment: "The prosecution in short say that it is obvious that there is such a legal duty, that it is ludicrous to contend otherwise. Every household, they say, has an obligation to tell the local authority if they are residing in a property otherwise how would any local authority have the necessary information to collect council tax?"

"As I said...during argument, it would surely be a great surprise to everybody if there was no legal duty to give a local authority that information. I remain surprised that I have not been taken to a provision or a document evidencing such a duty. The fact is, however, that I have not been."

In *D, R. v* (Rev 1 (<http://www.bailii.org/ew/cases/EWCA/Crim/2019/209.html>)) [2019] EWCA Crim 209 Davis LJ said: "We can see no real answer to the reasoning and conclusion of the Crown Court judge."

He said the defendant appeared liable to pay council tax and Hertsmere could seek civil recovery if she did not.

"But that cannot of itself, as we see it, connote that she was obliged in law to notify the council of her continued residence," David LJ said.

"The fact is, as we have said, that such a provision simply is not there, either within the primary legislation or in subordinate legislation made pursuant to the provisions of the 1992 Act itself."

David LJ said it could not be implied that the duty was created by legislation and that Hertsmere had "struggled to identify the precise form of wording which...should statutorily be implied".

Extending such a duty to all those liable to council tax would affect “potentially an enormous class of people”.

If this interpretation were correct “was there then a large department at Hertsmere Borough Council devoted to dealing with the doubtless many hundreds of notifications from persons moving into the area of their council in the course of any month? We got the impression that there was no such department at all,” the appeal judges said.

Despite the absence of any duty to notify, councils still had a number of remedies in civil recovery and enforcement and criminal sanctions where fraud was involved, he said.

## **NON COMPLIANCE WITH A DSAR CLAIM PROCESS**

### **Step 1 - DSAR**

- Find out the name of the Data Protection Officer
- Address it to them
- Send by Royal Mail Signed For and keep the tracking number
- The questions need to be about your specific data; general questions are a Freedom of Information Request (FOIR).
- Send a copy of one of their bills/statements as proof of address.
- Send a copy of your Drivers Licence with the number redacted.
- Give them 30 days to respond.

### **Step 2 - Follow Up**

- After 20 days if they haven't replied, remind them about your DSAR.

### **Step 3 - Notice of Non-Compliance**

- The DPO is acting in a fiduciary capacity under statutory duty. They hold an independent position so that they can protect our data.
- Their duty is to us and they are bound by statute to act in accordance with DPA and GDPR.
- If they haven't responded in full on a point for point basis, or if they haven't responded at all, send a Notice of Non-Compliance and give them seven days.
- Include the dates and tracking numbers of all of your previous correspondence and what they have sent to you.
- Say why it is unacceptable.
- Give them seven days to respond.

### **Step 4 - ICO Complaint**

- <https://ico.org.uk/make-a-complaint/data-protection-complaints/personal-information-complaint/>
- Focus on the data breaches, be specific, say that you did not ask unreasonable requests.

### **Step 5 - Notice Before Claim**

- Make a claim against the corporation/company using your legal fiction so you are contracting legal entity with legal entity.
- Cause of action is non compliance with a DSAR which is a criminal offence under section 173, subsection 3, of the Data Protection Act 2018. <https://www.legislation.gov.uk/ukpga/2018/12/section/173>
- List all the dates and correspondence.
- You have caused me considerable alarm, stress, distress, and inconvenience in relation to how you have handled my data to date.
- To settle this matter outside of court I'm offering you the opportunity to pay me damages of £x within the next 14 days.
- If we receive no response a claim will be made for compensation at a County Court.
- Give them 14 days to respond.

### **Step 6 - Affidavit**

Write a timeline of exactly what happened according to your first hand experience. Be 100% truthful and do not embellish anything. Include all supporting evidence for your case.

When creating an affidavit you are writing under the penalty of perjury: this is what makes it so powerful. Do not make any statements you cannot prove.

Simply explain the wrong they have done unto you, and then you claim your damages for time, stress, distress, and inconvenience.

Get the affidavit sworn and signed by a commissioner of oaths at a local solicitors office for around £5.

You then give them 30 days to rebut it - they need to do this point for point, they cannot just send a letter in saying that this didn't happen. You can also explain to them that you will remove any of the points they can prove to be incorrect.

### **Step 6 - N1 Claim**

- Fill in an N1 claim form and submit to the County Court Money Claims Centre online.
- <https://www.gov.uk/make-court-claim-for-money>
- We are submitting an N1 claim because we are claiming monetary compensation for damages under statutory provisions ie the Data Protection Act.
- This is an Admiralty/Maritime jurisdiction so you will be using your straw man as an implied corporation to file the claim against another corporation.
- Cut and paste your affidavit.
- Keep it simple: facts and the law. Evidence the breach of data. Include original DSAR, follow up notices for non compliance, ICO confirmation, Notice Before Claim, Affidavit.

### **The Data Protection Act**

We always start any process with a request for the name of the Data Protection Officer. You can send a Freedom of Information request to the council, but for other companies you will need to phone them or do a chat with them to ask. Often they will try to fob you off with a generic customer service email address - be persistent and insist on the name and postal address of the DPO. Sometimes they are listed on the ICO website. Go here <https://ico.org.uk/about-the-ico/what-we-do/register-of-fee-payers/> to do a search of listed Data Controllers.

The DPO is your fiduciary who is in a position of trust, looking after your data on behalf of the organisation for whom they work. It is their role to sit between you and the organisation so that they act in your best interests and not in the interests of the company. Should they breach this trust by not sending the data you request we must hold them to account by making a complaint to the ICO and making a claim for a court order forcing the company to release the information or for financial compensation.

Started by printing and reading a hard copy of the DPA. <https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>.

Here are the key points for the case with the council:

The Claimant has the right to access personal data, have it erased, or stop the processing of data pursuant to the Data Protection Act 2018.

Pursuant to section 2 (1) (b), The Claimant (the Data Subject) sent the Defendant (the Data Controller) X Data Subject Access Requests (DSARs) in January 2022?

Section 45 (1) and (2) - failed to provide access to the personal data and the information set out in subsection 2.

If they decided to restrict the rights of the Claimant they should have done so in compliance with Section 45 (5), which they did not.



Section 48 (1) and (2) - the Defendant ignored our request to cease and desist processing our data and did not prove legitimacy to continue to process our data.

The First Data Protection principle - they did not demonstrate that their processing of my data was lawful by proving that they met one of the conditions in Schedule 9.

Section 93 (a), (b), (c), (d), (e), (f) - letters did not cover any of those required points.

The Defendant has committed an offence pursuant to Section 173 (3).

ICO states: *'If an individual suffers damage or distress because you have infringed their data protection rights – including by failing to comply with a SAR – they are entitled to claim compensation from you'*.<sup>9</sup>

The ICO cannot award compensation so they advise individuals that: *'under data protection law, you are entitled to take your case to court to ... claim compensation for any damage caused by any organisation if they have broken data protection law, including any distress you may have suffered'*<sup>10</sup>. The Claimant is making this claim with the county court pursuant to Section 180, which states that it is the correct jurisdiction for such claims.

The ICO state that *'... it is a criminal offence to ... block ... or conceal information with the intention of preventing disclosure of all or part of the information a person making a SAR would have been entitled to receive'*<sup>11</sup>. On summary conviction the Defendant may be subject to a fine pursuant to Section 196 or prosecution pursuant to Section 197.

The Claimant is seeking financial compensation for the contravention of the UK GDPR pursuant to Section 168 because the Defendant blocked and concealed information by not providing the requested information and did not provide a reasonable excuse to have not provided the requested information within the obligated time of one month.

You can also go here for further information on DPA/GDPR: <https://thepeopleslawyeruk.com/freeresources/>

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<sup>9</sup> <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/right-of-access/can-the-right-of-access-be-enforced/>

<sup>10</sup> <https://ico.org.uk/for-the-public/data-protection-and-journalism/taking-your-case-to-court-and-claiming-compensation/>

<sup>11</sup> <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/right-of-access/can-the-right-of-access-be-enforced/>

## Videos To Watch

[www.youtube.com/watch?v=xkvgdN4iH-g](http://www.youtube.com/watch?v=xkvgdN4iH-g)  
[www.youtube.com/watch?v=NQK5UcF4GGM](http://www.youtube.com/watch?v=NQK5UcF4GGM)  
[www.youtube.com/watch?v=4rvGisyfrw4](http://www.youtube.com/watch?v=4rvGisyfrw4)  
<https://commonlaw61.com/council-tax-is-fraud/>  
[www.youtube.com/watch?v=x1nslkV68xQ](http://www.youtube.com/watch?v=x1nslkV68xQ)  
<https://youtu.be/GjNG63lxhqM>  
<https://www.youtube.com/watch?v=6dFe-LACuZE>

## Further Information

<https://gaiauni.com/product/council-tax-the-art-of-law/>  
<https://nationalbailiffadvice.uk/Bailiffs-Magistrates-Court-Fines-Enforcement-Fact-Sheet.html>  
<https://peacekeepers.org.uk/>  
<https://thepeopleslawyeruk.com/freeresources/>