

Caution Notice and Opportunity to Remedy Reference: 18/05/2023-001

:Steven: Kirk
XXXXXX
XXXXXX
Leicester
Near [XXXXXX]
18th day of May 2023
From:
baronstevenhouseofkirk@gmail.com

Julia Smith, CEO for Blaby District Council, Julia.Smith@blaby.gov.uk, and
Terry Richardson of Blaby District Councils §5 Monitoring Officer¹, cllr.terry.richardson@blaby.gov.uk, and
First and Surname of Blaby District Councils §20 Listing Officer², and their email address, and
Sarah Pennelli of Blaby District Councils §151 Financial Officer³, Sarah.Pennelli@blaby.gov.uk, and
First and Surname of Head of Revenue, and the title of the office they hold, their email address,

BLABY DISTRICT COUNCIL
Desford Road,
Narborough,
LE19 2EP
Company number 236643755

recovery@blaby.gov.uk

[Your reference: 252288963]

Dear Julia, Terry, Sarah, plus two to be named,

Notice to principal is notice to agent; notice to agent is notice to principal⁴
Email service in accordance with precedence PT-2018-000160

Council tax Liability notice under section 16 of the Local Government Finance Act 1992 ("LGFA1992")⁵

I am aggrieved under the Local Government Finance Act 1992 and require you at §16(1)(a) to prove my liability as the Billing Authority (§16(2)) claiming Council Tax from me.

I hereby served this notice in accordance with §16(5) and state the matters with which I am aggrieved evidence herein (§16(6)), and you now have a legal obligation to respond within 2 months in a meaningful way under section 16(7) and (8) to prove my lawful obligation.

This has been confirmed under the common law principle of equality (consistency) to treat like situations in a likewise manner; and as all Councils are agents of Parliament Assembled and it as was ordered against the agent,

1 <https://www.legislation.gov.uk/ukpga/1989/42/section/5>

2 <https://www.legislation.gov.uk/ukpga/1992/14/section/20>

3 <https://www.legislation.gov.uk/ukpga/1972/70/section/151>

4 You must immediately notify your principals, and agents, and All principals must immediately notify their principals and agents, that the lawfulness of your claims detailed herein are in dispute.

5 <https://www.legislation.gov.uk/ukpga/1992/14/contents>

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Liverpool City Council, by the Merseyside Magistrates Court, which under section 53⁶ of the Council Tax (Administration and Enforcement) Regulations 1992⁷ (“CTAEFR1992”) has full jurisdiction under Part VI to deal with council tax matters, were on the 18/08/2022⁸ ordered by the court to respond to the legal basis of the dispute which is as detailed herein.

This is not 'freeman of the land, nor Organised Pseudolegal Commercial Argument litigants (OPCA), and is based on current statute (affirmed by Cabinet Office and National Archives) and case law.

As your claim is not contractual, should this not be settled equitable remedy will be sought, and the rules of equity prevail over the common law in the event of conflict established in the Earl of Oxford Case 1615⁹ and you must cease any beliefs as to your rights, and desist until this dispute is settled as now we are in a position of equitable estoppel as you have not evidenced joinder between your claimed authority and myself.

You must prove the members of Parliament acting on behalf of Parliament Assembled, your principal, can lawfully impose their will without consent on another, which they lawfully agreed to do in their oaths, affirmations or attestations which is to act according to law and NOT legislation.

Fundamental law is self evident. All are equal under the law (what one individual can do all can do)¹⁰; no one is above the law (every individual is accountable for harm they knowingly cause)¹¹ and therefore every individual is entitled to peace¹². Therefore, before breaching another individual's peace evidence of harm must be shown, failing which a breach of the peace is being committed^{13,14}. Therefore, no interaction between any individual and group of

6 <https://www.legislation.gov.uk/ukxi/1992/613/regulation/53/made>

7 <https://www.legislation.gov.uk/ukxi/1992/613/contents/made>

8 Liverpool City Council v Marc Horn Case# 052200277122

9 <https://www.lawteacher.net/free-law-essays/equity-law/conflict-between-common-law-and-equity-equity-law-essay.php>

10 <https://www.legislation.gov.uk/aep/Ja1/21/3>

11 Equity will not suffer a wrong (harm) without a remedy.

12 <https://www.legislation.gov.uk/aep/Edw3/34/1>

13 *R v Howell* [1982] QB 416, [1981]
https://learninglink.oup.com/static/5c0e79ef50edd00160f35ad/casebook_225.htm

14 *(Laporte) v Chief Constable of Gloucestershire* [2006] UKHL 55
<https://www.gardencourtchambers.co.uk/wp-content/uploads/2016/06/R-Laporte-v-Chief-Constable-of-Gloucestershire-2007-2-AC-105.pdf>

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individuals can be binding on another individual or group of individuals without consent of all parties to the respective duties, rights and obligations!

Enforceable law is created by a meeting of the minds and then consenting to the duties, rights and obligations, which is the only way anything can have the force of law. Mental coercion is fraud, physical coercion is crimes against the body, and threats of theft are crimes against my property.

Further extortion is an offence under section 1(1)(b) of the Modern Slavery Act 2015 by forcing an individual into labour to earn money to pay your Council's demands.

Your attempt to enforce your will on another is a breach of the People's peace¹⁵ by fraudulent misrepresentation, and unless you can prove lawful authority you hold personal liability as you are acting beyond your principal's authority and hence are no longer acting as their agent, but a free agent on personal liability.

Hence as claimant of a right you must immediately cease your beliefs and as it is trite English law that he who asserts must prove = I am innocent until proven guilty, and you are put to strict proof that your claims for Council Tax are lawful.

I require your full accurate and complete point by point response by admission, denial with counterargument or requesting further evidence under the Magistrates Court Rules¹⁶ and CPR16.5¹⁷ so as to avoid any potential dispute, or at least narrow the issues before public dispute resolution is needed in the independent judiciary if we cannot settle this dispute in private.

1. I Require email service of your response to this notice by email before the 18th day of July 2023

to:

- 1.1. baronstevenhouseofkirk@gmail.com; and
- 1.2. a copy of your response to my witness 1: sXXXXXXX@hotmail.com; and
- 1.3. a copy of your response to my witness 2: cXXXXXXX@gmail.com.

2. REMEDY BY UNDERTAKING:

- 2.1. This may allow you to use the self defence of 'honest mistake' for any harm caused to date.
 - 2.1.1. Immediately notify your principles and agents of this notice, and
 - 2.1.2. Remove the property and my details from your databases as you have no lawful excuse to hold my data, and

15R v Howell [1982] QB 416, [1981] 3 All ER 383, [1981] 3 WLR 501, 73 Cr App Rep 31, 146 JP 13
http://www.hrcr.org/safrica/arrested_rights/Regina_Howell.htm

16Rule 3A to case manage

17 <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part16#16.5>

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I, :Steven: of fifty Salcombe Drive, Glenfield, Leicester [LE3 8AF] do this 18/05/2023 undertake to change my behaviour and act with honour (my word is my bond), in good faith (I will no longer put personal interests above that of others) and will act with clean hands (be open, honest and transparent in all my dealings) and specifically:

a - prior to acting on further instructions, I will ensure orders I am asked to perform are lawful and if I have any doubt, I might be causing another harm as dictated by your conscience as to what is right and wrong, then I will ask my order givers to show me the evidence what they are asking me to do is lawful, and

b - in my own right, from this day forth sincerely promise and affirm that I will serve the ‘creator’ (whatever that may be to your understanding) and your fellow creations of this earth, with equanimity, equity, conscience and diligence, to preserve our individual inalienable rights at all times; and

c - that you will to the best of my capability at all times cause the peace to be kept and preserved, and prevent all wrongs against people and property according to natural law as expressed in the rules of equity.

Name: :Steven:

Signature: Steven (digital signature)

In the presence of witness 1 :SXXXXXX:

Signature: SXXXXXX(digital signature)

In the presence of witness 2 :CXXXXX:

Signature: CXXXXX (digital signature)

3. REMEDY BY YOUR REBUTTAL OF MY EVIDENCE:

3.1. Due to the serious situation, which has already resulted in the application of your mind to the matter in dispute, your immediate attention and action to settle this dispute is required, and hence the times given for your response is deemed to be fair and reasonable in accordance with the Civil Procedure Rules Practice Directions – Pre Action-Conduct and Protocols¹⁸, section 6 (b).

3.2. Under my right to enforce the people’s peace, and being innocent until proven guilty, and under your obligation to keep the peace and to prove your claims I require:

3.2.1. a full, accurate and complete,

3.2.2. point by point response in accordance with Civil Procedure Rules 16.5¹⁹ to this notice by

3.2.2.1. admission, or

¹⁸Practice Directions – Pre Action-Conduct and Protocols https://www.justice.gov.uk/courts/procedure-rules/civil/rules/pd_pre-action_conduct

¹⁹Contents of Defence <https://www.legislation.gov.uk/ukxi/1998/3132/article/16.5/made>

- 3.2.2.2. denial with counter evidence, or
 - 3.2.2.3. asking me for further evidence to prove my claims,
 - 3.2.2.4. Detailed within this CAUTION NOTICE within 14 days of service,
- 3.3. Should you fail to keep the peace by not providing a meaningful response within the granted time will result in a WARNING;
- 3.3.1. I will grant you a further 7 days to remedy your breach of my peace, and
 - 3.3.2. **This will remove your rights to claim lawful excuse of negligence**, and
 - 3.3.3. is **witness 1** of the facts, and your dishonour, bad faith and unclean hands, and
 - 3.3.4. should you continue to breach my peace that is harassment.
- 3.4. Should you continue to fail to settle this dispute within the granted time offered to remedy for your default, that will result in a LETTER BEFORE ACTION;
- 3.4.1. granting you a further 7 days to remedy your breach of my peace, and
 - 3.4.2. **This will remove your rights to claim lawful excuse of gross negligence**, and
 - 3.4.3. is **witness 2** of the facts and your dishonour, bad faith and unclean hands, and
 - 3.4.4. harassment
4. Should you choose not to settle this matter honourably, in good faith and with clean hands, as *Equity acts in personum*, and *Equity will not suffer a wrong without a remedy*, you will be charged for further breaches of my peace (trespass) at the rate of £500.00, in legal tender, per hour or part hour, rounded up to the nearest hour, per occasion, payable within 7 days of service.
- “no man shall set up his own iniquity as a defence, any more than as a cause of action ”***²⁰
5. Should you apply for a summons you are required to notify the court when laying your complaint of this dispute, failing which you are knowingly attempting to recklessly mislead the court, and
- 5.1. knowingly perverting the course of justice, and
 - 5.2. Further, should you apply for a summons I will require a copy of your complaint as laid, and
 - 5.3. Further, should you apply for a summons, in accordance with your case management obligations under Rule 3A Case Management, at (4) I require your case progression officer details.
6. Should the court grant a liability order based upon the personal summons issued then to legally prove any claim made in my absence you are required to prove any claim of a liability order if I am not served one then I am entitled as proof of proceedings in accordance with Magistrates Court Rule 67.

²⁰Lord Mansfield's famous opinion held in *Montefiori v Montefiori* (1762) 1 Black W 363, 96 ER 203 Page 31 https://ssudl.solent.ac.uk/id/eprint/1313/1/2007_11_1&2.pdf

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- 6.1. This can be done by providing me with the order made by the court with either the court seal or the handwriting of the Justice of the Peace which is included in the court fee includes under the courts obligations under section 34(6) of the CTAER1992 to make the order, or
- 6.2. under the courts rules by a certified extract from the court register which;
 - 6.2.1. at 16 a record of any order made on the complaint for any legal purpose can be by an extract from the courts register, and
 - 6.2.2. at 66(1)(a) requires a minute or memorandum of every adjudication of the court, and
 - 6.2.3. at 66(2)(f) must include a minute of adjudication.

7. I require your answers to the following specific questions in addition to your rebuttal of the legal and lawful arguments:

- 7.1. Does either the Council or Parliament Assembled have any equitable or other interest in the property I seek shelter from the environment, and if so, please detail how did that interest arise?
- 7.2. Does either the Council or Parliament Assembled have any equitable or other interest in myself, and if so, please detail how did that interest arise?
- 7.3. Can you confirm if the First Act of William and Mary 1688 is current statute law?
- 7.4. Can you confirm if the Bill of Rights 1688 is current statute law?
 - 7.4.1. Can you confirm in the first sentence of the Bill of Rights 1688 affirms those acting in Parliament Assembled are the people's representatives?
 - 7.4.2. Can you confirm a representative is an agent acting authority of its principal?
- 7.5. Can you confirm if the Coronation Oath Act 1688 is current statute law?
- 7.6. Can you confirm if the Act of Settlement 1700 is current statute law?
- 7.7. Can you please provide the authority which creates between your principal under whose authority you make your claim, Parliament Assembled, and myself.
- 7.8. Which law, not legislation which creates your belief which makes Council Tax a lawful obligation to be paid by the person/s you demand it from?
- 7.9. Where can the full, accurate and complete accounting records, including supporting documents be inspected to show actual expenditure? I am not asking for audited accounts which do not prove actual expenditure.
- 7.10. What is the design life of investment projects?
- 7.11. Please provide a full list of all suppliers of goods and services to the Council where the Council and / or employees of the Council have any beneficial interest directly or indirectly, including family members.
- 7.12. Please provide your detailed build up of your claimed costs for a summons for each of the last 3 years.
- 7.13. Please provide your detailed build up of your claimed costs for a liability order for each of the last 3 years.

8. Your position is understood and summarised as follows.

- 8.1. Your belief is entitlement is created by a person living in a property as expressed in sections 1 through 9 of the Local Government Finance Act 1992²¹ (“LGFA1992”), and

²¹<https://www.legislation.gov.uk/ukpga/1992/14/contents>

- 8.2. Your belief is by applying for a liability order is that a debtor relationship exists as expressed in section 32(1) Interpretation and application of Part VI of the CTAER1992 “ ‘debtor’ means a person against whom a liability order is made”, and
- 8.3. This includes legal authority to reduce the amount to nil in section 13A (6) for people in financial hardship at (2)(a).
- 8.4. As confirmed by the Ministry of Justice²² if people do not comply with your demand through your process of notices used to collect your evidence which you submit under sworn evidence before a justice of the peace is that:
- 8.4.1. The council tax has been set by resolution of the council, and
- 8.4.2. Sums due have been claimed by **demand notice** in accordance with §19 of the CTAER1992²³, and
- 8.4.3. If the sums demanded were not settled a **reminder notice** was served in accordance with §23(1)(a) of the CTAER1992²⁴, demanding settlement within 7 days, and
- 8.4.4. The sum due on the **reminder notice** or further settlements were not settled in accordance with the demand notice a **final notice** was served in accordance with §23(1)(c)(iii) as per (4) of the CTAER1992¹⁰ demanding full settlement of remaining demands within 7 days, and
- 8.4.5. If the full sum has not been settled within 7 days an application is made to the Magistrates Court for a summons inviting believed debtor to reply as to why they have not complied with your demands adding your costs of the summons plus the Courts costs of £0.50, and
- 8.4.6. If your demand is still not complied with prior to the hearing before the justice of the peace you further submit evidence that the summons was served on the believed debtor a minimum of 14 days prior to the hearing adding your further costs for the hearing plus Court costs of £3.00.
- 8.5. Your claim is totally without merit as it fails to evidence joinder between myself and Parliament Assembled (your principal). You are required to evidence where, when and how the claimed debt arose.

9. Pre action protocol for debt

- 9.1. As lower courts are bound to higher court decisions, the Magistrates Court is bound by the Pre Action-Protocol for Debt ²⁵ where at its point 1.1 as a public body you as agent are claiming your principal to be a creditor, and myself as the debtor.
- 9.2. At its point 1.4 your principal is not exempt from this protocol
- 9.3. At its point 3.1 (a) you must show whether the claimed debt arose at (ii) from an oral agreement, who made

22DSAR 220606054 of the 5th July 2022

23<https://www.legislation.gov.uk/uksi/1992/613/regulation/19/made>

24<https://www.legislation.gov.uk/uksi/1992/613/regulation/23/made>

25 Pre Action-Protocol for Debt <https://www.justice.gov.uk/courts/procedure-rules/civil/pdf/protocols/debt-pap.pdf>

the agreement, **what was agreed** (including, as far as possible, what words were used) and **when and where it was agreed**, or at (iii) If the debt arises from a written agreement, the date of the agreement, the parties to it and the fact that a copy of the written agreement can be requested from the creditor, or (iv) If the debt has been assigned, the details of the original debt and creditor, when it was assigned and to whom.

10. Elements to be proved.

- 10.1. Council Tax Liability orders, if unopposed⁵, are pronounced as per the list provided by council as default judgements.
- 10.2. Prior to the pronouncement, any objections to any of the cases are adjourned to enable the objector to file a defence.
- 10.3. Where a defendant asks for a contested hearing, it is usual to adjourn the hearing to another date when more time is available.
- 10.4. The court would also adjourn if a defendant contacted the court saying they wished to attend but were prevented from doing so on the hearing date.
- 10.5. The legal obligation of the Court at 34(6) of the CTAER1992 is to “make the order”, and the order is evidenced by the Memorandum of Entry in the Courts records even though SI 2003 #2211²⁶ omitted and did not replace a prescribed form in which the order was made,
- 10.6. The elements to be proved is that the Court must be satisfied (on the balance of probabilities) “*that the sum has become payable by the defendant and has not been paid*”, obliging the Council to:
 - 10.6.1. first evidence when and how the debt was created, failing which there is no joinder between the Council and the ‘debtor’, then
 - 10.6.2. Secondly that the Council has followed due process as detailed in CTAER1992, and
 - 10.6.3. Thirdly that the sum claimed “*has not been paid*”.

11. Claimed Court costs.

- 11.1. Section 34 of the CTAER1992 affirms only reasonable costs incurred can be claimed and granted.
 - 11.1.1. The current court cost of for a Liability Order is £3.00²⁷.
 - 11.1.2. Additional Council costs claimed for summons’s vary from as low as £28.00 to as much as £128.00
 - 11.1.3. Additional Council costs claimed for liability order vary from as low as £13.00 to as much as £95.00
- 11.2. As the same information is laid (computer generated) it is rationally impossible for:
 - 11.2.1. there to be such variance in costs between councils, and
 - 11.2.2. summons costs cannot by impossibility cannot be greater than the costs for the liability order as normally only 2 Council representatives attend the court hearing for liability order applications and none are required to lay information.

²⁶<https://www.legislation.gov.uk/uksi/2003/2211/made>

²⁷<https://www.legislation.gov.uk/uksi/2014/875/schedule/made>

12. Failure of Magistrates Courts to uphold the rule of law.

- 12.1. It is admitted by the Ministry of Justice⁵ when dealing with Council Tax claims the Magistrates Courts are not independent, but merely implement the will of Parliament Assembled by running unlawful Administrative Courts to rubber stamping the complaint, without applying their minds to how or when joinder that created the debt as required in order for the Councils claim to be lawful.
- 12.2. This is a contempt of court as it prejudices the claimed debtor where the council simply need to prove:
- 12.2.1. Computer generated evidence of the council's resolution by way of a certified copy signed by the appropriate officer; and
 - 12.2.2. Give evidence on oath as to the issuance of the complaint, summons, service of the demand notices, and that the sums are due and
 - 12.2.3. have been demanded in accordance with the regulations, and
 - 12.2.4. have not been paid.
- 12.3. Further, Parliament Assembled expresses its unlawful interference with the independence of the judiciary as expressed in §35(3) of the CTAER1992 that *"it is not to be treated as a sum adjudged to be paid by order of the court"*, and
- 12.4. Hence Parliament Assembled is fraudulently misrepresenting that a legal remedy exists in the Magistrates Courts, and
- 12.5. The whole facade of Magistrates Court hearings is a fraud upon the people who believe HMCTS and the judiciary is independent and operates to uphold the law generating endless money at the expense of the person who are led to believe the Courts are Courts of law!

13. Fraud by Council

- 13.1. Councils add into their own liability order additional amounts which have not been awarded by the Magistrates Court and this varies where the Courts Memorandum of Entry and the Councils claimed liability orders granted by the court from £30.00 to over £70.00 per liability order. This is straight forward fraud and is easily provable by the Courts Memorandum of Entry and the Councils claimed liability order. This fraud vitiates all subsequent actions by all councils who perpetrate this fraud by any means of enforcement.
- 13.2. Being with the knowledge contain within this notice any Council continuing claiming council tax is knowingly acting unlawful and to continue with council tax would be to knowingly and recklessly mislead the Court and fraud for their benefit at the expense of the people, and
- 13.3. The Councils now have the duty and obligation to notify the courts of the same, and
- 13.4. Councils must cease and desist further collection of council tax until they can prove their actions are lawful, and
- 13.5. The Courts must dismiss all further complaint by any council until they can show when and how the claimed debt was lawfully created.
- 13.6. Further any liability orders produced by the Council which claim more than that awarded by the courts as evidenced by the Memorandum of Entry is fraud at the expense against whom it is perpetrated.

14. Fraud by Court

- 14.1. The officers of the court have a legal obligation to put the court with all relevant law including dissenting opinions, and
- 14.2. Not only is the judiciary independent, but
- 14.3. The judicial oath is to act according to law and not legislation and thereby makes each judicial officer independent, and
- 14.4. If the judicial officers of the court simply following the advice of legal officer's advice cannot claim ignorance of the law as order following is not lawful excuse²⁸, and
- 14.5. Box ticking as directed by Parliament Assembled in legislation is admission of an unlawful Administrative Court and unlawful order following²⁹.

Legislative and lawful rebuttal of your claim

15. Your claim admits being without legal authority making it void ab initio.

- 15.1. Judicial notice must be taken of the following legislation, which may be 'old' or 'archaic', but is enforceable as it is current statute law and it has stood the test of time.
- 15.2. CTAER1992 in its introductory text claims authority from LGFA1992³⁰, and
- 15.3. LGFA1992 claims its authority in its introductory text from Parliament Assembled³¹ as follows:
*“Be it enacted by the Queen’s most Excellent Majesty, by and with the **advice and consent** of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the **authority of the same**, as follows”*
 - 15.3.1. This is a contract between the contracting parties who by their own authority, freewill, and consent are bound by the respective duties, rights and obligations contained therein.
- 15.4. The two houses of Parliament are fictions of law created by the First Act of Will. & Mar. 1688³².
- 15.5. Parliament Assembled is a fiction of law, constituted and constrained in authority by the Bill of Rights 1688³³, and

²⁸<https://www.bailii.org/ew/cases/EWCA/Civ/2008/1237.html>

²⁹at 18: *Commissioner of Police of the Metropolis v Raissi: CA [2009] QB 564, [2008] EWCA Civ 1237*
<https://www.bailii.org/ew/cases/EWCA/Civ/2008/1237.html>

³⁰<https://www.legislation.gov.uk/uksi/1992/613/introduction/made>

³¹<https://www.legislation.gov.uk/ukpga/1992/14/introduction>

³²<https://www.legislation.gov.uk/aep/WillandMar/1/1>

³³<https://www.legislation.gov.uk/aep/WillandMarSess2/1/2/introduction>

- 15.6. The Bill of Rights 1688 in its first sentence expresses the admission that those creating the authority are in the capacity of ‘representative’ of the people, and
- 15.6.1. hence Parliament Assembled is the agent of the people, and
- 15.6.2. it is trite no agent can bind their master without authority from the master, and
- 15.7. This principal agent relationship is further admitted therein that Parliament Assembled can do nothing to the prejudice of the people (cannot harm), and
- 15.8. All successors voluntarily bind themselves to the duties, rights and obligations as expressed therein by their freewill when make their oaths, affirmations or attestations to fulfil their duties, rights and obligations according to law, and
- 15.9. The Coronation Oath Act 1688³⁴ in the first promise expresses “*Statutes in Parliament agreed on*” (today known as Legislation or Statute law) will be used to govern the people according to their respective laws and customs, and
- 15.9.1. The second promise creates the independent judiciary which is where the people create the common law when publically resolving dispute between any two disputing parties, and
- 15.10. Therefore, by admission and impossibility legislation is not law and therefore cannot be binding without consent.
- 15.11. The Act of Settlement 1700³⁵ in the first sentence of section IV Parliament Assembled define the law are the birthright of the people, and
- 15.11.1. The first sentence continues that those governing and their successors will do so according to the same law, namely the people’s birthright, thereby
- 15.12. Affirming the Bill of Rights that nothing can be done to the prejudice of the people.
- 15.13. As your claim against me is to my prejudice it is without legal authority, and hence is ultra virus.
- 15.14. As Parliament Assembled created your believed right, and hence they are liable to provide you remedy.

16. Capacity of the parties:

- 16.1. I am a man, under my inherent right under personal liability, and
- 16.2. You and their principal, Parliament Assembled, are fictions of law, have no being and hence by impossibility cannot act or cause another harm.
- 16.3. The constituting authority of the fiction of law ‘Parliament Assembled’, the Bill of Rights 1688³⁶, expresses in its first sentence to be ‘representatives’ of the people, and
- 16.3.1. Being the constituting authority of Parliament Assembled, Parliament Assembled cannot change the authority which created it by impossibility, and

³⁴<https://www.legislation.gov.uk/aep/WillandMar/1/6>

³⁵<https://www.legislation.gov.uk/aep/Will3/12-13/2>

³⁶<https://www.legislation.gov.uk/aep/WillandMarSess2/1/2/introduction>

16.3.2. to do so without consent is **treason (betrayal of trust) against each individual.**

16.4. Hence you act in an agency capacity from Parliament Assembled, and

16.4.1. Parliament Assembled is in agency capacity from the people (principal), and

16.5. You therefore are my representative and have no authority to bind me to any obligation without my consent as the principal of your principal, and

16.6. You individually are making the claim against me as natural people in your personal capacity and liability when acting without my expressed authority granted to your principal.

17. Authority of every individual:

17.1. The following truths are self evident and stand as default judgment under the court's rules of evidence^{37,38} that until the respondent can bring the creator in person (whatever they may believe that to be) to give first hand cross examinable witness testimony that any individual or group of individuals has the right to impose their will upon any other individual or group of individuals:

17.1.1. Every individual is entitled to follow their conscience which dictates right from wrong until another's equal rights are infringed, and

17.1.2. Every individual (beneficiary) is entitled to a fair share (trust property) of the creator's creations (grantor / settlor) including but not limited to:

17.1.3. Land upon which to make shelter from the environment^{39,40}, and

17.1.4. Land upon which to grow food^{25,26}, and

17.1.5. Land upon which to gather water^{25,26}, and

17.1.6. Clean air to breathe^{25,26}, and

17.1.7. Freedom of association failing which the species will become extinct⁴¹, and

17.1.8. Freedom of speech to allow thoughts to be explored and articulated to others⁴², and

17.1.9. Knowledge from generations past so as to minimize damage to the creator's creation for future generations, and

37<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part32#32.2>

38Magistrates Court Rules 4 Laying Information and Complaint, 14 Order of Evidence and Speeches: complaint <https://www.justice.gov.uk/courts/procedure-rules/criminal/magistrates-courts-rules-1981.pdf>

39affirmed in the right to self defence in the binding common law precedence in the settlement of the dispute between Beckford v The Queen [1988] AC 130 <https://www.bailii.org/uk/cases/UKPC/1987/1.html>

40*R v Owino (1996) 2 Cr. App. R. 128 at 134*<https://swarb.co.uk/regina-v-owino-cacd-1996/>

41<https://www.legislation.gov.uk/aep/Edw3/34/1>

42<https://www.legislation.gov.uk/aep/WillandMarSess2/1/2>

17.1.10. Freedom to do with their bodies what they wish^{43, 44}, and

17.1.11. The rights to the benefits of their labour⁴⁵,

17.1.12. WITHOUT KNOWINGLY CAUSING ANOTHER HARM (Breach of the Peace)^{46,47}.

17.2. Thereby it is self evident that:

17.2.1. **To lie is to go against the mind**^{48,49} means beyond the survival instinct law binding all must have a legitimate aim, all reasonable options applying humanities best available knowledge must be considered, and the most proportionate option must be chosen that least impacts any individuals' rights, and

17.2.2. **Ignorance of the law is no excuse** means natural law under any colour will prevail as truth is sovereign, and

17.2.3. **All are equal under the law**⁵⁰ means what one can do all can do, and

17.2.4. **No one is above the law**⁵¹ means all are accountable for harm they cause, and

43 unanimous 7 justice supreme court in the common law settlement of the dispute between *Montgomery (Appellant) v Lanarkshire Health Board (Respondent) [2015] UKSC 11*
<https://www.supremecourt.uk/cases/docs/uksc-2013-0136-judgment.pdf>

44 An Introduction to the Legal Structures of the NHS <https://www.landmarkchambers.co.uk/wp-content/uploads/2018/06/Introduction-to-the-Legal-Structures-of-the-NHS.pdf>

45 Equity sees the beneficiary as the true owner.

46 *R v Howell [1982] QB 416, [1981]*
https://learninglink.oup.com/static/5c0e79ef50eddf00160f35ad/casebook_225.htm

47 *(Laporte) v Chief Constable of Gloucestershire [2006] UKHL 55*
<https://www.gardencourtchambers.co.uk/wp-content/uploads/2016/06/R-Laporte-v-Chief-Constable-of-Gloucestershire-2007-2-AC-105.pdf>

48 REVEREND DR WILLIAM J U PHILIP AND OTHERS for Judicial Review of the closure of places of worship in Scotland OUTER HOUSE, COURT OF SESSION [2021] CSOH 32 summarizes UK common law that before breaching another's peace evidence must have a **legitimate aim** be **reasonable** and **proportionate**,

Failure on any of these tests removes the force of law, specifically to control the madness of crowds which are based upon dogmatic beliefs, where in *Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374*, Lord Diplock said that a decision would be **'IRRATIONAL—AND SO UNLAWFUL'** if it were:

“so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.”

49 *Contr veritatem lex numquam aliquid permittit.* - The law never suffers anything contrary to truth.

Ex facto jus oritur. - Law arises out of fact; that is, its application must be to facts.

Incerta pro nullius habentur. - Things uncertain are held for nothing.

50 Common law equality and fairness tort (partially legislatively codified in the [Equality Act 2010](#) and fully codified in the [Statute of Monopolies 1623](#))

- 17.2.5. **The law operates without fear or favour**⁵² means all are treated equally under the law, and
- 17.2.6. **Innocent until proven guilty** means all have the right of self defence and he who asserts must prove their believed right and another's obligation.
- 17.2.7. **No one can knowingly impose their will upon any other without freewill** (no mental coercion = fraud, no physical coercion = crimes against the person) **and consent** (binding each party to the respective duties, rights and obligations contained in the agreement).
- 17.2.8. **Everybody has lawful excuse to the right of self defence** to protect their mind and their body when under imminent attack by another using reasonable and proportionate force^{53,54}, and
- 17.3. We bind ourselves to duties, rights and obligations by our words affirmed in section 4 of The Oaths Act 1978⁵⁵.
- 17.4. Therefore, the social contract between every individual is to keep the peace by not knowingly causing harm, and provide remedy when harm is knowingly caused, and
- 17.4.1. This creates a duty of care between every individual not to knowingly cause another harm, including the right to enforce others do not cause harm as to allow that we are knowingly causing harm, and
- 17.5. Before breaching another's peace (cause of action) we must have and must show evidence of actual⁵⁶, intended or reasonably foreseeable⁵⁷ harm, and
- 17.6. Therefore 'order following is not lawful excuse'.⁵⁸
- 17.7. Under the common law precedence of the Earl of Oxford Case 1615, partially legislatively codified in section 49 of the Senior Courts Act 1980⁵⁹ the rules of equity prevail over the rules of the common law, and hence is admitted to be the highest legally enforceable rules in Her Majesties Courts and Tribunal Service to publicly

51 Equity will not suffer a wrong without a remedy. Lord Mansfield in *Montefiori v Montefiori* (1762) affirms '**no man shall set up his own iniquity as a defence, any more than as a cause of action**'
https://ssudl.solent.ac.uk/id/eprint/1313/1/2007_11_1&2.pdf

52 *Att-Gen v. Times Newspapers Ltd.* [1974] 3 All ER 54
https://learninglink.oup.com/static/5c0e79ef50eddf00160f35ad/casebook_187.htm

53 *Beckford v The Queen* [1988] AC 130 <https://www.bailii.org/uk/cases/UKPC/1987/1.html>

54 Bill of Rights 1688 <https://www.legislation.gov.uk/aep/WillandMarSess2/1/2/contents>

55 <https://www.legislation.gov.uk/ukpga/1978/19>

56 *R v Howell* [1982] QB 416, [1981]
https://learninglink.oup.com/static/5c0e79ef50eddf00160f35ad/casebook_225.htm

57 §63 of the Sentencing Act 2020 <https://www.legislation.gov.uk/ukpga/2020/17/section/63/enacted>

58 at 18: *Commissioner of Police of the Metropolis v Raissi: CA* [2009] QB 564, [2008] EWCA Civ 1237
<https://www.bailii.org/ew/cases/EWCA/Civ/2008/1237.html>

resolve disputes to keep the peace, which all lower courts must apply in all matters due to the common law precedence jurisdiction.

17.7.1. Therefore, lawfully and legislatively everyone has the right to follow their conscience which connects all of humanity as to what is right and wrong (causing harm) as equity is triggered by unconscionability (a wrong)⁶⁰:

17.7.2. Equity acts in person⁶¹, and

17.7.3. Equity will not suffer a wrong without a remedy⁶².

17.7.4. Equity looks at substance and not form⁶³.

17.8. He who asserts a right must prove that right.

17.9. In summary for anything to have the force of law it must meet the following 3 tests ⁶⁴:

9.1. **Legitimate aim:** The cause must be shown to exist, and

9.2. **Rational:** The considered options and chosen action must be rational and meet the legitimate aim.

9.3. **Reasonable:** The chosen action must be the least imposing upon another's rights.

17.10. **Irrationality = Unlawful**⁶⁵: when being:

“so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.”

18. The lawful protection of my equitable rights - the contract to be governed:

59Senior Courts Act 1981 <https://www.legislation.gov.uk/ukpga/1981/54/section/49>

60<https://www.lawyersjurists.com/article/unconscionability-in-the-sense-of-equity/>

61Order following is not lawful excuse at 18: *Commissioner of Police of the Metropolis v Raissi: CA [2009] QB 564, [2008] EWCA Civ 1237* <https://www.bailii.org/ew/cases/EWCA/Civ/2008/1237.html>

62Without consent a trespass upon another's rights to their mind = fraud and body = crime against the person, both of which are not only well defined in common law precedence, but also that is partially legislatively codified.

63Duties, rights or obligations can only be created following expressing their freewill (no mental or physical coercion) and then consenting to bound to them.

64REVEREND DR WILLIAM J U PHILIP AND OTHERS for Judicial Review of the closure of places of worship in Scotland **OUTER HOUSE, COURT OF SESSION[2021] CSOH 32**
https://www.bailii.org/scot/cases/ScotCS/2021/2021_CSOH_32.html

65*Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374,*
<https://www.bailii.org/uk/cases/UKHL/1984/9.html>

- 18.1. Section 4 of The Oaths Act 1978⁶⁶ affirms my word is my bond, and accordingly the duties, rights and obligations of those governing is created as follows.
- 18.2. The social contract between those governing and the governed is created by the monarch's (head of state) first promise (oath) made on the 2 June 1953 where Elizabeth Alexandra Mary which stands until Charles III takes his on the 06th day of May 2023, was offered the contract to govern by the Arch-Bishop of Canterbury: ***"Will you solemnly promise and swear to govern the Peoples of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, Pakistan, and Ceylon, and of your Possessions and the other Territories to any of them belonging or pertaining, according to their respective laws and customs?"***
- 18.3. the offer to contract was accepted with the words ***"I solemnly promise so to do. "***, and
- 18.4. later this contract was sealed in writing ⁶⁷.
- 18.5. These powers were then delegated by the Monarch to **Members of both the House of Commons and House of Lords** who are required to take their **oaths or affirmations before they can participate in proceedings in either house, thereby affirming the 'Monarch in Parliament'**.
- 18.6. The Parliamentary Oaths Act 1866⁶⁸ sets out the requirement to take the oath, the place in which it is to be administered and the penalties applicable to any Member who takes part in parliamentary proceedings without having taken the oath;
- 18.7. The Oaths Act 1978⁶⁹ prescribes the form and manner of administering the oath:
*"I swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, her heirs and successors, **according to law**. So help me God."*, or
- 18.8. solemn affirmation:
*"I do solemnly, sincerely, and truly declare and affirm, That I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, her heirs and successors, **according to law**."*
- 18.9. Accordingly the authority of those governing is subject to, and thereby restricted to act ***"according to the peoples respective laws"*** binding by admission those governing who by their freewill consenting to be so constrained, and as those filling the offices of governance cannot prove authority from the creator under the courts rules of evidence, it is self evidence they only have the same rights as every other person, and therefore are equal under the law, and as no individual can impose their will (creation of duties, rights and obligations) upon another the legal fiction Parliament Assembled cannot impose its will upon any individual!
- 18.10. As fictions of law have no being by impossibility they cannot act, and act through its agents who make oath, affirmations or attestations to act according to law which **makes each individual involved in**

66<https://www.legislation.gov.uk/ukpga/1978/19>

67 <https://www.royal.uk/coronation-oath-2-june-1953>

68<https://www.legislation.gov.uk/ukpga/Vict/29-30/19>

69 <https://www.legislation.gov.uk/ukpga/1978/19>

governing personally liable under the law and only to the law, affirming all are equal under the law and no one is above the law.

19. By admission of Parliament Assembled the Bill of Rights 1688 constrains the authority of Parliament Assembled:

- 19.1. The reason it is the law is that it claims all people advised and consented (with the members of both houses claiming to have the lawful authority of all the people).
- 19.2. It is also not an ACT OF PARLIAMENT, but a BILL whose etymology is merely a claim.
- 19.3. Therefore, as **this is the claim of Parliament Assembled's constituting authority** it cannot be changed by its officers and further it was expressed to be irrevocable! It **can only be changed by agreement of all the people living within the jurisdiction as it accepts all are equal under the law and no one is above the law admitting they have no authority to do anything to the prejudice of the people.**
- 19.4. This still stands true today succinctly expressed in the written evidence of Neil Herron in September 2005 to Parliament⁷⁰:
- "LEGITIMACY OF DPE/BILL OF RIGHTS 1689*
- 19.5. *As no doubt members will be aware, on 21 July 1993, the Speaker of The House of Commons issued a reminder to the courts. Betty Boothroyd said: "There has of course been no amendment to The Bill of Rights . . . the House is entitled to expect that The Bill of Rights will be fully respected by all those appearing before the courts...*
- As you will be aware, the Bill of Rights is a "constitutional statute" and may not be repealed impliedly. This was stated in the case Thoburn v City of Sunderland, the decision commonly referred to as the "Metric Martyrs" Judgment. This was handed down in the Divisional Court (18 February 2002) by Lord Justice Laws and Mr. Justice Crane (I will paraphrase, but have included a copy of the judgment's relevant sections 62 and 63).*
- 62. "We should recognise a hierarchy of Acts of Parliament: as it were "ordinary" statutes and "constitutional statutes." The special status of constitutional statutes follows the special status of constitutional rights. Examples are the . . . Bill of Rights 1689 . . ."*
- 63. "Ordinary statutes may be impliedly repealed. Constitutional statutes may not . . ."*
- This was upheld by Lords Bingham, Scott and Steyn in an appeal which went to the House of Lords on Monday 15 July 2002."*
- 19.6. Further reason the Bill of Rights 1688 is 'special' is that it is not an act of parliament, but the constituting authority of Parliament and hence Parliament Assembled has no authority to amend it in any way!

20. By admission of the UK Supreme Court the Bill of Rights 1688 and the common law constrains the authority of Parliament Assembled:

⁷⁰<https://publications.parliament.uk/pa/cm200506/cmselect/cmtran/748/748we10.htm><https://publications.parliament.uk/pa/cm200506/cmselect/cmtran/748/748we10.htm>

20.1. Boris Johnson relied upon it where its standing was reaffirmed in the unanimous 11 judge Supreme Court ruling in *R (Miller) v The Prime Minister and Cherry v Advocate General for Scotland* ([2019] UKSC 41)⁷¹, where the court also reaffirmed:

Parliament is subject to the common law created by the people in the independent judiciary:

20.2. At 31: “... *the courts have exercised a supervisory jurisdiction over the decisions of the executive for centuries.*”, and

20.3. at 32: *Case of Proclamations* (1611) 12 Co Rep 74

“... *the King hath no prerogative, but that which the law of the land allowed him...*” indicating that “*the limits of prerogative powers [the source of authority to govern] were set by law and were determined by the courts.*”, and

20.4. at 32: from *Entick v Carrington* (1765) 19 State Tr 1029; 2 Wils KB 275, 95 ER 807⁷² that:

20.5. “...*the Secretary of State could not order searches of private property without authority conferred by an Act of Parliament or the common law.*”, and

Parliament is only Sovereign over HM Government

20.6. at 33: from *R v Inland Revenue Comrs, Ex p National Federation of Self-Employed and Small Businesses Ltd* [1982] AC 617, 644⁷³ Lord Diplock talking about actions of officers or departments of central government said:

“... *They*[HM Government and its agents] *are accountable to Parliament for what they do so far as regards efficiency and policy, and of that Parliament is the only judge; they*[every individual including officers governing]*are responsible to a court of justice for the lawfulness of what they do, and of that the court is the only judge.*’.

21. By impossibility Parliament Assembled cannot be sovereign

21.1. Parliament Assembled is a fiction of law and therefore has no being, and

21.2. it acts through its agents, and

21.3. When an agent acts without authority of its principal then the agent is a free agent acting under their own liability.

22. Parliamentary sovereignty is nothing more than an illusion based upon a theory unsupported in fact:

22.1. The 'Monarch in Parliament' is how the people are represented through their respective laws which they create in the independent judiciary created by the Monarchs second promise, therefore the people are not subject to acts of parliament unless they are lawful (judgements from the independent judiciary) thereby dispelling the

71 <https://www.supremecourt.uk/cases/docs/uksc-2019-0192-judgment.pdf>

72 <https://www.casemine.com/judgement/uk/5a8ff8d260d03e7f57ecd7b9>

73 <https://www.casemine.com/judgement/uk/5a8ff8ca60d03e7f57ecd7b9>

myth that Parliament Assembled can impose its will upon whom so ever it chooses!

- 22.2. The foundation of this belief is that man in their natural state would go around beating one another over the head the whole time as opposed to being nice to one another for mutual benefit.
- 22.3. Sovereignty, merely means - the power to act and creating a legal structure to 'legitimise' that power. The Bill of Rights affirms the sovereigns are the people, who in turn created Parliament Assembled to legislate within the constraints of the Bill of Rights 1688 which expresses specific 'protected characteristics' of our birthright which is legislatively affirmed in the Act of Settlement 1700, and those governing are restricted by our laws and customs, which in turn authorises and limits the actions of HM Government (executive body). So, the structure is very equitable affirming all are equal under the law and no one is above the law.
- 22.4. The people stand on their rights when being trespassed against by any other, including Parliament through the independent judiciary created in the second promise, and therefore with the 'Monarch in Parliament' the people are represented, and the people filling the offices are subject and their authority to act limited by the constraints imposed by the common law precedence set by the people in the independent judiciary.
- 22.5. Politically sovereignty is merely the notion of a nation state resulting in⁷⁴:
"primarily a matter of positive possession of ultimate power in a hierarchically structured internal legal framework", and
- 22.6. in the UK is legally and in fact as shown reflected by the Monarchy with the 'Queen [Monarch] in Parliament' together creating Parliament Assembled.
"...the 'doctrine of Parliamentary sovereignty' is the outcome of the battle between the Crown and Parliament as to which should yield supreme power in the land. The formal compromise has been to accept that supreme power to legislate should rest with 'the Queen in Parliament'"(p22)
- 22.6.1. This is legally fact in the Bill of Rights 1688 as no Act can be enacted without Royal Assent, and
- 22.7. continuing "... For present day practical and political purposes may be taken to make supreme law.' (p22)
- 22.7.1. This is not factually supported as it is admitted that Parliament Assembled creates Act of Parliament and not Law of Parliament, so the statement affirms it is merely opinion,
- 22.8. continuing:... legislation created by Parliament assembled cannot be declared invalid by the courts, which is rational as how parliament chooses to govern constrained by its authority, as expressed in the Bill of Rights 1688, and
- 22.8.1. what Parliament Assembled creates it can uncreate and it is not bound by previous acts, and cannot bind future Parliaments to its Acts as to how they will govern constrained by its authority, as expressed in the Bill of Rights 1688, and
- 22.8.2. Parliament Assembled are the only ones who can legislate how they will govern constrained by its authority, as expressed in the Bill of Rights 1688.
- 22.9. As the common law is created by the people in the independent courts, Parliament has no authority to declare the people's respective laws null and void,
- 22.10. But the people as the source authority of the fiction of law Parliament, including over members of**

74FCO 301048 1971 Legal and Constitutional implications of UK entry into EEC
<https://archive.org/details/FCO301048>

parliament, the common law can declare Acts of Parliament null and void!

23. The lawful independent judiciary

23.1. This was also created by offer of contract, where on the 2 June 1953, at the Abbey of Westminster, the Archbishop of Canterbury offered Elizabeth Alexandra Mary a contract by asking:

"Will you to your power cause Law and Justice, in Mercy, to be executed in all your judgements?"

23.1.1. which was accepted with the words "***I will***", and

23.1.2. later sealed this contract in writing⁷⁵.

23.1.3. The people then filling the judicial offices is also by contract, in the affirmations or oaths of office, given to the monarch, and then giving by:

23.2. **The Lord Chancellor** affirmation / oath⁷⁶⁷⁷ as follows:

*"I, [name], do swear that in the office of Lord High Chancellor of Great Britain I will respect the rule of law, **defend the independence of the judiciary** and discharge my duty to ensure the provision of resources for the efficient and effective support of the courts for which I am responsible. So help me God."*

23.3. **The Lord Chief Justice, The Master of the Rolls, The Recorder of London and Justices of the Peace**¹⁴, judicial affirmations or oaths of office⁷⁸ create judicial independence at the personal level of each person filing this office as follows:

*"I, [name], do [swear by Almighty God OR solemnly sincerely and truly declare and affirm] that I will well and truly serve our [monarch] in the office of [office], and **I will do right to all manner of people after the laws and usages of this realm, without fear or favour, affection or ill will.**"*

23.4. **Public enforcement of the law is by the police where the Police Constables affirmation or oath (police officer attestation)**⁷⁹ under the Police Reform Act, 2002, every police officer and every special constable is required, on appointment, to be attested by making a declaration in a prescribed form before a justice of the peace in the force area concerned, again ensuring each individual officer is independent:

*"I (name), of (police force) do solemnly and sincerely declare and affirm that I will well and truly serve the (monarch) in the office of constable, **with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people;** and that I will, to the best of my power, **cause the peace to be kept and preserved and prevent all offences against people and property;** and*

⁷⁵<https://www.royal.uk/coronation-oath-2-june-1953>

⁷⁶<https://www.legislation.gov.uk/ukpga/2005/4/part/2/crossheading/lord-chancellors-oath>

⁷⁷ <https://www.legislation.gov.uk/ukpga/Vict/31-32/72/contents>

⁷⁸ <https://www.judiciary.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/oaths/>

⁷⁹<https://www.legislation.gov.uk/ukpga/2002/30/section/83>

*that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully **according to law.***⁸⁰

23.5. **Judicial independence** was affirmed in the unanimous 11 justice determination in *R (Miller) v The Prime Minister and Cherry v Advocate General for Scotland* [2019] UKSC 41⁸¹, reaffirming:

“... the limits of prerogative powers [the source of authority to govern] were set by law and were determined by the courts.”, and

“... the courts have exercised a supervisory jurisdiction over the decisions of the executive for centuries.”, and

“...[every individual including officers governing]are responsible to a court of justice for the lawfulness of what they do, and of that the court is the only judge.’

23.6. **Affirming not only is the judiciary independent, but so is each officer of the law, and**

23.7. **Affirming HM Courts is the balance** upholding the rights and obligations of those governing to the governed⁸², namely to **"govern you and me according to our respective laws and customs"**, and

23.8. the people hold unlawful actors to account in the independent courts thereby creating our respective laws where **the "Monarch in Parliament" is in fact the law created by the people binding all, and is created by the people in the independent courts created by the monarch's second promise**

23.9. Affirming Parliament Cannot create duties, rights or obligations without consent!

24. Obligations of the Court – Due process

24.1. All HMCTS must apply the rules of equity which prevail over the rules of the common law in the event of a conflict being bound by the Earl of Oxford Case 1615⁸³.

24.2. All HMCTS courts have the following lawful obligations:

24.3. All individuals must have equal access to impartial public dispute resolution to settle their grievances⁸⁴ when they cannot be settled in private which must follow natural law⁸⁵, and

80https://foi.west-midlands.police.uk/wp-content/uploads/2021/03/298A_ATTACHMENT_01.pdf

81<https://www.supremecourt.uk/cases/docs/uksc-2019-0192-judgment.pdf>

82<https://www.judiciary.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/jud-acc-ind/independence/>

83<https://www.lawteacher.net/free-law-essays/equity-law/conflict-between-common-law-and-equity-equity-law-essay.php>

84*REX V. SUSSEX JUSTICES*, [1924] 1 KB 256 <https://vlex.co.uk/vid/r-v-sussex-justices-802717169>

85*Ridge v Baldwin* [1964] AC 40 <https://lawprof.co/public-law/procedural-fairness-cases/ridge-v-baldwin-1964-ac-40/>

- 24.4. *“It is not merely of some importance but it is of fundamental importance that justice must not only be done, but must also be seen to be done. **“Nothing is to be done which creates even a suspicion that there has been an improper interference with the course of justice.”***This dictum was laid down by **Lord Hewart**, the then Lord Chief Justice of England in the case of *Rex v. Sussex Justices*, [1924] 1 KB 256, and
- 24.4.1. First, the court must determine the disputing party’s respective rights and obligation to one another⁸⁶, and
- 24.4.2. Second, the court must ensure the disputing parties have all the evidence from each other upon which they rely, and
- 24.4.3. Only based upon the evidence proven in court presented by the disputing parties make a decision to settle their dispute⁸, and
- 24.5. Courts must follow binding precedents set by higher courts, and
- 24.6. Any action by any party of the proceedings, including the legal and judicial officers of the court, which prejudices either disputing party, is contempt of court⁸, making any subsequent orders of the court void ab initio.
- 24.7. Further, Officers of the court are under legal obligation to provide the court with all relevant law both in favour and in dissent of their client’s position, and
- 24.8. Ignorance of the law is no excuse for all individuals participating in proceedings including the bench (or judicial officers).
- 24.9. Administrative courts⁸⁷ are unlawful as any prejudice to either disputing party is a contempt of court, making any subsequent orders of the court void ab initio, including but not limited to:
- 24.9.1. Not applying the mind to the evidence before it such by “box ticking” to validate another’s will has been upheld, or
- 24.9.2. Not being able to reach a reasoned decision based upon only the evidence before the court.

25. Duties, Rights and obligations of the court’s officers:

- 25.1. The common law rights expressed by The Lord Chief Justice in *Brett v SRA* [2014] EWHC 2974 (Admin)⁸⁸ that:
- “...misleading the court is regarded by the court and must be regarded by any disciplinary tribunal as one of the most serious offences that an advocate or litigator can commit... Such conduct will normally attract an exemplary and deterrent sentence... the privilege of conducting litigation or appearing in court is granted on terms that the rules are observed not merely in their letter but in their spirit. ... the standing of*

86*Att-Gen v. Times Newspapers Ltd.* [1974] 3 All ER 54
https://learninglink.oup.com/static/5c0e79ef50eddf00160f35ad/casebook_187.htm

87*REGINA V BRENTFORD JUSTICES EX PARTE CATLIN* [1975] <https://swarb.co.uk/regina-v-brentford-justices-ex-parte-catlin-1975/>

88<https://www.bailii.org/ew/cases/EWHC/Admin/2014/2974.html>

the profession depends particularly upon the discharge of the duties owed to the court."

- 25.2. QC's, Barristers Solicitors, Magistrates legal advisors (used to be called clerks) all have obligations under the Legal Services Act 2007; Part 1⁸⁹, specifically Section (1) (a) (b) and (h), where, as an "authorised person" in schedule 5⁹⁰ to carry out reserved activities in Part 3⁹¹ (detailed in Schedule 2⁹²) at (2), are obliged under (3) to adhere to their "professional principles" as regulated by bodies detailed in Schedule 5 at 1(2), contained in the Solicitors Regulation Authority SRA Handbook⁹³ and / or the Bar Standards Board BSB Handbook⁹⁴, and / or CILEX Code of Conduct⁹⁵, specifically attention is drawn to the following obligations;
- 25.3. their overriding duty and obligation is to uphold the rule of law, and the constitutional principal of the rule of law, and
- 25.4. their duty to the court overrides their duty to their client, and
- 25.5. each are obliged to provide the court with all relevant law, including dissenting opinions which may undermine their case (**THIS MEANS EACH OFFICER AND THEREBY DISPELLING THE MYTH THAT THE UK SYSTEM IS ADVERSARIAL**), and
- 25.6. their obligation not to attempt to deceive or knowingly or recklessly mislead the court, and
- 25.7. their obligation to take special care when dealing with litigants in person to use plain language and not to take advantage by bullying and unjustifiable threats or misleading or deceitful behaviour, and
- 25.8. Not to claim what cannot rightfully be claimed, and
- 25.9. Not to create a dispute where none exists.

26. Duties, rights and obligations of the judicial officers of the court:

- 26.1. All judges in courts and tribunals, whether salaried or fee-paid, legal or non-legal, including Magistrates and Coroners must adhere to The Guide to Judicial Conduct⁹⁶ which sets out three basic principles guiding judicial conduct.

89 <https://www.legislation.gov.uk/ukpga/2007/29/part/1>

90 <https://www.legislation.gov.uk/ukpga/2007/29/schedule/5>

91 <https://www.legislation.gov.uk/ukpga/2007/29/part/3>

92 <https://www.legislation.gov.uk/ukpga/2007/29/schedule/2>

93 <https://www.sra.org.uk/solicitors/standards-regulations/>

94 <https://www.barstandardsboard.org.uk/uploads/assets/de77ead9-9400-4c9d-bef91353ca9e5345/dfd622a6-ec2a-469f-9e0af0b7a55edcd3/second-edition-test31072019104713.pdf>

95 <https://cilexregulation.org.uk/wp-content/uploads/2018/11/2.-Code-of-Conduct-2019.pdf>

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- 26.1.1. Judicial independence (affirming individual judges are independent, not only the judiciary!), and
 - 26.1.2. Impartiality, and
 - 26.1.3. Integrity
- 26.2. Bias by a tribunal of any description is defined in Porter v Magill [2001] UKHL 67⁹⁷; [2002] 2 AC 357 as:
“the relevant test in cases of alleged bias is whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased”

Now that you are with this knowledge, should you fail to provide a full, accurate and complete response you would knowingly be breaching my peace.

Excepting honest errors and omissions, I believe my actions of serving you this notice, and the contents herein, are honourable, lawful and true.

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:Steven.

⁹⁶<https://www.judiciary.uk/wp-content/uploads/2020/03/Guide-to-Judicial-Conduct-Guide-Fourth-Amendment-2020-v3-1.pdf>

⁹⁷<https://publications.parliament.uk/pa/ld200102/ldjudgmt/jd011213/magill-1.htm>



Cabinet Office

Public Correspondence

70 Whitehall

London

SW1A 2AS

request-912554-
716474e0@whatdotheyknow.com

Our reference: TO2022/15607

4 November 2022

Dear Karen,

Thank you for your email of 28 October to the Cabinet Office regarding the Bill of Rights 1688/9.

I can confirm that the Bill of Rights 1688/9, the Coronation Oath Act 1688 and the Treason Act 1351 all continue to sit on the UK's statute book and have not been repealed. Over the many years they have been in effect, they have been subject to the occasional amendment.

For the latest version of each, please follow the following links:

- Bill of Rights 1688/9: <https://www.legislation.gov.uk/aep/WillandMarSess2/1/2>
- Coronation Oath Act 1688: <https://www.legislation.gov.uk/aep/WillandMar/1/6>
- Treason Act 1351: <https://www.legislation.gov.uk/aep/Edw3Stat5/25/2>

I hope you find this response helpful and thank you once again for contacting the Cabinet Office.

Yours sincerely,

Ollie

Correspondence Officer

**Public Correspondence Team
Cabinet Office**

Caution Notice and Opportunity to Remedy Reference: 18/05/2023-001

Date: Wed, 30 Nov 2022 at 12:19
Subject: RE: Confirmation Required
To: Brian <mi .com>

Dear Brian,

We can confirm that the Acts you have asked about form part of the current UK statute book as amended in the links below:

<https://www.legislation.gov.uk/aep/WillandMar/1/1>

<https://www.legislation.gov.uk/aep/WillandMarSess2/1/2/>

<https://www.legislation.gov.uk/aep/WillandMar/1/6>

<https://www.legislation.gov.uk/aep/Will3/12-13/2>

We cannot provide any legal advice or interpretation of the legislation as our remit is to oversee the publication of legislation in enacted and revised format. We do not make legislation or advise on legislative matters.

Further information regarding a particular piece of legislation is best obtained from the government department responsible for the legislation. You can find government department details on <https://www.gov.uk/government/organisations> . www.gov.uk also provides a wealth of information on a variety of subjects which may assist you with your query.

A law library may be able to assist you in your research. If you do not have access to a law library, any public library should be able to help you find the resources you need. Many major libraries, such as the British Library Social Sciences Reading Rooms (www.bl.uk - email: social-sciences@bl.uk - phone 020 7412 7676), will have specialist expertise to assist users with research.

You might also try the Law Society Library (<http://www.lawsociety.org.uk/advice/library-services/> - email: library@lawsociety.org.uk - phone: 020 7320 5946).

I would also recommend that you obtain professional advice in this matter. Citizens Advice (www.citizensadvice.org.uk) in England and Wales helps people resolve their legal, money and other problems by providing free information and advice. There are also Citizens Advice Services for Scotland (www.cas.org.uk) and Northern Ireland (www.citizensinformation.ie).

Other organisations that may be of assistance are:

The Law Centres Network (www.lawcentres.org.uk) provides an independent legal advice and representation service across the UK.

The Law Society (www.lawsociety.org.uk) represents solicitors in England and Wales and provides information on Finding a Solicitor.

The Solicitors Regulation Authority (www.sra.org.uk) regulates solicitors in England and Wales and provides information on what to expect when using a solicitor.

The Legal Ombudsman (www.legalombudsman.org.uk) has formal powers to resolve complaints about lawyers and solicitors.

The Law Society of Scotland (www.lawscot.org.uk) represents and regulates solicitors in Scotland and can help you find a solicitor in Scotland.

The Law Society of Northern Ireland (www.lawsoc-ni.org) represents and regulates solicitors in Northern Ireland and can help you find a solicitor in Northern Ireland.

I hope this is of some assistance.

Kind regards

Rosie Hart

Legislation Services