

Case Authority

David Ward

v

Warrington Borough Council

Case no. WI 05257F

Date: 30th Day of May 2013

Case Overview

What the Government would like people to believe, is that a procedural impropriety is an acceptable mistake that can be overlooked. But the truth is, that it is a deliberate act of 'fraud and malfeasance' in a public office.

These are very serious crimes with criminal 'intent'.

The definition of fraud is... 'a deliberate action to defraud where the victim of the crime is unaware having no knowledge of a situation or fact'.

This crime carries a penalty of 7 to 10 years incarceration and the latter; where there are multiple instances.

63.5 million people are subject to this crime everyday on a multitude level, as it is now commonplace and is carried out by the largest and most ruthless *criminal company in this country*.

This same company is also a Public office with the enforcement to execute this crime, which is inclusive of but not limited to: - The office of the Police, The office of the Judiciary, Local Government and central Government. Independent Bailiff and Debt Collection companies are also 'licensed' by the same company.

Malfeasance, misfeasance and nonfeasance are also very severe crimes with a period of incarceration of life in prison.

Malfeasance is a deliberate act, with criminal intent to defraud and ignorance is no defence. Malfeasance that has been defined by appellate courts in other jurisdictions as:

- A wrongful act which the actor has no legal right to do
- An act for which there is no authority or warrant of law
- An act, which a person ought not to do
- An act which is wholly wrongful and unlawful; as that which an officer has no authority to do and is positively wrong or unlawful; and as the unjust performance of some act which the party performing it has no legal right.

Crimes of this nature cannot go unpunished. If crime goes unpunished then the criminal will undertake the action again and again. When the criminal is rewarded for the crimes by their peers and superiors, it then becomes difficult to know that a crime has been committed in the first place. However, it is everyone's obligation to be fully conversant with their actions, and the consequences of their actions in every situation.

"I was just following orders" or "I was just doing my Job" is *no excuse*.

When the full extent of these crimes is realised, it then becomes blatantly obvious that these crimes are deliberate and in full knowledge if not by the lower subordinates but defiantly by the Executive Officers of the company.

The cost to us to victims of these crimes has been estimated to be in the region of £4,037.25 *trillion* over the past 35 years. This is the cost to the people of this small country, which is far in excess by many times the global GDP.

The simplicity of this case is very often overlooked as it involves a simple PCN...the Penalty Charge Notice.

It is important to note here that the Appellant at a tribunal *did not challenge* the PCN, or the Traffic Management Act 2004. What the appellant did, was to remove from jurisdiction the very foundation to any claim made under any Act or Statute of Parliament. All of which have the same legal dependency that has never been fulfilled in nearly 800 years.

There are in excess of 8 million Act's and Statutes in this country alone and it is estimated that around 8 thousand pieces of legislation are written and implemented every year.

None of which can be acted upon without the legal authority to do so. To act upon these same Act's and Statutes without the legal authority to do so is malfeasance in a Public office and fraud at the very least.

This case was undertaken at a tribunal and therefore became a valid recognised due process that undeniably confirms this to be the facts of the matter.

Case details

This may appear to the reader to be a simple Penalty Charge Notice (PCN), but closer observation of the details will conclusively show otherwise.

This is the PCN issued by Warrington Borough Council, which clearly shows a claim is being made against the Appellant's motorised road vehicle under the Traffic Management Act 2004.

There is clearly no disclosure to the fact that there is *no liability to pay*, as the outcome will show.

IT IS AN OFFENCE FOR AN UNAUTHORISED PERSON TO REMOVE OR INTERFERE WITH THIS NOTICE

PENALTY CHARGE NOTICE


Warrington
Borough Council

The Traffic Management Act 2004 s.78; Civil Enforcement of Parking Contraventions (England) General Regulations 2007; Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

Penalty Charge Notice Number: W101185089
Served On: 05/03/2013
Date of Contravention: 05/03/2013
Time: 10:57

The Vehicle with the Registration Number: WMS16JZ
Make: Fiat Colour: Purple
Road Fund Licence Number: 17524329
Road Fund Licence Expiry Date: 0213

Was observed between 10:56 and 10:57
In: Cairo Street (MS 30m)

By Civil Enforcement Officer: 084
Signature/Initials: 

Who had reasonable cause to believe that the following parking contravention had occurred:

40 Parked in a designated disabled persons parking place without displaying a valid disabled persons badge in the prescribed manner


A penalty charge of £70 is now payable and must be paid not later than the last day of the period of 28 days beginning with the date on which this Penalty Charge Notice was served.
The penalty charge will be reduced by a discount of 50% to £35.00 if it is paid not later than the last day of the period of 14 days beginning with the date on which this Penalty Charge Notice was served.

PLEASE BE AWARE THAT PAYMENT CLOSES THE CASE
Payment instructions are printed on the reverse of this notice.
A photograph may have been taken of this parking contravention.
For payment instructions see overleaf.

DO NOT PAY THE CIVIL ENFORCEMENT OFFICER

Notice Number: W101185089
Date: 05/03/2013
Time: 10:57
40 Parked in a designated disabled persons parking place without displaying a valid disabled persons badge in the prescribed manner.

The Penalty Charge of £70, or £35.00 if paid not later than the last day of the 14 day period beginning with the date on which this PCN was served.



Please detach this slip and return with postal payments to the address shown overleaf.

INSTRUCTIONS FOR PAYMENT

- **By Telephone** Credit / Debit card payments only. Automated payment line 0845 452 4545 (24 hours a day / 7 days a week) Have your vehicle details and PCN Number ready.
- **Online** at www.warrington.gov.uk follow links from internet payments, then car parking fine.
- **By Post** using the payment slip below to: Warrington Borough Council, Enquiries and Payment Office, level 6, Market Multi Storey Car Park, Academy Way, Warrington WA1 2HN. Payment may be made by crossed cheque or postal order. Please write the **PCN Number** and your address on the reverse of the cheque/postal order.
- **In Person** at The Enquiries and Payments Office, Warrington Borough Council, Enquiries and Payment Office, level 6, Market Multi Storey Car Park, Academy Way, Warrington WA1 2HN, Mon to Fri 10am - 4pm (excluding Bank Holidays).

PLEASE BE AWARE THAT PAYMENT CLOSES THE CASE

If you believe that the Penalty should not be paid and wish to challenge this PCN

- Write to Warrington Borough Council, Enquiries and Payment Office, level 6, Market Multi Storey Car Park, Academy Way, Warrington WA1 2HN or
- E-mail at np.warrington@apcoa.com
If you are unable to write or e mail, or have any other enquiry, please telephone 0844 800 8540 Mon to Fri 10am - 4pm

Please quote the PCN Number, the vehicle registration and your address in all contacts.

Details of the Council's policy and approach to challenges can be found at www.warrington.gov.uk or seen at the Council's offices - all cases will be considered on their individual circumstances.

If you challenge this PCN within 14 days of the PCN's service date and the challenge is rejected the council will re-offer the 14 day discount period.

If the Penalty Charge is not paid or challenged

If the Penalty Charge is not paid on or before the end of the 28 day period as specified on the front of this notice or successfully challenged the Council may serve a Notice to Owner (NtO) on the owner of the vehicle requiring payment of the Penalty Charge. The owner can then make representations to the Council and may appeal to an independent adjudicator if those representations are rejected. The NtO will contain instructions for doing this. If you challenge this PCN but the Council issues a NtO anyway, the owner must follow the instructions on the NtO.

Further information about Civil Parking Enforcement (including PCNs and NtOs) is available online at www.parkal-uk.info.

Detach here

please complete your details before returning this slip with your payment.

PAYMENT SLIP

TICK BOX FOR RECEIPT
Please enclose a stamped addressed envelope if you need a receipt.

Name: (Mr/Mrs/Miss/Ms):

Address:

Postcode: Date:

Make cheques and postal orders payable to Warrington Borough Council and write the PCN Number on the reverse.

LIBR 0040000012

The next document and physical evidence is the 'Notice to Owner' dated 8th April 2013 from the same Warrington Borough Council, which also quite clearly makes the claim that on 5th March 2013 there had been a violation of the Traffic Management Act 2004 section 82.

Notice to Owner

WARRINGTON
Borough Council



Traffic Management Act 2004, s82: Civil Enforcement of Parking Contraventions (England) General Regulations 2007; Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

Mr David Ward
145 Slater Street
Warrington
WA4 1DW

WI01185069

This Notice to Owner has been issued to you by Warrington Borough Council because the Penalty Charge Notice has not been paid in full and you are the registered owner/keeper/hirer on the date on which the Penalty Charge Notice was served to the vehicle.

Date of this Notice to Owner and date of posting	08/04/2013		
To:	Mr David Ward		
This Notice to Owner has been served on you because it appears to Warrington Borough Council that you are the owner of			
Vehicle Registration Number	WM51GJZ	Make	FIAT
Tax Disc	17524329	Expiry	0213
In respect of Penalty Charge Notice (PCN) Number	WI01185069	Served on	05/03/2013
By Civil Enforcement Officer (CEO)	WI084		
who had reason to believe that the following contravention had occurred and that a penalty charge was payable.	40 Parked in a designated disabled persons parking place without displaying a valid disabled persons badge in the prescribed manner		
Location of contravention	Cairo Street (MW 30min)		
Date of Contravention	05/03/2013	Time	10:57:04

Penalty Charge Amount:	£70		
Amount Paid to Date:	£0	Payment Due Now	£70

Note: The person appearing to be in charge of the vehicle was served with a Penalty Charge Notice (PCN) which allowed 14 days for payment of a 50% discounted penalty charge; otherwise the full penalty charge became due. Either no payment has been received or any payment received has been insufficient to clear the penalty charge.

A penalty charge of **£70** is now payable by you as the owner and must be paid no later than the last day of the period of 28 days beginning with the date on which this Notice is served. This Notice will be taken to have been served on the second working day after the day of posting (as shown above) unless you can show that it was not.

YOU THE OWNER/KEEPER/HIRER ARE LIABLE FOR THE PENALTY CHARGE NOTICE – DO NOT IGNORE THIS NOTICE OR PASS IT TO THE DRIVER

You may make representations to Warrington Borough Council as to why this penalty charge should not be paid. These Representations should be made not later than the last day of the period of 28 days beginning on the date on which this Notice is served and any representations made outside that period may be disregarded.

Note: If you do not pay the penalty charge or make Representations before the period specified above, the penalty charge will increase by 50% to **£105** and a Charge Certificate will be served on you. **If you do not pay the full amount shown on the Charge Certificate, Warrington Borough Council may register it as a debt at the County Court and then put the case in the hands of the bailiffs who will add their own costs to the penalty charge.**

Payment Slip

WI01185069

Penalty Charge Notice: WI01185069
Vehicle Registration Number: WM51GJZ
Date of Contravention: 05/03/2013
Payment Amount Due: £70

For payment options please see overleaf

You must complete this slip in BLOCK CAPITALS and return it to the address below:

Warrington Borough Council, Enquiries & Payments Office, Level 6, Market Multi Storey Car Park, Academy Way, Warrington, WA1 2HN

Along with the opportunity to make representation as to why there is no liability.

Representations

WARRINGTON
Borough Council



Traffic Management Act 2004, s82: Civil Enforcement of Parking Contraventions (England) General Regulations 2007; Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

WI01185069

Penalty Charge Notice: WI01185069
Vehicle Registration Number: WM51GJZ
Date Of Contravention: 05/03/2013

If you believe that the penalty charge should not be paid you may make Representations to Warrington Borough Council. Representations must be made in writing and you may use this form.

How to Make Representations

The Traffic Management Act 2004 sets out grounds (see below) on which you may make Representations. Representations must be made in writing within the period of 28 days beginning with the date of service of this Notice, the date of service will be taken to have been 2 working days after the day of posting. Any Representations made after this date may be disregarded.

If your Representation is successful a Notice of Acceptance will be issued and the penalty charge cancelled.

If your Representation is unsuccessful a Notice of Rejection will be issued to you and you must either pay the penalty charge in full or appeal to an Adjudicator, who will independently consider your Appeal. An Appeal form will be included with the Notice of Rejection, which you should complete and send to the adjudicator at the address shown on the form. Details of the appeals procedure will be sent with the Notice of Rejection.

Section One: Grounds for Representations.

Please tick the grounds on which you are making representations.

I am not liable to pay the penalty charge because:

- The alleged contravention did not occur.**
In Section 3, explain why you believe no contravention took place.
- I was never the owner of the vehicle in question/or**
Please complete section 2.
- I had ceased to be its owner before the date on which the alleged contravention occurred/or**
Please complete section 2
- I became its owner after the date on which the alleged contravention occurred.**
Please complete section 2
- The vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner.**
Supply proof such as a police crime report number, police station address or insurance claim in Section 3.
- We are a vehicle hire firm and the vehicle was on hire under a hiring agreement and the hirer had signed a statement acknowledging liability for any PCN issued during the hiring period.**
Please supply a copy of the signed hire agreement including the name and address of hirer. Please complete Section 4.
- The penalty charge exceeded the amount applicable in the circumstances of the case.**
That is, you have been asked to pay more than you are legally liable to pay. Please complete Section 3.
- There has been a procedural impropriety by the enforcement authority.**
Please complete Section 3 stating why you believe the authority has acted improperly or in breach of regulations.
- The Order which is alleged to have been contravened in relation to the vehicle concerned is invalid.**
You believe the parking restriction in question was invalid or illegal. Please complete Section 3.
- This Notice should not have been served because the penalty charge had already been paid.**

If none of the grounds above apply but you believe there are mitigating circumstances please complete Section 3.

Please note that this is an *unsigned* NOTICE and therefore it is not a legal document.

The mitigating circumstances are that there has been a procedural impropriety, which is clearly an option as this is clearly stated on the Notice to Owner (3rd box from the bottom).

So it is apparent that there is a deliberate procedural impropriety in place with the full knowledge of Warrington Borough Council otherwise this option would not be a part of the Notice to Owner.

We also took the opportunity to utilise a second option, that confirms that there is a procedural impropriety and that the order, which is alleged to have been contravened in relation to the vehicle is invalid (2nd box from the bottom). If not, then why would these possibilities be on this Notice to Owner if a procedural impropriety were not a possibility. We also took the opportunity to complete

section 3 of the notice to owner to clarify the procedural impropriety on a separate piece of paper as advocated by Warrington Borough Council as there was not enough space on the Notice to Owner provided. These presentations are as follows.

Notice to Warrington Borough Council

Warrington Borough Council,
Enquiries & Payments Office
Level 6
Market Multi Story Car Park
Academy Way
Warrington
WA1 2HN

145 Slater Street
Latchford
Warrington
WA4 1DW
16th of April 2013

Notice of opportunity to withdraw

NOTICE TO AGENT IS NOTICE TO PRINCIPAL AND NOTICE TO PRINCIPAL IS NOTICE TO AGENT APPLIES

DO NOT IGNORE THIS LETTER. IGNORING THIS LETTER WILL HAVE LEGAL CONSEQUENCES

Your reference: W101185069

Dear Sirs,

We do not know to whom to name as the recipient of this communication, as the sender failed in his/her duty of care and did not sign the document sent to Mr David Ward at his address. The action of not signing the document sent to Mr David Ward legally means that no living person has taken legal responsibility for the content of the document on behalf of Warrington Borough Council and the document couldn't be legally responded to. That very act of not signing the document renders the document 'void' and therefore non-legal and unusable in law under current legislation. ***Strike one. Deliberate deception.***

This document will now be kept on file as physical presentable evidence, as it represent the criminal activities of the representatives of Warrington Borough Council whether they are aware of this transgression or not. Ignorance of the law is no defence and all of the representative's of Warrington Borough Council are now culpable under the current legislation because one individual failed to sign the document. This is a fact that must be understood. ***Strike two. Ignorance of current legislation.***

The third grave error on the document is that the document is a Notice to Owner.

Under current legislation the owner of any motorised vehicle is the DVLA Swansea SA99 1BA, this means that some imbecile at Warrington Borough Council has sent a Notice to Owner to the registered keeper and not the official owner. ***Strike three. Document sent to the wrong address.*** We have not progressed beyond the first line yet and we are falling around on the floor in a state of hysteria at the competence levels demonstrated by the representatives of Warrington Borough Council. Mr David Ward is the official registered keeper not the owner.

The very next line refers to the Traffic Management Act 2004. Now this is where events become really interesting because the Act referred to is actually an Act of HM Parliament and Governments PLC, a recognised Unlimited Corporation or an all for profit business. An Act, which is not law in the UK, it is not even referred to as law as it is an Act of a Corporation or an all for profit business, or policy, but it is *not a law*. ***Strike four. Displays lack of understanding and competence regarding what is the difference between law and legislation.*** Acts and Statutes of HM Parliament and Governments PLC, can only be given force of law, by the consent of the governed by those who have agreed to Act's and Statutes of HM Parliament and Governments PLC. Therefore, there is a mandatory legal requirement under current legislation that the governed must have given their consent legally, which can be physically presented as fact before the Acts and Statutes of HM Parliament, and Governments PLC can be given force of law.

Not Law, Not enforceable. 63.5 million people in the UK have not legally entered into those agreements (8 million plus) in full knowledge and understanding and of their own free will. An agreement which must be kept on the public record for the Acts and Statutes of HM Parliament and Governments PLC to be given an action which involves force...or force of law.

The answers to the questions are in the understanding of the words used to implement an act of force...or Law.

The next item we come to is a demand for payment. A demand for payment without a signed bill is a direct contravention of the Bills of Exchange Act 1882. **Strike Five. The Bills of Exchange Act of 1882 is based upon a pre existing commercial contract or agreement.**

See Bills of exchange act of 1882. <http://www.legislation.gov.uk/ukpga/Vict/45-46/61>. Profiteering through deception is an act of fraud. **Strike six. See Fraud Act 2006.** <http://www.legislation.gov.uk/ukpga/2006/35/contents>.

Insisting or demanding payment without a pre existing commercial arrangement which is based on presentable fact in the form of a commercial agreement is an act of deception. Payment is a commercial activity.

You have been served LEGAL NOTICE

Mr David Ward has no recognisable legal means to respond to a demand for payment without a signed bill, which is based upon a pre existing commercial contract or arrangement or agreement, simply because; No standing commercial contract or arrangement or agreement between Mr David Ward and Warrington Borough Council exists. If Mr David Ward was to willingly comply with the demand for payment without a commercially recognised bill, then Mr David Ward would have knowingly given consent and conspired to a commercially fraudulent action. This in turn would make Mr David Ward culpable under current regulation for that action. Mr David Ward will not knowingly create that liability against him or create that culpability.

The very presentation of the document that we are responding to from Warrington Borough Council, which is also a document that will be kept on file for future presentation as physical evidence, which is presentable physical evidence and a list of transgressions against the currently held legislation.

This same document supplied by Warrington Borough Council recognises that there may be, or has been, a procedural impropriety by the enforcement authority. This is the only saving grace on this document, which allows for a honourable withdrawal, of the proceedings implemented illegally by the enforcement authority.

This document is representation as to the procedural impropriety by the enforcement authority and as stated at the outset of the document, gives an opportunity to withdraw due to the procedural impropriety by the enforcement authority.

This process is also a matter of complying with current legislation, without which Mr David Ward would be unsuccessful if he were to pursue legal proceeding against the Enforcement Authority and or, the members of Warrington Borough Council.

As the opportunity to withdraw has now been presented to the Enforcement Authority and the members of Warrington Borough Council under a procedural impropriety by the Enforcement Authority, should the above mentioned not take the opportunity to make an honourable withdrawal and confirm such in writing to Mr David Ward, then Mr David Ward will be left with no other option in the future but to start legal proceedings against the Enforcement Authority and the members of Warrington Borough Council.

The content of this document will be in the public domain in the next few days as there is no agreement in place that is legally binding of which to prevent this.

Mr David Ward does not expect to be hearing from the Enforcement Authority and or, the members of Warrington Borough Council again unless it is in the form of a written confirmation of withdrawal of proceedings.

No further correspondence will be entered into regarding this matter.

WITHOUT PREJUDICE, i.e. all natural and Unalienable Rights Reserved

For and on behalf of David Ward


Mr David Ward reserves the right to use force to defend himself, his family and his family home, which he has an unalienable right to do so.

Response to this notice should be forwarded within 10 days of receipt of this notice to the postal address known as;
145 Slater Street, Latchford, Warrington WA4 1DW

No assured value, No liability. No Errors & Omissions Accepted. All Rights Reserved.
WITHOUT RECOURSE – NON-ASSUMPSIT

You have been served LEGAL NOTICE

Warrington Borough Council decided at this point not to recognise the representation given or the requirement for Warrington Borough Council to present the legal and presentable "Consent of the Governed" which is a mandatory duty for Warrington Borough Council to have the correct legal authority before acting under the Acts and Statutes of Parliament.
It is also important to note that Warrington Borough Council did not at this point contest the presentations made.

WARRINGTON
Borough Council 

Mr David Ward
145 Slater Street
Warrington
WA4 1DW

23/04/2013

Dear Mr Ward,

Re : Notice of Rejection of Representations
Traffic Management Act 2004 - s78; Civil Enforcement of Parking Contraventions (England) General Regulations 2007; Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

PCN No : W101185069
Date issued : 05/03/2013 10:57:04
Location of Contravention : Cairo Street (MW 30min)

Your representations against the above Penalty Charge Notice have been carefully considered in the light of the circumstances at the time and in accordance with the Traffic Management Act 2004. Grounds for cancellation of the charge have not been established and this letter is the formal Notice of 'Rejection of Representations'.

The reasons for rejection are: *of what?*
Your vehicle was parked in a designated disabled persons parking place without displaying a valid disabled persons badge in the prescribed manner.

Unfortunately, you cannot park in a Disabled Bay unless you are clearly displaying a valid Disabled Blue Badge. The Traffic Information Sign on Cairo Street (adjacent to your vehicle) clearly states:-
"Disabled badge holders only,
Mon – Sat,
8am – 6.30pm",
and, on the road (adjacent to your vehicle) there is a white 'bay' marking with the word "DISABLED".

David Boyer
Assistant Director
Transportation, Engineering and Operations

Parking Services Unit
Enquiries & Payment Office
Level 6, Market Multi Storey Car Park
Academy Way
Warrington
WA1 2HN

Interim Chief Executive
Professor Steven Broomhead
www.warrington.gov.uk
If you have difficulty making contact
please dial 0844 800 8540
APCOA, working in partnership with
Warrington Borough Council

APCOA
PARKING

There is no effective contest to the presentations made, so the presentations previously made in the correspondence stand as fact. At this point Warrington Borough Council invited Mr David Ward to take Warrington Borough Council to a tribunal and the outcome would be legal and binding on both parties. So we took advantage of this generous offer and we included copy of all documents up to this point as physical evidence.

This was the same process as before, with same presentations sent to Warrington Borough Council and accompanied by a letter to the Adjudicator as follows:

Dear Adjudicator,

Please forgive the informality, as we have not been made aware of the name of the Adjudicator to whom I address this letter.

This is in response to Warrington Borough Council's decision to reject my challenge against the PCN. Clearly the PCN has been challenged by Mr David Ward, however, that challenge has never been rebutted by Warrington Borough Council, as Warrington Borough Council have only repeated the grounds under which the PCN was raised. Copy under same cover that is highlighted. Also, a PCN is a Penalty Charge Notice and as such a Notice of a Penalty Charge. A recognisable bill has not been raised and presented to Mr David Ward completed and finalised with a wet ink signature.

As the presentations made by Mr David Ward were not addressed. Then the challenge made by Mr David Ward still stands and the PCN is not valid or enforceable.

Warrington Borough Council has made a demand for payment, but has not presented Mr David Ward with a bill, which is recognised under the Bills of Exchange Act of 1882. Which also must have a signature in wet ink. Warrington Borough Council cannot raise a bill because there is no commercial arrangement in place between Warrington Borough Council and Mr David Ward under which a true bill can be raised.

For Mr David Ward to respond by paying without a bill signed in wet ink, then that would be a direct violation of the Bills of Exchange Act of 1882. In addition to this, as there is no commercial arrangement and bill presented, then this would also be a contravention of the Fraud Act of 2006. Mr David Ward is not in the habit of knowingly conspiring to fraud. This action would also create a liability against Mr David Ward.

Warrington Borough has also listed in their "rejection of presentations" the Traffic Management Act 2004 – s78 in support of their claim. The Act's and Statutes of HM Parliaments and Governments PLC can only be given force of law by the consent of the governed. What is mandatory in the first instance is the consent of the governed that is also presentable as fact. As the consent of the governed is not presentable as fact, then the Act's and statutes of HM Parliaments and Governments PLC cannot be acted upon in any way that would cause loss to the governed. What is mandatory in this instance is the presentable agreements of 63.5 million governed to be in place before an Act or Statute can be acted upon. We fail to see how this is in support of the PCN presented to Mr David Ward.

We fail to see how listing the Traffic Management Act 2004 – s78 supports the claims made by Warrington Borough Council in any way other than to create obfuscation in attempt to confuse the mind.

There are no agreements in place between the 220,000 residents of the Warrington Borough and Warrington Borough Council, which can be presented as fact complete with signatures in wet ink, which can be presented to support the claim of Warrington Borough Council in support of a demand for payment.

Without violating the Bill's of Exchange Act of 1882 and the Fraud Act of 2006 s2 Fraud by false representation see:
<http://www.legislation.gov.uk/ukpga/2006/35/section/2>. And section 4 part 2

A person may be regarded as having abused his position even though his conduct consisted of an omission rather than an act.
See: <http://www.legislation.gov.uk/ukpga/2006/35/section/4>

An omission in the form of an omitted signature would constitute an Act of Fraud under s4, s2 of the Fraud Act 2006.

So let us summarise regarding the grounds for appeal with reference to the form provided for appeal.

- 1: The alleged contravention did not occur. No contravention has occurred, because there are no agreements between the 220,000 members of the Warrington Borough and Warrington Borough Council, which can be legally presented as fact in support of the alleged contravention.

- 2: There has been a procedural impropriety by the council. The council did not respond to the challenge made by Mr David Ward in a manner in which would make any sense or would constitute a rebuttal to the challenge. Warrington Borough Council are advocating to Mr David Ward in their demand for payment without a bill presented, a direct contravention of the Bills of Exchange Act 1882 and the Fraud Act 2006.
- 3. The Traffic Order that is alleged to have been contravened in relation to the vehicle concerned is invalid. The Traffic Order (that's a new approach, unfortunately it is not possible to find a listing for that) is illegal because there is no agreement between the parties, which is legally presentable as fact and signed in wet ink. You have got to love that word legal, legally blind, legal consent. All presentable as fact complete with a signature in wet ink, and without the signature in wet ink on a legal document in the form of an agreement, then it is not legal or is illegal and therefore not lawful. You have to love the word legal.

Need we continue? It is obvious at this point that there is no-one at Warrington Borough Council that is capable of understanding the challenge made by Mr David Ward, or capable of responding, there for an Adjudicator becomes necessary.

There is only one outcome to this tribunal, where the adjudicator is a recognised Lawyer and is independent of the Council.

A challenge has been made and has not been effectively rebutted by Warrington Borough Council.

The action of demanding payment without the presentation of a lawful legal bill which is subject to The Bill's of Exchange Act of 1882 and signed in wet ink cannot be responded to in the manner expected by Warrington Borough Council, without a second transgression against the Fraud Act of 2006.

Regardless of the legislation or policies of Warrington Borough Council or HM Parliaments and Governments PLC, any commercial activity would constitute an act of fraud without the commercial agreements in place beforehand.

The continued activities where demands for payment are made without observing the Bills of Exchange Act 1882 and a recognised bill is presented complete with wet ink signature is a continued procedural impropriety by the Council and the members of Warrington Borough Council are culpable in law for their actions.

There can only be one outcome to this tribunal, which is acceptable under current legislation.

Warrington Borough Council will find in favour of the Appellant Mr David Ward; and not in favour of continued transgressions against current legislation that outcome.

In the document provided outlining procedure to make presentations in this tribunal process, there is a section concerning costs in favour of the Appellant, where a party has behaved wholly unreasonable.

We have taken a considerable amount of time and energy responding to Warrington Borough Council when making representation and in preparation for this tribunal. It is not without reason that a consideration could be expected.

This would also serve to enforce the decision made by the Adjudicator in this tribunal. If the Adjudicator is truly an independent and a honourable individual then a consideration is in order.

Mr David Ward also notes that as this Tribunal is informal then it is also recognised as not legally binding regardless of the findings of the Adjudicator.

We would also like a response in writing from the adjudicator to relay the outcome of this tribunal conveying the reasons for the Adjudicator's decisions.

For and on behalf of Mr David Ward

WITHOUT PREJUDICE, i.e. all natural and Unalienable Rights Reserved

Mr David Ward reserves the right to use force to defend himself, his family and his family home, which is his unalienable right to do so.

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

WITHOUT RECOURSE – NON-ASSUMPSIT

There are addition changes in international law that the Adjudicator may not be aware of at this time. Please consider the following that will also has some bearing on this tribunal.

The results from the tribunal are as follows. Decision Cover Letter (Appellant) 1249270-1.pdf



Traffic Penalty Tribunal England and Wales

Traffic Penalty Tribunal
Spitfire House,
Water Lane, Wilmecote,
Cheshire SK9 5BG

appeals@trafficpenaltytribunal.gov.uk
www.trafficpenaltytribunal.gov.uk

Mr David Ward
145 Slater Street
Latchford
Warrington
Cheshire WA4 1DW

Case Number: **WI 05257F**

Vehicle Registration: **WM51GJZ**

Direct Dial: **01625 44 55 84**

30 May 2013

Dear Mr Ward,

David Ward v Warrington Borough Council
WI01185069

Enclosed you will find the Adjudicator's Decision. A copy has been sent to the Council.

The Adjudicator's Decision is final and binding on both you and the Council.

The attached notes explain the consequences of the Decision, but must be read subject to any specific directions given by the Adjudicator.

If payment is required, please send payment to the Council, not to the Traffic Penalty Tribunal.

Yours sincerely

Kerry Conway

Clearly this is a Tribunal and as such recognised due process which is legal and binding on both Parties. In addition to this there was the Adjudicator's decision.

Adjudicator Decision 1249267.pdf



Adjudicator's Decision

David Ward
and
Warrington Borough Council

Penalty Charge Notice WI01185069 £70.00

Appeal allowed on the ground that the Council does not contest the appeal.

Reasons

The PCN was issued on 5 March 2013 at 10:57 to vehicle WM51GJZ in Cairo Street for being parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.

The council has decided not to contest this appeal. The adjudicator has therefore directed that the appeal is allowed without consideration of any evidence or the merits of the case.

The appellant is not liable to pay the outstanding penalty charge.

**The Proper Officer on behalf of the
Adjudicator**

30 May 2013

‘Appeal allowed on the ground that the council does not contest the appeal’. The council has decided not to contest this appeal.

Warrington Borough Council *cannot* contest the appeal. There is a mandatory requirement for Warrington Borough Council to present as physical evidence and factual foundation for the claim, which is the legally signed on and for the public record “Consent of the Governed”. This is the legal authority that Warrington Borough Council would have to present as physical evidence and foundation for their claim to allow this claim to have any legal substance in presentable fact.

He who makes the claim must also provide the foundation and the physical proof of that claim otherwise the moon could be made from cream cheese just because Warrington Borough Council claim this is so.


Without this physical evidence then the claim is fraudulent. Hence a crime is committed by Warrington Borough Council and that crime is fraud not a procedural impropriety or a mistake. Also, there is a second crime. This second crime is *malfeasance in a public office*. A clear and intended action to extort funds where there is no legal authority to do so.

“The adjudicator has therefore directed that the appeal is allowed without consideration of any evidence or the merits of the case”.

Clearly there are merits of the case that have been presented here.

The Appellant is not liable to pay. Case No WI 05257F Dated 30th day of May 2013.

There is also confirmation of this fact from Warrington Borough Council and signed in wet ink by an Officer of the State; Scott Clarke Dated 29th of May 2013.

Notice that Appeal Not Contested by the Enforcement Authority		No Contest
Appeal Details		
Name of Enforcement Authority	Warrington Borough Council	
Traffic Penalty Tribunal reference	WI05257F	
Appellant's name	Mr David Ward	
Appellant's address	145 Slater Street Latchford Warrington WA4 1DW	
PCN Details		
Penalty Charge Notice number	WI01185069	
VRM	WM51GJZ	
Contravention date	05/03/2013	
Contravention time	10:57:04	
Location	Cairo Street (MW 30min)	
PCN Issue Date	05/03/2013	
Full Penalty Charge	£70.00	
Amount Paid	£0.00	
Contravention Code	40	
PCN Type: Parking <input checked="" type="checkbox"/> Parking with Removal <input type="checkbox"/> Bus Lane <input type="checkbox"/>		
Postal PCN	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Reason for Postal PCN	Camera (Bus Lane)	<input type="checkbox"/>
	Camera (Parking)	<input type="checkbox"/>
	Drive away	<input type="checkbox"/>
	Issue prevention	<input type="checkbox"/>
Release and Storage Charge (if vehicle removed)	-----	
The Enforcement Authority does not intend to contest this case further because:		
Due to an unanticipated shortage of Parking Services Staff, Warrington Borough Council has no alternative except to exercise our discretion and cancel the above Penalty Charge Notice.		
Authorising Signature		Date 29/5/13
Print Name	SCOTT CLARKE	
2012 version		

'Due to the unanticipated shortage of parking services staff, Warrington Borough Council has no alternative except to exercise our discretion and cancel the above Penalty Charge Notice'.

This is a very interesting choice of words that are obfuscator in nature.

Warrington Borough Council will never be able to provide staff which can provide the legal consent of the governed because for the past 800 years the governed have never once been so much as asked to provide the legal consent of the governed on and for the public record. Warrington Borough Council or it's parking services staff cannot provide something that does not exist and; is of no physical substance for the foundation to the claim.

'Warrington Borough Council has no alternative except to exercise their discretion'.

As there is no legal consent of the governed then Warrington Borough Council does not have any authority or discretion to exercise. This also applies to HM Parliaments and Government PLC, the parent company.

Summary

It is apparent that the ramifications of this case authority are huge and not transparent at first glance. Consider the following.

A licence is a permission to undertake an action that would otherwise be illegal. HP Parliaments and Governments PLC clearly do not have the legal authority to issue any form of licence without the legal and physically presentable signed in wet ink consent of the governed. Also, HM. Parliaments and Governments PLC do not have the legal authority to determine that an action is illegal without the legal and signed consent of the governed physically on and for the public record. There is no physical record of the fact. 63.5 million people have not signed the consent of the governed.

63.5 million people have never once been asked and have never once signed the consent of the governed and as the Office of Parliament is only a four year term of office, then there must be this signed legal document every four years on and for the public record.

All forms of Tax, VAT, Duty, Council tax etc is illegal and constitutes fraud and malfeasance in a public office without this legal dependency being fulfilled.

The enforcement of these Act's and Statutes, by the Police, the Local Authority, the Judiciary, and Government licensed Bailiffs are also illegal and constitutes malfeasance without this legal authority to do so.

It is a known fact and this has been documented by Chartered Accountants that the populace pay all manner of tax to the tune of 85% in the £. Sometimes where fuel is concerned this is as much as 92% in the £.

The argument has been made that it is necessary to pay tax to pay for the services that we need such as Police, Ambulance Services and so on. Then it can also be argued that these people who provide these services should not pay any form of tax. They should live a tax free life.

This is not in evidence. In fact the contrary is true.

It would also be accurate to argue that the 15% that the populace actually gets to keep what they pay for all the services inclusive. People provide services not Government. This would be an accurate assessment of the available facts. There is no valid reason to pay tax at all and the cost of living would drop by 85% at a minimum.

Do the maths.

All the public officials are also victims of this crime, including the Police, Ambulance, Paramedic, Teachers and so on. In fact there is not an instance where there is not a victim of this crime.

The ramifications span well beyond the content of this case authority undertaken by recognised due process at tribunal.