

Damian XXXX  
Office XXXX  
PO BOX XXX  
XXXXXXX  
XXX XXX

## NOTICE - TORT LETTER

### OFFICE FOUND

In The Matter Of:

Damian XXXXX (natural man, subject) His Beneficial Property interest & Constitutionally Protected Rights.

Property: Private, registration reads XXXX XXX.

Contact: XXXXXXXXX@hotmail.co.uk

TORT, CIVIL AND CRIMINAL OFFENCES RELATING TO **PCN QWXXXXXX (A FINE)**.

To:

Respondents:

Unidentified Civil Enforcement Officer (QWXXX), TXX RXXX (Enforcement Manager), IXX XXX (Chief Executive Officer), all named parties liable in both Individual and Official capacity [Tortfeasers].

Employed by:

WXXXX XXXXX DISTRICT COUNCIL, XXXXX, XXXXX. XX21 2XX.

Date: 29/06/2023

Dear Respondents

I write in respect to an alleged contravention stated by an unidentified Civil Enforcement Officer whom will (for the purposes of this mediation and remedy) be known as CEO QWXXX and is employed by WXXX XXXX District Council making him (male) a 'public official' and therefore bound by the laws and liability of that 'office'.

He, in this case, and his superiors are also subject to **Vicarious liability**, which is a form of **strict, secondary liability** that arises under the **common law** doctrine of **agency, respondeat superior**, the responsibility of the superior (TXX RXXX, IXXX XXXX in this case) for the acts of their subordinate (CEO QWXXX, as yet unidentified male).

### THE FACTS - CAUSATION

Understanding the basic principle to win a civil 'law suit' is **DUTY + BREACH + DAMAGES = CAUSE OF ACTION IN ALL CASES** and **LOCUS STANDI** (the right or capacity to bring an action to court). I, for the record have locus standi and multiple causes of action.

1. **TORT OF TRESPASS:** CEO QWXXX committed the tort of trespass on property not belonging to him when placing an illegitimate fine (PCN, exhibit B) on the window of said private property (in private trust, registration namely XXXX XXX).

2. **VIOLATION OF PROPERTY AND LEGAL NOTICES, IMPERSONATING A JUDICIAL COURT, DEPRIVATION OF RIGHTS:** QWXXX chose to ignore and therefore violate all five legal notices (stationed in clear view within the property, exhibits A) stating property is private, stating anyone placing a PCN on this private property is breaking the **LAW** in direct contravention of the BILL OF RIGHTS 1688 - which states: That all Grants and Promises of Fines and Forfeitures of particular persons before **Conviction** are **illegal** and **void**. This constitutional LAW is in effect in perpetuity and **YOU** will be prosecuted for any violation of MY RIGHTS.

Continued;

When challenged regarding this violation and trespass, CEO QWXXX stated that he **did NOT** have to adhere to the provisions of any legal notice on display, in fact to the contrary, he is encouraged by his superiors to ignore them (vicarious liability).

When it was explained to CEO QWXXX that he and his superiors (TXX XXX, IXX XXXX) and the council (WXX XXXX District Council) are not a judicial court of law and they are not following due process of law to seek a conviction and therefore a fine, forfeiture. That a PCN is a fine and I stated parliamentary evidence of this included further in this notice. He stated 'he was just doing his job'. I explained that his 'job description' did not mean he could contravene **PRIMARY LEGISLATION**.

**3. CONTRAVENTION OF PRIMARY LEGISLATION:** CEO QWXXX acted in contravention of PRIMARY LEGISLATION namely the Bill of Rights 1688, Coronation Oath Act 1688 and the Act of Settlement 1700 protecting my RIGHTS, PROPERTIES, CUSTOMS, LIBERTIES and upholding the 'known laws'.

**4. MISCONDUCT IN PUBLIC OFFICE:** CEO QWXXX Refused on three occasions to identify himself when asked and was reminded that as a 'public official' he had an obligation to give me his identity as he had caused me harm (violation, emotional), injury (time, economic), loss (financial). I believe that this and the offending tort(s) constitute the common law offence of misconduct in public office.

**5. NO JURISDICTION FOR AN INREM ACTION:** CEO QWXXX placing an illegitimate fine in the form of a PCN (exhibit B) on private property is bringing an IN REM ACTION without the necessary OWNERSHIP INTEREST, TAXABLE INTEREST and RIGHT in that property therefore NO JURISDICTION.

## **SUBJECT MATTER**

Having read the 'Traffic Management Act 2004', secondary legislation, which does NOT supersede primary legislation, it is very clear that this 'act' does not have any provisions enacted within to entitle the man (CEO QWXXX), whom is a public office holder, to violate and trespass on private property, violate legal notices which incur a charge of £100,000 British pounds in punitive damages, contravene primary legislation, and commit acts criminal in nature such as misconduct in public office, conspiracy to defraud or the statutory offence of Fraud by false representation (section 2, Fraud Act 2006), and has therefore breached his duties by acting in a way that is 'ultra vires'.

The illegitimate fine (PCN, exhibit B) states that it is moving under the 'Traffic Management Act 2004' Section 78, which on closer inspection (I have read the act, I am well versed in using the Rules of interpretation, Language, Canons of construction to interpret the legal context) and in **Section 78, notification of penalty charge** subsections (2) it states;

The regulations **may** provide for notification of a penalty charge to be given in respect of a stationary vehicle—

(a)

by a notice affixed to the **vehicle**,

(b)

by a notice given to a **person** appearing to be in charge of the vehicle, or

(c)

in such other manner as may be specified by the **regulations**.

Continued;

### **SUBJECT MATTER**

- (a) It is private property unless proved otherwise, the five legal notices clearly displayed make that very clear.
- (b) A person defined in the Interpretation Act 1978 is as follows; "Person" **includes** a body of persons corporate or unincorporate. 'Includes' when used in legislation (statutory construction) means an exhaustive description of the same kind but excludes everything else. This definition of person is specifically a business like the word 'person' defined in the Blacks Law Dictionary Sixth edition which describes a person by statute terms may **include** labour organisations, partnerships, associations, corporations, legal representatives but no mention of myself, a natural man with inherent, indefeasable, substantive constitutional rights, not a legal entity with legislature granted statutory rights. The person mentioned in the Traffic Management Act 2004 is clearly a 'creature of statute' and using the principles of Ejusdem Generis, Noscitur a sociis and Espressio unius and understanding how 'includes' is used in
- (c) legislation I can prove that the 'person' and the legislation in question do not apply to me. The fact remains that when you can interpret 'statutes', you see very clearly that the 'act' the CEO, QWXXX and all named liable parties are moving under has been **MISAPPLIED** to me, a natural man not a company, a commercial entity, a **creature of statute**.

### **Concluding Facts - XXXXXX Carpark - Not owned by 'Council'.**

Now these facts in law blow the whole lid of the parking scam here in the town of XXXXX and the corporate taxing district of WXXX XXXX (a fraudulent legal construct) managed by the 'WXXX XXXX District Council'.

WXXX XXXX District Council and you, IXXX XXXX control assets under IMPLIED TRUST over land assets etc belonging to the the assured party creditors living in the WXXX XXXX area amounting to some 99497 individuals that by being assured party creditors own every street lamp, road, council house, buildings etc and for some years, WXXX XXXXX District Council has acted with all the powers of an absolute owner upon IMPLIED TRUST meaning courts can be created that appear to be legitimate when the contrary is fact.

In 1996 an act of Parliament was created which is The Trusts of Land and Appointment of Trustees Act 1996 that requires, by legislation, a WRITTEN DEED OF TRUST to be in place between the true owners (assured party creditors) of all council land, buildings, finances etc. I am not aware that such WRITTEN DEED OF TRUST has been created but a simple **FOI REQUEST could determine that should I need to take this matter further**. This also applies to UK Government PLC and therefore all transfer of titles with the Land Registry are undertaken without a WRITTEN DEED OF TRUST and could amount to Fraud, namely in direct contravention of the Fraud Act 2006, Section 2, Fraud by misrepresentation.

There is also the legislation of the Law of Property Act 1925, Section 53(1) (b) and as such there is no documentary formality (written deed of trust) between WXXX XXXX DISTRICT COUNCIL PRIVATE COMPANY (DUNS NUMBER XXXXXX Reference Dun & Bradstreet commercial listings) and the Assured Party Creditors.

Continued;

I, Refer to the authorities in Gissing v Gissing [1971] A.C. 886 Per Lord Diplock " A declaration of trust relating to land et al is enforceable only if it is "manifested and proved" and without such WRITTEN DEED OF TRUST as a consequence results in a "merely voluntary declaration of trust that is UNENFORCEABLE for want of writing" (trust deed document signed by the assured party creditors). WITHOUT THE EVIDENCE OF A TRUST BEING IN WRITING, A TRUST DOES NOT COME INTO BEING MERELY FROM A GRATUITOUS INTENTION TO TRANSFER OR CREATE A BENEFICIAL TRUST" (Austin v Keele (1987) 283 Per Lord Oliver)

By the above no written deed of trust exists between the assured party creditors, Uk Government PLC or WXXX XXXXX DISTRICT COUNCIL therefore UK Government PLC and WXXX XXXX DISTRICT COUNCIL DO NOT HOLD the right to make claim to being in the position of "a beneficial owner with absolute powers of the actual owners" without a Deed of Trust.

Matters are now that any "PCN claim" being unsolicited, where an illegal liability is sought is done so in breach of S3 Forgery and Counterfeiting Act 1981 as it is a criminal offence to create a false instrument with intent to deceive another, example: an illegitimate document making claims to monies being owed (PCN).

Your attention is drawn to the Prosecution of Offences Act 1985 [The right to bring a private prosecution is set out in Section 6(1) of the Prosecution of Offences Act 1985]. Fraud offences (unlike some other offences) do not require the prior permission of the Attorney General, the Director of Public Prosecutions, or the Director of the Serious Fraud Office to commence..

Take fair warning to:

Understand the implications written herein. This is not 'heresay', these are facts in law.

If the illegitimate PCN is not rescinded with immediate effect I may have to take matters further with an immediate filing of a 'suit' in either the District Court or most likely the High Court against the named liable parties, tortfeasors (three) and then proceed with further investigation, and finding substantive evidence using data subject access requests (DSAR) and the freedom of information act requests (FOIR) in regards to the land issue raised within the **Concluding Facts**. The facts are that the land known as '**XXXXXXXXX Carpark**' is **provably owned by the people of XXXXXXXX** who are therefore falling victim to an elaborate parking scam through the ignorance of both the local populace and the employees at the 'council'. There is a legal maxim that states "Ignorantia Juris Non Excusat" meaning that **ignorance of the law is no defence**. This principle places the responsibility on individuals to know and follow the law, regardless of whether they were aware of the law or not. In other words, a person cannot avoid liability by claiming that they did not know the law.

Continued;

Should I need to take the matter further I will insist on the following in due course;

A. Provide without delay the WRITTEN DEED of TRUST between WXXX XXXX DISTRICT COUNCIL and the assured party creditors of WXXX XXXXX. No deed of trust means no authority of any De facto Private bar Guild Court /Corporate Police or the private company WXXXX XXXX DISTRICT COUNCIL.

B. That all chief officers of the Private company WXXXX XXXXX DISTRICT COUNCIL may face private prosecutions for fraud (six year time limit from today).

C. That all title transfers eg council houses, made to the 'land registry' are reversed with immediate effect. (See law of rescission).

### **FURTHER SUPPORTING INFORMATION:**

#### **With Reference to PCNS - Parliamentary Transport Committee.**

For the avoidance of any doubt in the following matter it is very useful that the Houses of Parliament Transport Committee Press Notice (**04/2005-06**, 9 August 2005) refers to "parking fines". **There can be no argument.** If the Committee, the public, the Bulk Traffic Enforcement Centre at Northampton County Court and the legislators consider **parking penalty charges as fines** then the attempted justifications put forward by local authorities that it is not a fine but an "excess charge" or other play on words, it is clear to all that what we are dealing with here is a **fine**.

#### **With Reference to The Bill of Rights 1688.**

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."

There is a provision in the Bill of Rights Act 1688 which states:

"That all grants and promises of fines and forfeitures of a particular person before conviction are **illegal** and **void**."

This states that a conviction is necessary before a fine or forfeit can be imposed. As you will be aware, the Bill of Rights is a "constitutional statute" and may not be repealed impliedly.

**IT IS A FACT IN LAW THAT CEO QWXXX, THE NAMED PARTIES AND WXXX XXXXXXXX DISTRICT COUNCIL ARE NOT A COURT OF LAW.**

Continued;

**Remedy for the Harm, injury and loss caused.**

Equitable relief without the need for a court (whom will rule in my favour) through successful mediation in the form of a rescinded FINE/PCN, this actioned and confirmed in writing and a written guarantee that the parking enforcement team in the form of "civil enforcement officers" will **never** bother me personally or touch (trespass upon) the private property known as CXXX XXX, XXXX Cream Renault XXXXX again.

If these conditions are met within this expressed agreement then I will not need to file a civil claim against the liable parties whom have breached their duties, their positions.

All liable parties have twenty-eight (28) days from receipt of this notice to do as required or further legal action will commence.

**Footnote;** I think it is only fair to mention that I have already had success against other 'parking tyrants' namely NCP and Parking eye. This tort letter only reflects a limited basis of what will constitute my law suit, which will be far more comprehensive and I didn't deem it necessary to discuss damages yet as I expect those named at the council to do the right thing now they have a better understanding of the law and how the secondary legislation they are moving under and 'regulations' has been misapplied in this case. The damages will be outlined in the civil claim.

This email will be delivered in hard copy, exhibits a, b included. This email when received will be deemed served as per legal procedure. All replies [XXXXXX@hotmail.co.uk](mailto:XXXXXX@hotmail.co.uk) and not the Private Trust address as it is myself that will be filing the 'law suit' with the court should the need arise.

Yours Respectfully,  
Damian XXXX : natural man, subject  
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