

NOTICE/DEMAND for ANSWERS

EMAIL AND CERTIFIED POST

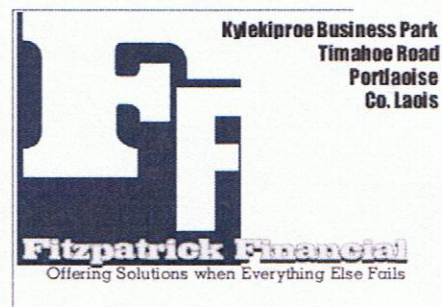
FOR THE IMMEDIATE ATTENTION OF:

Phil Hogan T.D.

MINISTER OF THE ENVIRONMENT, COMMUNITY AND LOCAL TRUST,
Department of the Environment,
Custom House,
Custom House Quay,
Dublin 1.



E-MAILED 27 NOV 2012



27 November 2012

Carbon Copy to:

Neala (Agency Employee), Household Charge Bureau, PO Box 12168, Dublin 1.
Brian O'Gorman (Call Centre Manager), Household Charge Bureau, PO Box 12168, Dublin 1.
Seamus De Faoite (Operations Manager), Household Charge Bureau, PO Box 12168, Dublin 1.
Maria O'Callaghan (Administration Manager), Household Charge Bureau, PO Box 12168, Dublin 1.
Paul McSweeney (CEO), Local Government Management Agency, 35-39 Ushers Quay, Dublin 8.
Minister Alan Shatter, Department of Justice and Equality, 94 St. Stephens Green, Dublin 2.
Michael Noonan, Minister of Finance, Department of Finance, Government Buildings, Upper Merrion Street, Dublin 2.

Ward McEllin, King & McEllin Solicitors, The Mall, Castlebar, County Mayo.
John Condon, Mayo County Council Secretary, Corporate Affairs Section, The Mall, Castlebar, County Mayo.
Judge Mary Devins (The Presiding Judge), Westport District Court, Castlebar Road, Westport, County Mayo.
Judge Rosemary Horgan, President of the District Court, Four Courts, Inns Quay, Dublin 7.
Attorney General Marie R. Whelan, Office of the Attorney General, Government Buildings, Upper Merrion Street, Dublin 2.
Chief Justice Susan Gageby Denham, The Supreme Court of Ireland, Four Courts, Inns Quay, Dublin 7.
Ian Drennan, Office of the Director of Corporate Enforcement, 16 Parnell Square, Dublin 1.
Stewart Fennell, Data Protection Commissioner, Canal House, Station Road, Portlaoise, Co. Laois.
Emily O'Reilly, Information Commissioner, Office of the Information Commissioner, 18 Lower Leeson Street, Dublin 2.
Ann Fitzgerald, National Consumer Agency, 4 Harcourt Road, Dublin 2.
Michael D. Higgins (President), Aras an Uachtarain, Phoenix Park, Dublin 8.

Your Reference: LOCAL GOVERNMENT (HOUSEHOLD CHARGE) ACT 2011

Dear Phil,

We represent **Name Removed for Privacy** in matters financial. Find enclosed the duly witnessed form of authority. We write in order to get absolute clarity on all matters relating to your aforementioned LOCAL GOVERNMENT (HOUSEHOLD CHARGE) ACT 2011, hereinafter "*the Act*". We demand and direct you to address and answer ALL of the questions contained herein, on a point by point basis, in a clear, concise and unambiguous manner and language. In other words, answer ALL questions clearly and truthfully.

For a number of months we and many of our clients have attempted to address and ascertain answers for the questions contained herein. Having called and asked the same questions of the People at the Household Charge Bureau (named above), the Local Government Management Agency, the Department of the Environment, many County Council Offices, your own Constituency Office, Enda Kenny's Constituency Office, and many more offices and departments besides. The fact is, that the vast majority of People that we have spoken to within the aegis of your Department, the Government and the State, have admitted that they HAVE NOT READ nor do they understand *the Act*. In effect the People we have spoken to are acting as nothing more than uneducated and unregulated enforcement officers or debt collectors. In most cases, when we press for answers on questions, the People on the other end get frustrated, and in many instances, rather than admit their own ignorance and duplicity, simply hang up. This is NOT polite and is certainly NOT professional, and smacks of a criminal conspiracy and cover up. The best and most polite answer that we have received to date was and is, "*I don't know, please put it in writing to the minister*": Thus we write.

This failure and refusal of you and your officers, employees and agents to answer simple questions has spiralled beyond a joke, in that you are now enforcing this legislation in the District Court against the People. We hereby give you SEVENTY-TWO (72) HOURS from the date of this letter, which is copied to ALL parties named and listed above, to proffer to us, clear, concise and unambiguous answers to the questions contained herein. If you do not answer ALL of the questions in the manner prescribed, we will have no issue standing the €157 required, for our client to take you and your cohorts into the High Court and force you to answer publically for your duplicity.

NOTICE/DEMAND for ANSWERS

Part 1: The "Summons" herein attached.

1. Is this a Civil matter?
2. Is this a Criminal matter?
3. The word "Owner" is *legally* defined as "One who has the right to possess, use, and convey something; a person in whom one or more interests are vested (Blacks Law Dictionary 2009, 9th. edition).
 - a. How are you specifically and legally defining the word "Owner"?
 - b. Are you claiming to have "ownership rights" in this matter?
4. Who specifically is stating "you the Accused, being the owner of a residential property"?
5. In the absence of testamentary evidence being available, what evidence is being relied upon in this matter, to prove "the accused" is the "owner of a residential property"?
6. "did fail to make and provide to *the Complainant*" ... who or what exactly is "the Complainant"?
7. Exactly what LAW will the claimant rely upon in order to prosecute, in the absence of a contract?
8. Is it right and proper under "the Act" to make a declaration, in contravention of one's own FREE will?
9. Is it **MANDATORY** to make a declaration in accordance with section 5 (2) of said Act?

Part 2: The HOUSEHOLD CHARGE BUREAU.

1. Who and what are/is the Household Charge Bureau?
2. Who legally owns the Household Charge Bureau?
3. Who are the shareholders of the Household Charge Bureau?
4. What specifically is the function of the Household Charge Bureau?
5. What was the cost of establishing the Household Charge Bureau?
6. How specifically are the Household Charge Bureau funded?
7. Who specifically is funding the Household Charge Bureau?
8. Are the Household Charge Bureau a private organisation/company?
9. Are the Household Charge Bureau a non-profit organisation?
10. Are the Household Charge Bureau a for profit based organisation?
11. What is the legal status of the Household Charge Bureau in relation to tax?
12. How many agents/ non-civil/non-public servants are the Household Charge Bureau employing?
13. Why are the Household Charge Bureau employing agents and non-civil/non-public servants?
14. How much money is being spent on employing these agents/ non-civil/non-public servants?

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Part 3: Household Charge Form

HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM.


1. Why is all of the data on the "HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM" required?
2. What is the meaning of the reference code/number HC12N?
3. What will this reference code/number HC12N be used for, and in what context?
4. What is the "HC Account Ref Code:" a reference to?
5. What is the "Payment Code ID:" a reference to?
6. What is the "LOG NUMBER" a reference to?
7. Why is there NO Government seal anywhere on the "HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM"?
8. Why does the "HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM" contain more questions, than data prescribed by "the Act"?
9. Why is there a bar code on each separate page of the "HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM"?
10. Why are each of the bar codes on each of the pages different?
11. What are the specific functions of each of the bar codes on each of the pages of "HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM"?
12. What is the reason for the wording "NEW ACCOUNT" on the "HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM"?
13. Is the "HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM" a declaration of liability?
14. Is the "HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM" an instrument, as defined by the Bills of Exchange Act 1882?
15. Is the "HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM" used, going to be used, or intended to be used as or used to create an instrument?

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16. Will the "HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM" ever be securitised, traded, swapped, sold, derived, assigned or used in any way whatsoever, to raise, generate, fund or create any form of funds, funding, revenue or income?
17. Why is the back of page 3 of 5 of the "HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM" purposely left BLANK?
18. What specific institution will hold the funds/monies raised by the "HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM"?
19. What is the specific account title and reference that will hold the funds/monies raised by the "HC12N / HOUSEHOLD CHARGE DECLARATION / NEW ACCOUNT REGISTRATION FORM"?
20. Where and how can the People that have paid monies already view and examine this account?
21. Do the County Council hold these monies/funds?
22. Who specifically holds and manages these monies/funds?
23. What specific percentage of these funds do the County Council get?
24. What is the specific percentage of funds that the County Council do not get?
25. Who else gets a percentage of these funds and for what specific purpose?
26. On the Household Charge Declaration form it states "Funding your local services":
 - a. Who/whom specifically is the "YOUR" referring to?
 - b. What specific "Local Services" is this funding?
 - c. How were these services previously funded?
27. Why is it specified that **"Only EURO payments"** will be accepted?
28. Does your specified form of "Only EURO payments" contravene the Bills of Exchange Act 1882, or any other related acts?
29. Are you specifying that you will not accept a Bill of Exchange, or a Promissory Note, or any other form of payment as defined by the Bills of Exchange Act 1882?

Part 4: "the Act" – LOCAL GOVERNMENT (HOUSEHOLD CHARGE) ACT 2011.

1. What is defined by the word "Household" in "the Act"?
2. What is defined by the word "Owner" in "the Act"?
3. What is defined by the word "Individual" in "the Act"?
4. What is defined by the word "Require" in "the Act"?
5. Is this "Requirement" analogous to an Order or Command?
6. Is this "Requirement" a form of subtle or overt form of threat or coercion?
7. Why are only "Certain Residential properties" subject to "the Act"?
8. Whom or who specifically does "the Act" apply to?
9. Does "the Act" only apply to Citizens?
10. What if any specific genus of People does "the Act" apply to?
11. Are the Indigenous People of the Island exempt from "the Act"?
12. Are People exempt from having to make a Declaration?
13. Are any of the People of the ancient clans who own property, and may be returning for "the 2013 Gathering" going to be persecuted/prosecuted for non-declaration/non-payment under "the Act"?
14. Are the People of the Island know as Ireland, Sovereign?
15. Does the State/Government derive its authority to implement "the Act" from the Sovereign People?
16. Where in "the Act" and in LAW, does it stipulate that it is MANDATORY to make a declaration?
17. Where in "the Act" and in LAW, does it stipulate that it is MANDATORY to pay?
18. What is defined by the word "prescribed" in "the Act"?
19. Why specifically are exemptions and wavers given to certain owners?
20. Why specifically are exemptions and wavers given to certain individuals?
21. Why specifically is "residential property ... in a discretionary trust" exempt from paying?
22. Why specifically is "a body corporate beneficially entitled in possession" exempt from paying?
23. Why specifically is "an approved body within the meaning of section 848A (inserted by section 45 of the Finance Act 2001) of the Taxes Consolidation Act 1997" exempt from paying?
24. Why specifically is "an individual who is the *owner* of a residential property is not residing in that property on a liability date by reason of his or her having to vacate the property due to long term mental or physical infirmity" exempt from paying?
25. Why specifically is an individual that has "vacated that residential property, the residential property was his or her sole or main residence" exempt from paying?
26. Why specifically is an individual "residing in a property of which he or she is not the owner" exempt from paying?
27. How can two "Households" in the same estate/street, that are side by side and have access to the very same "local services" exist, wherein ONE household is exempt from the "Household Charge" and the other is not, within the definitions of "the Act"?
28. Is your imposition of a class C fine a form of coercion?


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29. Article 12 – (3) “a simple contract debt” ... Exactly what LAW will the claimant rely upon, in order to recover from “an owner of a residential property, as a SIMPLE CONTRACT DEBT”, in the absence of any contract whatsoever?

Part 5: Bunreacht na hÉireann.

In case of conflict between the texts of any copy of this Constitution, ... the text in the national language shall prevail. *I gcás gan na téacsanna d'aon chóip áirithe den Bhunreacht seo a bheith curtha isteach ina hiris faoin alt seo a bheith de réir a chéile, is ag an téacs Gaeilge a bheith an forlámhas.*

1. **The Preamble of Bunreacht na hÉireann**
 - a. As stated how does the “Household Charge Act 2011” promote prudence, justice and charity?
 - b. Who specifically is the recipient of the prudence, justice and charity?
2. **Article 15.4 1° - “The Oireachtas is not permitted to enact any law which would be in any way against this Constitution or against any provision of this Constitution”.**
 - a. How does the “Household Charge Act 2011” not contravene this article?
3. **Article 15.4 2° - “In the case of any law (of those) which the Oireachtas enacts being in any way against this Constitution or against any provision of this Constitution it will be without validity to the extent that it will be against this Constitution and to that extent alone”.**
 - a. Does your contravention of this article, deem “the Act” without validity and therefore unlawful?
4. **Article 40.1 - “It is reckoned that all the citizens are equal as human persons in the presence of the law”.**
 - a. If this is true then why does “the Act” wilfully discriminate between distinct economic personas?
 - b. How do you reconcile or justify this wilful and blatant act of discrimination?
 - c. Does this make “the Act” Unconstitutional?
5. **Article 40.3 1° - “The State guarantees not to interfere by its laws with the personal rights of any citizen, and it further guarantees to defend and assert those rights with its laws in so far as it is possible”.**
 - a. Is “the Act” a contravention of Article 40.3 1° herein?
 - b. Is “the state” going to “defend and assert those rights”?
 - c. How do you propose “the State” will “defend and assert those rights”?
6. **Article 41.1 1° - “The State acknowledges that the Family is the basic primary group-unit of/for society according to nature, and that it is a moral institution which has inalienable invincible rights which are more ancient and higher than any human statute”.**
 - a. How is forcing “an Act” upon the family as “the basic primary group-unit of/for society according to nature”, that which is aimed at the wanton destruction and destitution of the family, be seen as anything other than a wilful attack upon “a moral institution”, within the context of this article?
7. **Article 41.2 1° - “Specifically, the State acknowledges that the woman gives the State, through her life in the family household, assistance/support without which the welfare of the people could not be achieved”.**
 - a. Given that “the woman ... through her life in the family household” already gives “assistance/support without which the welfare of the People could not be achieved”, therefore is your, “the Act” not an unconstitutional form of financial enslavement, which threatens the welfare of the People, by forcing “the woman” away from the home and family household in order to get, make or earn monies for the payment of the said charge?
 - b. Does “the Act” contravene this said article?
 - c. How do you propose that “the State” will defend and protect “the woman”, her life and the family household?
8. **Article 41.2 2° - “For that reason, the State will endeavour to ensure that mothers of a family, because of want, will not have to engage in work and neglect their duties in the household because of that”.**
 - a. How specifically is “the State” endeavouring “to ensure that mothers of a family ... will not have to engage in work and neglect their duties in the household” because of your “the Act”?
 - b. Are “the State” through “the Act” wilfully burdening the mother, the family and the household?
 - c. How do you propose to protect the mother, the family and the household from this attack?
9. **Article 43.1 1° - “The State acknowledges, because man has the gift of reason, that he has a natural right to have worldly assets of his own privately, a right which is more ancient than human statute”.**
 - a. Is “the Act” a wilful attempt to extinguish this right, which is more ancient than the Euro, the State and human statute?

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- b. Is the Island of Ireland and all the assets therein *privately* owned by the People or by “the State”?
10. Article 43.1 2° - *“For that reason, the State guarantees not to enact any law attempting to set aside that right, nor the ordinary right of man to assign and to bequeath and to receive assets/property as an inheritance”.*
- Is “the Act” an attempt to enact law to set aside that right?
 - Is “the Act” a wilful attempt to extinguish “the ordinary right of man to assign and to bequeath and to receive assets/property as an inheritance”?
 - How is “the State” going to guarantee “not to enact” such a law?
11. Article 43.2 1° - *“But the State acknowledges that it is fitting, in civil society, to regulate the operation of the rights which are mentioned in the foregoing provisions of this Article in accordance with the basic rules of the societal justice”.*
- How exactly does “the State” propose “to regulate the operation of the rights” when “the Act” proposes to do the opposite?
12. Article 43.2 2° - *“For that reason, the State may, as will be necessary, put a limit to the operation of the aforementioned rights in order to bring together that operation and the welfare of the people”.*
- What “limit of the aforementioned rights” has “the Act” brought together that specifically advocates for the welfare of the people as stated in this article?
13. Article 44.2 5° - *“Every religious grouping has the right to manage its own affairs, and to have property, both movable and immovable, of its own, and to get it and administer it, and to maintain foundations for religious and charitable purposes”.*
- Are ALL religious groupings exempt from “the Act” / “the Household Charge” without exception?
14. Article 44.2 6° - *“It is not permitted to take the property of any religious grouping or any educational foundations from them except for necessary works for public utility, and that after paying them compensation”.*
- Are ALL religious groupings exempt from “the Act” / “the Household Charge” without exception?
15. Article 45.1 - *“The State will do its utmost to advance the welfare of all the people through ensuring and preserving as far as it is able a societal order, in which justice and charity will rule every institution which relates to the national life”.*
- How specifically is “the Act” advancing the welfare of ALL the People?

Part 6: Non-Fatal Offences Against The Person Act 1997.

- S. 11.—(1) A person who makes any demand for payment of a debt shall be guilty of an offence if—
- the demands by reason of their frequency are calculated to subject the debtor or a member of the family of the debtor to alarm, distress or humiliation, or
 - the person falsely represents that criminal proceedings lie for non-payment of the debt, or
 - the person falsely represents that he or she is authorised in some official capacity to enforce payment, or
 - the person utters a document falsely represented to have an official character.

S.11 (2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £1,500.

- Is it true that a demand for payment with menace, which can be “threat of court action”, breaches section 11.1 of the Non-Fatal Offences Against the Person Act 1997?
 - How is demanding a person to sign a declaration “under threat” NOT coercion?
 - How is demanding a person to sign a declaration “under threat” NOT undue influence?
 - How is demanding a person to sign a declaration “under threat” NOT moral and economic coercion?
 - How is demanding a person to sign a declaration “under threat” NOT economic duress?
 - How is demanding a person to sign a declaration “under threat” NOT moral duress?
 - How is demanding a person to sign a declaration “under threat” NOT fraud?
 - How is demanding a person to sign a declaration “under threat” NOT fraud in the inducement?
 - How is demanding a person to sign a declaration “under threat” NOT fraud in the factum?
10. How then, in relation to ALL the above, does this not make your “the Act” a FRAUDULENT ACT?
11. How is “the Act” of the “Household Charge Act 2011” not the equivalent to dictatorship, bondage and slavery?

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... given that it wilfully aims and does deny and suspends all legal, political, civil and human rights, and subjects the People of the Island to the constraints and domination of "the State" and its illegal and unlawful enactments, on behalf of a foreign body/government.

12. Does "the State" or any other entity hold legal title to registered property/land, and unregistered property/land in the state which is owned by individuals?
13. If yes, who then does hold legal title?
14. Does the "Household Charge Act 2011" not establish that servitude exists in the state?
15. "A contract/legislation that interferes with the welfare of the People is null and void".
 - a. Does your "the Act" interfere with the welfare of the People?
 - b. If so, then is your "the Act" NULL and VOID?

As previously stated: You have SEVENTY-TWO (72) HOURS from the date of this letter to answer ALL questions in the manner prescribed. If you do not answer ALL of the questions in the manner prescribed, we will have no issue with standing the €157 required, for our client to take you and ALL your cohorts into the High Court and force you to answer publically for your duplicity.

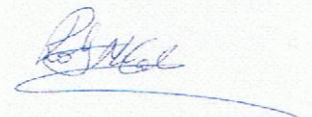
enclosures.

Copy of Summons.

Witnessed Form of Authority.

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[Signature]

Yours Faithfully



By: Rob McCall of F.F.S.

Rob@FitzpatrickFinancialSolutions.com

(00353) (0)83 114 2342

NOTICE/DEMAND for ANSWERS



AN CHUIRT DUISHE
(THE DISTRICT COURT)

District Court Area of: Westport

District Court No. 3

BETWEEN/

THE COUNTY COUNCIL OF THE COUNTY OF MAYO
Having its principal office at Aras an Chontae, Castlebar, County Mayo – Local
Authority

Prosecutor

And

**Name and address
removed for privacy**

Accused

SUMMONS

WHEREAS on the 4th day of OCTOBER 2012 an application was made to this office by the above named prosecutor for the issue of a Summons to you, the above named accused, of **Removed for privacy** in the County of Mayo in the Court Area and District aforesaid alleging the following offence:

That you the Accused, being the owner of a residential property situate at **Removed for privacy** Westport in the County of Mayo on the 1st day of January 2012 (the liability date for the purposes of the Local Government (Household Charge) Act 2011 who is liable to pay a Household Charge to the Complaint in respect of the year 2012, or is entitled to a waiver from payment of a Household Charge under Section 4(4), did fail to make and provide to the Complaint a declaration in accordance with Section 5(2) of the said Act on or before the 1st day of April 2012 (the date prescribed by the Local Government (Household Charge) Regulations 2012) contrary to Section 3(4) of the Local Government (Household Charge) Act 2011.

THIS IS TO NOTIFY YOU that you will be accused the said offence at a sitting of the District Court in the District Court Area and District aforesaid to be held at the Courthouse, Westport in the County of Mayo on 1st day of November 2012 at 10.30am **AND TO REQUIRE YOU** to appear at the said sitting to answer the said accusation.

Dated this 4th day of OCTOBER 2012

Signed:

Marie Owen
DISTRICT COURT CLERK
Being a District Court Clerk assigned to the above mentioned Court Area and District District Court Office, Castlebar

094 - 9043802

We hereby certify that the within document has been compared with and is a true copy of the original.

Dated this the 5th of October 2012

King + McEllin

KING & McELLIN, Solicitors,
The Mill, Castlebar, Co. Mayo.