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A Leap Frog Application to be heard in the Supreme Court

Oct 15, 2023

IN THE HIGH COURT OF JUSTICE Claim No.: J90SA002 KING’S BENCH DIVISION SWANSEA DISTRICT REGISTRY BETWEEN: WAYNE LEIGHTON Claimant - and - BRISTOW AND SUTOR Defendant

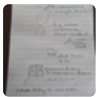
_____ CLAIMANT’S APPLICATION FOR A LEAP-FROG CERTIFICATE PURSUANT TO S.12 ADMINISTRATION OF JUSTICE ACT 1969

_____ 1. The Claimant applies for leap-frog certification under section 12 Administration of Justice Act 1969. 2. The application is sought on the basis that the requirements of section 12 are satisfied: the conditions in subsection 3 and / or 3A are all satisfied (although the Claimant only needs to satisfy one), namely the proceedings entailed a decision raising points of law of general public importance and relating to a matter of national importance, the result of the proceedings is so significant that a hearing by the Supreme Court is justified, and the benefits of earlier consideration by the Supreme Court outweigh the benefits of consideration by the Court of Appeal, given that the judgment appealed against was a test case on paragraphs 26 and 66 of Schedule 12 of the Tribunal, Courts and Enforcement Act 2007 (“TCEA”), which affects all householders in the United Kingdom concerning enforcement powers instructed by the State. 3. The points of appeal on which a Certificate is sought are detailed in the Claimant’s Points of Law skeleton but are in concise terms here: a. What Parliament meant by the word “authority” within the meaning of paragraph 26 of Schedule 12 of the TCEA. b. Whether the Claimant’s arguments at paragraphs 33-47 of his skeleton would render Liability Orders invalid. c. That the enforcement process and / or appeal process is incompatible with Article 6 ECHR and / or the rule of natural justice 4. The Claimant currently has an appeal concerning his harassment claim on points of fact. He is willing to sacrifice his appeal on points of fact for this

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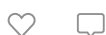


point of law appeal. Whilst he has a personal grievance for reasons stated in that appeal, his personal grievances come nowhere near to the severity of the issues raised here on a national level. 5. Lord Harrison in his meticulous and well delivered judgment recognised the process was flawed and it needed reform. He also held, when awarding costs, that the Defendant’s submission of only allowing the Claimant 25% of his costs should be rejected and the Claimant should receive 60% because this case is of public importance. 6. Furthermore, this is not the first time a high authority has recognised this issue as of public importance. The lawyers who wrote the Council Tax Handbook stated that as per issue (b) above, the issue has been raised in the magistrates’ court before on numerous occasions but has yet to be resolved, and the failure of Parliament to legislate potentially comprises the making of all Liability Orders and their enforcement activity. It was also stated that with no record the orders could be invalid, which concurs with the Claimant’s statute and common law arguments at paragraphs 33-47 of his skeleton. It has already been noted as a “serious flaw” by the Court of Appeal, but unfortunately, the Court had no remit to address the issue because it was not an issue under determination, it was something the Court observed of its own initiative. 7. It has also been questioned that the issue above may be a breach of human rights under Article 6 of the European Convention on Human Rights. 8. It is therefore respectfully submitted that the issues raised in this appeal concerning the said statutory instruments and the common law principles relating to the making and enforcement of Liability Orders are of general public importance which are long overdue

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