

Private Dispute Resolution = Pre-Public Dispute Resolution – The Doctrine of 3 Notices

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1) A quick review... In my own right (Sui Juris):

- a) Each human's mind is the sole beneficiary of their body¹ once of lawful age (18)², and can lawfully use self defence to protect that³ when under imminent attack⁴.
- b) Each human has the natural right to survival being:
- i) adequate shelter, and
 - ii) clean air, and
 - iii) clean water, and
 - iv) nutritious food, and
 - (1) when anyone does not have sufficient the above may be taken freely from those who have more than their needs in self defence (applying the rules of equity to³ and⁴), and
 - v) knowledge from generations past, and
 - vi) freedom of speech to be able to formulate and express their thoughts.
- c) Each human has the right to follow their conscience to explore this reality on earth, in their own right (sui juris), without unlawful interference by another ('**ancient and indebutable rights**⁵);
- d) As all are equal under the law, and no one is above the law,
- i) **THEREFORE**, the only obligation each person has is not to breach another's peace without a lawful excuse⁶, and the only right we have is to enforce others not to breach any other's peace⁷.
- e) The rules of equity is the highest enforceable law in the courts as equity prevails in the event of a conflict with the common law⁸,

¹ between *Montgomery (Appellant) v Lanarkshire Health Board (Respondent)* [2015] UKSC 11

<https://www.supremecourt.uk/cases/docs/uksc-2013-0136-judgment.pdf>

² Tenures abolition Act 1660 VIII. <https://www.legislation.gov.uk/aep/Cha2/12/24/1991-02-01>

³ *Beckford v The Queen* [1988] AC 130 <https://www.bailii.org/uk/cases/UKPC/1987/1.html>

⁴ *R v Owino* (1996) 2 Cr. App. R. 128 at 134 <https://swarb.co.uk/regina-v-owino-cacd-1996/>

⁵ Bill of Rights [1688] <https://www.legislation.gov.uk/aep/WillandMarSess2/1/2>

⁶ *R v Howell* 1982 QB 416 http://www.hrcr.org/safrica/arrested_rights/Regina_Howell.htm

⁷ Criminal Law Act 1967 <https://www.legislation.gov.uk/ukpga/1967/58/contents>

⁸ Senior Courts Act 1981, section 49

<https://www.legislation.gov.uk/ukpga/1981/54/part/II/chapter/n4/crossheading/law-and-equity>

- i) which you use to argue 'lawful excuse' from existing common law judgements,
 - ii) which include the court's rulings on legislation (its lawfulness) = case law⁹,
 - iii) thereby upholding the monarch's first promise to '**govern the peoples of... according to their respective laws and customs**'¹⁰, and
 - iv) upholding the monarch's second promise to '**...cause Law and Justice, in Mercy, to be executed in all your judgements**'⁸,
 - v) legally affirmed in the Bill of Rights [1688] that nothing can be done '**to the prejudice of the people**'⁵.
- f) We all have an obligation not to breach another's peace, and we each have a right to enforce another breaching our peace, and each have an obligation to uphold the people's (any other person's) peace.

2) A Claim = dispute = breach of the people's peace

- a) Every statement made is a claim, and
- b) Each command is a claimed right of enforcement that another is under an obligation to perform.

3) 'To lie is to go against the mind'

Each person has their own perception of events which are true to them.

- a) To settle any dispute a common truth must be found acceptable to the disputing parties (meeting of the minds).
- b) Each statement expressed must be supported with evidence.
- c) Each statement expressed must be cross examinable by first hand witness testimony (hearsay is not testimony).

⁹ Understanding legislation: Case Law: Case law is the set of rulings from court judgements that set precedents for how the law has been interpreted and applied in certain cases. Case law is not held on legislation.gov.uk.

<https://www.legislation.gov.uk/understanding-legislation#Howlegislationworks>

¹⁰ <https://www.royal.uk/coronation-oath-2-june-1953>

- d) Under our obligations to keep the peace:
 - i) We cannot claim what we have no lawful right to claim, and
 - ii) We cannot create a dispute where none exists

4) How do humans deal with conflict?

Humans are very predictable and generally follow the same patterns of behaviour, and for conflict typically follow the following pattern:

- a) **Shock and denial**; this is the survival instinct to prevent us being overwhelmed if no immediate solution is found. Feelings including mourning, sadness, confusion and discomfort.
- b) **Pain and guilt**; as the logic and reason returns, the cause of the problem is explored, mixed with feelings of the advantages and disadvantages of the new situation. Feelings typically include sadness, guilt, desperation and betrayal.
- c) **Anger and bargaining**: this being largely the release of the subconscious, or unexpressed emotions. Feelings typically include anger, resentment, bargaining and stubbornness.
- d) **Depression, Reflection and loneliness**: evaluating the true magnitude of the conflict. Feelings typically include depression, defeat and frustration.
- e) **Acceptance and hope**: life beyond the conflict returns generating inspiration, determination and hope as security returns to the new situation.



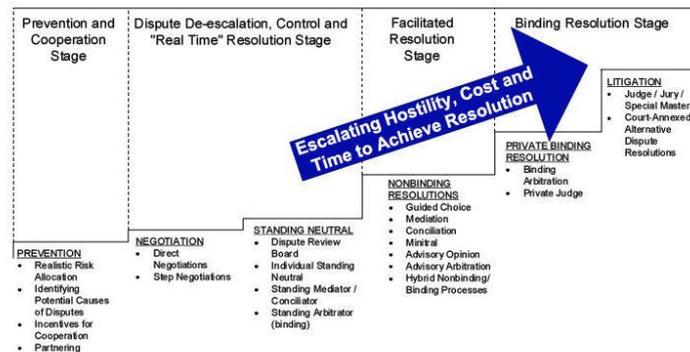
- f) People do not go through this process at the same rate, so we must allow others to work through things in their own time, and hence must be respectful and patient with one another.

5) **Phases of dispute resolution**¹¹:

- a) The ***Prevention and Cooperation Stage***, where parties can use prevention and cooperation techniques, tailored to encourage alignment of interests, improve cooperation, prevent or minimise the adverse impact of problems, and curb adversarial attitudes.
- b) The ***Dispute De-Escalation, Control and ‘Real Time’ Resolution Stage***, where parties can use techniques that are designed to deal promptly and realistically with problems, differences of opinion or disagreements at the time they arise, to de-escalate tensions, resolve problems, or achieve instant resolution of disputes.
- c) The ***Facilitated Resolution Stage***, where parties, assisted and guided by mediators and other dispute resolution professionals, can use any of a wide variety of techniques, or combinations of techniques, to achieve a mutually-acceptable resolution of a dispute.
- d) The ***Binding Resolution Stage***, where, after all other efforts at resolution have failed, parties can have a ‘back stop’ adjudication process in which the dispute will be finally resolved by a neutral third party — either in a privately-agreed process such as arbitration, or, by default, in a court of law.

¹¹ <https://imimediation.org/2016/08/17/chart-of-dispute-resolution-stages-and-steps/>

Dispute Resolution Stages and Steps



6) Point by point format

- a) In order to get to the core issues of a dispute,
- b) All the issues are best raised using numbering on a point by point basis,
 - i) Related points become a sub-point.
- c) Each point or sub point only has one issue.

7) Possible responses

- a) Under our duties to uphold the peace:
 - i) We cannot claim what we have no lawful right to claim, and
 - ii) We cannot create a dispute where none exists
- b) The only possible responses are on a point by point basis to:
 - i) Admit a point,
 - ii) Deny a point with alternative evidence, or
 - iii) Ask for further supporting evidence as the claimant must prove their claim.
- c) Any other response is obfuscation, and thereby creating a dispute where none exists, which is dishonour, bad faith and unclean hands!
- d) This allows each party to test their truths and re-evaluate their views.

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- e) This in turn allows the core issues of the dispute to be identified which need to be settled for a peacefully coexistence.
- f) **Thereby making the highest common rationally reasoned truth sovereign,**
- g) **And the highest enforceable law in any lawful community.**

8) **Complainant / Plaintiff / Claimant / Respondent / Defendant**

- a) The one whose peace has been breached, or the one who witnessed a breach of another's peace is the complainant or plaintiff or claimant. The one who caused the breach of the people's peace is the respondent or defendant. The complainant / plaintiff / claimant must commence a complaint as:

“All that needs to be done for evil to prevail is for good men to do nothing”¹²

9) **'A matter must be expressed to be resolved'**

- a) In the first instance disputes are normally verbally expressed, however this creates difficulties in complex matters to keep a discussion to the point of the dispute, often moving onto unrelated issues which fail to resolve the matters at hand.
- b) The format of the complaint is not important, as equity is about substance and not form.
- c) The suggested format of the record is as follows;
 - i) Date and time of the breach of the peace,
 - ii) Location of the incident,
 - iii) Complainants / Plaintiffs / Claimants name,
 - iv) Respondents / Defendants name,
 - v) Description of events (chronological order)
 - (1) leading up to,
 - (2) including, and

¹² Attributed to many including Edward Burke

- (3) attempts so far to settle the complaint of breach of the peace = personal truth,
- vi) The remedy sought to settle the dispute and end the breach of the peace.

10) Service of Documents

To avoid further dispute being created by claims of non receipt of documents, service should be witnessed.

- a) Delivery method where possible should be agreed in advance between the disputing parties, and can be:
 - i) by hand,
 - ii) evidenced postal receipt,
 - iii) email using a proof of delivery address in accordance with precedence PT-2018-000160: note of hearing on 01/03/2018, before Chief Master Marsh,
 - (1) In the copy field ask a friend to evidence service as witness 1, and
 - (2) Bounce back email as witness 2; ProofOfDelivery@[THEIR SERVER NAME]
 - iv) or any other agreed method.

11) The worst outcome = Public dispute settlement = Claimant Calls a Court

- a) If remaining disputed matters still cannot be resolved, then the complainant must decide whether or not to bring it for public settlement.
- b) The courts look at 2 things:
 - i) The facts (*actus reus*), and
 - ii) The state of the mind (*mens rea*).
- c) FURTHER, in court the claimant must prove their claim, as we are innocent until proven guilty.

12) Notices

- a) Always first attempt to resolve issues by civil discussion, failing that;

- b) Notices are used to put another with knowledge, and to create a record should it be needed to publically enforce the peace in two ways:
 - i) To let people know in advance what your intentions are so they can object in **advance of you taking any action**, and
 - ii) To let people know that you have a reasonable belief (lawful excuse) that their **chosen actions** are unlawful (can cause another harm), and

- c) Ignoring a notice is a continuation of a breach of the people's peace;
 - i) by not immediately **ceasing** their belief, and
 - ii) by not **desisting until the dispute is settled**,
 - iii) they are knowingly acting unlawful (breaching the peace).
 - iv) Additionally, they are specifically are breaching your peace if you served the notice!

13) Cease and desist

- a) The notice puts the claimant on notice that the lawfulness of their action is disputed (remember the monarchs promise is what creates lawful governance according to our respective laws and customs), and
 - i) Every person has an obligation to every other person to uphold the peace, and
 - ii) When a dispute arises, then it is up to the claimant to prove their claim as we are all innocent until proven guilty, and
 - iii) Every person must ensure their claimed right is lawful prior to acting, and
 - iv) That means any disputed claim of right must be ceased, and
 - v) The claimant of the right must desist until they have proven their actions are lawful.

- b) Failure to cease and desist results in a breach of the peace.

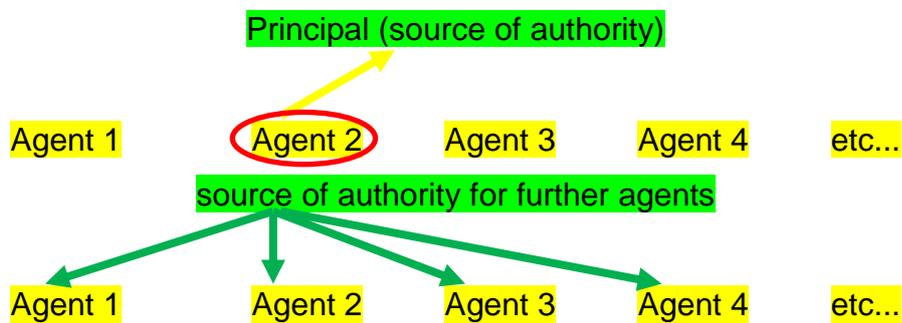
14) Notice to Principal is notice to agent; notice to agent is notice to principal

- a) This is a powerful tool using the legal fiction as individually every person is liable for their actions as all are equal under the law and no one is above the law.

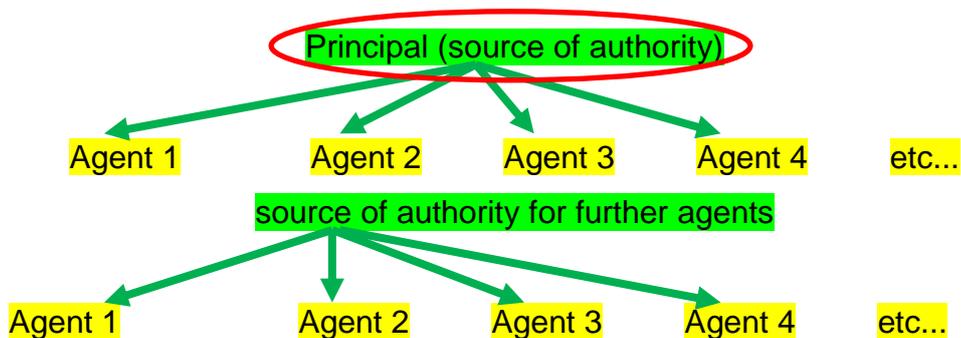
'order following is not lawful excuse'¹³

¹³ *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>

- b) It is based upon master / slave (or politically correct principal / agency)
- c) Agency law is where someone is authorised (agent) by another to act on their behalf (principal). Provided the agent acts within the authority of the principal, then liability falls on the principal unless the order was unlawful.
- d) **Serving notice to the agents means they must inform their agents if any, and their principals.**



- e) **Notice to the principal means they must inform all their agents, who in turn must inform their agents.**



- f) Therefore by serving any legal fiction within any organisation, they must notify their agents as well as principals of the notice, in our case of dispute of the lawfulness of their claim.

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- g) Noticing anyone within any organisation like this hence quickly should stop all disputed claims of rights of enforcement, and claimed obligations to perform!!!

Doctrine of 3 Notices

15) First Notice = Caution = Facts = Cease And Desist.

- a) This on a point by point basis lays out the facts of the alleged breach of another's peace against the person claiming a right of enforcement, by another either:
- i) personally if their peace has been breached, or
 - ii) on behalf of a breach of the people's peace.
- b) The notice puts a person with the facts, showing the belief that their actions are unlawful, or asking the person noticed to prove their actions are lawful as we are innocent until proven guilty.
- c) This puts their claimed authority into dispute, thereby removing any lawful rights they may believe they have if they cannot provide reasonable evidence to support the lawfulness of their claimed right and at the time must¹⁴:
- i) **Specify the Legitimate aim** of their actions, and
 - ii) **Provide Rational analysis** of the aim, and alternative actions considered to meet the specified legitimate aim, and
 - iii) **Show Reasonableness** in their choice of action, being the one which least impacts another's rights.
- d) If their chosen action is IRRATIONAL, it is HENCE UNLAWFUL, 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.”¹⁵***

¹⁴ 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**

https://www.bailii.org/scot/cases/ScotCS/2021/2021_CSOH_32.html

¹⁵ *Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374*

<https://www.bailii.org/uk/cases/UKHL/1984/9.html>

- e) **Further**, 'following orders' is not lawful excuse¹⁶
- f) **Should they not immediately cease their claimed rights, they can no longer claim lawful excuse of honest mistake, and further they must desist pursuing their claim until the dispute contained within the notice is settled. To continue would be negligent as they know they failed to prove their claim.**
- g) You must provide a reasonable response time to your notice (honourable, good faith and clean hands), dependent upon the severity of the harm or potential harm.
- h) You must tell them where you want their response served to you.
- i) You must tell them what remedy you want to settle your dispute.

16) Second Notice = Warning = Witness 1 Of Failure To Settle Your Dispute

- a) Should they fail to provide your requested remedy, or have only partially addressed your complaint, then a second notice is served.
- b) It is a notice which:
 - i) Is the 1st witness that the other person has been put with the facts (actus reus),
 - ii) thereby removing lawful excuse of their inaction being negligence (mens rea)
 - iii) Further it is notice of their dishonour, bad faith and unclean hands, by failing to respond to the first notice they have now additionally breached the servers peace.
- c) Again, you must provide a reasonable response time to your notice (honourable, good faith and clean hands), dependent upon the severity of the harm or potential harm.
- d) **IF YOU HAVE RECEIVED NO RESPONSE**
 - i) This is shorter, and simply encloses (provides a copy) the first notice.

¹⁶ *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>

e) IF YOU HAVE RECEIVED A RESPONSE

- i) List the points which have been **admitted** as these are now settled, and no longer are in dispute.
- ii) List the points **denied** and rebut their counter claims.
- iii) **Provide further evidence** for the points you have been asked to prove.

17) Third Notice = Letter Before Action = Witness 2 Of Failure To Settle Your Dispute

- a) Should they fail to provide your requested remedy, or have only partially addressed your complaint, then a third notice is served.
- b) It is a notice which:
 - i) Is the 2nd witness that the other person has been put with the facts (actus reus),
 - ii) thereby removing lawful excuse of their inaction being gross negligence (mens rea)
 - iii) Further it is notice of their dishonour, bad faith and unclean hands, by failing to respond to the first two notices they have now additionally breached the servers peace
- c) Again, you must provide a reasonable response time to your notice (honourable, good faith and clean hands), dependent upon the severity of the harm or potential harm.
- d) IF YOU HAVE RECEIVED NO RESPONSE
 - i) This is shorter, and simply encloses (provides a copy) the first and second notices.
- e) IF YOU HAVE RECEIVED A RESPONSE
 - i) List the points which have been **admitted** as these are now settled, and no longer are in dispute.
 - ii) List the points **denied** and rebut their counter claims.
 - iii) **Provide further evidence** for the points you have been asked to prove.

18) Breaches of the peace allows a Magistrates Court to issue a binding over order

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- a) Provided you have followed good procedures, and followed the procedure you will have the evidence of the facts, and the breach of your peace by anyone not proving their claimed right and you can apply to the Magistrates Court for that person to be bound over to keep the peace.
- b) This is done by the magistrate entering into a contract with them that they undertake to comply with your need for them to prove their actions are lawful, and until then they must cease their believed right, and desist until they have proven their claimed right!
- c) A breach of this order from the court can be punishable by fines and or imprisonment.
- d) This is dealt with in a further training module on enforcement of your rights.

19) Keeping your records...

- a) Once served the notices form a record and what you choose to do with that record is entirely up to you!
- b) In order to move matters to public dispute resolution though, you must have a good record, and the procedure of the notices creates the facts and the state of the mind.
- c) Each notice you serve for ease of reference should be numbered.
- d) Each notice you serve should have a certificate of service, with evidence of service.
 - i) Suggested format of reference numbering you notices:
 - (1) Source / your initials / year /sequential number eg. PK/MAP/2021/001
 - (2) Use the same reference number for you Caution; Warning and Letter before Action.
- e) You should keep a register of the notices you have served for the record.
- f) In your notice register you should have a copy of all the notices your have served.

