LIABILITY ORDER

Council tax operates within a system of commerce that utilises the legal system within the United Kingdom corporation, and for due process to legally proceed documents must be in place.

The following information will detail one document, which is critical within the process, and why you want to see it.

A Liability Order is a legal document used primarily by corporate agencies such as local councils or tax agencies to recover unpaid debts, such as council tax, business rates, or other municipal charges.

Note: people can also use liability orders through the small claims court, against corporate agencies, including councils regarding unfounded claims made upon them.

It is an important legal step in the ***debt recovery process*** within the ***court process*** to ensure ***legal due process*** is carried out correctly.

Without this document any attempt to collect an alleged debt would be both illegal and unlawful, allowing the victim of such fraud to carryout a counter claim for damages.

How a Liability Order is Created:

1. ***Debt Assessment:*** The process begins when a debtor, which can be an individual or business, has been proven to have failed to pay a debt to the creditor by a specified deadline.
2. ***Notification:*** following due process the debtor is sent reminders, notices, or warnings about the unpaid amount.
3. ***Application for a Liability Order:*** If the debt remains unpaid, the creditor applies to the relevant court or tribunal to obtain a Liability Order.
4. ***Court Hearing:*** A court hearing is scheduled where the creditor presents evidence of the debt. The debtor can also attend and present their case.
5. ***Issuance of the Liability Order:*** If the judge is satisfied that the debt exists and all legal procedures have been followed, the court issues the Liability Order, which formally confirms the debtor's liability.

Uses of a Liability Order:

The liability order is the key document that allows for the legal due process and ***enforcement*** to continue, and is the foundational document for the following:

- To formally establish the debtor's obligation to pay the debt.
- To enable enforcement actions such as attachment of earnings, liens on property's, bank arrestment's, or other collection methods.
- To serve as a legal basis for further action in recovering the debt.

Key Information That Should Be on a Liability Order:

- ***Court Details:*** Name and jurisdiction of the court issuing the order.
- ***Case Number:*** Unique identifier for the case.

- ***Debtor's Details:*** Name, address, and sometimes other identifiers like date of birth or company registration number.
- ***Creditor Details:*** Name and contact information of the person or organization claiming the debt.
- ***Amount Owed:*** Clear statement of the total debt, including the principal sum, interest, and any applicable penalties.
- ***Description of the Debt:*** Explanation of what the debt relates to i.e. council tax for a specific period.
- ***Date of the Order:*** When the order was issued.
- ***Legal Authority:*** Reference to the law or regulation under which the order is issued.
- ***Instructions for Enforcement:*** Details on how the debtor must settle the debt or the next steps for enforcement.
- ***Notice of Rights:*** Information about the debtor's right to appeal or dispute the order within a certain period.

Having these elements ensures the ***Liability Order*** is ***legally enforceable*** and can be used to take further legal action if necessary.

Not only is it your right to have a copy of the liability order, but it is an essential part of the legal process to ensure that you have all the relevant information pertaining to the claim made against you.

If you do not have in your possession a certified copy of the liability order, you will be unable to ascertain your position in the matter and therefore act accordingly.

In other words, due process has been broken, and the case collapses.

Official legal precedent:

Lord Widgery made a statement in regards to granting court orders, which include:

- Summons
- Warrants
- Liability orders

Re: ***Judicial*** vs ***Administrative*** Duty:

In the case Regina v Brentford Justices, ex parte Catlin [1975] QB 455, Lord Widgery made it clear that a ***Justice of the Peace*** must ***"apply his/her mind"*** to the decision to issue a court order.

This establishes that issuing a warrant, summons or liability order is a ***judicial act***, and ***not administrative***, requiring a ***Justice of the Peace*** to actively apply their mind to the case.

Lord Widgery Chief Justice emphasised this duty to avoid dereliction.

The case highlights that a ***Justice of the Peace*** must ensure valid, informed decisions rather than ***"rubber-stamping"*** requests within ***administration***.

He ruled that this determination is a ***judicial process***, and failing to apply one's mind to it would constitute a dereliction of duty.

Questions that can be asked:

1. Evidence of any law, lawful precedent and/or legislation which states explicitly that an individual who is ***not*** a ***Justice of the Peace*** may approve the issue of a summons to the Magistrates' Court, in relation to a civil matter, through an ***administrative*** process.
2. Evidence of any law, lawful precedent and/or legislation which states explicitly that ***no judicial process*** is required by an individual who is ***not*** a ***Justice of the Peace*** when issuing a summons in relation to a civil matter.

Unauthorised Filing of Liability Order Applications

The act of issuing or filing liability order applications with the Magistrates' Court constitutes the conduct of litigation, a ***reserved legal activity*** as stipulated within sections 12–14 and Schedule 2 of the Legal Services Act 2007.

Legal services act 2007, section 12, paragraph (1)

12. Meaning of "reserved legal activity" and "legal activity"

(1) In this Act "reserved legal activity" means—
- (a) the exercise of a right of audience;
- (b) the conduct of litigation;
- ***(c) reserved instrument activities;***
- (d) probate activities;
- (e) notarial activities;
- (f) the administration of oaths.

Link: https://www.legislation.gov.uk/ukpga/2007/29/section/12

Legal services act 2007, section 14, paragraph (1)

14. Offence to carry on a ***reserved legal activity*** if not entitled

(1) It is an offence for a person to carry on an activity ("the relevant activity") which is a ***reserved legal activity*** unless that person is entitled to carry on the relevant activity.

Link: https://www.legislation.gov.uk/ukpga/2007/29/section/14

Legal services act 2007, schedule 2, paragraph (5)

5. (1) "Reserved instrument activities" means—

- (a) preparing any instrument of transfer or charge for the purposes of the Land Registration Act 2002 (c. 9);
- (b) making an application or lodging a document for registration under that Act;
- (c) preparing any other instrument relating to real or personal estate for the purposes of the law of England and Wales or ***instrument relating to court proceedings in England and Wales***.

Link: https://www.legislation.gov.uk/ukpga/2007/29/schedule/2

Only an authorised person as defined by section 18 of that Act—such as a solicitor holding a current practising certificate—may personally perform such acts.

Legal services act 2007, section 18, paragraph (1)

18. Authorised persons

(1) For the purposes of this Act "authorised person", in relation to an activity ("the relevant activity") which is a reserved legal activity, means —
    (a) a person who is authorised to carry on the relevant activity by a relevant approved regulator in relation to the relevant activity (other than by virtue of a licence under Part 5), or
    (b) a licensable body which, by virtue of such a licence, is authorised to carry on the relevant activity by a licensing authority in relation to the reserved legal activity.

Link: https://www.legislation.gov.uk/ukpga/2007/29/section/18

Supervision by an authorised person does not confer legality upon an unauthorised act; the statute prohibits delegation of the reserved function itself.

Case law

As confirmed in Mazur & Anor v Charles Russell Speechlys LLP [2025] EWHC 2341 (KB), the physical or procedural filing of proceedings is inseparable from the conduct of litigation and cannot lawfully be undertaken, even under supervision, by an unqualified individual.

Accordingly, if any officer, employee or contractor of a local authority filed or caused to be filed a liability order documentation without being individually authorised by the Solicitors Regulation Authority, that act would be contrary to statute and render the process procedurally defective.

When presented with any claim that a lability order exists, you required said document to not only verify its authenticity, but you also require the name of the person who filed it.

The following request should be as follows:

The name and title of the one who filed the summons and liability order application.

Furthermore, I require immediate confirmation of:

1) Their qualifications and authorisation status.
2) Are they a solicitor holding a current practising certificate?
3) Are they a fellow of the Chartered Institute of Legal Executives with litigation rights?
4) Were they otherwise authorised under the Legal Services Act 2007 to conduct litigation?

If they were not authorised, I require the following information:

1) The legal basis on which he/she was permitted to issue the summons and conduct the application.
2) The Council's policy on compliance with the Legal Services Act 2007.