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Administration  
South Cheshire Magistrates Court  
Civil Centre, Law Courts,  
Crewe, Cheshire  
CW1 2DT  
Phone: 01270 655920

14 September 2016

False accounting - Fraud act 2006  
&  
Section 142 Magistrates' Court Act 1980  
&  
*Road Traffic Offenders Act 1988*

*1988 c. 53 Part I Trial Section 20  
20F1 Speeding offences etc: admissibility of certain evidence.*

**REF: last contact from court - email sent from Court prior to Court trial 06 September 2016 14:59 from CH-CreweMCAdmin@hmcts.gsi.gov.uk from *David Bellairs* Legal Team Manager.**

**No further letters, email or postal notice of telephone notice has been received from South Cheshire Magistrates Court regarding the trial of 07 September 2016.**

**It has been 7 days now since the date of the trial held on the 07 September 2016**

Criminal Procedure rules October 2015 as amended April 2016 state that

Part 4 - Service of Documents

Date of Service

4.11. -

*(3) Unless something different is shown, a document produced by a computer system for dispatch by post is to be taken as having been sent by first class post, or by the equivalent of first class post, to the addressee on the business day after the day on which it was produced. (4) Where a document is served on or by the court officer, 'business day' does not include a day on which the court office is closed.*

As your last contact to me was dated 06 September by email from CH-CreweMCAdmin@hmcts.gsi.gov.uk from David Bellairs. There has been no document produced by a computer system or from the office of your court on the date of 07 September, or since prior to that date in relation to my case 071600027103. No letter or document has been provided to me on the same business day, nor on the day after before 2:30pm

*(d) in the case of a document served by electronic means— (i) on the day on which it is sent under rule*

4.6(2)(a), if that day is a business day and if it is sent by no later than 2.30pm that day, (ii) on the day on which notice of its deposit is given under rule 4.6(2)(b), if that day is a business day and if that notice is given by no later than 2.30pm that day, or (iii) otherwise, on the next business day after it was sent or such notice was given.

**Thus I am writing to inform you that the Court in in breech of the criminal procedure rules Date of Service 4.11. as no document has been issued or served to me at all concerning the trial held on the 07 September 2016.**

*When this Part applies 4.1.—(1) The rules in this Part apply— (a) to the service of every document in a case to which these Rules apply; and (b) for the purposes of section 12 of the Road Traffic Offenders Act 1988(a), to the service of a requirement to which that section applies. (2) The rules apply subject to any special rules in other legislation (including other Parts of these Rules) or in the Practice Direction. [Note. Section 12 of the Road Traffic Offenders Act 1988 allows the court to accept the documents to which it refers as evidence of a driver's identity where a requirement to state that identity has been served under section 172 of the Road Traffic Act 1988(b) or under section 112 of the Road Traffic Regulation Act 1984(c).]*

*Methods of service 4.2.—(1) A document may be served by any of the methods described in rules 4.3 to 4.6 (subject to rules 4.7 and 4.10), or in rule 4.8. (2) Where a document may be served by electronic means under rule 4.6, the general rule is that the person serving it must use that method. Service by handing over a document 4.3.—(1) A document may be served on— (a) an individual by handing it to him or her; (b) a corporation by handing it to a person holding a senior position in that corporation;*

*The Criminal Procedure Rules October 2015 as amended April 2016 Documents that may not be served on a legal representative 4.10. Unless the court otherwise directs, service on a party's legal representative of any of the following documents is not service of that document on that party—*

<http://www.legislation.gov.uk/ukpga/1988/53/contents>

*(b) notice of an order under section 25 of the Road Traffic Offenders Act 1988(a);*

*(j) a collection order, or notice requiring payment, served under rule 30.2(a);*

*Proof of service 4.12. The person who serves a document may prove that by signing a certificate explaining how and when it was served.*

*Court's power to give directions about service 4.13.—(1) The court may specify the time as well as the date by which a document must be— (a) served under rule 4.3 (Service by handing over a document) or rule 4.8 (Service by person in custody); or (b) sent or deposited by electronic means, if it is served under rule 4.6. (2) The court may treat a document as served if the addressee responds to it even if it was not served in accordance with the rules in this Part.*

**(This letter is in reply to the email sent to \_\_\_\_\_ email \_\_\_\_\_ on 06 September 2016 14:59 from CH-CreweMCAdmin@hmcts.gsi.gov.uk from David Bellairs Legal Team Manager.) and hereby stated that no other communication of any method has been sent or recieved from South Cheshire magistrates Court. The date today is 14 September 2016.**

Thus no information regarding the trial has been given to me Mr. \_\_\_\_\_ as required.

Also, under  
<http://www.legislation.gov.uk/ukpga/1988/53/section/20>

*Road Traffic Offenders Act 1988*

1988 c. 53 Part I Trial Section 20  
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(3) Where on the summary trial in England and Wales of an information for an offence to which section 112 of the M3 Road Traffic Regulation Act 1984 applies—

(a) it is proved to the satisfaction of the court, on oath or in manner prescribed by rules made under section 144 of the Magistrates' Courts Act 1980, that a requirement under section 112(2) of the Road Traffic Regulation Act 1984 to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post, and

**(b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,**

**the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.**

I write to inform the South Cheshire Magistrates Court that I have provided such statements as required in (b) above, to the Court multiple times before the trial and hearings. And that under these circumstances there is no grounds for the Offence of failing to give statement that I was the driver of the Vehicle and providing driver details, if claimed not to the Prosecution or police, then it is absolutely 100% fact that I did lay these documents, letters, statements, emails and files containing such statements to the Court itself. In good time.

Under section 142 of the Magistrates Court Act 1980 it states that a magistrates' court may vary or rescind a sentence or other order imposed or made by it when dealing with an offender if it appears to the court to be in the interests of justice to do so, and it is hereby declared that this power extends to replacing a sentence or order which for any reason appears to be invalid by another which the court has power to impose or make.

Furthermore where an individual is convicted by a magistrates' court and it subsequently appears that in the interests of justice the case should be reopened – Section 142 provides the power for this to be done. The important issue here to note is whether it is in the interests of justice to reopen the case. There is no specific time limit provided for under Section 142 of the Act which states when a case can be reopened. In most cases, however, this should be done within 28 days.

Thus, in relation to any conviction or sentence the court may have issued against me which I have not yet had notification of neither by post or email since the pre trial date of 06 September 2016 -

It is within the courts powers, and within more than reasonable acceptance of rightfull Justice that the Court take a closer look at my statements and evidence submitted to the Court confirming in undeniable fact and truth, with statements of signed account and profession that I was the driver in relation to one of the charges at the time and date of the alledged offence. And that any conviction against me of that offence should be rightly reconsidered under section 142 of the magistrates Court act. And any disqualification resulting from such offence should be removed from my Driving licence without delay.

Also, in relation to the offence of Failing to provide driver details - of which the DVLA offence code is **MS90**. - That offence carries a fixed 6 penalty points only. And can be no other number. Not 3, not 1, not 2 or 9. or in fact not 0. For if there are no penalty points to be

conferred at all. then no endorsement is to be applied. As a fixed penalty of 6 points, which may be applied incorrectly as another number, such as 3, 1 or 0 would be regarded in LAW as "False accounting" and a criminal offence under the fraud act. And any mistake of account that would result in a disqualification on a driving licence which did not total to 12 points, would be a falsified account of a disqualification on a driving licence.

Also, in direct relation to the above -

*The Road traffic Offenders Act 1988 53 - Part II - Endorsements - Section 44*

*Endorsement of Driving Licences.*

*(1)Where a person is convicted of an offence involving obligatory endorsement, the court must order there to be endorsed on [F1the counterpart of] any licence held by him particulars of the conviction and also—*

*(a)if the court orders him to be disqualified, particulars of the disqualification, or*

*(b)if the court does not order him to be disqualified—*

*(i)particulars of the offence, including the date when it was committed, and*

*(ii)the penalty points to be attributed to the offence.*

*(2)Where the court does not order the person convicted to be disqualified, it need not make an order under subsection (1) above if for special reasons it thinks fit not to do so.*

*(3)In relation to Scotland, references in this section to the court include the district court.*

*(4)This section is subject to section 48 of this Act.*

The Court May have failed to attribute the correct "fixed" number of 6 penalty points to my Driving licence, without informing me in writing of the result of the hearing dated the 07 September 2016. Of which I have had NO notification of from the Court what so ever. Since the Pre trial date of 06 september and by Email - David Bellairs.

A **MS90** endorsement can carry 6 penalty points and no other number. The magistrates do not have powers to endorse this conviction with any other number than 6. It can be no other number. Thus any recording of any other number in relation to an **MS90** is fraud by false accounting. And such false accounting can not contribute to any disqualification where 12 penalty points are requisite for any disqualification to be valid.

Thus I have reason to believe that False Accounting has been made on my Driving licence. And that I have submitted a full report to the DVLA complaints now under full investigation.

Thus besides the reporting of Crime under the Fraud act 2006 - false accounting, of an unlawful number of Penalty points (0) being attributed to an MS90 on the driving licence \_\_\_\_\_ by South Cheshire Magistrates Court. When the number can be 6 and no other number -

I also make written lawful application in writing, under Section 142 of the Magistrates Court Act

1980 - To vary or rescind any sentence imposed against me, not yet given by notice, after 7 days by the Court. For an **MS90** offence incorrectly accounted as corresponding to 0 penalty points. And that - under right and true justice the charge or any charge or conviction related to not providing driver details to the Police, prosecution or court - be correctly re-evaluated in full by the court. As there is no doubt or contest that I Mr. \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ did provide written statements of truth & honesty, signed that I was the driver at the time of the alledged offence. by rule of

*Road Traffic Offenders Act 1988*

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***(b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,***

***the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.***

I hereby state that those statements were provided to the Court in multiple documents, to all courts concerned (Warrington/South Cheshire) , to the Prosecution and to the Police.

And that any **MS90** applied to my driving licence by the South Cheshire Magistrates Court for any such offence be immediately re-evaluated and removed, including any disqualification that may have incurred from such conviction or sentencing after out last communication of 06 September 2016.

I believe these statements, rules, regulations and quoted legislation to be true to the best of my knowledge.

Yours Faithfully  
Mr \_\_\_\_\_