



Llywodraeth Cymru
Welsh Government

Our ref: ATISN 11172

Date: 26 May 2017

Dear ,

Request for Information – ATISN reference 11172 – request for internal review

On 12, March 2017, you submitted a request for the following information:

The full documentation which would authorize or otherwise permit under 'Common Law', a 'Registered Corporation' to levy tax in the name of 'Billing Authority' in violation of the 'Petition of Right 1628', which remains extant within Constitutional and Common Law and is superior to all legislation inclusive of the Local Government Finance Act(s).

In our reply to you which stated relevant information relating to the powers exercised under Local Government Finance legislation is in the public domain, on 11 April, you submitted a request for an internal review.

You stated in your request for a review, the following:

Your respondent obviously does not understand the supremacy of Constitutional Law over acts and statutes which require consent. Nowhere within the Local Government finance Act 1992 does it state a superiority over Constitutional Law, and for you to suggest so is misleading at the very least.

In conducting my review, and taking account of the further points you make in requesting the review, I have considered the broader issue raised by this, and a similar previous request, concerning the relationship between primary legislation and (i) common law and (ii) what you describe as “constitutional law”. In this respect you have been informed previously that legislation is part of the law, that legislation is superior to the common law and that legislation is able to override the effect of common law.

The current request must, therefore, be considered in this context. In essence, and as a matter of constitutional law, Parliamentary and Assembly legislation (in this case the Local Government Finance Act(s)) forms part of the law of England and Wales and is superior to



any earlier provision of common law and/or any earlier legislative instrument. The original response to your request confirmed that Local Government Finance legislation is in the public domain. The Welsh Government does not hold, nor would it hold, recorded information relating to what is an assertion of an (inaccurate) legal principle. As you have been advised previously such information (in addition to the specific Local Government Finance legislation to which you refer) would be found in case law and in legal text books which may be found either on line or in libraries having a legal section.

I am therefore satisfied that the Welsh Government has provided an appropriate response to your request and I have **not** upheld your complaint.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Tel: 01625 545 745.

Fax: 01625 524 510.

Email: casework@ico.gsi.gov.uk

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed, Bridgend, CF35 5LJ.

Telephone: 0845 6010987 (local rate).

Email: ask@ombudsman-wales.org.uk

Yours sincerely

Jeff Godfrey
Director, Legal Services