

HOUSE OF LORDS
SESSION 2009-10

CANTERBURY CITY COUNCIL BILL

Petition against the Bill – on merits – Praying to be heard by Counsel etc.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of **SIMON JAMES CASEY**

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your Right Honourable House intituled “A Bill to confer powers on Canterbury City Council for the better control of street trading and touting in the city of Canterbury”
2. The Bill is promoted by Canterbury City Council. The Preamble to the Bill recites that, "(1) The city of Canterbury (hereinafter called "the city") is a district under the management and local government of Canterbury City Council (hereinafter called “the council” (2) Certain powers relating to street trading in the borough are exercisable by the council under the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) and for their better enforcement it is expedient to amend that Act in its application to Canterbury and supplement those powers".
3. Your Petitioner petitions against the whole of the Bill and the Preamble now proposed.
4. Your Petitioner is Simon James Casey who lives in Devizes, in the County of Wiltshire and for the last 10 years has been traveling and trading as a pedlar throughout the United Kingdom. To be precise he contends that he is infact a "hawker", under the Section 3 of the Pedlars Acts 1871, but for the sake of clarity will refer to himself as a pedlar henceforth. He uses a small wheeled means of conveyance to display his goods as per *Shepway D.C. v James Vincent, 1994, Q.B.D.* When acting as a pedlar he carries a current Pedlars Certificate granted to him under the Pedlars Act of 1871, travels and trades to various places in the UK under the authority of the Pedlars Act 1881, that he abides by the law and in good faith he carries on the trade of a pedlar under the authority of his Pedlars Certificate.
5. Your Petitioner contends that his rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

6. Clause 2 Interpretation

Your petitioner contends that;

- a) In this Bill there is no definition of the word "*trading*" under *Clause 2* as used under *Clause 5* in application to the city;

"if the trading is carried out only by means of visits from house to house"

Without definition the interpretation of the provision is unclear and he cannot know what are his legitimate lawful rights and ultimately what the term "*trading*" means and how he should go about '*trading*' in specific terms. He thinks that the term "*trading*" in the context of pedlary should be clarified in this clause, because street trading may carry a different interpretation.

- b) In this Bill there is no definition of the expression "*reason to believe*" under *Clause 2*, which under *Clauses 12, 13 and 18* allow an authorised officer, constable or a community support officer to serve upon the person a fixed penalty notice offering him the opportunity of discharging any liability. Without definition this expression is unclear and the powers granted under relevant the provisions are therefore open to abuse, because he may be caught by spurious allegations. He thinks that the expression should be amended to contain a safeguard where the word 'evidence' replaces the words "*reason to believe*".
- c) In this clause the expression "*perishable items*" is defined as "*an item which is of a perishable nature*", but this refers back to the object it is supposed to define, which makes the definition open ended.

7. Clause 3 Application

Your petitioner contends that;

- a) He has not seen the evidence that the council resolution was lawfully passed under Section 3 of the 1982 Act, to allow adoption of the 1982 Act and that the 1982 Act remains in force. In the absence of formal adoption of the 1982 Act this Bill is redundant.
- b) He is concerned that the provisions of this Bill if given Royal Assent could be extended to cover the whole of the city, by council resolution to designate all streets within the jurisdiction, under provisions of the 1982 Act. This may or may not already be a matter of fact, but your petitioner has evidence that this has been the case in other places without further reference to Parliament, which means that he will not be able to act as a pedlar in any streets within the jurisdiction.
- c) In respect of prohibition of pedlary in any street within the jurisdiction this provision imposes a disproportionate restraint on his free access to an economic interest, and therefore it does not strike a fair balance with other traders that have free access to an economic interest in the context of the European Convention of Human rights (ECHR).

8. Clause 4 Provision of services

Your petitioner contends that;

- a) He may be caught by this clause despite trading *"by means of visits from house to house"*, since under *Subsection (2)(a)* the definition of *"street trading"* is limited to;

"the selling or exposing or offering for sale of any article (including a living thing) in a street"

but does not include all the other activities which constitute the more social aspects of pedlary, such as conversation, networking, demonstrating and participating in the cultural life.

As outlined in point 6 above, the Bill does not make clear how he should go about trading *"only by means of visits from house to house"*, but also *Clause 4, Subsection (2)(a)* provides that he will be caught by the Bill if he does not cover his *"articles"*, to stop *"exposing"* them whilst going along a street to other mens houses, but not yet within the confines of those houses.

- b) What would assist him in this respect are two separate definitions, firstly the definition of street trading by a licensed trader and secondly definition of pedlars trading by a certified person.
- c) Without distinguishing the definition of a street trader or street trading and pedlary or pedlary trading, the Bill is confusing and may mislead in such a way that he will not know if his activities are lawful or not.
- d) He was recently involved in considerations with BIS, about the EU Services Directive, which led to the removal of all references to services in the Pedlars Act by the end of 2009, therefore this entire clause titled *"Provision of services"* is now redundant and or in conflict with the Services Directive, since it regulates services.

9. Clause 5 Pedlars

Your petitioner contends that;

- a) The purpose of the Bill is to restrict certain provisions of the Pedlars Act 1871 and Pedlars Act 1881. The definition of a pedlar under Section 3 of the 1871 Act allows him to trade *"town to town or to other mens houses"* and under Section 2 of the Pedlars Act 1881 allows him to trade within any part of the United Kingdom;

"A pedlar's certificate granted under the Pedlars Act 1871, shall during the time for which it continues in force authorise the person to whom it is granted to act as a pedlar within any part of the United Kingdom"

He is concerned that the Bill although stating the exemptions in Schedule 4 of the 1982 Act, conditions and places narrow restrictions on his activities by altering the exemption that he currently enjoys, by inserting the words in *Clause 5*;

"if the trading is carried out only by means of visits from house to house"

The effect of this provision is very confusing, because it is open to interpretation such that in his opinion it has the same meaning as the Pedlars Act, but he has found in other jurisdictions where similar legislation has been introduced, enforcement officers believe that his trading must be exclusively on private premises and at no times should the trading be carried out on the street. He is aware that this issue was resolved in the Bournemouth and Manchester Bills where the OBC found that pedlars may trade only by means of visits from house to house but were not obliged to do so and went on to condition specifically those pedlars not trading house to house, but trading in the street.

He is seeking consistency in legislation and interpretation.

- b) He has read the Durham Report commissioned by BIS to formulate policy in regard to street trading and pedlary, which shows that the issue of house to house trading is a rather controversial subject considering the disdain which the general public have shown towards 'door to door' sellers. It also provided evidence of popular support amongst the general public towards pedlars, especially those interviewed on the streets. The report also gave evidence of the proliferation of voluntary "no cold calling zones" within the UK, which effectively means that the Bill prohibits his activities on the street and may even extend to those places where the Bill permits his activities. He contends that this represents not a limited control but eventually a total prohibition.
- c) He has found that the general public appreciate him whilst trading in the street and not knocking on their doors which for them is a nuisance. The Bill seems to force pedlars onto private property which are places outside of the remit of local authority [under the 1982 Act]. He does not believe, nor has he seen the evidence from the promoters that the general public of the city were consulted regarding the provisions of the Bill. Neither has he seen the evidence from the promoters that as a pedlar he was informed of the Bill as required under standing orders of the House, that the Bill should be published in a local gazette or newspaper prior to being promoted by the council (S.O. 136A HC), nor any other evidence to support the promotion of this Bill.
- d) Whilst he is acting under existing legislation (Pedlars Acts and 1982 Act) the *burden of proof* is with the local authority to show that his activities are such as to take the pedlar outside the definition of a pedlar under Section 3 of the Pedlars Act 1871. Those activities are further defined under numerous examples of documented case law. Under *Clause 5* of this Bill, the pedlar must prove that he was not acting as street trader.
He believes this reverse burden of proof may be insurmountable because of unclear interpretation in the Bill. It is his understanding that the provisions of any clause cannot be interpreted in isolation.
- e) He is not aware of any other legislation, other than this Bill, that imposes a legal duty to have to make visits to other mens houses in order to trade and is cautious of doing so by the fact that he may be caught by other legislation such as under Section 28 of the Town Police Clauses Act 1847.

- f) The preamble to the Bill does not explain why the restriction on pedlars activities are expedient to the better enforcement of the 1982 Act and he sees no legitimate reason for such restriction. The potential impact on his economic interests are considerable. He has reservations about the justification for *Clause 5*, with reference to Article 1 of Protocol No.1 (A1-P1) to the European Convention of Human Rights (ECHR), in respect to the question of whether or not the provisions are proportionate to the legitimate aim pursued, namely the Bill being expedient to better enforcement. Furthermore, he believes that A1-P1 can be found to be engaged and be read in conjunction with Article 14 to the ECHR.
- g) To his knowledge the Joint Committee on Human Rights (JCHR) to date have not made a determination on this issue, save for one example whereby the question of A1-P1 rights were put (Medway), but the JCHR have left this in all cases for determination by the committee and the House on all Bills, past, similar and present, regarding the restriction on pedlars activities. He believes that the JCHR no longer comments on Private Business.
- h) That in these respects he considers that *Clause 5* is wrongly drawn in striking a fair balance of interests and should either be struck out or amended to be consistent with other such Bills.

10. *Clause 6 Seizure*

Your petitioner contends that;

- a) The powers conferred under *Clause 6* on an authorised officer of the council or constable to seize articles, receptacles or equipment in cases where a person is reasonably suspected of committing an offence under paragraph 10 of schedule 4 to the 1982 Act; namely for the purpose as found in the explanatory memorandum and *Subsection (3)(a)*, that the article, receptacle or equipment may be required to be used in evidence in any proceedings in respect of the suspected offence, or in *Subsection (3)(b)* where the items may be the subject of forfeiture by the court under *Clause 9*, engage A1-P1 rights and are disproportionate to the legitimate aim pursued and do not strike a fair balance.
There are alternatives in law allow for the gathering of evidence for use in proceedings in respect of a suspected offence and that this provision conflicts with the Police and Criminal evidence Act 1984 (c_60) and the Police (Property) Act 1897 (c_30).
- b) The expression "*reasonable grounds for suspecting*" has been defined in case law and he may be faced with an insurmountable burden in order to defend himself against any allegation under this provision, which he believes is unfair and engages Article 6 to the ECHR. The alternative that he believes to be proportionate and to strike a fair balance would be to replace the expression with the word 'evidence', but would prefer to see this clause struck off the Bill, because it will lead to him having his livelihood being taken away should be suspected of committing an offence.

11. *Clause 7 Seizure of perishable items*

Your petitioner contends that;

- a) It appears that under *Subsection (4)* when trading in perishable items he may collect those items within 48hrs, whereas when not trading in perishable items he must wait 56 days (*Clause 8*) unless paying the fixed penalty notice (*Clauses 12 and 13*) and therefore this clause engages A1-P1 Rights in conjunction with Article 14 to the ECHR, since it is discriminatory to those pedlars who do not trade in perishable items and who do not enjoy the same protection provided by the provision.
- b) He is unable to identify any stated purpose for this clause and considers it to be either seizure for the purpose of harassment or possibly as per *Subsection 5* to secure the best possible price.
- c) He finds this clause incomprehensible and should be either drawn to be comprehensible or removed.

12. *Clause 8 Return and disposal of seized items*

Your petitioner contends that;

- a) Seized items may be retained under *Clause 8* for a period of up to 56 days, whilst proceedings are being brought against the person and if after this period no proceedings are brought against the person he may claim to have the items returned under *Subsection (3)*. In his opinion this period is excessive, does not appear to pursue a legitimate aim and can conflict with PACE 1984 and engages his A1-P1 rights.
- b) He considers this clause is disproportionate, because he will be unable to trade in any other place during the period of seizure and therefore does not strike a fair balance. The clause should be amended so that the time limit is reduced considerably, but prefers that the items should be recorded by other means for use in evidence in a court of law.

13. *Clause 9 Forfeiture of seized items*

Your petitioner contends that;

- a) That forfeiture of his seized property does not appear to pursue any legitimate aim and he is of the opinion that *Clause 9* of the Bill engages his A1-P1 property rights, because he may wish to trade again elsewhere, which he would not be able to do if the items were to be forfeited. His other concern when reading this clause in conjunction with others in the Bill, is that he may already have had his items seized for a period of upto 56 days, then have proceedings brought against him, if found guilty fined perhaps, and that this clause would add additional unfair punishment.
- b) In this respect he feels the clause is disproportionate and does not strike a fair balance, so would prefer to see this clause struck off the Bill.

14. *Clause 10 Compensation where seizure unlawful*

Your petitioner contends that;

- a) Under *Clause 10, Subsection (2)* the person who has or at the time of seizure had a legal interest in the article, receptacle or equipment seized may recover compensation from the council or (where it is seized by a constable) the chief constable by civil action in the county court in respect of any loss suffered by himself as a result of the seizure, but under *Subsection (3)* the court may only make an order for compensation under *Subsection (2)* if satisfied that seizure was not lawful under *Clause 6* .
- b) *Clause 10* engages Article 6 to the ECHR and that the clause is purely theoretical, but ineffective and illusory in practice. The expression "*reasonable grounds for suspecting*" under *Clause 6* has been defined in case law and the use of the expression provides that he will be faced with an insurmountable burden in order to be granted compensation under this clause of the Bill, by having to prove the his allegation of an offence of unlawful seizure. He is aware of Lord Steryn's ruling that:

"In order to have a reasonable suspicion the constable need not have evidence amounting to a prima facie case "

- c) The potential costs to him bringing a civil action against the council or chief constable is beyond his financial means.
- d) In these respects the notion of compensation is misleading, and the clause imposes a disproportionate burden on him and does not strike a fair balance.

15. *Clause 12 Fixed penalty offences*

Your petitioner contends that;

- a) Penalties for street trading offences are for black and white matters of objective *prima facie* fact which should be supported by evidence, and that in his opinion the use of the term "*reasons to believe*" under *Clause 12, Subsection (1)*, appears not take into account this principle nor make reference to any 'grounds' or 'evidence' required, upon which he argues a reasonable decision could be made in order to determine any relevant offence under the provisions of this clause. Allegations of an offence would therefore be wide open to interpretation by the authorised officer, constable or community support officer (Officers). Nor does he see any provisions by which he could challenge the FPN in a court of law and he would like to see such provisions.
- b) The offences in this Bill, require subjective matters of judgment, and that such matters should be brought before a court for that purpose, and not be dealt with by fixed penalty notices.
- c) Officers cannot be relied upon to use the provisions under *Clause 12*, appropriately or as intended and that under the relevant provisions he would be faced with an insurmountable burden in order to defend himself, should allegations of a relevant offence be made against himself, due to his reasoning in (a) above.

- d) He would prefer to see this clause struck off the Bill for the reasons above, but failing that there should be a definitive list of "*reasons to believe*" and the right to study a detailed training programme for all officers if the clause remains and the ability to challenge the FPN in a court of law.

16. *Clause 13 Fixed penalty notices*

Your petitioner contends that;

- a) Under *Clause 13, Subsection (2)* of the Bill, if he was charged with an offence under *Clause 12*, he could discharge the liability of an alleged offence if he paid the fixed penalty notice before the expiration of 14 days following the date of the notice.
- b) Notwithstanding previous arguments put by the petitioner in relation to *Clauses 8 and 12*, which are to be read in conjunction with *Clause 13* he is faced with a "*Morton's Fork*", a choice between two equally unpleasant alternatives which are;
- i) Pay the fixed penalty notice and have his goods returned to himself if they were seized at the time of the alleged offence or;
- ii) Face having the seized items held for a period of up to 56 days pending proceedings.
- c) In these respects the clauses impose a disproportionate burden on himself and do not strike a fair balance. He believes that these matters should be dealt with by summary conviction and that this clause should be struck off the Bill, but if this is not possible then some form of provisions that would enable him to challenge the FPN in a court of law.

17. *Clause 14 Levels of fixed penalties*

Your petitioner contends that;

- a) Under *Clause 14, Subsections (1) and (2)* of the Bill, the council may set different levels of fixed penalties for different areas in the city and for different cases or classes of case and so he will at all times be faced with an potentially unknown financial burden.
- b) No upper limit is set for fixed penalty notices, so potentially they will be abused and regarded by the council as a revenue with reference to *Clause 16*, despite the provisions under *Clause 15* of the Bill.
- c) In these respects the Bill imposes a disproportionate burden and does not strike a fair balance between his financial interests and those of the council, so would prefer to see the levels fixed within the Bill.

18. **Clause 15 Fixed penalties: reserve powers of Secretary of State**

Your petitioner contends that;

- a) Under *Clause 15, Subsection (1)* where the council set any levels of fixed penalties under *Clause 14, Subsection (1)*, they shall notify the Secretary of State of the levels of fixed penalties so set, but under *Clause 15, Subsection (4)* he notes that if the Secretary of State considers that some or all of them are excessive, he may make regulations setting the levels of fixed penalties.
- b) He is concerned by the use of the word "may" in respect to his interpretation of this word which is; The Secretary of State does not have a statute obligation to make regulations setting the levels of fixed penalty notices, which he considers excessive.
- c) In this respect the clause should be amended so that the Secretary of State is obliged to provide scrutiny of levels of fixed penalties, if fixed penalties are required at all.

19. **Clause 16 Financial Provisions**

Your petitioner contends that;

- a) Under *Clause 16, Subsection (1) and (2)* the council may apply any surplus of their income from enforcement of fixed penalty notices, to purposes connected with the improvement of the amenity of the city or any part of the city;
- b) Such provisions create a financial incentive to fix the levels of fines as high as possible, to issue as many fines as possible within the financial year and could lead to targets having to be met by enforcement officers.
- c) In this respect the clause, imposes a disproportionate burden and does not strike a fair balance between his financial interests and those of the Council, so would prefer to see the clause struck off the Bill.

20. **Clause 17 Provisions of information to authorised officer**

Your petitioner contends that;

- a) He is lawfully bound under the Pedlars Act 1871, Section 17 to produce his certificate to those persons therein named. Failing to do so carries with it an offence to which he is liable to a penalty not exceeding level 1 on the standard scale.
- b) The clause conflicts with his lawful obligations under the Pedlars Act by which his certificate is granted and conditioned, since the clause imposes a fine not exceeding level 5 for the offences listed in *Clause 17, Subsection 2* of the Bill
- c) In this respect there is conflict in legislation and he remains unsure of the consequences, so would prefer to see this clause struck off the Bill or brought into line with a level 1 penalty as per the conditions of his pedlars certificate.

21. *Clause 18 Powers of community support officers*

Your petitioner contends that;

- a) The Bill under the provisions of *Clause 18*, does not confer powers on a community support officer to issue fixed penalty notices under *Clause 12, Subsection 1*, for the offence of illegal street trading under the 1882 Act, due to the following reasons;
- i) The provisions of Part 1 of Schedule 4 to the Police Powers Act 2002 Act (community support officers), do not make reference to the 1982 Act;

Powers to issue fixed penalty notices

1 (1) Where a designation applies this paragraph to any person, that person shall have the powers specified in sub-paragraph (2) in relation to any individual who he has reason to believe has committed a relevant fixed penalty offence at a place within the relevant police area.

(2) Those powers are the following powers so far as exercisable in respect of a relevant fixed penalty offence—

(a) the powers of a constable in uniform and of an authorised constable to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (c. 16) (fixed penalty notices in respect of offences of disorder);

(b) the power of a constable in uniform to give a person a fixed penalty notice under Clause 54 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalty notices) in respect of an offence under Clause 72 of the Highway Act 1835 (c. 50) (riding on a footway) committed by cycling;

(c) the power of an authorised officer of a local authority to give a notice under Clause 4 of the Dogs (Fouling of Land) Act 1996 (c. 20) (fixed penalty notices in respect of dog fouling); and

(d) the power of an authorised officer of a litter authority to give a notice under Clause 88 of the Environmental Protection Act 1990 (c. 43) (fixed penalty notices in respect of litter).

(3) In this paragraph “relevant fixed penalty offence”, in relation to a designated person, means an offence which—

(a) is an offence by reference to which a notice may be given to a person in exercise of any of the powers mentioned in sub-paragraph 1(2)(a) to (d); and

(b) is specified or described in that person’s designation as an offence he has been designated to enforce under this paragraph.

- ii) Nor do they confer such a power under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (c. 16) (fixed penalty notices in respect of offences of disorder) found in 2(a) above.
- b) In these respects the Bill is incompatible with the Police Reform Act 2002 (c_30) and that *Clause 18* and those other clauses it relates to, should be struck off the Bill.

22. Other contentions

Your petitioner contends that;

- a) The promoters in the Unopposed Bill Committee, HC, 8th July 2009 stated in paragraph 86, that;

"A wider margin of appreciation is permitted in cases concerning control, as in this case, than in cases concerning deprivation"

In more recent case law, the European Court of Human Rights does not even mention the wide margin of appreciation of contracting states and simply puts all forms of lawful control of the use of possessions in the general interest also to the fair balance test. The Court has made it clear that these tests in fact apply to all interferences under the scope of A1-P1. A fair balance must be struck between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights i.e. a reasonable relationship of proportionality between the means employed and the aim sought to be realized.

- b) That the Bill effects his rights of and engages other articles of the ECHR, namely Articles 5, 7, 8, 10, and 11.
- c) The promoters of the Bill acknowledge that the main problem reported is the use of "large trolleys", so your petitioner proposes the following;
- i) Based on the findings on the Bournemouth Borough Council Bill and Manchester City Council Bill in the other House, the Select Committee made the following provision
- "a pedlar's goods or tools of handicraft must be carried on foot on the person or in a trolley with a carrying capacity not exceeding one cubic meter which is pushed or pulled by the person"*
- ii) That if such a provision was made in this Bill, he would be satisfied that proportionality and fairness had been balanced to satisfy the legitimate aim pursued by the promoters, in *Clause 5*.
- d) Any clauses found within the Bill to be misleading, conflicting, to impose a disproportionate burden and which do not strike a fair balance, should be struck off the Bill.
- e) The promoters have raised the issue of competition and such can only be considered in the context of lawful or unlawful otherwise a case can be made that licensed street traders should be closed down if found to be selling anything sold in competition with a local shop. All stakeholders under ECHR have equal access to economic benefit and any restrictions on that basis are disproportionate, do not strike a fair balance and he contends are unlawful.
- f) The promoters have raised the issue of fraudulent use of a pedlar's certificate and the difficulties of identifying the person, but there are adequate provisions in existing legislation that can deal with these issues, under PACE 1984.

- g) The promoters have raised the issue of costs and difficulty in enforcement, but enforcement costs are an overhead cost to all local authorities and will not be diminished by the Bill, as the costs of CCTV services and enforcement officer salaries will continue as overhead costs despite the Bill. He has not seen the evidence from the promoters to prove otherwise.
- h) That allegations of unfair trading if used in evidence, represent emotive issues and should not be entertained, the question of fact is lawfulness and that the use of the term "genuine pedlars" which has no ordinary meaning and can only be defined by drawing upon the statute Pedlars Acts and current case law. These suppositions put by the promoters of past and present Bills have been mis-leading.
- i) That he does not understand how the provisions of this Bill will stop "rogue" traders, which he presumes is the problem reported by the city and that adequate provisions in statute law and case law already exist to deal with the problem, if one exists at all. If which he doubts a problem does exist, even with the provisions of this Bill the "rogues" from his experience will continue to trade. Any problems presently complained of in his opinion point to a dereliction of duty under the existing provisions in law to prevent the problem and any argument as to costs of prosecution are not a valid, since he argues that the costs of justice are those costs needed to make that lawful determination of guilt or innocence regarding the persons lawfulness and should not be circumvented by disproportionate restrictions which this Bill imposes on genuine pedlars, rather than justifiable determinations made by the judiciary under the current 1982 Act via summary conviction.

23. In conclusion your petitioner draws to the attention of the committee that BIS will in February conclude an eighteen month consultation with all stakeholders concerning pedlary with a view to formulating national policy as an alternative to adhoc local bills which the government has opposed since they began in 1999. The government seeks consistency in legislation and your petitioner contends that all these private bills have the same purpose and are better resolved at national level so that a national pedlars certificate operates under a single regime.

24. The Preamble to the Bill, in so far as it relates to the matters aforesaid, is untrue and incapable of proof.

YOUR PETITIONER therefore humbly prays to Your Honourable House that the Bill may not pass into law as it now stands and that he may be heard by himself, his Counsel or Agent against the Preamble of the Bill and if the same do pass against all the clauses and provisions in the Bill which relate to or affect his property rights and interests and in support of other clauses and provisions for the protection and benefit of your Petitioner and his property rights and interests and that he may have such other relief Your Honourable House may deem meet.

AND your Petitioner will ever pray, etc.

Signed:.....
 The Petitioner: SIMON JAMES CASEY

20 JANUARY 2010