

Dear DVLA,

I have just renewed my vehicle 'tax' online.

The foot of the last page provided a 'link' (the email address used here) for feedback

Will you please not provide my personal details (address etc) to delinquent car park companies

Sincerely

Paul Turner

Dear Ms Chapple and Mr Watts (DVLA),

Thanks for the email and the enclosed letter.

I must repeat: these companies are committing an offence under the Administration of Justice Act 1970 in their notices and letters by stating or implying that they have powers to enforce charges. They have no such powers! In the latest letter attached to your email, DVLA has also fallen under this spell by stating: "It is accepted that private car parking management companies use debt recovery agencies to recover unpaid parking charges". Debt recovery agents have no powers to recover debts other than through threats and intimidation. A civil debt can only be recovered through the courts.

So, was the statement above just a misstatement or has DVLA been operating under this misapprehension? This is an important point because, as debt recovery agents assigned by a car parking company (or others) have no powers other than threat and intimidation, DVLA appears to be acknowledging that this (threat and intimidation) is an accepted consequence of the supply of an individual's data.

Sincerely

Paul Turner

Driver and Vehicle Licensing Agency

Corporate Affairs Directorate

D16

DVLA

Longview Road

Swansea

SA6 7JL

Our Ref ACTS 71237

Date: 2 April 2013

Dear Mr Turner,

Thank you for your email of 15 March with enclosures, in response to my email of 13 March. I have noted your further comments.

I should reiterate that DVLA does not have the remit to regulate any aspect of a company's business. Information from the vehicle record is released on the basis that reasonable cause has been demonstrated. The regulations do not require the DVLA to ascertain the liability of the motorist. Keeper information is released for the company to contact the keeper to inform them of the alleged contravention and to resolve disputes where there are mitigating circumstances.

It is not a matter for the DVLA to decide on the merits of individual cases or to arbitrate in civil disputes between the motorist and the private car park management company. Issues relating to the wording on signage and parking charge notices and the scale of the charges are for the BPA to consider. These matters are covered in the Approved Operator Scheme (AOS) code of practice.

The BPA monitors compliance of AOS and if a company fails to adhere to it can be expelled meaning no further data will be provided to it by DVLA. If you feel that APCOA and Civil Enforcement are contravening the code of practice you should contact the BPA at Stuart House, 41-43 Perrymount Road, Haywards Heath RH16 3BN with your grievance.

All companies that request data from DVLA must be registered with the Information Commissioner's Office (ICO). It is accepted that private car parking management companies use debt recovery agencies to recover unpaid parking charges. Ultimately the car parking management company is responsible for the information released and to ensure it meets its obligations under the DPA. The DVLA would be concerned if the data were to be used for a purpose other than that it was requested for. All complaints of alleged data protection breaches are investigated and any evidence of abuse is referred to the Information Commissioner's Office.

The Agency does not run checks on individuals involved in private car parking management companies. The fitness of individuals to hold company directorships is a matter for the appropriate authority and it would not be appropriate for DVLA to impose more stringent requirements on individuals wishing to operate in the parking management sector than any other.

I hope this explains the Agency's position.

Yours sincerely
Kevin Watts
Corporate Affairs Directorate

Dear Ms Chapple and Mr Watts (DVLA),

(Mr Gray, as requested in your letter of 28th February, I have included DVLA's response to my initial email as an attachment)

Thanks for the email and the attachment responding to my email to your CEO, however, I am far from happy with the response.

You say "Membership of an ATA ensures that those who get access to data are legitimate companies that operate within a code of practice" and "The information provided to the

private car park enforcement company is passed to the debt recovery agent to initiate civil proceedings".

Two things regarding the above: firstly you have used the words "car park enforcement", however as I stated in my email, APCOA uses the words ENFORCEMENT CHARGE and Civil Enforcement states FAILURE TO PAY ... DEBT RECOVERY AGENCY which both imply that they have powers to enforce **charges**. Private companies have no powers to enforce charges and by stating such in their documentation are committing an offence (Administration of Justice Act 1970, Section 40 (1) (c)). This was the crux of my email which point you have failed to address. Secondly, whilst you have used the artifice of the self-regulated "Accredited Trade Association" for parking companies, to what accredited trade association do "debt recovery agents" belong and to which "code of practice" do they subscribe?

I am disappointed that you have provided a 'stock' response similar to that used to the BBC Watchdog programme in March 2012 regarding the 'rogue' car park company, Observices Ltd, operating a Wolverhampton car park. You use the phrase 'legitimate companies operating within a code of practice'. I have attached a photo of Civil Enforcement's car park notice which states that 'a charge of £150 will be levied': this is in breach of BPA's Code of Practice, para 19.5 which states "If the parking charge that the driver is being asked to pay is for breach of contract or act of trespass, this charge must be based on the genuine pre-estimate of loss that you suffer. We would not expect this amount to be more than £100. If the charge is more than this, operators must be able to justify the amount in advance." How the company would be able to do this is anybody's guess but in any case, a £150 fine for a 30-minute overstay in an empty car park is indicative, not of a "legitimate company operating within a code of practice" but, like Observices Ltd, a delinquent company operating outside it.

Now, let me turn to your "robust safeguards and procedures to protect vehicle keeper data", this afternoon I spent a couple of hours researching Civil Enforcement Ltd on the Web. My investigations revealed the following:

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The directors of Civil Enforcement may be found here: <https://www.duedil.com/company/05645677/civil-enforcement-ltd/people>

You may see that the 'director' of this company is another company, 'Qa Nominees Ltd' which is a company holding corporate directorships (about 27,000 open, retired and closed directorships). Similarly, other members of the board are also companies holding thousands, or tens of thousands of directorships in some state or other. There is only one real person on the board at present, Mr Willem Marthinus de Beer, who 'took over', in mid-February 2013, from Mr Andrew Moray Stuart. Mr de Beer also took on another 30 directorships at the same time as that of Civil Enforcement Ltd. Mr Moray Stuart, who was a director for some years, is being investigated about his involvement in the laundering of fraudulent gains of Russian criminals. This Daily Telegraph article explains:

<http://www.telegraph.co.uk/finance/financial-crime/9250813/British-aristocrat-linked-to-Sergei-Magnitsky-case.html>

A small extract from the above article follows: "Andrew Moray Stuart, heir to the Viscountcy of Stuart of Findhorn, has been named alongside other Britons in a legal complaint filed with the City of London police and the Serious Organised Crime Agency (SOCA). Mr Stuart, who lives in Mauritius and Dubai but is named as a director of more than 500 UK companies, is alleged to have transferred about \$1.4m through a British Virgin Islands' shell operation on behalf of Vladlen Stepanov, the husband of a senior tax official at the centre of the alleged fraud."

Mr Moray Stuart was also named in the Guardian article "Offshore secrets: how many companies do 'sham directors' control?", here:

<http://www.guardian.co.uk/uk/datablog/2012/nov/26/offshore-secrets-companies-sham-directors>

You will see that Mr Moray Stuart, at the time of writing, held 'sham' directorships in 297 companies. The following sites list, in different form, the directorships held by Mr Moray Stuart, three of which (at least) are obviously car park companies:

<http://www.companiesintheuk.co.uk/find?t=PersonSearch&q=%22MR+ANDREW+MORAY+STUART%22+OR+%22RT+HON+ANDREW+MORAY+STUART%22+OR+%22RT+HON+ANDREW+MORAY+STUART%22+OR+%22ANDREW+STUART%22>

<https://www.duedil.com/director/917569317/andrew-moray-stuart>

The first of the above is the easier to read.

Qa Nominees Ltd has five active directors who, between them, have held about 14,000 directorships in various companies - see:

<https://www.duedil.com/company/03673065/qa-nominees-limited/people>

There are also many 'retired' directors, some of 'whom' are companies (Lufmer Ltd, Semken Ltd).

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This enigmatic, impenetrable can of worms has all the hallmarks of some gigantic scam, involving money laundering and fraud (as per the investigation into Mr Stuart) and/or tax evasion (Civil Enforcement Ltd paid just £2,000 in tax in 2011; estimated turnover this year is £1.367 million). I have no intention of lending legitimacy to such delinquent organisations by corresponding with Civil Enforcement Ltd or with the British Parking Association, never mind paying CE's outrageous 'fine'.

I suggest that your procedures are far from "robust" in that you have supplied my data to a company that, it appears, is involved in organised crime. My short investigation reveals, no

doubt, just the tip of the iceberg. I have reported these findings to the Intelligence & Enforcement Directorate (IED), which is, strangely enough, an arm of the Government's Insolvency Service. The IED is considering my "complaint" and will then decide whether to carry out a formal investigation

Yours sincerely

Paul Turner

Dear Paul Turner,

RE: Civil Enforcement Ltd

OUR REF: PV / 0746 / 2013

Thank you for your complaint dated 15 March 2013.

We will be considering your complaint and will then decide whether to carry out a formal investigation. As part of that consideration we may contact you to seek more information.

If you are complaining about a company which is subject to formal insolvency proceedings – that is, administrative receivership, administration or creditors voluntary liquidation – you may, separately, wish to consider bringing your complaint to the attention of the responsible Insolvency Practitioner(s).

For the investigative process to be effective it is essential to maintain confidentiality at all stages, and therefore we cannot advise you of the outcome of your complaint. The commercial sensitivity surrounding inquiries by this department into trading companies means that we must be extremely careful not to prejudice a business by revealing in advance what action, if any, we propose to take in response to any complaint that we receive.

It is also often the case that the most appropriate authority to approach in the first instance is the local trading standards office, and you may wish to consider doing that if you have not already done so.

One possible outcome of our investigations is that the company complained about may be wound up by the court on the petition of this department. In that event there is quite often some publicity surrounding the matter, particularly in the local area.

You can review our guidance online at:

<http://www.bis.gov.uk/insolvency/Companies/company-investigation/how-do-i-complain-about-a-company>

Thank you for bringing this matter to our attention.

Yours sincerely

V.Chiacchia

Intelligence Targeting (Live)
Intelligence & Enforcement Directorate

Dear Insolvency/Intelligence,

I followed the link given by Companies House below and arrived with you.

The company or companies that, I believe, require investigating are detailed in my email below (to Companies House).

DVLA states that its procedures are "robust" in releasing drivers' details to private companies yet here we have a company, to whom DVLA has released my details, whose only director (who is a person not a company) is being investigated by SOCA and the Metropolitan Police for "the laundering of fraudulent gains of Russian criminals". As indicated in the email, this director has recently left this post and been replaced by Mr de Beer who also took on another 30 directorships alongside that of Civil Enforcement Ltd.

I smell lots of rats!

Yours as below

Paul Turner

Dear Paul,

Thank you for your email.

Please note that we cannot assist with any issues that do not involve forms filed at Companies House.

If your complaint involves the conduct of a company or its officers, for example:

If you believe that a company or office of the company is acting in a fraudulent manner

You should contact Companies Investigation Branch (CIB). Details of how to make a complaint to them can be obtained by contacting them on 0207 5966100 or visiting their website

<http://www.bis.gov.uk/insolvency/companies/company-investigations>

Yours faithfully,
Gareth Ware
Companies House Contact Centre
enquiries@companies-house.gov.uk

From: "Paul Turner" [wirepuller@hotmail.com]
Sent: 14 March 2013
Subject: Company Enquiry

Sir/Madam,

I guess that you have better things to do than answer investigative enquiries from the public (even if you are allowed to do this), however ...

I am making enquiries about, what appears to be a 'rogue' company and would just like to make some generic enquiries about the type of activity in which it appears to be involved.

The company name is 'Civil Enforcement Ltd' and you may find details of its directorships here:

<https://www.duedil.com/company/05645677/civil-enforcement-ltd/people>

You may see that the 'director' of this company is another company, 'Qa Nominees Ltd' which is a company holding corporate directorships (about 27,000 open, retired and closed directorships). Similarly, other members of the board are also companies holding thousands, or tens of thousands of directorships in some state or other. There is only one real person on the board at present, Mr Willem Marthinus de Beer, who 'took over', in mid-February 2013, from Mr Andrew Moray Stuart. Mr de Beer also took on another 30 directorships at the same time as that of Civil Enforcement Ltd. Mr Moray Stuart, it appears, is being investigated about his involvement in the laundering of fraudulent gains of Russian criminals. This Daily Telegraph explains:

<http://www.telegraph.co.uk/finance/financial-crime/9250813/British-aristocrat-linked-to-Sergei-Magnitsky-case.html>

A small extract from the above article follows: "Andrew Moray Stuart, heir to the Viscountcy of Stuart of Findhorn, has been named alongside other Britons in a legal complaint filed with the City of London police and the Serious Organised Crime Agency (SOCA). Mr Stuart, who lives in Mauritius and Dubai but is named as a director of more than 500 UK companies, is alleged to have transferred about \$1.4m through a British Virgin Islands' shell operation on behalf of Vladlen Stepanov, the husband of a senior tax official at the centre of the alleged fraud."

Qa Nominees Ltd has five active directors who, between them, have held about 14,000 directorships in various companies - see:

<https://www.duedil.com/company/03673065/qa-nominees-limited/people>

There are also many 'retired' directors, some of 'whom' are companies (Lufmer Ltd, Semken Ltd).

So, do you have any idea what is going on here? This enigmatic, impenetrable can of worms has all the hallmarks of some gigantic scam, involving money laundering and fraud (as per the investigation into Mr Stuart) and/or tax evasion (the company paid just £2,000 in tax in 2011; estimated turnover this year is £1.367 million).

Yours sincerely

Paul Turner

Dear Mr Turner

I should explain that no government official and/or civil servant may provide legal advice to members of the public. To do otherwise would contravene the fundamental principles of independence and impartiality. For these reasons I am unable to transfer your email to a legal team.

Regards

HM Courts & Tribunals Service - Complaints, Correspondence & Litigation Team

1st Floor, 102 Petty France, London SW1H 9AJ | DX 152380 Westminster 8

Dear Mr/Mrs/Ms Eddie,

Thanks for the response.

I must admit I am astonished by your statement, "no civil servant or government official is legally trained" as, just through a quick search of the Ministry of Justice website, I have found the webpage of the 'Official Solicitor and Trustee' (<http://www.justice.gov.uk/about/ospt>) which states, "There are around 135 staff, all of whom are civil servants. **22 are lawyers** with the remaining staff specialising in particular areas of the work. About 40 of the staff are caseworkers, all of whom have access to in-house legal advice where appropriate, and some of whom have the conduct of cases under the direct supervision of the lawyers". I have not bothered to probe further but whither your 'not legally trained'!

Could I suggest that if my question falls outside your remit, you forward it to a 'legally trained' member of staff in an appropriate department. If, as you assert, no one in government is legally trained, then I could not imagine that anyone in the CAB would be, so why would you suggest this route?

Sincerely

Paul Turner

Dear Mr Turner

Thank you for your email which has been forwarded to this division for review.

I understand that you wish to have confirm that private car parks have no powers of enforcement and have to go through civil courts to formally enforce, under the administration of Justice Act 1970. I must inform you that no civil servant or government official is legally trained and so I am unable to provide you with the information you have requested.

This team deals with maladministration in Her Majesty's Courts and Tribunals Service. Given that the matters you raise fall outside of my remit I can only suggest that you may wish to seek an

independent legal opinion on how best to proceed with these matters. The Citizen's Advice Bureau offer a free of charge, impartial service which you may find of assistance.

I do regret I could not be of greater help at this time.

Kind regards,

K Eddie | HM Courts & Tribunals Service - Complaints, Correspondence & Litigation Team

1.10, 1st Floor, 102 Petty France, London SW1H 9AJ | DX 152380 Westminster 8

Dear MoJ,

I have asked DVLA, on two occasions, and Stephen Hammond, the Transport PUS, to provide an answer to the following assertion. Whilst having responded, both have avoided giving an answer which leads me to believe that my assertion is correct. However, perhaps I am not directing my assertion to the appropriate organisation.

The assertion is the following. "That private parking companies are using false statements, threat and coercion in order to obtain money and are, through their parking documentation, contravening the law as defined in The Administration of Justice Act, 1970."

Two companies which manage local car parks use the word "enforcement" in their notices. The first, APCOA, uses the following (capitalization as used in the notices): "YOU ARE THEREFORE REQUIRED TO PAY AN ENFORCEMENT CHARGE" and "A DISCOUNTED ENFORCEMENT CHARGE". The second, Civil Enforcement Ltd (CE), uses "PARKING ENFORCEMENT NOTICE". Furthermore, CE uses the following threats: "FAILURE TO PAY THE AMOUNT WITHIN 28 DAYS MAY RESULT IN CIVIL ENFORCEMENT LTD FORWARDING YOUR ACCOUNT TO A DEBT RECOVERY AGENCY" and "YOUR ABILITY TO OBTAIN CREDIT IN THE FUTURE COULD BE AFFECTED".

The Administration of Justice Act 1970 - Section 40 provides that a person commits an offence if, with the object of coercing another person to pay money claimed from the other as a debt due under contract, he or she:

1. harasses the other with demands for payment which by their frequency, or the manner or occasion of their making, or any **accompanying threat** or publicity are calculated **to subject him** or his family or household **to alarm**, distress or humiliation;
2. falsely represents, in relation to the money claimed, that criminal proceedings lie for failure to pay it;
3. **falsely represent themselves to be authorised in some official capacity to claim or enforce payment.**

As far as I am aware, these companies have no powers of enforcement and neither do their "debt recovery agencies". Parking charges on private property can only be enforced through the (civil) courts. They are therefore committing an offence under the Act. Furthermore, another offence is committed by CE with their threats of "debt recovery agencies" and "ability to obtain credit could be affected".

Could you please confirm that my assertion is correct.

Yours sincerely

Paul Turner

Driver and Vehicle Licensing

Agency

Corporate Affairs Directorate
D16
DVLA
Longview Road
Swansea
SA6 7JL

Dear Mr Turner

Thank you for your email of 28 February to Simon Tse, about the release of vehicle keeper information to private car parking management companies. It has been passed to me to reply because of my particular responsibility for policy matters relating to the disclosure of data from the Driver and Vehicle Licensing Agency (DVLA) vehicle records.

I would like to assure you that the DVLA takes the protection and security of its data very seriously. Procedures are in place to ensure that data is disclosed only where it is lawful and fair to do so and where the provisions of the Data Protection Act (DPA) are met. Information about a registered keeper can be released under Regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002 to those with reasonable cause to require it.

Parking schemes managed by landowners or their agents on private land operate on the basis of contract law. A motorist who parks does so subject to the terms and conditions usually set out on signage displayed in the car park. It is considered reasonable for businesses and landowners to seek redress if vehicles have been parked in breach of the conditions applying or without paying the relevant charges for parking on private land. Data is provided by the DVLA to enable landowners or their agents to pursue their legal rights and to resolve disputes. I hope you will appreciate that if this were not the case motorists would be able to park with disregard for the law or the rights of the landowner without fear of being held to account for their actions.

The DVLA cannot regulate the manner in which a parking management company is operated. However, it has robust safeguards and procedures in place to protect vehicle keeper data. Vehicle keeper information is disclosed to private parking management companies only if they are members of an Accredited Trade Association (ATA) and adhere to its code of practice. The British Parking Association (BPA) is the relevant ATA for the parking industry. Its code of practice is published at www.britishparking.co.uk under the heading "Approved Operators Scheme".

DVLA accredits a trade association to promote self-regulation within an industry and ensure that its members treat consumers fairly, particularly in the use of DVLA data. Membership of an ATA ensures that those who get access to data are legitimate companies that operate within a code of practice. The code of practice promotes fair treatment of the motorist and ensures that there is a clear set of standards for operators covering, among other things, signage, appeals processes, and methods of contacting drivers. If you feel that any of the practices employed by private car parking management companies contravene the code of practice you may wish to contact the BPA at Stuart House, 41-43 Perrymount Road, Haywards Heath, RH16 3BN.

To help further towards the protection of consumers, the parking sector has established an independent appeals service, whose decisions are binding on the industry. It came into force on 1st October 2012, and covers all tickets issued on private land by members of the BPA's Approved Operator Scheme. The introduction of this service is expected to help drive up standards in the parking industry, so that it delivers parking arrangements that are fair and equitable to motorists and landowners alike. This service is known as Parking on Private Land Appeals (POPLA).

Car parking companies receive vehicle keeper data on the condition that it will only be used in connection with the identification of a driver for an alleged parking contravention. The DVLA accepts that some companies use debt recovery agencies to recover unpaid parking charge notices. The information provided to the private car park enforcement company is passed to the debt recovery agent to initiate civil proceedings.

DVLA would not be able to justify withholding personal information from third parties able to demonstrate reasonable cause without evidence that such disclosure would cause unwarranted and substantial distress or damage. No vehicles are exempt from disclosure under the provisions of these Regulations. Whilst DVLA recognises the rights of an individual to object to their data being processed it has to meet its legal obligations to release data to those who have a legal right in law to receive it.

It may also be helpful to explain that the fees charged by the DVLA are set to recover the administrative costs associated with providing the data so that these costs are met by the users of the data and not passed on to the taxpayer.

I hope this explains the Agency's position on this matter.

Yours sincerely
Kevin Watts
Corporate Affairs Directorate

Nick,

I do not and did not request advice from CAB in the letter or the email.

The purpose of the letter and email with regard to CAB is to make you (CAB) aware of, what I consider to be, the legal situation with regard to civil enforcement notices and to keep CAB abreast of information received from DVLA and Parliament.

I am surprised that, given your role (CAB and its CEO), you did not appreciate that.

Sincerely

Paul Turner

From: nick.bussey@citizensadvice.org.uk
To: wirepuller@hotmail.com
CC: Sebastian.Hribar@citizensadvice.org.uk

Subject: FW: 2013-02-28 P Turner

Date: Thu, 28 Feb 2013 12:35:18 +0000

Dear Mr Turner

Following your email to the Chief Executive, I am writing to let you know that Citizens Advice do not provide advice to the public, we are a member organisation and the advice is provided by local CAB. Looking at your contact information you could go to Wiltshire CAB or Bath, I'm unsure which is nearer so I have provided both addresses below.

Wiltshire West CAB

1 Mill Street

TROWBRIDGE

Wiltshire

BA14 8BE

Drivers Customer Services

Correspondence Team

DVLA

Swansea SA6 7JL

(Also sent by email to DVLA CEO: simon.tse@dvla.gsi.gov.uk)

Dear Sir,

Why is DVLA providing (or more likely selling) my personal data (name and address) to companies which, as far as I can ascertain, are using intimidation and coercion in order to obtain money and are, through their parking documentation, contravening the law as defined in The Administration of Justice Act, 1970?

Both companies to whom you have provided my data use the word "enforcement" in their notices. The first, APCOA, uses the following (capitalization as used in the notices): "YOU ARE THEREFORE REQUIRED TO PAY AN ENFORCEMENT CHARGE" and "A DISCOUNTED ENFORCEMENT CHARGE". The second, Civil Enforcement Ltd, uses "PARKING ENFORCEMENT NOTICE" and "FAILURE TO PAY THE AMOUNT WITHIN 28 DAYS MAY RESULT IN CIVIL ENFORCEMENT LTD FORWARDING YOUR ACCOUNT TO A DEBT RECOVERY AGENCY".

These companies have no powers of enforcement. The Administration of Justice Act 1970 - Section 40 provides that a person commits an offence if, with the object of coercing another person to pay money claimed from the other as a debt due under contract, he or she:

1. harasses the other with demands for payment which by their frequency, or the manner or occasion of their making, or any accompanying threat or publicity are calculated to subject him or his family or household to alarm, distress or humiliation;
2. falsely represents, in relation to the money claimed, that criminal proceedings lie for failure to pay it;

3. falsely represent themselves to be authorised in some official capacity to claim or enforce payment.

As far as I am aware, payment of 'civil parking notices' can only be enforced through court action. So, through item 3 above, these companies are committing an offence in which DVLA appears to be complicit.

Also, whilst the companies have somehow been 'authorized' to obtain data from DVLA, I would imagine that they (the companies) have no mandate (ref data protection legislation) to pass the received data to third parties (their aforementioned 'debt recovery agency').

Could I therefore request that:

- a. DVLA desists in supplying my personal data (and, of course, responds to this letter)
- b. Mr Gray passes this letter to the appropriate Government department for their views

I will keep CAB advised of responses.

Yours sincerely

Paul Turner