

PUBLIC

DISPUTE PROCESS

STEP BY STEP GUIDE TO
TRANSPARENCY & ACCOUNTABILITY
IN COURTS

PUBLIC AUDIT ^{v1}





WHAT IS THE PUBLIC AUDIT?

Our courts are nothing other than a public venue for settling a dispute. They have clearly defined rules and procedures which they are bound to follow. If a court is not following their own rules, then it is acting unlawfully which should be exposed and held accountable by the public. We believe that the courts are fairly and correctly organised, it is simply a case of making sure that they follow their own rules by which they are obliged to operate.

We have built a public audit of the courts into this process such that if you are required to attend court to settle the council tax dispute that you have in hand a very simple list of procedures that you can easily understand and follow in ensuring that the court is acting appropriately. After all, your dispute with the council tax is simply asking the council to produce the evidence as to your obligation to pay. The court should, if it is acting correctly require that the council do as they are obligated by their own legislation to do.

If you have in front of you a simple series of checks you will be in a position to ensure that the court is acting correctly and, more powerfully, reminding the court of their obligations to act in accordance with their own rules. By having the guidance of a public audit sheet upon which you can rely then you will be forcing the court to be both transparent and accountable to their rules, you are forcing them to do their job correctly. If the court is not acting as it should then your record becomes that record of evidence by which you can expose the misuse of power in our magistrates.

TRANSPARENCY & ACCOUNTABILITY

We must now have full accountability and transparency in our Councils and more importantly in our Courts by putting pressure on them in the correct manor. They must do their jobs properly.



PUBLIC AUDITOR WAIST COAT & CLIP BOARD KIT

The Public Audit kit.

You should wear this just before you go into the court room itself. Make sure you have your Public Audit sheet on your clip board. ready.

The court's employees do not have authority to tell you what you can o cannot wear, this would be discrimination under the Equalities Act 2010.



CLICK HERE TO ORDER THE KIT



HIERARCHY OF LAW

As no one has the lawful right to cause another harm (breach of peace - The Justice of the Peace Act 1361^[1]; R v Howell[1982] ^[2];R (Laporte) v Chief Constable of Gloucestershire [2006] UKHL 55^[3]), duties, rights and obligations can only be created by a meeting of the minds (full understanding of terms and conditions) followed by consent (agreement by ones freewill without mental or physical coercion) to those respective duties, rights and obligations.

An Act of Parliament is a common law contract between the advising and consenting parties (Monarch, Lords Spiritual - Church of England, Lords Temporal - House of Lords, and the Commons - MP's).

Admittedly the MP's have the final say, but do they have your consent? This is an impossibility as it only takes a majority of the voters (not majority of the population within any constituency!), and even then only could be construed to be restricted consent to the 'manifesto'.

However to do business in the House, they breach that possible contract and change allegiance to the Monarch, but also according to law^[4].

The Coronation Oath Act 1688^[5] expresses governance as :

“Will You solemnly Promise and Swear to Govern the People of this Kingdome of England and the Dominions thereto belonging according to the Statutes in Parlyament Agreed on and the Laws and Customs of the same [the peoples]?”

Thereby it is admitted that statutes (today known as legislation), law and customs are 3 distinct restrictions on the authority of HM Government and its agents.

Parliament Assembled agrees on the statutes it will use to govern the people according to the peoples laws and customs is the only way this can be interpreted, and this is admitted in the current Monarch oath which expresses ^[6].

‘...govern the peoples of... according to their respective laws and customs...’



Parliament Assembled create **Statute Law** (administrative law) to govern us, the people according to **our respective laws and customs**.

That Parliament Assembled cannot create duties, rights and obligations on the people is further admitted in the constituting authority of those still governing today, the Bill of Rights 1688 ^[7] which expresses:

*‘... that **noe** Declarations Judgements Doeings or Proceedings to the **Prejudice of the People** in any of the said Premisses ought in any wise to be drawne hereafter into Consequence or Example...’* **[THEREFORE ACTS OF PARLIAMENT ARE MERELY ADMINISTRATIVE LAW TO UPHOLD THE DUTIES AND OBLIGATIONS CREATED BY THE SELF PROCLAIMED AUTHORITY TO GOVERN]**

*‘... doe pray that it may be declared and enacted That all and singular the Rights and Liberties asserted and claimed in the said Declaration are the true auntient and **indubitable Rights and Liberties of the People** [PUTTING THIS ABOVE THE AUTHORITY OF THOSE GOVERNING AND IS NOT UP FOR DEBATE] of this Kingdome and...’*

*‘... soe shall be esteemed allowed **adjudged deemed and taken** [NO COURT CAN OVER RULE THIS] to be and that all and every the particulars aforesaid shall be **firmly and strictly holden and observed as they are expressed in the said Declaration...**’*

“...and observed as they are expressed in the said Declaration And all Officers and Ministers whatsoever shall serve their Majestyes and their Successors according to the same in all times to come...” **[FOR ALL TIMES UNTIL THE PEOPLE LAWFULLY CHANGE IT]**

So from this there can be no dispute (as Judicial Notice can be taken as this is Primary legislation), affirming Acts of Parliament are subject to the peoples laws and customs!



SO WHERE ARE PEOPLES LAWS CREATED?

The people create their respective duties, rights and obligations by contract. That is what they must govern us by!!!

The contract can be written or unwritten, and in any event as people have different socially conditioned belief systems they still can have differing expectations which can result in dispute (breaching the individuals and the people's peace).

If this cannot be settled in private between the disputing parties, then the public must settle it, otherwise the breach of the peace will continue.

The second promise in the Oath Act 1688 creates an independent judiciary for the public dispute resolution system which expresses:

Will You to Your power cause Law and Justice in Mercy to be Executed in all Your Judgements.

This then creates public law, known as common law where principles of law create precedence applicable to all the people, and the settlement (judgement) is by order of the court to resolve the duties, rights and obligations between the disputing parties.

This is affirmed on legislation.gov.uk, Understanding Legislation, under the sub heading Case Law ^[8] which expresses:

“Case law is the set of rulings from court judgements that set precedents for how the law [fraudulent misrepresentation, should read ‘legislation’] has been interpreted and applied in certain cases. Case law is not held on legislation.gov.uk.”



AFFIRMING COMMON LAW PRECEDENCE STANDS ABOVE ANY AND ALL LEGISLATION.

If a precedence is not fair and just, then under the rules of equity we argue lawful excuse from existing common law precedence as was settled in the **Earl of Oxford's Case (1615)** – A complex case that involved around the conflict of ownership of real estate between the Earl of Oxford and Magdalene College's Master.

The result of that case was a stand-off between Chief Justice Coke (the supreme authority of the common law) and Lord Chancellor Ellesmere (supreme authority of the court of Chancery) – as the latter forbade the execution of judgement obtained in the common law court.

The dispute between these two judges was submitted to King James I who upheld the injunction against the common law court and decreed the following: above any and all legislation.

“If there is a conflict between the common law and equity, equity shall prevail”

This common law precedence is legally affirmed in §49 of the Senior Courts Act 1981 ^[9] where in the event of a conflict with the common law the rules of equity prevail, and it is an obligation of every court to apply the rules of equity to prevent a multiplicity of suites (so that the wheel is not reinvented in each case) and provide as complete (fair and just) a settlement as possible!



AFFIRMING THE RULES OF EQUITY STANDS ABOVE COMMON LAW.

The rules of equity are our best expression of natural law as it pertains to human behaviour, where anything that is unconscionable (going against the conscience which determines right from wrong (harm)) is unlawful, simply summed up as follows:

- Honour - my word is my bond, I walk my talk, and
- Good faith - I do not put my self interest above that of any other, and
- Clean hands - all my dealings are open and transparent.

Simply natural law in respect of human behaviour is once someone stands on their rights if they are unopposed (thereby creating oxymoron's such as implied / assumed / presumed contract or consent) then they get their way... **hence those who do not stand on their rights have none!!!**

This was recently affirmed in the **unanimous 11 Justice UK Supreme Court ruling** in R (Miller) v The Prime Minister and Cherry v Advocate General for Scotland [2019] UKSC 41^[10] that:

governance has been subject to 'THE LAW OF THE LAND' for centuries where:

"... the limits of prerogative powers [the source of authority to govern] were set by law and were determined by the courts."

and

"... are responsible to a court of justice for the lawfulness of what they do, and of that the court is the only judge."

The authority of HM Government and its agents are subject to, and restricted by, the will of Parliament Assembled as expressed in Acts of Parliament where HM Government and its agents

"

are accountable to Parliament for what they do so far as regards efficiency and policy, and of that Parliament is the only judge; ..."

and

"... the courts have exercised a supervisory jurisdiction over the decisions of the executive for centuries."



So in regards supremacy it ranks as follows: :

1. Natural law by whatever name, then
2. The rules of equity, then
3. Common law, then
4. Primary legislation, then
5. Secondary Legislation...

'No man can use their inequity as a defence, any more than a cause of action'
Montefori v Montefori 1762 ^[11].

For any command to have the force of law a it must meet the following three tests ^[12]:

- **Legitimate aim:** : The cause must be shown to exist (law does not deal with fiction) and have a good reason (be to the benefit of all), and
- **Rational:** : The considered options and chosen action must be rational and meet the legitimate aim.
- **Reasonable and proportionate:** : The chosen action must be the least imposing upon another's rights.

Failure to do so is specifically to control the madness of crowds which are based upon dogmatic beliefs where Lord Diplock said that a decision would be 'IRRATIONAL—AND SO UNLAWFUL' ^[13] if it were:

“so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.”

[1] <https://www.legislation.gov.uk/aep/Edw3/34/1>

[2] http://www.hrcr.org/safrica/arrested_rights/Regina_Howell.htm

[3] <https://www.gardencourtchambers.co.uk/wp-content/uploads/2016/06/RLaportev-Chief-Constable-of-Gloucestershire-2007-2-AC-105.pdf>

[4] <https://guidetoprocedure.parliament.uk/articles/O47Y2QFA/text-of-theoathandaffirmation>

[5] <https://www.legislation.gov.uk/aep/WillandMar/1/6>

[6] <https://www.royal.uk/coronation-oath-2-june-1953>

[7] <https://www.legislation.gov.uk/aep/WillandMarSess2/1/2/contents>

[8] <https://www.legislation.gov.uk/understanding-legislation#Howlegislationworks>

[9] <https://www.legislation.gov.uk/ukpga/1981/54/part/II/chapter/n4/crossheading/law-and-equity>

[10] <https://www.supremecourt.uk/cases/docs/uksc-2019-0192-judgment.pdf>

[11] https://ssudl.solent.ac.uk/id/eprint/1313/1/2007_11_1&2.pdf

[12] https://www.bailii.org/scot/cases/ScotCS/2021/2021_CSOH_32.html

[13] <https://www.bailii.org/uk/cases/UKHL/1984/9.html>



DUTIES RIGHTS AND OBLIGATIONS OF OFFICERS OF THE COURT

QC's, Barristers Solicitors, Magistrates legal advisors (used to be called clerks)

Courts are not adversarial – a myth created by the legal profession...

Courts are fictions of law where justice is administered. They cannot act for they have no being. They acts through its agents, the officers of the court, which are the justices of the peace (Magistrates and judges) and any one authorised in the legal profession, namely solicitors, barristers and Queens Council (QC's).

All Courts are Courts of Equity (conscience) - another myth busted...

Following the merger of equity and the common law in the Judicature Acts 1873 to 1875, all Courts were granted equitable jurisdiction. Section 49(2) of the Senior Courts Act 1981 ^[1] affirms in every case before the courts the rules of equity must be applied so as to avoid a multiplicity of suites and thereby make efficient use of the courts resources by not reinventing the wheel in every case. Being the higher authority, both the Magistrates Courts and the Crown Court must abide it in addition to being a common law precedence set in 1615!

Common Law obligations: :

The lawful obligations of court officers is eloquently expressed in their negative, quoted in full, by The Lord Chief Justice in Brett v SRA [2014] EWHC 2974 (Admin) ^[2] at 111 expressing:

“...misleading the court is regarded by the court and must be regarded by any disciplinary tribunal as one of the most serious offences that an advocate or litigator can commit. It is not simply a breach of a rule of a game, but a fundamental affront to a rule designed to safeguard the fairness and justice of proceedings. Such conduct will normally attract an exemplary and deterrent sentence. That is in part because our system for the administration of justice relies so heavily upon the integrity of the profession and the full discharge of the profession’s duties and in part because the privilege of conducting litigation or appearing in court is granted on terms that the rules are observed not merely in their letter but in their spirit. Indeed, the reputation of the system of the administration of justice in England and Wales and the standing of the profession depends particularly upon the discharge of the duties owed to the court.”



Legal obligations: :

QC's, Barristers Solicitors, Magistrates legal advisors (used to be called clerks) all have obligations under the Legal Services Act 2007; Part 1 ^[3], specifically Section (1) (a) (b) and (h), where, as an "authorised person" at (2), are obliged under (3) to adhere to their "professional principles", as detailed in the Solicitors Regulation Authority SRA Handbook ^[4] and / or the Bar Standards Board BSB Handbook ^[5], and / or CILEX Code of Conduct ^[6] specifically breached his following obligations;

- overriding duty and obligation to uphold the rule of law, and the constitutional principal of the rule of law, and
- their duty to the court which overrides their duty to their client, and
- an obligation to provide the court with all relevant law, including dissenting opinions which may undermine their case (**THIS MEANS EACH OFFICER AND THEREBY DISPELLING THE MYTH THAT THE UK SYSTEM IS ADVERSERIAL**).
- obligation not to attempt to deceive or knowingly or recklessly mislead the court, and
- obligation to take special care when dealing with litigants in person to use plain language and not to take advantage by bullying and unjustifiable threats or misleading or deceitful behaviour, and
- Not to claim what cannot rightfully be claimed, and
- Not to create a dispute where none exists.

[1] <https://www.legislation.gov.uk/ukpga/1981/54/section/49>

[2] <https://www.casemine.com/judgement/uk/5a8ff74460d03e7f57eaa98a>

[3] <https://www.legislation.gov.uk/ukpga/2007/29/part/>

[4] <https://www.sra.org.uk/solicitors/standards-regulations/>

[5] <https://www.barstandardsboard.org.uk/uploads/assets/de77ead9-9400-4c9dbef91353ca9e5345/fdf622a6-ec2a-469f-9e0af0b7a55edcd3/second-editiontest31072019104713.pdf>

[6] <https://cilexregulation.org.uk/wp-content/uploads/2018/11/2.-Code-of-Conduct-2019.pdf>



DUTIES RIGHTS AND OBLIGATIONS OF JUDICIAL OFFICERS OF THE COURT

All judges in courts and tribunals, whether salaried or fee-paid, legal or non-legal, including Magistrates and Coroners

The Guide to Judicial Conduct ^[1] sets out three basic principles guiding judicial conduct.

- Judicial independence, and
- Impartiality, and
- Integrity

They are a distillation of the six fundamental values set out in the Bangalore Principles of Judicial Conduct that were endorsed at the 59th session of the United Nations Human Rights Commission at Geneva in April 2003 and which form the key statement on judicial ethics ^[2]

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Judicial Independence:

Judicial independence is a cornerstone of our system of government in a democratic society and a safeguard of the freedom and rights of the citizen under the rule of law. The judiciary must be seen to be independent of the legislative and executive arms of government both as individuals and as a whole.

Judges should bear in mind that the principle of judicial independence extends well beyond the traditional separation of powers and requires that a judge be, and be seen to be, independent of all sources of power or influence in society, including the media and commercial interests.

Judges must be immune to the effects of publicity, whether favourable or unfavourable. That does not of course mean being immune to an awareness of the profound effect judicial decisions may have, not only on the lives of people before the court, but sometimes upon issues of great concern to the public.



Integrity: :

Judges are expected to put the obligations of judicial office above their own personal interests. In practical terms, this means that judges are expected to display:

- Intellectual honesty
- Respect for the law and observance of the law
- Prudent management of financial affairs
- Diligence and care in the discharge of judicial duties
- Discretion in personal relationships, social contacts and activities

A judge's conduct in court should uphold the status of judicial office, the commitment made in the judicial oath and the confidence of litigants in particular and the public in general. The judge should seek to be courteous, patient, tolerant and punctual and should respect the dignity of all. He or she should ensure that no one in court is exposed to any display of bias or prejudice from any source. In the case of those with a disability, care should be taken that arrangements made for and during a court hearing do not put them at a disadvantage ^[3].

The principles of exercising equality and fairness of treatment have always been fundamental to the role and conduct of the judiciary when carrying out their judicial functions and are inherent in the judicial oath...

Behaviour towards court staff and court users: :

Members of the judiciary should seek to be courteous, patient, tolerant and punctual and should respect the dignity of all. They should ensure that no one in court is exposed to any display of bias or prejudice on grounds which include but are not to be limited to "race, colour, sex, religion, national origin, caste, disability, age, marital status, sexual orientation, social and economic status and other like causes". In the case of those with a disability, care should be taken that arrangements made for and during a Court hearing do not put them at a disadvantage. Further guidance is given in the Judicial College's Equal Treatment Bench Book ^[4]. The duty remains on the judicial officeholder to apply the law as it relates to allegedly discriminatory conduct. Care should be taken to ensure proper access to justice and equality of treatment where one or both of the parties before the court are unrepresented ^[5].

[1] <https://www.judiciary.uk/wp-content/uploads/2020/03/Guide-to-Judicial-Conduct-Guide-Fourth-Amendment-2020-v3-1.pdf>

[2] The six principles are: independence, impartiality, integrity, propriety, equality and competence and diligence. The Bangalore Principles 2002 can be found in full at http://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf

[3] For further guidance see the Judicial College's Equal Treatment Bench Book. <https://judicialcollege.judiciary.gov.uk/mod/book/view.php?id=27208>

[4] <https://judicialcollege.judiciary.gov.uk/mod/book/view.php?id=27208>

[5] See in particular, the requirements set out in CPR 3.1A.



ADMINISTRATIVE COURTS ARE UNLAWFUL

Any Court which does not uphold the rule of law by failing to apply its mind to implement the will of an undeclared interest is unlawful.

Any unlawful administrative act is no act in law. Ridge v Baldwin [1964] AC 40 [1] says it all:

Lord Reid

*“Time and again in the cases I have cited it has been stated that a **decision given without regard to the principles of natural justice is void**, and that was expressly decided in Wood v Woad (1874) LR 9 Ex 1 90. I see no reason to doubt these authorities”.*

Although there exists no clear definition of the principle of natural justice, it cannot be said for this reason that ‘therefore it does not exist: [65]

*There is ‘**an unbroken line of authority to the effect that an officer cannot lawfully be dismissed without first telling him what is alleged against him and hearing his defence of explanation**’: [66]*

*As such, the power of dismissal under the 1882 Act **cannot be lawfully exercised until the appellant had been properly informed of the charges against him and given the opportunity to make representations on his own behalf***

*Since the decision to dismiss the appellant was made ‘**without regard to the principles of natural justice**’, it is therefore void : [80]”*

Regina v Brentford Justices ex parte Catlin[1975] [2] Lord Widgery CJ expressed:

*“A decision by magistrates whether to issue a summons pursuant to information laid involves the exercise of a judicial function, and is not merely administrative. A summons (or warrant) is merely machinery for giving a defendant notice of the proceedings and for getting him before the Court. **If a Magistrates authorises the issue of a summons without having applied his mind to the information then he is guilty of dereliction of duty and if any justices clerk’s office a practice goes on of summonses being issued without information being laid before a magistrate at all then a very serious instance of maladministration arises which should have the attention of the authorities without delay...**”*

Under the rules of equity this principle applies to any action of the court and its officers.

[1] <https://lawprof.co/public-law/procedural-fairness-cases/ridgevbaldwin-1964-ac-40/>

[2] <https://swarb.co.uk/regina-v-brentford-justices-ex-parte-catlin-1975/>



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1 FILING YOUR DEFENCE before court

1.1 SUBMITTING YOUR DEFENCE

The defence is a continuous work in progress, and will be regularly updated as we get feedback and incorporate actual experience so as to apply the best available knowledge at all times which will make it more powerful as time progresses so always download the latest version as close to the time as possible.

Their claim is simply legislation is law, and our rebuttal is to prove how legislation creates an obligation upon me as if all are equal under the law and no one is above the law then how is it possible that Parliament Assembled can create binding duties, rights and obligations upon any one other than themselves!!!

You simply need to fill in the details in red, and you will have all the information you need on the summons!

You will need the Court name, the summons reference, the Council's name, and, the date and time your hearing is listed to be heard!

1 week before the hearing submit your response (defence) to the complaint (claim). Email to both the court and the council - you should by this point have all their email details.

[**CLICK HERE FOR INSTRUCTIONS**](#)



**YOU MUST INSIST ON AN IN PERSON HEARING
TELEPHONE HEARINGS ARE NOT ACCEPTABLE UNDER ANY CIRCUMSTANCES**



2

HEARING OVERVIEW attending court

2.1 DO NOT CONTRACT

If approached by anybody attempting to contract with you by agreeing a payment plan tell them NO I'm here to see the Magistrate!

2.2 FIND THE CLERK

You need to find the Clerk and tell them you want to attend in person hearing.



3

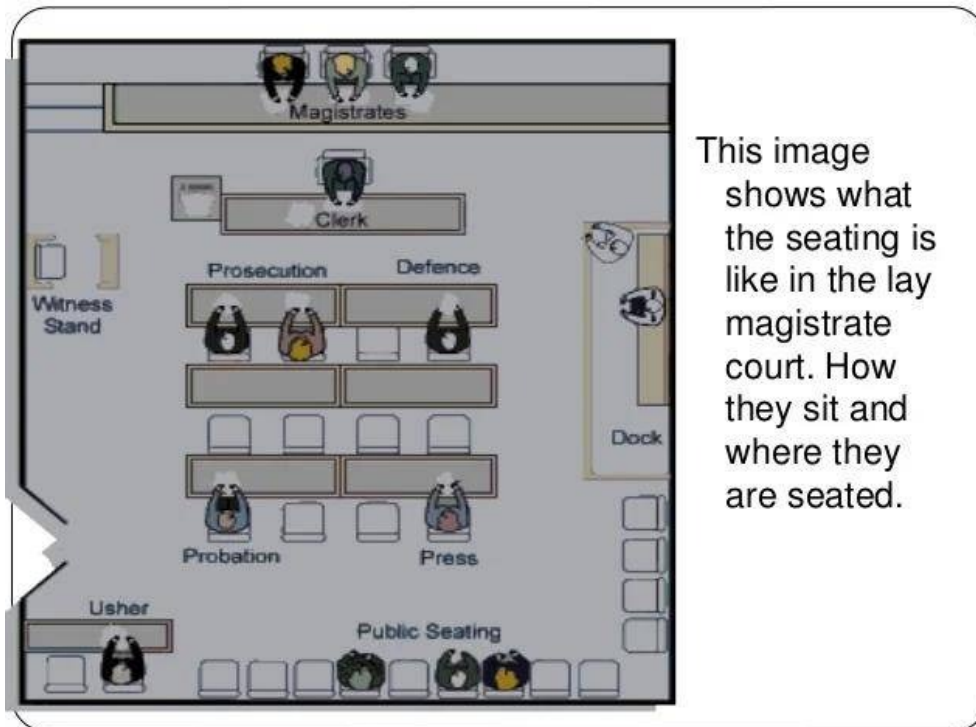
INTRODUCTIONS court hearing

3.1 WHO'S PRESENT

You have the right to know the details of all parties involved in the hearing. Ask the following details and fill in your Public Audit sheet.

- Magistrate/Judge
- Clerk (legal officer)
- Claimant (Council) Representative

As they are not used to being questioned please be sure to record their response on the Public Audit sheet and send to courtaudit@protonmail.com





4

YOUR PLEA court hearing

4.1 YOUR PLEA

"I'm unable to plea as the claim is still in dispute, and I am awaiting a meaningful response to prove my obligation as my requests dated **xxxxx** [list the dates from your record] which must be settled before the trial can begin.

As they have had **xxx weeks** to provide this I request the court to dismisses the claim, or in the alternative I request the court make a Tomlinson order that the claimant provides the requested evidence within 7 days or the case be dismissed and adjourn this hearing ".

In any event under section 35(3) of The Council Tax (Administration and Enforcement) Regulations 1992, should the court make a liability order that is not a sum adjudged under Part III of the Magistrates Court Act 1980 to be paid by myself.



A Tomlinson order is an agreement which binds the parties by creating duties, rights and obligations.

4.2 THEIR RESPONSE

The claimant will be given an opportunity to respond to your evidence which is simply to prove your obligation - anything else is obfuscation!

4.3 YOUR RESPONSE

Then you have a final response to rebut anything they have said which they claim proves your obligation - Legislation cannot create duties, rights and obligations as that would be causing harm which is a breach of the peace.



5

PRE TRIAL court hearing

5.1 COUNCIL PRESENTS THEIR EVIDENCE

The Council present their evidence.

5.2 READ YOUR REBUTTAL

You read your rebuttal (defence).

5.3 CASE SHOULD BE DISMISSED OR ADJOURNED

This is where the hearing should end based upon the evidence presented upon the court.

5.4 SHOULD THEY PROCEED TO TRIAL

Express to the court:

“The court is under obligation to make it’s determination based upon the evidence presented before it and the claimant has failed to show that I’m under a lawful obligation to comply with their demand.

Therefore this cannot be a court of Law.

It would be irrational for me to continue attending as the officers of this court are in contempt of court by running an unlawful administrative court as my evidence is irrelevant.”

Record this on the Public Audit sheet and just walk out.



6

THE PUBLIC AUDIT after the trial

6.1 CREATE THE PUBLIC AUDIT RECORD

This is where the hearing should end based upon the evidence presented upon the court.

6.2 EMAIL PUBLIC AUDIT SHEET

Please email your Public Audit record sheet to courtAudit@protonmail.com



<https://peacekeepers.org.uk/equity/>