BY EMAIL

To: Mrs Liesl Cook: Liesl.Cook@insolvency.gov.uk
From: Michael Ough: michaelough1@gmail.com
Date: 26 April 2022

Dear Ms Cook,

Further to previous correspondence in respect of the case of Michelle Danique Young, I am paying you the courtesy of responding to the points you raise in your letter of 22 April 2022.

In the first pararaph of the letter, you say:-

> *"I refer to Mr Ough's email dated 8 April 2022 sent on your behalf to Dean Beale, the Insolvency Service's Chief Executive. The Chief Executive receives many pieces of correspondence every day and cannot personally respond to all of them. He passes some to others best placed to respond on his behalf, and your email has been passed to me."*

You will appreciate that, under normal circumstances, where there are no contentious matters within correspondence, what you describe is the norm. However, where there are contentious matters or a formal complaint is about a civil servant's behaviour, it is totally improper – and unlawful – to pass a complaint to the very person or department being complained about.

The legal maxim *nemo judex in causa sua* (no man may be a judge in his own cause) is one of the cornerstones of natural justice and stands to maintain fairness and prevent bias. The Pinochet (No.2) judgment by the House of Lords in **R -v- Bow Street Metropolitan Stipendiary Magistrates *ex parte* Pinochet Ugarte (No.2) [2000]** clearly sets out that a reasonable and fair-minded person need only perceive bias for a case to be stopped or set aside or struck out. In the case of a complaint being made against a civil servant or civil servants at a particular location, it is totally improper – and unlawful – to let them investigate themselves.

In Paragraph 2 of your letter, you say:-

> *"You have raised concerns relating to the validity of the bankruptcy order....."*

If you had conducted an investigation, in accordance with Section 289, Insolvency Act 1986, as you are required to do so, you would have found, fairly quickly, the process from Statutory Demand through to Bankruptcy Order is an abuse of the legal process *per se*. Ms Young had a judgment in her favour from the Family Division of the High Court in respect of costs of £26.6 million and a share of a vast estate worth billions of pounds. She was, in fact, a major creditor of her late husband, Scot Young's estate. The amount claimed by David Ingram and Richard Hicken of Grant Thornton fell well within the jurisdiction of the County Court and it is the County Court where the matter should have been heard, not the High Court. This raises the question as to whether David Ingram and Richard Hicken placed themselves and Grant Thornton in contempt of the High Court, due to the fact the award in Ms Young's favour came from the Family Division of the High Court. If you had investigated this in the first place, as you were required to do, you would have spotted this and reported it back, none of this would have happened. It would have been nipped in the bud. In the absence of evidence to the contrary, it is evident you did not comply with your statutory duty under Section 289, Insolvency Act 1986.

In Paragraph 3, you say:-

> *"With respect to your comments regarding the Unreasonable Individual Behaviour guidance, the rationale for its use is contained within our complaints procedure....."*

You have not answered the question. The question asked was what legislation provides the legal basis for the guidelines. Unless I see relevant legislation providing a legal basis for the purported guidelines, I have no choice but conclude they have no basis in law and serve no other purpose than to silence those affected by bankruptcy and purported bankruptcy from being treated fairly, as is their right.

In Paragraph 4, you say:-

> *"The Insolvency Service's own oversight regulator is the Parliamentary and Health Service Ombudsman..."*

Unfortunately, a reasonable and fair-minded person would conclude PHSO is part of H.M. Government and would be investigating another part of H.M. Government. I must refer you to the House of Lords' ruling in **R -v- Bow Street Metropolitan Stipendiary Magistrate *ex parte* Pinochet Ugarte (No.2) [2000]**, which deals with bias. Please read it.

In Paragraph 5, you make mention of the validity of the bankruptcy order and that it is a matter for the court. This is not entirely correct. If you had complied with your statutory duty to investigate the purported bankruptcy, you would have found its shortcomings and the inherent fraud involved in it. With respect, the court is part of the problem.

I have investigated a number of bankruptcy cases and have found:-

- seals which are suspicious;
- documents which are suspicious;
- proceedings conducted in courts not in the correct jurisdiction;
- proceedings conducted in courts not authorised to hear bankruptcy cases.

Again, if you had complied with your statutory duty under Section 289, Insolvency Act 1986, this would have become evident and you would have been required to report this to the court. In the absence of evidence to the contrary, there is no evidence you have done so.

Later in your letter, you make reference to Ms Young asking for documents which you have said do not exist. Please specify the documents you are saying do not exist. You need to understand your admission is very serious indeed.

You have seven days from your receipt of this letter in which to respond providing answers to questions contained herein and/or should you choose to rely on the "Unreasonable Customer Behaviour" guidelines to avoid answering the questions contained herein, the right is reserved to release all correspondence into the public domain.

Yours sincerely,

Michael Ough
for Michelle Young