

ALAN CARL TAYLOR - Reasons for application and Point of Law for the High Court

1. The defence has relentlessly submitted since their first appearance before the Magistrate's Court, that the proper initial jurisdiction for this matter is, and can only be, the High Court.
2. Notwithstanding this apparent fact, both the Magistrate's Court and the Crown Court have not stated the case for the High Court, and dismissed this 'abuse of process by merit of unconscionable conduct by the executive' application without a full consideration of the matter. These Courts are not in the appellant's submission competent to fully consider the common-law claims that HM Government has abused their powers in the administration of the Misuse of Drugs Act 1971.
3. The appellant, Mr Taylor bears the burden of satisfying the Court that he has an arguable case on the balance of probabilities. Seemingly the courts charged with the duty of evaluating this defence (including the High Court in the case of *Stratton*) have misunderstood this defence to be a challenge to the supremacy of Parliament. Indeed the honourable learned Judge at the Crown Court stated this as a principal objection to the appellant's case. In this case, the Magistrate's Court refused to hear the case, or to state the case on the basis that *Stratton* (an un-represented litigant in person) had been refused permission for Judicial Review. The appellant has since made submissions as to why his case is argued quite differently from *Stratton*, indeed the points on 'judiciability' are entirely novel in this regard, and his human rights argument is significantly improved. The Magistrate's Court refused to admit additional evidence in response to being served the *Stratton* judgment, and indeed this evidence was not received by the Crown Court either.
4. Further, Taylor's multiple claims that that Act, as applied, is incompatible with his rights provided by the Human Rights Act 1998 have not yet been subject to even a cursory examination by any court. Of course the human rights arguments can be applied to an Act of Parliament notwithstanding that the common law points address the (mal) administration issues. The appellant does NOT take immediate issue with the scheduling of cannabis under the Misuse of Drugs Act 1971, which it is agreed was a decision of Parliament which was confirmed relatively recently with the re-classification of cannabis from a Class 'C' controlled drug to a Class 'B' controlled drug. He does also claim that the Human Rights Act 1998 protects him from the disproportionate interference & inequality of treatment that he suffered (under free-standing Convention Articles and Article 14).

5. The draft question which the defence seeks to be put before the High Court is;

“If a Minister by using or failing to use the powers afforded to him or her by an Act of Parliament causes the law to operate in a fashion which violates fundamental common law principles counter to the objects and purposes of that Act, and that such acts or omissions lead to criminal sanctions being applied to a defendant which are arguably incompatible with the Human Rights Act 1998, would such a claim be judiciable by the superior courts?”

6. The appellant provided numerous authorities for his assertion that he could seek the protection of the High Court by seeking a prohibiting order (a stay of the criminal proceedings) upon the basis that he argued in detail within his earlier submissions. He now seeks a quashing order, and for the substantive argument to be before a superior court. The appellant herewith re-states the ‘judiciability’ arguments and authorities in a separate document.