

An Open STATEMENT (for use by others)

This statement is written by Ian Ronald Jarvis and is true to my own evidence and comprehension. All Rights Reserved.

The language used is plain English.

I am writing as a concerned inhabitant of the UK and have become aware of seeming irregularities in some planning applications for telecoms infrastructure. This may be the tip of a major fraud as I know there are issues in many Councils and Local Planning Authorities.

This statement is not about whether 5G, as an addition to 4G, is a wonderful or a horrendous thing; nor about biological effects and whether they are positive or negative or both; nor about the science arguments between (for example) the ICNIRP and ICBE-EMF reports; nor even about Government policy. You, the reader, will have your own thoughts, opinions and even beliefs about those.

This is about whether most of the infrastructure installed in the past couple of decades and continuing has actually been done legally and, if it hasn't, what that means.

The question has been raised with every Council/LPA via a series of letters from ACHES, *Adult, Child, Health & Environmental Support*, a recently formed organisation of concerned people from around the country and by others acting personally and individually within their own village, town, city and/or County. Ian Jarvis is a Director of ACHES.

As an introduction or reminder of the primary issue that really needs to be tackled on a national basis, take a look at a video where the author explains it to Richard Vobes in an easily understandable way. <https://youtu.be/0JHmexC1bYw>

You can start a few minutes in.

Then read the attached (or enclosed) Brief entitled *Three UK Ltd - a Brief*, which goes deeper and gives a necessary understanding of the important role this company has unwittingly played.

Then continue reading the following, which does hang on a comprehension, or at least knowledge, of the information in both of those, the video and brief.

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To continue:-

The major question about what you have just learnt, all of it true, not speculation or hearsay, comes down to two arguments:

1. Have the personnel in those companies, or the companies themselves, committed acts of fraud?
2. Have the Council staff and Councillors been negligent by not checking documentation and knowing which companies they are dealing with?

A corollary being, "are they still doing so?" since they have either been ignoring previous advice on the matter or giving excuses and may now be culpable of knowingly creating and

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accepting respectively false instruments.

A senior Council officer noted after a meeting with the author that "we cannot now un-know what you have told us".

It's not entirely unreasonable for people to assume initially that a company with whom they are dealing, or at least the personnel, are working in good faith, but once it is discovered that they may not be it creates a different situation in practice and in law. A previously naive person suddenly loses that innocence and becomes complicit simply by keeping quiet.

A thought from Lord Denning in a now quite famous quote, is that "fraud vitiates all", ie once a fraud is committed **everything** that follows must be invalid. More precisely, "*fraud ... once it is proved, it vitiates judgements, contracts and all transactions whatsoever.*" (Lazarus Estates Ltd v Beasley; <https://vlex.co.uk/vid/lazarus-estates-ltd-v-793262385> and elsewhere.)

The essence of this is the misuse by several companies of the legal name of another company, and that it was done both during the active 'life' of that company and after it was dissolved.

This has been done over more than two decades using the name without permission to create legal instruments, ie the ICNIRP Declaration or self-certificate.

The author is not legally trained but can see quite clearly that in either case this is not ethical, moral nor legal.

Specifically, "Hutchison" (see *Three UK Ltd - a Brief*), using a variety of legal company names has, without permission, been using the name of "Three UK Limited" which is

- not owned by it,
- nor part of the same group,
- nor involved in telecoms,

on a legal instrument critical to the planning process. That instrument is the ICNIRP Declaration also known as the self-certificate of compliance. Without that document an application should immediately fail but with it a case officer would accept its validity without even checking it.

Thus it is one of the single most important documents in the process.

Another quote from that Lord Denning ruling which might pull the reader up short as it has a parallel bearing here is "*I do not think it would be satisfactory for the landlord to **rely simply on his own word, uncorroborated and not on oath, as evidence** that he had done the required work.*" (author's highlighting) This is precisely what is being done with this critical document, which is in practice a safety certificate.

Would a 'certificate' that I wrote myself and had been signed by a dead painter be an acceptable proof to a Council on the safety of my electrical circuitry?

Let me now address the question of fraud related to the ICNIRP Declaration as a statutory instrument, with one eye on that second quote from Lord Denning.

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We are dealing with potential offences under The Forgery and Counterfeiting Act of 1981. S1 of that act states:

*"A person is guilty of forgery if he makes a false instrument, with the intention that he or another shall use it to **induce somebody to accept it as genuine**, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice."*
(author's highlighting)

An instrument is defined under S8(1)(a) as "Any document whether of a formal or informal character"

'False' is defined at section 9 of that Act and 9(1)(a) - (g) sets out 8 scenarios in which an instrument is false.

S9(1)(b) reads: *"An instrument is false if it purports to have been made in the form in which it is made on the authority of a person who did not in fact authorise its making in that form"*

Which, I suggest, fits perfectly the situation I have described:

1. Three UK Ltd has never been the "Lead Operator" of the Code of Practice Annex C nor involved in any way with any telecom planning application.
2. In the case when Three UK Ltd was trading, Mr Llewellyn was not contacted and could not therefore give his permission, even had he been an appropriate person.
3. In the case after 27/10/2015, legally Three UK Ltd simply did not exist and thus could make no declarations whatsoever in any context.
4. If there was a signature or name on the instrument, that person had no relationship with Three UK Ltd and thus no authority to 'sign' in its name nor on behalf of Mr Llewellyn.
5. The CRN has never been given on the instrument which is also a breach of Companies Acts as explained in the attached/enclosed *Three UK Ltd - a Brief*.

Whether an instrument falls within any of these scenarios will be specific and potentially complex. A false instrument is one that "purports" to be something which it is not - i.e. it must tell a lie about itself.

In each of my 1 to 4 points above the instrument purports to have been made by Three UK Limited which it was not.

Since Hutchison had and has companies in its group that could have been used correctly, why was this done?

Nicola Davies (a Hutchison employee) has claimed it is an "innocent error". That cannot explain so many (~600 from 20 LPAs currently and growing), nor that there are versions created directly from a database where the company name is part of a list of companies on the database. In others it was probably simply typed in.

Fraud has to be intentional to be proven and S10(1) of that Act states:

"an act or omission intended to be induced is to a person's prejudice if, and only if, it is one which, if it occurs—

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(b) will result in somebody being given an opportunity—

(ii) to gain a financial advantage from him otherwise than by way of remuneration;"

What could be that opportunity?

I suggest that the intended act to be induced by the person accepting the certificate as genuine is for the planning application to be approved and the financial advantage would be that in the event of an incident or claim* related to the mast in question, the telecom company would not be the liable party.

It would leave the innocent party of Mr Llewellyn, director of Three UK Ltd 03004157 vulnerable to action since his company name was on the declaration.

Section 3 of the Act creates the offence of '**Using** a False Instrument' :

*"It is an offence for a person to **use** an instrument which is, and which he knows or believes to be, false, with the intention of inducing somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice."*

In summary we have potential offences of making and of using a false instrument, and, as pointed out in *Three UK Ltd i- a Brief*, this has been done in hundreds or thousands of telecom planning applications around the UK. It is not just a dozen or so in Wolverhampton or the Wirral, nor Macclesfield where Mr Llewellyn lives.

Employees from different companies within Hutchison, the agents used by them and the engineers and others who usually put their name to the actual document are creating or causing to be created these false instruments while local government planning Case Officers are accepting them as genuine without further checks, (remember that second Lord Denning quote above) as are Inspectors from the National Planning Inspectorate.

I suggest this represents a pattern of behaviour by the telecommunication companies that is potentially about avoiding liability in the event of any incidents or claims in relation to specific masts, which gives them a financial advantage (potentially a huge one).

Does it still look like an "innocent error"?

I will add that **Mr Llewellyn**, the only recorded Director of Three UK Ltd, and an innocent bystander, is still alive, personally active and deeply fearful of receiving some form of legal suit or claim, especially now he has learnt about cases during the time his company was active. The effect on his mental health must also be considered as a serious consequence of the behaviour of these companies and Councils.

Finally in this I will re-iterate that the original discovery was given by **a lawyer, Sarah Key, acting for Hutchison, that advised a colleague and myself that "Three UK Ltd does not exist"**. If a company lawyer knows that then the company knows it.

Simply now issuing after the fact Declarations would not be a legal remedy.

A decision taken in the past with the information given fraudulently, cannot be corrected later simply by making a new Declaration. Many Councils in similar circumstances have enforced demolition of extensions and even whole properties. Where is the difference in this case?

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Local authorities are the only organisations that can give or refuse permission for a company to erect a telecoms structure. They have a duty of care under the Nolan Principles. Failing to do due diligence on a potential issue of counterfeit or fraud or other illegality is surely negligence or a dereliction of public duty and responsibility.

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To conclude:

There are other aspects in this, such as where "Three UK Ltd" ie CRN 03004157 was named as the **Applicant**; where the Planning Inspectorate has been involved in an Appeal; more details of the Companies Act 2006 and trading disclosure regulations (at various periods) regarding company information eg CRN; and the seriousness of the impropriety given that the main document concerned purports to be a guarantee of health and safety.

For now there is sufficient information for a full national investigation and a moratorium on the further erection of such structures and the cessation of operation of those in place.

More evidence and samples of false instruments can be provided on request.

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* this could relate to many different causes, for instance an accident such as a vehicle crashing into one (as happened in Coventry with a bus), claimed negative health effect (ICNIRP excludes anyone with an implanted active medical device) ...