

You can contact me on:

Our reference: EN-69099/0038

g.uk

In Confidence

Ms Noëlle Klosterkötter-Dit-Rawé



Parliamentary  
and Health Service  
Ombudsman

13 July 2010

As in the case of the 28 May 2010 letter, I also opted to not waste my time responding to this letter - as I knew from the start that the ultimate reply would be a 'GET LOST!' - see point # 2.1  
Note the comments in this letter, and the fact that it took a WHOLE YEAR to arrive at this .

Dear Ms Klosterkötter-Dit-Rawé

Your complaint to the Parliamentary Ombudsman

I write further to my letter of 28 May 2010, regarding your complaint to the Parliamentary Ombudsman (the Ombudsman), which I have now had the opportunity to consider in more detail.

See My Diary 2009 Intro-Mobile Coms for other interferences with my mobile phones

In the past month I have attempted to call you several times to discuss your complaint and my assessment of it, but I have not been able to reach you. On most of the occasions I have tried to call you on the mobile telephone number we have on record (I have not heard a dial tone. If you wish to discuss your complaint on the telephone, please contact me (or if there is another number I can contact you on, please let me know and I will contact you).

In the meantime, however, I will assess your complaint on the information currently available to me. On this point I note that most if not all of the key correspondence for your complaint can seemingly be accessed via your website, [www.leasehold-outrage.com](http://www.leasehold-outrage.com). If that is not the case, however, please let me know.

"Senior officers" = our Lord and Master, 'Dear Mr Ladsky' - see Overview of my case

As mentioned in my letter of 28 May, my role is to assess whether the Ombudsman can and should investigate your complaint. This I do by making a recommendation to senior officers, who will make the ultimate decision on whether to investigate a complaint. At this moment in time I have not made a recommendation on your complaint. However, I am concerned that a number of the issues you appear to be asking the Ombudsman to look into do not fall within her jurisdiction to consider.

It might help if I first explain the legislative background to the Ombudsman's office. The Ombudsman's role is defined in the **Parliamentary Commissioner Act 1967** (the Act). The Act states that she may consider complaints about any action(s) taken by or on behalf of a Government department or body, which were taken in the exercise

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of the administrative functions of that department/body. Schedule 2 to the Act lists the Government departments and bodies that are in her remit. Paragraph 6 of Schedule 3 to the Act prohibits her from investigating complaints about '*the commencement or conduct of civil or criminal proceedings before any court of law*'. Complaints about members of the judiciary therefore cannot be investigated.

The Leasehold Valuation Tribunal (LVT) is not listed in Schedule 2 to the Act. This means that the actions, conduct and decisions of the Tribunal's members cannot be investigated by the Ombudsman. The LVT is listed in Schedule 4 to the Act, which means that any administrative actions taken by a member of the LVT's administrative staff can be investigated by the Ombudsman, as long as that action was not taken under the authority of a member of the Tribunal. However, it seems to me that most (though not all) of your complaint about the LVT is about the way in which the Tribunal itself handled the application made to it. From what I have seen so far, I think the Ombudsman may only be able to offer very limited assistance to you in pursuit of those concerns.

Your complaints about HM Courts Service (HMCS) raise a number of issues that clearly seem to be administrative in nature. However, you also appear to be at least partly complaining about the Courts' decisions to proceed with the claims brought against you, both prior to the LVT's determination (for the 2002 claim) and despite the concerns you had raised about there being two differently named claimants (for the 2007 claim). Those decisions would have been made by a judge in the exercise of his judicial authority, rather than it being an administrative action.

I stress that the views expressed in this letter do not constitute the Ombudsman's decision on your complaint; they are only my provisional thoughts. I simply wanted to make you aware at this point of the possible limits to which the Ombudsman can help you with your complaint. That certain parts of your complaint appear to fall outside the Ombudsman's jurisdiction does not automatically preclude her from investigating those parts of your complaint that do fall within her remit. However, we will need to consider whether these potential limitations would affect our ability to fully investigate your complaint, and/or our prospects of achieving the outcome you are hoping for.

My assessment of your complaint should be complete by the end of this month, so I hope to write to you then to say whether the Ombudsman will investigate your complaint (and if not, to explain why). In the meantime, please do not hesitate to contact me if you have any questions or concerns about the content of this letter, or if you would like to discuss any aspect of your complaint further.

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✓ James Harrigan  
Assessor