

Welcome, Willkommen, Välkommen, Welkom, مرحبا بكم,  
Bienvenue, Bienvenido, Benvenuti, Tervetuloa, Witamy,  
ようこそ Добро пожаловать, Hoş geldiniz, Привітання, 欢迎

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Dept of Innovation & Uni's Full Details	Website
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2003 Orig Research Application & Website	<a href="http://www.app.dti.benversus.com">www.app.dti.benversus.com</a>

Date Comms	Pages	About	Website	Document Name
2009-04-14	36	Formal website of all the cases	<a href="http://www.benversus.com">www.benversus.com</a>	benversus.ppt
2009-11-20	22	Easy Reading Summary of the cases	<a href="http://www.summary.benversus.com">www.summary.benversus.com</a>	081120 David Vs Goliath Summary.ppt
Dept of Inn & Uni's		Dept of Innovation & Uni's Full Details	Website	Document Name
2009-09-08	24	2009 Negligence of Dept of Innovation & Uni's	<a href="http://www.writ.dti.benversus.com">www.writ.dti.benversus.com</a>	090416 Writ BC vs DTI SBS East Midlands Malpractice.ppt
2008-11-21	55	2008 Notice of Reasons of DIUS Negligence	<a href="http://www.detail.dti.benversus.com">www.detail.dti.benversus.com</a>	081120 BC vs DTI SBS East Midlands Malpractice.ppt
2003-07-08	48	2003 Orig Research Application & Website	<a href="http://www.app.dti.benversus.com">www.app.dti.benversus.com</a>	2003-07-08 Research Project Application

- Welcome to **writ.dti.benversus.com**
- This is the summarised complaint of the negligence action and subsequent correspondence.
- The fully referenced complaint is found at [www.detail.dti.benversus.com](http://www.detail.dti.benversus.com)
- The other documents cover the original complaint and background references and all communications leading up to the complaint. [www.app.dti.benversus.com](http://www.app.dti.benversus.com)
- All documents were communicated by hardcopy and or CD copy to all protagonists.

**Updated 2nd May 2010**

*Salus populi suprema lex esto*

The welfare of the people is to be the highest law



**Kevin Sharp**  
**Department of Innovation, Universities and Skills**  
**Kingsgate House**  
**London**  
**SW1E 6SW**  
**UK**



*1st May, 2010*

**Status of Ongoing Action Against DIUS : Negligence**

Dear Mr Sharp and Ms Simpson,

Further to my last letter of September 7th, 2009 (attached) part of our correspondence I have now investigated the possibility of pursuing your department with a Judicial Revue.

This is not possible for several reasons including

- (i) time delay and (ii) such a review is only there to consider the lawfulness of the decision.
  - (i) is out of time and (ii) unfortunately it is not unlawful in that context to make a negligent decision.
- This is why the focus of this action will concentrate hereon with the DTI & DIUS is negligence.

It is philosophically bankrupt to develop a process which cannot be revued other than with the extreme step of a Judicial Revue. It is quite clear that in every system decision making can be flawed and that is why any properly functioning system includes checks and balances throughout the system.

The notion that the only recourse for challenging a decision by the DTI (now DIUS) requires a Judicial Revue is a nonsense. Your non award decision in 2003 was demonstrated and challenged immediately in correspondence as dimwitted and incompetent for clearly stated reasons but nothing was done. Nor was I informed of the Judicial Revue opportunity available to me after my complaint and question of the decision made and the decision process itself.

Since our last correspondence in early September (attached) the UK government (currently borrowing £150Bn every year) has ordered £75Bn worth of low yield foreign made wind turbines. That is after I offered you a compensation deal whereby an independent arbitrator would set compensation, with all that compensation solely dedicated to developing the high yield Aerogeni wind turbine design to be manufactured in the UK.

Given that the Aerogeni is expected to have three times the yield of contemporary turbines, that decision has cost the UK tax payer, £50Bn Pounds together with tens of thousands of potential high quality UK manufacturing jobs exported abroad. In my letters you were also invited to independently assess that high yield wind turbine design before making any commitment to the compensation.

That is likely to seen as very stupid and intransigent behaviour by DIUS based purely on DIUS self interest and a tragic missed opportunity for UK wealth creation.

The second incredulous action by your department is now to fund a micro gas turbine recharging engine for electric vehicles. Gas turbines do not burn fuel efficiently, whereas my one stroke recharging does so at an estimated 50%.

That One Stroke engine (base element) was presented to your department in 2003. Your department determined there was no market for such an engine. Yet here we are in 2010 and you are funding such projects, please explain this? That incorrect decision has cost the world seven years development delay for the one stroke engine and the accompanying engine developments it carried.

Later this year I relaunch my one stroke engine project with seven years delay firmly placed at your door due to repeated incompetences. This letter along with all the others will be copied to the national press and relevant people around the time of the relaunch. You had several chances to avoid this embarrassment, but each of those chances you have declined. The negligence action now has the funds to be pursued. It is a sad state of affairs that my project has had to wait for the death of my mother and the remittance of her estate before funding for this carbon reducing project has become accessible.

Please do not take the contents of this letter personally Mr Sharp/Ms Simpson, my ire is directed at the philosophical bankruptcy endemic in your department which has missed so many opportunities to reverse the incompetences of 2003. Please note my change of address.

Yours sincerely,

Ben Collins.

*Inventor of the one stroke engine for recharging electric vehicles, 2002.*

36	Formal website of all the cases	www.benversus.com
Uni's	Dept of Innovation & Uni's Full Details	Website
12	2009 Negligence of Dept of Innovation & Uni's	www.writ.dti.benversus.com
55	2008 Notice of Reasons of DIUS Negligence	www.detail.dti.benversus.com
48	2003 Orig Research Application & Website	www.app.dti.benversus.com

#### **A Reminder of the DTI Failures:**

SBS DTI failed to apportion value for the engineering development time already applied to the project

SBS DTI failed to apportion adequate value for the *time* to be applied during the project.

SBS DTI failed to ascertain a credible technical evaluation of the CLP engine.

SBS DTI failed to reorder a flawed technical evaluation even after the flaws of that evaluation were explained.

The CLP Engine is a carbon reducing technology which should have been supported according to the Kyoto protocol, obligations and agreement.

SBS DTI rejected detailed and justified reappraisal requests made on behalf of the project in 2003.

#### **The Single "Expert" Report Said:**

"Not new!" : Yet was granted WIPO patent and was searched independently three times as novel.

"Difficult/Cant assemble!" : Same assembly as standard engine, unitary crankshaft, prototyped and photographed.

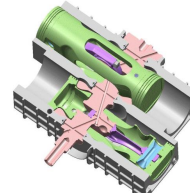
"Increases fuel consumption!" : Is a high efficiency electricity generating engine for power/mobile EV recharge.

"It might not work!" : Blimey, a research project that might not work, but then again this means it could work!

"We don't look at websites" : It was 2003 not 1993. Time for the DIUS to come out of the dark ages.

"No market" : It is likely that most future ICE's will be employed as EV regenerators as I predicted in 2003.

**Paula Simpson**  
**Public Communication**  
**Kingsgate House**  
**66-74 Victoria St**  
**London SW1E 6SW**



**7th September 2009** **End Statement Letter**

Emailed to : info@dcsf.gsi.gov.uk and airmail posted  
Case Reference 2009/0073353

Dear Ms Simpson,

**Pending Related EcoTech Websites:**

[www.carbon-down.com](http://www.carbon-down.com)  
[www.mulecell.com](http://www.mulecell.com)  
[www.flygenset.com](http://www.flygenset.com)  
[www.linkedpiston.com](http://www.linkedpiston.com)  
[www.regengen.com](http://www.regengen.com)  
[www.reviflow.com](http://www.reviflow.com)  
[www.1strok.com](http://www.1strok.com)

Thank you for your email of the 2nd September. We have now reached the end of discussion on this matter, where a number of important points have been established discussed below.

### **Judicial Review**

The apparent only legal recourse available hereon is a judicial review with the following points applying:  
JRI) A judicial review is beyond my means of finance, legal expertise and time available prior to engine relaunch.  
JRii) A judicial review may be out of time in any case as indicated in DIUS Sharp's letter.  
JRiii) Sharp's letter also indicated that the DTI / DIUS may not be answerable in any case to a judicial review.  
The above points mean I have no accessible and realistic UK legal recourse available to me to expose DTI/DIUS negligence and recover damages. The DIUS is willingly unanswerable to the public even though it is a publicly funded institution. This is not open and transparent government practice.

### **Exposition by Public Media**

As already discussed in previous correspondence, this leaves me no other option than adopt trial by media and public opinion. This letter and documents are copied to several investigative journalist agencies, timed to be unveiled December 10th 5 days before COP15 global environment conference.

- At some point in the future I will also attempt to take this in the European Court.
- The DIUS is not above common law despite your attempts to make it so.

### **DIUS Denying Negligence on Five Counts**

Neg1) You deny negligence despite all the grounds for the project rejection being proven unfounded in my correspondence (refer to technology and calculation failures summary table overleaf).  
Neg2) You deny negligence according to 1999 Kyoto protocol where governments are obliged to support carbon reducing technology.  
Neg3) You deny negligence where there was no review or referral of the original application when it was complained against after three days with clear grounds for complaint presented in unequivocal terms.  
Neg4) You deny negligence of a department system where there is no mechanism to challenge decisions outwith the extreme measure of judicial reviews. Your decisions are held in private, distributing large sums public money and therefore ripe for corruptive practices. I was not informed after my complaint of the judicial review route.  
Neg5) You deny negligence where in 2008/9 a scheme was developed which would have allowed independently calculated damages to be isolated and forwarded for development of other carbon reducing technology. You refuse to engage in a natural justice process wherein negligence 1-4 has been clearly defined for you together with a fair and balanced settlement route. This displays moral bankruptcy in an agency charged with public good and resolving carbon reduction issues whereby it has been shown the DTI (now DIUS) have failed to deal fairly with carbon reducing technology. (Continued overleaf)

### Lingering Questions

This leaves a three bigger questions yet to be answered regarding the decade since Kyoto was signed...  
 How many other sound Ecotech projects have fallen by the wayside due to DTI/DIUS negligence?  
 How many high quality manufacturing jobs have been missed?  
 Conversely, how many poor schemes have been funded due to favourable consideration and corruption?

### Missed Opportunity for a Balanced Settlement

As this is now a public matter in the hands of the media, please ensure this has reached ministerial level.  
 DIUS has passed up several chances for an amicable and constructive settlement based on balanced terms of independent arbitration and adjudication, with settlement isolated to [carbon-down](#) Ecotech development to benefit all.

### Next Steps

Journalists will now use my own case as a detail examination of the basic procedural failures endemic at the DTI / DIUS. All the reference websites are updated with the last letters at [www.benversus/dti/writ.com](http://www.benversus/dti/writ.com).

Yours sincerely,

Ben Collins. [ben@bencc.com](mailto:ben@bencc.com)

### **A Reminder of the DTI Technology and Calculation Failures:**

SBS DTI failed to apportion value for the engineering development time already applied to the project  
 SBS DTI failed to apportion adequate and current market value for the time to be applied during the project.  
 SBS DTI failed to ascertain a credible technical evaluation of the CLP engine, yet their own protocol required 3.  
 SBS DTI failed to reorder a flawed technical evaluation even after the flaws of that evaluation were explained.  
 SBS DTI rejected detailed and justified reappraisal requests made on behalf of the project in 2003.  
 SBS DTI failed to inform me at the time there was judicial review route available to challenge their decision.  
 The CLP Engine is a carbon reducing technology which should have been supported according to the Kyoto protocol, obligations and agreement.

### **The Single "Expert" Report Said:**

"Not new!" : Yet was granted WIPO patent and was searched independently three times as novel.  
 "Difficult/Cant assemble!" : Same assembly as standard engine, unitary crankshaft, prototyped and photographed.  
 "Increases fuel consumption!" : Is a high efficiency electricity generating engine for power/mobile EV recharge.  
 "It might not work!" : Blimey, a research project that might not work, DUH!  
 "We don't look at websites" : It was 2003 not 1993. Time for the DIUS to come out of the dark ages.  
 "No market" : All the major manufacturers are now developing EVs with ICE recharge engines. This is a specialist ICE engine for ultra efficient electricity generation. The market is now proven as vast and may exceed the conventional engine in the next few years.

All the reasons for grant funding rejection have now been discredited. This engine was ten years ahead of its time and the first new round based engine for 95 years. A giant missed opportunity. The DTI/DIUS is culpable for delaying a carbon reducing technology by many years through negligent consideration of grant funding.

36	Formal website of all the cases	<a href="http://www.benversus.com">www.benversus.com</a>
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48	2003 Orig Research Application & Website	<a href="http://www.app.dti.benversus.com">www.app.dti.benversus.com</a>

Sent 12:50 2nd September

info@dcfs.gsi.gov.uk

Case Reference 2009/0073353

Dear Mr Collins

Thank you for your letter of 20 August, addressed to my colleague Kevin Sharp, regarding your claim against the Department. On this occasion I have been asked to reply.

As you know, the Department denies that it is liable as you allege or in any other way. Your latest correspondence raises no new, substantive points and I can only reiterate that if you wish to pursue this matter further you should seek a judicial review of the Department's decision.

Yours sincerely

Paula Simpson  
Public Communications Unit

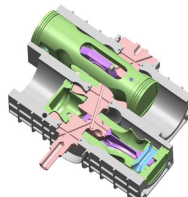
Your correspondence has been allocated the reference number 2009/0073353. To correspond by email with the Department for Business, Innovation and Skills please contact [info@dius.gsi.gov.uk](mailto:info@dius.gsi.gov.uk).



**EM DTI's Negligent Rejection of the CLP Engine Smart Application in 2003 By Squarise Design Limited**

emailed and posted

**Kevin Sharp**  
**Kingsgate House**  
**66-74 Victoria St**  
**London SW1E 6SW**



**20th August 2009 Overview Letter**

Dear Mr Sharp,

- It took your department eight months to deliver a coherent response to me, by email on 18th August.
- This (non award) 2003 decision was complained against at the time, within three days of the decision, but no internal review mechanism existed in your department. I was not informed of the judicial review route.
- To expect judicial reviews as a next stage process without any internal review mechanism is OTT.
- Justice in the UK is typically inaccessible to ordinary citizens, judicial reviewing is not realistically accessible process to engage in, immediately after an incorrect award decision.
- The details of this case will now be forwarded to Panorama et al to investigate your department.
- Your department extracted ten years of funding without significant results given the sums spent.
- Your department has been conning the treasury and taxpayer for a decade.
- Your failure to recognise the clearly laid out failings in this case shows contempt for natural justice.
- The manufacturing jobs from the aerohydrogen / carbon-down projects will now be created overseas.
- Your departments indifference cancels all the help over the years I have received from individuals in the UK.
- As 2003, you again miss an opportunity for high quality manufacturing mass employment in the UK.
- Your department's negligence has delayed some of these carbon reducing projects seven years.
- Your department seems to be unaware that the UK has the largest budget deficit in the world per capita, and that is even after printing an unprecedented and unrepeatabe £75 billion pounds this year. Wakey wakey, the UK needs to develop high quality manufacturing jobs that export technical goods.
- Please note my change of address as of August 1st 2009.

Yours sincerely,

Ben Collins. ben@bencc.com

I of 5

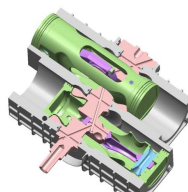
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SBS DTI rejected detailed and justified reappraisal requests made on behalf of the project in 2003.

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"Not new!": Yet was granted WIPO patent and was searched independently three times as novel.  
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"It might not work!": Blimey, a research project that might not work, DUH!  
"We don't look at websites": It was 2003 not 1993. Time for the DIUS to come out of the dark ages.

Kevin Sharp  
Kingsgate House  
66-74 Victoria St  
London SW1E 6SW



20th August 2009 Addressing the Points Raised in Your Letter

Dear Mr Sharp,

A

I refer to your letters of 15th and 16th April to the Secretary of State for Business, Enterprise and Regulatory Reform which have been passed to me to deal with as the matters about which you write are now the responsibility of the Department for Innovation Universities and Skills.

A) No mention of my letters in November 2008 and January 2009 on the same topic, which were confirmed as forwarded to your department by Innovation East Midlands at the time. Eight months to respond is poor.

Bi-iv

As far as your claim is concerned, the Department denies that it is liable as you allege or in any other way. For any claim to be established in negligence it must be shown that:

- a duty of care was owed to you;
- that duty has been broken;
- you have suffered loss as a result of that breach; and
- the loss is of a kind that is recoverable.

B) Your department denies negligence despite overwhelming evidence presented to the contrary.

Bi

As regards the existence of a duty of care it is not clear how you formulate this aspect of your claim. The Department denies that any duty of care such as to found an action for negligence arises out of the facts that you refer to in your letters.

Bi) From my side it is quite clear how I have formulated this aspect and presented it to you. Your duty must be to treat each application fairly and properly. In addition when a complaint is raised, as was the case herein, that complaint must also be treated properly. This is basic natural law. You also owe a duty of care to ensure projects that can reduce carbon burning are supported.

Bii

It is the Department's position that the only way to challenge a decision not to pay a grant would be by way of judicial review.

Bii) This means your department decides itself the way its allows its own decisions to be challenged. Very convenient for your department. You use a way that is so complicated and expensive rendering it almost impossible for the SME to challenge a decision. This is not open and transparent governing, but shady and corrupt practice.



Biii) As a general rule subject to the permission of the court to bring a late application, an application for judicial review must be brought promptly and in any event no later than three months after the making of the decision in question. DIUS considers that your claim is therefore out of time and is not one that the court would grant permission to bring out of time. In any event it is denied that any decision

Biii) I was not informed of the judicial review route open to me after I made my complaint regarding this application, three days after the non award, why not? Again more shady practice.

Biv) In any event it is denied that any decision made by the Department of Trade and Industry is one that could be successfully challenged by way of an action for judicial review.

Biv) So your department decides the only way its allows the decisions to be challenged is a way that cannot be probably challenged anyway. Thus declaring for yourselves unchallengeable omnipotence. Congratulations, Monty Python lives on. This breeds arrogance and dismissiveness of your employees and agents, with powers that can never be challenged. As was the case herein. This also allows your agents to make favourable grants and increases the scope for backhanders and corruption. This is not open and transparent governing.

Bv) Even if the existence of a duty of care and breach of that duty could be established (which is denied), the loss that you claim is not of a kind that is in law recoverable. Damages for pure economic loss such as a claim for loss of profits are generally not recoverable through a claim for negligence. In any event even if this category of loss were in principle recoverable, it is of a kind that is speculative in nature and too remote.

Bv) The loss *is* recoverable, by admitting liability, making an out of court settlement which will benefit everybody, your department, the taxpayer, my carbon reducing projects using the method in the settlement route I provided to you.

Recovery is possible by partitioning and isolating the settlement funding to accelerate other carbon eliminating technologies and job creation, as per the terms of settlement I offered, with the sums to be determined by an independent arbitrator. The money was not requested for my back pocket, it can be used to recover some of the damage created by your departments negligence in 2003, through developing carbon eliminating technology tomorrow to generate high value employment in the UK.

From my perspective the issues, negligence and remedy are all easily within coherent grasp, it just takes someone at your department to appreciate the negligence and opportunity this challenge presents.

Yours sincerely,

Ben Collins. [ben@bencc.com](mailto:ben@bencc.com)

29 April 2009

Dear Mr Collins

### Damages Claim

- A** I refer to your letters of 15th and 16th April to the Secretary of State for Business, Enterprise and Regulatory Reform which have been passed to me to deal with as the matters about which you write are now the responsibility of the Department for Innovation Universities and Skills.
- Bi-iv** As far as your claim is concerned, the Department denies that it is liable as you allege or in any other way. For any claim to be established in negligence it must be shown that:
- a duty of care was owed to you;
  - that duty has been broken;
  - you have suffered loss as a result of that breach; and
  - the loss is of a kind that is recoverable.
- Bi** As regards the existence of a duty of care it is not clear how you formulate this aspect of your claim. The Department denies that any duty of care such as to found an action for negligence arises out of the facts that you refer to in your letters. It is the Department's position that the only way to challenge a decision not to pay a grant would be by way of judicial review. As a general rule subject to the permission of the court to bring a late application, an application for judicial review must be brought promptly and in any event no later than three months after the making of the decision in question. DIUS considers that your claim is therefore out of time and is not one that the court would grant permission to bring out of time. In any event it is denied that any decision made by the Department of Trade and Industry is one that could be successfully challenged by way of an action for judicial review.
- Bii**
- Biii**
- Biv**
- Bv** Even if the existence of a duty of care and breach of that duty could be established (which is denied), the loss that you claim is not of a kind that is in law recoverable. Damages for pure economic loss such as a claim for loss of profits are generally not recoverable through a claim for negligence. In any event even if this category of loss were in principle recoverable, it is of a kind that is speculative in nature and too remote.

Yours sincerely

Kevin Sharp  
Innovation Directorate

1 of 2

ti 8/18/2009 11:40

Dear Mr Collins

Thank you for your email of 16 August, addressed to PEU Information mailbox, about my previous correspondence 2009/0067076. Please accept my apologies for omitting to attach a copy of the previous response that was sent on 29 April. Please find attached.

Yours sincerely

Heather Carnell

Public Communications Unit

Your correspondence has been allocated the reference number 2009/0072084. To correspond by email with the Department for Business, Innovation and Skills please contact [replies@bis.gsi.gov.uk](mailto:replies@bis.gsi.gov.uk).

sö 8/16/2009 09:53

Dear Ms Carnell

*Thank you for your reply (though after eight months).  
The letter was not received, nor was it attached in your email.*

*Yours sincerely, Ben Collins*

den 12 augusti 2009 15:34

Dear Mr Collins

Thank you for your email of 24 July, addressed to the former Department for Innovation, Universities and Skills' (DIUS) Complaints mailbox, about your complaint against DIUS.

May I begin by explaining that in June 2009 the Government created a new Department for Business, Innovation and Skills (BIS) whose key role will be to build Britain's capabilities to compete in the global economy. The Department was created by merging the former Departments for Business Enterprise and Regulatory Reform and Innovation Universities and Skills. Responsibility for the matters about which you write are now the responsibility of BIS. It is not clear whether you have received my colleague's letter of 29 April 2009 in response to your earlier correspondence on this matter. A copy is attached for your reference. In reply to your recent letters I can only reiterate that the Department denies that it is liable as you allege or in any other way.

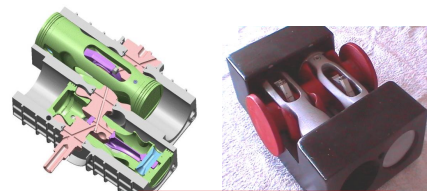
Yours sincerely

Heather Carnell

Public Communications Unit

Your correspondence has been allocated the reference number 2009/0067076. To correspond by email with the Department for Business, Innovation and Skills please contact [replies@bis.gsi.gov.uk](mailto:replies@bis.gsi.gov.uk)

**Legal Department  
Department of IUS  
Kingsgate House  
London  
SW1E 6SW  
UK**



**Status of Ongoing Action Against DIUS : Negligence**

**25th June, 2009**

Dear Sir or Madam,

There has been no response received from DIUS now for seven months on the matter of the unfairly rejected 2003 SMART application for the CLP (One Stroke) engine for electricity generation.

All the communications thus far and the original complaint and DTI SMART application are uploaded online. Your department received complaints (via Innovation East Midlands) in November 2008, March 2008 and again May 2008. All of which have been unanswered.

*This matter will be directed for public scrutiny October 1st 2009, after the One Stroke engine is relaunched Sept 17th.*

Seen everywhere within the transport industry are development or production projects utilising electricity generating piston engines to form the core of electric hybrids. You will need to publicly explain why this carbon reducing technology was not SMART awarded seven years ago and why you relied on expert witness that claimed there was no market for such technology, amongst a host of other indefensible incompetences already explained at the time and in subsequent communications. [www.benversus.com](http://www.benversus.com) (DTI pages).

Not funding the CLP Engine project [www.linkedpiston.com](http://www.linkedpiston.com) has been a giant missed opportunity and has contributed significantly to extra carbon production in the intervening years. In my letters to you and my website in January 2009 I pointed out the twenty or so eco quangos in North West England don't actually support generation of carbon reducing technology, they just talk and worry around the issue. That situation has now changed with NWDA's "Carbon abatement technology fund" launched this month. While it is good to be of positive influence, it is now ten years since the Kyoto protocol was signed, in that time your department has employed thousands of pamphlet printing penguins and extracted £billions from the treasury.

1. Where are your results post Kyoto, from ten years of DTI /DIUS funding?
2. Where are the new technologies now in production resolving the carbon producing issues and creating jobs?
3. Why was my one stroke engine not SMART awarded and dealt with so incompetently already explained in great detail?

Settling this matter privately in the next two months is in your interest and represents another opportunity to your department to make up for earlier failures. I have five new wind turbine concepts\* for development which collectively will eliminate carbon reliance according to aero hydrogen theory overleaf ([www.aerohydrogen.com](http://www.aerohydrogen.com)) and can create thousands of high quality manufacturing jobs, The terms of settlement I will accept have already been communicated;

- A) Ten million Euros.....or
- B) Damages calculated according to an independent arbitrator.

- In either case the whole part of the compensation can be fixed toward to the development of my carbon eliminating technology and job creation in the UK, i.e. altruistic results from public funds wasted by previous DTI failures.
- As no response has been received, hereafter no other settlement terms will be considered.
- Refer to my previous correspondence, [www.benversus.com](http://www.benversus.com), or the detailed DTI specific websites in the table overleaf.
- Please respond before August 17th.

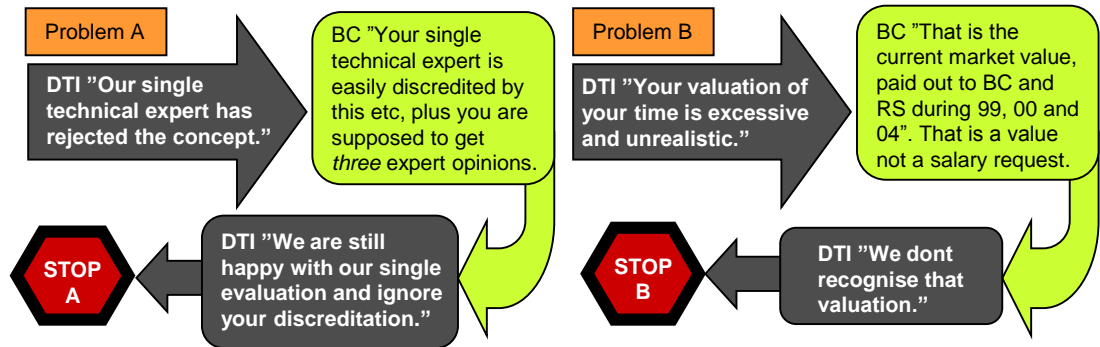
Yours sincerely,

Ben Collins (Inventor of the 1 Stroke Engine).

\*The DIUS is invited to obtain confidential expert evaluation regarding these concepts.



36	Formal website of all the cases	www.benversus.com
Uni's	Dept of Innovation & Uni's Full Details	Website
24	2009 Negligence of Dept of Innovation & Uni's	www.writ.dti.benversus.com
55	2008 Notice of Reasons of DIUS Negligence	www.detail.dti.benversus.com
48	2003 Orig Research Application & Website	www.app.dti.benversus.com



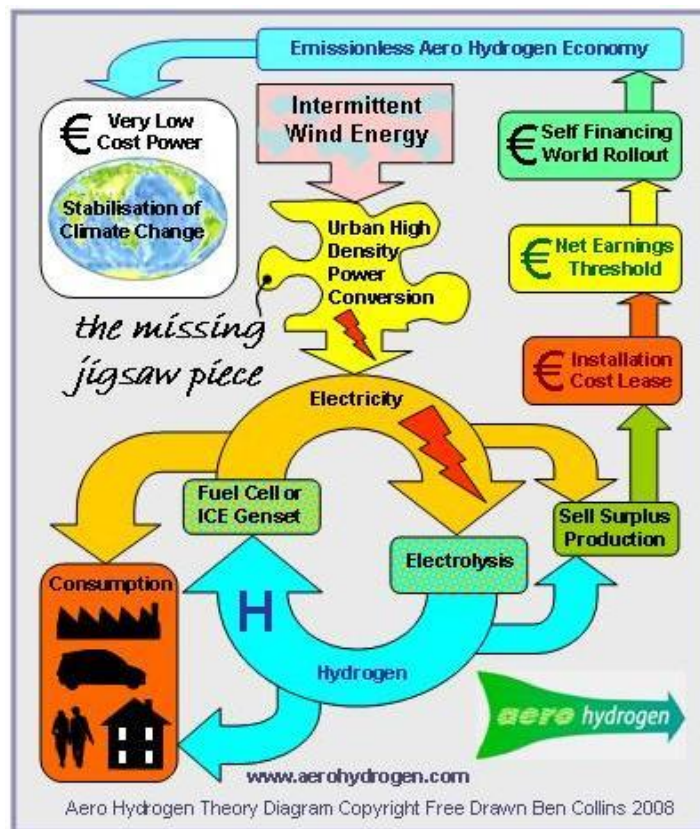
### From the Negative :A Positive Outcome For All

I agree to any settlement that requires 100% reinvestment (excluding external legal fees and their percentage) into my renewable technology projects. This is an opportunity for the DTI to develop mass manufacturing employment through funding the [www.Carbon-Down.com](http://www.Carbon-Down.com) project while bypassing European subsidy controls, as in this case the DTI are paying damages.

*While the DTI got it badly wrong in 2003, there can be a positive outcome in 2010.*

I have developed five new high yield wind turbine concepts that are ready for prototyping.

High yield means cheap to build and implement, with high remuneration leading to self financing rollout of the Aero-Hydrogen carbon eliminating economy. No need for subsidies, people will buy turbines that make money.





**Sally Jones**  
**Innovation East Midlands,**  
**Apex Court,**  
**City Link,**  
**Nottingham,**  
**NG2 4LA**

**Still Unanswered, Emailed and Posted.**

25th July, 2009

**Letter Forward and Address / Contact Details Request To DIUS : Re Negligence**

Dear Ms Jones,

Further to my letter this time last month (copied below), please could you comply with the letters request or at least have the courtesy to make a reply.

Yours sincerely

Ben Collins.

25th June, 2009

**Letter Forward and Address / Contact Details Request To DIUS : Re Negligence**

Dear Ms Jones,

According to your letter of the 29th April, regarding the negligence action against DIUS, you stated this matter had been forwarded to the department and that they would respond shortly.

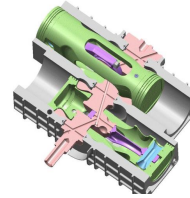
Regretfully no such response has been made.

As you did not supply the contact name or address that you forwarded the mails on to, please could you forward this mail enclosed. Please could you also supply me with the name and address of the recipient, via email, to either collinsben@hotmail.com or ben@bencc.com.

Yours sincerely,

Ben Collins.

The Rt Hon Lord Drayson  
Department of IUS  
Kingsgate House  
London  
SW1E 6SW  
UK



CC: [Complaints.DIUS@dius.gsi.gov.uk](mailto:Complaints.DIUS@dius.gsi.gov.uk)

**Status of Ongoing Negligence Action Against DIUS :**

25th July 2009

Dear Minister [Drayson](#),

There has been still no response received from DIUS for eight months on the matter of the unfairly rejected 2003 SMART application for the CLP (One Stroke) engine for high efficiency electricity generation in EV's.

All communications, the original complaint and DTI SMART application are at [www.benversus.com](http://www.benversus.com) (DTI pages). Your department received complaints (via Innovation East Midlands) in July and October 2003, November 2008, March 2008 and again May 2008 with the last reminder June 25th 2009.

All the 2008-9 complaints have been unanswered. You have until August 17th to respond.

Not funding the CLP Engine project [www.linkedpiston.com](http://www.linkedpiston.com) has been a giant missed opportunity and has contributed significantly to extra carbon production in the intervening years. Since the Kyoto protocol was signed DIUS/DTI has employed thousands of pamphlet printing penguins and extracted £billions from the treasury.

1. Where are your results post Kyoto, from ten years of DTI /DIUS funding?
2. Where are the new technologies now in production resolving the carbon producing issues and creating jobs?
3. Why was my one stroke engine not SMART awarded and dealt with so incompetently explained in great detail?
4. Do you want Andrew Pendleton and co to scrutinise the DIUS funding of irrelevant rubbish the last ten years?

Settling this matter privately in the next month is in your interest and represents another opportunity to your department to make up for earlier failures. I have four new wind turbine concepts\* for development which collectively will eliminate carbon reliance according to aero hydrogen theory overleaf and can create hundreds of thousands of high quality manufacturing jobs.

The terms of settlement I will accept have already been communicated;

- A) Ten million Euros.....or
- B) Damages calculated according to an independent arbitrator.

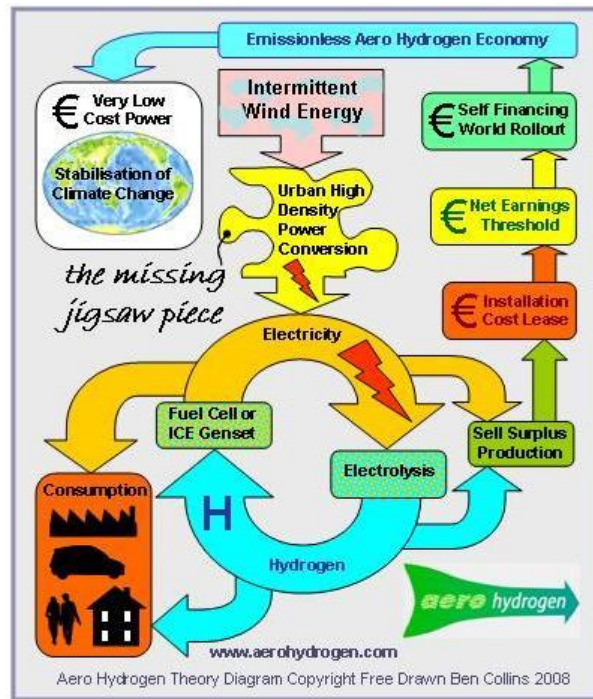
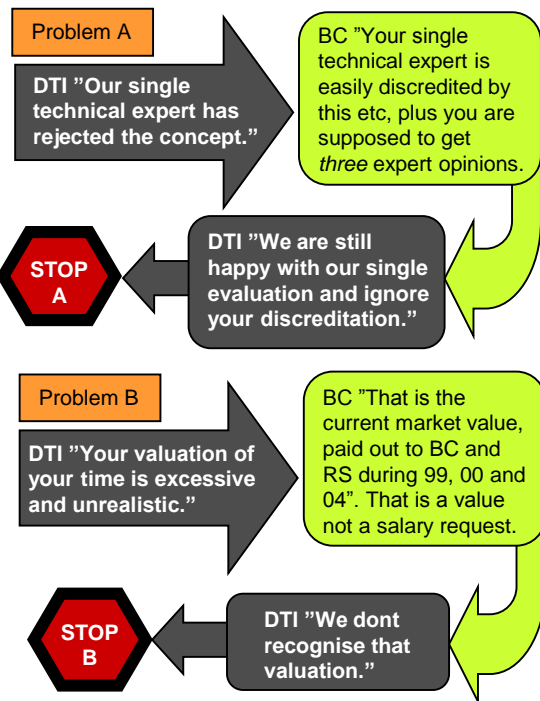
In either case the whole part of the compensation can be fixed toward to the development of my carbon eliminating technology and job creation in the UK, i.e. altruistic results from public funds wasted by DTI failures.

Yours sincerely,

Ben Collins. [ben@bencc.com](mailto:ben@bencc.com)

\*The DIUS is invited to obtain confidential expert evaluation regarding these concepts.

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48	2003 Orig Research Application & Website	www.app.dti.benversus.com



### From the Negative : A Positive Outcome For All

I agree to any settlement that requires 100% reinvestment (excluding external legal fees and their percentage) into my renewable technology projects. This is an opportunity for the DTI to develop mass manufacturing employment through funding the [www.Carbon-Down.com](http://www.Carbon-Down.com) project while bypassing European subsidy controls, as in this case the DTI are paying damages.

While the DTI got it badly wrong in 2003, there can be a positive outcome in 2010.

I have developed four new high yield wind turbine concepts that are ready for prototyping.

High yield means cheap to build and implement, with high remuneration leading to self financing rollout of the Aero-Hydrogen carbon eliminating the need for interventionist economics.

No need for subsidies, people and businesses will buy turbines that make them money.

### A Reminder of the DTI Failures:

- SBS DTI failed to apportion value for the engineering development time already applied to the project
- SBS DTI failed to apportion adequate value for the time to be applied during the project.
- SBS DTI failed to ascertain a credible technical evaluation of the CLP engine.
- SBS DTI failed to reorder a flawed technical evaluation even after the flaws of that evaluation were explained.
- The CLP Engine is a carbon reducing technology which should have been supported according to the Kyoto protocol, obligations and agreement.
- SBS DTI rejected detailed and justified reappraisal requests made on behalf of the project in 2003.

### The Single "Expert" Report Said:

"Not new!" : Yet was granted WIPO patent and was searched independently three times as novel.

"Difficult/Cant assemble!" : Same assembly as standard engine, unitary crankshaft, assembly stages photographed.

"Increases fuel consumption!" : Is a high efficiency electricity generating engine for power/mobile EV recharge.

"It might not work!" : Blimey, a research project that might not work, DUH!

"We don't look at websites" : It was 2003 not 1993. Time for the DIUS to come out of the dark ages.

**Legal Department  
Department of Innovation, Universities and Skills  
Kingsgate House  
London  
SW1E 6SW  
UK**



2nd May, 2009

**Status of Ongoing Action Against DIUS : Negligence**

Dear DIUS Legal Team,

I am writing regarding a negligence action I am pursuing against your department.

On 29th April 2009 I received correspondence from both Michael Carr and Sally Jones of Innovation East Midlands (copied overleaf) regarding my complaint originally directed at East Midlands DTI which I was under the false impression had been carried into Innovation East Midlands. According to their letters they have informed me that the correct target of my complaint would be the DIUS and they have already forwarded both complaints to you from November 20th 2008 and April 15th 2009 respectively. Ms Jones also states that I can expect a reply shortly from your department.

I would just like to give official notice that I am now directing this claim of negligence against your department instead of Innovation East Midlands and have changed the website references and complaint documents accordingly to name your department. I apologise for directing this action at the wrong agency previously. You may appreciate there appear to be numerous government agencies under frequent rebranding and reorganisation and it gets rather confusing as to who has been changed to what and where, especially from a layman's perspective.

The revised documents, now incorporating DIUS in place of InnEM are uploaded online according to the table below for your inspection and consideration.

If you require new hardcopies of the documents with the corrected naming of your department, please contact me. In other respects the documents are 100% unaltered. If no request is made for new documents I will assume that you are processing the documents you have received from InnEM accordingly and will reply to my claim of negligence in due course, as was suggested by Ms Jones on 29th April.

Yours sincerely,

Ben Collins. Inventor of the one stroke engine for recharging electric vehicles.

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48	2003 Orig Research Application & Website	www.app.dti.benversus.com



Mr Ben Collins  
N Gubberogatan 3 – 5tr  
Göteborg  
Sverige

By post and email: [collinsben@hotmail.com](mailto:collinsben@hotmail.com)

Date 29<sup>th</sup> April 2009

Dear Mr Collins

**BC v. SBS DTI**

I write further to your letter to a Marian Simpson, Director of SBS DTI dated 20<sup>th</sup> November 2008 and the document you sent to David Wallace, Director 'Innovation East Midlands' dated 15<sup>th</sup> April 2009.

Your correspondence details your intention to make a claim against the Small Business Service ('SBS') run by the DTI (no longer in existence) and subsequently East Midlands Innovation ('emINN') for Professional Negligence.

As was explained to you in our letter of 2<sup>nd</sup> January 2009 (copy enclosed for your reference), the former SMART Award administered by the SBS is now the responsibility of the Department for Innovation, Universities and Skills ('DIUS') and your correspondence has been forwarded to them for their consideration. I'm told that you will receive a response from them shortly.

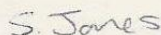
For your information, whilst in existence, the SBS was a co-locatee at Apex Court (the offices of *emda*) but was not the responsibility of *emda* in any way. You should also be aware that emINN is not a legal entity and is not a 'successor' to the SBS. Therefore, neither *emda*, nor emINN can be liable for the actions or omissions of the SBS.

All correspondence relating to your action/claim should be sent to:

The Department for Innovation, Universities and Skills  
Kingsgate House  
London  
SW1E 6SW

Please also remove references to emINN and *emda* from your website within 21 days of the date of this letter as you are clearly posting inaccurate information which may be libellous; this letter is without prejudice to any action *emda* may take in this regard.

Yours sincerely



**Sally Jones**  
Head of Legal and Procurement

encs



Mr Ben Collins  
690309-5096  
Göteborg  
SWEDEN

2 January 2009

Dear Mr Collins

**BC v. SBS DTI: Invitation to Settle Damages**

I write further to your letter of 20<sup>th</sup> November received at Apex Court, City Link, Nottingham on 24<sup>th</sup> November 2008. Please accept my apologies for the delay in replying.

You should be aware that both the Small Business Service, and the Department for Trade and Industry to which the SBS were accountable, are no longer in existence. The former SMART Award is now the responsibility of the Department for Innovation, Universities and Skills ("DIUS"), information about which can be found at [www.dius.gov.uk](http://www.dius.gov.uk).

In light of the above, your letter has been forwarded to DIUS at Kingsgate House, London, SW1E 6SW. You should also direct any future correspondence about your claim to that address.

Yours sincerely



Michael Carr  
Executive Director of Business Services



Apex Court, City Link, Nottingham, NG2 4LA  
Tel: 0115 988 8300 Fax: 0115 853 3666  
Email: [info@emd.org.uk](mailto:info@emd.org.uk)  
[www.emda.org.uk](http://www.emda.org.uk)

**Sally Jones**  
**Innovation East Midlands,**  
**Apex Court,**  
**City Link,**  
**Nottingham,**  
**NG2 4LA**

2nd May, 2009

**Status of Ongoing Action Against DIUS : Negligence**

Dear Ms Jones,

Thank you for your email and letter attachment of the 29th April.

From your information I duly note that I need to redirect my action to "DIUS" and subsequently have corrected the references on my websites where "InnEM" is replaced by DIUS.

I am now in touch with DIUS directly. Thank you for forwarding the material and checking with them that a response is due shortly.

I apologise for directing this action at the wrong agency (yourselves) and wholly retract everything 100%. I am sure you will appreciate there appear to be numerous government agencies under frequent rebranding and reorganisation and it gets rather confusing as to who has been changed to what and where from a layman's perspective.

Thank you to Mr Carr for forwarding the material to the DIUS in December 2008. The letter you attached from 2nd January 2009 from M Carr was not received as it was incorrectly addressed and nor copied to email.

Yours sincerely,

Ben Collins.

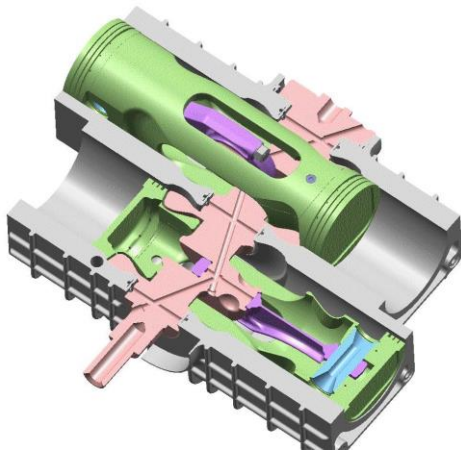


4th May, 2009 Ben Collins.  
(Originally Sent 15th April 2009)

## Professional Negligence Pre-Action

According to : [http://www.justice.gov.uk/civil/procrules\\_fin/contents/protocols/prot\\_neg.htm](http://www.justice.gov.uk/civil/procrules_fin/contents/protocols/prot_neg.htm)

Against The Department of Innovation, Universities and Skills  
For Unfair Rejection of the CLP Engine Smart Application



**Now Directed to:**  
**Legal Department**  
**Department of IUS**  
**Kingsgate House**  
**London**  
**SW1E 6SW**  
**UK**

**CC: Rt. Hon. John Hutton**  
**Dept for BERR**

**15th April, 2009**

**Status of Ongoing Action**  
**Against DIUS : Negligence**

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09AP15	3	2 of 2 Letter to DIUS Continuance of Negligence Action
PNAPP	4	1 of 2 Letter of Claim According to PNPAP
PNAPP	5	2 of 2 Letter of Claim According to PNPAP
09AP16	6	1 of 2 Letter to BERR Minister Hutton
09AP16	7	2 of 2 Letter to BERR Minister Hutton
081120	8	Letter 081120 Complaint / Malpractice Action
081120	9	Contents of 081120 Complaint / Malpractice Action
PNPP1	10	1 of 4 Notes on Professional Negligence Pre-Action Protocol
PNPP2	11	2 of 4 Notes on Professional Negligence Pre-Action Protocol
PNPP3	12	3 of 4 Notes on Professional Negligence Pre-Action Protocol
PNPP4	13	4 of 4 Notes on Professional Negligence Pre-Action Protocol
13.2A 1	14	1 of 1 Draft of Summons Form 13.2 - A
Cartoon	15	1 of 2 BC vs DIUS : Cartoon Explanation
Cartoon	16	2 of 2 BC vs DIUS : Cartoon Explanation
Cover	17	Website Publication of Document and Reference
	18	End

- 1) No Response Received to the Complaint and Malpractice Action of November 20th 2008
- 2) Attached is Ministry of Justice Professional Negligence Pre-Action Protocol (PNPAP).
- 3) Contact to BERR / Minister Hutton
- 4) Full Publication of the Action Online Follow the Links Below
- 5) Establishing Legal Representation



Dear Legal Director,

- 1) Further to my letter and formal complaint document (54 pages) alleging malpractice, that has not been answered, I am writing to notify you and your department of the status of my negligence action against the DIUS begun in November 20th 2008. Your lack of response within three months closes the first opportunity for settlement presented to the DIUS.
- 2) Enclosed you will find my **letter of claim** according to the Professional Negligence Pre-Action protocol (B2) as presented by the Ministry of Justice. *You should acknowledge receipt of the letter of claim within 21 days and respond within three months according to the PNPAP attached herein : B1.4, B4.1.*
- 3) Also enclosed is my letter discussing this issue with the BERR Minister, Rt Hon John Hutton.
- 4) The entire contents and history of this case is now published online including the; original application, original support documents, November's complaint and this PNPAP.
- 5) You should also inform your professional indemnity insurers (according to PNPAP B1.3).

I believe substantial damages are due.

The government et al talk a good game on "climate" etc but their ground troops are not doing their job properly, frequently handing out research sweeties to their pals in industry and academia, but infrequently to deserving projects like the CLP engine that can actually reduce carbon burning.

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09AP15

That is not the main issue here though, the issue is that my application was not treated correctly according to the DTI's own protocol and subsequent correspondence explaining the DTI's shortfall in performance standard was rejected. The CLP Engine Project should have received the grant and the reasons given for rejection were unfounded. Correspondence constructively discussing the poor reasoning was dismissed out of hand by the DTI. This means your organisation has "breached a contractual term to take reasonable skill and care" as described in the PNPAP.

I will happily agree to any settlement that requires 100% reinvestment (excluding external legal fees and their percentage) into my renewable technology projects. This case is actually an opportunity for the DTI to develop mass manufacturing employment through funding the [www.Carbon-Down.com](http://www.Carbon-Down.com) project while bypassing European subsidy controls, as in this case the DTI are paying "damages".

***While the DTI got it badly wrong in 2003, there can be a positive outcome in 2009.***

However if settlement is not made, when the CLP Engine is relaunched in 2010 I will publicly present;

- the rejection of funding this project received way back in 2003.
- declining a foresightful low carbon project with potential for mass employment.
- highlighting the personnel failures and broken procedures that created that funding shortfall.
- the dismissive nature of the DTI rejection and failures.
- the additional failure to settle in 2008 and 2009 when opportunity was given.
- this will eventually lead to a higher level of damages to pay in 2010.
- also leading to a questioning of the philosophical role of the regional DAs and their performance.
- further putting pressure on supply of treasury funds to your department.

The public sector has just dumped onto the tax payer a £370million loan to its friends in foreign owned Jaguar Land Rover, the same company that was offered this technology in 2002. There is no quarrel with JLR as they had their own immediate commercial pressures (improving power outputs on V8 and V12 engines) preventing backing esoteric engine research projects – that is why RDA's exist. Grant assistance in 2003 could be now reaping rewards but is not due to your negligence.

JLR is now proposing to build a car exactly along the lines I predicted in 2001.

<http://www.pistonheads.com/news/default.asp?storyId=19732>

The DTI has also dumped massive research funding into hydrogen fuel cells at its friends Qinetiq with no practical end result. Here we stand nearly six years on and the requirement for a specialist recharging internal combustion engines for electric cars is irrefutable, but in 2003, the DTI believed there was no market for my foresightful engine innovation targeting improved efficiency for engines dedicated to electricity generation. That means that every single claim made by your expert which you refused to reconsider, has proven to be inaccurate, even the one claiming "**no discernible market for the CLP**" which was rather hard to countenance at the time.

My concern is the RDA's are a giant charade, a thick layer of bureaucracy that does not give help to the right projects – but is happy to claim it does, with the taxpayer the loser, while it funds more and more quangos and hairy fairy academic projects, yet not part-supporting the independent innovator – the historically proven source of real innovation.

DIUS is invited to develop settlement using an independent arbitrator with respect to the complaints in 2003, 2004, 2008 and now this PNPAP.

Yours sincerely,  
Ben Collins (Inventor of the I Stroke Engine).





**Letter of Claim According to MoJ PNPAP**

**15th April, 2009**

(B1.2a) From : Benjamin Christopher Collins, N Gubberogatan 3 - 5tr, Göteborg, Sweden.

(B1.2a) To : Director, Dept of Innovation, Kingsgate House, London, SW1E 6SW, UK.

Dear Director,

As Director of Dept of Innovation, U & S formerly known as East Midlands Small Business Service Department of Trade and Industry, I am charging your organisation of willful professional negligence according to the Ministry of Justice Professional Negligence Pre-Action Protocol (PNPAP) attached.

(B1.2b / B2.2.c)

The negligence concentrates on fundamental errors by East Midlands DTI (now rebranded Dept of Innovation, U & S) in the evaluation of the CLP Engine which led to the denial of SMART grant part funding for a low carbon technology with excellent future potential on 15th August 2003. The main errors in particular were;

- i) Claims of "no market" – industry needs to predict and act eight years in advance of market conditions – as the 1 stroke engine did, but EM DTI did not, the CLP Engine can become an ideal high efficiency electric vehicle power generator and battery recharger. In the application the engine was proposed for use as an electricity generator not a mainstream direct drive engine. We see now that all the major vehicle manufacturers are proposing electric cars using such a background engine in the format I predicted in 2002.
- ii) Claims of "difficult to assemble" – even though a model was built and demonstrated at the DTI office in Spring 2003 with photography of the easy assembly in the application using a **solid crankshaft** (2002 and 2003).
- iii) Claims of "old idea" – when the idea had already been searched as novel by the UK, European and World patent offices and also granted approval for a world patent, yet without any old ideas identified to back this claim.
- iv) Only one expert consulted – whose single malformed opinion rejected the concept (DTI Smart protocol demanded three opinions).
- v) Not replacing the expert report that discounted the CLP Engine even after each erroneous claim the expert made was point by point discredited in my explanation at length sent by return on the 17th August 2003.
- vi) Refusing to value my time to be contributed to the project at the standard market rate I earned as a consulting engineer during 1998, 1999, 2003.
- vii) Refusing to value my time of two years already contributed unpaid developing the concept prior to SMART application during 2001 and 2002.
- viii) Refusing to consult my website on the 25th October 2003 (as the DTI would not consider websites (!)).
- ix) Failure to support a potential carbon reducing technology as per the Kyoto agreement.
- x) Intransigence at your organisation which led to the impasse in my SMART application described in the diagram overleaf as problem A and problem B.

(B1.2c) Financial Redress

I claim as damages ten million Euros or a sum to be determined by an independent arbitrator. The sum paid can have strict restrictions attached to ensure the money is only spent on developing prototypes or building manufacturing capacity for innovations from Ben Collins such as; high yield wind turbines, hyper efficient engines and or low carbon architecture, though the sum paid will also need to account for legal fees incurred and ongoing since the unanswered complaint of 20th November 2008 which had no legal fees applied. The ten million Euros sum is calculated according to the table overleaf, already supplied to your organisation on the 20th November 2008. Robert Skelding will receive 2.5% of the settlement, without conditions attached.

(B1.3) You should also inform your professional indemnity insurers.

(continued overleaf).

PNPAP

(B2.2d) Unjust rejection of my SMART Application on 15th August 2003 totally destabilised the CLP project after I had already over extended my low carbon technology investigations following successfully developing during 2001 and 2002 a new and realistic specialist (CLP) engine dedicated to hyper efficient electricity generation which had significant future commercial and carbon reduction potential. Without the SMART grant I was left without sufficient finance to pursue the PCT (world) patent application, despite receiving approval from the PCT authority for novelty on 13th February 2003. Without the SMART funding for the project, I was forced to immediately return to vehicle interior design (september 2003) and could not dedicate sufficient time to the project to warrant continuance, i.e. I was unable to complete the next step in product and concept refinement which would have led to a firing and measurable prototype to complete a potential technology break through project. Without this time for concept refinement, a firing prototype and PCT patent protection which would have resulted from a SMART grant, the commercial potential of the project was nullified and the project stagnated due to SMART grant rejection.

#### (B2.2e) Non-Financial Redress

- Recovery of the fee paid by EM DTI for the discredited expert report from that expert.
- Apology extracted from the expert in question or a public discreditation of that expert from DIUS.
- Apology letter from DIUS to members of my family let down by your organisations failures.
- Apology letter to Robert Skelding (also Squarise Design Limited) let down by your organisations failures.

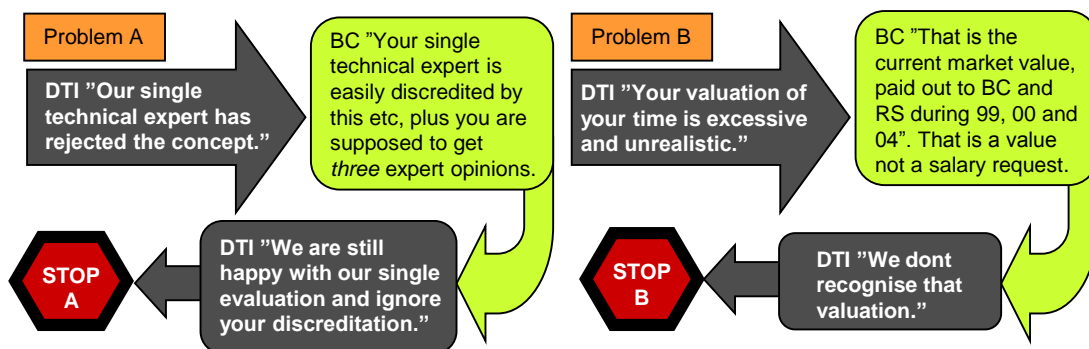
For more detailed analysis of the negligence please consult the 54 page malpractice allegation I made against DIUS in November 20th supplied in writing and CD and now online at [www.detail.dti.benversus.com](http://www.detail.dti.benversus.com).

Therein that document all the dated and referenced correspondence can be found.

I will appoint a legal expert in the near future to handle this matter hereafter.

Yours sincerely,

Ben Collins  
(Inventor of the  
I Stroke Engine).



Damage Euros		BC vs DTI SBS 1st November 2008	
Ref		Main Damages	
D1	?	€10 000 000	Lost income from patent licencing, 20 years licencing.
D2	?		Retarded lifestyle resulting from non income after three years invested.
D3	?		Lost status as innovation leader land chance to launch other projects.
BvE8		Other Damages	
od1	?		Life on hold for three years meaning children, houses, relationships difficult.
od2	?		Family strains with siblings and parents as apparently veering now where.
od3	?		Career break of 2 years left in tatters with no end product to show.
od4	?		Mental trauma of unfair criticism which plays with the mind, is it me or them etc?
od5	?		Delays to subsequent inventions (42) inc wind turbines and other ICE technology.
od6	?		Law and court fees after December 30th if no settlement reached.
od7	?		Costs incurred preparing this document, including multiplication according to risk.

Damages are difficult to calculate, BC requests use of an independent arbitrator.

Minister Hutton  
Ministerial Correspondence Unit  
Dept of BERR  
1 Victoria Street  
London SW1H 0ET



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09API5	6	2 of 2 Letter to DIUS Continuance of Negligence Action
081120'	7	Letter 081120 Complaint / Malpractice Action
081120'	8	Contents of 081120 Complaint / Malpractice Action

## **Negligence Action Versus DIUS and the Route to Funding a High Yield Wind Turbine Factory**

Dear Minister Hutton,

16th April 2009

Please take the time to read this letter. Having just said goodbye to my Mum at Barrow Crematorium, I am considerably motivated to get moving on my negligence action against East Midlands SBS DTI who failed to back my smart application for the 1 stroke CLP regengine project in 2003.

In 1998 I created the 1 stroke engine concept after realising the future would be electric vehicles (EVs), that hydrogen fuel cells would not be practical in the short or medium term (despite the hype) and that using batteries alone would cost and weigh too much and eat space, whilst warping commodity prices (lithium ion is already getting expensive from just a few Prius's). The answer would be a specialist engine regenerating the EV on the move, meaning never ending range on exceptional trips but electric power from "plug-in" on most short journeys. This produces the best compromise all round between recharging vehicles with excess electricity at night, whilst using our depleting oil based energy matrix already in place and avoiding massive banks of batteries on the vehicle.

Thereafter I invented the *1 stroke recharging engine*, but unfortunately EM DTI did not "get it" during my SMART funding application. Since that time vehicle technology has proved me right, but instead of sitting here with exactly the technology needed, lack of funding has left me frustrated at the bizarre incompetences of 2003 - hence the negligence action against your ministry sub division.

### **Ongoing Negligence Action Versus East Midlands DTI (Now DIUS)**

The negligence concentrates on fundamental errors by East Midlands DTI:

- Claims of "no market" – industry needs to predict and act eight years in advance of market conditions – as the 1 stroke engine did, but EM DTI did not.
  - Claims of "cant assemble" – even though a model was built and demonstrated at the DTI office and photographed in assembly detail in the application (2003).
  - Claims of "old idea" – when the idea had already been searched as novel by the UK, European and World patent offices and also granted approval for a world patent, without any old ideas identified.
  - Only one expert consulted – whose single malformed opinion rejected the concept (DTI Smart protocol demanded three opinions).
  - Ignoring my explanation at length why their expert was misguided and or mistaken.
  - Refusing to value my time to be contributed to the project at the standard market rate I earned as a consulting engineer during 1998, 1999, 2003.
  - Refusing to historically value my time contributed developing the concept prior to SMART application during 2001 and 2002.
  - Refusing to consult my website (as the DTI in 2003 would not consider websites (!)).
  - Failure to support a potential carbon reducing technology as per the Kyoto agreement.
- In summary, this is an embarrassing case the DTI (Now BERR) will certainly lose in the end.

### **Getting a Positive Result from the Negativity**

While the contents of this letter seem negative, fundamentally they are not. After replenishing my funds 2003-4, since 2005 I have continued my eco technology work and in the background waiting to be launched are three new high yield wind turbine designs and many engine innovations (see [www.bencc.com](http://www.bencc.com)).

Minister Hutton, you have spoken about building many wind turbines on the UK coast, based on the desperately low yield (energy and money) "three propeller" design. UK PLC can save a lot of money building my (prototypes first obviously!) high yield design, on the roofs of industrial estates nationwide, to eventually create an oil free *aero-hydrogen* economy ([www.aerohydrogen.com](http://www.aerohydrogen.com)).

The case details of Ben Collins V DIUS are now published online. If that case is settled quickly, we can work together to set down legal guarantees that the settlement is isolated and pumped into funding eco tech work not lawyers fees or my back pocket.

Your department is tied by EU rules on backing industrial projects to prevent subsidisation, but as a settlement of previous malpractice, those rules are bypassed, helping us both. This means the UK can gain a huge new wind turbine manufacturing industry, as well as saving billions on building low yield expensive imported turbines out at sea. An exporting wind turbine industry can be used to generate masses of jobs.

If you decline the opportunity to make settlement with conditions of the money to fund UK based projects offered herein, the risk is I will still win the case, but then the money is leaked elsewhere and another country benefits twofold from "free money" and a new wind turbine industry. I will also decry the endless website revamps, committees, rebranding, brochures, convoluted grants and thousands of penguins in your dept, yet without an end result delivering correct funding to the innovation coal face, such as the CLP engine project.

There are legions of people talking and researching climate crisis and oil depletion, but very few providing practical resolutions. In a world of empty talking and missed targets, let us work together to make something real happen.

Yours sincerely

Ben Collins (inventor of the one stroke engine)  
Acta non Verba, Dum Spiro Spero.



36	Formal website of all the cases	<a href="http://www.benversus.com">www.benversus.com</a>
Uni's	Dept of Innovation & Uni's Full Details	Website
24	2009 Negligence of Dept of Innovation & Uni's	<a href="http://www.writ.dti.benversus.com">www.writ.dti.benversus.com</a>
55	2008 Notice of Reasons of DIUS Negligence	<a href="http://www.detail.dti.benversus.com">www.detail.dti.benversus.com</a>
48	2003 Orig Research Application & Website	<a href="http://www.app.dti.benversus.com">www.app.dti.benversus.com</a>

## BC vs SBS DTI : Invitation to Settle Damages

**Ben Collins 690309-5096**, Göteborg, Sverige.

0046 708 453589

**DIUS Legal  
Kingsgate House  
London  
SW1E 6SW  
UK**

20th November 2008

Malpractice action against SBS DTI for failure to provide a SMART award for the CLP Engine in 2003

Dear Director,

In November 2003 SBS DTI rejected the CLP SMART application without due cause, failing to support a carbon reducing technology and misapplying rules of SMART consideration during this rejection amounting to malpractice.

- SBS DTI failed to apportion value for the engineering development time already applied to the project
- SBS DTI failed to apportion adequate value for the time to be applied during the project.
- SBS DTI failed to ascertain a credible technical evaluation of the CLP engine.
- SBS DTI failed to reorder a flawed technical evaluation even after the flaws of that evaluation were explained in detail.
- The CLP Engine is a carbon reducing technology which should have been supported according to the Kyoto protocol, obligations and agreement.
- SBS DTI rejected detailed and justified reappraisal requests made on behalf of the project in 2003.

You are invited to consider this document (full 54 pages on CD attached) which discusses the malpractice at length and agree to take part in an independently set compensation tribunal or offer a settlement before the added expense of lawyers are involved from December 30<sup>th</sup> 2008. Please refer to the document attached.

### **Damages**

I claim damages for;

A) Loss of commercial value of the CLP project denuded of intellectual property and next stage development.

Even though the CLP engine had been searched as novel and worthwhile by the World Patent Authority, without the SMART award, funds were not available to continue the development process. The CLP project only had time to make two significant funding applications, the main one to SBS DTI. Had SBS DTI assessed that SMART application properly, funding would have been available for worldwide patent protection.

B) Loss of the grant funding.

C) Other damages listed according to the table within the document attached.

D) Monetary compensation equivalent to time\*risk required to prepare this case.

E) Lawyer and court fees accumulating in the event of non settlement before December 30th 2008.

Yours sincerely,

Ben Collins ([collinsben@hotmail.com](mailto:collinsben@hotmail.com)) (printed and posted pages; 2,3,4,5,6,34,11,12,35,E)



## BC vs SBS DTI : Contents

55 2008 Notice of Reasons of DIUS Negligence [www.detail.dti.benversus.com](http://www.detail.dti.benversus.com)

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BvE3	Introduction	Contents
BvE4	Introduction	Communications Register, CD Annex, Failures Summary
BvE5	Introduction	Discussion of the CLP Project Background to the Malpractice Action
BvE6	Legal	Summary of Legal Points
BvE7	Legal	M1 Technical Rejection Summary
BvE8	Malpractice	Applications Supporting Documents and Website Invitation
BvE9	Malpractice	Diagram of Assembly Shown to Ford, Volvo Truck and Website
BvE10	Malpractice	Diagram of Assembly Published on Website 2002
BvE11	Malpractice	030817 Salient Letter Refs Regarding Expert 2 Report
BvE12	Malpractice	2004-01-14 Salient Letter References From BC to DTI SBS
BvE13	Malpractice	M2 Time Value Paradox - Catch 22
BvE14	Malpractice	M3 The Correct Value of Time
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BvE16	Malpractice	Real World Project Valuation at Submission
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BvE18	Malpractice	Other Failures (1 of 5) Website Ignorance and Bullying
BvE19	Malpractice	Other Failures (2 of 5) Model Ignorance, No Technical Appraisals
BvE20	Malpractice	Other Failures (3 of 5) Inflexible and Weird Project Rules
BvE21	Malpractice	Other Failures (4 of 5) Anti-Inventor Strategies & Kyoto Ignorance
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BvE23	Damages	Damages Table and Discussion
BvE24	Comment	Independent Comments
BvE25	Comment	RDA Lack of Results and Fake Risk Projects
BvE26	Comment	The Need for Lone and Small Private Team Inventors
BvE27	Idealisation	How the project might have been evaluated (1 of 2)
BvE28	Idealisation	How the project might have been evaluated (2 of 2)
BvE29	Idealisation	Understanding The Race for Patent Definition and Licencing
BvE30	Idealisation	Establishing The New and Original CLP Innovation
BvE31	Idealisation	Missed Opportunity The Need Today for a One Stroke Engine
BvE32	Idealisation	CLP Regengine Information Taken from Regengine.com
BvE33	Idealisation	Tax Payers Alliance - Report into the RDAs : Poor Value
BvE34	<b>End</b>	<b>Summary</b>
BvE35	End	Cartoon Explanation

 Full document online here.

If a scheme is offered, it must be fairly administrated, otherwise offering the scheme is a fraud. In my opinion (IMO) the SMART award claims to support the small team inventor but fails to do so and is a charade to fool central government and extract funding. The UK has failed to produce any significant inventions in the last forty years, despite RDA "providing support" and extracting billions of pounds of treasury funds. IMO this support has not reached the right people and has been frittered away on; university research, machinery and production equipment purchases containing very little innovation, risk or altruistic gain for wider society. In contrast, all those elements were contained within the *rejected* CLP engine project.

PROFESSIONAL NEGLIGENCE PRE-ACTION PROTOCOL THIS PROTOCOL MERGES THE TWO PROTOCOLS PREVIOUSLY PRODUCED BY THE SOLICITORS INDEMNITY FUND (SIF) AND CLAIMS AGAINST PROFESSIONALS (CAP)

## A INTRODUCTION

**A1.** This protocol is designed to apply when a Claimant wishes to claim against a professional (other than construction professionals and healthcare providers) as a result of that professional's alleged negligence or equivalent breach of contract or breach of fiduciary duty. Although these claims will be the usual situation in which the protocol will be used, there may be other claims for which the protocol could be appropriate. For a more detailed explanation of the scope of the protocol see **Guidance Note C2**.

**A2.** The aim of this protocol is to establish a framework in which there is an early exchange of information so that the claim can be fully investigated and, if possible, resolved without the need for litigation. This includes:

- (a) ensuring that the parties are on an equal footing
- (b) saving expense
- (c) dealing with the dispute in ways which are proportionate:
  - (i) to the amount of money involved
  - (ii) to the importance of the case
  - (iii) to the complexity of the issues
  - (iv) to the financial position of each party
- (d) ensuring that it is dealt with expeditiously and fairly.

**A3.** This protocol is not intended to replace other forms of pre-action dispute resolution (such as internal complaints procedures, the Surveyors and Valuers Arbitration Scheme, etc.). Where such procedures are available, parties are encouraged to consider whether they should be used. If, however, these other procedures are used and fail to resolve the dispute, the protocol should be used before litigation is started, adapting it where appropriate. See also **Guidance Note C3**.

**A4.** The Courts will be able to treat the standards set in this protocol as the normal reasonable approach. If litigation is started, it will be for the court to decide whether sanctions should be imposed as a result of substantial non-compliance with a protocol. Guidance on the courts' likely approach is given in the Protocols Practice Direction. The Court is likely to disregard minor departures from this protocol and so should the parties as between themselves.

**A5.** Both in operating the timetable and in requesting and providing information during the protocol period, the parties are expected to act reasonably, in line with the Court's expectations of them. See also **Guidance Note C1.2**.

## B THE PROTOCOL

**B1. Preliminary Notice** (See also **Guidance Note C3.1**)

**B1.1** As soon as the Claimant decides there is a reasonable chance that he will bring a claim against a professional, the Claimant is encouraged to notify the professional in writing.

**B1.2** This letter should contain the following information:

- (a) the identity of the Claimant and any other parties
- (b) a brief outline of the Claimant's grievance against the professional
- (c) if possible, a general indication of the financial value of the potential claim

**B1.3** This letter should be addressed to the professional and should ask the professional to inform his professional indemnity insurers, if any, immediately.

**B1.4** The professional should acknowledge receipt of the Claimant's letter within 21 days of receiving it. Other than this acknowledgement, the protocol places no obligation upon either party to take any further action.

### B2. Letter of Claim

**B2.1** As soon as the Claimant decides there are grounds for a claim against the professional, the Claimant should write a detailed Letter of Claim to the professional.

**B2.2** The Letter of Claim will normally be an open letter (as opposed to being 'without prejudice') and should include the following –

- (a) The identity of any other parties involved in the dispute or a related dispute.
- (b) A clear chronological summary (including key dates) of the facts on which the claim is based. Key documents should be identified, copied and enclosed.
- (c) The allegations against the professional. What has he done wrong? What has he failed to do?
- (d) An explanation of how the alleged error has caused the loss claimed.
- (e) An estimate of the financial loss suffered by the Claimant and how it is calculated. Supporting documents should be identified, copied and enclosed. If details of the financial loss cannot be supplied, the Claimant should explain why and should state when he will be in a position to provide the details. This information should be sent to the professional as soon as reasonably possible. If the Claimant is seeking some form of non-financial redress, this should be made clear.
- (f) Confirmation whether or not an expert has been appointed. If so, providing the identity and discipline of the expert, together with the date upon which the expert was appointed.
- (g) A request that a copy of the Letter of Claim be forwarded immediately to the professional's insurers, if any.

**B2.3** The Letter of Claim is not intended to have the same formal status as a Statement of Case. If, however, the Letter of Claim differs materially from the Statement of Case in subsequent proceedings, the Court may decide, in its discretion, to impose sanctions.

**B2.4** If the Claimant has sent other Letters of Claim (or equivalent) to any other party in relation to this dispute or related dispute, those letters should be copied to the professional. (If the Claimant is claiming against someone else to whom this protocol does not apply, please see **Guidance Note C4**.)

### **B3. The Letter of Acknowledgment**

**B3.1** The professional should acknowledge receipt of the Letter of Claim within 21 days of receiving it.

### **B4. Investigations**

**B4.1** The professional will have three months from the date of the Letter of Acknowledgment to investigate.

**B4.2** If the professional is in difficulty in complying with the three month time period, the problem should be explained to the Claimant as soon as possible. The professional should explain what is being done to resolve the problem and when the professional expects to complete the investigations. The Claimant should agree to any reasonable request for an extension of the three month period.

**B4.3** The parties should supply promptly, at this stage and throughout, whatever relevant information or documentation is reasonably requested. (Please see **Guidance Note C5**). (If the professional intends to claim against someone who is not currently a party to the dispute, please see **Guidance Note C4**.)

### **B5. Letter of Response and Letter of Settlement**

**B5.1** As soon as the professional has completed his investigations, the professional should send to the Claimant:

(a) a Letter of Response, or

(b) a Letter of Settlement;

or

(c) both.

The Letters of Response and Settlement can be contained within a single letter.

#### **The Letter of Response**

**B5.2** The Letter of Response will normally be an open letter (as opposed to being 'without prejudice') and should be a reasoned answer to the Claimant's allegations:

(a) if the claim is admitted the professional should say so in clear terms.

(b) if only part of the claim is admitted the professional should make clear which parts of the claim are admitted and which are denied.

(c) if the claim is denied in whole or in part, the Letter of Response should include specific comments on the allegations against the professional and, if the Claimant's version of events is disputed, the professional should provide his version of events.

(d) if the professional is unable to admit or deny the claim, the professional should identify any further information which is required.

(e) if the professional disputes the estimate of the Claimant's financial loss, the Letter of Response should set out the professional's estimate. If an estimate cannot be provided, the professional should explain why and should state when he will be in a position to provide an estimate. This information should be sent to the Claimant as soon as reasonably possible.

(f) where additional documents are relied upon, copies should be provided.

**B5.3** The Letter of Response is not intended to have the same formal status as a Defence. If, however, the Letter of Response differs materially from the Defence in subsequent proceedings, the Court may decide, in its discretion, to impose sanctions.

#### **The Letter of Settlement**

**B5.4** The Letter of Settlement will normally be a without prejudice letter and should be sent if the professional intends to make proposals for settlement. It should:

(a) set out the professional's views to date on the claim identifying those issues which the professional believes are likely to remain in dispute and those which are not. (The Letter of Settlement does not need to include this information if the professional has sent a Letter of Response.)

(b) make a settlement proposal or identify any further information which is required before the professional can formulate its proposals.

(c) where additional documents are relied upon, copies should be provided.

### **Effect of Letter of Response and/or Letter of Settlement**

**B5.5** If the Letter of Response denies the claim in its entirety *and* there is no Letter of Settlement, it is open to the Claimant to commence proceedings.

**B5.6** In any other circumstance, the professional and the Claimant should commence negotiations with the aim of concluding those negotiations within 6 months of the date of the Letter of Acknowledgment (*NOT* from the date of the Letter of Response).

**B5.7** If the claim cannot be resolved within this period:

- (a) the parties should agree within 14 days of the end of the period whether the period should be extended and, if so, by how long.
- (b) the parties should seek to identify those issues which are still in dispute and those which can be agreed.
- (c) if an extension of time is not agreed it will then be open to the Claimant to commence proceedings.

### **B6. Alternative Dispute Resolution**

**B6.** The parties should consider whether some form of alternative dispute resolution procedure would be more suitable than litigation, and if so, endeavour to agree which form to adopt. Both the Claimant and professional may be required by the Court to provide evidence that alternative means of resolving their dispute were considered. The Courts take the view that litigation should be a last resort, and that claims should not be issued prematurely when a settlement is still actively being explored. Parties are warned that if the protocol is not followed (including this paragraph) then the Court must have regard to such conduct when determining costs.

**B6.2** It is not practicable in this protocol to address in detail how the parties might decide which method to adopt to resolve their particular dispute. However, summarised below are some of the options for resolving disputes without litigation:

Discussion and negotiation.

Early neutral evaluation by an independent third party (for example, a lawyer experienced in the field of professional negligence or an individual experienced in the subject matter of the claim).

Mediation – a form of facilitated negotiation assisted by an independent neutral party.

**B6.3** The Legal Services Commission has published a booklet on 'Alternatives to Court', CLS Direct Information Leaflet 23 ([www.clsdirect.org.uk/legalhelp/leaflet23.jsp](http://www.clsdirect.org.uk/legalhelp/leaflet23.jsp)), which lists a number of organisations that provide alternative dispute resolution services.

**B6.4** *It is expressly recognised that no party can or should be forced to mediate or enter into any form of ADR.*

**B7. Experts** (The following provisions apply where the claim raises an issue of professional expertise whose resolution requires expert evidence).

**B7.1** If the Claimant has obtained expert evidence prior to sending the Letter of Claim, the professional will have equal right to obtain expert evidence prior to sending the Letter of Response/Letter of Settlement.

**B7.2** If the Claimant has not obtained expert evidence prior to sending the Letter of Claim, the parties are encouraged to appoint a joint expert. If they agree to do so, they should seek to agree the identity of the expert and the terms of the expert's appointment.

**B7.3** If agreement about a joint expert cannot be reached, all parties are free to appoint their own experts. (For further details on experts see **Guidance Note C6**)

### **B8. Proceedings**

**B8.1** Unless it is necessary (for example, to obtain protection against the expiry of a relevant limitation period) the Claimant should not start Court proceedings until:

- (a) the Letter of Response denies the claim in its entirety *and* there is no Letter of Settlement (see paragraph B5.5 above); or
  - (b) the end of the negotiation period (see paragraphs B5.6 and B5.7 above); or
- (For further discussion of statutory time limits for the commencement of litigation, please see **Guidance Note C7**)

**B8.2** Where possible 14 days written notice should be given to the professional before proceedings are started, indicating the court within which the Claimant is intending to commence litigation.

**B8.3** Proceedings should be served on the professional, unless the professional's solicitor has notified the Claimant in writing that he is authorised to accept service on behalf of the professional.

## C GUIDANCE NOTES

### C1. Introduction

**C1.1** The protocol has been kept simple to promote ease of use and general acceptability. The guidance notes which follow relate particularly to issues on which further guidance may be required.

**C1.2** The Woolf reforms envisage that parties will act reasonably in the pre-action period. Accordingly, in the event that the protocol and the guidelines do not specifically address a problem, the parties should comply with the spirit of the protocol by acting reasonably.

### C2. Scope of Protocol

**C2.1** The protocol is specifically designed for claims of negligence against professionals. This will include claims in which the allegation against a professional is that they have breached a contractual term to take reasonable skill and care. The protocol is also appropriate for claims of breach of fiduciary duty against professionals.

**C2.2** The protocol is not intended to apply to claims:

(a) against Architects, Engineers and Quantity Surveyors – parties should use the Construction and Engineering Disputes (CED) protocol.

(b) against Healthcare providers – parties should use the pre-action protocol for the Resolution of Clinical Disputes.

(c) concerning defamation – parties should use the pre-action protocol for defamation claims.

**C2.3** Professional' is deliberately left undefined in the protocol. If it becomes an issue as to whether a defendant is or is not a professional, parties are reminded of the overriding need to act reasonably (see paragraphs A4 and C1.2 above). Rather than argue about the definition of 'professional', therefore, the parties are invited to use this protocol, adapting it where appropriate.

**C2.4** The protocol may not be suitable for disputes with professionals concerning intellectual property claims, etc. Until specific protocols are created for those claims, however, parties are invited to use this protocol, adapting it where necessary.

**C2.5** Allegations of professional negligence are sometimes made in response to an attempt by the professional to recover outstanding fees. Where possible these allegations should be raised before litigation has commenced, in which case the parties should comply with the protocol before either party commences litigation. If litigation has already commenced it will be a matter for the Court whether sanctions should be imposed against either party. In any event, the parties are encouraged to consider applying to the Court for a stay to allow the protocol to be followed.

### C3. Inter-action with other pre-action methods of dispute resolution

**C3.1** There are a growing number of methods by which disputes can be resolved without the need for litigation, eg internal complaints procedures, the Surveyors and Valuers Arbitration Scheme, and so on. The Preliminary Notice procedure of the protocol (see paragraph B1) is designed to enable both parties to take stock at an early stage and to decide before work starts on preparing a Letter of Claim whether the grievance should be referred to one of these other dispute resolution procedures. (For the avoidance of doubt, however, there is no obligation on either party under the protocol to take any action at this stage other than giving the acknowledgment provided for in paragraph B1.4).

**C3.2** Accordingly, parties are free to use (and are encouraged to use) any of the available pre-action procedures in an attempt to resolve their dispute. If appropriate, the parties can agree to suspend the protocol timetable whilst the other method of dispute resolution is used.

**C3.3** If these methods fail to resolve the dispute, however, the protocol should be used before litigation is commenced. Because there has already been an attempt to resolve the dispute, it may be appropriate to adjust the protocol's requirements. In particular, unless the parties agree otherwise, there is unlikely to be any benefit in duplicating a stage which has in effect already been undertaken. However, if the protocol adds anything to the earlier method of dispute resolution, it should be used, adapting it where appropriate. Once again, the parties are expected to act reasonably.

### C4. Multi-Party Disputes

**C4.1** Paragraph B2.2 (a) of the protocol requires a Claimant to identify any other parties involved in the dispute or a related dispute. This is intended to ensure that all relevant parties are identified as soon as possible.

**C4.2** If the dispute involves more than two parties, there are a number of potential problems. It is possible that different protocols will apply to different defendants. It is possible that defendants will claim against each other. It is possible that other parties will be drawn into the dispute. It is possible that the protocol timetable against one party will not be synchronised with the protocol timetable against a different party. How will these problems be resolved?

**C4.3** As stated in paragraph C1.2 above, the parties are expected to act reasonably. What is 'reasonable' will, of course, depend upon the specific facts of each case. Accordingly, it would be inappropriate for the protocol to set down generalised rules. Whenever a problem arises, the parties are encouraged to discuss how it can be overcome. In doing so, parties are reminded of the protocol's aims which include the aim to resolve the dispute without the need for litigation (paragraph A2 above).

### C5. Investigations

**C5.1** Paragraph B4.3 is intended to encourage the early exchange of relevant information, so that issues in the dispute can be clarified or resolved. It should not be used as a 'fishing expedition' by either party. No party is obliged under paragraph B4.3 to disclose any document which a Court could not order them to disclose in the pre-action period.

**C5.2** This protocol does not alter the parties' duties to disclose documents under any professional regulation or under general law.

### C6. Experts

**C6.1** Expert evidence is not always needed, although the use and role of experts in professional negligence claims is often crucial. However, the way in which expert evidence is used in, say, an insurance brokers' negligence case, is not necessarily the same as in, say, an accountants' case. Similarly, the approach to be adopted in a £10,000 case does not necessarily compare with the approach in a £10 million case. The protocol therefore is designed to be flexible and does not dictate a standard approach. On the contrary it envisages that the parties will bear the responsibility for agreeing how best to use experts.

**C6.2** If a joint expert is used, therefore, the parties are left to decide issues such as: the payment of the expert, whether joint or separate instructions are used, how and to whom the expert is to report, how questions may be addressed to the expert and how the expert should respond, whether an agreed statement of facts is required, and so on.

**C6.3** If separate experts are used, the parties are left to decide issues such as: whether the expert's reports should be exchanged, whether there should be an expert's meeting, and so on.

**C6.4** Even if a joint expert is appointed, it is possible that parties will still want to instruct their own experts. The protocol does not prohibit this.

### C7. Proceedings

**C7.1** This protocol does not alter the statutory time limits for starting Court proceedings. A Claimant is required to start proceedings within those time limits.

**C7.2** If proceedings are for any reason started before the parties have followed the procedures in this protocol, the parties are encouraged to agree to apply to the court for a stay whilst the protocol is followed. (END)



Draft of Summons : Form 13.2 A 1 of 2

Form 13.2 – A

Form of summons and backing

(First page)

IN THE COURT OF SESSION

SUMMONS

in the cause **Negligence**

**Benjamin Christopher Collins, N Gubberogatan 3 - 5tr, Göteborg, Sweden**

against

**DIUS Kingsgate House, London, SW1E 6SW, UK**

Elizabeth II, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith, to [C.D.].

By this summons, the pursuer craves the Lords of our Council and Session to pronounce a decree against you in terms of the conclusions appended to this summons. If you have any good reason why such decree should not be pronounced, you must enter appearance at the Office of Court, Court of Session, 2 Parliament Square, Edinburgh EH1 1RQ, within three days after the date of the calling of the summons in court. The summons shall not call in court earlier than [21] days after the date of service on you of this summons. Be warned that, if appearance is not entered on your behalf, the pursuer may obtain decree against you in your absence.

This summons is warrant for intimation to *(name and address and reason for intimation as set out in the rule of the Rules of the Court of Session 1994 requiring intimation)*.

Given under our Signet at Edinburgh on *(date)*

*(Signed)*

*(Name and address of or agent for pursuer)*

## BC vs SBS DTI : Cartoon Explanation

June 2003.....

It is easy to assemble, I built and showed you the model and photographed assembly stage by stage in the grant application and website published a year earlier.

Erm, your other expert, the UK patent office said it was new, so someone is telling porkies. The PCT authority in the Hague also agreed it was new and granted a world patent.

This means your expert has not read my application, technical info or website?

???

We wont back your carbon reducing project for several important reasons, mainly it is not technically feasible because it can't be assembled.

Well our expert says it can't be assembled, he also says it is an old concept, even though he didnt find any examples to reference

That is ok we still trust our expert who didnt review your tech info or website and reject your project based on his single opinion.

EM DTI

You're supposed to get three opinions, in case one of the opinions is a bit silly, like this one.

Erm, in the application the market was clearly defined as electricity generation, static and remote on electric vehicles.

But looking forwards In 2010 there will be low carbon electric vehicles and the CLP range extender engine will mean their battery weight, cost and storage can be smaller, with infinite range.

???

This is just sour grapes!

Well he also says it has no clearly defined market

There are no electric vehicles yet!

We dont want to be paid that amount, just to have mine and Mr Skeldings time input valued as a contributory share at that current market rate.

We showed you our accounts and invoices for UK and Europe for 1999 and 2000 inputs, valued and paid at that rate, so that is the rate.

What about valuing the two previous years contributed to the project using only private funds to reach this stage; international patent approval, full scale models, detailed tech info, industry consultation and branding.

Why not?

???

Well anyway, you have overvalued your time, we wont pay that amount.

That isnt our valuation for the market rate.

No, **We** decide the market rate!

We dont count that or apportion any value to it, anyway, you are not supposed to have started the project, though you are supposed to have finished the project and already filed patent applications.

Well you still cant have the grant.

For all the reasons discussed!

## BC vs SBS DTI : Cartoon Explanation II



- Trying to reduce oil dependence has been talked about for over fifty years.
- Only by promoting and implementing technological solutions can Europe reduce carbon burning.
- Talking achieves nothing.

These guys have invented a one stroke engine and want their time input valued in the next phase— but not paid – at the market rate they were paid in 98, 99 and will be 2004.

EM DTI  
2003

But he has already discussed it with Volvo trucks, Jaguar, VW, DAF, Audi, who all acknowledged its potential, It has world wide patent approval so is new and several models have been built which assemble easily and we have also inspected the models!

Dont be ridiculous!!! We are not even going to recognise the first two years defining the project to concept and world patent approval.

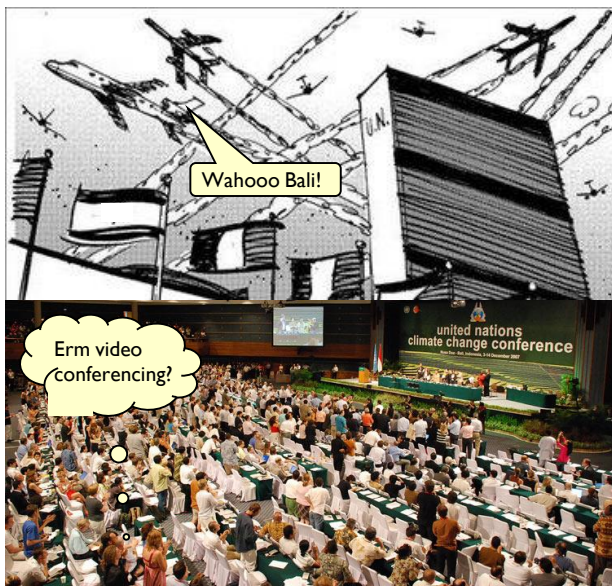
Still this might look bad, this engine could replace the problematic hydrogen fuel cell and make hyper economy electric vehicles practical by eliminateing their heavy and costly battery packs! And what about the Kyoto agreement and all that stuff?

Dont worry i will find an "expert" to say it cant work, cant be assembled and is an old idea.

Its ok, they won't dare to question us, we don't seem answer to anyone!  
Kyoto Schmoko!

DUH!!! If we fund a tear of one stroke CLP engine for recharging electric vehicles, thats three less of us to visit Bali!!  
Kyoto was about setting targets, not actually doing or applying stuff!

2008:

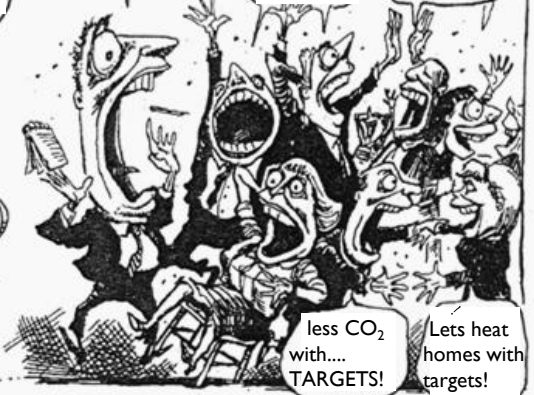


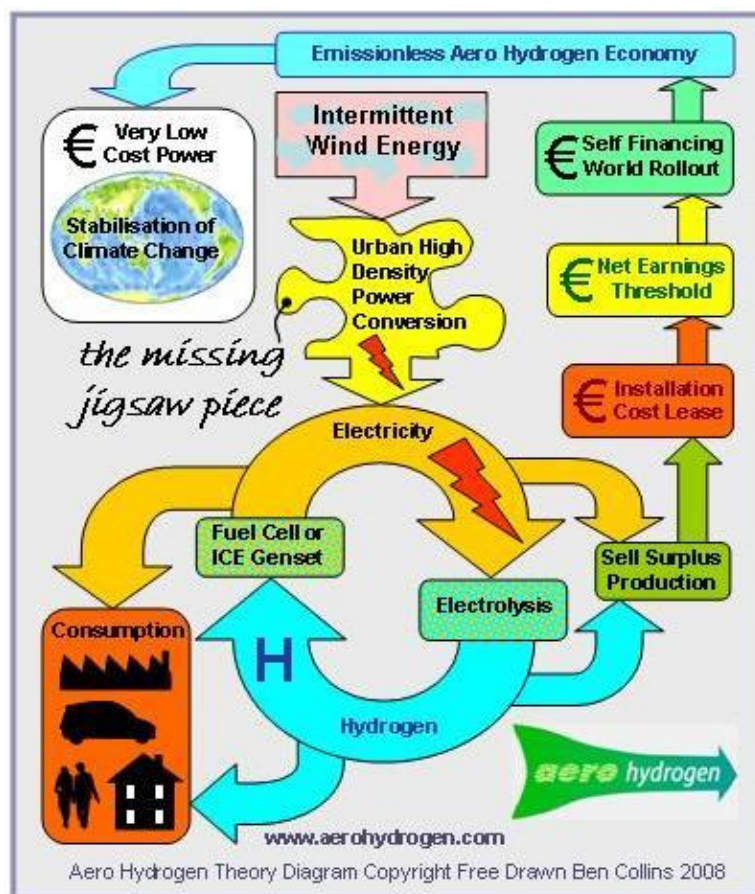
We can reduce our oil use and CO<sub>2</sub> by..... fixing some targets.

OMG TARGETS!!!  
GENIUS!!!

TARGETS!  
BRILLIANT IDEA!

Reduce pollution  
great idea





END

