



Claim No. QB-2022-BHM-000044

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY**

**BEFORE MR JUSTICE RITCHIE
ON 28 JULY 2022**

QB-2022-BHM-000044

BETWEEN:

- (1) HIGH SPEED TWO (HS2) LIMITED**
- (2) THE SECRETARY OF STATE FOR TRANSPORT**

Claimants

- and -

- (18) WILLIAM HAREWOOD (AKA SACHEL / SACHEL BAGGINS)**
- (31) RORY HOOPER**
- (33) ELLIOT CUCIUREAN (AKA JELLYTOT)**
- (61) DAVID BUCHAN (AKA DAVID HOLLIDAY)**
- (62) LEANNE SWATERIDGE (AKA FLOWERY ZEBRA)**
- (64) STEFAN WRIGHT**
- (65) LIAM WALTERS**

Defendants

ORDER

UPON the Claimants' application by application notice dated 8 June 2022 ("Committal Application") to commit the Defendants for contempt for breach of the Order of Mr Justice Cotter dated 11 April 2022 ("Cotter Order");

AND UPON Mr Justice Ritchie at a hearing on 14 June 2022 making an order sealed on 15 June 2022 setting directions for the determination of the Committal Application ("Directions Order");

AND UPON the Directions Order joining D64 and D65 as defendants to the proceedings;

AND UPON hearing Mr Fry and Mr Brett, counsel for the Claimants, Ms Johnson, counsel for D18, Mr Wagner, counsel for D33 and D65, Mr Greenhall, counsel for D31 and D62 at a hearing on 25-28 July 2022, and D61 in person at that hearing on 27 July 2022 only;

AND UPON D61 not attending the first two days of the hearing on 25-26 July 2022 and D64 not attending the hearing at all, and the court determining, in accordance with the Directions Order, that it would proceed to determine the Application in their absence;

AND UPON D62 giving undertaking signed on 25 July 2022 to the Court which the Court has received and approved on 28 July 2022;

AND UPON D31 giving an undertaking on 25 July 2022 to the Court which the Court has received and approved on 28 July 2022;

AND UPON D18 undertaking to publish a formal apology and statement on social media in the terms read out to the Court by counsel on his behalf;

AND UPON the Court being satisfied to the criminal standard that the breaches of the Cotter Order alleged by the Claimants were in fact committed by D18, and D65, namely:

In respect of D18, he:

1. wilfully breached on each day from 10 May 2022 to 25 June 2022 paragraph 4(a) of the Cotter Order by remaining on the Cash's Pit Land and being present on the Cash's Pit Land and failing to remove himself from the land.
2. wilfully breached on each day from 10 May 2022 to 25 June 2022 paragraph 4(b)(i) of the Cotter Order by being present on the Cash's Pit Land with the effect of delaying and hindering the First Claimant by obstructing and impeding the activities undertaken by the First Claimant's contractors and subcontractors to gain vacant possession of the Cash's Pit Land in connection with the HS2 Scheme.

3. wilfully breached on each day from 10 May 2022 to 25 June 2022 paragraph 4(c)(i) of the Cotter Order by failing immediately to leave the tunnel which he occupies.
4. wilfully breached paragraph 4(c)(i) of the Cotter Order on 10 May 2022 by re-entering the tunnel at 18:49 having left the tunnel shortly before.
5. wilfully breached paragraph 4(c)(i) of the Cotter Order on 10 May 2022 by re-entering the tunnel at 19:38 having left the tunnel shortly before.
6. wilfully breached paragraph 4(b)(ii) of the Cotter Order on 10 May 2022 at 19:51 by turning a surveillance camera installed by the First Claimant's contractors away from the mouth of the tunnel, preventing them from monitoring the activities of those within the tunnel. This action constitutes an interference with activity on the Cash's Pit Land with the effect of delaying and hindering the First Claimant by interfering with the activities undertaken by the Claimant's contractors and subcontractors to gain vacant possession of the Cash's Pit Land in connection with the HS2 Scheme.
7. wilfully breached paragraph 4(c)(i) of the Cotter Order on the night of 10 May 2022 or morning of 11 May 2022 by re-entering the tunnel after having moved the surveillance camera.

In respect of D65, he:

1. wilfully breached on each day from 10 May 2022 to 18 June 2022 paragraph 4(a) of the Cotter Order by remaining on the Cash's Pit Land and being present on the Cash's Pit Land and failing to remove himself from the land.
2. wilfully breached on each day from 10 May 2022 to 18 June 2022 paragraph 4(b)(i) of the Cotter Order by being present on the Cash's Pit Land within a

tunnel, with the effect of delaying and hindering the First Claimant by obstructing and impeding the activities undertaken by the First Claimant's contractors and subcontractors to gain vacant possession of the Cash's Pit Land in connection with the HS2 Scheme.

3. wilfully breached on each day from 10 May 2022 to 18 June 2022 paragraph 4(c)(i) of the Cotter Order by failing immediately to leave the tunnel which he occupies.
4. wilfully breached paragraph 4(c)(i) of the Cotter Order on 10 May 2022: having left the tunnel at approximately 19:28 hours, he re-entered the tunnel at some point that same evening or on the morning of 11 May 2022 after D18 moved the surveillance camera.

AND UPON the Court being satisfied to the criminal standard that the breaches of the Cotter Order alleged by the Claimants were in fact committed such that D61 and D64 were in contempt of court, and imposed sanctions in respect of those breaches in orders made on 27 July 2022;

AND UPON the Court making an order on 26 July 2022 in respect of an issue raised/application made by D33 in which provision for D33 to pay the Claimants' costs of that issue/application was made ("D33 Order");

IT IS ORDERED THAT:

Contempt

1. The Committal Application so far it relates to D31 and D62 is dismissed;
2. D18 and D65 are in contempt of court for breach of the Cotter Order;

Sanction

3. D18 (William Harewood):

- a. Be committed to HM Prison Birmingham or such other of Her Majesty's Prisons as may be selected for a period of 184 days under a warrant of committal issued pursuant to this Order; AND
- b. The committal of D18 to prison under paragraph (a) above shall be suspended for a period of 24 months on the following terms:

“D18 shall not:

- (i) Enter or remain upon HS2 Land; or
- (ii) Obstruct or otherwise interfere with the free movement of vehicles, equipment, or persons accessing or egressing from HS2 Land; or
- (iii) Interfere with any fence or gate on or at the perimeter of HS2 Land;

where such conduct has the effect of damaging and/or delaying and/or hindering the Claimants, their agents, servants, contractors, sub-contractors, group companies, licensees, invitees and/or employees.

In this condition, HS2 land means all the land acquired or held by the Claimants in connection with the High Speed 2 Railway Scheme shown coloured pink and green on the plans which are available electronically on the HS2 Proceedings website at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>.” AND

- c. Shall pay to HM Courts & Tribunals Service a fine of £3,000 within 28 days.

4. D65 (Liam Walters):

- a. Be committed to HM Prison Birmingham or such other of Her Majesty's Prisons as may be selected for a period of 156 days under a warrant of committal issued pursuant to this Order; AND

- b. The committal of D65 to prison under paragraph (a) above shall be suspended for a period of 24 months on the following terms:

“D65 shall not:

- (i) Enter or remain upon HS2 Land; or
- (ii) Obstruct or otherwise interfere with the free movement of vehicles, equipment, or persons accessing or egressing from HS2 Land; or
- (iii) Interfere with any fence or gate on or at the perimeter of HS2 Land;

where such conduct has the effect of damaging and/or delaying and/or hindering the Claimants, their agents, servants, contractors, sub-contractors, group companies, licensees, invitees and/or employees.

In this condition, HS2 land means all the land acquired or held by the Claimants in connection with the High Speed 2 Railway Scheme shown coloured pink and green on the plans which are available electronically on the HS2 Proceedings website at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>.” AND

- c. Shall pay to HM Courts & Tribunals Service a fine of £2,000 within 28 days.

Consequential

- 5. D18, D61 and D65 and each of them may apply under CPR Rule 81.10 to discharge this order.
- 6. D18, D61 and D65 and each of them have the right to appeal.
- 7. The court before which any appeal must be brought is the Court of Appeal, Civil Division.
- 8. Any Appellant’s Notice must be filed at the Court of Appeal by 4pm on 17 August 2022.

9. A transcript of the judgment given at this hearing will be published on the website of the judiciary of England and Wales.

Costs

10. D18, D61, and D65 shall each pay the Claimants £12,486, being one-seventh of the Claimants' cost of and incidental to the Committal Application incurred to date (not including the costs for which provision is made in the D33 Order) summarily assessed in the sum of £87,405.

Service

11. Personal service of this Order is dispensed with in accordance with CPR Rule 81.9. In place of personal service:
 - a. This Order will be deemed served on D18, D31, D62, and D65 when sent by the Court by email to Robert Lizar Solicitors;
 - b. The Court will provide a copy of this Order to HM Prison Service and direct that HM Prison Service serve it on D61.

BY THE COURT

MADE ON 28 JULY 2022



Claim no: QB-2022-BHM-000044 BIRMINGHAM

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

QB-2022-BHM-000044

MR JUSTICE RITCHIE

Between:

(1) HIGH SPEED TWO (HS2) LIMITED

(2) THE SECRETARY OF STATE FOR TRANSPORT

Claimants

-and-

(D31) RORY HOOPER

Defendant

D31 FINAL ORDER AND UNDERTAKINGS

PENAL NOTICE

If you the within named Defendant disobey the undertakings set out in this order or instruct others to do the acts which you have undertaken not to do, you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.

Any other person who knows of this order and does anything which helps or permits the Defendant to breach the undertakings set out in this order may also be held in contempt of court and may be imprisoned, fined or have their assets seized.

IMPORTANT NOTICE TO THE DEFENDANT

This order prohibits you from doing the acts set out in paragraph 4 below. You should read it very carefully.

UPON the Claimants' application by an Application Notice dated 25 March 2022 for interim injunctive relief

AND UPON Mr. Justice Cotter making an order dated 11 April 2022 granting that interim injunctive relief

AND UPON the Claimants' application by an Application Notice dated 8 June 2022 that D31 (Rory Hooper) be found in contempt of court for breaches of the Order of Mr. Justice Cotter ("the Contempt Application")

AND UPON the parties having agreed to an order in the terms set out below

AND UPON D31 (Rory Hooper):

a) accepting that:

- a. he is a Cash's Pit Defendant as defined in the Order of Mr. Justice Cotter; and
- b. the alternative service provisions of that order insofar as they relate to D31 were complied with;

b) admitting that his actions in:

- a. entering and remaining upon the Cash's Pit Land and failing to remove himself from the Cash's Pit Land; and
- b. (i) entering and being present on the Cash's Pit Land; and
(ii) interfering with works, construction or activity on the Cash's Pit Land,
which was in both cases conduct that had the effect of damaging and/or delaying and/or hindering the Claimants by obstructing, impeding or interfering with the activities undertaken in connection with the HS2 Scheme by them or by contractors, sub-contractors, suppliers or any other party engaged by the Claimants at the Cash's Pit Land;

was conduct that was contrary to terms 4(a), 4(b)(i) and 4(b)(ii) of the Order of Mr Justice Cotter

c) apologising to the Court for the acts contrary to the terms of the Order

AND UPON D31 (Rory Hooper) giving undertakings to the Court as set out below

IT IS ORDERED THAT:

1. The Contempt Application as against (D31) Rory Hooper only is dismissed.
2. There be no order for costs between the parties.
3. Service of this Order may be effected, as an alternative, by electronic means by email to D31's solicitors at nhall@robertlizar.com and such service shall be deemed to be good and sufficient service on D31.

UNDERTAKINGS TO THE COURT

In this Order the "HS2 Land" means all of the land acquired or held by the Claimants in connection with the High Speed 2 Railway Scheme shown coloured pink and green on the plans which are available electronically on the HS2 Proceedings website at:

<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>.

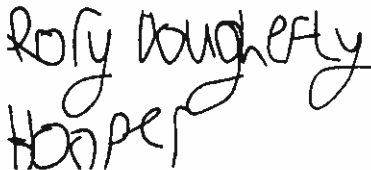
4. D31 (Rory Hooper) undertakes to the Court promising not to do any of the following where such conduct has the effect of damaging and/or delaying and/or hindering the Claimants. their agents, servants, contractors, sub-contractors, group companies, licensees. invitees and/or employees:
- a. Entering or remaining upon the HS2 Land;
 - b. Obstructing or otherwise interfering with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; or
 - c. interfering with any fence or gate on or at the perimeter of the HS2 Land.

AND TO BE BOUND BY THESE PROMISES UNTIL 11.59PM ON 25 JULY 2024.

5. D31 (Rory Hooper)'s promises at paragraph 4 do not prevent D31 (Rory Hooper) from:
- a. Exercising his rights over any open public right of way over the HS2 Land; or
 - b. Exercising his lawful rights over any public highway.

STATEMENT

I understand the undertakings that I have given, and that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of court.



Signed:

D31 – RORY HOOPER

Date: 28/07/2022

We consent to an order in these terms



DLA Piper (UK) LLP

Solicitors for the Claimant

Date: 28/7/2022

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim no: QB-2022-BHM-000044



QB-2022-BHM-000044

MR JUSTICE RITCHIE

Between:

(1) HIGH SPEED TWO (HS2) LIMITED

(2) THE SECRETARY OF STATE FOR TRANSPORT

Claimants

-and-

(D62) LEANNE SWATERIDGE (AKA FLOWERY ZEBRA)

Defendant

D62 FINAL ORDER AND UNDERTAKINGS

PENAL NOTICE

If you the within named Defendant disobey the undertakings set out in this order or instruct others to do the acts which you have undertaken not to do, you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.

Any other person who knows of this order and does anything which helps or permits the Defendant to breach the undertakings set out in this order may also be held in contempt of court and may be imprisoned, fined or have their assets seized.

IMPORTANT NOTICE TO THE DEFENDANT

This order prohibits you from doing the acts set out in paragraph 4 below. You should read it very carefully.

UPON the Claimants' application by an Application Notice dated 25 March 2022 for interim injunctive relief

AND UPON Mr. Justice Cotter making an order dated 11 April 2022 granting that interim injunctive relief

AND UPON the Claimants' application by an Application Notice dated 8 June 2022 that D62 (Leanne Swateridge) be found in contempt of court for breaches of the Order of Mr. Justice Cotter ("the Contempt Application")

AND UPON the parties having agreed to an order in the terms set out below

AND UPON D62 (Leanne Swateridge)

- a) asserting that she was not a Cash's Pit Defendant as defined in the Order of Mr. Justice Cotter, but subject to that denial accepting that she was otherwise validly served with, understood and (by her actions in entering and remaining upon the Cash's Pit Land and failing to remove herself from the Cash's Pit Land) breached the Order of Mr. Justice Cotter; and
- b) apologising to the Court for the acts contrary to the terms of the Order

AND UPON D62 (Leanne Swateridge) giving undertakings to the Court as set out below

IT IS ORDERED THAT:

1. The Contempt Application as against (D62) Leanne Swateridge only is dismissed.
2. There be no order for costs between the parties.
3. Service of this Order may be effected, as an alternative, by electronic means by email to D62's solicitors at nhall@robertlizar.com and such service shall be deemed to be good and sufficient service on D62.

UNDERTAKINGS TO THE COURT

In this Order the "HS2 Land" means all of the land acquired or held by the Claimants in connection with the High Speed 2 Railway Scheme shown coloured pink and green on the plans which are available electronically on the HS2 Proceedings website at:
<https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>.

4. D62 (Leanne Swateridge) undertakes to the Court promising not to do any of the following where such conduct has the effect of damaging and/or delaying and/or hindering the Claimants, their agents, servants, contractors, sub-contractors, group companies, licensees, invitees and/or employees:
 - a. Entering or remaining upon the HS2 Land;
 - b. Obstructing or otherwise interfering with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; or
 - c. interfering with any fence or gate on or at the perimeter of the HS2 Land.

AND TO BE BOUND BY THESE PROMISES UNTIL 11.59PM ON 25 JULY 2024.

5. D62 (Leanne Swateridge)'s promises at paragraph 4 do not prevent D62 (Leanne Swateridge) from:
 - a. Exercising her rights over any open public right of way over the HS2 Land; or

- b. Exercising her lawful rights over any public highway.

STATEMENT

I understand the undertakings that I have given, and that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of court.

...LWS Vi that claim

D62 – LEANNE SWATERIDGE

Date: 26.07.2022...

We consent to an order in these terms

DLA Piper UK LLP

DLA Piper (UK) LLP

Solicitors for the Claimant

Date: 26/07/2022.....



Claim No. QB-2022-BHM-000044

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY**

BEFORE MR JUSTICE RITCHIE

QB-2022-BHM-000044

BETWEEN:

**(1) HIGH SPEED TWO (HS2) LIMITED
(2) THE SECRETARY OF STATE FOR TRANSPORT**

Claimants

- and -

(61) DAVID BUCHAN (AKA DAVID HOLLIDAY)

Defendant

-

ORDER FOR COMMITTAL

UPON the Claimants' application by application notice dated 8 June 2022 ("Committal Application") to commit the Defendants for contempt for breach of the Order of Mr Justice Cotter dated 11 April 2022 ("Cotter Order");

AND UPON Mr Justice Ritchie at a hearing on 14 June 2022 making an order sealed on 15 June 2022 setting directions for the determination of the Committal Application ("Directions Order");

AND UPON hearing Mr Fry and Mr Brett, counsel for the Claimants, and D61 in person at a hearing on 25-27 July 2022;

AND UPON D61 not attending the first two days of the hearing on 25-26 July 2022 and the court determining, in accordance with the Directions Order, that it would proceed to determine the Application in his absence;

AND UPON the Court being satisfied to the criminal standard that the breaches of the Cotter Order alleged by the Claimants were in fact committed by D61 namely that he:

1. wilfully breached paragraph 4(a) of the Cotter Order on Wednesday 20 April 2022 by entering and remaining on the Cash's Pit Land. D61 was seen next to and entering a large wooden structure that has been erected by activists on the Cash's Pit Land. D61 was informed by the First Claimant's security contractors that he was on land subject to a High Court injunction and refused to leave the Cash's Pit Land.
2. wilfully breached paragraph 4(a) of the Cotter Order on Wednesday 20 April 2022 by entering and remaining on the Cash's Pit Land. He had left the Cash's Pit Land to use a latrine situated to the west and re-entered the land at 16:08.
3. wilfully breached paragraph 4(a) of the Cotter Order on 26 April 2022 by entering and remaining on the Cash's Pit Land. D61 was seen by the First Claimant's security contractors approaching the Cash's Pit Land. D61 proceeded to enter the Cash's Pit Land. D61 was informed by the First Claimant's security contractors that he was on land subject to a High Court injunction and refused to leave the Cash's Pit Land.
4. wilfully breached paragraph 4(a) of the Cotter Order on 10 May 2022 by entering (on or prior to 10 May 2022) and remaining on the Cash's Pit Land. D61 was found by the Claimants' security contractors during the eviction process in a structure on the Cash's Pit Land. D61 was walked off the Cash's Pit Land.
5. wilfully breached paragraph 4(a) of the Cotter Order on 28 May 2022 by entering the Cash's Pit Land from the south. He was intercepted, detained, and arrested.

IT IS ORDERED THAT:

Contempt

1. D61 is in contempt of court for breach of the Cotter Order;

Sanction

2. D61 (David Buchan):

- a. Be committed to HM Prison Birmingham or such other of Her Majesty's Prisons as may be selected for a period of 100 days under a warrant of committal issued pursuant to this Order; AND
- b. Shall pay to HM Courts & Tribunals Service a fine of £1,500 within 28 days.

Consequential

- 3. D61 may apply under CPR Rule 81.10 to discharge this order.
- 4. D61 has the right to appeal.
- 5. The court before which any appeal must be brought is the Court of Appeal, Civil Division.
- 6. Any Appellant's Notice must be filed at the Court of Appeal by 4pm on 17 August 2022.
- 7. A transcript of the judgment given at this hearing will be published on the website of the judiciary of England and Wales.

BY THE COURT

Dated 27 July 2022



Claim No. QB-2022-BHM-000044

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY**

**BEFORE MR JUSTICE RITCHIE
ON 27 JULY 2022**

QB-2022-BHM-000044

BETWEEN:

**(1) HIGH SPEED TWO (HS2) LIMITED
(2) THE SECRETARY OF STATE FOR TRANSPORT**

Claimants

- and -

(64) STEFAN WRIGHT

Defendant

COMMITTAL ORDER

UPON the Claimants' application by application notice dated 8 June 2022 ("Committal Application") to commit inter alia the Defendant ("D64") for contempt for breach of the Order of Mr Justice Cotter dated 11 April 2022 ("Cotter Order");

AND UPON Mr Justice Ritchie at a hearing on 14 June 2022 making an order sealed on 15 June 2022 setting directions for the determination of the Committal Application ("Directions Order");

AND UPON the Directions Order joining D64 as defendant to the proceedings;

AND UPON hearing Mr Fry and Mr Brett, counsel for the Claimants at a hearing on 25-28 July 2022;

AND UPON D64 not attending the hearing on 25-27 July 2022 and the Court determining, in accordance with the Directions Order, that it would proceed to determine the Application in his absence;

AND UPON the Court being satisfied to the criminal standard that the breaches of the Cotter Order alleged by the Claimants were in fact committed by D64, namely that he:

1. wilfully breached on each day from 10 May 2022 to 25 June 2022 paragraph 4(a) of the Cotter Order by remaining on the Cash's Pit Land and being present on the Cash's Pit Land and failing to remove himself from the land.
2. wilfully breached on each day from 10 May 2022 to 25 June 2022 paragraph 4(b)(i) of the Cotter Order by being present on the Cash's Pit Land within a tunnel, with the effect of delaying and hindering the First Claimant by obstructing and impeding the activities undertaken by the First Claimant's contractors and subcontractors to gain vacant possession of the Cash's Pit Land in connection with the HS2 Scheme.
3. wilfully breached on each day from 10 May 2022 to 25 June 2022 paragraph 4(c)(i) of the Cotter Order by failing immediately to leave the tunnel which he occupies.
4. wilfully breached paragraph 4(c)(i) of the Cotter Order on 10 May 2022: having left the tunnel at approximately 19:47 hours to assist in lowering supplies into the tunnel, he re-entered the tunnel at some point that same evening or on the morning of 11 May 2022 after D18 moved the surveillance camera.

IT IS ORDERED THAT:

Contempt

1. D64 is in contempt of court for breach of the Cotter Order;

Sanction

2. D64 (Stefan Wright):
 - a. Pursuant to a warrant of committal issued under this Order, be committed to HM Prison Birmingham or such other of Her Majesty's Prisons as may be selected for a period of 332 days from the date of his apprehension or surrender; AND
 - b. Shall pay to HM Courts & Tribunals Service a fine of £3,000 within 28 days of the date of his apprehension or surrender.
3. Pursuant to CPR Rule 81.9(4), a power of arrest shall attach to this Order and to the warrant of committal issued under paragraph 2(a) above.

Consequential

4. D64 may apply under CPR Rule 81.10 to discharge this order.
5. D64 has the right to appeal.
6. The court before which any appeal must be brought is the Court of Appeal, Civil Division.
7. Any Appellant's Notice must be filed at the Court of Appeal by 4pm on 17 August 2022.
8. A transcript of the judgment given at this hearing will be published on the website of the judiciary of England and Wales.

Costs

9. D64 shall pay the Claimants £12,486, being one-seventh of the Claimants' cost of and incidental to the Committal Application to date (not including the costs for which provision is made in the D33 Order) summarily assessed in the sum of £87,405.

Service

10. A copy of this Order will be served personally on D64 by the police on his arrest or surrender, or as soon as reasonably practicable following arrest or surrender.

BY THE COURT

MADE ON 27 JULY 2022

Claim No. QB-2022-BHM-000044
IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION



BETWEEN:

(1) HIGH SPEED TWO (HS2) LIMITED
(2) THE SECRETARY OF STATE FOR TRANSPORT

Claimants

- and -

(18) WILLIAM HAREWOOD (AKA SACHEL / SACHEL BAGGINS)
(31) RORY HOOPER
(33) ELLIOT CUCIUREAN (AKA JELLYTOT)
(61) DAVID BUCHAN (AKA DAVID HOLLIDAY)
(62) LEANNE SWATERIDGE (AKA FLOWERY ZEBRA)
(64) STEFAN WRIGHT
(65) LIAM WALTERS

Defendants

ORDER

BEFORE Mr. Justice Ritchie, sitting at the Royal Courts of Justice, the Strand, London on 5 September 2022.

UPON the Claimants' application by application notice dated 8 June 2022 ("Committal Application") to commit the Defendants for contempt for breach of the Order of Mr Justice Cotter dated 11 April 2022 ("Cotter Order");

AND UPON the Court finding D61 in contempt of court and sentencing him to 100 days imprisonment and a fine of £1,500 by an order made on 27 July 2022;

AND UPON D61's application dated 19 August 2022 to purge his contempt being heard before Mr Justice Ritchie on the 5th day of September 2022 and such application being granted;

AND UPON D61 giving an undertaking to the Court and the Claimant in the following terms:

1. not to do any of the following where such conduct has the effect of damaging and/or

delaying and/or hindering the Claimants, their agents, servants, contractors, sub-contractors, group companies, licensees, invitees and/or employees:

- a. Enter or remain upon the HS2 Land;
- b. Obstruct or otherwise interfere with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; or
- c. Interfere with any fence or gate on or at the perimeter of the HS2 Land

And to be bound by these promises until 11:59 pm on 5th September 2024:

IT IS ORDERED THAT:

- (1) D61's Contempt is discharged; and
- (2) D61 is to be released from custody forthwith.
- (3) No order is made for costs.

Dated the 5th of September 2022



Claim No. QB-2022-BHM-000044

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY**

**BEFORE MR JUSTICE RITCHIE
ON 23 SEPTEMBER 2022**

QB-2022-BHM-000044

BETWEEN:

- (1) HIGH SPEED TWO (HS2) LIMITED**
- (2) THE SECRETARY OF STATE FOR TRANSPORT**

Claimants

- and -

- (18) WILLIAM HAREWOOD (AKA SACHEL / SACHEL BAGGINS)**
- (31) RORY HOOPER**
- (33) ELLIOT CUCIUREAN (AKA JELLYTOT)**
- (61) DAVID BUCHAN (AKA DAVID HOLLIDAY)**
- (62) LEANNE SWATERIDGE (AKA FLOWERY ZEBRA)**
- (64) STEFAN WRIGHT**
- (65) LIAM WALTERS**

Defendants

ORDER

UPON the Claimants' application by application notice dated 8 June 2022 ("Committal Application") to commit the Defendants for contempt for breach of the Order of Mr Justice Cotter dated 11 April 2022 ("Cotter Order").

AND UPON Mr Justice Ritchie at a hearing on 14 June 2022 making an order sealed on 15 June 2022 setting directions for the determination of the Committal Application ("Directions Order").

AND UPON hearing Mr Fry and Mr Brett, counsel for the Claimants, Ms Johnson, counsel for D18, Mr Wagner, counsel for D33 and D65, Mr Greenhall, counsel for D31 and D62 at a hearing on 25-28 July 2022, and D61 in person at that hearing on 27 July 2022 only.

AND UPON the Court being satisfied to the criminal standard that the breaches of the Cotter Order alleged by the Claimants were in fact committed by D33, namely that D33:

1. wilfully breached on each day from 10 May 2022 to 25 June 2022 paragraph 4(a) of the Cotter Order by remaining on the Cash's Pit Land and being present on the Cash's Pit Land and failing to remove himself from the land.
2. wilfully breached on each day from 10 May 2022 to 25 June 2022 paragraph 4(b)(i) of the Cotter Order by being present on the Cash's Pit Land within a tunnel, with the effect of delaying and hindering the First Claimant by obstructing and impeding the activities undertaken by the First Claimant's contractors and subcontractors to gain vacant possession of the Cash's Pit Land in connection with the HS2 Scheme.
3. wilfully breached on each day from 10 May 2022 to 25 June 2022 paragraph 4(c)(i) of the Cotter Order by failing immediately to leave the tunnel which he occupies.
4. wilfully breached paragraph 4(c)(i) of the Cotter Order on 10 May 2022: having left the tunnel at approximately 19:28 hours, he re-entered the tunnel at some point that same evening or on the morning of 11 May 2022 after D18 moved the surveillance camera.

AND UPON the Court making an order on 26 July 2022 in respect of an issue raised/application made by D33 in which provision for D33 to pay the Claimants' costs of that issue/application was made ("D33 July Costs Order").

AND UPON the Court having adjourned the proceedings in respect of D33 by order dated 28 July 2022 for filing and service of further evidence prior to the determination of sanction.

AND UPON the Court allowing D33's application that part of the hearing on 28 July 2022 and part of the hearing on 22 and 23 September 2022 should take place in private ("the Private Hearings") pursuant to CPR Rule 39.2 and CPR Rule 81.8 so that the Court could consider certain asserted personal and private medical information ("the Private Information").

AND UPON hearing Mr Fry and Mr Brett, counsel for the Claimants, and Mr Wagner, counsel for D33 at a hearing on 22 and 23 September 2022.

AND UPON the Court hearing evidence from Peter Pratt consultant psychologist and another witness and from D3 in private hearing.

AND UPON D33's application dated 20 September 2022 further to adjourn the sanctions hearing.

IT IS ORDERED THAT:

Contempt

1. D33 is in contempt of court for breach of the Cotter Order.

Adjournment application

2. D33's application for a further adjournment is dismissed.

Sanction

3. D33 shall:
 - a. Be committed to HM Prison Birmingham for a period of 268 days under a warrant of committal issued pursuant to this Order; AND
 - b. Shall pay to HM Courts & Tribunals Service a fine of £3,000 within 28 days.

Consequential

4. D33 may apply under CPR Rule 81.10 to discharge this order.
5. D33 has a right to appeal.
6. The court before which any appeal must be brought is the Court of Appeal, Civil Division.
7. The time for any appeal on liability and/or sanction will run from the date of the sanction judgment, which is 23 September 2022.

Costs

8. D33 shall pay the Claimants (in addition to the costs already ordered in the D33 July costs Order):

- a. £12,272, being one-seventh of the Claimants' costs of and incidental to the Committal Application up to and including 28 July 2022 (but not including the costs for which provision is made in the D33 Order) summarily assessed in the sum of £85,904.50; AND
- b. £6,000, being a proportion of the Claimant's costs of and incidental to the Committal Application incurred between 29 July 2022 and 23 September inclusive, summarily assessed in the sum of £18,000.

Protective measures relating to the Private Information

9. Until further order, it is prohibited for any person to report or publish:
 - a. The content of any part of the Private Hearings;
 - b. D33's asserted Private Information provided at the Private Hearings;
 - c. Information which could reasonably lead to the discovery of D33's asserted Private Information provided at the Private Hearings.
10. In accordance with CPR Rule 5.4C(2), save for the Claimants and D33, no other person may obtain from the Court any document, or part of any document filed in these proceedings (including but not limited to application notices, written submissions, skeleton arguments, and court correspondence) which contains D33's asserted Private Information save with permission of the Court, all such applications to be reserved to Mr Justice Ritchie.

Ritchie J

MADE ON 23 SEPTEMBER 2022



**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY**

**BEFORE MR JUSTICE RITCHIE
ON 14 JUNE 2022**

QB-2022-BHM-000044

BETWEEN:

**(1) HIGH SPEED TWO (HS2) LIMITED
(2) THE SECRETARY OF STATE FOR TRANSPORT**

Claimants

- and -

**(18) WILLIAM HAREWOOD (AKA SACHEL / SACHEL BAGGINS)
(31) RORY HOOPER
(33) ELLIOT CUCIUREAN (AKA JELLYTOT)
(61) DAVID BUCHAN (AKA DAVID HOLLIDAY)
(62) LEANNE SWATERIDGE (AKA FLOWERY ZEBRA)**

Defendants

**(64) STEFAN WRIGHT
(65) LIAM WALTERS**

Proposed Defendants

DIRECTIONS ORDER

UPON the Claimants' Application of 8 June 2022 for the committal of the Defendants, D18, D31, D33, D61, D62, D64, and D65 for contempt for breach of the order of Mr Justice Cotter dated 11 April 2022 (the "**Application**")

AND UPON the Claimants' Application for the joinder of D64 and D65 as Defendants to the proceedings

AND UPON Her Honour Judge Kelly on 9 June 2022 ordering an urgent Directions Hearing to be listed on 14 June 2022

AND UPON the Court hearing submissions from Counsel for the Claimants at the Directions Hearing on 14 June 2022

AND UPON the Court being satisfied that the affidavits in paragraphs 3(a) – (c) below were served on the Defendants (apart from D31 and D61) on 9 and 13 June 2022

AND UPON the Court reminding the Defendants herein of their entitlement to apply for legal aid and urging them to do so

IT IS ORDERED PURSUANT TO CPR RULE 81.7:

Parties

1. Mr Stefan Wright is joined to the proceedings as the 64th Defendant.
2. Mr Liam Walters is joined to the proceedings as the 65th Defendant.

Amendments to Application

3. The Claimants have leave to rely on the Affidavits of:
 - a) Karl Harrison dated 9 June 2022;
 - b) Julie Amber Dilcock dated 9 June 2022; and
 - c) Adam Jones dated 12 June 2022.
4. The Claimants have leave to amend the Application Notice and Statement of Case dated 8 June 2022, to insert references to the Affidavits listed at paragraph 3 above provided that any such amended Application Notice and/or Statement of Case is filed not later than 4pm on 17 June 2022 and served in accordance with paragraph 5 below.

Alternative Service

5. Pursuant to CPR rules 6.15 and 6.27, personal service is dispensed with and the Claimants are permitted, in addition or in the alternative to the methods of service permitted under CPR rule 81.5, to serve the Defendants with the Application, and any other documents in

these proceedings including this Order (the “**Documents**”):

Post

- a) Where an address used by a Defendant is known by the Claimants currently (see Appendix 1 for the list of known service addresses), whether the Defendant resides there or not, by posting a copy of the Documents together with a covering letter through the letterbox of the address (or by leaving in a separate mailbox) with a notice affixed to the front door if necessary, drawing the recipient's attention to the fact that the package contains documents related to an application for committal for contempt of court. If the premises do not have a letterbox, or mailbox, or the package will not fit through the letterbox, a package may be left next to the main or front door and a notice may be affixed to the front door marked with a notice drawing the recipient's attention to the fact that the package contains documents related to an application for committal for contempt of court; or

Electronic Means

- b) By sending an email to an email address; or a direct message on a social media platform; which a Defendant is known by the Claimants to have used within the past 6 months (see Appendix 1 for the list of known service details), notifying them of the Application and either (i) attaching the Documents, or (ii) providing a web link at which the Defendant can access the Documents; or

Service on the Unauthorised Tunnel Occupiers

- c) For D18, D33, D64 and D65 whom the Claimants believe are in current occupation of a tunnel on the Cash’s Pit Land, by lowering a single copy of the Documents into the tunnel; and

Lawyers

- d) Serving by email any solicitor or public access instructed counsel acting for a particular Defendant (whether or not authorisation to accept service has been given to that lawyer):

- i) in these proceedings; or
 - ii) in respect of D33, the solicitors acting for that Defendant in proceedings with Claim No. CA-2021-000657.
6. Service effected pursuant to paragraph 5 above shall be proven by a certificate of service and service shall be deemed effective on the date on which the certificate of service is filed.
7. The steps undertaken to date by the Claimants to serve the Application on D18, D33, D62, D64 and D65, as set out in the Certificates of Service dated 10 and 13 June 2022 shall be good and proper service, and D18, D33, D62, D64 and D65 shall be deemed served on 13 June 2022.

Defendants Addresses

8. Pursuant to CPR rule 6.23(1), each of the Defendants shall, not later than 4pm on 20 June 2022, provide to the Court and the Claimants' solicitors a postal address and/or an email address at which they may be served with documents relating to these proceedings.

Future Service

9. Service of any document after 4pm on 20 June 2022 (including documents filed in accordance with paragraphs 3 and 4 above) shall be validly effected by:
 - a) Sending it to an address or an email address provided by a Defendant pursuant to paragraph 8; or
 - b) Where a Defendant has not complied with paragraph 8, by one of the methods set out in paragraph 5.
10. The Claimants shall serve this Order as provided for in paragraph 5.

Factual evidence

11. If any Defendant wishes to rely on evidence at the hearing, he/she/they must file and serve

any such evidence not later than 4pm on 27 June 2022. Such evidence may only be admissible in the hearing of the Application ("Committal Hearing") if the Defendant has complied with paragraph 8 above.

12. If so advised, the Claimants may file and serve evidence in reply not later than 4pm on 4 July 2022.
13. No evidence, other than evidence filed in compliance with the paragraphs above, shall be admitted save with leave of the Court granted on an application made under CPR Part 23.
14. In particular, a person who has not submitted a witness statement or affidavit in accordance with the timescales set out herein shall not be permitted to address the Court, save with leave granted on an application made under CPR Part 23.

Committal Hearing

15. The Committal Hearing shall be listed for 4 days, starting on 25 July 2022 before a High Court Judge.
16. The Defendants and each of them shall attend the Committal Hearing in person.
17. If the Court is satisfied that the Defendants or each of them have been served in accordance with this Order, the Court will proceed to determine the Application at the Committal Hearing notwithstanding the failure to attend of any of the Defendants.
18. The evidence set out in the affidavits and witness statements filed by the parties shall stand as evidence in chief at the Committal Hearing.
19. The Claimants and the Defendants shall file with the Court and serve on each other bundles containing their evidence and any authorities on which they wish to rely no later than 5pm on 15 July 2022.
20. The parties shall file and serve any skeleton argument on each other and the court by 5pm on 21 July 2022.

21. Costs reserved.

NOTE:

Communications with the Court and the Claimants

22. All communications to the Court about this Order (which should quote the case number) should be sent to:

Birmingham District Registry
Civil Justice Centre
Priory Courts
33 Bull Street
Birmingham
B4 6DW

E: qb.birmingham@justice.gov.uk

T: 0121 681 4441

F: 01264 785 131

DX: 701987 Birmingham 7

23. The Claimants' solicitors and their contact details are:

DLA PIPER UK LLP

1 St Paul's Place

Sheffield

S1 2JX

E: HS2Injunction@governmentlegal.gov.uk

T: 0114 283 3312

DX: 708580 Sheffield 10

Ref: RXS/380900/378

BY THE COURT

APPENDIX 1 – POSTAL AND ELECTRONIC DETAILS FOR SERVICE

(to be redacted on service of this order)

| No. | Defendant | Address |
|------------|-------------------|----------------|
| D31 | Rory Hooper | [REDACTED] |
| D33 | Elliot Cuciurean | [REDACTED] |
| D61 | David Buchan | [REDACTED] |
| D62 | Leanne Swateridge | [REDACTED] |

Written questions, answers and statements

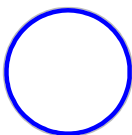
UK Parliament > Business > Written questions, answers and statements > Find written statements > HCWS625

Transport Update

Statement made on 9 March 2023

Statement UIN HCWS625

Statement made by

| | | |
|---|---|----------------------|
|  | <p>Mr Mark Harper Secretary of State for Transport Conservative Forest of Dean</p> | > |
| | | Commons |

Statement

During this Parliament there has been a step change in public investment in infrastructure. The Autumn Statement protected the public capital budget at record levels, meaning government will invest over £600 billion over the next five years. The Chancellor has announced over £40bn of capital investment in transport across the next two financial years, which will drive significant improvements to rail and roads right across our country.

Since agreeing this programme, we have seen headwinds from inflation, triggered by the impact of Putin's illegal war in Ukraine, as well as supply chain disruption as the global economy recovers from the effects of Covid-19.

These headwinds have made it difficult to deliver on our capital programmes, and we recognise that some schemes are going to take longer than expected. Refocusing our efforts will allow us to double down on delivering the rest of our capital programme. This will place our transport investments on a sustainable footing and allow us to support the Government's priorities of halving inflation, growing the economy and reducing debt.

In terms of major road investments, Road Investment Strategy (RIS) 2 schemes will continue to progress. The A27 Arundel and A5036 Princess Way in Liverpool both face a range of challenges including environmental considerations and ongoing scope and design changes to ensure stakeholders' views are fully considered. As a result, these schemes will be deferred to RIS 3 (covering 2025 – 2030). Other schemes earmarked for RIS 3 will continue to be developed, in line with the statutory process, but for consideration for inclusion during RIS 4 (beyond 2030). Given many of these schemes were previously expected towards the end of RIS 3, this extra time will help ensure better planned and efficient schemes can be deployed more effectively.

To date we have spent over £800m on planning the Lower Thames Crossing. It is one of the largest planning applications ever, and it is important we get this right. We remain committed to the Lower Thames Crossing, and the Development Consent Order process will be an important opportunity to consult further to ensure there is an effective and deliverable plan. In order to allow time for this process, and given wider pressures on RIS, we will look to rephase construction by 2 years.

In rail, HS2 is making good progress, and we have already spent over £20 billion delivering Phase One between London and the West Midlands, supporting 2,500 businesses and creating over 29,000 jobs. The Government is prioritising HS2's initial services between Old Oak Common in London and Birmingham Curzon Street to provide delivery of passenger benefits as soon as possible. We remain committed to delivering HS2 services to Euston, and will address affordability pressures to ensure the overall spending profile is

manageable. We will therefore take the time to ensure we have an affordable and deliverable station design, delivering Euston alongside high-speed infrastructure to Manchester. We continue to take the High Speed Rail (Crewe – Manchester) Bill through Parliament, and the Crewe-to-Manchester section will also form the foundations for improved rail services in the North through Northern Powerhouse Rail.

The Government is committed to delivering HS2 Phase 2a between Birmingham and Crewe. We have seen significant inflationary pressure and increased project costs, and so we will rephase construction by two years, with an aim to deliver high-speed services to Crewe and the North West as soon as possible after accounting for the delay in construction. Work continues on progressing commitments made in the Integrated Rail Plan to develop HS2 East, the proposed route for HS2 services between the West and East Midlands, and to consider the most effective way to take HS2 trains to Leeds. HS2 continues to represent a very significant investment into our national infrastructure, levelling up communities right across our country, providing a net-zero alternative to car travel and domestic flights, and training a skilled workforce for the UK’s future construction industry.

We remain committed to supporting all forms of transport and have invested over £850m in active travel between 2020/21 and 2022/23. Despite the need to deliver efficiency in all areas of our budget, we will still commit to spend at least a further £100m capital into active travel over the remainder of the spending period, as part of a total of around £3bn investment in active travel over this Parliament, including from City and Region Sustainable Transport settlements and National Highways. We will review these levels as soon as practically possible.

These are the difficult but responsible decisions we are taking, that put the priorities of the British people first, in controlling inflation and reducing government debt. They continue our record investment into our national infrastructure, which will continue to play a vital role in growing our economy and delivering long-term prosperity.

Statement from

Department for Transport



Linked statements

This statement has also been made in the House of Lords

Department for Transport



Transport Update



[Baroness Vere of Norbiton](#)

Parliamentary Under Secretary of State for Transport

Conservative, Life peer

Statement made 9 March 2023

HLWS611

Lords