



Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

PT-2018-000098

Before: David Holland QC (sitting as a deputy judge of the High Court)

On: 13th, 14th and 16th May 2019

B E T W E E N:

(1) THE SECRETARY OF STATE FOR TRANSPORT

(2) HIGH SPEED TWO (HS2) LTD

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE AMENDED CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT BETWEEN THE PUBLIC HIGHWAY AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED ORANGE AND THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE AMENDED CLAIM FORM

(3) SARAH GREEN

(4) MARK KEIR

(5) GRAHAM MARSH

(6) SOFIA KAZI

(7) THORN RAMSAY

(8) VAJDA ROBERT MORDECHAJ

Defendants / Respondents

ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.

UPON the Claimants' application by Application Notice dated 25 April 2019 ("the **Application**")

AND UPON the Claimants withdrawing their application to add Laura (aka Lora) Hughes as the Ninth Defendant to these proceedings

AND UPON hearing: (i) Tom Roscoe, counsel for the Claimants; (ii) the Third Defendant, Sarah Green, in person; (iii) Paul Powlesland, counsel for the Fourth Defendant; and (iv) the Eighth Defendant, Vajda Robert Mordechaj, in person, and Sarah Green, Mark Keir and Vajda Robert Mordechaj being present in Court upon the making of this Order

AND UPON the Court accepting the Claimants' undertaking that the Claimants will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a Defendant and the court finds that the Defendant ought to be compensated for that loss

AND UPON the Claimants confirming that this Order is not intended to prohibit continued occupation of the "Protestor Encampment" on Harvil Road, marked on the Plan annexed to this order ("the **Plan**")

AND UPON the Claimants confirming that they were not seeking their costs of the hearing on 13th, 14th and 16th May 2019 against any named defendant

IT IS ORDERED THAT:

Amendment & Parties

1. The Claimants have permission: (i) to amend the names of the First and Second Defendants to the form set out in the heading to this Order; and (ii) to amend the Claim Form in these proceedings to the form of the draft Amended Claim Form appended to the Application.

2. The Third to Eight Defendants be removed as parties, with no order as to costs of the proceedings against them.
3. The said amendments and additional and removal of parties shall take effect immediately, and further service of the Amended Claim Form is dispensed with.

Service by Alternative Method

4. Pursuant to CPR r. 6.27, the steps that the Claimant has taken to bring the Application to the attention of the Defendants, as outlined in the Fourth Witness Statement of Ms Julie Dilcock dated 8 May 2019 shall amount to good and proper service of the proceedings on the Defendants and each of them.

Injunctions

5. Upon service of this Order in accordance with paragraphs 10 to 14 below, the injunctions at paragraphs 2 to 4 of the Order of this Court in these proceedings dated 19 February 2018 shall be discharged and shall be replaced with the injunctions at paragraphs 6 to 9 below.
6. With immediate effect, and save in exercise of a right to pass and repass over public footpaths or bridleways crossing the land and save for passage over the lane known as and marked on the Plan annexed to this order (“the **Plan**”) as Dews Lane, the First Defendant and each of them are forbidden, without the consent of the First or Second Claimant, from entering or remaining upon “Land at Harvil Road”, being the land shaded green, blue and pink and outlined red on the Plan (“the **Harvil Road Site**”). Further:
 - 6.1 This paragraph of this Order shall, for the avoidance of doubt, apply to the splays, or bell-mouth areas, for access and egress between the Harvil Road Site and the public highway at the vehicular entrances marked on the Plan as “West Gate 3 Entrance”, “North Compound Entrance” and “South Compound Entrance” (“the **Vehicular Entrances**”).
 - 6.2 For the purposes of this Order the areas of concrete hard standing immediately adjacent to the main carriageway of the public highway at each of the Vehicular Entrances shall **NOT** be treated as part of the

Harvil Road Site, but the areas of the bell-mouths between that concrete hard standing and the gates at the Vehicular Entrances **SHALL** be treated as part of the Harvil Road Site and covered by this paragraph of the Order.

- 6.3 The Claimants shall seek, so far as reasonably practicable, to demark that boundary by some physical line or mark or other feature on the ground.
7. With immediate effect, the Second Defendant and each of them are forbidden from substantially interfering with the Claimants' and/or their agents', servants', contractors', sub-contractors', group companies', licensees', invitees' or employees' access to (or egress from) the Harvil Road Site (or any part of it) from (or to) the public highway at Harvil Road, Harefield in the London Borough of Hillingdon.
8. For the purposes of paragraph 7, acts of substantial inference shall include (but not necessarily be limited to):
 - 8.1 climbing onto or underneath vehicles;
 - 8.2 attaching persons or objects to vehicles;
 - 8.3 standing, sitting or lying in front of vehicles;
 - 8.4 attaching persons to other persons or objects so as to create an obstruction of the public highway or the splay or bell-mouth areas at the Vehicular Entrances;
 - 8.5 attaching persons or objects to the gates at the Vehicular Entrances.
9. The orders at paragraphs 6 to 8 above shall:
 - 9.1 apply to the individuals who were formerly the Third to Eighth Defendants if and to the extent that their actions bring them within the descriptions of the First and/or Second Defendants; and
 - 9.2 remain in effect until trial or further order or, if earlier, a long-stop date of 1 June 2020.

Service of the Order

10. Pursuant to CPR r. 6.27 and r. 81.8 service of this Order on the First and Second Defendants shall be dealt with as follows:
 - 10.1 The Claimants shall affix sealed copies of this Order in transparent envelopes to posts, gates, fences and hedges at conspicuous locations around the Harvil Road Site, including at and opposite the Vehicular Entrances.
 - 10.2 The Claimants shall position signs, no smaller than A3 in size, advertising the existence of this order and providing the Claimant's solicitors contact details in case of requests for a copy of the order or further information in relation to it.
 - 10.3 The Claimants shall also leave sealed copies of this Order at the protestor campsite marked on the Plan.
 - 10.4 The Claimants shall further advertise the existence of this order in a prominent location on the websites: (i) <https://hs2inhillington.commonplace.is/>; and (ii) <https://www.gov.uk/government/organisations/high-speed-two-limited>, together with a link to download an electronic copy of this Order.
11. The taking of such steps shall be good and sufficient service of this Order on the First and Second Defendants and each of them.
12. This Order shall be deemed served on those Defendants the date that the last of the above steps is taken, and shall be verified by a certificate of service.
13. The Claimants shall from-time-to-time (and no less frequently than every 28 days) confirm that copies of the orders and signs referred to at paragraphs 5.1 and 5.2 remain in place and legible, and, if not, shall replace them as soon as reasonably practical.
14. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).

Further directions

15. No Defendant shall be required to file an acknowledgment of service. Further:
 - 15.1 Any Defendant (or individual who does or may by their future acts or conduct fall within the definition of the First or Second Defendant) who wishes to contest the claim as amended shall file and serve on the Claimant's solicitor an acknowledgement of service on the Claimant's solicitors (whose details are set out below) and a witness statement outlining their interest in this matter and the nature of or grounds for that contest by 4pm on 13 June 2019.
 - 15.2 In the case of an individual who is not already named as a Defendant, that person must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.
16. The Defendants or any other person affected by this order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
17. Any person applying to vary or discharge this order must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings at the same time.
18. In the event that any acknowledgments of service or applications are filed or served pursuant to paragraph 15 above, the Claimants shall notify the Court in writing and seek the listing of a directions hearing.
19. The Claimants have liberty to apply to extend or vary this Order or for further directions.
20. Save as provided for above, the Claim be stayed generally with liberty to restore.

Costs

21. There shall be no order as to the costs of these proceedings to date.

22. If the Claimants intend to seek a costs order against any person in respect of any future applications in these proceedings or any future hearing, then they shall seek to give reasonable advance notice of that fact to that person.

Communications with the Court

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

Court Manager
High Court of Justice
Chancery Division
Rolls Building
7 Rolls Building
Fetter Lane
London
EC4A 1NL

The telephone number is 020 7947 7501. The officer are open weekdays 10.00am to 4.30pm.

The out of hours telephone number (for urgent business only) is 020 7947 6260.

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

Eversheds Sutherland (International) LLP of:

1 Callaghan Square
Cardiff
CF10 5BT

DX: 33016 Cardiff

Tel: 020 7497 9797

Ref: DILCOCJ/335547-000045

AND UPON the Fourth Defendant's application, made orally by Mr Powlesland, for permission to appeal

25. Permission to appeal is refused

26. **This order will be served by the Claimant on the Defendants**

Service of the order

The Court has provided a sealed copy of this order to the serving party:

Eversheds Sutherland (International) LLP of:

1 Callaghan Square
Cardiff
CF10 5BT

DX: 33016 Cardiff

Tel: 020 7497 9797

Ref: DILCOJ/335547-000045