



Claim No: PT-2018-000098

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

**Before: the Hon Mr Justice Fancourt  
21 May 2020**

PT-2018-000098

**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) to (33) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE HERETO

Defendants / Respondents

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**ORDER**

**EXTENDING THE DURATION OF THE INJUNCTION MADE BY DAVID HOLLAND QC (SITTING AS A DEPUTY JUDGE OF THE HIGH COURT) ON 16 MAY 2019**

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**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.**

**FURTHER TO** the Order made in these proceedings by Mr David Holland QC (sitting as a Deputy Judge of the High Court) on 16 May 2019 (“the **2019 Order**”).

**AND UPON** the Claimants’ application by Application Notice dated 18 May 2020, pursuant to the liberty to apply provisions at paragraph 19 of the 2019 Order, to extend the duration of the injunctions contained at paragraphs 6 to 9 of the 2019 Order (“the **Extension Application**”)

**AND UPON** hearing in public by remote Skype hearing: (i) Tom Roscoe and Daniel Scott, counsel for the Claimants; (ii) Sailesh Mehta, counsel for Sarah Green (previously the Third Defendant to these proceedings); (iii) Leo Smith, a member of the public interested in the Extension Application wishing to be joined as a Defendant to these proceedings or as a Respondent to the Extension Application to make representations on behalf of others; and (iv) Caroline Thomson-Smith, a person interested in opposing the Extension Application and wishing to be joined as a Defendant to these proceedings and as a Respondent to the Extension Application.

**AND UPON** the Claimants indicating that they are content to provide to Mr Smith copies of further evidence or other documents filed in these proceedings from time to time at the email address provided by him in advance of the hearing.

**AND UPON** there being no appearances or representation by or on behalf of any other person, notwithstanding the indications in advance of the hearing: (i) from Mark Kier (previously the Fourth Defendant in these proceedings) that he was instructing counsel to attend; and (ii) from an individual named “Conner” purporting to speak for “Dews Lane residents” that he together with “several dozen individuals” wished to attend the hearing.

**AND UPON** the Claimant indicating that it intends in due course to bring a further application to amend its claim and vary and extend the form of the 2019 Order so that it: (i) covers additional land; (ii) extends for a longer period; and (iii) is directed

against particular named defendants (“the **Substantive Amendment Application**”).

**AND UPON** the Court directing that the Claimants should identify and seek to join as defendants those persons now alleged to be threatening or intending to act unlawfully after 1 June 2020, whose names are known to them, on the basis that the correct defendants and respondents to the Extension Application may and should be reviewed from time to time, as circumstances change.

**AND UPON** the Court accepting the Claimants’ renewed 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**”)

**IT IS ORDERED THAT:**

**Parties**

1. The persons listed in the schedule hereto shall be added as parties to these proceedings as the Third to 33rd Defendants (together, “the **Named Defendants**”) and each shall be a respondent to the Extension Application.
2. Leo Smith shall not be a Named Defendant or a respondent to the Extension Application.

**Continuation of 2019 Order**

3. The injunctions set out in paragraphs 6 to 8 of the 2019 Order shall continue after the long-stop date of 1 June 2020 specified at paragraph 9.2 of the 2019 Order and shall continue until after the hearing of the Extension Application on the Return Date (as provided for by paragraph 16 below) and after the Return Date to the extent that the Court so orders on that occasion. At the hearing of the Extension Application on the Return Date, the further continuation of the injunctive relief beyond the date of that hearing is to be reconsidered.

4. The injunction at paragraphs 6 to 8 of the 2019 Order (as amended by paragraph 3 above) shall from the date of service of this Order apply to the Named Defendants as well as to the First and Second Defendants. Accordingly, the injunction which continues against the First and Second and Named Defendants is - for the avoidance of doubt - as set out in paragraphs 5 to 7 of this Order.

### **Injunction in force**

5. 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 the Amended Claim Form and re-attached to this order (“the **Plan**”) as Dews Lane, the First Defendant, the Named Defendants 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:
  - 5.1 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**”).
  - 5.2 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.
  - 5.3 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.

6. With immediate effect, the Second Defendant, the Named Defendants 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.
7. For the purposes of paragraph 6, acts of substantial inference shall include (but not necessarily be limited to):
  - 7.1 climbing onto or underneath vehicles;
  - 7.2 attaching persons or objects to vehicles;
  - 7.3 standing, sitting or lying in front of vehicles;
  - 7.4 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;
  - 7.5 attaching persons or objects to the gates at the Vehicular Entrances.

### **Service**

8. Pursuant to CPR r.6.27, the steps taken by the Claimants to serve the Extension Application on the First and Second Defendants (as set out in the Second Witness Statement of Ms Shona Jenkins dated 20 May 2020, and the Certificate of Service dated 21 May 2020 and witness statement of Mr Raymond Finch) shall amount to due service of the Extension Application on the First and Second Defendants. The deemed date of service is 21 May 2020.
9. 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:
  - 9.1 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.

- 9.2 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.
- 9.3 The Claimants shall also leave sealed copies of this Order at the protestor campsite marked on the Plan.
- 9.4 The Claimants shall further advertise the existence of this order in a prominent location on the websites: (i) <https://hs2inhillindon.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.
10. The taking of such steps shall be good and sufficient service of this Order on the First and Second Defendants and each of them.
11. 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.
12. 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 9.1 and 9.2 remain in place and legible, and, if not, shall replace them as soon as reasonably practical.
13. The Claimants shall also make available an electronic copy of the 2019 Order available at the websites listed in paragraph 9.4 above.
14. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).
15. The Claimants must use reasonable endeavours forthwith to serve the Named Defendants with the Extension Application and this Order. The Claimants have liberty to apply for orders for alternative service of those documents upon the Named Defendants under CPR r.6.27 and/or r.81.8, which application may be heard at the Return Date.

## **The Return Date Hearing**

16. A further hearing of the Extension Application (“the **Return Date**”) is to be listed on the first available date in the weeks commencing 15 June 2020 or 22 June 2020 (though avoiding 16, 23 and 24 June 2020), or on the first available date thereafter, with a time estimate of one day.
17. The Court shall provide a notice of hearing to the Claimants’ solicitors, which the Claimants are to publicise by sending a copy to any known email addresses of Ms Green, Mr Mehta, Mr Smith, Ms Thomson-Smith, Mr Kier and Connor, and by posting a copy on the websites at paragraph 9.4 above, and by giving a copy to each of the Named Defendants whom the Claimants have been able to serve (or do later serve) with the Extension Application and this Order.
18. Any Named Defendant who wishes to contest the Extension Application at the Return Date may file and serve on the Claimants’ solicitors (whose details are set out below) a witness statement outlining their interest in this matter, the grounds on which they will contest it and any facts relied on by no later than 4pm on 2 June 2020. Any Named Defendant who files and serves a witness statement must include in his or her witness statement with a postal address for service or email address at which they are prepared to accept electronic service of documents.
19. Any other individual who wishes to contest the Extension Application or who otherwise wishes to become a party to these proceedings so as to be able to make representations to the Court on the Claimants’ claim or the Extension Application may by no later than 4pm on 2 June 2010:
  - 19.1 file and serve a witness statement outlining their interest in this matter, the grounds on which they will contest it and any facts relied on; and
  - 19.2 must in their witness statement provide a postal address for service or email address at which they are prepared to accept electronic service of documents.
20. The Claimants may file by 4pm on 9 June 2020 evidence in response to the evidence filed by any Defendant and if they do so they must send a copy to any known email addresses of Ms Green, Mr Mehta, Mr Smith, Ms Thomson-

Smith, Mr Kier and Connor, and post a copy or link on the websites at paragraph 9.4 above, and provide a copy to each of the Named Defendants whom the Claimants have been able to serve (or do later serve) with the Extension Application and this Order.

### **Further directions**

21. 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).
22. 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.
23. The Claimants have liberty to apply to extend or vary this Order or for further directions.
24. Costs reserved.

### **Communications with the Court**

25. 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.

26. 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: JENKINSW/335547/000169

**The Court has provided a sealed copy of this Order to the Claimants' solicitors at the above address for service.**

## SCHEDULE OF NAMED DEFENDANTS

3. Sarah Green
4. Mark Keir
5. *[No longer used]*
6. *[No longer used]*
7. Thorn Ramsey
8. Vajda Robert Mardechaj
9. Iain Oliver
10. Elliott Cuciurean
11. Jess Walker
12. Matt Atkinson
13. Scott Breen
14. Hannah Bennett
15. James aka "Jimmy" Ruggles
16. Nick Grant aka "Potts"
17. Stuart Ackroyd
18. Wiktorja Zieniuk
19. Paul Sandison
20. Tom Dalton
21. Conner Nichols
22. Dr Ian "Larch" Maxey
23. Sebastian Roblyn Maxey
24. Jessica Heathland-Smith
25. Ella Dorton
26. Karl Collins
27. Sam Goggin
28. Hayley Pitwell
29. Jacob Harwood
30. Tom Holmes
31. Libby Fairbrother
32. Sam Smithson
33. Caroline Thomson-Smith

