



Claim No: PT-2018-000098

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

Before: David Holland QC (sitting as a Deputy Judge of the High Court)

On: 22 June 2020

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 RE-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 TO AND FROM THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(3) to (35) [THE NAMED DEFENDANTS LISTED IN THE SCHEDULE HERETO]

(36) PERSONS UNKNOWN CUTTING, DAMAGING, MOVING, CLIMBING ON OR OVER, DIGGING BENEATH OR REMOVING ANY ITEMS AFFIXED TO ANY TEMPORARY OR PERMANENT FENCING OR GATES ON OR AT THE PERIMETER OF THE HARVIL ROAD SITE, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTEFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HARVIL ROAD SITE WITHOUT THE CONSENT OF THE CLAIMANTS

Defendants / Respondents

ORDER

***RESTRAINING TRESPASS ON AND OBSTRUCTION OF ACCESS TO AND
FROM THE LAND DESCRIBED HEREIN***

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

- (1) This Order (and paragraphs 6 to 10 in particular) 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.**
- (2) Electronic copies of the applications and evidence filed in these proceedings are available electronically at (i) <https://hs2inhillington.commonplace.is/>; and (ii) <https://www.gov.uk/government/organisations/high-speed-two-limited>. Any person who is unable to obtain electronic copies of documents at that address, or who wishes to obtain hard copies of documents, should contact the Claimants' solicitors (Eversheds Sutherland (International) LLP) using the contact details at the end of this Order.**
- (3) A further hearing in these proceedings is to be listed for four days in the High Court in the week commencing 24 August 2020. Details of the hearing will, when known, be advertised at the websites indicated in the paragraph above. Any person interested in attending the hearing should therefore monitor those websites.**

FURTHER TO the Order of 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 to extend the duration of the injunctions contained at paragraphs 6 to 9 of the 2019 Order ("the **Extension Application**") pending the bringing of the Substantive Amendment Application (defined below).

AND FURTHER TO the extension and variation of the 2019 Order by further order of Mr Justice Fancourt on 21 May 2020 ("the **May 2020 Order**") pursuant to the Extension Application, and the listing of this 22 June 2020 hearing as the return date of the Extension Application.

AND UPON the Claimants having served the Extension Application and May 2020 Order personally on the following Named Defendants (as set out in the third witness statement of Shona Ruth Jenkins dated 19 June 2020): the 3rd, 4th, 8th, 9th, 10th, 13th, 17th, 18th, 21st, 30th, 31st, 32nd Defendants on 29 May 2020; the 31st Defendant on 30 May 2020; and the proposed 34th Defendant on 16 June 2020.

AND UPON the Claimants' application by Application Notice dated 15 June 2020: (i) to amend their claim to include additional parcels of land within the injunction they seek; (ii) to add and remove defendants to the Claim; and (iii) for further interim injunctive relief ("the **Substantive Amendment Application**").

AND UPON the Claimants having served the Substantive Amendment Application personally on the following Named Defendants on 16 June 2020 (as set out in the third witness statement of Shona Ruth Jenkins dated 19 June 2020): the 8th, 10th, 22nd and 23rd Defendant and the Proposed 34th Defendant.

AND UPON the Court having read: (i) the first witness statement of Shona Ruth Jenkins dated 18 May 2020; (ii) the second witness statement of Shona Ruth Jenkins dated 20 May 2020; (iii) the first witness statement of the 3rd Defendant, Sarah Green, dated 1 June 2020; (iv) the undated statement of the 4th Defendant, Mark Kier, at pp.52-57 of Volume 1 of the hearing bundle; (v) the statement of the 8th Defendant, Robert Mordechaj, in an email dated 2 June 2020 (p.58 of Volume 1); (vi) the statement of the 9th Defendant, Iain Oliver, in an email dated 2 June 2020 (p.59 of Volume 1); (vii) the first and second witness statements of Rohan Perinpanayagam dated 9 June 2020 and 15 June 2020 respectively; (viii) the second witness statement of Richard Joseph Jordan dated 15 June 2020; and (ix) the portions of the third witness statement of Shona Ruth Jenkins dated 19 June 2020 to which the Court was referred during the hearing

AND UPON hearing in public by remote Skype hearing: (i) Tom Roscoe and Daniel Scott, counsel for the Claimants; (ii) Sailesh Mehta, counsel for the 3rd Defendant; (iii) Paul Powlesland, counsel for the 4th Defendant; and (iv) the 8th to 9th Defendants, the 18th Defendant, the 21st to 23rd Defendants, the 26th to 29th Defendants, the 31st to 32nd Defendants and the Proposed 35th Defendant, all appearing in person.

AND UPON the 3rd, 4th, 8th, 9th, 18th, 21st, 22nd, 23rd, 26th, 27th, 28th, 29th, 31st, 32nd Defendants and Proposed 35th Defendant being present at the remote hearing upon the making of this Order.

AND UPON each of those Named Defendants present, save for the 27th Defendant, having provided to the Claimants at or before the hearing an address or other location or email address at which future service in these proceedings may be effected.

AND UPON the 27th Defendant indicating at the hearing that he would provide to the Claimants' solicitors an email address for service.

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 Plan A annexed to the draft Re-Amended Claim Form and re-attached to this order ("**Plan A**").

AND UPON the Claimants indicating via counsel at the hearing that the Claimants intend to seek an order for costs against any Named Defendant who opposes unsuccessfully the Substantive Amendment Application at the Further Hearing provided for by paragraph 21 of this Order.

IT IS ORDERED THAT:

Parties

1. The names of the First and Second Defendants be amended to the form set out in the header to this Order.
2. The third to 35th Defendants to these proceedings (together, "the **Named Defendants**") shall be as set out on the Schedule to this Order, and each shall be a respondent to the Substantive Amendment Application. Accordingly:

- 2.1 the spelling of the name of the Eighth and 32nd Defendant be corrected to the form in the said Schedule;
 - 2.2 the 33rd Defendant be removed as a defendant to these proceedings; and
 - 2.3 the 34th to 35th Defendants be added as defendants to these proceedings.
3. The 36th Defendant shall be as set out in the header to this Order, and shall be both a defendant to these proceedings and a respondent to the Substantive Amendment Application.

Amendment to Claim Form

4. The Claimants have permission to re-amend the Part 8 Claim Form issued on 5 February 2018 in the form of the draft Re-Amended Claim Form appended to the Substantive Amendment Application, to be updated to reflect the addition, removal and amendment of parties as set out in paragraphs 1 to 3 above.
5. The said amendments to the Claim Form and addition, removal and changes to the names of parties shall take effect immediately, and further service of the Re-Amended Claim Form is dispensed with.

Injunction continuing in force

6. With immediate effect 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 ("the **Harvil Road Site**") on Plan A. 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 at the following vehicular entrances to the Harvil Road Site (all together, "the **Vehicular Entrances**").
 - (i) between the Harvil Road Site and the public highway known as the Harvil Road, Harefield in the London Borough of Hillingdon ("**Harvil**

Road") at the vehicular entrances marked on Plan A as "Gate 1", "Gate 2", "West Gate 3 Entrance", "Fusion Dews Lane Compound HQ" and "Gate 4" ("the **Harvil Road Entrances**"); and

- (ii) between the Harvil Road Site and the adjoining land in the vicinity of the Hillingdon Outdoor Activity Centre ("the **HOAC**") marked on Plan A at "Dews Lane West" ("the **Dews Lane West Entrance**").

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 Harvil Road 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 Harvil Road 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 36th Defendant, the Named Defendants and each of them shall not: (i) cut, damage, move, climb on or over, dig beneath or remove any item affixed to any temporary or permanent fencing or gates on or at the perimeter of the Harvil Road Site; or (ii) damage, apply any substance to or interfere with any lock on any gate at the perimeter of the Harvil Road Site without the consent of the Claimants.

8. 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):

8.1 from (or to) the Harvil Road or other public highway; and/or

8.2 from (or to) adjacent land in the vicinity of the HOAC via the Dews Lane West Entrance.

9. For the purposes of paragraph 8, acts of substantial interference shall include (but not necessarily be limited to):
 - 9.1 climbing onto or underneath vehicles;
 - 9.2 attaching persons or objects to vehicles;
 - 9.3 standing, sitting or lying in front of vehicles;
 - 9.4 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;
 - 9.5 attaching persons or objects to the gates at the Vehicular Entrances.
10. The injunctions at paragraphs 5 to 9 above shall continue until after the Further Hearing in the Substantive Amendment Application (as provided for by paragraph 21 below) to the extent that the Court orders on that occasion. At that Further Hearing, the further continuation of injunctive relief beyond the date of that hearing is to be reconsidered.

Service on First and Second Defendants

11. Pursuant to CPR r.6.27, the steps taken by the Claimants to serve the Substantive Amendment Application on the First and Second Defendants (as set out in the third witness statement of Ms Shona Jenkins dated 19 June 2020) shall amount to due service of the Substantive Amendment Application on those defendants. The deemed date of service is 17 June 2020, and the period of service be abridged to the extent necessary to allow the hearing of the Substantive Amendment Application to have been effective.
12. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).
13. Pursuant to CPR r. 6.27 and r. 81.8 service of this Order on the First, Second and 36th Defendants shall be dealt with as follows:
 - 13.1 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.

13.2 The Claimants shall position in the same locations 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.

13.3 The Claimants shall also leave sealed copies of this Order at the Protestor Encampment marked on Plan A.

13.4 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.

14. The taking of such steps shall amount to due service of this Order on the First, Second and 36th Defendants and each of them.

15. 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.

16. 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 13.1 and 13.2 above remain in place and legible, and, if not, shall replace them as soon as reasonably practical.

Service on the Named Defendants

Past service

17. In addition to the Named Defendants served personally (as recorded in the recital to this Order), and pursuant to CPR r. 6.27 and r.81.8:

17.1 the steps taken by the Claimants to serve the Extension Application and the May 2020 Order on the 3rd to 33rd Named Defendants (as set out in the third witness statement of Shona Ruth Jenkins dated 19 June 2020) shall amount to good and sufficient service of the Extension Application

and the May 2020 on those Named Defendants, with the deemed date of service being 30 May 2020; and

17.2 the steps taken by the Claimants to serve the Extension Application and the May 2020 Order on the individuals who are now the 34th and 35th Named Defendants (as set out in the third witness statement of Shona Ruth Jenkins dated 19 June 2020) shall amount to good and sufficient service of the Extension Application and the May 2020 on those Named Defendants, with the deemed date of service being 17 June 2020.

18. In addition to the Named Defendants served personally (as recorded in the recital to this Order), and pursuant to CPR r.6.27, the steps taken by the Claimants to serve the Substantive Amendment Application on the Named Defendants (as set out in the third witness statement of Shona Ruth Jenkins dated 19 June 2020) shall amount to good and sufficient service of the Substantive Amendment Application on those Named Defendants, with the deemed date of service being 17 June 2020. The period of service be abridged to the extent necessary to allow the hearing of the Substantive Amendment Application to have been effective.

Future service

19. The Claimants must use reasonable endeavours forthwith to serve the Named Defendants with this Order. Pursuant to CPR r.6.27 and r.81.8, service on those Named Defendants who appeared at the hearing of this Order and any future documents in these proceedings shall be effected: (i) by leaving hard copies addressed to them at the address or other physical location they indicated for that purpose; and/or (ii) by emailing electronic copies to the email addresses provided for those purposes. Such service shall be deemed effective on the date the relevant step is taken, and shall be verified by a Certificate of Service.

20. The Claimants have liberty to apply for orders for alternative service of this Order or any other documents in these proceedings upon the other Named Defendants under CPR r.6.27 and/or r.81.8, which application may be heard at the Further Hearing provided for by paragraph 21 below.

The Further Hearing

21. A further hearing of the Substantive Amendment Application (“the **Further Hearing**”) is to be listed in the week commencing 24 August 2020, with a time estimate of four days.
22. The Court shall provide a notice of hearing to the Claimants’ solicitors, which the Claimants are to publicise by:
 - 22.1 sending a copy to any email addresses provided by the Named Defendants to the Claimants for the purposes of these proceedings; and
 - 22.2 posting a copy on the websites at paragraph 13.4 above.
 - 22.3
23. Any Named Defendant who wishes to contest the Substantive Amendment Application at the Further Hearing 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 13 July 2020. Any Named Defendant who files and serves a witness statement, and who has not provided such details previously, 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.
24. Any other individual who wishes to contest the Substantive Amendment Application or otherwise who 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 Substantive Amendment Application shall by 4pm on 13 July 2020:
 - 24.1 file and serve a witness statement outlining their interest in this matter, the grounds on which they will contest it any fact relied on; and
 - 24.2 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.
25. The Claimants may file by 4pm on 27 July 2020 evidence in response to the evidence filed by any Defendant and if they do so they must:

- 25.1 send a copy to any email addresses provided by the Named Defendants to the Claimants for the purposes of these proceedings;
- 25.2 where Named Defendants have given a physical address or location for service, leave or sending hard copies addressed to that Named Defendant to or at that address or location; and
- 25.3 post a copy or link on the websites at paragraph 13.4 above.
26. Any person who wishes to obtain an electronic copy of the hearing bundle should contact Claimants' solicitors via the contact details at paragraph 32 below by 17 August 2020 so that necessary arrangements can be made.

Further directions

27. 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).
28. 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.
29. The Claimants have liberty to apply to extend or vary this Order or for further directions.
30. Costs reserved.

Communications with the Court & Claimants' Solicitors

31. 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.

32. 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

Email: Shonajenkins@eversheds-sutherland.com

Ref: JENKINSW/335547/000169

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

Dated: 22 June 2020

SCHEDULE OF NAMED DEFENDANTS

3. Sarah Green
4. Mark Keir
5. *[No longer used]*
6. *[No longer used]*
7. Thorn Ramsey
8. Vajda Robert Mordechaj *(Spelling corrected by this Order)*
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 Farbrother *(Spelling corrected by this Order)*
32. Samantha Smithson *(name changed by this Order)*
- ~~33. Caroline Thomson-Smith *(Removed as a Defendant by this Order)*~~
34. Jack Charles Oliver *(Added as a Defendant by this Order)*
35. Charlie Inskip *(Added as a Defendant by this Order)*