

On behalf of: Applicants/Claimants  
R. Shaw  
3<sup>rd</sup> statement of witness  
Exhibits: RXS3  
Date: 27 February 2024

**Claim No. QB-2022-BHM-000044**

**IN THE HIGH COURT OF JUSTICE  
KINGS BENCH DIVISION  
BIRMINGHAM DISTRICT REGISTRY**

**Between:**

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

**Claimants**

**-and-**

- (1) NOT USED**
- (2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER THE HS2 LAND WITH 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**
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH 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 WITHOUT THE CONSENT OF THE CLAIMANTS**
- (4) 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 HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS**
- (5) MR ROSS MONAGHAN (AKA SQUIRREL / ASH TREE) AND 60 OTHER NAMED DEFENDANTS AS SET OUT IN THE SCHEDULE TO THE PARTICULARS OF CLAIM**

**Defendants**

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**EXHIBIT RXS3  
TO THE THIRD WITNESS STATEMENT OF ROBERT SHAW**

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IN THE COURT OF APPEAL (CIVIL DIVISION)  
ON APPEAL FROM  
THE HIGH COURT OF JUSTICE (KBD)  
BIRMINGHAM DISTRICT REGISTRY

Mr Justice Julian Knowles  
[2022] EWHC 2360 (KB)

B E T W E E N

MR JAMES KNAGGS

Appellant/Sixth Defendant

-and-

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

Respondents/Claimants

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**RULING ON APPLICATION FOR PERMISSION TO APPEAL**

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**Background**

1. There is an application for permission to appeal against a decision of Mr Justice Julian Knowles (“**the Judge**”) dated 20 September 2022. In short, the Judge made an Order providing the Respondents with injunctive relief restraining persons unknown and 59 named defendants from acts of protest in relation to the HS2 railway development (“**the Injunction**”).
2. The land subject to the Injunction covers the full length of the HS2 railway under construction from London to Cheshire. Two types of land are covered by the Injunction: (i) **Pink Land**, which is land to which the Respondents have either freehold or leasehold title and (ii) **Green Land**, which is land to which the Respondents do not have freehold/leasehold title but do have statutory powers of temporary possession for the purposes of the HS2 project. It is the Green Land that matters for this application.

**Grounds of Appeal**

3. The Appellant seeks to advance five grounds of appeal:
  - a. First, the judge erred in concluding the Respondents had sufficient interest in the entirety of the land subject to the order capable of supporting injunctive relief founded on claims in trespass and private nuisance.
  - b. Second, the judge erred in concluding that the Respondents may rely on the rights under Article 1 Protocol 1 (“A1P1”) ECHR in support of the application for injunctive relief.
  - c. Third, the judge erred in law by defining the prohibited conduct by reference to:
    - i. legal terms and a legal cause of action,
    - ii. by reference to vague terms (such as ‘slow walking’) and,
    - iii. in a disproportionate manner.
  - d. Fourth, the judge erred in law by finding that the service provisions for the order are sufficient to bring proceedings to the attention of all those affected.
  - e. Fifth, there is some other compelling reason to grant permission to appeal, because of the wider public importance of both the HS2 project and the issues arising out of the terms of the injunction.
4. For the reasons set out below, I refuse permission to appeal. On a proper analysis, none of the five grounds have a real prospect of success.

### **Ground 1: HS2 Has Insufficient Interest In The Green Land**

#### *The Issue*

5. The Judge accepted the Respondents’ submission that HS2 had the right to immediate possession over the Green Land because the relevant statutory notices had been served. It did not matter that “*the diggers have not yet moved in*” J[78]. The Judge found that the right to possession was sufficient to maintain an action for trespass.
6. The Respondents’ right to possession of the Green Land is contained in Schedule 15 of the High Speed Rail (West Midlands – Crewe) Act 2021 (“**the Phase 2a Act**”). Schedule 15 paragraph 1(1) sets out the conditions required for the Respondents to take possession of the Green Land:

## “Schedule 15

### *Right to enter on and take possession of land*

1(1) The nominated undertaker may enter on and take possession of the land specified in the table in Schedule 16—

(a) for the purpose specified in relation to the land in column (3) of that table in connection with the authorised works specified in column (4) of the table,

(b) for the purpose of constructing such works as are mentioned in column (5) of that table in relation to the land, or

(c) otherwise for Phase 2a purposes.

(2) The nominated undertaker may (subject to paragraph 2(1)) enter on and take possession of any other land within the Act limits for Phase 2a purposes.

(3) The reference in sub-paragraph (1)(a) to the authorised works specified in column (4) of the table in Schedule 16 includes a reference to any works which are necessary or expedient for the purposes of or in connection with those works.”

7. “Phase 2a purposes” is defined at section 61 of the Phase 2a Act:

“References in this Act to anything being done or required for “Phase 2a purposes” are to the thing being done or required—

(a) for the purposes of or in connection with the works authorised by this Act,

(b) for the purposes of or in connection with trains all or part of whose journey is on Phase 2a of High Speed 2, or

(c) otherwise for the purposes of or in connection with Phase 2a of High Speed 2 or any high speed railway transport system of which Phase 2a of High Speed 2 forms or is to form part.”

8. The Schedule 16 table includes specific purposes for which access to each piece of land is required (e.g. for diversion of utilities, access to utilities, for environmental mitigation works etc). Paragraph 4(1) requires that the Respondent must give 28 days notice of their intention to take possession of the land to the owners and occupiers of the land. Paragraph 4(4) entitles the landowners and occupiers of the land to compensation for any loss they may suffer by the Respondent’s exercise of the possession power.

9. The Appellant submits that on the construction of the Phase 2a Act, the Respondents only have a legal right to possession of the land where the Schedule 15 paragraph 1(1)



conditions are met. Therefore, the natural conclusion is that at any point in time where the conditions are not met, the Respondents will have no right to possession of the land and cannot found a claim in trespass. The Appellant goes on to submit that “*where works are not scheduled to take place on land imminently then the Respondents are not only not in actual possession but have no right to such possession either immediately or imminently*” **ASA[29]**.

10. It was the Respondents’ case that all statutory notices under Schedule 15 paragraph 4(4) for the possession of the Green Land had been given (confirmed in the first witness statement of Julie Dilcock **RSA[2]**). Simply put, the Respondents have therefore exercised this statutory power and are entitled to immediate possession of all the Green Land. Moreover, this is land which is needed, and there is no statutory requirement for the land to be used ‘imminently’ **RSA[6]**. Further, they say that the definition of Phase 2a ‘purposes’ is very broad, for example it can include landscaping, advance planting and activities beyond the immediate construction of the railway **RSA[3]**. Finally, the Respondents said that the Appellant had conceded at an earlier stage of the proceedings that Schedule 15 and 16 were sufficient to found a potential trespass claim **RSA[4]**.

### *Analysis*

11. I agree with the judge (at **J[78]**, **SJ[18]**): the Respondents plainly have sufficient interest in the Green Land to found an action in trespass and therefore to be granted injunctive relief. I consider that this was conceded by the Appellant in his written submissions of 5 April 2022. In any event, the Appellant’s proposition that Green Land can only be taken possession of where it is required ‘imminently’ is not arguable; it is simply not supported by a plain construction of the Phase 2a Act 2021.
12. Parliament has granted the Respondents the right to immediate possession of the Green Land through the Phase 2a Act. The Act has built-in procedural requirements (e.g. giving 28 days notice before taking possession) and safeguards (e.g. compensation provision and a long-stop of possession for no more than one year after the works are complete). This balances the competing interests of ensuring the land can be used for the railway construction on the one hand, and on the other, respecting the proprietary interest of the underlying leaseholder/freeholder.
13. There is no statutory wording to the effect that the exercise of the paragraph 1(1) immediate possession power (following a 28 day notice period) must be contingent on immediate action. There must be an identified purpose for possession of the Green Land

(and there is), but that purpose is not given a temporal dimension anywhere in the statute. In contrast, the Appellant's submissions seem to assume that "*for the purpose of*" necessarily implies an imminence to the fulfilment of that purpose. But that is just not what the statute says.

14. This unjustified leap of reasoning is revealed at paragraph 29 of the Appellant's skeleton argument:

"29. [...] At any point in time where this statutory condition is not met the Respondents have no right to possession of the land whatsoever. Where works are not scheduled to take place on land imminently then the Respondents are not only not in actual possession but have no right to such possession either immediately or imminently. It is therefore wrong to conclude in relation to such land that the Respondents "are entitled to immediate possession"." (emphasis added).

15. The suggestion that the statute requires any works to be scheduled to take place 'imminently' is unjustified (and indeed there is no real attempt to justify it). There is no textual support for it; nor does it make practical sense. Moreover, there are all sorts of practical difficulties with it. First, there is nothing to say what could be defined as 'imminently': 2 weeks? 2 months? Or, for a project scheduled to take 10 years, might 2 years be considered 'imminent'? Second, it must be for the contractor or relevant subcontractor to decide when to take possession of any given site, not to have his logistical planning taken over for him by the courts. Third, the qualification of 'imminence' would be impossible to patrol. Even if notice was given before works were about to 'imminently' start, if there was an unexpected delay to construction would this remove the Respondent's right to possess the land? The only requirement is for the Respondent to identify the purpose for which the land is needed, provide 28 days notice, and then they are entitled to immediate possession of that land. That is the power Parliament granted.

16. I am further confirmed in that conclusion by reading Schedules 15, 16 and section 61 together. It is clear that Parliament intended the 'purpose' condition to be interpreted broadly. That explains the inclusion of paragraph 1(1)(c) in addition to 1(1)(a) and (b) in Schedule 15 to work as a fall-back provision to catch any broader purposes that may not align with the originally stated aims of each parcel of land detailed in Schedule 16.

17. Finally, the plain meaning of the word “purposes” is not restricted to actual construction works. As is clear from Schedule 16, the purpose for which temporary possession of the land is required includes for the “*provision of access*” for construction, utility works or creation of new rights of way (see Schedule 16, Column 3). These purposes may not have a defined starting point in the same way that actual construction activities might do. This also reinforces my conclusion that the Act envisages that the land will be temporarily possessed even if there is no immediate construction activities on the land.
18. Accordingly, I consider that Ground 1 has no real prospect of success, and permission to appeal is refused.

## **Ground 2: The Respondents’ Rights under A1P1**

### *The Issue*

19. The Judge found that the Respondents could pray in aid A1P1 **J[125]**. He considered that he was bound by the case of *Secretary of State for Transport v Cuicurean* [2022] EWCA 661 where Lewison LJ held:

“There was some debate about whether these were themselves convention rights (given that the Secretary of State for Transport is himself a public authority and cannot therefore be a “victim” for the purposes of the Convention, and HS2 Ltd may not be regarded as a “non-governmental” organisation for that purpose). But whether or not they are convention rights, they are clearly legal rights (either proprietary or possessory) recognised by national law” (at [28], emphasis added)

20. The Appellant complains that the Judge erred in concluding that the Respondents, as a public body, may rely on A1P1 ECHR protection. The Appellant submits that the case law is clear that a ‘core public authority’, or a party exercising functions of a public nature, cannot rely on its own Convention Rights as a cause of action or as part of a ECHR proportionality assessment: see *Aston Cantlow v Wallbank* [2003] UKHL 37; *YL v Birmingham City Council and others* [2007] EWCA Civ 26. It cannot in law be ‘a victim’. This is derived from ECtHR case law which extends to ‘non-governmental organisations’.

21. The Respondents' simple response is that it is not and has never been part of their case that HS2 is a 'victim' under the ECHR. They also criticise the Appellant for developing this point in written submissions after the hearing.

### *Analysis*

22. I do not consider that the Appellant's submissions have a real prospect of success. They are not aimed at a substantial or relevant target. A1P1 was only even potentially relevant as a counterbalancing factor to the protestors' rights under articles 10 and 11. The authorities make clear that, regardless of A1P1, ordinary proprietary or possessory rights provide an equivalent counter balance.
23. As noted above, the judge relied on paragraph 28 of *Cuciurean*. The final underlined sentence of the extract quoted at paragraph 19 above makes clear that Lewison LJ did not expressly decide whether HS2 could pray in aid A1P1 because he did not need to. That was because, however they arose, whether through A1P1 or the common law, the proprietary or possessory rights in question were on any view "*clearly legal rights*".
24. The same point has been made more recently by the Lord Chief Justice in *DPP v Cuciurean* [2022] EWHC 736 (Admin) at [84] when he said:

"84. The judge was not given the assistance she might have been with the result that a few important factors were overlooked. She did not address A1P1 and its significance. Articles 10 and 11 were not the only Convention rights involved. A1P1 pulled in the opposite direction to articles 10 and 11. At the heart of A1P1 and section 68 is protection of the owner and occupier of the Land against interference with the right to possession and to make use of that land for lawful activities without disruption or obstruction. Those lawful activities in this case had been authorised by Parliament through the 2017 Act after lengthy consideration of both the merits of the project and objections to it. The legislature has accepted that the HS2 project is in the national interest. One object of section 68 is to discourage disruption of the kind committed by the respondent, which, according to the will of Parliament, is against the public interest. The respondent (and others who hold similar views) have other methods available to them for protesting against the HS2 project which do not involve committing any offence under section 68, or indeed any offence. The Strasbourg Court has often observed that the Convention is concerned with the fair balance of competing rights. The rights enshrined in articles 10 and 11, long recognised by the Common Law, protect the expression of opinions, the right to persuade and protest and to convey strongly held views. They do not sanction a right to use guerrilla tactics endlessly to delay and increase the cost of an infrastructure project which has been subjected to the most detailed public scrutiny, including in Parliament."

25. The Judge had these issues well in mind in his judgment at [125] where he said:

“125. I am satisfied that the First Claimant can pray in aid A1P1, and the common law values they reflect, and that the approach set out in DPP v Cuciurean and other cases is binding upon me. The point raised by D6 was specifically dealt with by the Court of Appeal in *Secretary of State for Transport v Cuciurean* [2022] EWCA Civ 661, [28]...” (My emphasis)

The judge then cited the passage set out at para 19 above.

26. For completeness, I do not consider that *Attorney General’s Reference Number 1 of 2022* (cited by the Appellant in their skeleton argument for permission to appeal) is authority that public authorities could not rely on A1P1 rights. The relevant passage states:

“102. That is unsurprising because in addition to the usual questions about the applicability of a Convention right and then proportionality the A1P1 rights of the non-state owner are in play. We find it difficult to imagine that the Convention could ever be used to avoid conviction for damaging private property, even if very rarely it might be when considering damage to public property which is not significant. For domestic purposes, in our view, that is the position.”

27. On this basis, Ground 2 tilts at a windmill. The Judge did not rely solely on A1P1 but recognised these rights were reflected in ordinary property rights at common law. The Judge’s findings as to trespass and nuisance were findings of proprietary or possessory rights which were enough to found the claim for the injunction, with or without A1P1.

### **Ground 3: The Terms Of The Injunction**

#### *The Issues*

28. The Appellant submits that the Judge erred in law by defining the terms of the injunction (i) by reference to legal terms and a legal cause of action, (ii) by reference to vague terms (such as ‘slow walking’), and (iii) in a way which is disproportionate because they do not correspond with the definition of persons unknown.

#### *i) Legal terms/Analysis*

29. The Appellant takes issue with the reference to ‘legal terms’ such as “*public right of way*”, “*lawful rights over any public highway*” and “*a lawful freehold or leasehold interest*”. Moreover, the Appellant submits that the Injunction contains an internal

inconsistency: it prohibits conduct hindering the Respondents but allows for lawful rights over the public highway which may include deliberately and intentionally obstructive conduct on that highway. The Appellant concludes this leads to uncertainty about what conduct is covered by the Injunction.

30. I disagree with the Appellant that the Injunction contains ‘legal terms’ that make it hard or unclear to understand. Whilst the terms ‘freehold’ and ‘leasehold’ are legal vocabulary, they are also commonly used and widely understood by those without legal training or advice. Similarly, I consider reference to “lawful rights” over public highway is sufficiently clear. Moreover, even though the Appellant’s heading for this ground refer to “*references to a ... cause of action*”, the Appellant does not identify any cause of action used in the language of the Injunction. There is no inconsistency.

ii) *‘Slow Walking’/Analysis*

31. The Appellant submits that ‘slow walking’ (at paragraph 5 of the Injunction) is too vague, and he relies on the comments by the Court of Appeal in *Ineos v Persons Unknown* [2019] EWCA Civ 515 (at [40]) to the effect that it is not clear what is sufficiently ‘slow’ to engage such conduct. The Judge, clearly alive to this fact, qualified this part of the Injunction with the word ‘deliberately’ (at paragraph 5(f) of the Injunction) but the Appellant contends this does not address the vagueness of this provision.

32. I do not accept that this argument is open to the Appellant, or that it has a real prospect of success.

33. It is not open to him because, before the Judge, the Appellant’s argument was that ‘slow walking’ was a recognised form of protest and should therefore not be prohibited by the Injunction. There was no question that it was too vague; on the contrary, its clarity meant that the Appellant wanted it excluded from the injunction altogether. The Appellant cannot credibly argue now that this recognised form of protest was unclear.

34. Furthermore, I do not consider that it was unclear. The word ‘deliberately’ qualifies the activity in a relevant way. Moreover, the comment in *Ineos*, which was decided before the latest raft of HS2 cases and did not include the word ‘deliberately’, could be said to be a summary of counsel’s criticisms of the injunction in that case, rather than a series of findings by the court.

35. In the later case of *National Highways*, cited below, although the express words “slow walking” were not used in the injunction, neither Lavender J (nor counsel for the protestors) raised any concerns with the wording: “*deliberately ... slowing down ... the flow of traffic*”. In my view, that also demonstrates both that this is now a well-recognised phenomenon and its inclusion is an important part of any effective injunction. I do not consider there is any material difference in the wording accepted in *National Highways* and the present injunction to found a realistic ground of appeal.

*iii) Alleged Discrepancy: Analysis*

36. The Appellant argues there is a discrepancy between the definition of persons unknown (which contains an ‘effect clause’) and the prohibited conduct (which does not require any such effect). The ‘effect clause’ captures individuals whose conduct has the effect of “*damaging and/or delaying and or hindering*” the HS2 works. The Appellant submits that the definition of persons unknown is narrower than the prohibited conduct because it requires it to have the effect of damaging/delaying the works. He contends that this discrepancy means an individual who ‘unintentionally’ delays the HS2 works will be caught by the Injunction, even where there is no work ongoing or disruption caused. This is said to be disproportionate.

37. I consider that the Appellant’s construction of the Injunction is untenable. In my view, the Injunction must be read as a whole. There is no inconsistency. A person reading the Injunction would have no difficulty in concluding that it prohibits them from entering the HS2 Land even where they do not cause any delay or disruption to the works. That is clearly contained in the definition of ‘persons unknown’ and cannot be ignored simply because the same detail is not repeated in the prohibited conduct section of the Injunction.

38. I therefore reject all three arguments about the terms of the Injunction. They are excessively legalistic and do not arise on a common sense view of the words used. They have no real prospect of success.

**Ground 4: Service**

*The Issue*

39. The Judge was satisfied that service of the Injunction complied with the guidance in *Canada Goose UK Retails Ltd v Persons Unknown* [2020] 1 WLR 2802 and that the terms were sufficiently clear to allow persons potentially affected to know what they must not do. The Judge repeated this finding at paragraph [26] of the Supplemental Judgment.
40. The Appellant asserts that the Judge erred in finding that the service provisions (at paragraphs 7-11 of the Injunction) were sufficient to bring the Injunction to the attention of all those affected. The Appellant points to the case of *National Highways v Person Unknown and others* [2021] EWHC 3081 (QB) where it was held to be impracticable to place notices on stakes in the ground. Instead, the broad scope of the injunction was tempered by requiring personal service on persons unknown. The Appellant suggests that the Injunction in the present case allows for the possibility that persons may fall within the definition of persons unknown and breach the terms of the Injunction without being aware of the Injunction itself (particularly as the Injunction is not restricted to protestors, but land users and land owners covered by the Injunction). The Appellant suggests that notice should be provided by post.
41. The Respondent states that the final service provisions at paragraph 2 of the Injunction were a product of the earlier debate about the service of the proceedings themselves which resulted in the order of 28 April 2022. They say that the proceedings were highly effective at bringing proceedings to the attention of those who wished to participate. The Respondent characterises this ground as an attempt to re-run earlier arguments that were never appealed. In any event, the Injunction does make a provision for personal service where this is practicable: see paragraph 11 of the Injunction.

### *Analysis*

42. I consider that this complaint is not open to the Appellant. The service provisions in the Injunction mirrored those ordered in respect of the original proceedings in April 2022. The appellant said he was going to appeal those provisions but did not do so. Time to bring such an appeal expired in May 2022. It is too late to challenge those same service provisions now. It would be an abuse of the court process.
43. In any event, I consider that the service provisions in the Injunction were more than sufficient to comply with the guidance in *Canada Goose* and, made adequate provision for personal service. Any contrary argument has no real prospect of success.



44. Given the scope of the Injunction, it is clearly impractical for service to be effected along every piece of injunctioned land. The Appellant takes issue with the failure to provide notice by 'post', but does not explain why this is necessary in addition to the current methods of service already proposed. Crucially, in my view, at paragraph 11 the Injunction does provide for personal service where this is reasonably practicable – for example when a person unknown becomes identified or a named defendant or where the Respondents become aware of a trespasser.

#### **Ground 5: Some Other Compelling Reason?**

45. For the reasons set out above, I do not accept that any of these grounds of appeal have a real prospect of success.

46. In those circumstances, it would be pointless to allow permission to appeal simply because this is a major project and there may be issues which may become relevant to other injunctions. There has been recent Court of Appeal guidance on service (*Canada Goose, Barking and Dagenham*) and recent Divisional Court and Court of Appeal guidance on the balancing of possessory and protestors' rights (*DPP v Cuciurean* and *SoS for Transport v Cuciurean*). Both these last two arose out of HS2. It might be thought that that is sufficient guidance, at least for the moment, in this area, and that to grant permission in this case on this ground would, in the words of the Lord Chief Justice in *DPP v Cuciurean* (at [84]), be simply to sanction yet further delay and further increase the cost of a project which has been subjected to the most detailed public and Parliamentary scrutiny.

47. For all these reasons, I refuse permission to appeal.



**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.**

**QB-2022-BHM-000044**

**Claim no: QB-2022-BHM-000044**

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

**Before: Mr Justice Ritchie  
Made on: 31 May 2023**

**Between:**

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

**Claimants/Applicants**

**-and-**

- (1) NOT USED**

- (2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER THE HS2 LAND WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES**
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH 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 WITHOUT THE CONSENT OF THE CLAIMANTS**
- (4) 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 HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS**
- (5) MR ROSS MONAGHAN (AKA SQUIRREL / ASH TREE)**

**AND 60 OTHER NAMED DEFENDANTS AS SET OUT IN THE SCHEDULE TO THE PARTICULARS OF CLAIM**

**Defendants/Respondents**

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**ORDER**

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**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.**

**A Defendant who is an individual who is ordered not to do something must not do it himself/herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.**

**BEFORE** Mr the Honourable Mr Justice Ritchie sitting at the Birmingham Civil Justice Centre, on 16<sup>th</sup> May 2023.

**AND UPON HEARING** Counsel for the Claimants, Mr Richard Kimblin KC and Mr Michael Fry; Mr Stephen Simblet KC and Mr Owen Greenhall for D6, and Mr Mark Keir and Ms Caroline Thomson-Smith in person at the (“**Review Hearing**”).

**FURTHER TO** the Orders made in these proceedings by Julian Knowles J on 20 September 2022 (the “**Injunction Order**”) and by HHJ Kelly on 16 March 2023 (the “**Directions Order**”).

**AND UPON** the Claimants’ application by Application Notice dated 27 March 2023 pursuant to the provisions at paragraphs 15 and 20 of the Injunction Order (“**March 2023 Application**”).

**AND UPON** the Court accepting the Claimants’ renewed undertaking that they 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’ renewed confirmation that this Order is not intended to prohibit lawful protest which does not involve trespass upon the HS2 Land and does not block, slow down, obstruct or otherwise interfere with the Claimants’ access to or egress from the HS2 Land.

**AND UPON** the Claimants’ renewed confirmation that they do not intend for any freeholder or leaseholder with a lawful interest in the HS2 Land to fall within the Defendants to this Order, and undertaking not to make any committal application in respect of a breach of this Order, where the breach

is carried out by a freeholder or leaseholder with a lawful interest in the HS2 Land on the land upon which that person has an interest.

**AND UPON** the Claimants' renewed confirmation that this Order is not intended to act against any guests or invitees of any freeholders or leaseholders with a lawful interest in the HS2 Land unless that guest or invitee undertakes actions with the effect of damaging, delaying or otherwise hindering the HS2 Scheme on the land held by the freeholder or leaseholder with a lawful interest in the HS2 Land.

**NOW IT IS ORDERED THAT:**

**Definitions**

1. In this Order, the following defined terms shall apply:

- (a) The "RWI Updated Website" means the webpages at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.
- (b) The "Named Defendants" means D5 to D65 whose names appear in Annex A.
- (c) The "Defendants" refers to all Defendants.
- (d) The "March 2023 HS2 Land Plans" means the updated plans which illustrate the land to which the Claimants are entitled to possession and which the Claimants shall update from time to time to include:
  - (i) further land of which they have become entitled to possession for Rail Act purposes and
  - (ii) to remove land to which they are no longer entitled to possession for Rail Act purposes.
- (e) The "HS2 Land" means:
  - i) 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 March 2023 HS2 Land Plans and which are available electronically on the RWI Updated Website; and
  - ii) any land which the First Claimant has taken into temporary or permanent possession using its powers under Part 2 of Schedule 4 of the HS2 Acts (Interference with Highways) for Rail Act purposes and on which a copy of this Order shall be displayed at prominent locations on the land in question in accordance with paragraph 10 below.
- (f) The "HS2 Acts" are the High Speed Rail (London – West Midlands) Act 2017 and the High Speed Rail (West Midlands – Crewe) Act 2021.

- (g) “Rail Act purposes” means “Phase One purposes” as defined in section 67 of the High Speed Rail (London – West Midlands) Act 2017 and “Phase 2A purposes” as defined in section 61 of the High Speed Rail (West Midlands – Crewe) Act 2021.

### **Injunction in force**

2. With immediate effect, and until 23.59 on 31 May 2024 unless varied, discharged or extended by further order, the Defendants and each of them are forbidden from doing the following:
- (a) entering or remaining upon the HS2 Land;
  - (b) deliberately obstructing or otherwise interfering with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; or
  - (c) interfering with any sign, fence or gate on or at the perimeter of the HS2 Land.
3. Nothing in paragraph 2 of this Order:
- (a) Shall prevent any person from exercising their rights over any open public right of way over the HS2 Land.
  - (b) Shall affect any private rights of access over the HS2 Land.
  - (c) Shall prevent any person from exercising their lawful rights over any public highway.
  - (d) Shall extend to any person holding a lawful freehold or leasehold interest in land over which the Claimants have taken temporary possession.
  - (e) Shall extend to any interest in land held by statutory undertakers.
4. For the purposes of paragraph 2(b) prohibited acts of obstruction and interference shall include (but not be limited to):
- (a) standing, kneeling, sitting or lying or otherwise remaining present on the carriageway when any vehicle is attempting to turn into the HS2 Land or attempting to turn out of the HS2 Land in a manner which impedes the free passage of the vehicle;
  - (b) digging, erecting any structure or otherwise placing or leaving any object or thing on the carriageway which may slow or impede the safe and uninterrupted passage of vehicles or persons onto or from the HS2 Land;
  - (c) affixing or attaching their person to the surface of the carriageway where it may slow or impede the safe and uninterrupted passage of vehicles onto or from the HS2 Land;
  - (d) affixing any other object to the HS2 Land which may delay or impede the free passage of any vehicle or person to or from the HS2 Land;

- (e) climbing on to or affixing any object or person to any vehicle in the vicinity of the HS2 Land; and
  - (f) deliberate slow walking in front of vehicles in the vicinity of the HS2 Land.
5. For the purposes of paragraph 2(c) prohibited acts of interference shall include (but not be limited to):
- (a) cutting, damaging, moving, climbing on or over, digging beneath, or removing any items affixed to, any temporary or permanent fencing or gate on or at the perimeter of the HS2 Land;
  - (b) the prohibition includes carrying out the aforementioned acts in respect of the fences and gates; and
  - (c) interference with a gate includes drilling the lock, gluing the lock or any other activities which may prevent the use of the gate.

**Service by Alternative Method – This Order**

6. The Court will provide sealed copies of this Order to the Claimants’ solicitors for service (whose details are set out below).
7. Pursuant to CPR r.6.27 and r.81.4:
- (a) The Claimants shall serve this Order upon the Second, Third and Fourth Defendants by:
    - i) Advertising the existence of this Order in the Times and Guardian newspapers, and in particular advertising the web address of the RWI Updated Website, and direct link to this Order.
    - ii) Where permission is granted by the relevant authority, by placing an advertisement and/or a hard copy of the Order within 14 libraries approximately every 10 miles along the route of the HS2 Scheme. In the alternative, if permission is not granted, the Claimants shall use reasonable endeavours to place advertisements on local parish council notice boards in the same approximate locations.
    - iii) Publishing social media posts on the HS2 Twitter and Facebook platforms advertising the existence of this Order and providing a link to the RWI Updated Website.

- (b) Service of this Order on Named Defendants may be effected by personal service where practicable and/or posting a copy of this Order through the letterbox of each Named Defendant (or leaving in a separate mailbox), with a notice drawing the recipient's attention to the fact the package contains a court order. If the premises do not have a letterbox, or mailbox, a package containing this Order may be affixed to or left at the front door or other prominent feature marked with a notice drawing the recipient's attention to the fact that the package contains a court order and should be read urgently. The notices shall be given in prominent lettering in the form set out in Annex B. It is open to any Defendant to contact the Claimants to identify an alternative place for service and, if they do so, it is not necessary for a notice or package to be affixed to or left at the front door or other prominent feature.
  - (c) The Claimants shall further advertise the existence of this Order in a prominent location on the RWI Updated Website, together with a link to download an electronic copy of this Order.
  - (d) The Claimants shall email a copy of this Order to solicitors for D6 and any other party who has as at the date hereof provided an email address to the Claimants to the email address: [HS2Injunction@governmentlegal.gov.uk](mailto:HS2Injunction@governmentlegal.gov.uk) or [hs2injunction@dlapiper.com](mailto:hs2injunction@dlapiper.com).
8. Service in accordance with paragraph 7 above shall:
- (a) be verified by certificates of service to be filed with Court;
  - (b) be deemed effective as at the date of the certificates of service; and
  - (c) be good and sufficient service of this Order on the Defendants and each of them and the need for personal service be dispensed with.
9. Insofar as this order applies to land under 1(e)(ii) above, namely land over which the First Claimant has taken into temporary possession using its powers under Part 2 of Schedule 4 (Interference with Highways) of the HS2 Acts, a copy of this Order shall be displayed at prominent locations on the land in question clearly identifying the land, or portion of land, which is affected and such copy shall be removed promptly after any temporary possession has ceased.
10. Although not expressed as a mandatory obligation due to the transient nature of the task, the Claimants will seek to maintain copies of this Order on areas of the HS2 Land in proximity to potential Defendants, such as on the gates of construction compounds or areas of the HS2 Land known to be targeted by objectors to the HS2 Scheme.

11. Further, without prejudice to paragraph 7, while this Order is in force, the Claimants shall take all reasonably practicable steps to effect personal service of the Order upon any Defendant of whom they become aware is, or has been, on the HS2 Land without consent and shall verify any such service with further certificates of service (where possible if persons unknown can be identified) to be filed with Court.

#### **Further Case Management**

12. This Order will be reconsidered at a hearing to be listed on approximately a yearly basis between 15 and 31 May to determine whether there is a continued threat which justifies continuation of this Order (“**Yearly Review**”), but nothing in this order is intended to absolve the Claimants of their obligation to progress their claim expeditiously.
13. It will be the Claimants’ responsibility to apply for listing of the Yearly Review and to place details of the date of the Yearly Review on the RWI Updated Website. At Schedule A are directions which will apply to the next Yearly Review. Parties are advised to consider them carefully.

#### **Applying to vary/discharge/bring to trial**

14. Without prejudice to the foregoing, any 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) via the contact details set out below. Schedule B to this Order indicates the process which must be followed for any such application. Useful sources of support and information are listed in Schedule C.
15. 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 or an application under CPR Part 40.9 (unless they are already named as a Defendant).
16. Any Named Defendant or other person who believes that they will or might bring themselves within the definition of the “persons unknown” by their conduct and who wishes to oppose these proceedings and bring them to trial should file an Acknowledgment of Service pursuant to CPR Part 8.3 and serve a copy on the Claimants’ solicitors via the email address set out in paragraph 26 below. Schedule D to this Order indicates the process which must be followed.
17. Any Defendant who fails to comply with paragraphs 15 or 16 above shall not be permitted to defend these proceedings or take any further role in these proceedings without further order of



the Court and shall be liable to have injunctive relief continued against them without trial pursuant to CPR r.3.5.

18. The Claimants and named Defendants otherwise have liberty to apply to extend or vary this Order or for further directions.
19. Save as provided for above, the Claim be stayed generally with liberty to restore.

#### **Costs**

20. There be no order as to costs as between any of the parties to the Review Hearing.
21. 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.

#### **Documents in the Claim and Application**

22. All documents relating to these proceedings and this Order may be downloaded at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.
23. A single hard copy of any document will be sent within 21 days of the receipt of a reasonable request for that document or documents via the Claimants' solicitors whose contact details are set out below so long as any requests include a postal address and the full name of the requestor.

#### **Communications with Claimants and the Court**

24. 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 6DS

E: qb.birmingham@justice.gov.uk  
T: 0121 681 4441  
F: 01264 785 131  
DX: 701987 Birmingham 7

25. Any person who wishes to view or download copies of the documents shall contact the Claimants' solicitors via the contact details below.

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

FAO: HS2 TEAM

DLA PIPER UK LLP

1 St Paul's Place

Sheffield

S1 2JX

E: HS2Injunction@dlapiper.com

T: 0114 283 3312

DX: 708580 Sheffield 10

Ref: RXS/380900/401

**By Ritchie J**

**MADE ON 31 May 2023**

## ANNEX A – SCHEDULE OF DEFENDANTS

### PART 1

DEFENDANT NUMBER	UNNAMED DEFENDANTS
(1)	Not used
(2)	PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER THE HS2 LAND WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES
(3)	PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES WITHOUT THE CONSENT OF THE CLAIMANTS
(4)	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 HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS

**For the avoidance of doubt, any person who has been a defendant in these proceedings, or who has given undertakings to HS2, may nevertheless become Defendant 2 – Defendant 4 as a person unknown if they commit any of the prohibited acts.**

**PART 2**

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(5)	Mr Ross Monaghan (aka Squirrel / Ash Tree)
(6)	Mr James Andrew Taylor (aka Jimmy Knaggs / James Knaggs / Run Away Jim)
(7)	Ms Leah Oldfield
(8)	Not Used
(9)	Not Used
(10)	Not Used
(11)	Not Used
(12)	Not Used
(13)	Not Used
(14)	Not Used
(15)	Not Used
(16)	Ms Karen Wildin (aka Karen Wilding / Karen Wilden / Karen Wilder)
(17)	Mr Andrew McMaster (aka Drew Robson)
(18)	Not Used
(19)	Not Used
(20)	Mr George Keeler (aka C Russ T Chav / Flem)
(21)	Not Used
(22)	Mr Tristan Dixon (aka Tristan Dyson)
(23)	Not Used
(24)	Not Used
(25)	Not Used
(26)	Not Used
(27)	Mr Lachlan Sandford (aka Laser / Lazer)
(28)	Mr Scott Breen (aka Scotty / Digger Down)
(29)	Not Used
(30)	Not Used
(31)	Not Used
(32)	Not Used
(33)	Mr Elliot Cuciurean (aka Jellytot)
(34)	Not Used
(35)	Not Used
(36)	Mr Mark Keir
(37)	Not Used
(38)	Not Used
(39)	Mr Iain Oliver (aka Pirate)

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(40)	Not Used
(41)	Not Used
(42)	Not Used
(43)	Not Used
(44)	Not Used
(45)	Not Used
(46)	Not Used
(47)	Not Used
(48)	Mr Conner Nichols
(49)	Not Used
(50)	Not Used
(51)	Not Used
(52)	Not Used
(53)	Not Used
(54)	Not Used
(55)	Not Used
(56)	Not Used
(57)	Ms Samantha Smithson (aka Swan / Swan Lake)
(58)	Mr Jack Charles Oliver
(59)	Ms Charlie Inskip
(60)	Not Used
(61)	Not Used
(62)	Not Used
(63)	Mr Dino Misina (aka Hedge Hog)
(64)	Stefan Wright (aka Albert Urtubia)
(65)	Not Used

## **ANNEX B – WORDING FOR NOTICES**

### **[On the package containing the Order]**

“VERY URGENT: THIS PACKAGE CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CONTACT –

FAO: HS2 TEAM  
DLA PIPER UK LLP  
1 St Paul’s Place  
Sheffield  
S1 2JX

E: HS2Injunction@dlapiper.com  
T: 0114 283 3038  
DX: 708580 Sheffield 10  
R: RXS/380900/401

All documents relating to these proceedings and this Order may be downloaded at:  
<https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>”

## SCHEDULE A – DIRECTIONS FOR YEARLY REVIEW

### **Definitions**

1. In these Directions, the following defined terms shall apply:
  - a. The “RWI Updated Website” means the webpages at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.
  - b. The term “Defendants” refers to all Defendants, both named and persons unknown, and (b) above will be good and sufficient service on the Defendants and each of them.
2. The Claimants shall email a copy of this Order to solicitors for D6 and any other party who has as at the date hereof provided an email address to the Claimants to the email addresses: HS2Injunction@governmentlegal.gov.uk or HS2Injunction@dlapiper.com.

### **Further Case Management**

3. The Yearly Review will be listed for one day at 10.30am on a date between 15 and 31 May 2024 in the High Court in Birmingham at a date, after consultation by the court with the parties, convenient to counsel for any named party
4. Any person who wishes to address the Court at the Review must inform the Court and the Claimants of their intention to attend by 4pm on 10 May 2024 at the addresses at paragraphs 24 and 26 of the Order.
5. By 4pm on 1 March 2024, the Claimants’ must file and serve (in accordance with paragraph 3(a) of this Schedule) any applications relevant to the Yearly Review, a draft order, and any evidence upon which they seek to rely.
6. By 4pm on 5 April 2024, any person seeking to amend (including discharge) the Order, or oppose any applications made by the Claimants, must file and serve their written reasons in a document and indicate whether they intend to adduce evidence upon which that person seeks to rely by emailing or posting it to the Court and the Claimants at the addresses listed at paragraphs 24 and 26 of the Order.
7. Any evidence upon which a Defendant or other Applicant wishes to rely must be filed by 4pm on 19 April 2024.
8. By 4pm on 26 April 2024, the Claimants have permission to file and serve (in accordance with paragraph 3(a) of this Schedule) any evidence in response to any document or evidence filed in accordance with paragraphs 6 and 7 of this Schedule if so advised.
9. By 4pm on 3rd May 2024, the Claimants shall cause to be placed on the RWI Updated Website a draft hearing bundle index.
10. By 4pm on 6 May 2024, any person who wishes to comment on the draft hearing bundle must notify the Claimants of their comments by email to the address in paragraph 26 of the Order. Any person may provide suggested documents for inclusion to the Claimants. Where there is disagreement between the Claimants and that person as to the relevance of any document, that disagreement will be noted in the hearing bundle index and the document shall be provided to the Court in a separate bundle by the person seeking to rely upon it.,
11. By 4pm on 10 May 2024, the Claimants shall file and serve a properly paginated and indexed hearing bundle to the Court by email and in hard copy and shall cause to be placed on the RWI Updated Website a copy of the same.

12. By 4pm on 10 May 2024, the Claimants and any other person seeking to address the Court at the Yearly Review shall file and serve any skeleton argument or speaking note.
13. The parties otherwise have liberty to apply to for further or varied directions.

#### **Documents in the Claim and Application**

14. All documents relating to these proceedings and the Yearly Review may be downloaded at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.
15. A single hard copy of any document will be sent within 21 days of the receipt of a reasonable request for that document or documents via the Claimants' solicitors whose contact details are set out in the Order so long as any requests include a postal address and the full name of the requestor.

#### **SCHEDULE B – STEPS TO VARY OR DISCHARGE THIS ORDER**

If, in accordance with paragraphs 14-16 of the Order, any Defendant or any other person affected by this Order wishes to apply to vary or discharge this Order, to ensure effective case management by the Court the following indicative steps must be followed:

1. Any person seeking to contest the Claimants' entitlement to interim relief should file with the court (i.e. send to the court) and serve (i.e. send to the Claimants):

- (a) An N244 application form<sup>1</sup>;
- (b) Written grounds (which may be contained in within the N244 application form or a separate document) for:
  - i. permission to bring the application; and
  - ii. the application (i.e. reasons for the proposed variation / discharge of the Order).

Any applicant shall explain clearly within their written grounds the differences between their grounds and the issues which the Court has already adjudicated upon in the judgment of Mr Justice Julian Knowles of 20 September 2022 [or any judgment arising out of this Application]. A copy of the judgment[s] can be found on the RWI Updated Website; and

(c) A witness statement(s) containing and/or appending all of the evidence to be relied upon in support of the application.

2. In order to file the above documents with the Court, the applicant should:

- (a) Send physical copies of the documents to the address at paragraph 24 of this Order; and/or
- (b) Speak to the Court to obtain an address to send electronic copies of the documents to.

3. In order to serve the above documents on the Claimants, the applicant should:

- (a) Send physical copies of the documents to the address at paragraph 26 of this Order; and/or

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<sup>1</sup> See the following link which provides a digital version of the form, and guidance notes: <https://www.gov.uk/government/publications/form-n244-application-notice>



- (b) Send electronic copies of the documents to the e-mail address at paragraph 26 of the Order.
4. The person making the application should indicate to the Court and Claimants whether they consider the matter requires a court hearing or can be dealt with by the judge reviewing the paper application and any response from the Claimants.
5. Thereafter the Claimants shall have 14 days to file and serve evidence and submissions in response, including as to whether an oral hearing is required to determine the application.
6. Within 21 days, the Court shall decide:
- i. whether to grant permission for the application to proceed; and
  - ii. if permission is granted, whether a hearing is necessary, and/or may request from the parties evidence on any further matters necessary to determine the application. If the Court decides that a hearing is necessary, it shall seek to schedule the hearing (accommodating availabilities of the parties) within 42 days (6 weeks).
7. If the Court decides that further evidence is needed from either party, it may set strict deadlines by which that evidence must be filed. Both parties should be aware that the Court may restrict the use of evidence which is filed late or impose other penalties for non-compliance.

### **SCHEDULE C – USEFUL REFERENCES AND RESOURCES**

The attention of all parties is drawn to the following references and resources:

Bar Pro Bono Unit – A possible avenue for obtaining free legal advice and/or representation:  
<https://weareadvocate.org.uk/>

Support Through Court (formerly Personal Support Unit) – An organisation supporting litigants in person: <https://www.supportthroughcourt.org/>

Chancery Division Guide: <https://www.gov.uk/government/publications/chanceryguide>

Chancery Division Interim Applications Guide for Litigants in Person:  
<https://www.judiciary.uk/publications/guide-litigants-person-chancery/>

Civil Procedure Rules Part 8: <https://www.justice.gov.uk/courts/procedure/civil/rules/part08>

Help with Court Fees website: <https://www.gov.uk/get-help-with-court-fees>

## SCHEDULE D – STEPS TO BRING MATTER TO TRIAL

If, in accordance with paragraph 16 of the Order above, any Defendant or other person affected by this Order wishes to apply to bring the Claimants' proceedings (whether as a whole or in part) to final trial, to ensure effective case management by the Court the following steps must be followed:

1. If not already so, the person must apply to become a named defendant to the claim. This can be done by filing with the court (i.e. send to the court) and serving (i.e. send to the Claimants)

(a) An N244 Application form<sup>2</sup>; and

(b) a short statement explaining the reason for applying to become a named defendant (i.e. in order to contest the Claimants' claim).

2. In order to file the above with the Court, the person who is applying should:

(a) Send physical copies to the address at paragraph 24 of this Order; and/or

(b) Speak to the Court to obtain an address to send electronic copies to.

3. In order to serve the above on the Claimants, the person applying should:

(a) Send physical copies to the address at paragraph 26 of this Order; and/or

(b) Send electronic copies to the to the e-mail address at paragraph 26 above.

4. The person seeking to contest the Order and bring the matter to trial must then file and serve (see above as to how this is to be done):

(a) An Acknowledgement of Service using form N210,<sup>3</sup> explaining the reasons for contesting the Order (whether as a whole or in part), which must include a postal address for service together with (if they wish to be served with documents electronically in these proceedings) an email address to which such service may be effected;

(b) An application for permission to contest the Order and to bring the matter to trial, which explains clearly the differences between their grounds of defence relied upon and the issues which the Court has already adjudicated upon in the judgment of Mr Justice Julian Knowles of 20 September 2022 [or any judgment arising out of this Application]. A copy of the judgment[s] can be found on the RWI Updated Website;

(c) A written Defence responding to the allegations set out in the Particulars of Claim (to the extent in the Defendant's knowledge); and

(d) A witness statement(s) (verified by a statement of truth) containing and/or appending all the evidence to be relied upon in support of the application for permission and Defence (i.e. evidence explaining the basis for contesting the claim).

5. Thereafter the Claimants shall have 14 days after service of the Defence to file and serve any evidence in reply.

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<sup>2</sup> See the following link which provides a digital version of the form, and guidance notes:

<https://www.gov.uk/government/publications/form-n244-application-notice>

<sup>3</sup> <https://www.gov.uk/government/publications/form-n210-acknowledgment-of-service-cpr-part-8>

6. The Court shall then list a hearing date for a Case Management Conference, at which it will:
- (a) determine the application for permission to contest the Order and to bring the matter to trial; and
  - (b) should the application for permission be successful, give directions to parties for any further steps required prior to the final trial (such as filing further evidence). The Court may set strict deadlines by which the further steps must be taken and both parties should be aware that the Court may restrict the use of evidence which is filed late or impose other penalties for non-compliance.

7. Further:

- a. The Claimants shall prepare an electronic hearing bundle for the hearing and provide the Defendant(s) with access to the bundle not less than 14 days before the hearing.
- b. At the hearing, the Court shall consider whether injunctive relief shall be continued against any or all of the Defendants, whether on an interim or final basis.
- c. Any further application by the Claimants to add further named defendants, to have final relief granted against any Defendant(s) without trial pursuant to CPR r.3.5 and/or otherwise to amend its claim shall be determined at the hearing.
- d. The need for and form of any further case management directions through to trial or any further hearing shall be considered.

END



Claim no: QB-2022-BHM-000044

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

Between:

QB-2022-BHM-000044

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

**Claimants/Applicants**

-and-

- (1) NOT USED

(2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER THE HS2 LAND WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES

(3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES WITHOUT THE CONSENT OF THE CLAIMANTS

(4) 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 HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS

(5) MR ROSS MONAGHAN (AKA SQUIRREL / ASH TREE)

AND 62 OTHER NAMED DEFENDANTS AS SET OUT IN THE SCHEDULE TO THE PARTICULARS OF CLAIM

**Defendants/Respondents**

---

NOTICE OF HEARING

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The Court has listed the Review Hearing in this matter on **Wednesday 15 May 2024 at 10.30am** before a High Court Judge at the Birmingham Civil and Family Justice Hearing Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS, with a time estimate of 1 day. Face to face with attendance at Court.

**Important Note: A hearing bundle must be lodged at least 3 clear days before the hearing.**

# Certificate of service

<b>Name of court</b> <b>HIGH COURT OF JUSTICE</b> <b>KING'S BENCH DIVISION</b>	<b>Claim No.</b> QB-2022-BHM-000044
<b>Name of Claimant</b> (1) High Speed Two (HS2) Limited (2) The Secretary of State for Transport	
<b>Name of Defendant</b> Persons Unknown & Ors	

<b>On what day did you serve?</b>	0	1	/	0	2	/	2	0	2	4
<b>The date of service is</b>	0	1	/	0	2	/	2	0	2	4

**What documents did you serve?**  
 Please attach copies of the documents you have not already filed with the court.

153 – Notice of Review Hearing 2024

**On whom did you serve?**  
 (If appropriate include their position e.g. partner, director).

The Defendants

**How did you serve the documents?**  
 (please tick the appropriate box)

by first class post or other service which provides for delivery on the next business day

by delivering to or leaving at a permitted place

by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)

by other means permitted by the court (please specify)

By Document Exchange

by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

by other electronic means (..14:15...time sent, where document is other than a claim form) (please specify)

**Give the address where service effected, include fax or DX number, e-mail address or other electronic identification**

By uploading to website:  
<https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>

Being the  claimant's  defendant's

solicitor's  litigation friend

usual residence

last known residence

place of business

principal place of business

last known place of business

last known principal place of business

principal office of the partnership

principal office of the corporation

principal office of the company


place of business of the partnership/company/corporation within the jurisdiction with a connection to claim

other (please specify)

Place of service ordered by the Court in the order made on 31 May 2023

**I believe that the facts stated in this certificate of service are true.**  
**I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.**

Full name JULIE AMBER DILCOCK

Signed   
 Claimant's Solicitor

Position or office held Head Counsel – L&P Disputes  
 (If signing on behalf of firm or

Date

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Rules relating to the service of documents are contained in Part 6 of the Civil Procedure Rules ([www.justice.gov.uk](http://www.justice.gov.uk)) and you should refer to the rules for information.

#### Calculation of deemed day of service of a claim

A claim form served within the UK in accordance with Part 6 of the Civil Procedure rules is deemed to be served on the second business day after the claimant has completed the steps required by CPR 7.5(1).

#### Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

## DETAILS OF SERVICE

I, **JULIE AMBER DILCOCK**, of High Speed Two (HS2) Limited, Two Snowhill., Snow Hill Queensway, Birmingham, B4 6GA state as follows:

1. I am a solicitor of the Senior Courts of England and Wales and employed by the First Claimant as Head Counsel – L&P Disputes.
2. Unless otherwise stated, all facts and matters set out in this Witness Statement are from my own knowledge. I have identified those statements which are matters of information or belief, and identified the sources of the information or belief.
3. On 01.02.2024 I instructed Connie Holmes, Digital Media and Content Manager for the First Claimant, to upload the following document:  
  
153 – Notice of Review Hearing 2024  
  
to the website: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>. A copy of this document has already been filed with the Court.
4. At 14:15 on 01.02.2024, Connie Holmes confirmed to me that the upload was complete and I checked the website and noted that the document was available to view and download. A screenshot of the website showing the documents is here:




Notice

# HS2 route-wide injunction proceedings (2024)

Information regarding HS2 route-wide injunction proceedings. These exhibits contain strong and/or abusive language and scenes of violence that some may find disturbing.

From: [High Speed Two \(HS2\) Limited](#)

Published 1 February 2024

 [Get emails about this page](#)

## Documents



### [153. Notice of Review Hearing 2024](#)

PDF, 118 KB, 2 pages

This file may not be suitable for users of assistive technology.

[▶ Request an accessible format.](#)

## Details

Exhibits contain strong and/or abusive language and scenes of violence that some viewers may find disturbing. Viewer discretion advised.

Published 1 February 2024

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:.....

**JULIE AMBER DILCOCK**

Dated: 01 February 2024

## Mary Barraclough

---

**From:** Michael Fry <Michael.Fry@ftbchambers.co.uk>  
**Sent:** 19 February 2024 16:37  
**To:** Robert Shaw; Jonathan Welch  
**Subject:** FW: Draft order  
**Attachments:** RWI Review Order - AMENDED (16 May 2023)(126363518.1) -OG (002) (DLA Amends - 17.05.2023)(126397323.2).docx

**\*\*EXTERNAL\*\***

Michael Fry  
Barrister

**M:** 07973 286191

---

**From:** Richard Kimblin KC <rk@no5.com>  
**Sent:** Wednesday, May 17, 2023 6:46 PM  
**To:** Stephen Simblet KC <stephens@gclaw.co.uk>  
**Cc:** Michael Fry <Michael.Fry@ftbchambers.co.uk>; Owen Greenhall <oweng@gclaw.co.uk>  
**Subject:** Re: Draft order

Dear Stephen & Owen,

Here is our draft in markup.

If either of you are free in the morning and want to talk it through, catch me on the number below.

Best wishes,

Richard

Richard Kimblin KC

M: 07932 008904

Practice Director: Andrew Bisbey 02074207568



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On 17 May 2023, at 14:11, Stephen Simblet KC <[stephens@gclaw.co.uk](mailto:stephens@gclaw.co.uk)> wrote:

OK. There will obviously also need to be suitable notice requirements to ensure that people can know what land is temporarily affected, and for how long.

Stephen

Sent from [Outlook for Android](#)

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**From:** Richard Kimblin KC <[rk@no5.com](mailto:rk@no5.com)>  
**Sent:** Wednesday, May 17, 2023 8:56:44 AM  
**To:** Stephen Simblet KC <[stephens@gclaw.co.uk](mailto:stephens@gclaw.co.uk)>  
**Cc:** Michael Fry <[Michael.Fry@ftbchambers.co.uk](mailto:Michael.Fry@ftbchambers.co.uk)>; Owen Greenhall <[oweng@gclaw.co.uk](mailto:oweng@gclaw.co.uk)>  
**Subject:** Re: Draft order

Thank you for your email Stephen. I'm terrified.

We too have a draft and will look at them together and come back to you in the middle of the day.

Best wishes,

Richard

Richard Kimblin KC

M: 07932 008904

Practice Director: Andrew Bisbey 02074207568

<PastedGraphic-2.png>

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On 17 May 2023, at 08:28, Stephen Simblet KC <[stephens@gclaw.co.uk](mailto:stephens@gclaw.co.uk)> wrote:

I forgot to include Owen in this, which was particularly culpable in the light of this being mostly his draft!  
Am resending so that he can be included in replies .  
Stephen

Sent from [Outlook for Android](#)

---

**From:** Stephen Simblet KC <[stephens@gclaw.co.uk](mailto:stephens@gclaw.co.uk)>  
**Sent:** Wednesday, May 17, 2023 8:15:27 AM  
**To:** Richard Kimblin KC <[rk@no5.com](mailto:rk@no5.com)>; Michael Fry <[Michael.Fry@ftbchambers.co.uk](mailto:Michael.Fry@ftbchambers.co.uk)>  
**Subject:** Fwd: Draft order

Morning Richard and Michael,

These are our proposals for changing the definition of "HS2 Land" in the injunction and notifying people as to what land is affected.

Our position is that:

1. This protects the mischief complained about by the Claimants in the way that the case is now presented to the court.
2. Means that no conspiracy injunction is required.

We invite you to agree this, along with no order as to costs for D6.

We think there are considerable advantages to you in adopting this course, and that the chance of your getting a conspiracy injunction to be small. We also think that a refusal to grant such an injunction after a hearing would be unpalatable to your clients.

At the moment, this draft is just sent to you (and will also be sent to you solicitors), but if it is not speedily dealt with, we intend to make this an open offer and send our proposed wording and proposals to the judge, as indicated yesterday. This ought to save him some judgment writing time. I also intend to write to him now to say that we have made proposals around the wording and they are with you.

On the costs, I consider that our no order to costs proposal is generous to the Claimants bearing in mind that D6 only attended because your injunction as drawn, and the arguments in your skeleton argument as understood by all including the judge went much further than can possibly be your position now, so I hope that we can agree something.

Stephen

Sent from [Outlook for Android](#)

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**From:** Owen Greenhall <[oweng@gclaw.co.uk](mailto:oweng@gclaw.co.uk)>  
**Sent:** Tuesday, May 16, 2023 4:35:45 PM  
**To:** Stephen Simblet KC <[stephens@gclaw.co.uk](mailto:stephens@gclaw.co.uk)>; Nicola Hall <[nhall@robertlizar.com](mailto:nhall@robertlizar.com)>  
**Subject:** Draft order

-----  
Owen Greenhall, Barrister  
Garden Court Chambers  
57-60 Lincoln's Inn Fields, London, WC2A 3LJ  
DX: 34 London Chancery Lane  
Twitter: @GardenCourtLaw @GardenCtPublic @GCCHousing @GCCCivillib  
Switchboard: 020 7993 7600 | Direct Tel: 020 7993 7723  
My Profile: <https://www.gardencourtchambers.co.uk/barristers/owen-greenhall>

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<RWI Review Order - AMENDED (16 May 2023)(126363518.1) -OG.docx>

**Michael Fry**

**Please consider the environment before printing this email**

**Francis Taylor Building**

Inner Temple

London EC4Y 7BY

**DX:** 402 LDE **Tel:** 020 7353 8415 **Fax:** 020 7353 7622

[clerks@ftbchambers.co.uk](mailto:clerks@ftbchambers.co.uk)

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Claim no: QB-2022-BHM-000044

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

Before: ~~Mr/Mrs Justice Ritchie~~  
On: 16 May 2023

Between:

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

-and-

- (1) NOT USED
- (2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER THE HS2 LAND WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES WITHOUT THE CONSENT OF THE CLAIMANTS
- (4) 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 HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS
- (5) MR ROSS MONAGHAN (AKA SQUIRREL / ASH TREE)

AND 62 OTHER NAMED DEFENDANTS AS SET OUT IN THE SCHEDULE TO THE PARTICULARS OF CLAIM

~~(68) PERSONS UNKNOWN BY UNLAWFUL MEANS OBSTRUCTING, IMPEDING, HINDERING, OR DELAYING WORKS OR ACTIVITIES AUTHORISED BY THE HS2 ACTS, IN EXPRESS OR IMPLIED AGREEMENT OR COMBINATION WITH ANOTHER PERSON WITH THE INTENTION OF CAUSING DAMAGE TO THE CLAIMANTS~~

Defendants/Respondents

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**ORDER**

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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.**

**A Defendant who is an individual who is ordered not to do something must not do it himself/herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.**

**FURTHER TO** the Orders made in these proceedings by Julian Knowles J on 20 September 2022 (the “**Injunction Order**”) and by HHJ Kelly on 16 March 2023 (the “**Directions Order**”)

**AND UPON** the Claimants’ application by Application Notice dated 27 March 2023 pursuant to the provisions at paragraphs 15 and 20 of the Injunction Order (“**March 2023 Application**”).

**AND UPON** the Court accepting the Claimants’ renewed undertaking that they 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’ renewed confirmation that this Order is not intended to prohibit lawful protest which does not involve trespass upon the HS2 Land and does not block, slow down, obstruct or otherwise interfere with the Claimants’ access to or egress from the HS2 Land.

**AND UPON** the Claimants’ renewed confirmation that they do not intend for any freeholder or leaseholder with a lawful interest in the HS2 Land to fall within the Defendants to this Order, and undertaking not to make any committal application in respect of a breach of this Order, where the breach is carried out by a freeholder or leaseholder with a lawful interest in the HS2 Land on the land upon which that person has an interest.

**AND UPON** the Claimants’ renewed confirmation that this Order is not intended to act against any guests or invitees of any freeholders or leaseholders with a lawful interest in the HS2 Land unless that

guest or invitee undertakes actions with the effect of damaging, delaying or otherwise hindering the HS2 Scheme on the land held by the freeholder or leaseholder with a lawful interest in the HS2 Land.

**AND UPON HEARING** Counsel for the Claimants, Mr Richard Kimblin KC and Mr Michael Fry,  
[Stephen Simblet KC and Mr Owen Greenhall for D6, \[Counsel for a Defendant\]\[the Defendants in person and various non-Defendants in person\]](#) and Mr Mark Keir and Ms Caroline Thomson-Smith in person (“Review Hearing”).

**IT IS ORDERED THAT:**

**Definitions**

1. In this Order, the following defined terms shall apply:

- (a) The “RWI Updated Website” means the webpages at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.
- (b) The “Named Defendants” means D5 to D6~~57~~ whose names appear in Annex A.
- (c) The “Defendants” refers to all Defendants.
- (d) The “March 2023 HS2 Land Plans” means the updated plans which illustrate the land of which the Claimants are entitled to possession [and which the Claimants shall update from time to time to include further land of which they have become entitled to possession and remove land of which they are no longer entitled to possession](#).
- (e) The “HS2 Land” means:
  - i) 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 ~~March 2023~~ HS2 Land Plans which are available electronically on the RWI Updated Website;
  - [and](#)
  - ~~(e)ii) any land over which the First Claimant has exercised Land which is taken into temporary or permanent possession by the Claimants using its powers under Part 2 of Schedule 4 (Interference with Highways) of the HS2 Acts (Interference with Highways) for Rail Act purposes.~~
- (f) The “HS2 Acts” are the High Speed Rail (London – West Midlands) Act 2017 and the High Speed Rail (West Midlands – Crewe) Act 2021.

**Amendments to the Claim**

2. The Claimants have permission:

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- (a) To amend the description of the HS2 Land to refer to the land illustrated in the March 2023 HS2 Land Plans [and any land over which the First Claimant has exercised its powers under Part 2 of Schedule 4 of the HS2 Acts \(Interference with Highways\)](#).
- (b) To amend the description of D2 to refer to the HS2 Land.
- (c) To remove Named Defendants to the Claim where expedient namely: D11 - 13, 18, 19, 21, 23, 31, 34, 37, 38, 40 – 46, 49 - 53, 60 – 62, and 65.
- ~~(d) To add D66 Caroline Thomson Smith (aka Carl Woods) as a new defendant to the Claim~~
- ~~(e) To add D67 Christopher Paul Butcher (aka Rob) as a new defendant to the Claim~~
- ~~(f) To add D68 as a new defendant to the Claim: PERSONS UNKNOWN BY UNLAWFUL MEANS OBSTRUCTING, IMPEDING, HINDERING OR DELAYING WORKS OR ACTIVITIES AUTHORISED BY THE HS2 ACTS, IN EXPRESS OR IMPLIED AGREEMENT OR COMBINATION WITH ANOTHER PERSON WITH THE INTENTION OF CAUSING DAMAGE TO THE CLAIMANTS~~
- ~~(g) To make consequential amendments to the Amended Particulars of Claim arising from the March 2023 Application including adding a further prohibition preventing the Defendants from obstructing, impeding, hindering, or delaying works or activities authorised by the HS2 Acts by unlawful means, in express or implied agreement or in combination with another person with the intention of causing damage to the Claimants and removing those paragraphs of the Amended Particulars of Claim which are no longer pertinent to the Claim.~~
- ~~(h)~~(d) To amend the Amended Particulars of Claim dated 26 April 2022 to give effect to 2(a) – ~~(c)~~ above.

### Injunction in force

3. With immediate effect, and until 23.59 on 31 May 2024 unless varied, discharged or extended by further order, the Defendants and each of them are forbidden from doing the following:
  - (a) entering or remaining upon the HS2 Land;
  - (b) deliberately obstructing or otherwise interfering with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; [or](#)
  - (c) interfering with any [sign](#), fence or gate on or at the perimeter of the HS2 Land; ~~or~~
  - ~~(d) by unlawful means obstructing, impeding, hindering, or delaying works or activities authorised by the HS2 Acts, in express or implied agreement or combination with another person with the intention of causing damage to the Claimants.~~

4. Nothing in paragraph 3 of this Order:
  - (a) Shall prevent any person from exercising their rights over any open public right of way over the HS2 Land.
  - (b) Shall affect any private rights of access over the HS2 Land.
  - (c) Shall prevent any person from exercising their lawful rights over any public highway.
  - (d) Shall extend to any person holding a lawful freehold or leasehold interest in land over which the Claimants have taken temporary possession.
  - (e) Shall extend to any interest in land held by statutory undertakers.
  
5. For the purposes of paragraph 3(b) prohibited acts of obstruction and interference shall include (but not be limited to):
  - (a) standing, kneeling, sitting or lying or otherwise remaining present on the carriageway when any vehicle is attempting to turn into the HS2 Land or attempting to turn out of the HS2 Land in a manner which impedes the free passage of the vehicle;
  - (b) digging, erecting any structure or otherwise placing or leaving any object or thing on the carriageway which may slow or impede the safe and uninterrupted passage of vehicles or persons onto or from the HS2 Land;
  - (c) affixing or attaching their person to the surface of the carriageway where it may slow or impede the safe and uninterrupted passage of vehicles onto or from the HS2 Land;
  - (d) affixing any other object to the HS2 Land which may delay or impede the free passage of any vehicle or person to or from the HS2 Land;
  - (e) climbing on to or affixing any object or person to any vehicle in the vicinity of the HS2 Land; and
  - (f) deliberate slow walking in front of vehicles in the vicinity of the HS2 Land.
  
6. For the purposes of paragraph 3(c) prohibited acts of interference shall include (but not be limited to):
  - (a) cutting, damaging, moving, climbing on or over, digging beneath, or removing any items affixed to, any temporary or permanent fencing or gate on or at the perimeter of the HS2 Land;
  - (b) the prohibition includes carrying out the aforementioned acts in respect of the fences and gates; and
  - (c) interference with a gate includes drilling the lock, gluing the lock or any other activities which may prevent the use of the gate.

**Service by Alternative Method – This Order**

7. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).
8. Pursuant to CPR r.6.27 and r.81.4:
  - (a) The Claimants shall serve this Order upon the Second, Third and, Fourth, ~~and Sixty Eighth~~ Defendants by:
    - i) Advertising the existence of this Order in the Times and Guardian newspapers, and in particular advertising the web address of the RWI Updated Website, and direct link to this Order.
    - ii) Where permission is granted by the relevant authority, by placing an advertisement and/or a hard copy of the Order within 14 libraries approximately every 10 miles along the route of the HS2 Scheme. In the alternative, if permission is not granted, the Claimants shall use reasonable endeavours to place advertisements on local parish council notice boards in the same approximate locations.
    - iii) Publishing social media posts on the HS2 Twitter and Facebook platforms advertising the existence of this Order and providing a link to the RWI Updated Website.
  - (b) Service of this Order on Named Defendants may be effected by personal service where practicable and/or posting a copy of this Order through the letterbox of each Named Defendant (or leaving in a separate mailbox), with a notice drawing the recipient's attention to the fact the package contains a court order. If the premises do not have a letterbox, or mailbox, a package containing this Order may be affixed to or left at the front door or other prominent feature marked with a notice drawing the recipient's attention to the fact that the package contains a court order and should be read urgently. The notices shall be given in prominent lettering in the form set out in Annex B. It is open to any Defendant to contact the Claimants to identify an alternative place for service and, if they do so, it is not necessary for a notice or package to be affixed to or left at the front door or other prominent feature.

- (c) The Claimants shall further advertise the existence of this Order in a prominent location on the RWI Updated Website, together with a link to download an electronic copy of this Order.
- (d) The Claimants shall email a copy of this Order to solicitors for D6 and any other party who has as at the date hereof provided an email address to the Claimants to the email address: [HS2Injunction@governmentlegal.gov.uk](mailto:HS2Injunction@governmentlegal.gov.uk) or [hs2injunction@dlapiper.com](mailto:hs2injunction@dlapiper.com).

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- 9. Service in accordance with paragraph 8 above shall:
  - (a) be verified by certificates of service to be filed with Court;
  - (b) be deemed effective as at the date of the certificates of service; and
  - (c) be good and sufficient service of this Order on the Defendants and each of them and the need for personal service be dispensed with.

10. Insofar as this order applies to land under 1(e)(ii) above, namely land over which the First Claimant has exercised its powers under Part 2 of Schedule 4 (Interference with Highways) of the HS2 Acts, a copy of this Order shall be displayed at prominent locations on the land in question.

~~which is taken into temporary or permanent possession by the Claimants using powers under Part 2 of Schedule 4 (Interference with Highways) of the HS2 Acts for Rail Act purposes, the land shall be clearly demarcated and signs of the order shall be affixed to posts at prominent locations at each site.~~

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~~10.11.~~ Although not expressed as a mandatory obligation due to the transient nature of the task, the Claimants will seek to maintain copies of this Order on areas of the HS2 Land in proximity to potential Defendants, such as on the gates of construction compounds or areas of the HS2 Land known to be targeted by objectors to the HS2 Scheme.

~~11.12.~~ Further, without prejudice to paragraph ~~89~~, while this Order is in force, the Claimants shall take all reasonably practicable steps to effect personal service of the Order upon any Defendant of whom they become aware is, or has been, on the HS2 Land without consent and shall verify any such service with further certificates of service (where possible if persons unknown can be identified) to be filed with Court.

**Further Case Management**

~~13.~~ This Order will be reconsidered at a hearing to be listed on approximately a yearly basis between 15 and 31 May to determine whether there is a continued threat which justifies continuation of this Order ([“Yearly Review”](#)).

~~12.~~~~14.~~ It will be the Claimants’ responsibility to [apply for listing of](#) ~~arrange such a hearing and the~~ [Yearly Review and](#) to place details of ~~any such hearing~~ [the date of the Yearly Review](#) on the RWI Updated Website. [At Schedule A are directions which will apply to the next Yearly Review. Parties are advised to consider them carefully.](#)

~~13.~~~~15.~~ Without prejudice to the foregoing, any 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) via the contact details set out below. Schedule ~~A-B~~ to this Order indicates the process which must be followed for any such application. Useful sources of support and information are listed in Schedule C.

~~14.~~~~16.~~ 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 (unless they are already named as a ~~defendant~~ [Defendant](#)).

~~15.~~~~17.~~ Any Named Defendant or other person who believes that they will or might bring themselves within the definition of the “persons unknown” by their conduct and who wishes to oppose these proceedings [and bring them to trial](#) should file an Acknowledgment of Service pursuant to CPR Part 8.3 and serve a copy on the Claimants’ solicitors via the email address set out in paragraph ~~26~~~~5~~ below. Schedule ~~B-D~~ to this Order indicates the process which must be followed.

~~16.~~~~18.~~ Any Defendant who fails to comply with paragraph ~~15~~~~7~~ above shall not be permitted to defend these proceedings or take any further role in these proceedings without further order of the Court and shall be liable to have injunctive relief continued against them without trial pursuant to CPR r.3.5.

~~17.~~~~19.~~ The Claimants otherwise have liberty to apply to extend or vary this Order or for further directions.

~~18.~~~~20.~~ Save as provided for above, the Claim be stayed generally with liberty to restore.

**Costs**

~~19.~~~~21.~~ There be no order as to costs as between any of the parties to the Review Hearing.

~~20.~~ 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.

#### **Documents in the Claim and Application**

~~21-22.~~ All documents relating to these proceedings and this Order may be downloaded at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.

Field Code Changed

~~22-23.~~ A single hard copy of any document will be sent within 21 days of the receipt of a reasonable request for that document or documents via the Claimants' solicitors whose contact details are set out below so long as any requests include a postal address and the full name of the requestor.

#### **Communications with Claimants and the Court**

~~23-24.~~ 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 6DS

E: qb.birmingham@justice.gov.uk  
T: 0121 681 4441  
F: 01264 785 131  
DX: 701987 Birmingham 7

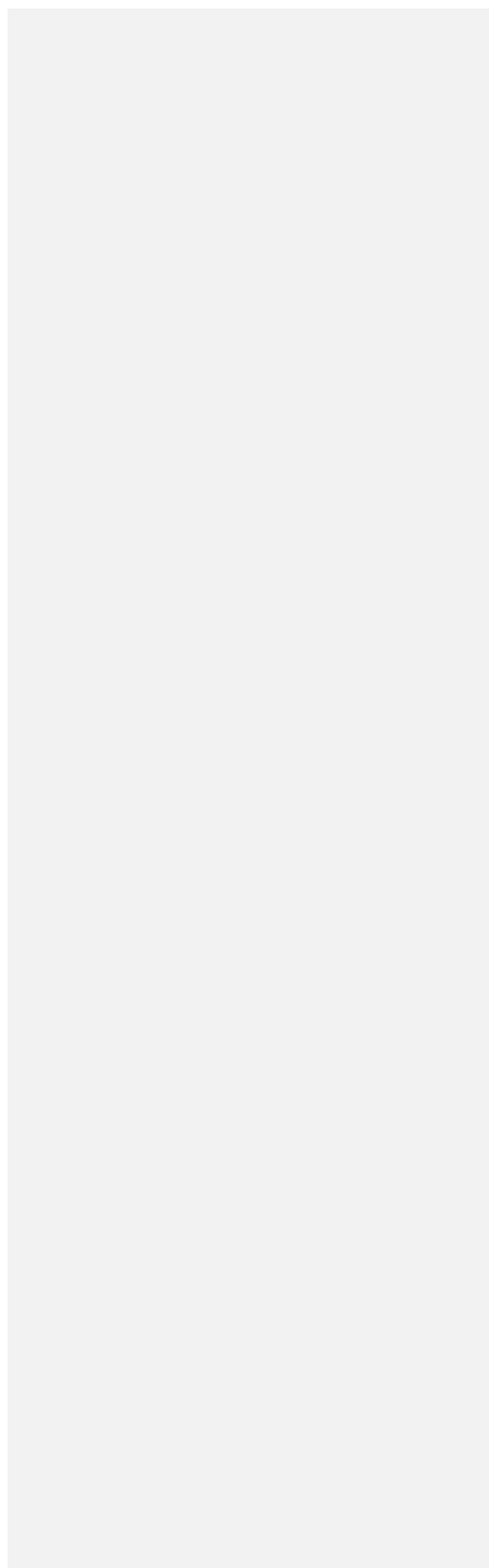
~~24-25.~~ Any person who wishes to view or download copies of the documents shall contact the Claimants' solicitors via the contact details below.

~~25-26.~~ The Claimants' solicitors and their contact details are:

FAO: HS2 TEAM  
DLA PIPER UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX

E: HS2Injunction@dlapiper.com  
T: 0114 283 3312  
DX: 708580 Sheffield 10  
Ref: RXS/380900/401

**BY THE COURT**  
**MADE ON [DATE]**



**ANNEX A – SCHEDULE OF DEFENDANTS**

**PART 1**

<b>DEFENDANT NUMBER</b>	<b>UNNAMED DEFENDANTS</b>
(1)	Not used
(2)	PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER THE HS2 LAND WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES
(3)	PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES WITHOUT THE CONSENT OF THE CLAIMANTS
(4)	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 HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS
<del>(68)</del>	<del>PERSONS UNKNOWN BY UNLAWFUL MEANS OBSTRUCTING, IMPEDING, HINDERING OR DELAYING WORKS OR ACTIVITIES AUTHORISED BY THE HS2 ACTS, IN EXPRESS OR IMPLIED AGREEMENT OR COMBINATION WITH ANOTHER PERSON WITH THE INTENTION OF CAUSING DAMAGE TO THE CLAIMANTS</del>

**For the avoidance of doubt, any person who has been a defendant in these proceedings, or who has given undertakings to HS2, may nevertheless become Defendant 12 – Defendant 4 or ~~Defendant 68~~ as a person unknown if they commit any of the prohibited acts.**



**PART 2**

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(5)	Mr Ross Monaghan (aka Squirrel / Ash Tree)
(6)	Mr James Andrew Taylor (aka Jimmy Knaggs / James Knaggs / Run Away Jim)
(7)	Ms Leah Oldfield
(8)	Not Used
(9)	Not Used
(10)	Not Used
(11)	Not Used
(12)	Not Used
(13)	Not Used
(14)	Not Used
(15)	Not Used
(16)	Ms Karen Wildin (aka Karen Wilding / Karen Wilden / Karen Wilder)
(17)	Mr Andrew McMaster (aka Drew Robson)
(18)	Not Used
(19)	Not Used
(20)	Mr George Keeler (aka C Russ T Chav / Flem)
(21)	Not Used
(22)	Mr Tristan Dixon (aka Tristan Dyson)
(23)	Not Used
(24)	Not Used
(25)	Not Used
(26)	Not Used
(27)	Mr Lachlan Sandford (aka Laser / Lazer)
(28)	Mr Scott Breen (aka Scotty / Digger Down)
(29)	Not Used
(30)	Not Used
(31)	Not Used
(32)	Not Used
(33)	Mr Elliot Cuciurean (aka Jellytot)
(34)	Not Used
(35)	Not Used
(36)	Mr Mark Keir
(37)	Not Used
(38)	Not Used
(39)	Mr Iain Oliver (aka Pirate)

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(40)	Not Used
(41)	Not Used
(42)	Not Used
(43)	Not Used
(44)	Not Used
(45)	Not Used
(46)	Not Used
(47)	Not Used
(48)	Mr Conner Nichols
(49)	Not Used
(50)	Not Used
(51)	Not Used
(52)	Not Used
(53)	Not Used
(54)	Not Used
(55)	Not Used
(56)	Not Used
(57)	Ms Samantha Smithson (aka Swan / Swan Lake)
(58)	Mr Jack Charles Oliver
(59)	Ms Charlie Inskip
(60)	Not Used
(61)	Not Used
(62)	Not Used
(63)	Mr Dino Misina (aka Hedge Hog)
(64)	Stefan Wright (aka Albert Urtubia)
(65)	Not Used
(66)	<del>Caroline Thompson Smith (aka Carl Woods)</del>
(67)	<del>Christopher Paul Butcher (aka Rob)</del>

**ANNEX B – WORDING FOR NOTICES**

**[On the package containing the Order]**

“VERY URGENT: THIS PACKAGE CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CONTACT –

FAO: HS2 TEAM  
DLA PIPER UK LLP  
1 St Paul’s Place  
Sheffield  
S1 2JX

E: HS2Injunction@dlapiper.com  
T: 0114 283 3038  
DX: 708580 Sheffield 10  
R: RXS/380900/401

All documents relating to these proceedings and this Order may be downloaded at:  
<https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>”

## SCHEDULE A – DIRECTIONS FOR YEARLY REVIEW

### Definitions

1. In these Directions, the following defined terms shall apply:
  - a. The “RWI Updated Website” means the webpages at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.
  - b. The term “Defendants” refers to all Defendants, both named and persons unknown.
  - c. The “Review Documents” means all the documents filed with the Court by the Claimants for the Yearly Review.

### Service by Alternative Method – Review Documents

2. On the Claimants’ application, the Court will provide Notice of Hearing. The Claimants shall advertise the existence of the Notice of Hearing in a prominent location on the RWI Updated Website.
3. Pursuant to CPR r. 6.27 and r. 81.4, personal service is dispensed with and service of the Review Documents upon the Defendants shall be by:
  - a. placing the Review Documents on the RWI Updated Website.
  - b. causing to be made social media posts on the HS2 twitter and Facebook pages advertising the date of the Review and the web address of the HS2 RWI Updated Website.
  - c. Compliance with 3(a) and (b) above will be good and sufficient service on the Defendants and each of them.
4. The Claimants shall email a copy of this Order to solicitors for D6 and any other party who has as at the date hereof provided an email address to the Claimants to the email addresses: [HS2Injunction@governmentlegal.gov.uk](mailto:HS2Injunction@governmentlegal.gov.uk) or [HS2Injunction@dlapiper.com](mailto:HS2Injunction@dlapiper.com).

### Further Case Management

5. The Yearly Review will be listed for one day at 10.30am on a date between 15 and 31 May 2024 in the High Court in Birmingham.

6. Any person who wishes to address the Court at the Review must inform the Court and the Claimants of their intention to attend by 4pm on 10 May 2024 at the addresses at paragraphs 24 and 26 of the Order.
7. By 4pm on 22 March 2024, the Claimants' must file and serve (in accordance with paragraph 3(a) above) any applications relevant to the Yearly Review, a draft order, and any evidence upon which they seek to rely.
8. By 4pm on 5 April 2024, any person seeking to amend (including discharge) the Order, or oppose any applications made by the Claimants, must file and serve a written statement of case and any evidence upon which that person seeks to rely by emailing or posting it to the Court and the Claimants at the addresses listed at paragraphs 24 and 26 of the Order. Any such person must:

  - a. explain clearly within their written statement of case the differences between their case and the issues which the Court has already adjudicated upon in the judgment of Mr Justice Julian Knowles of 20 September 2022, and any further judgment arising out of these proceedings. A copy of any judgment[s] can be found on the RWI Updated Website;
  - b. Provide a witness statement(s) verified by a statement of truth containing and/or appending all of the evidence to be relied upon in support of the application/opposition; and
  - c. If the evidence amounts to more than 2,000 words or more than three documents/other evidence, a short summary of less than 1,000 words explaining in simple terms the points they wish to make to the Court.
9. At the same time and date, any party requiring any of the Claimants' witnesses to attend for cross-examination are to give notice of the name of the witness required together with the reasons why that person is required. For the avoidance of doubt, whether live evidence will be permitted will remain to be determined by the Court.
10. By 4pm on 19 April 2024, the Claimants have permission to file and serve (in accordance with paragraph 3(a) above) any evidence in response to any statement of case or evidence filed in accordance with paragraph 8 above if so advised.
11. By 4pm on 22 April 2024, the Claimants shall cause to be placed on the RWI Updated Website a draft hearing bundle index.

12. By 4pm on 23 April 2024, any person who wishes to comment on the draft hearing bundle must notify the Claimants of their comments by email to the address in paragraph 26 of the Order. Any person may provide suggested documents for inclusion to the Claimants. Where there is disagreement between the Claimants and that person as to the relevance of any document, that disagreement will be noted in the hearing bundle index and the document shall be provided to the Court in a separate bundle by the person seeking to rely upon it, with reasons provided as to the document's relevance.

13. By 4pm on 7 May 2024, the Claimants shall file and serve a properly paginated and indexed hearing bundle to the Court by email and in hard copy and shall cause to be placed on the RWI Updated Website a copy of the same.

14. By 4pm on 10 May 2024, the Claimants and any other person seeking to address the Court at the Review shall file and serve any skeleton argument or speaking note.

15. The Claimants otherwise have liberty to apply to for further or varied directions.

#### **Documents in the Claim and Application**

16. All documents relating to these proceedings and the Yearly Review may be downloaded at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.

17. A single hard copy of any document will be sent within 21 days of the receipt of a reasonable request for that document or documents via the Claimants' solicitors whose contact details are set out in the Order so long as any requests include a postal address and the full name of the requestor.

### **SCHEDULE BA – STEPS TO VARY OR DISCHARGE THIS ORDER**

If, in accordance with paragraph 1~~53~~ above, any Defendant or any other person affected by this Order wishes to apply to vary or discharge this Order, to ensure effective case management by the Court the following indicative steps must be followed:

1. Any person seeking to contest the Claimants' entitlement to interim relief should file with the court (i.e. send to the court) and serve (i.e. send to the Claimants):

- (a) An N244 application form<sup>1</sup>;
- (b) Written grounds (which may be contained in within the N244 application form or a separate document) for:
  - i. permission to bring the application; and
  - ii. the application (i.e. reasons for the proposed variation / discharge of the Order).

Any applicant shall explain clearly within their written grounds the differences between their grounds and the issues which the Court has already adjudicated upon in the judgment of Mr Justice Julian Knowles of 20 September 2022 [or any judgment arising out of this Application]. A copy of the judgment[s] can be found on the RWI Updated Website; and

- (c) A witness statement(s) containing and/or appending all of the evidence to be relied upon in support of the application.

2. In order to file the above documents with the Court, the applicant should:

- (a) Send physical copies of the documents to the address at paragraph 2~~43~~ of this Order; and/or
- (b) Speak to the Court to obtain an address to send electronic copies of the documents to.

3. In order to serve the above documents on the Claimants, the applicant should:

- (a) Send physical copies of the documents to the address at paragraph 2~~56~~ of this Order; and/or
- (b) Send electronic copies of the documents to the e-mail address at paragraph 2~~65~~ above.

4. The person making the application should indicate to the Court and Claimants whether they consider the matter requires a court hearing or can be dealt with by the judge reviewing the paper application and any response from the Claimants.

5. Thereafter the Claimants (~~i.e. HS2~~) shall have 14 days to file and serve evidence and submissions in response, including as to whether an oral hearing is required to determine the application.

6. Within 21 days, the Court shall decide:
- i. whether to grant permission for the application to proceed; and
  - ii. if permission is granted, whether a hearing is necessary, and/or may request from the parties evidence on any further matters necessary to determine the application. If the

<sup>1</sup> See the following link which provides a digital version of the form, and guidance notes:  
<https://www.gov.uk/government/publications/form-n244-application-notice>

Court decides that a hearing is necessary, it shall seek to schedule the hearing (accommodating availabilities of the parties) within 42 days (6 weeks).

7. If the Court decides that further evidence is needed from either party, it may set strict deadlines by which that evidence must be filed. Both parties should be aware that the Court may restrict the use of evidence which is filed late or impose other penalties for non-compliance.



### SCHEDULE C – USEFUL REFERENCES AND RESOURCES

The attention of all parties is drawn to the following references and resources:

Bar Pro Bono Unit – A possible avenue for obtaining free legal advice and/or representation:  
<https://weareadvocate.org.uk/>

Support Through Court (formerly Personal Support Unit) – An organisation supporting litigants in person: <https://www.supportthroughcourt.org/>

Chancery Division Guide: <https://www.gov.uk/government/publications/chanceryguide>

Chancery Division Interim Applications Guide for Litigants in Person:  
<https://www.judiciary.uk/publications/guide-litigants-person-chancery/>

Civil Procedure Rules Part 8: <https://www.justice.gov.uk/courts/procedure/civil/rules/part08>

Help with Court Fees website: <https://www.gov.uk/get-help-with-court-fees>

## **SCHEDULE DB – STEPS TO BRING MATTER TO TRIAL**

If, in accordance with paragraph 175 above, any Defendant or other person affected by this Order wishes to apply to bring the Claimants' proceedings (whether as a whole or in part) to final trial, to ensure effective case management by the Court the following steps must be followed:

1. If not already so, the person must apply to become a named defendant to the claim. This can be done by filing with the court (i.e. send to the court) and serving (i.e. send to the Claimants)

(a) An N244 Application form<sup>2</sup>; and

(b) a short statement explaining the reason for applying to become a named defendant (i.e. in order to contest the Claimants' claim).

2. In order to file the above with the Court, the person who is applying should:

(a) Send physical copies to the address at paragraph 243 of this Order; and/or

(b) Speak to the Court to obtain an address to send electronic copies to.

3. In order to serve the above on the Claimants, the person applying should:

(a) Send physical copies to the address at paragraph 256 of this Order; and/or

(b) Send electronic copies to the to the e-mail address at paragraph 256 above.

4. The person seeking to contest the Order and bring the matter to trial must then file and serve (see above as to how this is to be done):

(a) An Acknowledgement of Service using form N210,<sup>3</sup> explaining the reasons for contesting the Order (whether as a whole or in part), which must include a postal address for service together with (if they wish to be served with documents electronically in these proceedings) an email address to which such service may be effected;

(b) An application for permission to contest the Order and to bring the matter to trial, which explains clearly the differences between their grounds of defence relied upon and the issues which the Court has already adjudicated upon in the judgment of Mr Justice Julian Knowles of 20 September 2022 [or any judgment arising out of this Application]. A copy of the judgment[s] can be found on the RWI Updated Website;

(c) A written Defence responding to the allegations set out in the Particulars of Claim (to the extent in the Defendant's knowledge); and

(d) A witness statement(s) (verified by a statement of truth) containing and/or appending all the evidence to be relied upon in support of the application for permission and Defence (i.e. evidence explaining the basis for contesting the claim).

5. Thereafter the Claimants shall have 14 days after service of the Defence to file and serve any evidence in reply.

6. The Court shall then list a hearing date for a Case Management Conference, at which it will:

<sup>2</sup> See the following link which provides a digital version of the form, and guidance notes:  
<https://www.gov.uk/government/publications/form-n244-application-notice>

<sup>3</sup> <https://www.gov.uk/government/publications/form-n210-acknowledgment-of-service-cpr-part-8>

- (a) determine the application for permission to contest the Order and to bring the matter to trial; and
- (b) should the application for permission be successful, give directions to parties for any further steps required prior to the final trial (such as filing further evidence). The Court may set strict deadlines by which the further steps must be taken and both parties should be aware that the Court may restrict the use of evidence which is filed late or impose other penalties for non-compliance.

7. Further:

- a. The Claimants shall prepare an electronic hearing bundle for the hearing and provide the Defendant(s) with access to the bundle not less than 14 days before the hearing.
- b. At the hearing, the Court shall consider whether injunctive relief shall be continued against any or all of the Defendants, whether on an interim or final basis.
- c. Any further application by the Claimants to add further named defendants, to have final relief granted against any Defendant(s) without trial pursuant to CPR r.3.5 and/or otherwise to amend its claim shall be determined at the hearing.
- d. The need for and form of any further case management directions through to trial or any further hearing shall be considered.

### **SCHEDULE C – USEFUL REFERENCES AND RESOURCES**

The attention of all parties is drawn to the following references and resources:

~~Bar Pro Bono Unit – A possible avenue for obtaining free legal advice and/or representation:  
<https://weareadvocate.org.uk/>~~

~~Support Through Court (formerly Personal Support Unit) – An organisation supporting litigants in person:  
<https://www.supportthroughcourt.org/>~~

~~Chancery Division Guide: <https://www.gov.uk/government/publications/chanceryguide>~~

~~Chancery Division Interim Applications Guide for Litigants in Person:  
<https://www.judiciary.uk/publications/guide-litigants-person-chancery/>~~

~~Civil Procedure Rules Part 8: <https://www.justice.gov.uk/courts/procedure/civil/rules/part08>~~

~~Help with Court Fees website: <https://www.gov.uk/get-help-with-court-fees>~~

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

HER HONOUR JUDGE EMMA KELLY

Between:



QB-2022-BHM-000044

**(1) HIGH SPEED TWO (HS2) LIMITED**

**(2) THE SECRETARY OF STATE FOR TRANSPORT**

**Claimants**

**-and-**

- (1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER LAND KNOWN AS LAND AT CASH'S PIT, STAFFORDSHIRE SHOWN COLOURED ORANGE ON PLAN A ANNEXED TO THE ORDER DATED 11 APRIL 2022 ("THE CASH'S PIT LAND")**
- (2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER LAND ACQUIRED OR HELD BY THE CLAIMANTS IN CONNECTION WITH THE HIGH SPEED TWO RAILWAY SCHEME SHOWN COLOURED PINK, AND GREEN ON THE HS2 LAND PLANS AT <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings> ("THE HS2 LAND") WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES**
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES WITHOUT THE CONSENT OF THE CLAIMANTS**
- (4) 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 HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS**
- (5) MR ROSS MONAGHAN (AKA SQUIRREL / ASH TREE) AND 58 OTHER NAMED DEFENDANTS AS SET OUT IN THE SCHEDULE TO THE PARTICULARS OF CLAIM**

**Defendants**

---

**DIRECTIONS ORDER**

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**BEFORE** Her Honour Judge Emma Kelly, sitting as a Judge of the High Court, and considering the matter on paper on 15 March 2023

**UPON** the Order of Mr Justice Julian Knowles made on 20 September 2022 (“**Injunction Order**”) requiring at paragraph 15 reconsideration of the injunction on approximately a yearly basis.

**AND UPON** the Court noting the requirement in paragraph 15 of the Injunction Order that the Claimants are required to “place details of any such hearing on the HS2 Proceedings Website”

**AND UPON** the Court having listed a review hearing to take place on 16 May 2023 at the High Court in Birmingham at which the reconsideration of the Injunction Order will take place including any application made by parties to the proceedings (“**the Review**”)

**AND UPON** the Court reading the Certificate of Service dated 21 February 2023 filed by the Claimants confirming that the Notice of Review Hearing has been placed on the HS2 Proceedings Website

**AND UPON** the Claimants’ application for directions by Application Notice dated 10 March 2023.

**AND UPON** the Court noting that the HS2 Proceedings Website has reached capacity and is unable to hold further substantial documents relating to this case.

**IT IS ORDERED THAT:**

**Definitions**

1. In this Order, the following defined terms shall apply:
  - a. The “HS2 Proceedings Website” means the webpages at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>.
  - b. The “RWI Updated Website” means the webpages at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.
  - c. The term “Defendants” refers to all Defendants 1 – 63.
  - d. The term “Named Defendants” means D5 to D63 whose names appear in Annex A of the Injunction Order (and copied in full at Annex A of this Order for convenience).
  - e. 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.
  - f. The “Review Documents” means all the documents filed with the Court by the Claimants for the Review, including this Order and the Application Notice dated 10 March 2023.

**The Websites**

2. The Claimants shall forthwith place a notice on the HS2 Proceedings Website stating that in future documents will be uploaded to the RWI Updated Website and include a link to the RWI Updated Website.
3. The Claimants shall forthwith place copies of all documents already uploaded to the HS2 Proceedings Website onto the RWI Updated Website.
4. The Claimants shall retain the HS2 Proceedings Website unless and until the Court considers that at some future date it is no longer necessary to do so.

#### **Service by Alternative Method – Review Documents**

5. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below). The Claimants shall advertise the existence of this Order in a prominent location on the HS2 Proceedings Website and the RWI Updated Website, together with a link to download an electronic copy of this Order.
6. Pursuant to CPR r. 6.27 and r. 81.4, personal service is dispensed with and service of the Review Documents upon the Defendants shall be by:
  - a. placing the Review Documents on the RWI Updated Website.
  - b. causing an advertisement advertising the date of the Review in the *Times* and *Guardian* newspapers, and in particular advertising the web address of the RWI Updated Website.
  - c. where permission is granted by the relevant authority, by causing to be placed an advertisement and/or a hard copy of this Order within 14 libraries approximately every 10 miles along the route of the HS2 Scheme. In the alternative, if permission is not granted, the Claimants shall use reasonable endeavours to place advertisements on local parish council notice boards in the same approximate locations.
  - d. causing to be made social media posts on the HS2 twitter and Facebook pages advertising the date of the Review and the web address of the HS2 RWI Updated Website.
7. Compliance with paragraphs 6(a), (b) and (c) above will be good and sufficient service on the Defendants and each of them.

8. The Claimants shall email a copy of the Order to the solicitors for D6 and any other party who has at the date hereof provided an email address to the Claimants to the email addresses: HS2Injunction@governmentlegal.gov.uk or HS2Injunction@dlapiper.com.

### **Further Case Management**

9. The Review has been listed for one day at 10.30am on Tuesday 16 May 2023 in the High Court in Birmingham, The Priory Courts, 33 Bull Street, Birmingham B4 6DS.
10. Any person, other than a Named Defendant (D5 – D63), who wishes to address the Court at the Review must inform the Court and the Claimants of their intention to attend by 4pm on 12 May 2023 at the addresses listed in paragraphs 23 and 24 below.
11. By 4pm on 27 March 2023, the Claimants' must file and serve (in accordance with paragraph 6(a) above) any applications relevant to the Review, a draft order, and any evidence upon which they seek to rely.
12. By 4pm on 11 April 2023, any person seeking to amend (including discharge) the Injunction Order, or oppose any applications made by the Claimants, must file and serve a statement of case and any evidence upon which that person seeks to rely by emailing or posting it to the Court and the Claimants at the addresses listed below. At the same time and date, any party requiring any of the Claimants' witnesses to attend for cross-examination are to give notice of the name of the witness required together with the reasons why that person is required. For the avoidance of doubt, whether live evidence will be permitted will remain to be determined by the Court.
13. By 4pm on 17 April 2023, the Claimants' have permission to file and serve any evidence in response to any statement of case or evidence filed in accordance with paragraph 12 above if so advised.
14. By 4pm on 18 April 2023, the Claimants shall cause to be placed on the RWI Updated Website a draft hearing bundle index.
15. By 4pm on 21 April 2023, any person who wishes to comment on the draft hearing bundle must notify the Claimants of their comments by email to the address in paragraph 24 below. Any person may provide suggested documents for inclusion to the Claimants. Where there is disagreement between the Claimants and that person as to the relevance of any document, that disagreement will be noted in the hearing bundle index and the document shall be provided to



the Court in a separate bundle by the person seeking to rely upon it, with reasons provided as to the document's relevance.

16. By 4pm on 8 May 2023, the Claimants shall file and serve a properly paginated and indexed hearing bundle to the Court by email and in hard copy, and shall cause to be placed on the RWI Updated Website a copy of the same. The electronic copy of the bundle must be bookmarked and have a hyperlinked index.
17. By 4pm on 10 May 2023, the Claimants and any other person seeking to address the Court at the Review shall file and serve any skeleton argument or speaking note.
18. The Claimants otherwise have liberty to apply to extend or vary this Order or for further directions.
19. Costs reserved.

#### **Documents in the Claim and Application**

20. All documents relating to the underlying proceedings may be downloaded at: <https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings>.
21. All documents relating to this application and the Review may be downloaded at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.
22. A single hard copy of any document will be sent within 21 days of the receipt of a reasonable request for that document or documents via the Claimants' solicitors whose contact details are set out below so long as any requests include a postal address and the full name of the requestor.

#### **Communications with Claimants and the Court**

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

Birmingham District Registry  
Birmingham Civil and Family Justice Centre  
The Priory Courts  
33 Bull Street  
Birmingham  
B4 6DS

E: [kb.birmingham@justice.gov.uk](mailto:kb.birmingham@justice.gov.uk)  
T: 0121 681 3033  
DX: 701987 Birmingham 7

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

FAO: HS2 TEAM  
DLA PIPER UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX

E: HS2Injunction@dlapiper.com  
T: 0114 283 3312  
DX: 708580 Sheffield 10  
Ref: RXS/380900/378

25. This order has been made by the Court pursuant to CPR 23.9 as the Court has disposed of an application without service of a copy of the application notice. Any person not served with a copy of the application notice before the order was made may apply to have the order set aside or varied, with any such application to be made within 7 days after the date on which this order was served on the person making the application.

**BY THE COURT**

**15 MARCH 2023**

**ANNEX A – NAMED DEFENDANTS**

**PART 1**

<b>DEFENDANT NUMBER</b>	<b>UNNAMED DEFENDANTS</b>
(1)	PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER LAND KNOWN AS LAND AT CASH’S PIT, STAFFORDSHIRE SHOWN COLOURED ORANGE ON PLAN A ANNEXED TO THE ORDER DATED 11 APRIL 2022 (“THE CASH’S PIT LAND”)
(2)	PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER LAND ACQUIRED OR HELD BY THE CLAIMANTS IN CONNECTION WITH THE HIGH SPEED TWO RAILWAY SCHEME SHOWN COLOURED PINK, AND GREEN ON THE HS2 LAND PLANS AT <a href="https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings">https://www.gov.uk/government/publications/hs2-route-wide-injunction-proceedings</a> (“THE HS2 LAND”) WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES
(3)	PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH 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 WITHOUT THE CONSENT OF THE CLAIMANTS
(4)	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 HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS

**For the avoidance of doubt, any person who has been a defendant in these proceedings, or who has given undertakings to HS2, may nevertheless become Defendant 1 – Defendant 4 as a person unknown if they commit any of the prohibited acts.**

**PART 2**

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(5)	Mr Ross Monaghan (aka Squirrel / Ash Tree)
(6)	Mr James Andrew Taylor (aka Jimmy Knaggs / James Knaggs / Run Away Jim)
(7)	Ms Leah Oldfield
(8)	Not Used
(9)	Not Used
(10)	Not Used
(11)	Mr Tony Carne
(12)	Ms Amy Lei
(13)	Mr Tom Holmes
(14)	Not Used
(15)	Not Used
(16)	Ms Karen Wildin (aka Karen Wilding / Karen Wilden / Karen Wilder)
(17)	Mr Andrew McMaster (aka Drew Robson)
(18)	Mr William Harewood (aka Satchel / Satchel Baggins)
(19)	Mr Harrison Radcliffe (aka Log / Bir_Ch / Sasha James)
(20)	Mr George Keeler (aka C Russ T Chav / Flem)
(21)	Mr William French (aka Will French / Took)
(22)	Mr Tristan Dixon (aka Tristan Dyson)
(23)	Mx Scarlett Rien (aka Leggs)
(24)	Not Used
(25)	Not Used
(26)	Not Used
(27)	Mr Lachlan Sandford (aka Laser / Lazer)
(28)	Mr Scott Breen (aka Scotty / Digger Down)
(29)	Not Used
(30)	Not Used
(31)	Mr Rory Hooper
(32)	Not Used
(33)	Mr Elliot Cuciurean (aka Jellytot)
(34)	Mr Paul Sandison
(35)	Not Used
(36)	Mr Mark Keir
(37)	Mr Thorn Ramsey (aka Virgo Ramsay)
(38)	Mr Vajda Robert Mordechaj

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(39)	Mr Iain Oliver (aka Pirate)
(40)	Ms Jess Walker
(41)	Mr Matt Atkinson
(42)	Ms Hannah Bennett
(43)	Mr James Ruggles (aka Jimmy Ruggles)
(44)	Mr Nick Grant (aka Potts)
(45)	Mr Stuart Ackroyd
(46)	Ms Wiktoria Paulina Zieniuk
(47)	Not Used
(48)	Mr Conner Nichols
(49)	Mr Sebastian Roblyn Maxey
(50)	Ms Jessica Heathland-Smith
(51)	Ms Ella Dorton
(52)	Mr Karl Collins
(53)	Mr Sam Goggin
(54)	Not Used
(55)	Not Used
(56)	Not Used
(57)	Ms Samantha Smithson (aka Swan / Swan Lake)
(58)	Mr Jack Charles Oliver
(59)	Ms Charlie Inskip
(60)	Mr Xavier Gonzalez Trimmer
(61)	Mr David Buchan (aka David Holliday)
(62)	Ms Leanne Swateridge (aka Leayn / Flowery Zebra)
(63)	Mr Dino Misina (aka Hedge Hog)

## Mary Barraclough

---

**From:** Michael Fry <Michael.Fry@ftbchambers.co.uk>  
**Sent:** 19 February 2024 16:37  
**To:** Robert Shaw; Jonathan Welch  
**Subject:** FW: HS2 injunction.  
**Attachments:** RWI Review Order - AMENDED SSOG(16 May 2023)(126363518.1) -OG (002) (DLA Amends - 17.05.2023)(126397323.2).docx

**\*\*EXTERNAL\*\***

Michael Fry  
Barrister

**M:** 07973 286191

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**From:** Stephen Simblet KC <stephens@gclaw.co.uk>  
**Sent:** Friday, May 19, 2023 9:39 AM  
**To:** Richard Kimblin KC <rk@no5.com>; Michael Fry <Michael.Fry@ftbchambers.co.uk>; Owen Greenhall <oweng@gclaw.co.uk>  
**Cc:** Nicola Hall <nhall@robertlizar.com>  
**Subject:** HS2 injunction.

Hello Richard and Michael,

We have taken instructions, and can put forward the above draft as one that our client would agree if your clients will.

We have reconsidered your draft order, which as I am sure you appreciate had in addition to the body of the order significant changes made to schedule A etc . As to the latter, while I can see why *your clients* want the order lined up like that, there has to be an opportunity for defendants (including everyone in the world that is not currently a named defendant) or others to dispute it. As I am sure you are aware from Barking, where there are three separate references to CPR Part 40.9 as being a way of making such injunctions fair, to enable that to be used if appropriate by non- parties. Ritchie J decided something similar in the Esso case, around six months ago.

As to the rest of it:

- (i) The “railway purposes” part of it is necessary, as your clients’ powers to obtain and use land, particularly on a temporary basis, are defined by

statute and where they are having the benefit of an anticipatory injunction, such must be limited to the purposes for which they have been given those extensive powers of land acquisition, which are defined in the (two separate) HS2 Acts;

- (ii) The injunction needs to reflect the temporary nature of HS2 interests, which is why we had used “temporary” in our wording and putting it back in.
- (iii) The notification requirements in relation to land ought to require HS2 to take the same steps to alert people that the land is no longer within their temporary control as they need to alert people to it becoming in it. Otherwise, HS2 maintains injunctions, founded in property rights that they do not have, in relation to land that they are no longer using. Or to put it bluntly, if the purpose of the injunctions is to stop people “causing mayhem” while works are being carried out, HS2 should be telling people that they are no longer using the land when they stop using it. It is for that reason that we suggest that the notification and plans that land is no longer being used is given at the same time as HS2 seeks to notify additional land being used.
- (iv) This ought, by keeping the land affected appropriately under review, to reduce the complications around considering which portions of land should be covered or not at review hearings, and getting into tedious disputes about that. Essentially, doing it this way allows you to construct a mechanism by which the land currently needed for HS2 projects is available for those projects.

I hope this helps, and that you can agree this. We agree the “no order for costs” I doubt that much will be gained in much back and forward on footling points about the order, so have tried to take a pragmatic view at this stage.

Stephen

-----  
Stephen Simblet KC, Barrister  
Garden Court Chambers  
57-60 Lincoln's Inn Fields, London, WC2A 3LJ  
DX: 34 London Chancery Lane  
Twitter: @GardenCourtLaw @GardenCtPublic @GCCHousing @GCCivillibs  
Switchboard: 020 7993 7600 | Direct Tel: 020 7993 7852  
My Profile: <https://www.gardencourtchambers.co.uk/barristers/stephen-simblet-kc/sao>





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**Michael Fry**

**Please consider the environment before printing this email**

**Francis Taylor Building**

Inner Temple

London EC4Y 7BY

**DX:** 402 LDE **Tel:** 020 7353 8415 **Fax:** 020 7353 7622

[clerks@ftbchambers.co.uk](mailto:clerks@ftbchambers.co.uk)

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Claim no: QB-2022-BHM-000044

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

Before: ~~Mr/Mrs Justice Ritchie~~  
On: 16 May 2023

Between:

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

-and-

- (1) NOT USED
- (2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER THE HS2 LAND WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH 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 WITHOUT THE CONSENT OF THE CLAIMANTS
- (4) 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 HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS
- (5) MR ROSS MONAGHAN (AKA SQUIRREL / ASH TREE)

AND 62 OTHER NAMED DEFENDANTS AS SET OUT IN THE SCHEDULE TO THE PARTICULARS OF CLAIM

~~(68) PERSONS UNKNOWN BY UNLAWFUL MEANS OBSTRUCTING, IMPEDING, HINDERING, OR DELAYING WORKS OR ACTIVITIES AUTHORISED BY THE HS2 ACTS, IN EXPRESS OR IMPLIED AGREEMENT OR COMBINATION WITH ANOTHER PERSON WITH THE INTENTION OF CAUSING DAMAGE TO THE CLAIMANTS~~

Defendants/Respondents

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**ORDER**

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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.**

**A Defendant who is an individual who is ordered not to do something must not do it himself/herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.**

**FURTHER TO** the Orders made in these proceedings by Julian Knowles J on 20 September 2022 (the “**Injunction Order**”) and by HHJ Kelly on 16 March 2023 (the “**Directions Order**”)

**AND UPON** the Claimants’ application by Application Notice dated 27 March 2023 pursuant to the provisions at paragraphs 15 and 20 of the Injunction Order (“**March 2023 Application**”).

**AND UPON** the Court accepting the Claimants’ renewed undertaking that they 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’ renewed confirmation that this Order is not intended to prohibit lawful protest which does not involve trespass upon the HS2 Land and does not block, slow down, obstruct or otherwise interfere with the Claimants’ access to or egress from the HS2 Land.

**AND UPON** the Claimants’ renewed confirmation that they do not intend for any freeholder or leaseholder with a lawful interest in the HS2 Land to fall within the Defendants to this Order, and undertaking not to make any committal application in respect of a breach of this Order, where the breach is carried out by a freeholder or leaseholder with a lawful interest in the HS2 Land on the land upon which that person has an interest.

**AND UPON** the Claimants’ renewed confirmation that this Order is not intended to act against any guests or invitees of any freeholders or leaseholders with a lawful interest in the HS2 Land unless that

guest or invitee undertakes actions with the effect of damaging, delaying or otherwise hindering the HS2 Scheme on the land held by the freeholder or leaseholder with a lawful interest in the HS2 Land.

**AND UPON HEARING** Counsel for the Claimants, Mr Richard Kimblin KC and Mr Michael Fry;  
Mr Stephen Simblet KC and Mr Owen Greenhall for D6, ~~Counsel for a Defendant~~ ~~the Defendants in person and various non-Defendants in person~~ and Mr Mark Keir and Ms Caroline Thomson-Smith in person (“Review Hearing”).

AND UPON the Claimants withdrawing after the hearing their application to join Ms Caroline Thomson- Smith as a named Defendant.

**IT IS ORDERED THAT:**

**Definitions**

1. In this Order, the following defined terms shall apply:

- (a) The “RWI Updated Website” means the webpages at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.
- (b) The “Named Defendants” means D5 to D6~~57~~ whose names appear in Annex A.
- (c) The “Defendants” refers to all Defendants.

(d) The “March 2023 HS2 Land Plans” means the updated plans which illustrate the land of which the Claimants are entitled to possession for “Rail Act purposes” and which the Claimants shall update from time to time to include:  
(i) further land of which they have become entitled to possession for Rail Act purposes and  
(ii) to remove land of which they are no longer entitled to possession for Rail Act purposes.

(e) The “HS2 Land” means:  
i) 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 ~~March 2023~~ HS2 Land Plans which are available electronically on the RWI Updated Website;  
and  
ii) any land over which the First Claimant has exercised Land which is taken into temporary or permanent possession by the Claimants using its powers

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~~under Part 2 of Schedule 4 (Interference with Highways) of the HS2 Acts (Interference with Highways) for Rail Act purposes.~~

~~(f)~~ The “HS2 Acts” are the High Speed Rail (London – West Midlands) Act 2017 and the High Speed Rail (West Midlands – Crewe) Act 2021.

~~(e)(g)~~ “Rail Act purposes” means “Phase One purposes” as defined in section 67 of the the High Speed Rail (London – West Midlands) Act 2017 and “Phase 2A purposes” as defined in section 61 of the High Speed Rail (West Midlands – Crewe) Act 2021

#### Amendments to the Claim

2. The Claimants have permission:

~~i)~~ To amend the description of the HS2 Land to refer to the land illustrated in the March 2023 HS2 Land Plans ~~and any land over which the First Claimant has exercised its powers under Part 2 of Schedule 4 of the HS2 Acts (Interference with Highways); taken into temporary or permanent possession using its powers under Part 2 of Schedule 4 of the HS2 Acts (Interference with Highways) for Rail Act purposes.~~

~~(a)(b)~~

~~(b)(c)~~ To amend the description of D2 to refer to the HS2 Land.

~~(e)(d)~~ To remove Named Defendants to the Claim where expedient namely: D11 - 13, 18, 19, 21, 23, 31, 34, 37, 38, 40 – 46, 49 - 53, 60 – 62, and 65.

~~(d)~~ To add D66 Caroline Thomson-Smith (aka Carl Woods) as a new defendant to the Claim

~~(e)~~ To add D67 Christopher Paul Butcher (aka Rob) as a new defendant to the Claim

~~(f)~~ To add D68 as a new defendant to the Claim: PERSONS UNKNOWN BY UNLAWFUL MEANS OBSTRUCTING, IMPEDING, HINDERING OR DELAYING WORKS OR ACTIVITIES AUTHORISED BY THE HS2 ACTS, IN EXPRESS OR IMPLIED AGREEMENT OR COMBINATION WITH ANOTHER PERSON WITH THE INTENTION OF CAUSING DAMAGE TO THE CLAIMANTS

~~(g)~~ To make consequential amendments to the Amended Particulars of Claim arising from the March 2023 Application including adding a further prohibition preventing the Defendants from obstructing, impeding, hindering, or delaying works or activities authorised by the HS2 Acts by unlawful means, in express or implied agreement or in combination with another person with the intention of causing damage to the Claimants and removing those paragraphs of the Amended Particulars of Claim which are no longer pertinent to the Claim.

~~(b)~~(e) To amend the Amended Particulars of Claim dated 26 April 2022 to give effect to 2(a) – ~~(c)~~ above.

**Injunction in force**

3. With immediate effect, and until 23.59 on 31 May 2024 unless varied, discharged or extended by further order, the Defendants and each of them are forbidden from doing the following:

- (a) entering or remaining upon the HS2 Land;
- (b) deliberately obstructing or otherwise interfering with the free movement of vehicles, equipment or persons accessing or egressing the HS2 Land; or
- (c) interfering with any sign, fence or gate on or at the perimeter of the HS2 Land; ~~or~~
- ~~(d) by unlawful means obstructing, impeding, hindering, or delaying works or activities authorised by the HS2 Acts, in express or implied agreement or combination with another person with the intention of causing damage to the Claimants.~~

4. Nothing in paragraph 3 of this Order:

- (a) Shall prevent any person from exercising their rights over any open public right of way over the HS2 Land.
- (b) Shall affect any private rights of access over the HS2 Land.
- (c) Shall prevent any person from exercising their lawful rights over any public highway.
- (d) Shall extend to any person holding a lawful freehold or leasehold interest in land over which the Claimants have taken temporary possession.
- (e) Shall extend to any interest in land held by statutory undertakers.

5. For the purposes of paragraph 3(b) prohibited acts of obstruction and interference shall include (but not be limited to):

- (a) standing, kneeling, sitting or lying or otherwise remaining present on the carriageway when any vehicle is attempting to turn into the HS2 Land or attempting to turn out of the HS2 Land in a manner which impedes the free passage of the vehicle;
- (b) digging, erecting any structure or otherwise placing or leaving any object or thing on the carriageway which may slow or impede the safe and uninterrupted passage of vehicles or persons onto or from the HS2 Land;
- (c) affixing or attaching their person to the surface of the carriageway where it may slow or impede the safe and uninterrupted passage of vehicles onto or from the HS2 Land;

- (d) affixing any other object to the HS2 Land which may delay or impede the free passage of any vehicle or person to or from the HS2 Land;
  - (e) climbing on to or affixing any object or person to any vehicle in the vicinity of the HS2 Land; and
  - (f) deliberate slow walking in front of vehicles in the vicinity of the HS2 Land.
6. For the purposes of paragraph 3(c) prohibited acts of interference shall include (but not be limited to):
- (a) cutting, damaging, moving, climbing on or over, digging beneath, or removing any items affixed to, any temporary or permanent fencing or gate on or at the perimeter of the HS2 Land;
  - (b) the prohibition includes carrying out the aforementioned acts in respect of the fences and gates; and
  - (c) interference with a gate includes drilling the lock, gluing the lock or any other activities which may prevent the use of the gate.

**Service by Alternative Method – This Order**

7. The Court will provide sealed copies of this Order to the Claimants' solicitors for service (whose details are set out below).
8. Pursuant to CPR r.6.27 and r.81.4:
- (a) The Claimants shall serve this Order upon the Second, Third and, Fourth, ~~and Sixty Eighth~~ Defendants by:
    - i) Advertising the existence of this Order in the Times and Guardian newspapers, and in particular advertising the web address of the RWI Updated Website, and direct link to this Order.
    - ii) Where permission is granted by the relevant authority, by placing an advertisement and/or a hard copy of the Order within 14 libraries approximately every 10 miles along the route of the HS2 Scheme. In the alternative, if permission is not granted, the Claimants shall use reasonable endeavours to place advertisements on local parish council notice boards in the same approximate locations.

iii) Publishing social media posts on the HS2 Twitter and Facebook platforms advertising the existence of this Order and providing a link to the RWI Updated Website.

- (b) Service of this Order on Named Defendants may be effected by personal service where practicable and/or posting a copy of this Order through the letterbox of each Named Defendant (or leaving in a separate mailbox), with a notice drawing the recipient's attention to the fact the package contains a court order. If the premises do not have a letterbox, or mailbox, a package containing this Order may be affixed to or left at the front door or other prominent feature marked with a notice drawing the recipient's attention to the fact that the package contains a court order and should be read urgently. The notices shall be given in prominent lettering in the form set out in Annex B. It is open to any Defendant to contact the Claimants to identify an alternative place for service and, if they do so, it is not necessary for a notice or package to be affixed to or left at the front door or other prominent feature.
- (c) The Claimants shall further advertise the existence of this Order in a prominent location on the RWI Updated Website, together with a link to download an electronic copy of this Order.
- (d) The Claimants shall email a copy of this Order to solicitors for D6 and any other party who has as at the date hereof provided an email address to the Claimants to the email address: [HS2Injunction@governmentlegal.gov.uk](mailto:HS2Injunction@governmentlegal.gov.uk) or [hs2injunction@dlapiper.com](mailto:hs2injunction@dlapiper.com).

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9. Service in accordance with paragraph 8 above shall:

- (a) be verified by certificates of service to be filed with Court;
- (b) be deemed effective as at the date of the certificates of service; and
- (c) be good and sufficient service of this Order on the Defendants and each of them and the need for personal service be dispensed with.

10. The obligation on the Claimants to update the March 2023 Land Plans shall require the Claimants to discharge the updating obligations in relation to 2d(i) and 2d(ii) simultaneously.

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11. Insofar as this order applies to land under 1(e)(ii) above, namely land over which the First Claimant has taken into temporary possession using ~~exercised~~ its powers under Part 2 of Schedule 4 (Interference with Highways) of the HS2 Acts, a copy of this Order shall be

displayed at prominent locations on the land in question clearly identifying the land, or portion of land, which is affected;

~~which is taken into temporary or permanent possession by the Claimants using powers under Part 2 of Schedule 4 (Interference with Highways) of the HS2 Acts for Rail Act purposes, the land shall be clearly demarcated and signs of the order shall be affixed to posts at prominent locations at each site.~~

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~~10.~~12. Although not expressed as a mandatory obligation due to the transient nature of the task, the Claimants will seek to maintain copies of this Order on areas of the HS2 Land in proximity to potential Defendants, such as on the gates of construction compounds or areas of the HS2 Land known to be targeted by objectors to the HS2 Scheme.

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~~11.~~13. Further, without prejudice to paragraph ~~89~~, while this Order is in force, the Claimants shall take all reasonably practicable steps to effect personal service of the Order upon any Defendant of whom they become aware is, or has been, on the HS2 Land without consent and shall verify any such service with further certificates of service (where possible if persons unknown can be identified) to be filed with Court.

#### **Further Case Management**

14. This Order will be reconsidered at a hearing to be listed on approximately a yearly basis between 15 and 31 May to determine whether there is a continued threat which justifies continuation of this Order (**“Yearly Review”**), but nothing in this order is intended to absolve the Claimants of their obligation to progress their claim expeditiously.

~~12.~~15. It will be the Claimants’ responsibility to apply for listing of ~~arrange such a hearing and the~~ Yearly Review and to place details of ~~any such hearing~~ the date of the Yearly Review on the RWI Updated Website. At Schedule A are directions which will apply to the next Yearly Review. Parties are advised to consider them carefully.

~~13.~~16. Without prejudice to the foregoing, any 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) via the contact details set out below. Schedule ~~A-B~~ to this Order indicates the process which must be followed for any such application. Useful sources of support and information are listed in Schedule C.



~~14.~~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 [or an application under CPR Part 40.9](#) (unless they are already named as a defendant~~Defendant~~).

~~15.~~ Any Named Defendant or other person who believes that they will or might bring themselves within the definition of the “persons unknown” by their conduct and who wishes to oppose these proceedings and bring them to trial should file an Acknowledgment of Service pursuant to CPR Part 8.3 and serve a copy on the Claimants’ solicitors via the email address set out in paragraph ~~265~~ below. Schedule B ~~D~~ to this Order indicates the process which must be followed.

~~16.~~ Any Defendant who fails to comply with paragraph ~~157~~ above shall not be permitted to defend these proceedings or take any further role in these proceedings without further order of the Court and shall be liable to have injunctive relief continued against them without trial pursuant to CPR r.3.5.

~~17.~~18. The Claimants [and named Defendants](#) otherwise have liberty to apply to extend or vary this Order or for further directions.

~~18.~~19. Save as provided for above, the Claim be stayed generally with liberty to restore.

#### Costs

~~19.~~20. There be no order as to costs as between any of the parties to the Review Hearing.

~~20.~~21. 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.

#### Documents in the Claim and Application

~~21.~~22. All documents relating to these proceedings and this Order may be downloaded at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.

~~22.~~23. A single hard copy of any document will be sent within 21 days of the receipt of a reasonable request for that document or documents via the Claimants’ solicitors whose contact details are set out below so long as any requests include a postal address and the full name of the requestor.

Field Code Changed

**Communications with Claimants and the Court**

~~23-24.~~ 24. 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 6DS

E: qb.birmingham@justice.gov.uk  
T: 0121 681 4441  
F: 01264 785 131  
DX: 701987 Birmingham 7

~~24-25.~~ 25. Any person who wishes to view or download copies of the documents shall contact the Claimants' solicitors via the contact details below.

~~25-26.~~ 26. The Claimants' solicitors and their contact details are:

FAO: HS2 TEAM  
DLA PIPER UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX

E: HS2Injunction@dlapiper.com  
T: 0114 283 3312  
DX: 708580 Sheffield 10  
Ref: RXS/380900/401

**BY THE COURT**

**MADE ON [DATE]**

**ANNEX A – SCHEDULE OF DEFENDANTS**

**PART 1**

<b>DEFENDANT NUMBER</b>	<b>UNNAMED DEFENDANTS</b>
(1)	Not used
(2)	PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER THE HS2 LAND WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES
(3)	PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES WITHOUT THE CONSENT OF THE CLAIMANTS
(4)	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 HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS
<del>(68)</del>	<del>PERSONS UNKNOWN BY UNLAWFUL MEANS OBSTRUCTING, IMPEDING, HINDERING OR DELAYING WORKS OR ACTIVITIES AUTHORISED BY THE HS2 ACTS, IN EXPRESS OR IMPLIED AGREEMENT OR COMBINATION WITH ANOTHER PERSON WITH THE INTENTION OF CAUSING DAMAGE TO THE CLAIMANTS</del>

**For the avoidance of doubt, any person who has been a defendant in these proceedings, or who has given undertakings to HS2, may nevertheless become Defendant 12 – Defendant 4 or ~~Defendant 68~~ as a person unknown if they commit any of the prohibited acts.**

**PART 2**

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(5)	Mr Ross Monaghan (aka Squirrel / Ash Tree)
(6)	Mr James Andrew Taylor (aka Jimmy Knaggs / James Knaggs / Run Away Jim)
(7)	Ms Leah Oldfield
(8)	Not Used
(9)	Not Used
(10)	Not Used
(11)	Not Used
(12)	Not Used
(13)	Not Used
(14)	Not Used
(15)	Not Used
(16)	Ms Karen Wildin (aka Karen Wilding / Karen Wilden / Karen Wilder)
(17)	Mr Andrew McMaster (aka Drew Robson)
(18)	Not Used
(19)	Not Used
(20)	Mr George Keeler (aka C Russ T Chav / Flem)
(21)	Not Used
(22)	Mr Tristan Dixon (aka Tristan Dyson)
(23)	Not Used
(24)	Not Used
(25)	Not Used
(26)	Not Used
(27)	Mr Lachlan Sandford (aka Laser / Lazer)
(28)	Mr Scott Breen (aka Scotty / Digger Down)
(29)	Not Used
(30)	Not Used
(31)	Not Used
(32)	Not Used
(33)	Mr Elliot Cuciurean (aka Jellytot)
(34)	Not Used
(35)	Not Used
(36)	Mr Mark Keir
(37)	Not Used
(38)	Not Used
(39)	Mr Iain Oliver (aka Pirate)

<b>DEFENDANT NUMBER</b>	<b>NAMED DEFENDANTS</b>
(40)	Not Used
(41)	Not Used
(42)	Not Used
(43)	Not Used
(44)	Not Used
(45)	Not Used
(46)	Not Used
(47)	Not Used
(48)	Mr Conner Nichols
(49)	Not Used
(50)	Not Used
(51)	Not Used
(52)	Not Used
(53)	Not Used
(54)	Not Used
(55)	Not Used
(56)	Not Used
(57)	Ms Samantha Smithson (aka Swan / Swan Lake)
(58)	Mr Jack Charles Oliver
(59)	Ms Charlie Inskip
(60)	Not Used
(61)	Not Used
(62)	Not Used
(63)	Mr Dino Misina (aka Hedge Hog)
(64)	Stefan Wright (aka Albert Urtubia)
(65)	Not Used
(66)	<del>Caroline Thompson Smith (aka Carl Woods)</del>
(67)	<del>Christopher Paul Butcher (aka Rob)</del>

**ANNEX B – WORDING FOR NOTICES**

**[On the package containing the Order]**

“VERY URGENT: THIS PACKAGE CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CONTACT –

FAO: HS2 TEAM  
DLA PIPER UK LLP  
1 St Paul’s Place  
Sheffield  
S1 2JX

E: HS2Injunction@dlapiper.com  
T: 0114 283 3038  
DX: 708580 Sheffield 10  
R: RXS/380900/401

All documents relating to these proceedings and this Order may be downloaded at:  
<https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>”

## SCHEDULE A – DIRECTIONS FOR ~~YEARLY~~ REVIEW

### Definitions

1. In these Directions, the following defined terms shall apply:
  - a. The “RWI Updated Website” means the webpages at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.
  - b. The term “Defendants” refers to all Defendants, both named and persons unknown, and (b) above will be good and sufficient service on the Defendants and each of them.
2. The Claimants shall email a copy of this Order to solicitors for D6 and any other party who has as at the date hereof provided an email address to the Claimants to the email addresses: [HS2Injunction@governmentlegal.gov.uk](mailto:HS2Injunction@governmentlegal.gov.uk) or [HS2Injunction@dlapiper.com](mailto:HS2Injunction@dlapiper.com).

### Further Case Management

3. The Yearly Review will be listed for one day at 10.30am on a date between 15 and 31 May 2024 in the High Court in Birmingham at a date, after consultation by the court with the parties, convenient to counsel for any named party.
4. Any person who wishes to address the Court at the Review must inform the Court and the Claimants of their intention to attend by 4pm on 10 May 2024 at the addresses at paragraphs 24 and 26 of the Order.
5. By 4pm on ~~22~~ 21 March 2024, the Claimants’ must file and serve (in accordance with paragraph 3(a) above) any applications relevant to the Yearly Review, a draft order, and any evidence upon which they seek to rely.
6. By 4pm on 5 April 2024, any person seeking to amend (including discharge) the Order, or oppose any applications made by the Claimants, must file and serve their written reasons in a document ~~a written statement of case and any~~ and to indicate whether they intend to adduce evidence upon which that person seeks to rely by emailing or posting it to the Court and the Claimants at the addresses listed at paragraphs 24 and 26 of the Order. ~~Any such person must~~  
~~—explain clearly within their written statement of case the differences between their case and the issues which the Court has already adjudicated upon in the judgment of Mr Justice Julian Knowles of 20 September 2022, and any further judgment arising out of these proceedings. A copy of any judgment[s] can be found on the RWI Updated Website;~~

~~— Provide a witness statement(s) verified by a statement of truth containing and/or appending all of the evidence to be relied upon in support of the application/opposition; and~~

~~— If the evidence amounts to more than 2,000 words or more than three documents/other evidence, a short summary of less than 1,000 words explaining in simple terms the points they wish to make to the Court.~~

7. At the same time and date, any party requiring any of the Claimants' witnesses to attend for cross-examination are to give notice of the name of the witness required together with the reasons why that person is required. For the avoidance of doubt, whether live evidence will be permitted will remain to be determined by the Court.

8. Any evidence upon which a Defendant or other Applicant wishes to rely must be filed by 4 p.m on 19<sup>th</sup> April 2024.

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9. By 4pm on 26<sup>th</sup> April 2024 on 19 April 2024, the Claimants have permission to file and serve (in accordance with paragraph 3(a) above) any evidence in response to any ~~statement of case~~ document or evidence filed in accordance with paragraph 8 above if so advised.

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10. By 4pm on 22 April 3rd May 2024, the Claimants shall cause to be placed on the RWI Updated Website a draft hearing bundle index.

11. By 4pm on 23 April 6<sup>th</sup> May 2024, any person who wishes to comment on the draft hearing bundle must notify the Claimants of their comments by email to the address in paragraph 26 of the Order. Any person may provide suggested documents for inclusion to the Claimants. Where there is disagreement between the Claimants and that person as to the relevance of any document, that disagreement will be noted in the hearing bundle index and the document shall be provided to the Court in a separate bundle by the person seeking to rely upon it, ~~with reasons provided as to the document's relevance.~~

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12. By 4pm on 7 10<sup>th</sup> May 2024, the Claimants shall file and serve a properly paginated and indexed hearing bundle to the Court by email and in hard copy and shall cause to be placed on the RWI Updated Website a copy of the same.

13. By 4pm on 10 May 2024, the Claimants and any other person seeking to address the Court at the Review shall file and serve any skeleton argument or speaking note.

14. The parties ~~Claimants~~ otherwise have liberty to apply to for further or varied directions.



**Documents in the Claim and Application**

15. All documents relating to these proceedings and the Yearly Review may be downloaded at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.

16. A single hard copy of any document will be sent within 21 days of the receipt of a reasonable request for that document or documents via the Claimants' solicitors whose contact details are set out in the Order so long as any requests include a postal address and the full name of the requestor.

### **SCHEDULE BA – STEPS TO VARY OR DISCHARGE THIS ORDER**

If, in accordance with paragraph 1~~5~~<sup>3</sup> above, any Defendant or any other person affected by this Order wishes to apply to vary or discharge this Order, to ensure effective case management by the Court the following indicative steps must be followed:

1. Any person seeking to contest the Claimants' entitlement to interim relief should file with the court (i.e. send to the court) and serve (i.e. send to the Claimants):

- (a) An N244 application form<sup>1</sup>;
- (b) Written grounds (which may be contained in within the N244 application form or a separate document) for:
  - i. permission to bring the application; and
  - ii. the application (i.e. reasons for the proposed variation / discharge of the Order).

Any applicant shall explain clearly within their written grounds the differences between their grounds and the issues which the Court has already adjudicated upon in the judgment of Mr Justice Julian Knowles of 20 September 2022 [or any judgment arising out of this Application]. A copy of the judgment[s] can be found on the RWI Updated Website; and

- (c) A witness statement(s) containing and/or appending all of the evidence to be relied upon in support of the application.

2. In order to file the above documents with the Court, the applicant should:

- (a) Send physical copies of the documents to the address at paragraph 2~~4~~<sup>3</sup> of this Order; and/or
- (b) Speak to the Court to obtain an address to send electronic copies of the documents to.

3. In order to serve the above documents on the Claimants, the applicant should:

- (a) Send physical copies of the documents to the address at paragraph 2~~5~~<sup>6</sup> of this Order; and/or
- (b) Send electronic copies of the documents to the e-mail address at paragraph 2~~6~~<sup>5</sup> above.

4. The person making the application should indicate to the Court and Claimants whether they consider the matter requires a court hearing or can be dealt with by the judge reviewing the paper application and any response from the Claimants.

5. Thereafter the Claimants (~~i.e. HS2~~) shall have 14 days to file and serve evidence and submissions in response, including as to whether an oral hearing is required to determine the application.

6. Within 21 days, the Court shall decide:
- i. whether to grant permission for the application to proceed; and
  - ii. if permission is granted, whether a hearing is necessary, and/or may request from the parties evidence on any further matters necessary to determine the application. If the

<sup>1</sup> See the following link which provides a digital version of the form, and guidance notes:  
<https://www.gov.uk/government/publications/form-n244-application-notice>

Court decides that a hearing is necessary, it shall seek to schedule the hearing (accommodating availabilities of the parties) within 42 days (6 weeks).

7. If the Court decides that further evidence is needed from either party, it may set strict deadlines by which that evidence must be filed. Both parties should be aware that the Court may restrict the use of evidence which is filed late or impose other penalties for non-compliance.

### SCHEDULE C – USEFUL REFERENCES AND RESOURCES

The attention of all parties is drawn to the following references and resources:

Bar Pro Bono Unit – A possible avenue for obtaining free legal advice and/or representation:  
<https://weareadvocate.org.uk/>

Support Through Court (formerly Personal Support Unit) – An organisation supporting litigants in person: <https://www.supportthroughcourt.org/>

Chancery Division Guide: <https://www.gov.uk/government/publications/chanceryguide>

Chancery Division Interim Applications Guide for Litigants in Person:  
<https://www.judiciary.uk/publications/guide-litigants-person-chancery/>

Civil Procedure Rules Part 8: <https://www.justice.gov.uk/courts/procedure/civil/rules/part08>

Help with Court Fees website: <https://www.gov.uk/get-help-with-court-fees>

## **SCHEDULE DB – STEPS TO BRING MATTER TO TRIAL**

If, in accordance with paragraph 175 above, any Defendant or other person affected by this Order wishes to apply to bring the Claimants' proceedings (whether as a whole or in part) to final trial, to ensure effective case management by the Court the following steps must be followed:

1. If not already so, the person must apply to become a named defendant to the claim. This can be done by filing with the court (i.e. send to the court) and serving (i.e. send to the Claimants)

(a) An N244 Application form<sup>2</sup>; and

(b) a short statement explaining the reason for applying to become a named defendant (i.e. in order to contest the Claimants' claim).

2. In order to file the above with the Court, the person who is applying should:

(a) Send physical copies to the address at paragraph 243 of this Order; and/or

(b) Speak to the Court to obtain an address to send electronic copies to.

3. In order to serve the above on the Claimants, the person applying should:

(a) Send physical copies to the address at paragraph 256 of this Order; and/or

(b) Send electronic copies to the to the e-mail address at paragraph 256 above.

4. The person seeking to contest the Order and bring the matter to trial must then file and serve (see above as to how this is to be done):

(a) An Acknowledgement of Service using form N210,<sup>3</sup> explaining the reasons for contesting the Order (whether as a whole or in part), which must include a postal address for service together with (if they wish to be served with documents electronically in these proceedings) an email address to which such service may be effected;

(b) An application for permission to contest the Order and to bring the matter to trial, which explains clearly the differences between their grounds of defence relied upon and the issues which the Court has already adjudicated upon in the judgment of Mr Justice Julian Knowles of 20 September 2022 [or any judgment arising out of this Application]. A copy of the judgment[s] can be found on the RWI Updated Website;

(c) A written Defence responding to the allegations set out in the Particulars of Claim (to the extent in the Defendant's knowledge); and

(d) A witness statement(s) (verified by a statement of truth) containing and/or appending all the evidence to be relied upon in support of the application for permission and Defence (i.e. evidence explaining the basis for contesting the claim).

5. Thereafter the Claimants shall have 14 days after service of the Defence to file and serve any evidence in reply.

6. The Court shall then list a hearing date for a Case Management Conference, at which it will:

<sup>2</sup> See the following link which provides a digital version of the form, and guidance notes:  
<https://www.gov.uk/government/publications/form-n244-application-notice>

<sup>3</sup> <https://www.gov.uk/government/publications/form-n210-acknowledgment-of-service-cpr-part-8>

- (a) determine the application for permission to contest the Order and to bring the matter to trial; and
- (b) should the application for permission be successful, give directions to parties for any further steps required prior to the final trial (such as filing further evidence). The Court may set strict deadlines by which the further steps must be taken and both parties should be aware that the Court may restrict the use of evidence which is filed late or impose other penalties for non-compliance.

7. Further:

- a. The Claimants shall prepare an electronic hearing bundle for the hearing and provide the Defendant(s) with access to the bundle not less than 14 days before the hearing.
- b. At the hearing, the Court shall consider whether injunctive relief shall be continued against any or all of the Defendants, whether on an interim or final basis.
- c. Any further application by the Claimants to add further named defendants, to have final relief granted against any Defendant(s) without trial pursuant to CPR r.3.5 and/or otherwise to amend its claim shall be determined at the hearing.
- d. The need for and form of any further case management directions through to trial or any further hearing shall be considered.

**SCHEDULE C – USEFUL REFERENCES AND RESOURCES**

The attention of all parties is drawn to the following references and resources:

~~Bar Pro Bono Unit – A possible avenue for obtaining free legal advice and/or representation:  
<https://weareadvocate.org.uk/>~~

~~Support Through Court (formerly Personal Support Unit) – An organisation supporting litigants in person: <https://www.supportthroughcourt.org/>~~

~~Chancery Division Guide: <https://www.gov.uk/government/publications/chanceryguide>~~

~~Chancery Division Interim Applications Guide for Litigants in Person:  
<https://www.judiciary.uk/publications/guide-litigants-person-chancery/>~~

~~Civil Procedure Rules Part 8: <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part08>~~

~~Help with Court Fees website: <https://www.gov.uk/get-help-with-court-fees>~~