

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

Claim no: QB-2022-BHM-000044



QB-2022-BHM-000044

Before: HHJ Emma Kelly
Made on: 7 March 2024

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, SUBCONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES

(2) 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

(3) 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

(4) MR ROSS MONAGHAN (AKA SQUIRREL / ASH TREE) AND 60 OTHER NAMED DEFENDANTS AS SET OUT IN THE SCHEDULE TO THE PARTICULARS OF CLAIM

Defendants

ORDER

UPON the Order of Mr Justice Ritchie made on 31 May 2023 (“**Injunction Order**”) requiring at paragraph 12 reconsideration of the injunction on approximately a yearly basis.

AND UPON the Court having listed a review hearing to take place on 15 May 2024 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 (“**Second Review**”)

AND UPON the Court noting the requirement in paragraph 13 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 reading the Certificate of Service dated 1 February 2024 filed by the Claimants confirming that the Notice of Review Hearing has been placed on the HS2 Proceedings Website

AND UPON the Claimants’ application dated 27 February 2024 seeking an order for alternative service

AND UPON reading the third witness statement of Robert Shaw.

AND UPON the Court considering this application on the papers.

IT IS ORDERED THAT:

Alternative Service

1. The Claimants’ application for alternative service pursuant to CPR r. 6.15 and 6.27 is granted.
2. 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 term “Defendants” refers to all Defendants 1 – 65.
 - c. The “Second Review Documents” means all the documents filed with the Court by the Claimants for the Review, including this Order and the Claimants’ application dated 27 February 2024 seeking an order for alternative service.

Service by Alternative Method – Second Review Documents

3. 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 RWI Updated Website, together with a link to download an electronic copy of this Order.
4. Pursuant to CPR r. 6.27, personal service is dispensed with and service of the Second Review Documents upon the Defendants shall be by:
 - a. placing the Second Review Documents on the RWI Updated Website.
 - b. causing to be made social media posts on the HS2 “X” and Facebook pages advertising the date of the Second Review and the web address of the RWI Updated Website.

- c. 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.
 - d. Compliance with 4(a) - (c) above will be good and sufficient service on the Defendants and each of them.
5. The Claimants have liberty to apply to extend or vary this Order or for further directions.
6. Costs reserved.

Documents in the Claim and Application

7. All documents relating to the underlying proceedings, this application and the Second Review may be downloaded at: <https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.
8. 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

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

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

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

10. 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/380900/441

11. The Court has disposed of the Claimant's application, dated 27 February 2024, without service of a copy of the application notice. Any person not served with a copy of the application notice before this order was made may apply, within 7 days after the date on which the order was served on the person making to the application, for the order to be set aside or varied.

BY THE COURT

MADE ON 7 March 2024