

**NATIONAL HIGHWAYS LIMITED**

- and -

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF,  
ENDANGERING OR PREVENTING THE FREE FLOW OF TRAFFIC ON  
THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2  
AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414  
AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11,  
M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF  
PROTESTING**

**(2) MR. ALEXANDER RODGER AND 132 OTHERS**

**CORE BUNDLE INDEX**


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# Appellant's notice

(All appeals except small claims track appeals and appeals to the Family Division of the High Court)

Notes for guidance are available which will help you complete this form. Please read them carefully before you complete each section.

For Court use only	
Appeal Court Ref. No.	
Date filed	07 Jun 2022



HER MAJESTY'S COURT OF APPEAL CIVIL DIVISION

CA-2022-001066  
SEAL Submitted Date;  
27/05/22

## Section 1 Details of the claim or case you are appealing against

Claim or Case no.  Fee Account no.   
(if applicable)

Help with Fees - Ref no. (if applicable)

Name(s) of the  Claimant(s)  Applicant  Petitioner(s)

Name(s) of the  Defendant(s)  Respondent(s)

### Details of the party appealing ('The Appellant')

Name

#### Address (including postcode)

Tel No.	<input type="text" value=""/>
Fax	n/a
E-mail	<input type="text" value=""/>

### Details of the Respondent to the appeal

Name

#### Address (including postcode)

Tel No.	n/a
Fax	n/a
E-mail	Set out in the attached Schedule where known

Details of additional parties (if any) are attached  Yes  No

## Section 2 Details of the appeal

From which court is the appeal being brought?

- The County Court at
- The Family Court at
- High Court
- Queen's Bench Division
- Chancery Division
- Family Division
- Other (please specify)

What is the name of the Judge whose decision you want to appeal?

What is the status of the Judge whose decision you want to appeal?

- District Judge or Deputy       Circuit Judge or Recorder       Tribunal Judge
- Master or Deputy       High Court Judge or Deputy       Justice(s) of the Peace

What is the date of the decision you wish to appeal against?

Is the decision you wish to appeal a previous appeal decision?       Yes       No

## Section 3 Legal representation

Are you legally represented?

Yes  No

If Yes, is your legal representative (please tick as appropriate)

- a solicitor
- direct access counsel instructed to conduct litigation on your behalf
- direct access counsel instructed to represent you at hearings only

Name of your legal representative

DLA Piper UK LLP

The address (including postcode) of your legal representative

1 St Pauls Place  
Sheffield  
S1 2JX

Tel No. +442077966047

Fax +441142724941

E-mail [petra.billing@dlapiper.com](mailto:petra.billing@dlapiper.com)

DX 708580 Sheffield 10

Ref. PXB/366530/239

Are you, the Appellant, in receipt of a Civil Legal Aid Certificate?

Yes  No

Is the respondent legally represented?

Yes  No

If 'Yes', please give details of the respondent's legal representative below

Name and address (including postcode) of the respondent's legal representative

--

Tel No.

Fax

E-mail

DX

Ref.

## Section 4 Permission to appeal

Do you need permission to appeal?

Yes  No

Has permission to appeal been granted?

**Yes** (Complete Box A)

**No** (Complete Box B)

### Box A

Date of order granting permission

Name of Judge granting permission

### Box B

I Petra Billing of DLA Piper UK LLP

the Appellant('s legal representative) seek permission to appeal.

If permission to appeal has been granted **in part** by the lower court, do you seek permission to appeal in respect of the grounds refused by the lower court?

Yes  No

## Section 5 Other information required for the appeal

Please set out the order (or part of the order) you wish to appeal against

Paragraphs 10 and 11 of the Order of the Honourable Mr. Justice Bennathan dated 9 May 2022.

Paragraphs 3, 4 and 5 of the Order of the Honourable Mr. Justice Bennathan dated 12 May 2022.

Have you lodged this notice with the court in time?  
(There are different types of appeal - see Guidance Notes N161A)

Yes  No

If '**No**' you must also complete  
**Part B of Section 10 and Section 11**

## Section 6 Grounds of appeal

Please state, in numbered paragraphs, **on a separate sheet** attached to this notice and entitled 'Grounds of Appeal' (also in the top right hand corner add your claim or case number and full name), why you are saying that the Judge who made the order you are appealing was wrong.

I confirm that the grounds of appeal are attached to this notice.

## Section 7 Arguments in support of grounds for appeal

- I confirm that the arguments (known as a ‘Skeleton Argument’) in support of the ‘Grounds of Appeal’ are set out **on a separate sheet** and attached to this notice.

**OR** (in the case of appeals other than to the Court of Appeal)

- I confirm that the arguments (known as a ‘Skeleton Argument’) in support of the ‘Grounds of Appeal’ will follow within 14 days of filing this Appellant’s Notice. A skeleton argument should only be filed if appropriate, in accordance with CPR Practice Direction 52B, paragraph 8.3.

## Section 8 Aarhus Convention Claim

For applications made under the Town and Country Planning Act 1990 or Planning (Listed Buildings and Conservation Areas) Act 1990

I contend that this claim is an Aarhus Convention Claim  Yes  No

If Yes, and you are appealing to the Court of Appeal, any application for an order to limit the recoverable costs of an appeal, pursuant to CPR 52.19, should be made in section 10.

If Yes, indicate in the following box if you do not wish the costs limits under CPR 45 to apply. If you have indicated that the claim is an Aarhus claim set out the grounds below

## Section 9 What are you asking the Appeal Court to do?

I am asking the appeal court to:-  
(please tick the appropriate box)

- set aside the order which I am appealing
- vary the order which I am appealing and substitute the following order. Set out in the following space the order you are asking for:-

Please see the draft order (with 2 schedules) filed with this application.

- order a new trial

## Section 10 Other applications

Complete this section **only** if you are making any additional applications.

### Part A

- I apply for a stay of execution. (You must set out in Section 11 your reasons for seeking a stay of execution and evidence in support of your application.)

### Part B

- I apply for an extension of time for filing my appeal notice. (You must set out in Section 11 the reasons for the delay and what steps you have taken since the decision you are appealing.)

### Part C

- I apply for an order that:

(You must set out in Section 11 your reasons and your evidence in support of your application.)

In support of my application(s) in Section 10, I wish to rely upon the following reasons and evidence:




# Statement of Truth

This must be completed in support of the evidence in Section 11

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.

- I **believe** that the facts stated in section 11 are true.
- The Applicant believes** that the facts stated in section 11 are true. **I am authorised** by the applicant to sign this statement.

## Signature



- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

## Date

Day	Month	Year
27	05	2022

Full name

Petra Billing

Name of applicant's legal representative's firm

DLA Piper UK LLP

If signing on behalf of firm or company give position or office held

Partner

## Section 12 Supporting documents

To support your appeal you should file with this notice all relevant documents listed below. To show which documents you are filing, please tick the appropriate boxes.

If you do not have a document that you intend to use to support your appeal complete the box over the page.

### In the County Court or High Court:

- three copies of the appellant's notice for the appeal court and three copies of the grounds of appeal;
- one additional copy of the appellant's notice and grounds of appeal for each of the respondents;
- one copy of the sealed (stamped by the court) order being appealed;
- a copy of any order giving or refusing permission to appeal; together with a copy of the judge's reasons for allowing or refusing permission to appeal; and
- a copy of the Civil Legal Aid Agency Certificate (if legally represented).

### In the Court of Appeal:

- three copies of the appellant's notice and three copies of the grounds of appeal on a separate sheet attached to each appellant's notice;
- one additional copy of the appellant's notice and one copy of the grounds of appeal for each of the respondents;
- one copy of the sealed (stamped by the court) order or tribunal determination being appealed;
- a copy of any order giving or refusing permission to appeal together with a copy of the judge's reasons for allowing or refusing permission to appeal;
- one copy of any witness statement or affidavit in support of any application included in the appellant's notice;
- where the decision of the lower court was itself made on appeal, a copy of the first order, the reasons given by the judge who made it and the appellant's notice of appeal against that order;
- in a claim for judicial review or a statutory appeal a copy of the original decision which was the subject of the application to the lower court;
- one copy of the skeleton arguments in support of the appeal or application for permission to appeal;
- a copy of the approved transcript of judgment; and
- a copy of the Civil Legal Aid Certificate (if applicable)
- where a claim relates to an Aarhus Convention claim, a schedule of the claimant's financial resources

Reasons why you have not supplied a document and date when you expect it to be available:-

Title of document and reason not supplied	Date when it will be supplied
An additional copy of the appellant's notice and grounds of appeal for each of the respondent is not supplied as the General Enquiries Team at the Civil Appeals Office advised that it was not necessary due to the requirement that the application is filed via CE-File only.	Will not be supplied.

**Section 13** The notice of appeal must be signed here

Signed [  ]

Appellant('s legal representative)

Find out how HM Courts and Tribunals Service uses personal information you give when you fill in a form.


<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

# Appellant's notice

(All appeals except small claims track appeals and appeals to the Family Division of the High Court)

Notes for guidance are available which will help you complete this form. Please read them carefully before you complete each section.

For Court use only	
Appeal Court Ref. No.	
Date filed	07 Jun 2022



HER MAJESTY'S COURT OF APPEAL CIVIL DIVISION

CA-2022-001105  
SEAL Submitted Date:  
27/05/22

## Section 1 Details of the claim or case you are appealing against

Claim or Case no.  Fee Account no.   
(if applicable)

Help with Fees - Ref no. (if applicable)

Name(s) of the  Claimant(s)  Applicant  Petitioner(s)

Name(s) of the  Defendant(s)  Respondent(s)

### Details of the party appealing ('The Appellant')

Name

Address (including postcode)

Tel No.	<input type="text" value=""/>
Fax	n/a
E-mail	<input type="text" value=""/>

### Details of the Respondent to the appeal

Name

Address (including postcode)

Tel No.	n/a
Fax	n/a
E-mail	Set out in the attached Schedule where known

Details of additional parties (if any) are attached  Yes  No

## Section 2 Details of the appeal

From which court is the appeal being brought?

- The County Court at
- The Family Court at
- High Court
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What is the name of the Judge whose decision you want to appeal?

What is the status of the Judge whose decision you want to appeal?

- District Judge or Deputy       Circuit Judge or Recorder       Tribunal Judge
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What is the date of the decision you wish to appeal against?

Is the decision you wish to appeal a previous appeal decision?       Yes       No

### Section 3 Legal representation

Are you legally represented?

Yes  No

If Yes, is your legal representative (please tick as appropriate)

- a solicitor  
 direct access counsel instructed to conduct litigation on your behalf  
 direct access counsel instructed to represent you at hearings only

Name of your legal representative

DLA Piper UK LLP

The address (including postcode) of your legal representative

1 St Pauls Place  
Sheffield  
S1 2JX

Tel No. +442077966047

Fax +441142724941

E-mail [petra.billing@dlapiper.com](mailto:petra.billing@dlapiper.com)

DX 708580 Sheffield 10

Ref. PXB/366530/239

Are you, the Appellant, in receipt of a Civil Legal Aid Certificate?

Yes  No

Is the respondent legally represented?

Yes  No

If 'Yes', please give details of the respondent's legal representative below

Name and address (including postcode) of the respondent's legal representative

--

Tel No.

Fax

E-mail

DX

Ref.

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Do you need permission to appeal?

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- I **believe** that the facts stated in section 11 are true.
- The Applicant believes** that the facts stated in section 11 are true. **I am authorised** by the applicant to sign this statement.

### Signature



- Applicant
- Litigation friend (where applicant is a child or a Protected Party)
- Applicant's legal representative (as defined by CPR 2.3(1))

### Date

Day	Month	Year
27	05	2022

Full name

Petra Billing

Name of applicant's legal representative's firm

DLA Piper UK LLP

If signing on behalf of firm or company give position or office held

Partner

## Section 12 Supporting documents

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- in a claim for judicial review or a statutory appeal a copy of the original decision which was the subject of the application to the lower court;
- one copy of the skeleton arguments in support of the appeal or application for permission to appeal;
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**Section 13** The notice of appeal must be signed here

Signed [  ]

Appellant('s legal representative)

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<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

**SCHEDULE 1 – NAMED DEFENDANTS**

	<b>Name</b>	<b>Address</b>
1.	PERSONS UNKNOWN CAUSING THE BLOCKING OF, OR ENDANGERING, OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING	
2.	Alexander RODGER	[REDACTED]
3.	Alyson LEE	[REDACTED]
4.	Amy PRITCHARD	[REDACTED]
5.	Ana HEYATAWIN	[REDACTED]
6.	Andrew Taylor WORSLEY	[REDACTED]
7.	Anne TAYLOR	[REDACTED]
8.	Anthony WHITEHOUSE	[REDACTED]
9.	Barry MITCHELL	[REDACTED]
10.	Ben TAYLOR	[REDACTED]
11.	Benjamin BUSE	[REDACTED]
12.	Biff William Courtenay WHIPSTER	[REDACTED]
13.	Cameron FORD	[REDACTED]
14.	Catherine RENNIE- NASH	[REDACTED]
15.	Catherine EASTBURN	[REDACTED]
16.	Christian MURRAY- LESLIE	[REDACTED]



17.	Christian ROWE	[REDACTED]
18.	Cordelia ROWLATT	[REDACTED]
19.	Daniel Lee Charles SARGISON	[REDACTED]
20.	Daniel SHAW	[REDACTED]
21.	David CRAWFORD	[REDACTED]
22.	David JONES	[REDACTED]
23.	David NIXON	[REDACTED]
24.	David SQUIRE	[REDACTED]
25.	Diana Elizabeth BLIGH	[REDACTED]
26.	Diana HEKT	[REDACTED]
27.	Diana Lewen WARNER	[REDACTED]
28.	Donald BELL	[REDACTED]
29.	Edward Leonard HERBERT	[REDACTED]
30.	Elizabeth ROSSER	[REDACTED]
31.	Emma Joanne SMART	[REDACTED]
32.	Gabriella DITTON	[REDACTED]
33.	Gregory FREY	[REDACTED]
34.	Gwen HARRISON	[REDACTED]

35.	Harry BARLOW	[REDACTED]
36.	Ian BATES	[REDACTED]
37.	Ian Duncan WEBB	[REDACTED]
38.	James BRADBURY	[REDACTED]
39.	James Malcolm Scott SARGISON	[REDACTED]
40.	James THOMAS	[REDACTED]
41.	Janet BROWN	[REDACTED]
42.	Janine EAGLING	[REDACTED]
43.	Jerrard Mark LATIMER	[REDACTED] [REDACTED]
44.	Jessica CAUSBY	[REDACTED]
45.	Jonathan Mark COLEMAN	[REDACTED]
46.	Joseph SHEPHERD	[REDACTED]
47.	Joshua SMITH	[REDACTED]
48.	Judith BRUCE	[REDACTED]
49.	Julia MERCER	[REDACTED]
50.	Julia SCHOFIELD	[REDACTED]
51.	Karen MATTHEWS	[REDACTED]

52.	Karen WILDIN	[REDACTED]
53.	Liam NORTON	[REDACTED]
54.	Louis MCKECHNIE	[REDACTED]
55.	Louise Charlotte LANCASTER	[REDACTED]
56.	Lucy CRAWFORD	[REDACTED]
57.	Mair BAIN	[REDACTED]
58.	Margaret MALOWSKA	[REDACTED]
59.	Marguerite DOWBLEDAY	[REDACTED]
60.	Maria LEE	[REDACTED]
61.	Martin John NEWELL	[REDACTED]
62.	Mary ADAMS	[REDACTED]
63.	Matthew LUNNON	[REDACTED]
64.	Matthew TULLEY	[REDACTED]
65.	Meredith WILLIAMS	[REDACTED]
66.	Michael BROWN	[REDACTED]
67.	Michael Anthony WILEY	[REDACTED]
68.	Michelle CHARLSWORTH	[REDACTED]

69.	Natalie Clare MORLEY	[REDACTED]
70.	Nathaniel SQUIRE	[REDACTED]
71.	Nicholas COOPER	[REDACTED]
72.	Nicholas ONLEY	[REDACTED]
73.	Nicholas TILL	[REDACTED]
74.	Oliver ROCK	[REDACTED]
75.	Paul COOPER	[REDACTED]
76.	Paul SHEEKY	[REDACTED]
77.	Peter BLENCOWE	[REDACTED]
78.	Peter MORGAN	[REDACTED]
79.	Phillipa CLARKE	[REDACTED]
80.	Priyadaka CONWAY	[REDACTED]
81.	Richard RAMSDEN	[REDACTED]
82.	Rob STUART	[REDACTED]
83.	Robin Andrew COLLETT	[REDACTED]
84.	Roman Andrzej PALUCH-MACHNIK	[REDACTED]
85.	Rosemary WEBSTER	[REDACTED]
86.	Rowan TILLY	[REDACTED]

87.	Ruth Ann COOK	[REDACTED]
88.	Ruth JARMAN	[REDACTED]
89.	Sarah HIRONS	[REDACTED]
90.	Simon REDING	[REDACTED]
91.	Stefania MOROSI	[REDACTED]
92.	Stephanie AYLETT	[REDACTED]
93.	Stephen Charles GOWER	[REDACTED]
94.	Stephen PRITCHARD	[REDACTED]
95.	Susan CHAMBERS	[REDACTED]
96.	Sue PARFITT	[REDACTED]
97.	Sue SPENCER- LONGHURST	[REDACTED]
98.	Susan HAGLEY	[REDACTED]
99.	Suzie WEBB	[REDACTED]
100.	Tessa-Marie BURNS	[REDACTED]
101.	Theresa NORTON	[REDACTED]
102.	Tim SPEERS	[REDACTED]
103.	Tim William HEWES	[REDACTED]
104.	Tracey MALLAGHAN	[REDACTED]

105.	Valerie SAUNDERS	[REDACTED]
106.	Venitia CARTER	[REDACTED]
107.	Victoria Anne LINDSELL	[REDACTED]
108.	Xavier GONZALEZ TRIMMER	[REDACTED]
109.	Bethany MOGIE	[REDACTED]
110.	Indigo RUMBELOW	[REDACTED]
111.	Adrian TEMPLE-BROWN	[REDACTED]
112.	Ben NEWMAN	[REDACTED]
113.	Christopher PARISH	[REDACTED]
114.	Elizabeth SMAIL	[REDACTED]
115.	Julian MAYNARD SMITH	[REDACTED]
116.	Rebecca LOCKYER	[REDACTED]
117.	Simon MILNER-EDWARDS	[REDACTED]
118.	Stephen BRETT	[REDACTED]
119.	Virginia MORRIS	[REDACTED]
120.	Andria EFTHIMIOUS-MORDAUNT	[REDACTED] [REDACTED]
121.	Christopher FORD	[REDACTED]

122.	Darcy MITCHELL	[REDACTED]
123.	David MANN	[REDACTED]
124.	Ellie LITTEN	[REDACTED]
125.	Julie MACOLI	[REDACTED]
126.	Kai BARTLETT	[REDACTED]
127.	Sophie FRANKLIN	[REDACTED]
128.	Tony HILL	[REDACTED]
129.	Nicholas BENTLEY	[REDACTED]
130.	Nicola STICKELLS	[REDACTED]
131.	Mary LIGHT	[REDACTED]
132.	David McKENNY	[REDACTED]
133.	Giovanna LEWIS	[REDACTED]
134.	Margaret REID	[REDACTED]

**IN THE COURT OF APPEAL (CIVIL DIVISION)**  
**ON APPEAL FROM THE HIGH COURT OF JUSTICE**  
**QUEENS BENCH DIVISION**  
Bennathan J [2022] EWHC 1105 (QB)

**BEFORE:**

**Claim No:** [ ]

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

**Appellant**

-and-

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING,  
OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25  
MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20  
MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK  
ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40  
MOTORWAYS FOR THE PURPOSE OF PROTESTING**

**(2) MR ALEXANDER RODGER AND 132 OTHERS**

**Respondents**

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**DRAFT ORDER**

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**UPON** the application of the Appellant to appeal the Orders of the Mr Justice Bennathan dated 9 May 2022 (“**the Injunction Order**”) and dated 12 May 2022 (“**the Judgment Order**”)

**AND UPON** hearing Myriam Stacey QC, Admas Habteslasie and Joel Semakula for the Appellant, and [ ]

**IT IS ORDERED THAT:**

1. The appeal is allowed.

**The Injunction Order**

2. The Injunction Order is varied in the manner below as shown in Schedule 1:
  - a. Paragraph 1 is varied so as to replace the “8” in line 3 with “7.”



- b. Paragraph 2 is deleted.
- c. Paragraph 3 is deleted and replaced with: *“The term “Defendants” refers to both “persons unknown” as defined as the First Defendant in paragraph 5 and the Named Defendants.”*
- d. Paragraph 10 is deleted.
- e. Paragraph 11 is varied so as to delete the word “Contemnor” in the first line.
- f. Paragraph 13 is varied so as to replace “Claimants are” in the first line with “Claimant is.”
- g. Paragraph 14 is deleted and replaced with: *“For the avoidance of doubt, persons who have not been served with this Order by an acceptable method are not bound by its terms. Compliance with paragraphs 10.1 and 11.1 – 11.3 above **does not constitute service** on any Defendant, nor does a failure to comply with paragraph 11 above constitute a failure of service.”*
- h. Paragraph 16 is deleted and replaced with: *“Without the permission of the Court, the Claimant shall not make use of any document disclosed by virtue of paragraph 13 of this Order, other than for one or more of the following uses.”*
- i. Paragraph 20 is deleted and replaced with: *“The Defendants or any other person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimant’s solicitors by email to the addresses specified at paragraph 24 below 48 hours before making such application of the nature of such application and the basis for it.”*
- j. Paragraph 22 is varied so as to delete the word “Contemnor” in the first line.
- k. Schedule 4 is deleted.

## **The Judgment Order**

3. The Judgment Order is varied in the manner below as shown in Schedule 2:
- a. The fourth recital is varied so as to replace the "12" in line 1 with "9",
  - b. Paragraphs 1 and 3 are deleted.
  - c. Paragraph 2 is varied so as to replace the "14" in the first line with "12."
  - d. Paragraph 4 is varied so as to delete the word "Contemnor" in the second line.
  - e. Paragraph 5 is deleted and replaced with: "*Injunctive relief in the form of a final injunction is granted, as set out in the Injunction Order dated 9 May 2022.*"
  - f. Paragraph 6 is deleted and replaced with "*The Claimant's application for alternative service of the Injunction Order is refused in respect of the First Defendant, and granted in respect of the Second Defendant*".

#### **Costs**

4. The Second Respondents to pay the Appellant's costs of the appeal.

**[Date]**

**SCHEDULE 1**

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

**BEFORE: MR JUSTICE BENNATHAN**

**Claim No: QB-2021-003576, QB-2021-003626, QB-2021-003737**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

Claimant

-and-

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING,  
OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25  
MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20  
MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK  
ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40  
MOTORWAYS FOR THE PURPOSE OF PROTESTING**

**(2) MR ALEXANDER RODGER AND 132 OTHERS**

Defendants

---

**ORDER**

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**PENAL NOTICE**

**IF YOU THE WITHIN NAMED DEFENDANTS AND PERSONS UNKNOWN OR ANY  
OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO  
BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT  
AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING  
WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF  
THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE  
IMPRISONED, FINED OR HAVE THEIR 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.**

**UPON** the application of the Claimant for summary judgment (“the Application”)

**AND UPON** hearing Myriam Stacey QC, Admas Habteslasie and Michael Fry for the Claimant, and Owen Greenhall for Jessica Branch being a person who is not a party to the proceedings but who was permitted to make representations pursuant to CPR r. 40.9.

**AND UPON** the Claimant confirming that this Order is not intended to prohibit lawful protest which does not block or endanger, or prevent the free flow of traffic on the Roads defined in paragraph 4 of this Order (“**the Roads**”).

**IT IS ORDERED THAT:**

1. The “Named Defendants” are now those Defendants with their numerical designations (e.g. D1, D2 etc.) whose names appear in the revised and re-numbered Schedule 1 annexed to this Order to reflect the Order made at paragraph [67](#).

~~2. The “Contemnor Defendants” refers to a sub-set of the Named Defendants, being the Named Defendants who have been found in contempt of Court in these proceedings, namely:~~

~~2.1. Ana Heyatawin (D5)~~

~~2.2. Ben Taylor (D10)~~

~~2.3. Benjamin Buse (D11)~~

~~2.4. Biff Whipster (D12)~~

~~2.5. Christian Rowe (D17)~~

~~2.6. David Nixon (D23)~~

~~2.7. Diana Warner (D27)~~

~~2.8. Ellie Litten (D124)~~

~~2.9. Emma Smart (D31)~~

~~2.10. Gabriella Ditton (D32)~~

~~2.11. Indigo Rumbelow (D110)~~

~~2.12. James Thomas (D40)~~

~~2.13. Louis McKechnie (D54)~~

~~2.14. Oliver Rock (D74)~~

~~2.15. Paul Sheekey (D76)~~

~~2.16. Richard Ramsden (D81)~~

~~2.17. Roman Paluch Machnik (D84)~~

~~2.18.— Ruth Jarman (D88)~~

~~2.19.— Stephanie Aylett (D92)~~

~~2.20.— Stephen Gower (D93)~~

~~2.21.— Stephen Pritchard (D94)~~

~~2.22.— Sue Parfitt (D96)~~

~~2.23.— Theresa Norton (D101)~~

~~2.24.— Tim Speers (D102)~~

~~3.— The term “Defendants” refers to both “persons unknown” as defined as [the](#) First Defendant in paragraph [156 and](#), the Named Defendants, ~~and the Contemnor Defendants.~~~~

~~[2.](#)~~

~~4.3.~~ For the purposes of this Order, “the Roads” shall mean all of the following:

~~4.1.3.1.~~ The M25, meaning the London Orbital Motorway and shown in red on the plans at Appendix 1 annexed to this Order.

~~4.2.3.2.~~ The A2, A20, A2070, M2 and M20, meaning the roads shown in blue and green on the plans at Appendix 2 annexed to this Order.

~~4.3.3.3.~~ The A1(M) (Junction 1 to Junction 6), A1 (from A1M to Rowley Lane and from Fiveways Corner roundabout to Hilltop Gardens), M11 (Junction 4 to Junction 7), A12 (M25 Junction 28 to A12 Junction 12), A1023 (Brook Street) (from M25 Junction 28 roundabout to Brook Street Shell Petrol Station access), A13 (M25 Junction 30 to A1089), A13 (from junction with A1306 for Wennington to M25 Junction 30), A1089 (from junction with A13 to Port of Tilbury entrance), M26 (whole motorway from M25 to M20), A21 (M25 to B2042), A23 (M23 to Star Shaw), M23 (Junction 7 to Junction 10 (including M23 Gatwick Spur)), A23 (between North and South Terminal Roundabouts), A3 (A309 to B2039 Ripley Junction), M3 (Junction 1 to Junction 4), A316 (from M3 Junction 1 to Felthamhill Brook), A30 (M25 Junction 13 to Harrow Road, Stanwell, Feltham), A3113 (M25 Junction 14 to A3044), M4 (Junction 1 to Junction 7), M4 Spur (whole of spur from M4 Junction 4 to M4 Junction 4a), M40 (Junction 7 to A40 at Fray’s River Bridge), M1 (Junction 1 to Junction 8), A405 (from M25 Junction 21A to M1 Junction 6), A1 (from Fiveways Corner roundabout to Hilltop Gardens), and A414 (M1 Junction

8 to A405), meaning the roads shown in red on the plan at Appendix 3 annexed to this Order;

4.4.—In the case of each of the Roads, the reference to the Roads shall include all carriageways, hard shoulders, central reservations, motorway (including the A1(M)) verges, slip roads, roundabouts (including those at junctions providing access to and from the Roads), gantries, traffic tunnels, traffic bridges including in the case of the M25 the Dartford Crossing and Queen Elizabeth II Bridge and other highway structures whether over, under or adjacent to the motorway/trunk road, together with all supporting infrastructure including all fences and barriers, road traffic signs, road traffic signals, road lighting, communications installations, technology systems, lay-bys, police observation points/park up points, and emergency refuge areas.

### 3.4.

## **Consolidation and Consequential Amendments**

5.4. The three claims (QB-2021-003576, 003626 and 00737) are hereby consolidated.

6.—The Claimant has permission to amend the description of the First Defendant in the consolidated claim to:

### 5.

**PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING, OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING**

7.6. As this is a simple amalgamation of the existing categories of the First Defendants in each of the original claims, the requirements in the CPR to amend other documents in the proceedings and to serve those amended documents on the Defendants is dispensed with.

8.7. The following defendants are to be removed as defendants:

8.1.7.1. Tam Millar

8.2.7.2. Hannah Shafer

8.3.7.3. Jesse Long

8.4.7.4. Thomas Franke

~~8.5.7.5.~~ William Wright

~~8.6.7.6.~~ Arne Springorum

~~8.7.7.7.~~ Ben Horton

~~8.8.7.8.~~ Emily Brocklebank

~~8.9.7.9.~~ Marc Savitsky

~~8.10.~~ Serena Schellenberg

7.10.

## **Injunction in Force**

9.—The Order of Mr Justice Chamberlain dated 17 March 2022 which continued the M25, Kent Roads and Feeder Roads Orders (“Extension Order”) shall continue and remain in force until 23.59 hrs on 9 June 2022. The Injunctions are not repeated within the body of this Order to avoid confusion. The Extension Order less appendices is appended to this Order at Schedule 2.

8.

## **Interim Injunction**

~~10.— From 10 June 2022 and until 23.59 hrs on 9 May 2023 or until further Order the Defendants (excluding the Contemnor Defendants) and each of them are forbidden from:~~

~~10.1. Blocking, or endangering, or preventing the free flow of traffic on the Roads for the purposes of protesting by any means including their presence on the Roads, or affixing themselves to the Roads or any object or person, tunnelling within 25m of the Roads, abandoning any object, erecting any structure on the Roads or otherwise causing, assisting, facilitating or encouraging any of those matters.~~

~~10.2. Causing damage to the surface of or to any apparatus on or around the Roads including by painting, damaging by fire, or affixing any structure thereto.~~

~~10.3 Entering on foot those parts of the Roads which are not authorised for access on foot, other than in cases of emergency.~~

## **Final Injunction**

~~11.9.~~ From 10 June 2022 until 23.59 hrs on 9 May 2023 the ~~Contemnor~~ Defendants and each of them are forbidden from:



~~11.1.~~9.1. Blocking or endangering, or preventing the free flow of traffic on the Roads for the purposes of protesting by any means including their presence on the Roads, or affixing themselves to the Roads or any object or person, tunnelling within 25m of the Roads, abandoning any object, erecting any structure on the Roads or otherwise causing, assisting, facilitating or encouraging any of those matters.

~~11.2.~~ Causing damage to the surface of or to any apparatus on or around the Roads including by painting, damaging by fire, or affixing any structure thereto.

9.2.

~~11.3.~~ Entering on foot those parts of the Roads which are not authorised for access on foot, other than in cases of emergency.

9.3.

### **Alternative service**

~~12.~~10. The Claimant is permitted in addition to personal service to serve this Order on Named Defendants by the following methods together:

~~12.1.~~10.1. service of the sealed Order on Insulate Britain by email to their known email addresses [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com) and [ring2021@protonmail.com](mailto:ring2021@protonmail.com); and

~~12.2.~~10.2. posting a copy of this Order through the letterbox of each Named Defendant (or leaving it in a separate mailbox) with a notice affixed to the front door if necessary, 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 the front door 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 Appendix 4.

~~13.~~11. The Claimants ~~is~~are directed to take the following steps to publicise the existence of this Order:

~~11.1.~~ 11.1. Placing copies of the Order on the National Highways website;

~~13.1.~~

~~11.2.~~ 11.2. Advertising the existence of this Order in the London Gazette;

~~13.2.~~

~~13.3.~~ 11.3. \_\_\_\_\_ Sending a copy of this Order to Insulate Britain's known email addresses: ring2021@protonmail.com and insulatebritainlegal@protonmail.com.

~~14.12.~~ 12. For the avoidance of doubt, persons who have not been served with this Order by an acceptable method are not bound by its terms. Compliance with paragraphs ~~10.1~~12.1 and ~~11.1~~ ~~13.1~~ – ~~11.3~~13.3 above **does not constitute service** on any Defendant, nor does a failure to comply with paragraph ~~13-~~11 above constitute a failure of service.

### **Third-Party Disclosure**

~~15.13.~~ 13. Pursuant to CPR 31.17, the Chief Constables for those forces listed in Schedule 3 to this Order shall procure that the officers within their forces disclose to the Claimant:

~~15.1.~~ 13.1. \_\_\_\_\_ all of the names and addresses of any person who has been arrested by one of their officers in the course of, or as a result of, protests on the Roads referred to in these proceedings; and

~~15.2.~~ 13.2. \_\_\_\_\_ all arrest notes, body camera footage and/or all other photographic material relating to possible breaches of this Order.

~~16.~~14. Without the permission of the Court, the Claimants shall not make use of any document disclosed by virtue of paragraph ~~13~~15 of this Order, other than for one or more of the following uses:

(i) applying to name and join any person as a named defendant to these proceedings and to serve the said person with any document in these proceedings;

(ii) investigating, formulating, pleading and prosecuting any claim within these proceedings arising out of any alleged breach of this Order;

(iii) use for purposes of formulating, pleading and prosecuting any application for committal for contempt of court against any person for breach of any Order made within these proceedings.

~~17.~~15. Until further Order, the postal address and/or address for service of any person who is added as a defendant to these proceedings shall be redacted in any copy of any document which is served other than by means of it being sent directly to that person or their legal representative.

18.—The Claimant is to serve this order on the Police Representative Assistant Chief Constable Owen Weatherill (owen.weatherill@npocc.police.uk), by email only.

16.

### **Further directions**

~~19.~~17. There shall be listed in April 2023 a hearing at which the Court shall review whether it should vary or discharge this Order or any part.

~~20.~~18. The Defendants or any other person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimant's<sup>2</sup> solicitors by email to the addresses specified at paragraph 24 ~~28~~ below 48 hours before making such application of the nature of such application and the basis for it.

~~21.~~19. Any person applying to vary or discharge this Order must provide their full name and address, and address for service to the Claimant and to the Court, and must also apply to be joined as a named defendant to these proceedings at the same time.

~~22.~~20. The ~~Contemnor~~ Defendants have a right to apply for summary judgment as against them to be set aside in accordance with CPR PD 24.8.

~~23.~~21. The Claimants have liberty to apply to extend, vary or discharge this Order, or for further directions.

~~24.~~22. No acknowledgment of service, admission or defence is required by any party until further so ordered.

~~25.~~23. Costs reserved.

### **Communications with the Claimant**

~~26.~~24. The Claimant's solicitors and their contact details are:

DLA Piper UK LLP

Attention: Petra Billing and Rob Shaw

1 St. Paul's Place

Sheffield S1 2JX

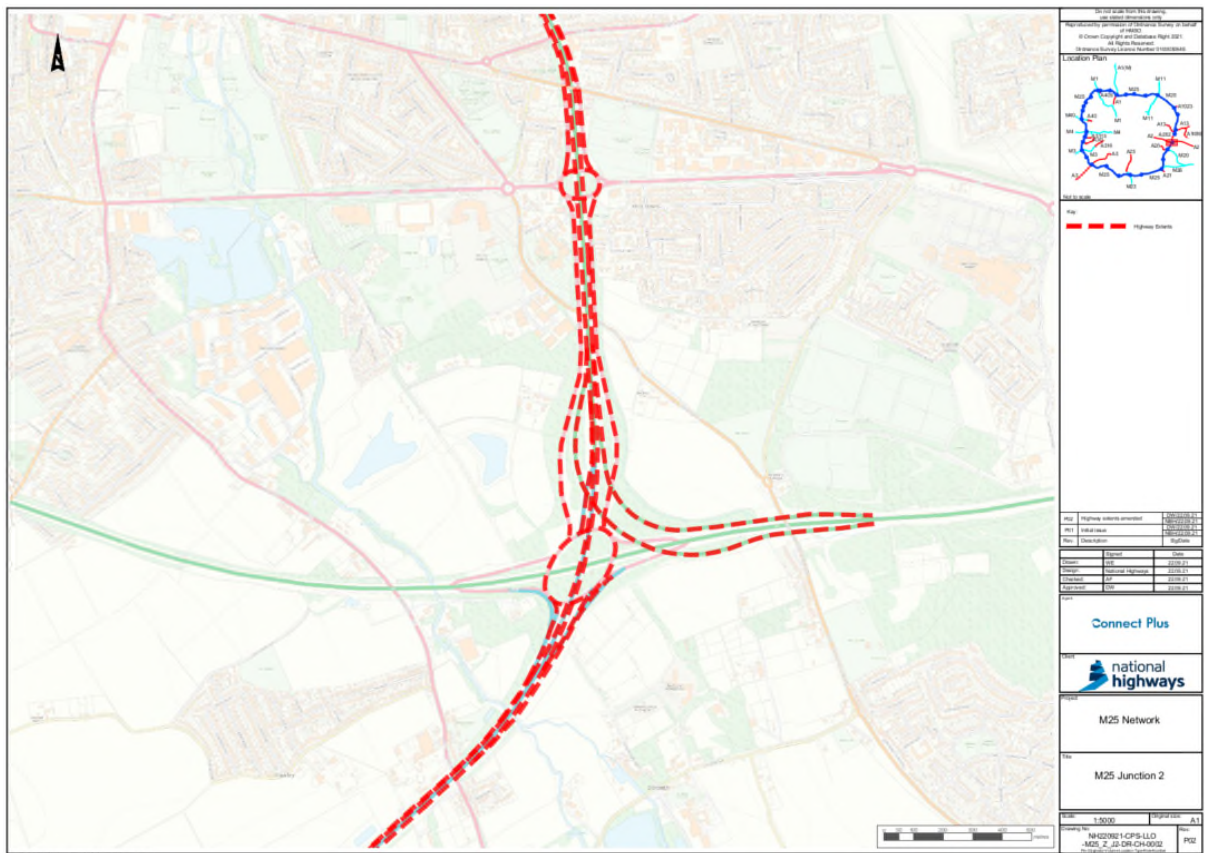
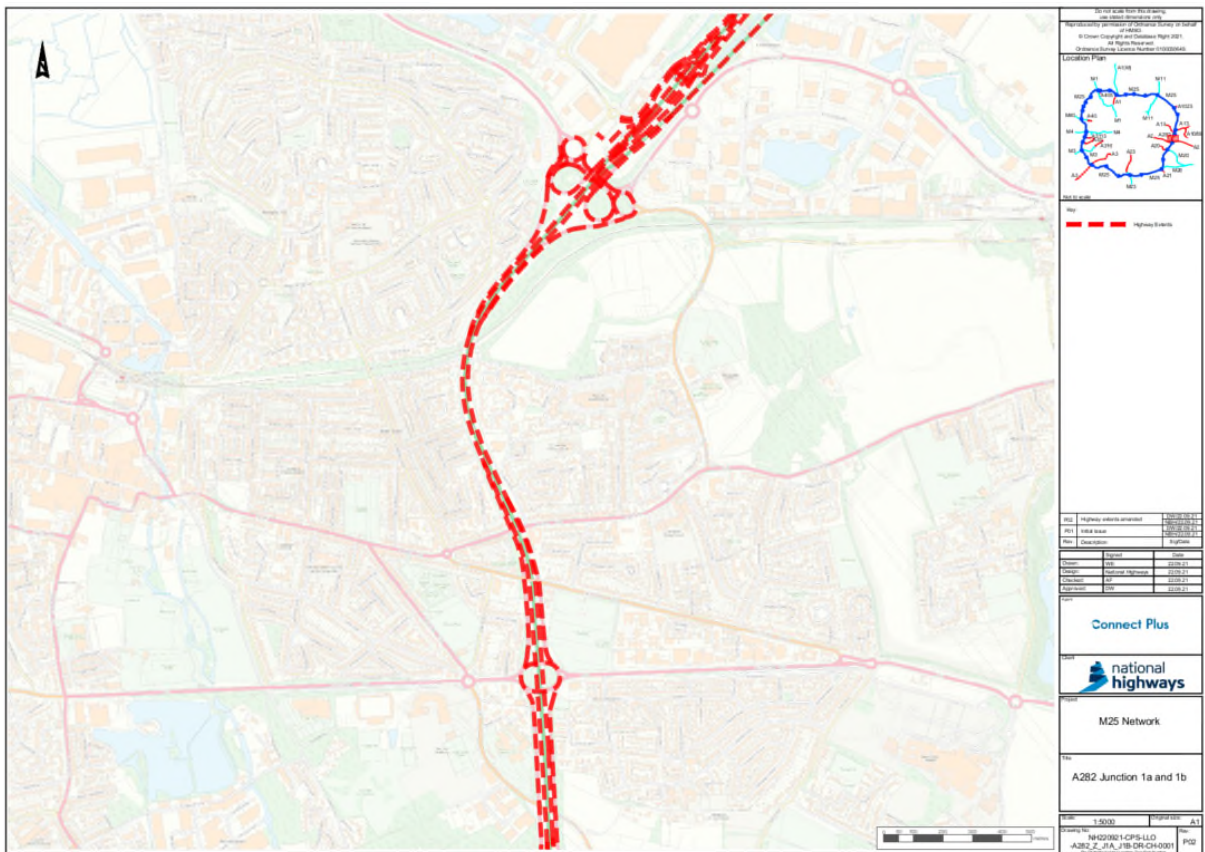
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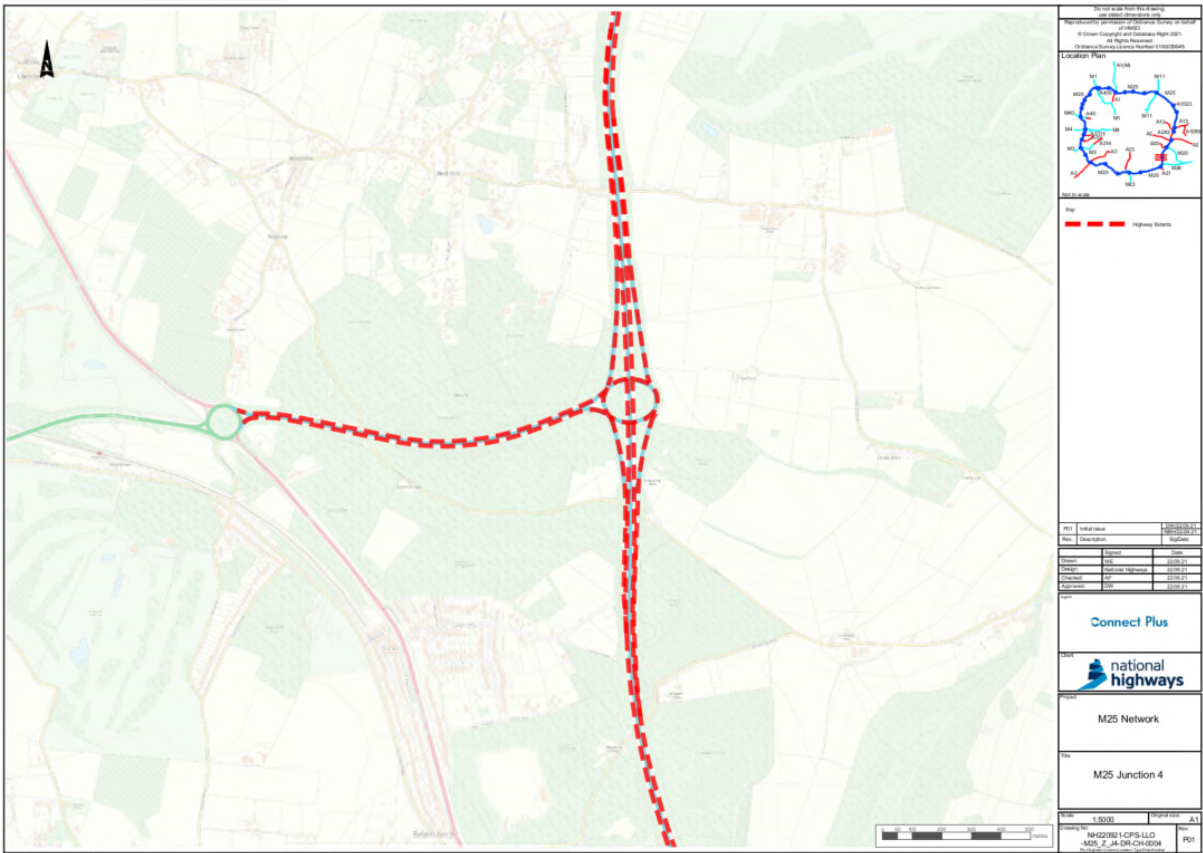
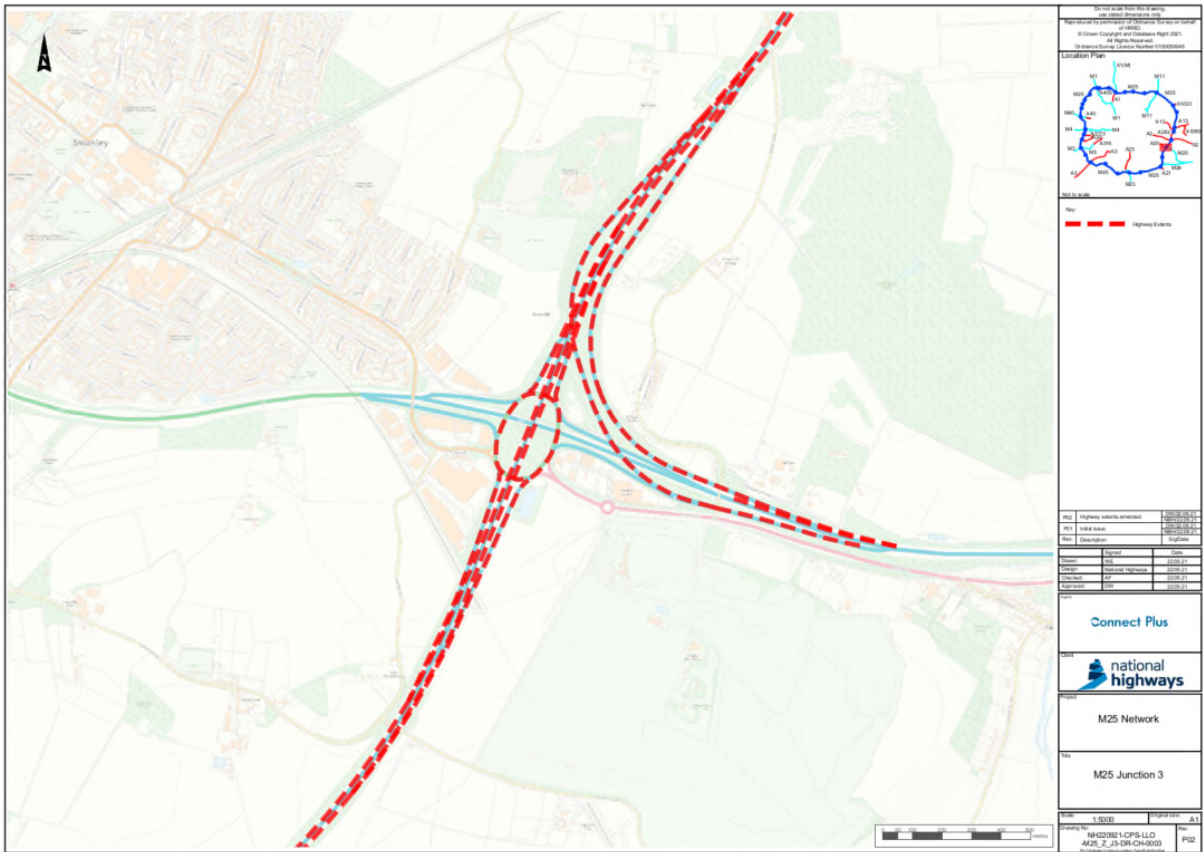
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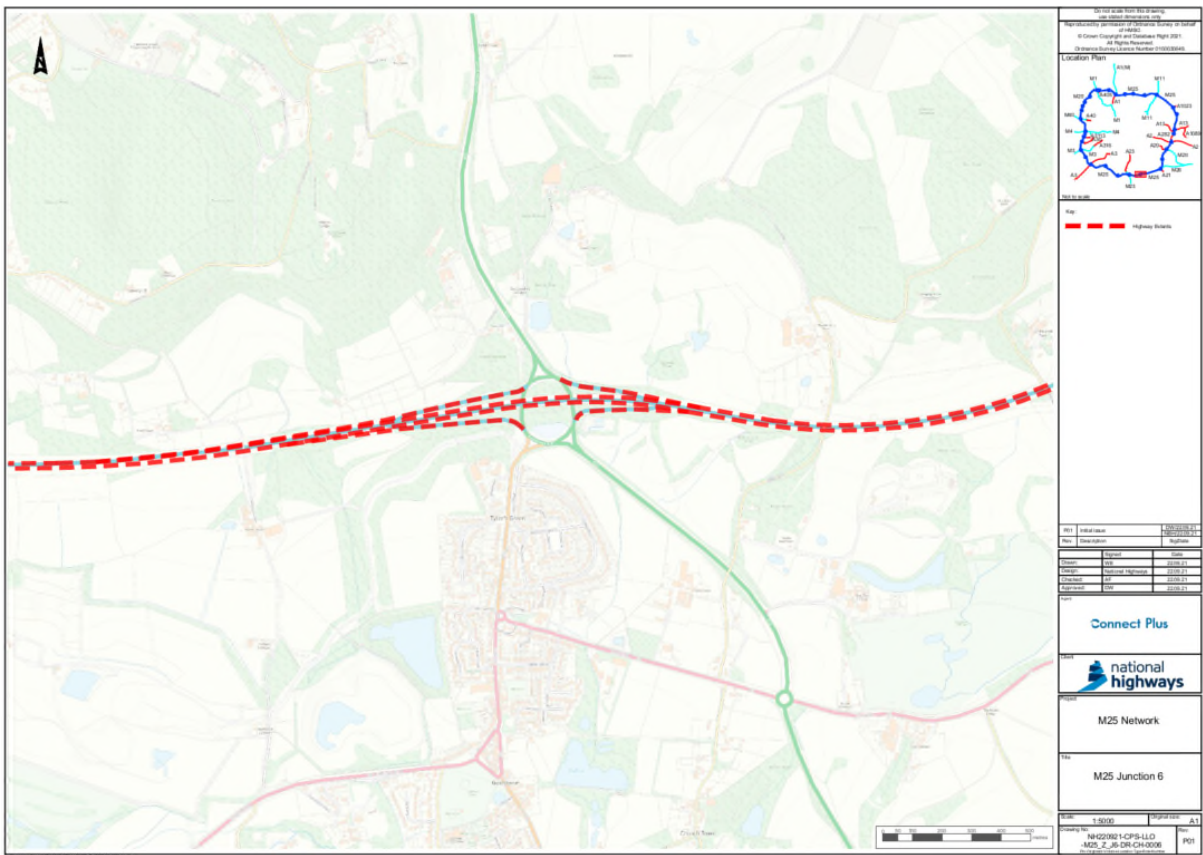
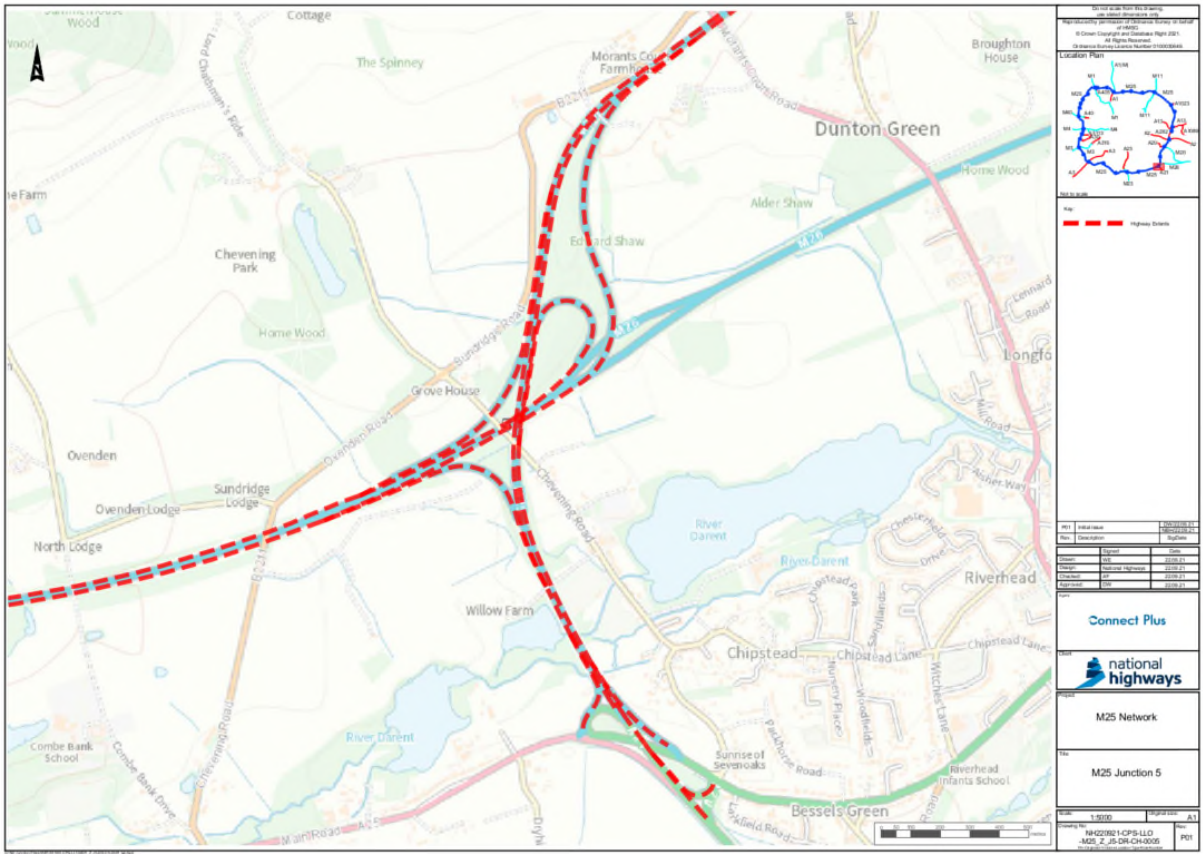
**9 May 2022**

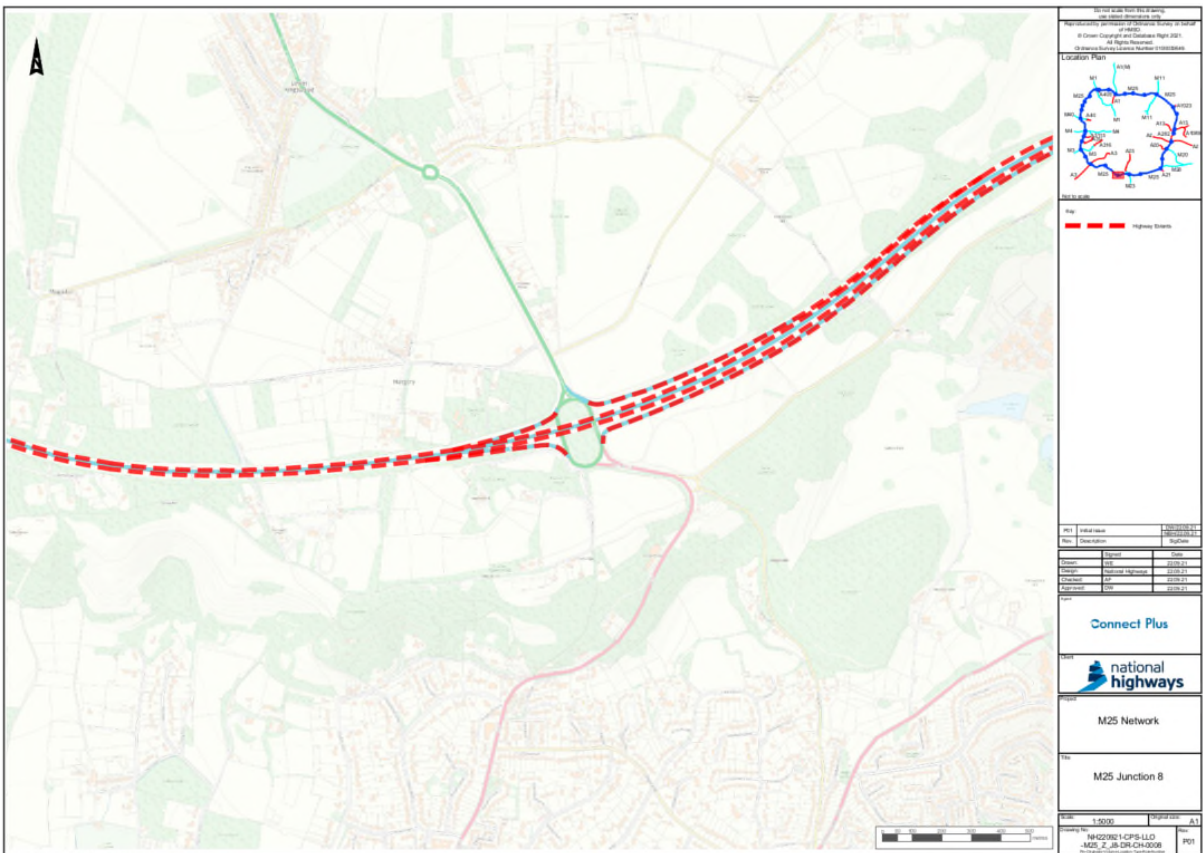
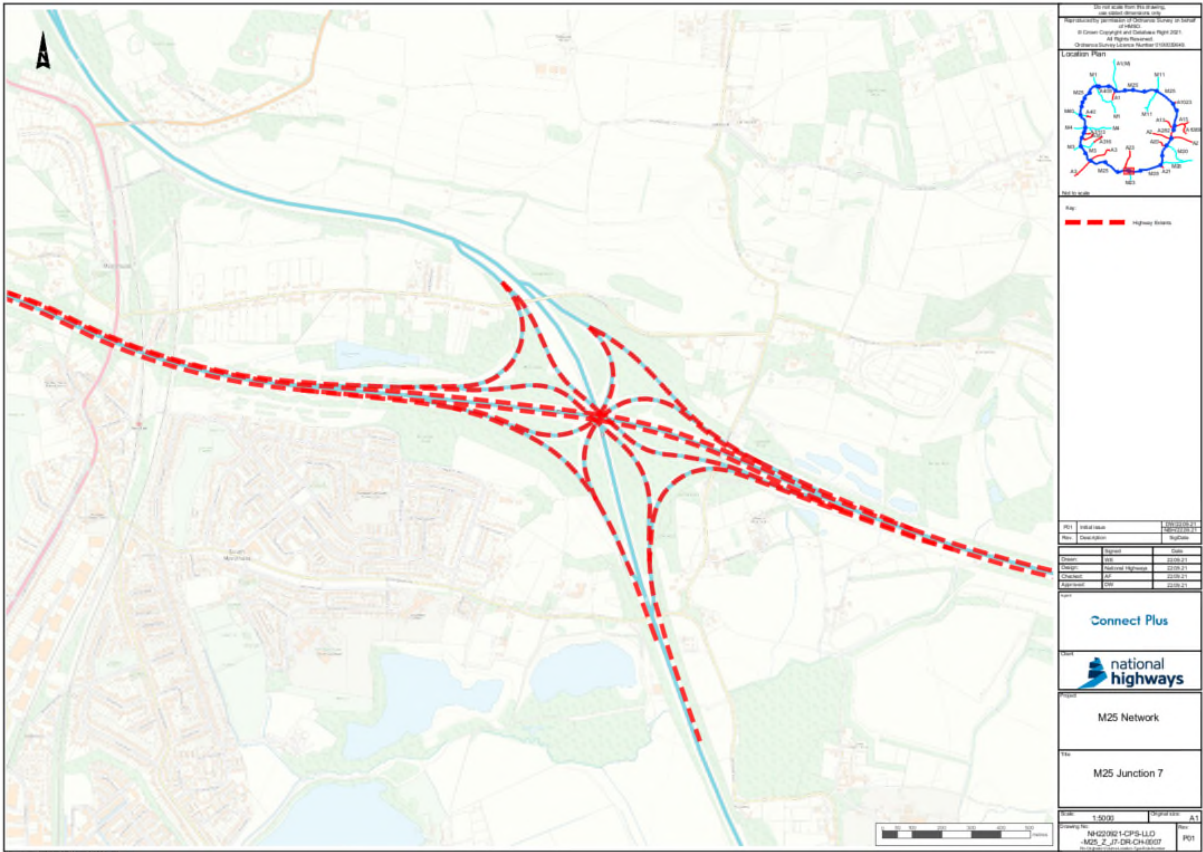
**BY THE COURT**

# APPENDIX 1

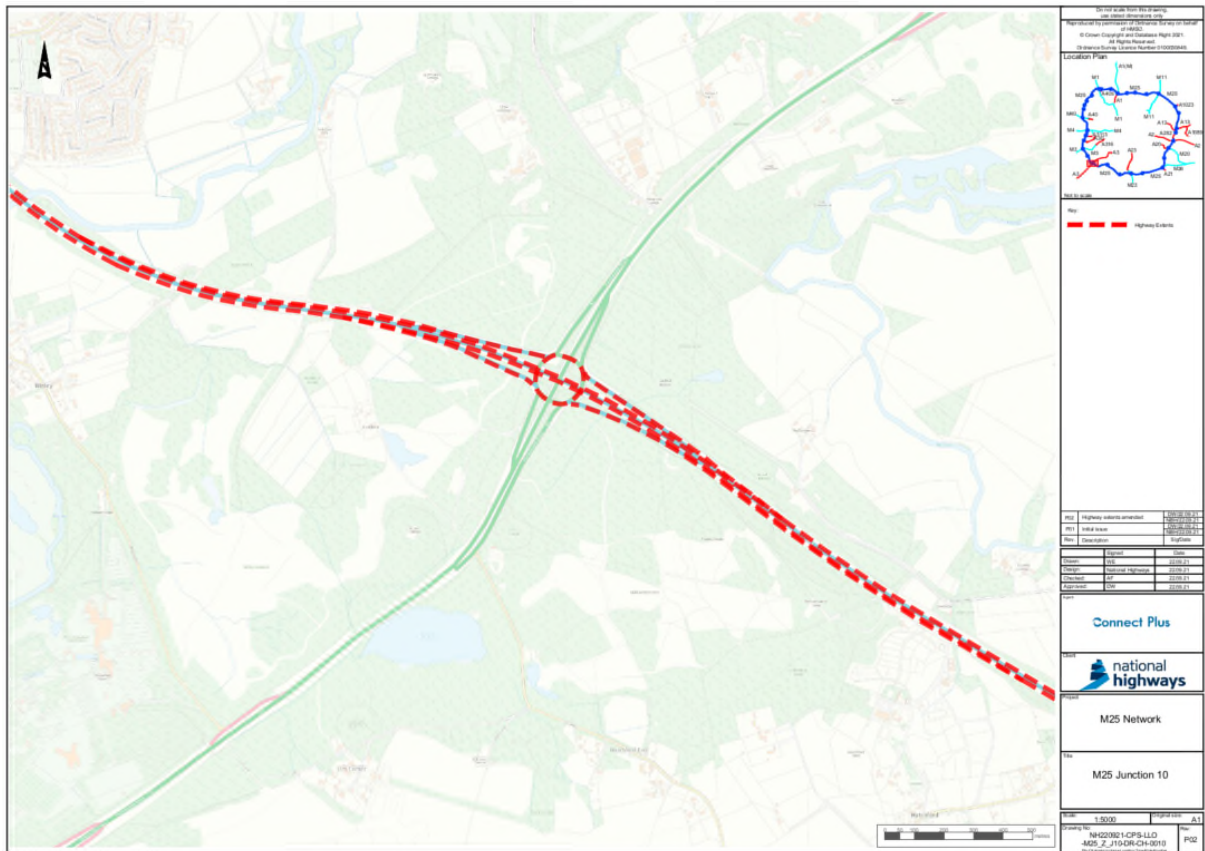
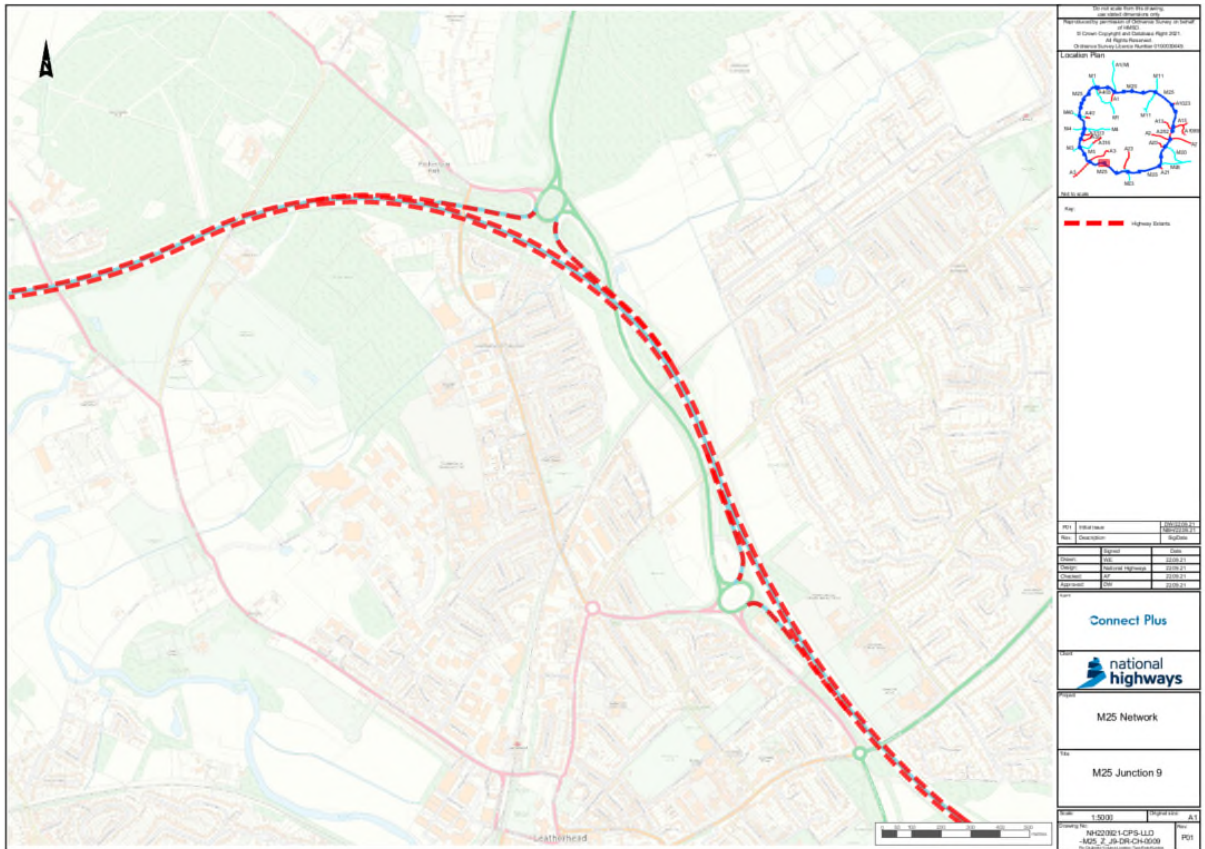


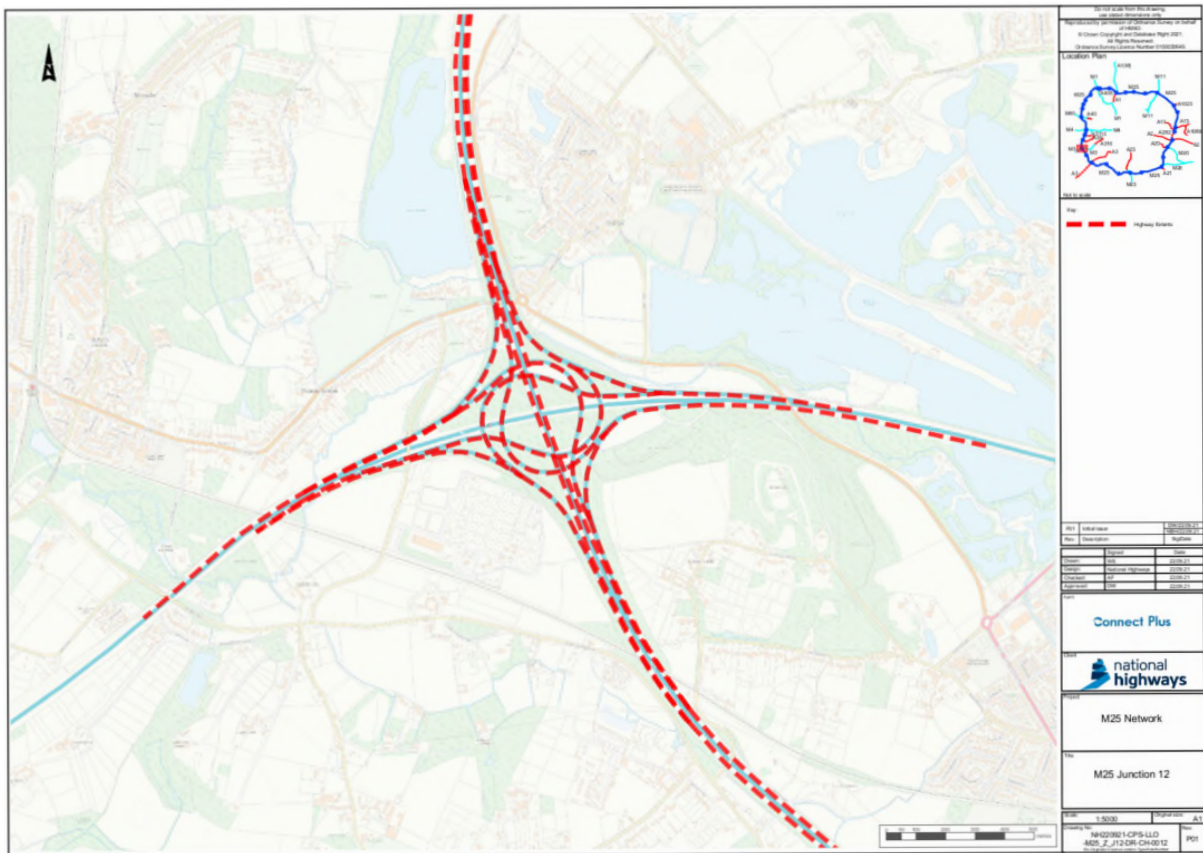
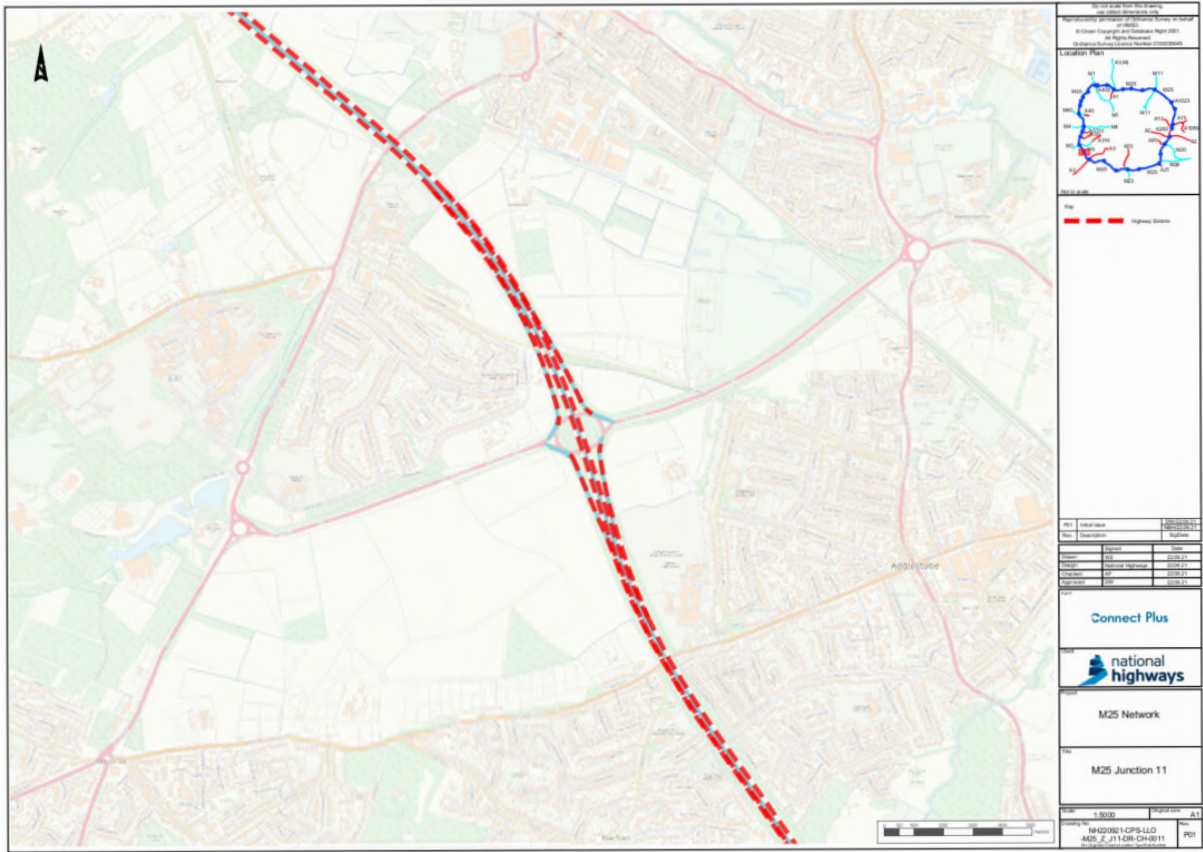


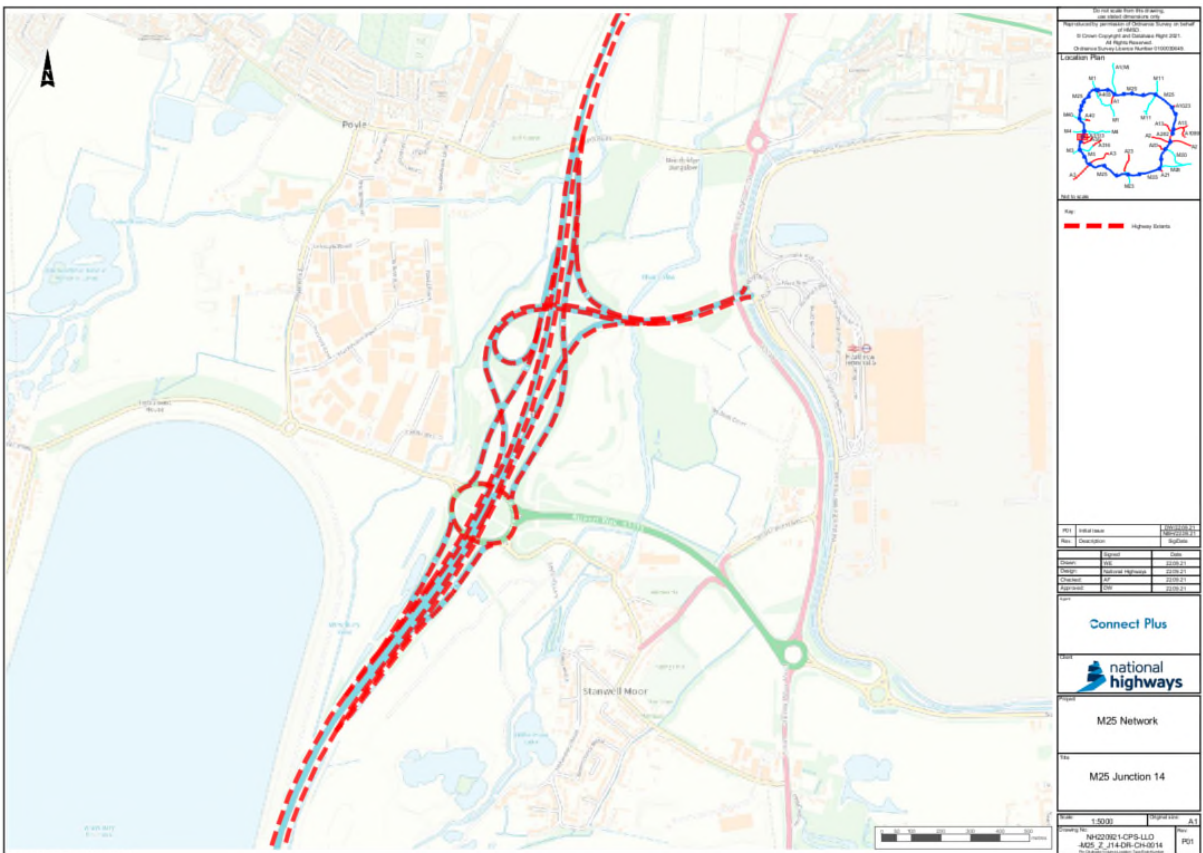


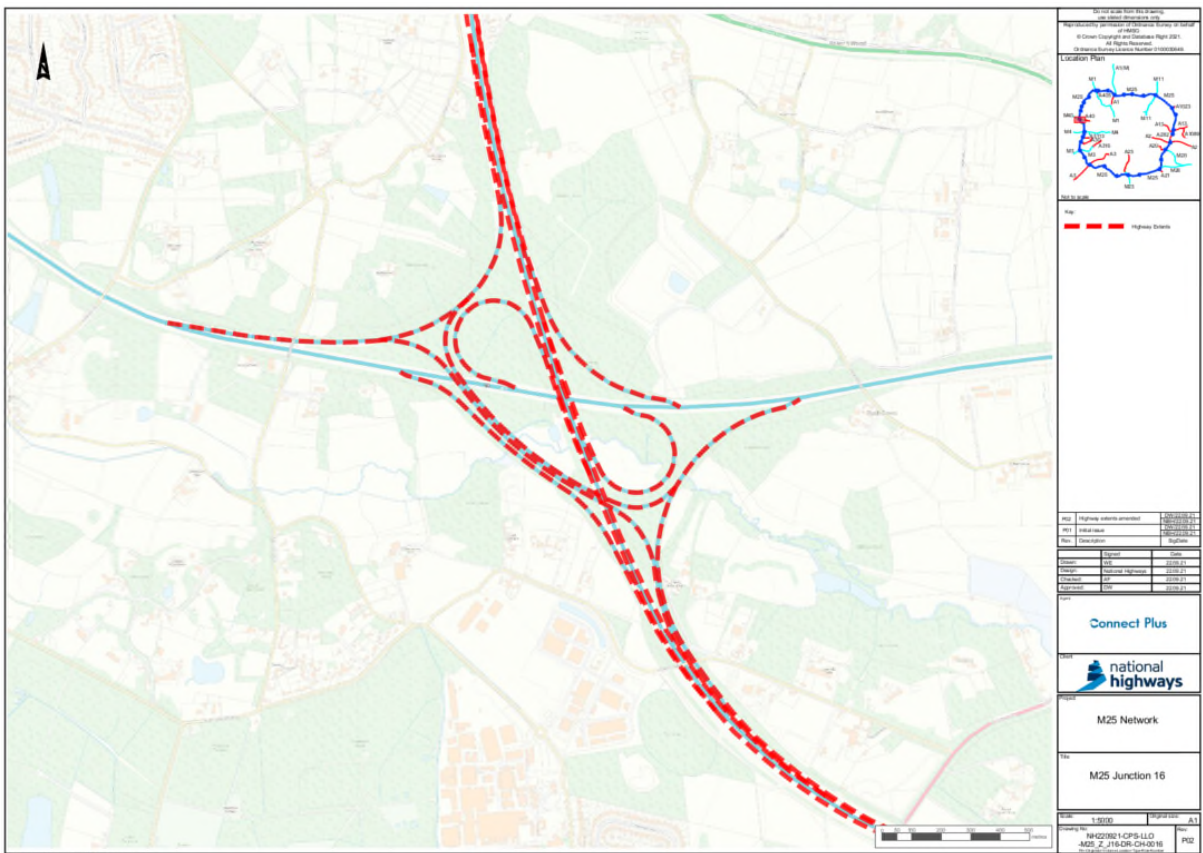
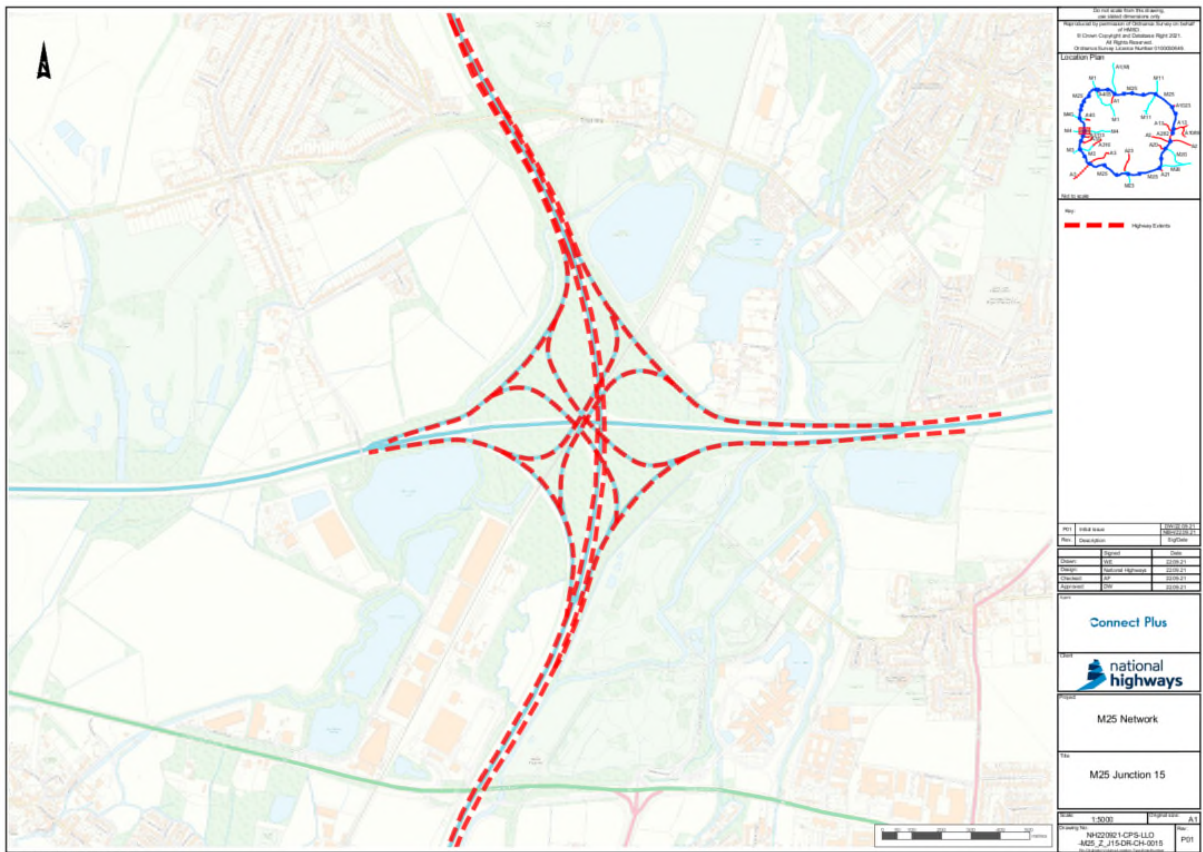


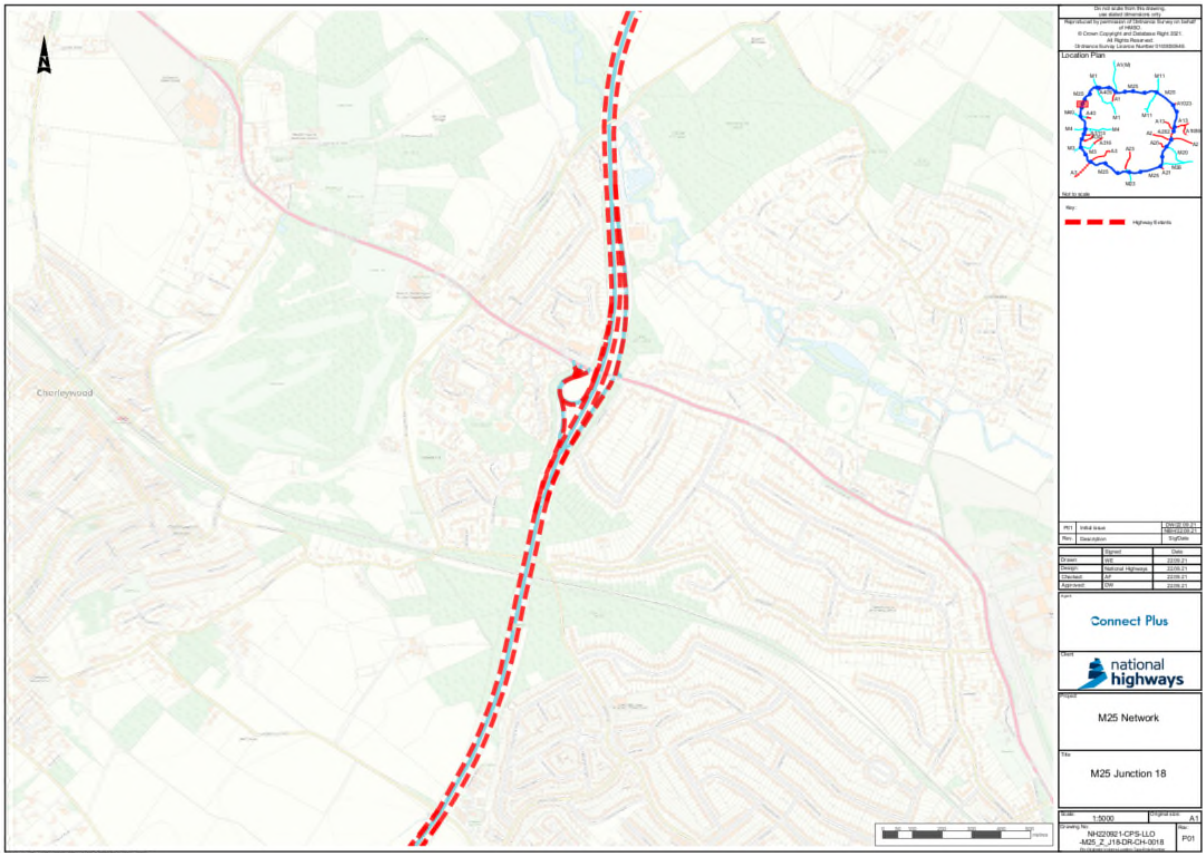
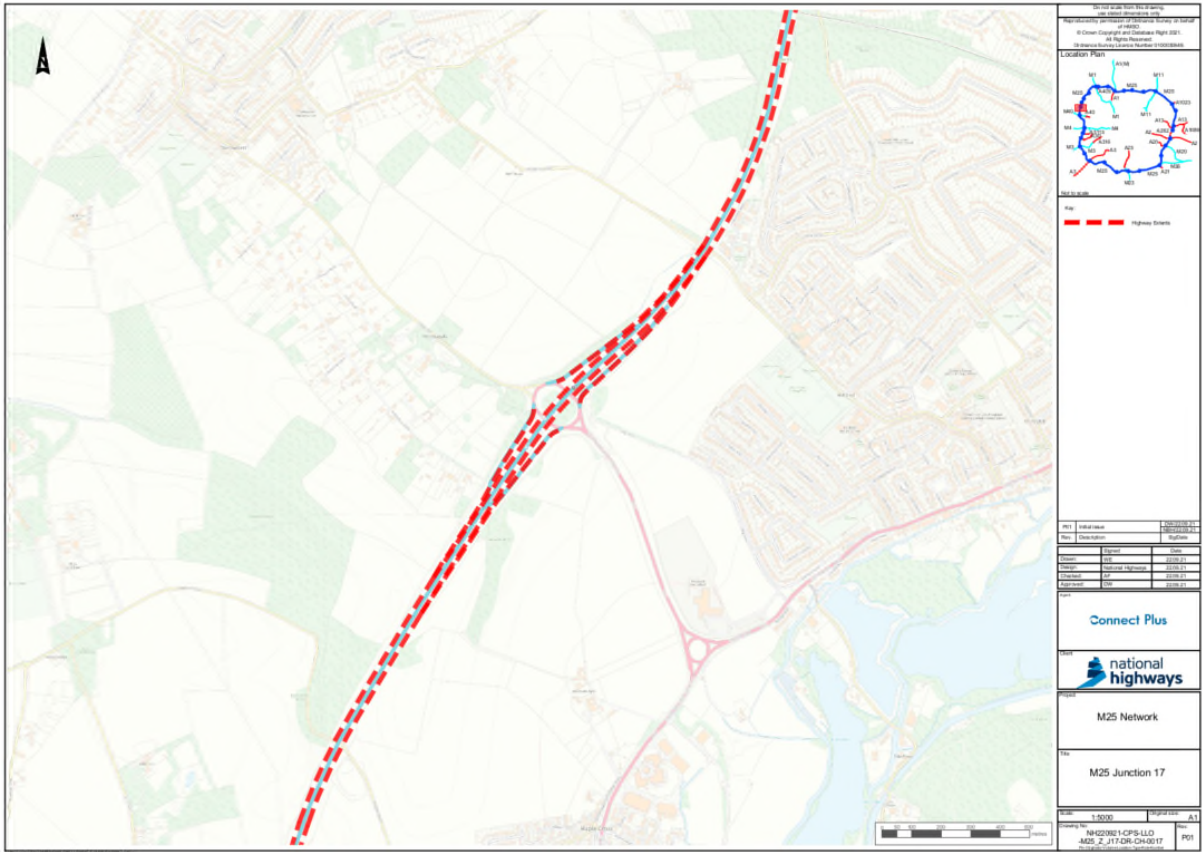




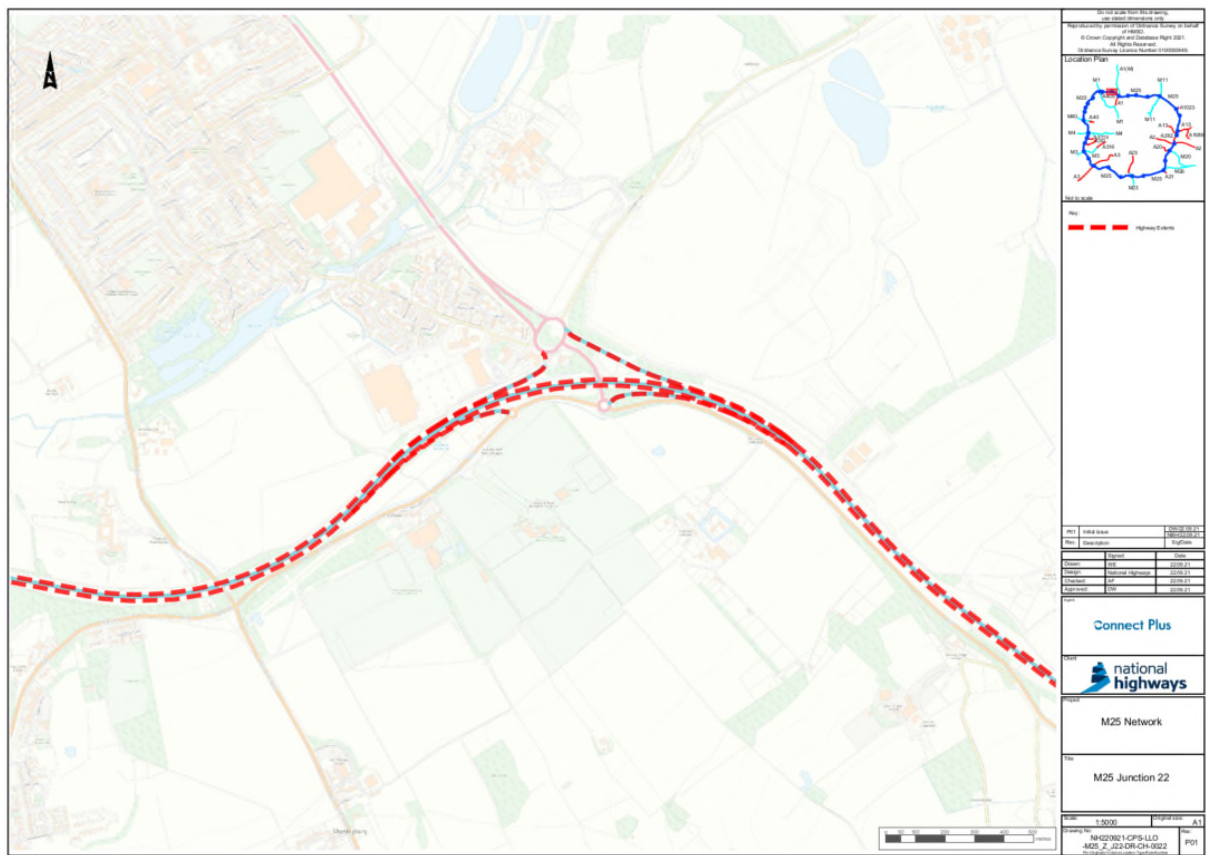
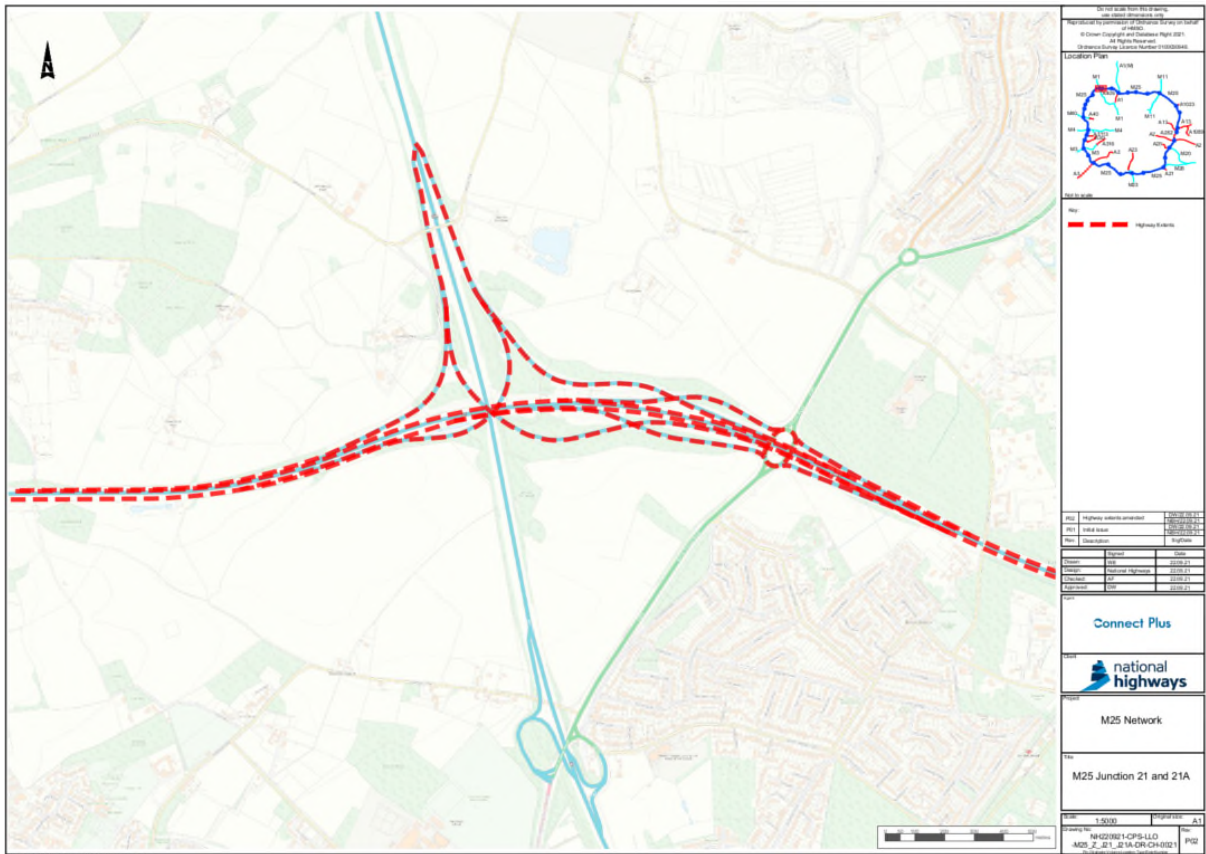


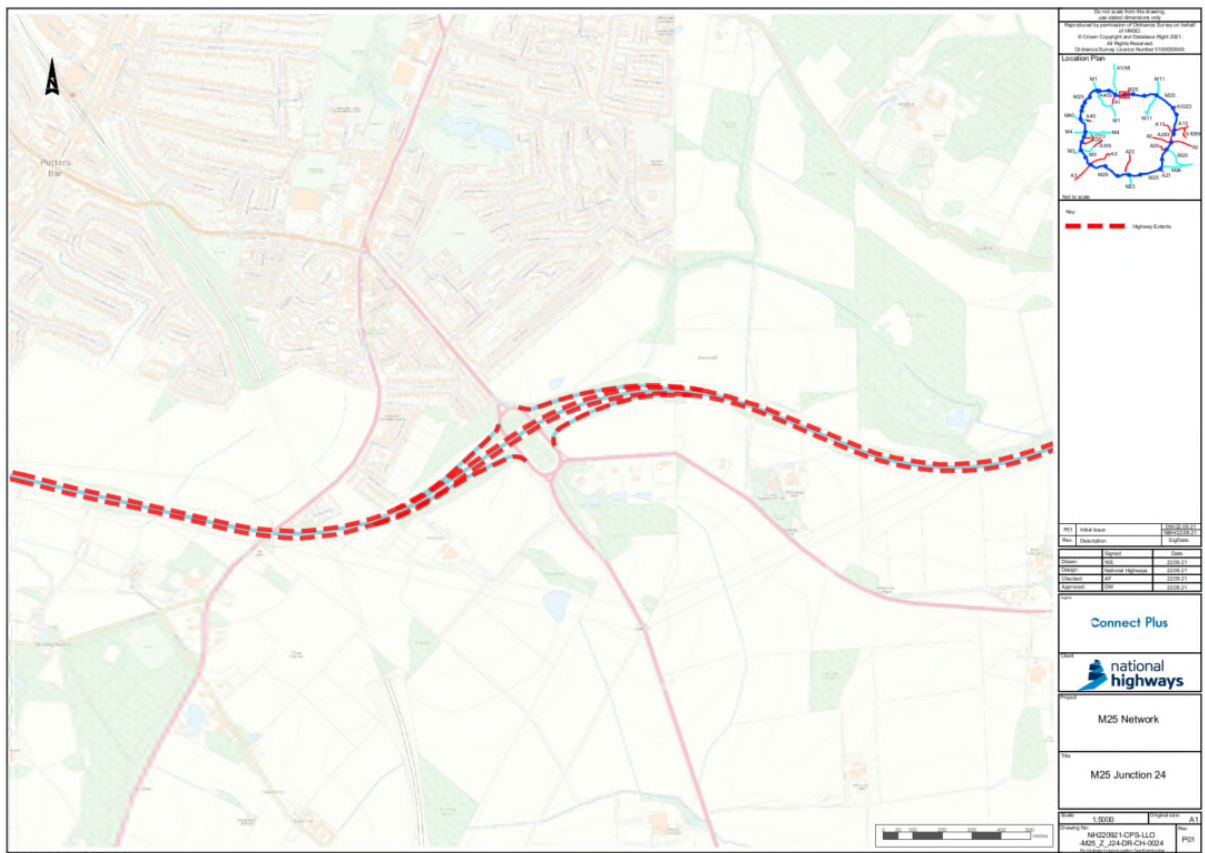
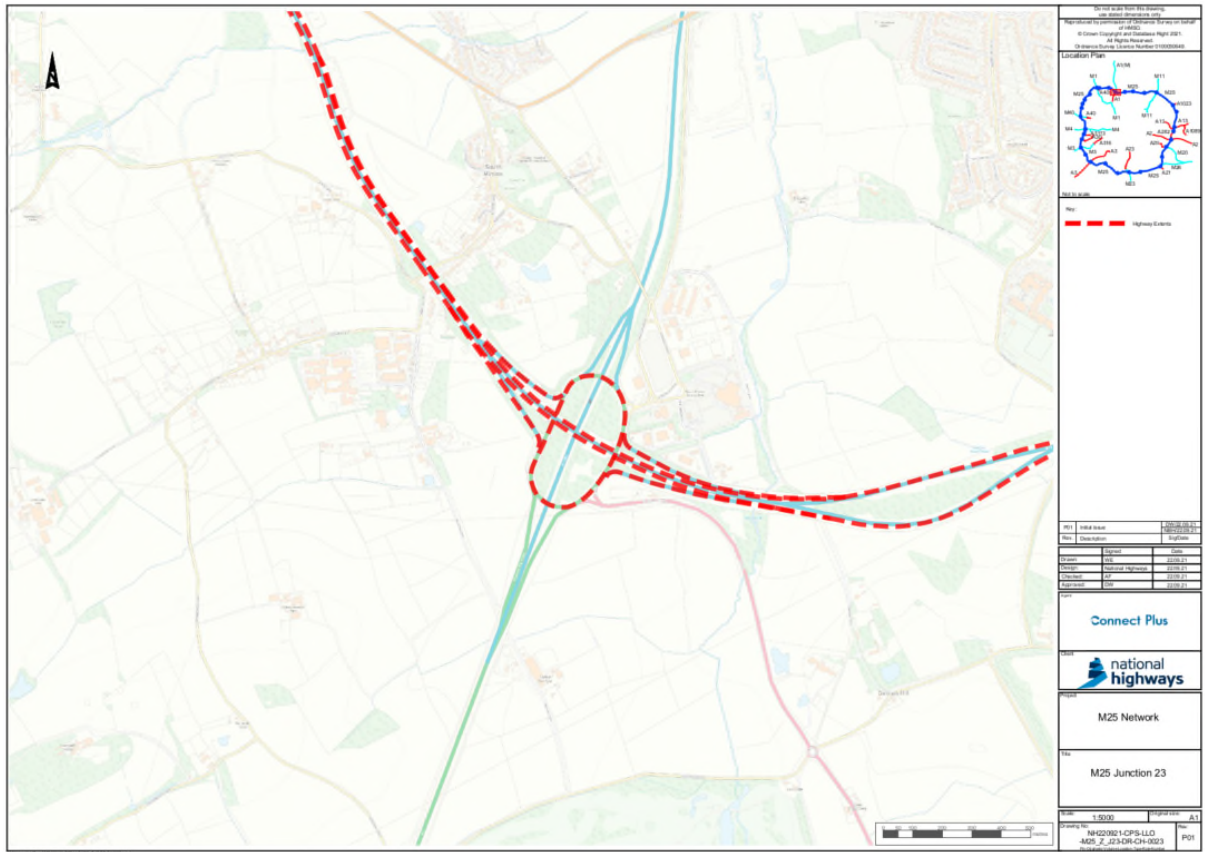




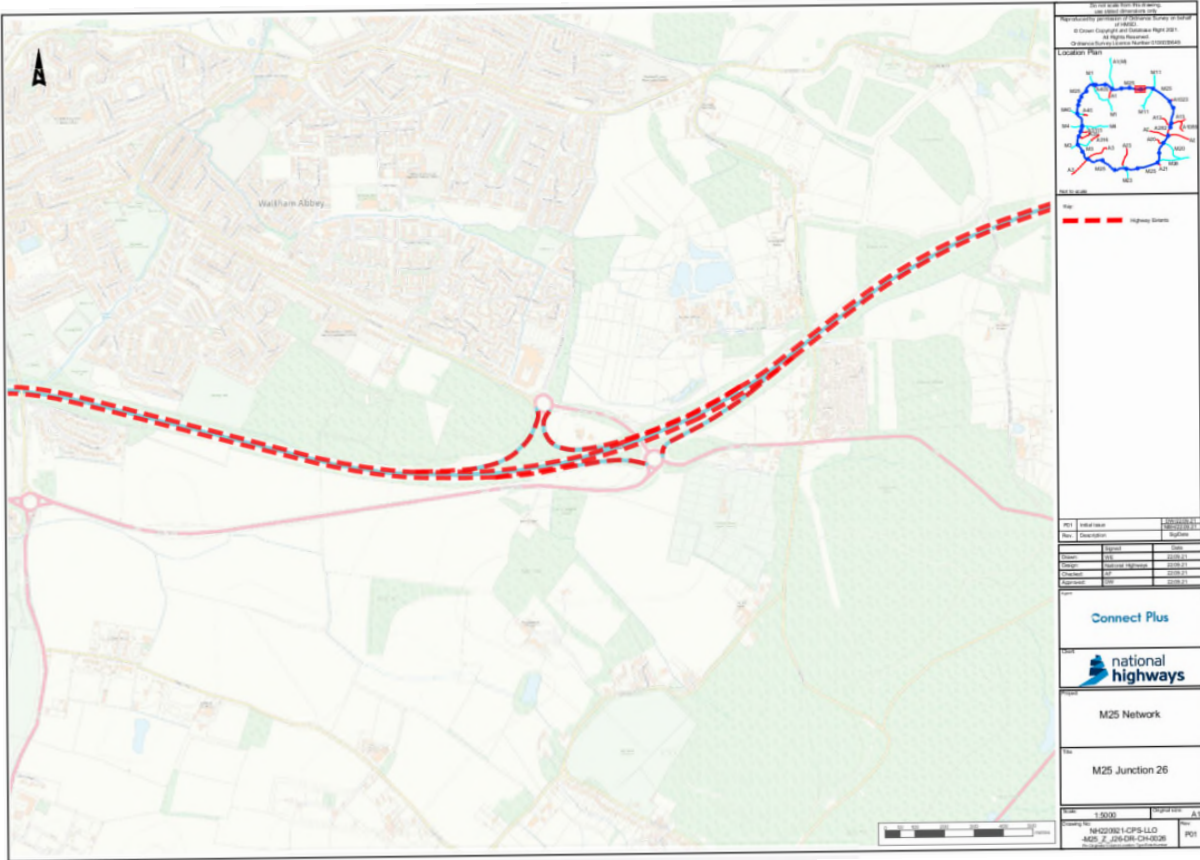
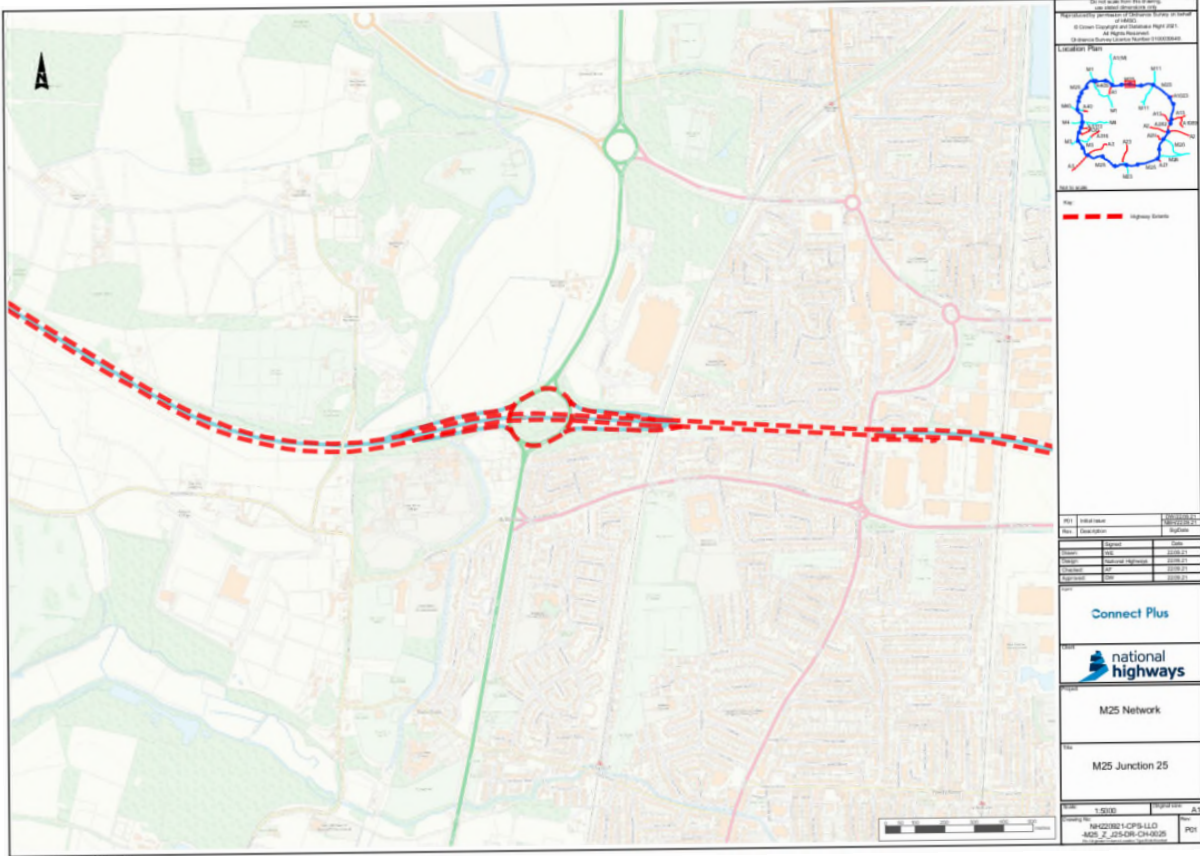


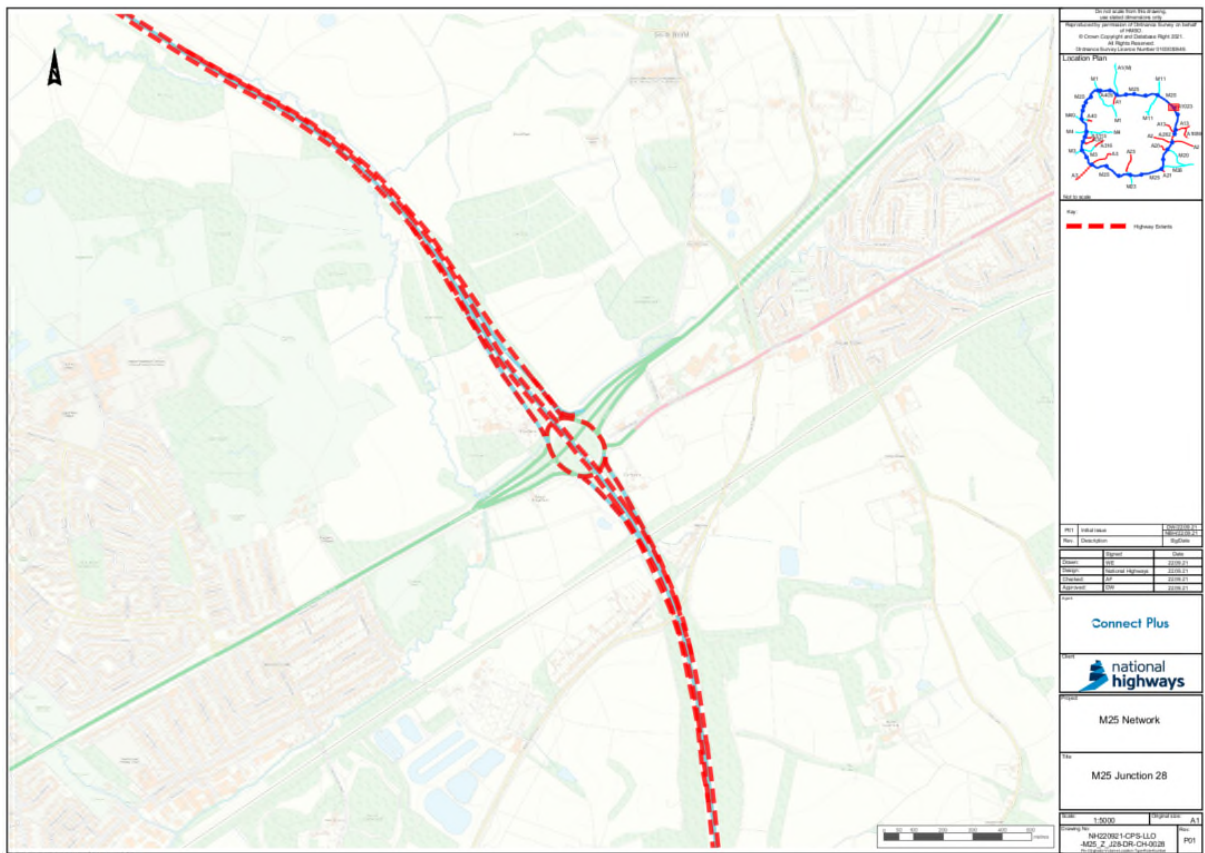
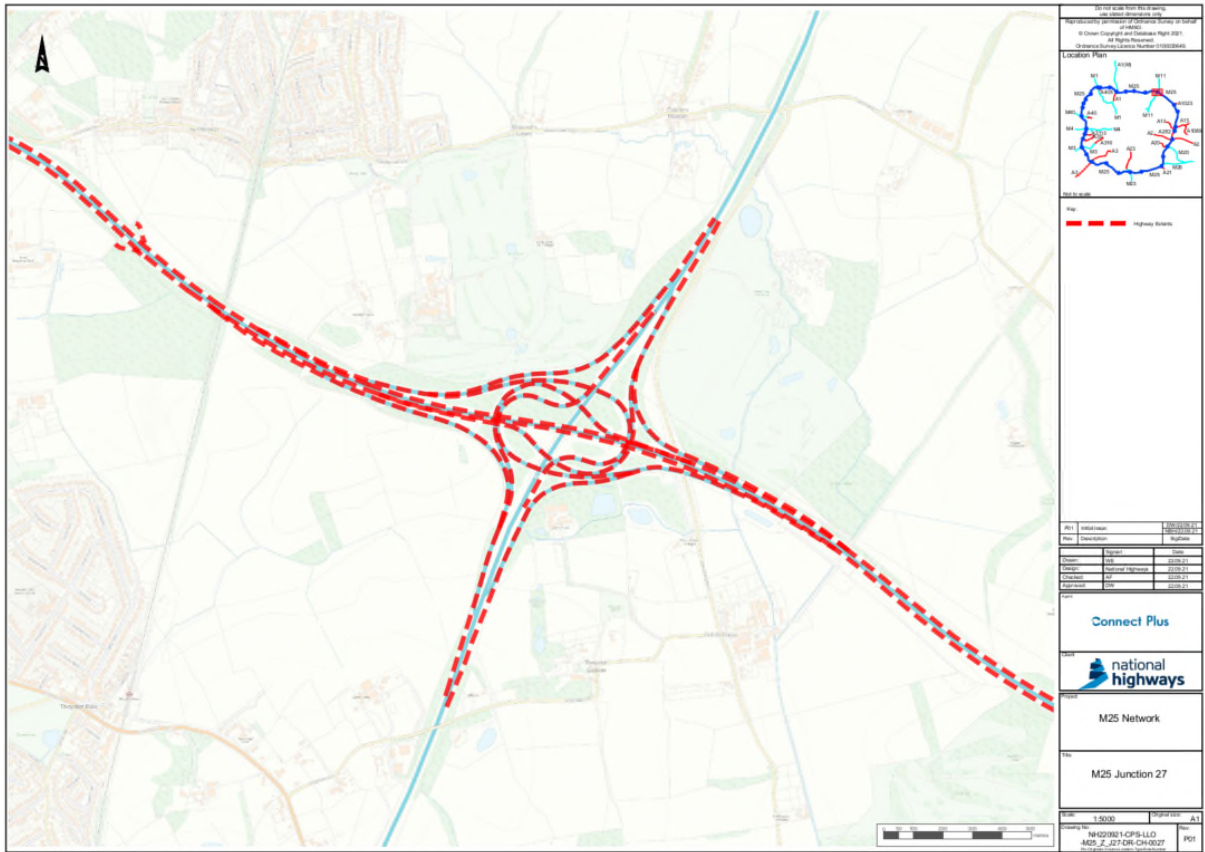


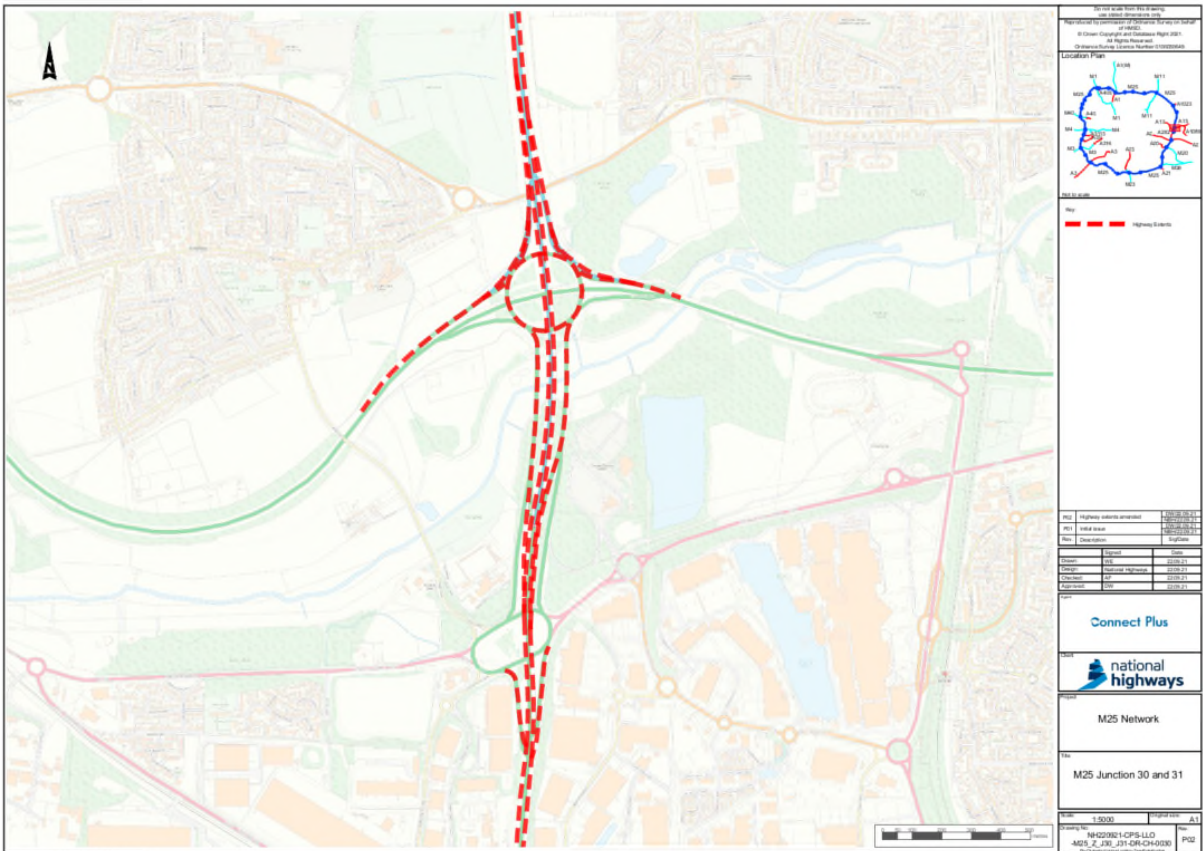
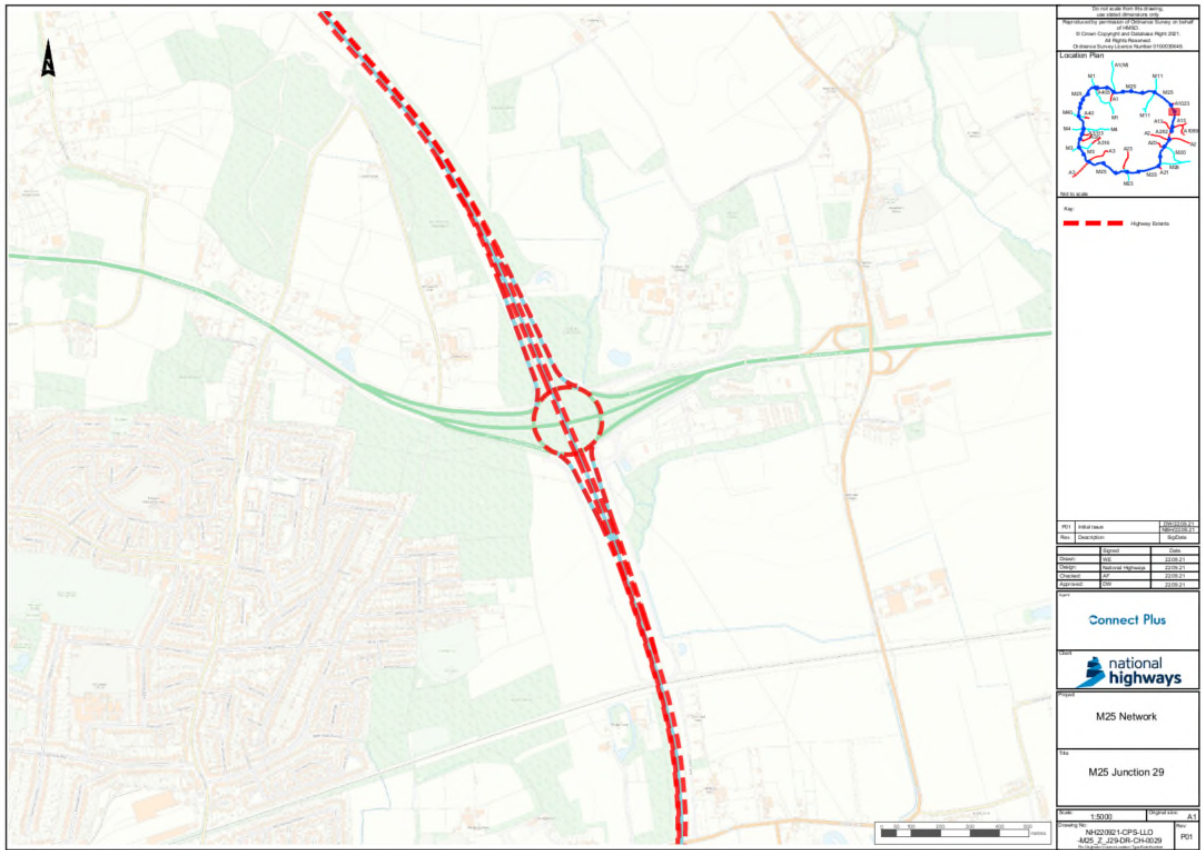






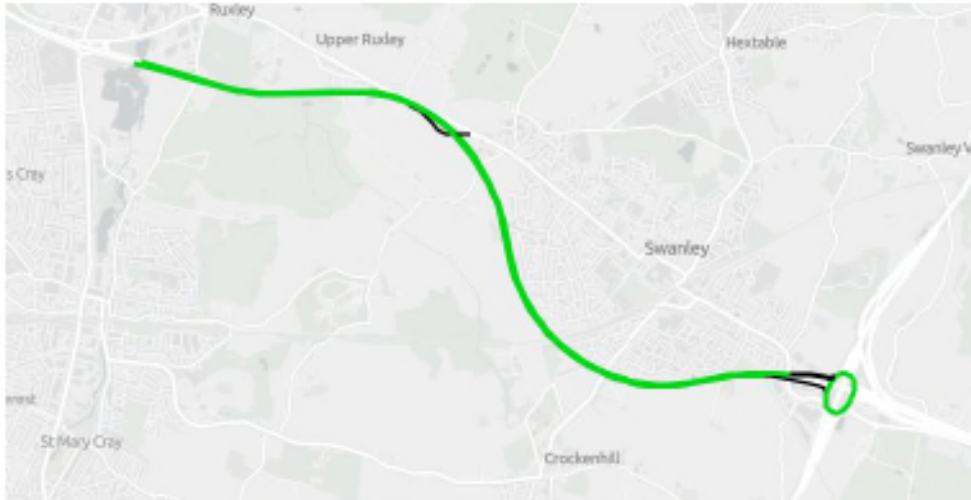




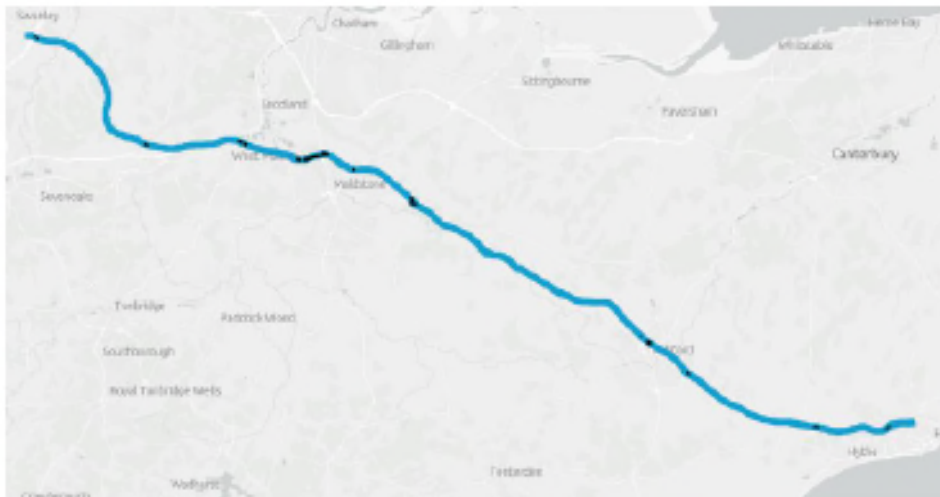


## APPENDIX 2

### A20 London - M25



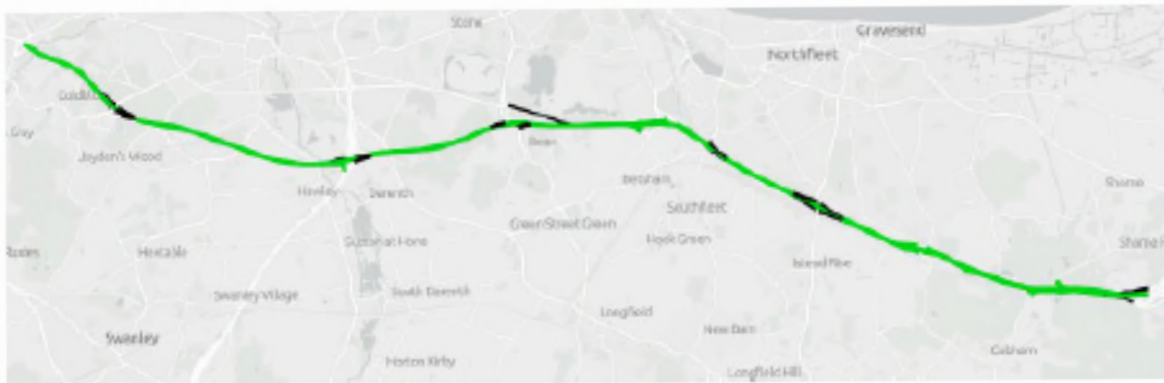
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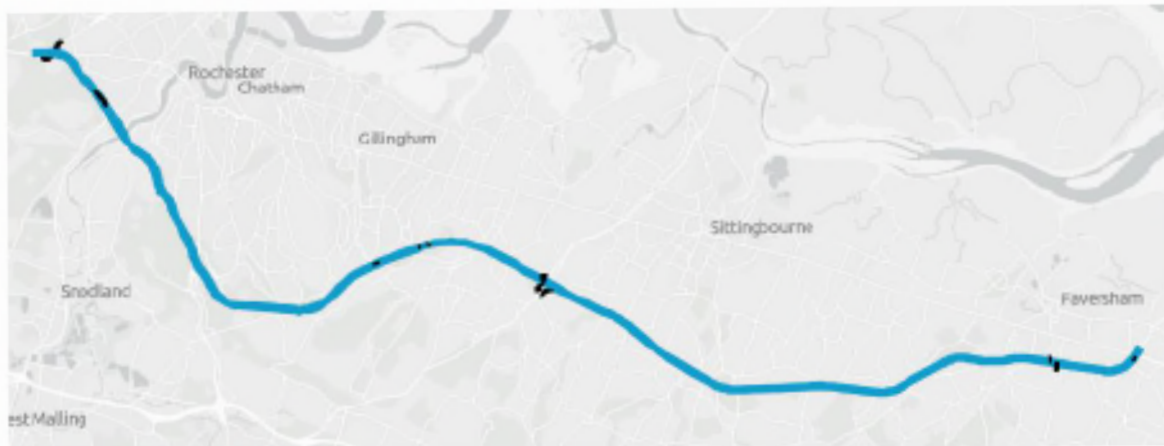
### A20 Coast Section



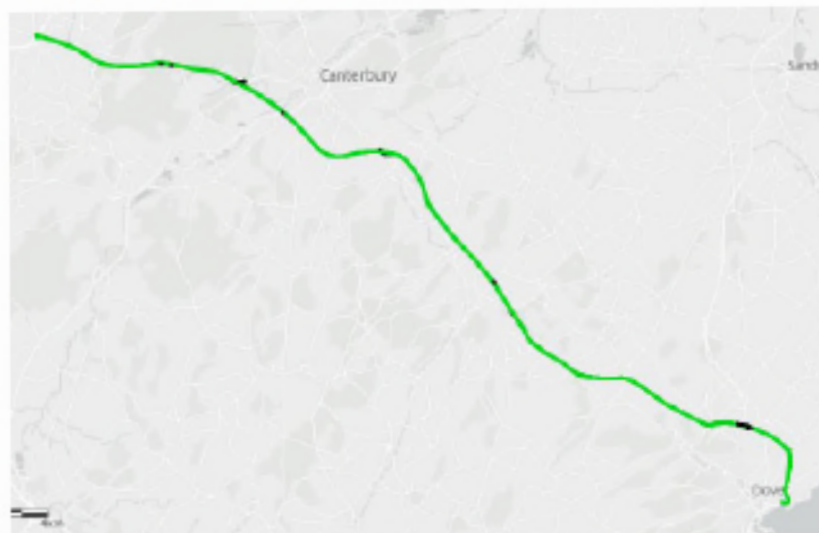
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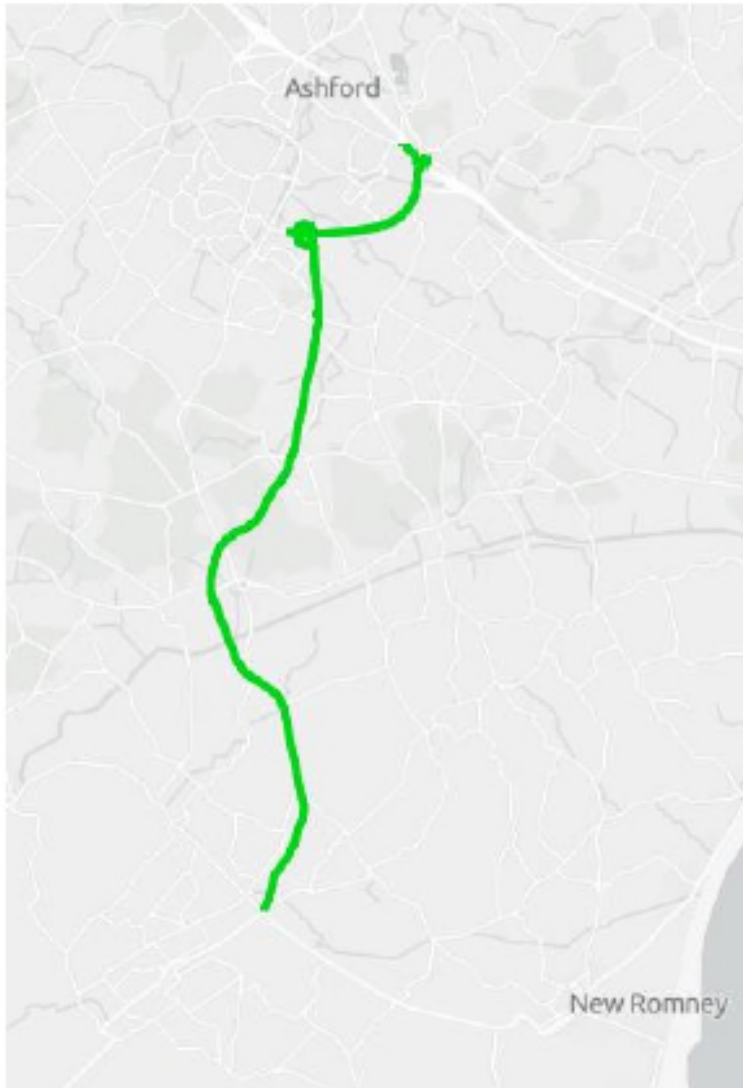
## M2



## A2 M2 - Dover Section



A2070

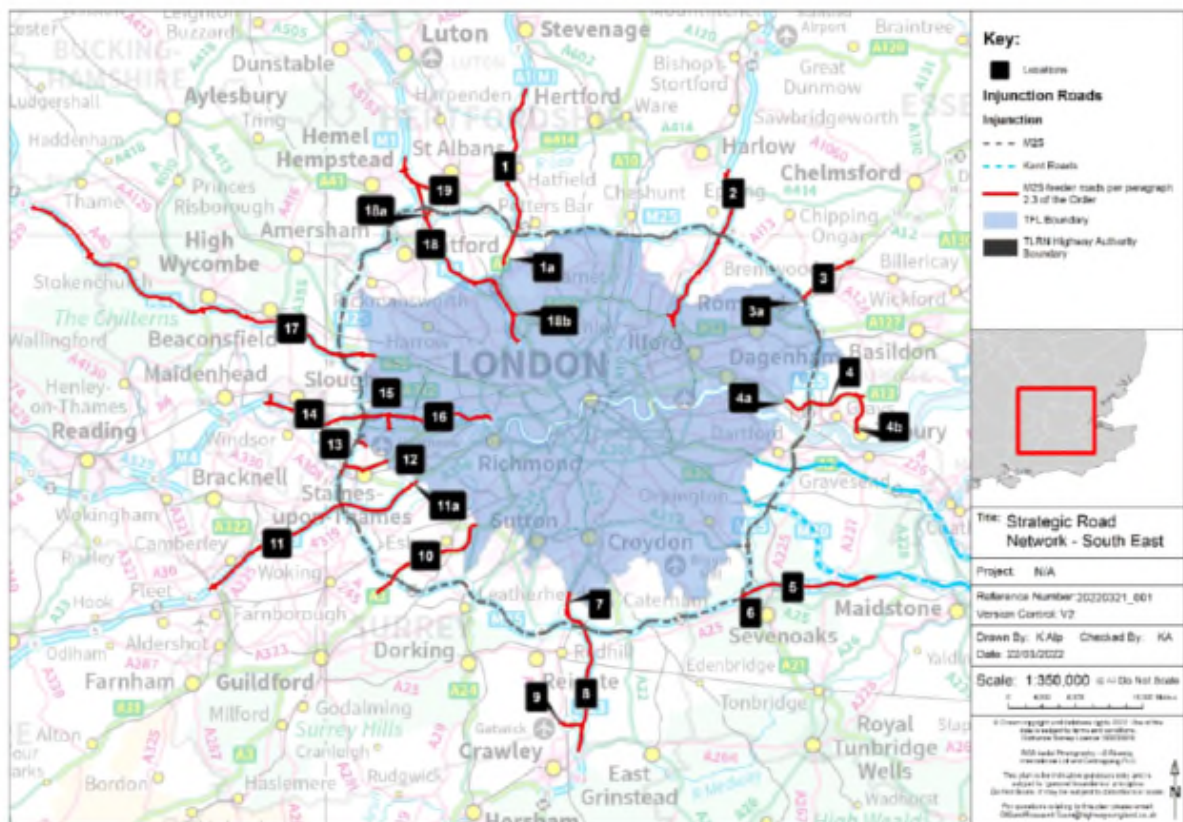


Kent & Surrounding areas SRN



## APPENDIX 3

### Strategic Road Network – South East



1. A1(M) from Junction 1 to Junction 6
- 1a. A1 from A1(M) to Rowley Lane
2. M11 from Junction 4 to Junction 7
3. A12 from M25 Junction 28 to A12 Junction 12
- 3a. A1023 (Brook Street) from M25 Junction 28 roundabout to Brook Street Shell Petrol Station access
4. A13 from M25 Junction 30 to junction with A1089
- 4a. A13 from junction with A1306 for Wennington to M25 Junction 30
- 4b. A1089 from junction with A13 to Port of Tilbury entrance

5. M26 (the whole motorway) from M25 to M20
6. A21 from the M25 to B2042
7. A23 from M23 to Star Shaw
8. M23 from Junction 7 to Junction 10 (including M23 Gatwick Spur)
9. A23 between North and South Terminal Roundabouts
10. A3 from A309 to B2039 Ripley Junction
11. M3 from Junction 1 to Junction 4
- 11a. A316 from M3 Junction 1 to Felthamhill Brook
12. A30 from M25 Junction 13 to Harrow Road, Stanwell, Feltham
13. A3113 from M25 Junction 14 to A3044
14. M4 from Junction 4B to Junction 7
15. M4 Spur (whole spur) from M4 Junction 4 to M4 Junction 4a
16. M4 from Junction 1 to Junction 4B
17. M40 from M40 Junction 7 to A40 (Fray's River Bridge)
18. M1 from Junction 1 to Junction 8
- 18a. A405 from M25 Junction 21A to M1 Junction 6
- 18b. A1 from Fiveways Corner roundabout to Hilltop Gardens
19. A414 from M1 Junction 8 to A405



APPENDIX 4

[On the package containing the Court 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 CALL - Antony Nwanodi, Government Legal Department, Tel: 020 7210 3424”**

[To affix to front door when the package has been posted through the letterbox or placed in a mailbox]

**“VERY URGENT: A PACKAGE HAS BEEN LEFT THAT CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL - Antony Nwanodi, Government Legal Department, Tel: 020 7210 3424”**

**SCHEDULE 1 – NAMED DEFENDANTS**

	<b>Name</b>	<b>Address</b>
1.	PERSONS UNKNOWN CAUSING THE BLOCKING OF, OR ENDANGERING, OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING	
2.	Alexander RODGER	[REDACTED]
3.	Alyson LEE	[REDACTED]
4.	Amy PRITCHARD	[REDACTED]
5.	Ana HEYATAWIN	[REDACTED]
6.	Andrew Taylor WORSLEY	[REDACTED]
7.	Anne TAYLOR	[REDACTED]
8.	Anthony WHITEHOUSE	[REDACTED]
9.	Barry MITCHELL	[REDACTED]
10.	Ben TAYLOR	[REDACTED]
11.	Benjamin BUSE	[REDACTED]
12.	Biff William Courtenay WHIPSTER	[REDACTED]
13.	Cameron FORD	[REDACTED]
14.	Catherine RENNIE-NASH	[REDACTED]
15.	Catherine EASTBURN	[REDACTED]
16.	Christian MURRAY-LESLIE	[REDACTED]

17.	Christian ROWE	[REDACTED]
18.	Cordelia ROWLATT	[REDACTED]
19.	Daniel Lee Charles SARGISON	[REDACTED]
20.	Daniel SHAW	[REDACTED]
21.	David CRAWFORD	[REDACTED]
22.	David JONES	[REDACTED]
23.	David NIXON	[REDACTED]
24.	David SQUIRE	[REDACTED]
25.	Diana Elizabeth BLIGH	[REDACTED]
26.	Diana HEKT	[REDACTED]
27.	Diana Lewen WARNER	[REDACTED]
28.	Donald BELL	[REDACTED]
29.	Edward Leonard HERBERT	[REDACTED]
30.	Elizabeth ROSSER	[REDACTED]
31.	Emma Joanne SMART	[REDACTED]
32.	Gabriella DITTON	[REDACTED]
33.	Gregory FREY	[REDACTED]
34.	Gwen HARRISON	[REDACTED]

35.	Harry BARLOW	[REDACTED]
36.	Ian BATES	[REDACTED]
37.	Ian Duncan WEBB	[REDACTED]
38.	James BRADBURY	[REDACTED]
39.	James Malcolm Scott SARGISON	[REDACTED]
40.	James THOMAS	[REDACTED]
41.	Janet BROWN	[REDACTED]
42.	Janine EAGLING	[REDACTED]
43.	Jerrard Mark LATIMER	[REDACTED] [REDACTED]
44.	Jessica CAUSBY	[REDACTED]
45.	Jonathan Mark COLEMAN	[REDACTED]
46.	Joseph SHEPHERD	[REDACTED]
47.	Joshua SMITH	[REDACTED]
48.	Judith BRUCE	[REDACTED]
49.	Julia MERCER	[REDACTED]
50.	Julia SCHOFIELD	[REDACTED]
51.	Karen MATTHEWS	[REDACTED]
52.	Karen WILDIN	[REDACTED]

		[REDACTED]
53.	Liam NORTON	[REDACTED]
54.	Louis MCKECHNIE	[REDACTED]
55.	Louise Charlotte LANCASTER	[REDACTED]
56.	Lucy CRAWFORD	[REDACTED]
57.	Mair BAIN	[REDACTED]
58.	Margaret MALOWSKA	[REDACTED]
59.	Marguerite DOWBLEDAY	[REDACTED]
60.	Maria LEE	[REDACTED]
61.	Martin John NEWELL	[REDACTED]
62.	Mary ADAMS	[REDACTED]
63.	Matthew LUNNON	[REDACTED]
64.	Matthew TULLEY	[REDACTED]
65.	Meredith WILLIAMS	[REDACTED]
66.	Michael BROWN	[REDACTED]
67.	Michael Anthony WILEY	[REDACTED]

68.	Michelle CHARLSWORTH	[REDACTED]
69.	Natalie Clare MORLEY	[REDACTED]
70.	Nathaniel SQUIRE	[REDACTED]
71.	Nicholas COOPER	[REDACTED]
72.	Nicholas ONLEY	[REDACTED]
73.	Nicholas TILL	[REDACTED]
74.	Oliver ROCK	[REDACTED]
75.	Paul COOPER	[REDACTED]
76.	Paul SHEEKY	[REDACTED]
77.	Peter BLENCOWE	[REDACTED]
78.	Peter MORGAN	[REDACTED]
79.	Phillipa CLARKE	[REDACTED]
80.	Priyadaka CONWAY	[REDACTED]
81.	Richard RAMSDEN	[REDACTED]
82.	Rob STUART	[REDACTED]
83.	Robin Andrew COLLETT	[REDACTED]
84.	Roman Andrzej PALUCH-MACHNIK	[REDACTED]
85.	Rosemary WEBSTER	[REDACTED]

86.	Rowan TILLY	[REDACTED]
87.	Ruth Ann COOK	[REDACTED]
88.	Ruth JARMAN	[REDACTED]
89.	Sarah HIRONS	[REDACTED]
90.	Simon REDING	[REDACTED]
91.	Stefania MOROSI	[REDACTED]
92.	Stephanie AYLETT	[REDACTED]
93.	Stephen Charles GOWER	[REDACTED]
94.	Stephen PRITCHARD	[REDACTED]
95.	Susan CHAMBERS	[REDACTED]
96.	Sue PARFITT	[REDACTED]
97.	Sue SPENCER- LONGHURST	[REDACTED]
98.	Susan HAGLEY	[REDACTED]
99.	Suzie WEBB	[REDACTED]
100.	Tessa-Marie BURNS	[REDACTED]
101.	Theresa NORTON	[REDACTED]
102.	Tim SPEERS	[REDACTED]
103.	Tim William HEWES	[REDACTED]

104.	Tracey MALLAGHAN	[REDACTED]
105.	Valerie SAUNDERS	[REDACTED]
106.	Venitia CARTER	[REDACTED]
107.	Victoria Anne LINDSELL	[REDACTED]
108.	Xavier GONZALEZ TRIMMER	[REDACTED]
109.	Bethany MOGIE	[REDACTED]
110.	Indigo RUMBELOW	[REDACTED]
111.	Adrian TEMPLE- BROWN	[REDACTED]
112.	Ben NEWMAN	[REDACTED]
113.	Christopher PARISH	[REDACTED]
114.	Elizabeth SMAIL	[REDACTED]
115.	Julian MAYNARD SMITH	[REDACTED]
116.	Rebecca LOCKYER	[REDACTED]
117.	Simon MILNER- EDWARDS	[REDACTED]
118.	Stephen BRETT	[REDACTED]
119.	Virginia MORRIS	[REDACTED]
120.	Andria EFTHIMIOUS- MORDAUNT	[REDACTED]



121.	Christopher FORD	[REDACTED]
122.	Darcy MITCHELL	[REDACTED]
123.	David MANN	[REDACTED]
124.	Ellie LITTEN	[REDACTED]
125.	Julie MACOLI	[REDACTED]
126.	Kai BARTLETT	[REDACTED]
127.	Sophie FRANKLIN	[REDACTED]
128.	Tony HILL	[REDACTED]
129.	Nicholas BENTLEY	[REDACTED]
130.	Nicola STICKELLS	[REDACTED]
131.	Mary LIGHT	[REDACTED]
132.	David McKENNY	[REDACTED]
133.	Giovanna LEWIS	[REDACTED]
134.	Margaret REID	[REDACTED]

**SCHEDULE 2**

**Claim Nos. QB-2021-003576, 003626 and 003737**

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION**

**Before the Honourable Mr Justice Chamberlain  
On 17 March 2022**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

**-and-**

- (1) PERSONS UNKNOWN CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ONTO OR ALONG THE M25 MOTORWAY FOR THE PURPOSES OF PROTESTING**
- (2) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A2, A20 AND 2070 TRUNK ROADS AND M2 AND M20 MOTORWAY FOR THE PURPOSE OF PROTESTING**
- (3) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING**
- (4) MR ALEXANDER RODGER AND 142 OTHERS**



Defendants

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**ORDER**

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**PENAL NOTICE**

**IF YOU THE WITHIN NAMED DEFENDANTS OR PERSONS UNKNOWN OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

## **IMPORTANT NOTICE TO THE DEFENDANTS**

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

**FURTHER TO** the Orders made in these proceedings by Lavender J on 22 September 2021 (the “**M25 Order**”), Cavanagh J on 24 September 2021 (the “**Kent Roads Order**”) and Holgate J on 4 October 2021 (the “**Feeder Roads Order**”)

**AND UPON** the Claimant’s application by Application Notice dated 4 March 2022, pursuant to the liberty to apply provisions at paragraph 7 of the M25 and Kent Roads Orders and paragraph 10 of the Feeder Roads Order to extend the duration of the injunctions contained at paragraph 2 of the M25 and Kent Roads Orders and paragraph 4 of the Feeder Roads Order (the “**Extension Application**”)

**AND UPON READING** the Witness Statement of Robert Shaw dated 4 March 2022, and the Claimant’s skeleton argument.

**AND UPON** hearing David Elvin QC, Counsel for the Claimant

**AND UPON** the Court accepting the Claimant’s undertaking that it will provide to the Defendants copies of further evidence or other documents filed in these proceedings upon request, following the Defendants or their representatives providing contact details to the Claimant’s solicitors

**AND UPON** the Court accepting the Claimant’s renewed undertaking that the Claimant 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 Court accepting the Claimant’s renewed undertaking to identify and name Defendants and apply to add them as named Defendants to this Order as soon as reasonably practicable

**AND UPON** the Claimant confirming that this Order is not intended to prohibit lawful protest which does not endanger, slow, obstruct, prevent or otherwise interfere with the flow of traffic onto off or along the M25, Kent Roads or Feeder Roads nor to prevent lawful use of the Roads by any person

**AND UPON** the Claimant confirming that it will file summary judgment applications in respect of Claim Nos. QB-2021-003576, 003626 and 003737 as soon as reasonably practicable

**AND UPON** the Chief Constables for those forces listed in Schedule 2 to this order having consented to an order being made in the terms set out below

**IT IS ORDERED THAT:**

**Continuation of the M25 Order**

1. For the purposes of this Order, the

1.1 M25 means the London Orbital Motorway including but not limited to the verges, central reservation, on- and off-slip roads, overbridges and underbridges including the Dartford Crossing and Queen Elizabeth II Bridge, and any apparatus related to that motorway.

1.2 the Kent Roads mean the A2, A20, A2070, M2 and M20 as identified in the plans annexed at Annex A to this Order, including but not limited to the verges, central reservation, on- and off-slip roads, overbridges and underbridges and any apparatus related to that motorway;

1.3 the Feeder Roads mean the A1(M) (Junction 1 to Junction 6), M11 (Junction 4 to Junction 7), A12 (M25 Junction 28 to A12 Junction 12), A13 (M25 Junction 30 to A1089), M26 (whole motorway from M25 to M20), A21 (M25 to B2042), A23 (M23 to Star Shaw), M23 (Junction 7 to Junction 10 (including M23 Gatwick Spur)), A23 (between North and South Terminal Roundabouts), A3 (A309 to B2039 Ripley Junction), M3 (Junction 1 to Junction 4), A30 (M25 Junction 13 to Harrow Road, Stanwell, Feltham), A3113 (M25 Junction 14 to A3044), M4 (Junction 1 to Junction 7), M4 Spur (whole of spur from M4 Junction 4 to M4 Junction 4a), M40 (Junction 7 to A40 at Fray's River Bridge), M1 (Junction 1 to Junction 8) and A414 (M1 Junction 8 to A405) as identified by the descriptions and plan annexed at Annex B to this Order, including but not limited to the verges, central reservation, on- and off-slip roads, overbridges and underbridges, including any roundabouts for access to and from the Feeder Roads, and any apparatus related to those roads.

(together the “**Roads**”).

### **Continuation of the M25 Order**

2. The long-stop date of 21 March 2022 be deleted, and the injunction at paragraph 2 of the M25 Order as set out in full at paragraph 3 below shall continue until 9 May 2022 or further order.

### **Injunction in force – M25 Order**

3. With immediate effect and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 pm on 9 May 2022, the Defendants and each of them are forbidden from:

3.1 Blocking, endangering, slowing down, preventing, or obstructing the free flow of traffic onto or along or off the M25 for the purposes of protesting.

3.2 Causing damage to the surface of or to any apparatus on or around the M25 including but not limited to painting, damaging by fire, or affixing any item or structure thereto.

3.3 Affixing themselves (“locking on”) to any other person or object on the M25.

3.4 Erecting any structure on the M25.

3.5 Tunnelling in the vicinity of the M25.

3.6 Entering onto the M25 unless in a motor vehicle.

3.7 Abandoning any vehicle or item on the M25 with the intention of causing an obstruction.

3.8 Refusing to leave the area of the M25 when asked to do so by a police constable, National Highways Traffic Officer or High Court Enforcement Officer.

3.9 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 3.1 – 3.8 above.

3.10 Continuing any act prohibited by paragraphs 3.1 – 3.9 above.

### **Continuation of the Kent Roads Order**

4. The long-stop date of 24 March 2022 be deleted, and the injunction at paragraph 2 of the Kent Roads Order as set out in full at paragraph 5 below shall continue until 9 May 2022 or further order.

#### **Injunction in force - Kent Roads Order**

5. With immediate effect and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 pm on 9 May 2022, the Defendants and each of them are forbidden from:
  - 5.1 Blocking, slowing down, obstructing or otherwise interfering with the flow of traffic onto or along or off the Roads for the purpose of protesting.
  - 5.2 Blocking, slowing down, obstructing or otherwise interfering with access to or from the Roads, and on any adjacent roads, slip roads or roundabouts which are not vested in the Claimant, for the purpose of protesting.
  - 5.3 Causing damage to the surface of or to any apparatus on or around the Roads including but not limited to painting, damaging by fire, or affixing any item or structure thereto.
  - 5.4 Affixing themselves (“locking on”) to any other person or object on the Roads.
  - 5.5 Erecting any structure on the Roads.
  - 5.6 Tunnelling in the vicinity of the Roads.
  - 5.7 Entering onto the Roads unless in a motor vehicle.
  - 5.8 Abandoning any vehicle or item on the Roads with the intention of causing an obstruction.

5.9 Refusing to leave the area within 50m of the centre of the Roads when asked to do so by a police constable, National Highways Traffic Officer or High Court Enforcement Officer.

5.10 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 5.1 – 5.9 above.

5.11 Continuing any act prohibited by paragraphs 5.1 – 5.10 above.

### **Continuation of the Feeder Roads Order**

6. The long-stop date of 24 March 2022 be deleted, and the injunction at paragraph 4 of the Feeder Roads Order as set out in full at paragraph 7 below shall continue 9 May 2022 or further order.

### **Injunction in force – Feeder Roads Order**

7. With immediate effect and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 pm on 9 May 2022, the Defendants and each of them are forbidden from:

7.1 Blocking, slowing down, obstructing or otherwise interfering with the flow of traffic onto or along or off the Roads for the purpose of protesting.

7.2 Blocking, slowing down, obstructing or otherwise interfering with access to or from the Roads, and on any adjacent roads, slip roads or roundabouts which are not vested in the Claimant, for the purpose of protesting.

7.3 Causing damage to the surface of or to any apparatus on or around the Roads including but not limited to painting, damaging by fire, or affixing any item or structure thereto.

7.4 Affixing themselves (“locking on”) to any other person or object on the Roads.

7.5 Erecting any structure on the Roads.

7.6 Tunnelling in the vicinity of the Roads.

7.7 Entering onto the Roads unless in a motor vehicle.

7.8 Abandoning any vehicle or item on the Roads with the intention of causing an obstruction.

7.9 Refusing to leave the area within 50m of the centre of the Roads when asked to do so by a police constable, National Highways Traffic Officer or High Court Enforcement Officer.

7.10 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 7.1 – 7.9 above.

7.11 Continuing any act prohibited by paragraphs 7.1 – 7.10 above.

### **Alternative Service**

8. The Claimant is permitted in addition to personal service to serve this Order and other documents in these proceedings by the following three methods:

8.1 placing a copy of this Order on the National Highways website; and

8.2 sending a copy of this Order to Insulate Britain's email addresses: Insulate Britain [ring2021@protonmail.com](mailto:ring2021@protonmail.com) and [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com); and

8.3 posting a copy of this Order together with covering letter through the letterbox of each Defendant (or leaving in a separate mailbox) with a notice affixed to the front door if necessary, 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 the front door 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 Schedule 1; or

8.4 instead of by post as set out in paragraph 8.3 above, by email in circumstances where a Defendant has requested email service of documents.

9. Compliance with paragraph 8 shall constitute service of this Order.



### **Third-Party Disclosure**

10. The disclosure obligations contained in the order of Thornton J dated 24 November 2021, as set out in full at paragraph 11 below, shall be extended to continue until 31 July 2022 or further order.
11. The Chief Constables for those forces listed in the Schedule to this order shall disclose to the Claimant:
  - 11.1 all of the names and addresses of any person who has been arrested by one of their officers in the course of, or as a result of, protests on the highway referred to in these proceedings; and
  - 11.2 all arrest notes, body camera footage and/or all other photographic material relating to possible breaches of the Orders.
12. The Claimant is to serve this order on the Police Representative Assistant Chief Constable Owen Weatherill ([owen.weatherill@npocc.police.uk](mailto:owen.weatherill@npocc.police.uk)), by email only.

### **Further directions**

13. The Defendants or any other person affected by this order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimant's solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
14. 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 (to the extent they are not already so named).
15. The Claimant has permission to apply to extend or vary this Order or for further directions.
16. The Claimant is to file its application for summary judgment ("**the Application**") by 4pm on 25 March 2022.
17. The Claimant is to serve the Application and evidence in support thereof on the Defendants by 4pm on 5 April 2022.

18. Any Defendant wishing to file evidence in response to the Application is to file and serve such evidence in response by 4pm on 22 April 2022.
19. The Claimant and any Defendant wishing to file a Skeleton Argument are to file and serve a Skeleton Argument by 4pm on 27 April 2022.
20. The Application is listed for 4-5 May 2022 with a time estimate of 2 days, with 3 May 2022 set aside as a judicial reading day.
21. Costs reserved.

### **Communications with the Claimant**

22. The Claimant's solicitors and their contact details are:

FAO Petra Billing/ Rob Shaw ([petra.billing@dlapiper.com](mailto:petra.billing@dlapiper.com) / [rob.shaw@dlapiper.com](mailto:rob.shaw@dlapiper.com))

DLA Piper UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX

Reference – RXS/366530/107

**BY THE COURT**

**Dated: 18 March 2022**

### **SCHEDULE 3**

#### **CHIEF CONSTABLES OF THE FORCES OF:**

**City of London Police**

**Metropolitan Police Service**

**Avon and Somerset Constabulary**

**Bedfordshire Police**

**Cambridgeshire Constabulary**

**Cheshire Constabulary**

**Cleveland Police**

**Cumbria Constabulary**

**Derbyshire Constabulary**

**Devon & Cornwall Police**

**Dorset Police**

**Durham Constabulary**

**Essex Police**

**Gloucestershire Constabulary**

**Greater Manchester Police**

**Hampshire Constabulary**

**Hertfordshire Constabulary**

**Humberside Police**

**Kent Police**

**Lancashire Constabulary**

**Leicestershire Police**

**Lincolnshire Police**

**Merseyside Police**

**Norfolk Constabulary**  
**North Yorkshire Police**  
**Northamptonshire Police**  
**Northumbria Police**  
**Nottinghamshire Police**  
**South Yorkshire Police**  
**Staffordshire Police**  
**Suffolk Constabulary**  
**Surrey Police**  
**Sussex Police**  
**Thames Valley Police**  
**Warwickshire Police**  
**West Mercia Police**  
**West Midlands Police**  
**West Yorkshire Police**  
**Wiltshire Police**

## **SCHEDULE 4**

### **Email addresses of further linked protestor organisations**

#### **Extinction Rebellion UK**

- (i) — enquiries@extinctionrebellion.uk
- (ii) — press@extinctionrebellion.uk
- (iii) — xrvideo@protonmail.com
- (iv) — xr\_action@protonmail.com
- (v) — xraffinitysupport@protonmail.com
- (vi) — xr\_arrestwelfare@protonmail.com
- (vii) — artsxr@gmail.com
- (viii) — xr-CitizensAssembly@protonmail.com
- (ix) — xr.connectingcommunities@gmail.com
- (x) — xrdemocracy@protonmail.com
- (xi) — xrnotables@gmail.com
- (xii) — integration@rebellion.earth
- (xiii) — xr-international@protonmail.com
- (xiv) — xr-legal@riseup.net
- (xv) — press@extinctionrebellion.uk
- (xvi) — xr-newsletter@protonmail.com
- (xvii) — xr\_peoplesassembly@protonmail.com
- (xviii) — xrpoliceliaison@protonmail.com
- (xix) — rebelringers@rebellion.earth
- (xx) — xr.regenerativeculture@gmail.com
- (xxi) — xr-regionaldevelopment@protonmail.com
- (xxii) — RelationshipsXRUK@protonmail.com

~~(xxiii) [xr.mandates@gmail.com](mailto:xr.mandates@gmail.com)~~  
~~(xxiv) [socialmedia@extinctionrebellion.uk](mailto:socialmedia@extinctionrebellion.uk)~~  
~~(xxv) [xrsocialmediaevents@gmail.com](mailto:xrsocialmediaevents@gmail.com)~~  
~~(xxvi) [eventsxr@gmail.com](mailto:eventsxr@gmail.com)~~  
~~(xxvii) [xrbristol.regional@protonmail.com](mailto:xrbristol.regional@protonmail.com)~~  
~~(xxviii) [xreymru@protonmail.com](mailto:xreymru@protonmail.com)~~  
~~(xxix) [xr.eastengland@protonmail.com](mailto:xr.eastengland@protonmail.com)~~  
~~(xxx) [xrlondoncoord@gmail.com](mailto:xrlondoncoord@gmail.com)~~  
~~(xxxi) [XRMidlands@protonmail.com](mailto:XRMidlands@protonmail.com)~~  
~~(xxxii) [xrne@protonmail.com](mailto:xrne@protonmail.com)~~  
~~(xxxiii) [support@xrnorth.org](mailto:support@xrnorth.org)~~  
~~(xxxiv) [xrni@rebellion.earth](mailto:xrni@rebellion.earth)~~  
~~(xxxv) [xrscotland@gmail.com](mailto:xrscotland@gmail.com)~~  
~~(xxxvi) [XR-SouthEastRegionalTeam@protonmail.com](mailto:XR-SouthEastRegionalTeam@protonmail.com)~~  
~~(xxxvii) [xr.regional.sw@protonmail.com](mailto:xr.regional.sw@protonmail.com)~~  
~~(xxxviii) [talksandtraining.xrbristol@protonmail.com](mailto:talksandtraining.xrbristol@protonmail.com)~~  
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~~(xlvii) [talksandtrainings.scotland@extinctionrebellion.uk](mailto:talksandtrainings.scotland@extinctionrebellion.uk)~~  
~~(xlviii) [xrttse@gmail.com](mailto:xrttse@gmail.com)~~

(xlix) ~~[xrsw.trainings@gmail.com](mailto:xrsw.trainings@gmail.com)~~

**Just Stop Oil**

(l) ~~[Ring2021@protonmail.com](mailto:Ring2021@protonmail.com)~~

(li) ~~[juststopoil@protonmail.com](mailto:juststopoil@protonmail.com)~~

**Youth Climate Swarm**

(lii) ~~[youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)~~

**Insulate Britain**

(liii) ~~[Ring2021@protonmail.com](mailto:Ring2021@protonmail.com)~~

(liv) ~~[iblegal@protonmail.com](mailto:iblegal@protonmail.com)~~

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

**BEFORE: MR JUSTICE BENNATHAN**

**Claim No: QB-2021-003576, QB-2021-003626, QB-2021-003737**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

Claimant

-and-

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING,  
OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25  
MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20  
MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK  
ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40  
MOTORWAYS FOR THE PURPOSE OF PROTESTING**

**(2) MR ALEXANDER RODGER AND 132 OTHERS**

Defendants

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**ORDER**

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**PENAL NOTICE**

**IF YOU THE WITHIN NAMED DEFENDANTS AND PERSONS UNKNOWN OR ANY  
OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO  
BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT  
AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING  
WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF  
THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE  
IMPRISONED, FINED OR HAVE THEIR 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.**

**UPON** the application of the Claimant for summary judgment (“the Application”)



**AND UPON** hearing Myriam Stacey QC, Admas Habteslasie and Michael Fry for the Claimant, and Owen Greenhall for Jessica Branch being a person who is not a party to the proceedings but who was permitted to make representations pursuant to CPR r. 40.9.

**AND UPON** the Claimant confirming that this Order is not intended to prohibit lawful protest which does not block or endanger, or prevent the free flow of traffic on the Roads defined in paragraph 4 of this Order (“**the Roads**”).

**IT IS ORDERED THAT:**

1. The “Named Defendants” are now those Defendants with their numerical designations (e.g. D1, D2 etc.) whose names appear in the revised and re-numbered Schedule 1 annexed to this Order to reflect the Order made at paragraph 6.
2. The term “Defendants” refers to both “persons unknown” as defined as the First Defendant in paragraph 5 and the Named Defendants.
3. For the purposes of this Order, “the Roads” shall mean all of the following:
  - 3.1. The M25, meaning the London Orbital Motorway and shown in red on the plans at Appendix 1 annexed to this Order.
  - 3.2. The A2, A20, A2070, M2 and M20, meaning the roads shown in blue and green on the plans at Appendix 2 annexed to this Order.
  - 3.3. The A1(M) (Junction 1 to Junction 6), A1 (from A1M to Rowley Lane and from Fiveways Corner roundabout to Hilltop Gardens), M11 (Junction 4 to Junction 7), A12 (M25 Junction 28 to A12 Junction 12), A1023 (Brook Street) (from M25 Junction 28 roundabout to Brook Street Shell Petrol Station access), A13 (M25 Junction 30 to A1089), A13 (from junction with A1306 for Wennington to M25 Junction 30), A1089 (from junction with A13 to Port of Tilbury entrance), M26 (whole motorway from M25 to M20), A21 (M25 to B2042), A23 (M23 to Star Shaw), M23 (Junction 7 to Junction 10 (including M23 Gatwick Spur)), A23 (between North and South Terminal Roundabouts), A3 (A309 to B2039 Ripley Junction), M3 (Junction 1 to Junction 4), A316 (from M3 Junction 1 to Felthamhill Brook), A30 (M25 Junction 13 to Harrow Road, Stanwell, Feltham), A3113 (M25 Junction 14 to A3044), M4 (Junction 1 to Junction 7), M4 Spur (whole of spur from

M4 Junction 4 to M4 Junction 4a), M40 (Junction 7 to A40 at Fray's River Bridge), M1 (Junction 1 to Junction 8), A405 (from M25 Junction 21A to M1 Junction 6), A1 (from Fiveways Corner roundabout to Hilltop Gardens), and A414 (M1 Junction 8 to A405), meaning the roads shown in red on the plan at Appendix 3 annexed to this Order;

- 3.4. In the case of each of the Roads, the reference to the Roads shall include all carriageways, hard shoulders, central reservations, motorway (including the A1(M)) verges, slip roads, roundabouts (including those at junctions providing access to and from the Roads), gantries, traffic tunnels, traffic bridges including in the case of the M25 the Dartford Crossing and Queen Elizabeth II Bridge and other highway structures whether over, under or adjacent to the motorway/trunk road, together with all supporting infrastructure including all fences and barriers, road traffic signs, road traffic signals, road lighting, communications installations, technology systems, lay-bys, police observation points/park up points, and emergency refuge areas.

#### **Consolidation and Consequential Amendments**

4. The three claims (QB-2021-003576, 003626 and 00737) are hereby consolidated.
5. The Claimant has permission to amend the description of the First Defendant in the consolidated claim to:

**PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING, OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING**

6. As this is a simple amalgamation of the existing categories of the First Defendants in each of the original claims, the requirements in the CPR to amend other documents in the proceedings and to serve those amended documents on the Defendants is dispensed with.
7. The following defendants are to be removed as defendants:

- 7.1. Tam Millar  
7.2. Hannah Shafer  
7.3. Jesse Long  
7.4. Thomas Franke

- 7.5. William Wright
- 7.6. Arne Springorum
- 7.7. Ben Horton
- 7.8. Emily Brocklebank
- 7.9. Marc Savitsky
- 7.10. Serena Schellenberg

### **Injunction in Force**

8. The Order of Mr Justice Chamberlain dated 17 March 2022 which continued the M25, Kent Roads and Feeder Roads Orders (“Extension Order”) shall continue and remain in force until 23.59 hrs on 9 June 2022. The Injunctions are not repeated within the body of this Order to avoid confusion. The Extension Order less appendices is appended to this Order at Schedule 2.

### **Final Injunction**

9. From 10 June 2022 until 23.59 hrs on 9 May 2023 the Defendants and each of them are forbidden from:
  - 9.1. Blocking or endangering, or preventing the free flow of traffic on the Roads for the purposes of protesting by any means including their presence on the Roads, or affixing themselves to the Roads or any object or person, tunnelling within 25m of the Roads, abandoning any object, erecting any structure on the Roads or otherwise causing, assisting, facilitating or encouraging any of those matters.
  - 9.2. Causing damage to the surface of or to any apparatus on or around the Roads including by painting, damaging by fire, or affixing any structure thereto.
  - 9.3. Entering on foot those parts of the Roads which are not authorised for access on foot, other than in cases of emergency.

### **Alternative service**

10. The Claimant is permitted in addition to personal service to serve this Order on Named Defendants by the following methods together:
  - 10.1. service of the sealed Order on Insulate Britain by email to their known email addresses [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com) and [ring2021@protonmail.com](mailto:ring2021@protonmail.com); and

- 10.2. posting a copy of this Order through the letterbox of each Named Defendant (or leaving it in a separate mailbox) with a notice affixed to the front door if necessary, 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 the front door 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 Appendix 4.
11. The Claimant is directed to take the following steps to publicise the existence of this Order:
  - 11.1. Placing copies of the Order on the National Highways website;
  - 11.2. Advertising the existence of this Order in the London Gazette;
  - 11.3. Sending a copy of this Order to Insulate Britain's known email addresses: ring2021@protonmail.com and insulatebritainlegal@protonmail.com.
12. For the avoidance of doubt, persons who have not been served with this Order by an acceptable method are not bound by its terms. Compliance with paragraphs 10.1 and 11.1 – 11.3 above **does not constitute service** on any Defendant, nor does a failure to comply with paragraph 11 above constitute a failure of service.

### **Third-Party Disclosure**

13. Pursuant to CPR 31.17, the Chief Constables for those forces listed in Schedule 3 to this Order shall procure that the officers within their forces disclose to the Claimant:
  - 13.1. all of the names and addresses of any person who has been arrested by one of their officers in the course of, or as a result of, protests on the Roads referred to in these proceedings; and
  - 13.2. all arrest notes, body camera footage and/or all other photographic material relating to possible breaches of this Order.

14. Without the permission of the Court, the Claimant shall not make use of any document disclosed by virtue of paragraph 13 of this Order, other than for one or more of the following uses:
  - (i) applying to name and join any person as a named defendant to these proceedings and to serve the said person with any document in these proceedings;
  - (ii) investigating, formulating, pleading and prosecuting any claim within these proceedings arising out of any alleged breach of this Order;
  - (iii) use for purposes of formulating, pleading and prosecuting any application for committal for contempt of court against any person for breach of any Order made within these proceedings.
15. Until further Order, the postal address and/or address for service of any person who is added as a defendant to these proceedings shall be redacted in any copy of any document which is served other than by means of it being sent directly to that person or their legal representative.
16. The Claimant is to serve this order on the Police Representative Assistant Chief Constable Owen Weatherill (owen.weatherill@npocc.police.uk), by email only

**Further directions**

17. There shall be listed in April 2023 a hearing at which the Court shall review whether it should vary or discharge this Order or any part.
18. The Defendants or any other person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimant's solicitors by email to the addresses specified at paragraph 24 below 48 hours before making such application of the nature of such application and the basis for it.
19. Any person applying to vary or discharge this Order must provide their full name and address, and address for service to the Claimant and to the Court, and must also apply to be joined as a named defendant to these proceedings at the same time.

20. The Defendants have a right to apply for summary judgment as against them to be set aside in accordance with CPR PD 24.8.
21. The Claimants have liberty to apply to extend, vary or discharge this Order, or for further directions.
22. No acknowledgment of service, admission or defence is required by any party until further so ordered.
23. Costs reserved.

**Communications with the Claimant**

24. The Claimant's solicitors and their contact details are:

DLA Piper UK LLP

Attention: Petra Billing and Rob Shaw

1 St. Paul's Place

Sheffield S1 2JX

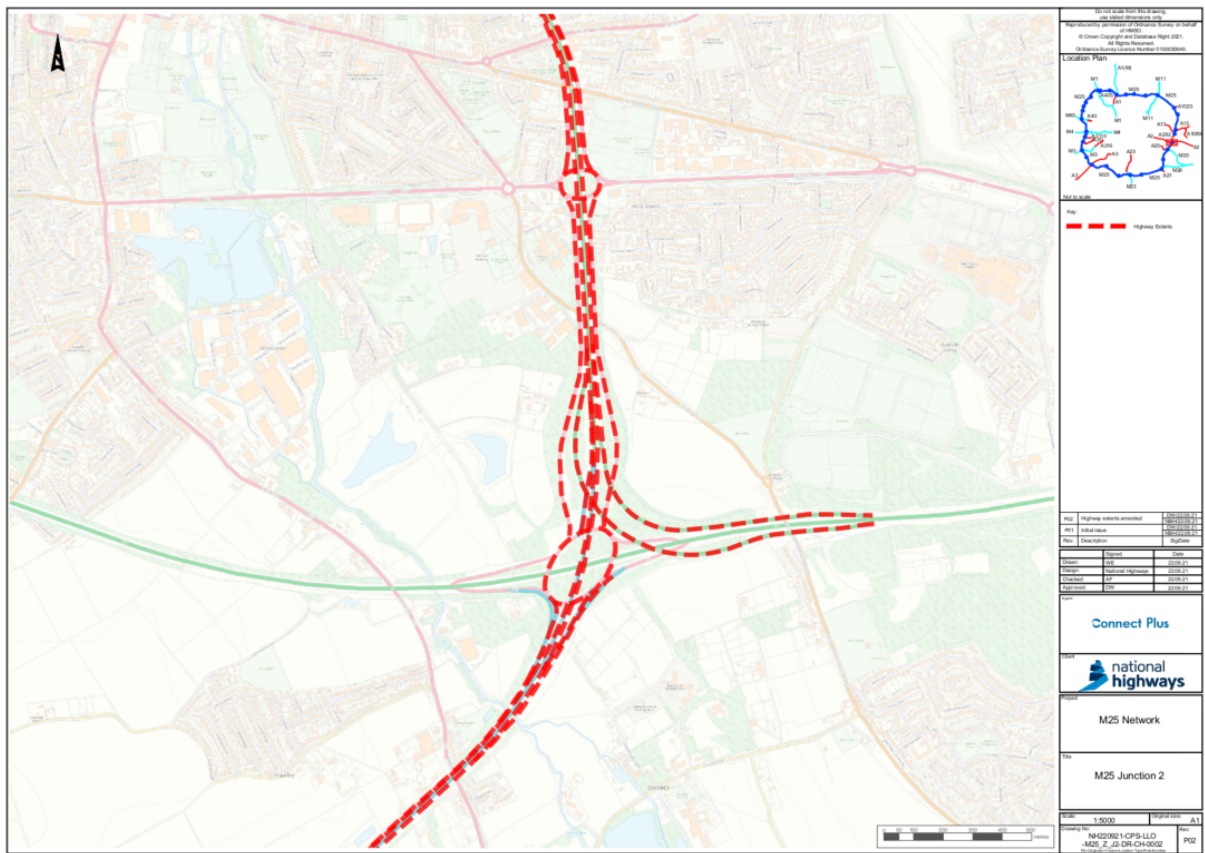
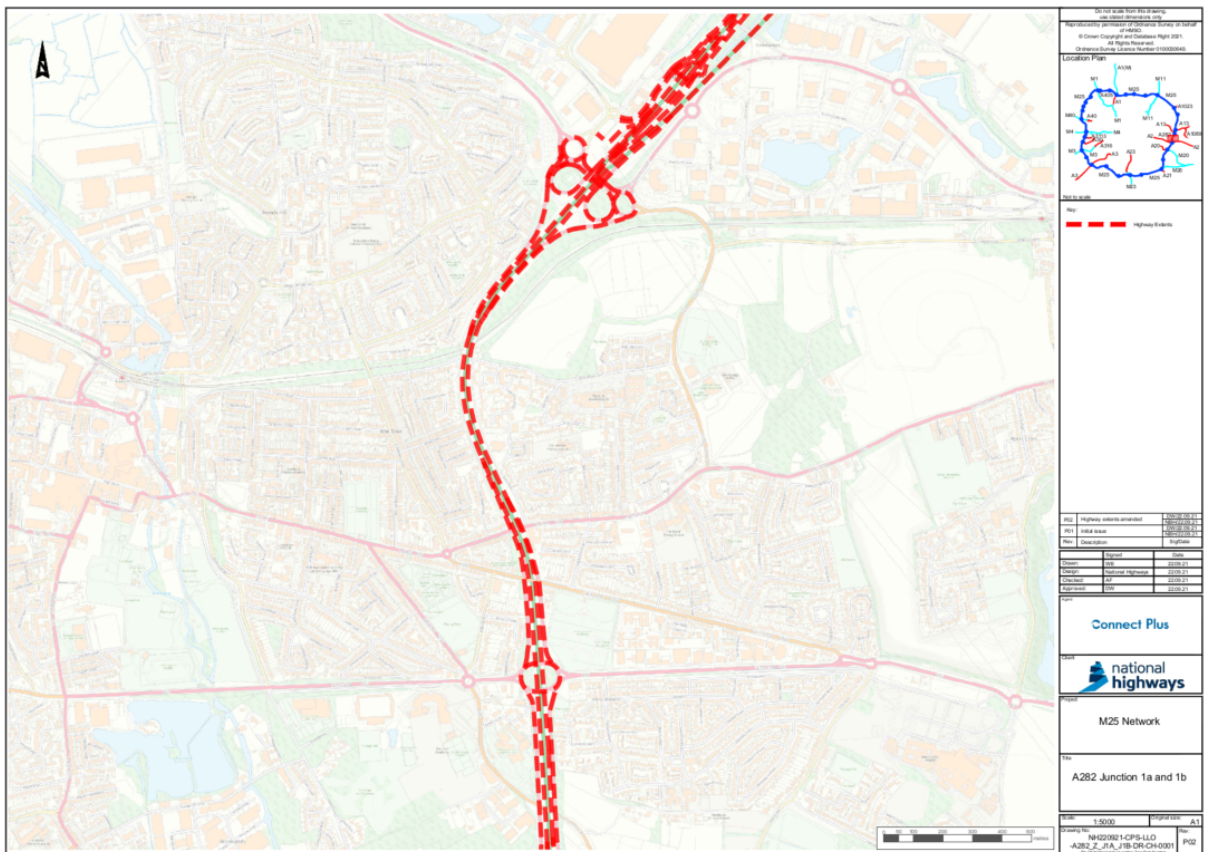
**E: [petra.billing@dlapiper.com](mailto:petra.billing@dlapiper.com) and [rob.shaw@dlapiper.com](mailto:rob.shaw@dlapiper.com)**

T: 0207 796 6047 / 0114 283 3312

**9 May 2022**

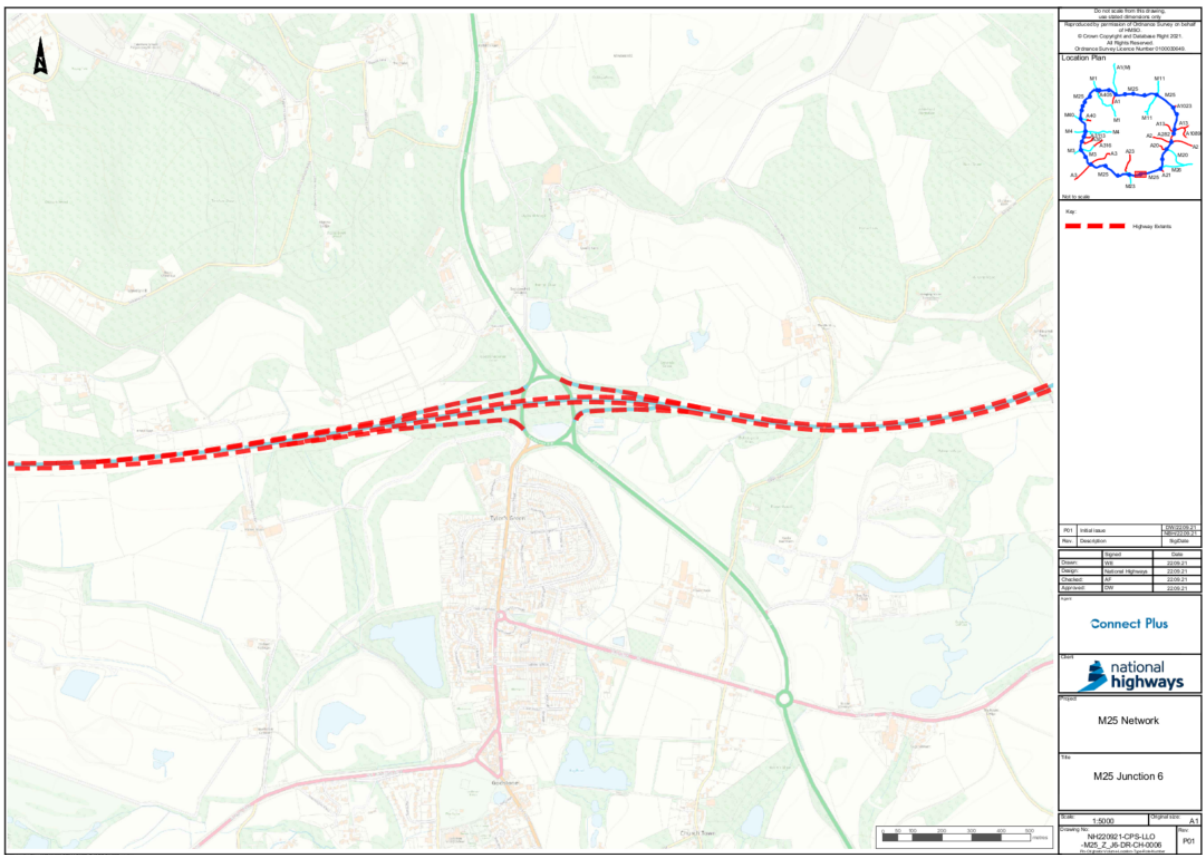
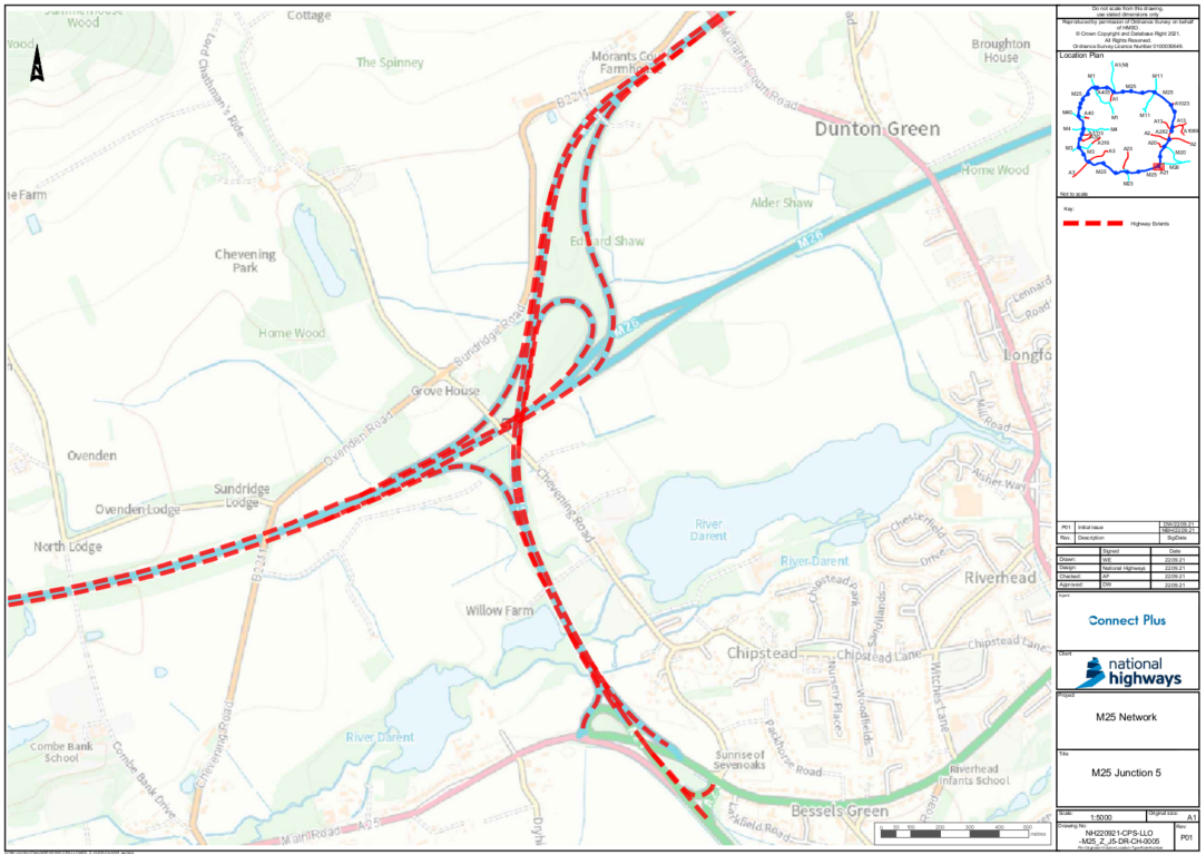
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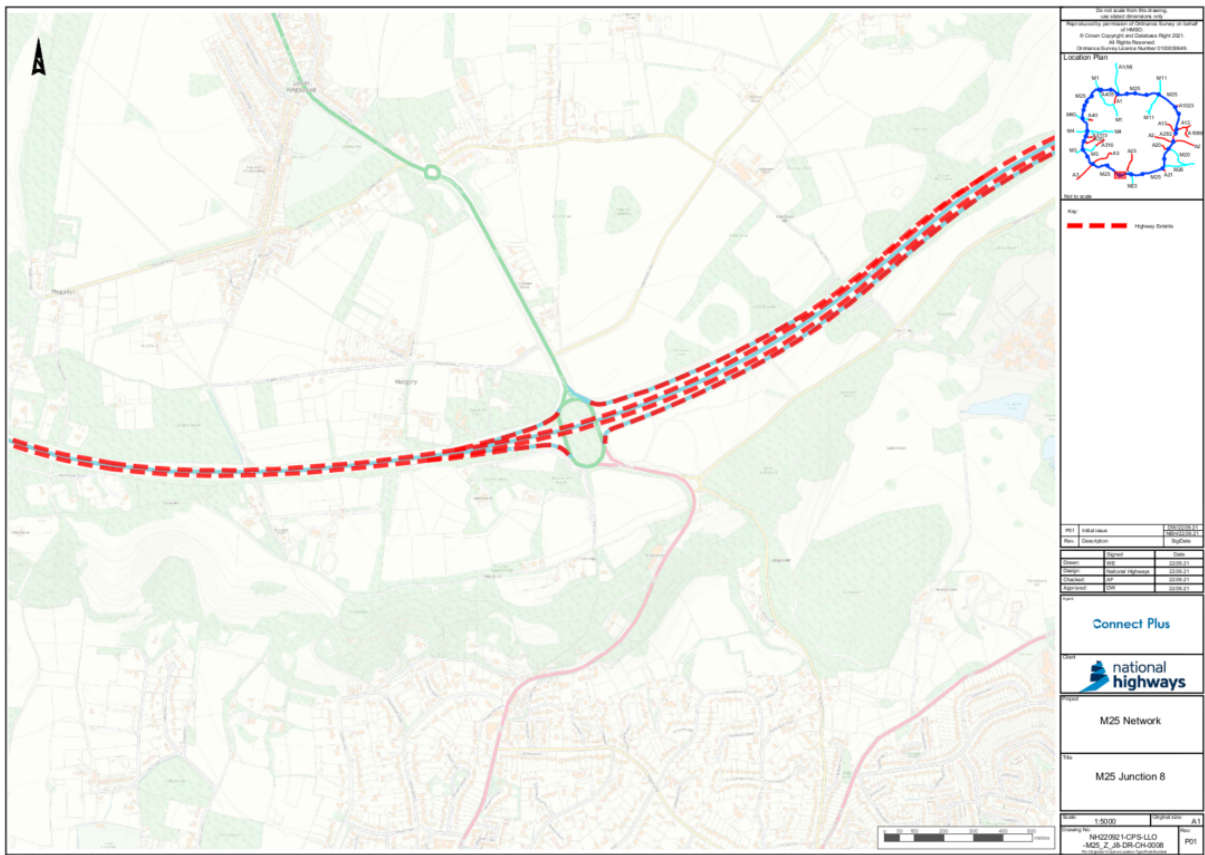
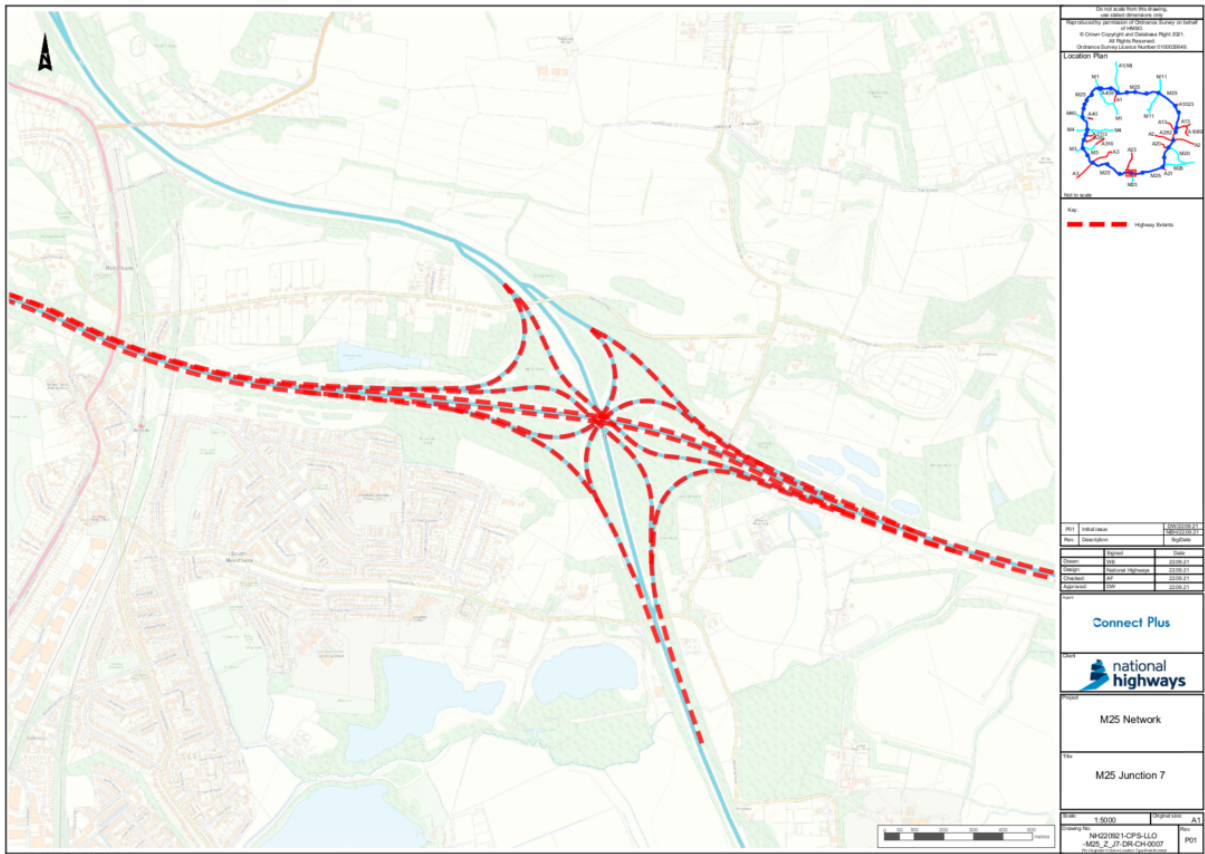
# APPENDIX 1

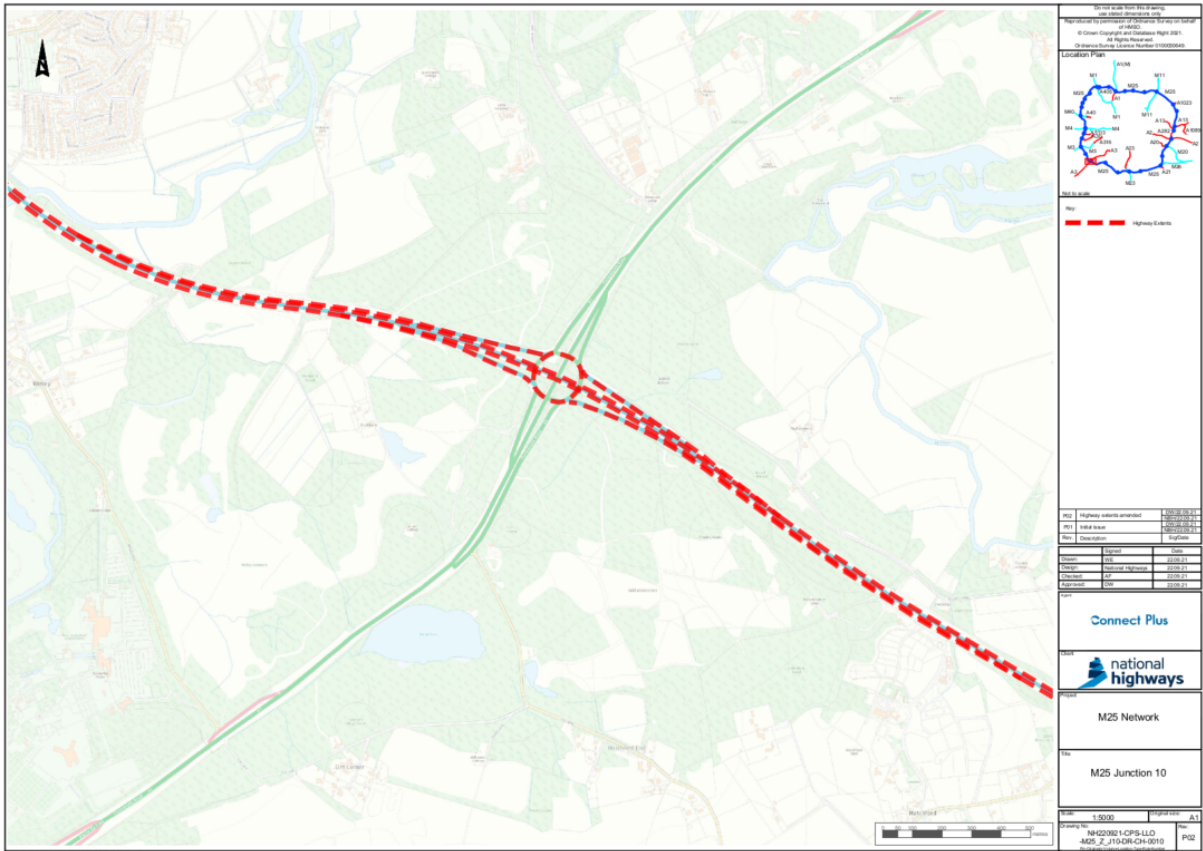
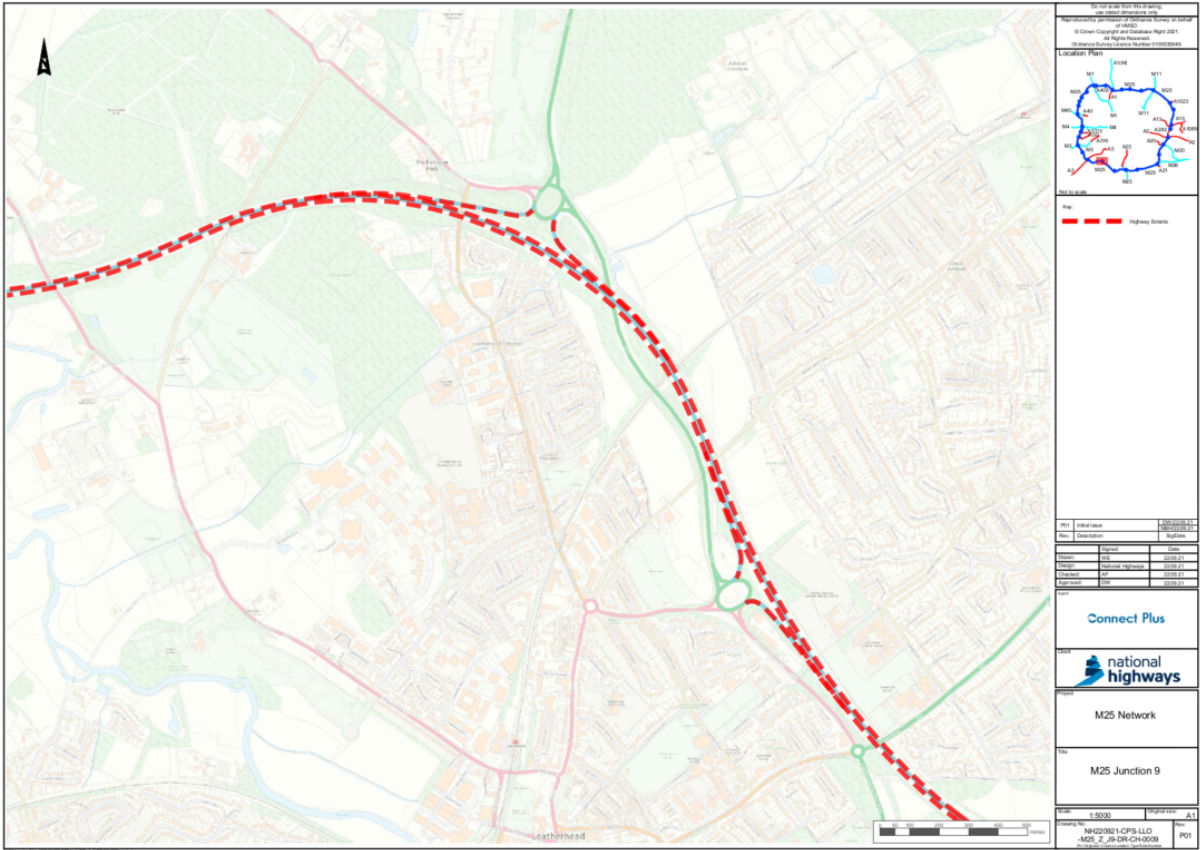


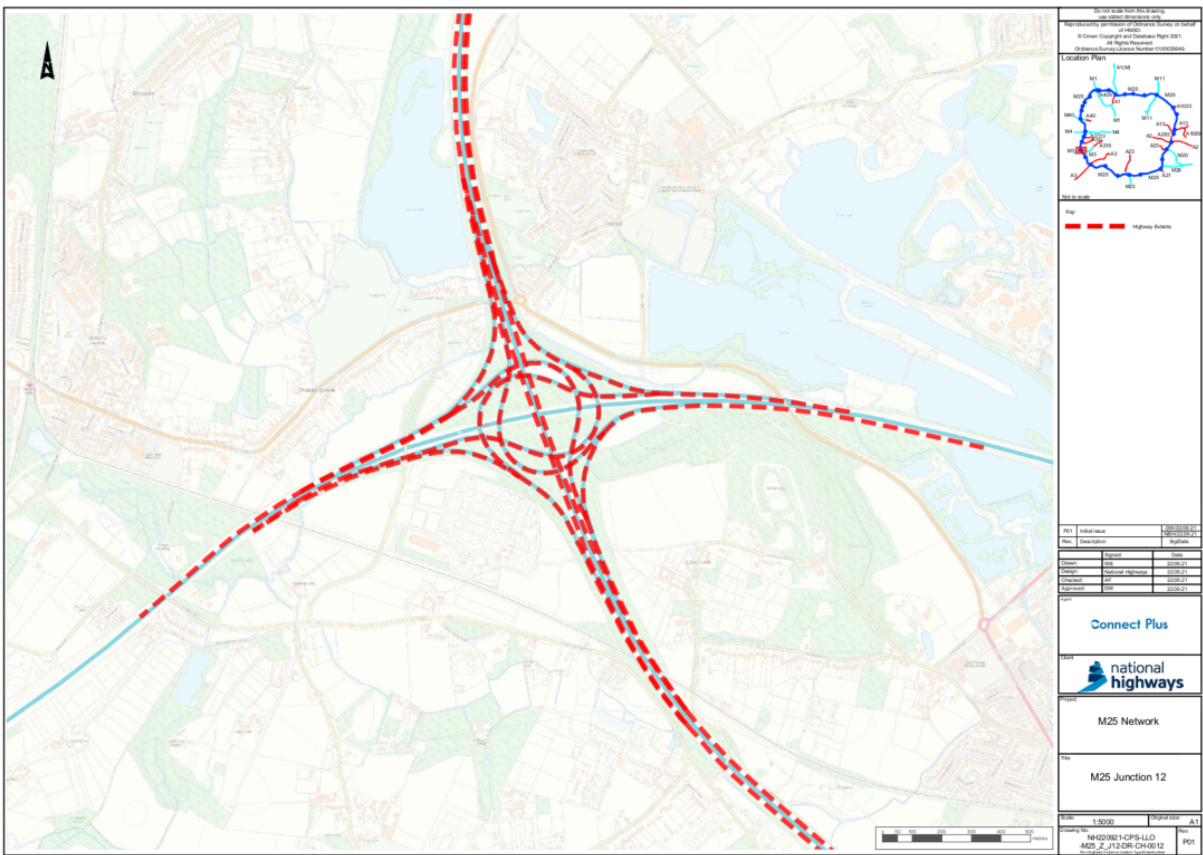
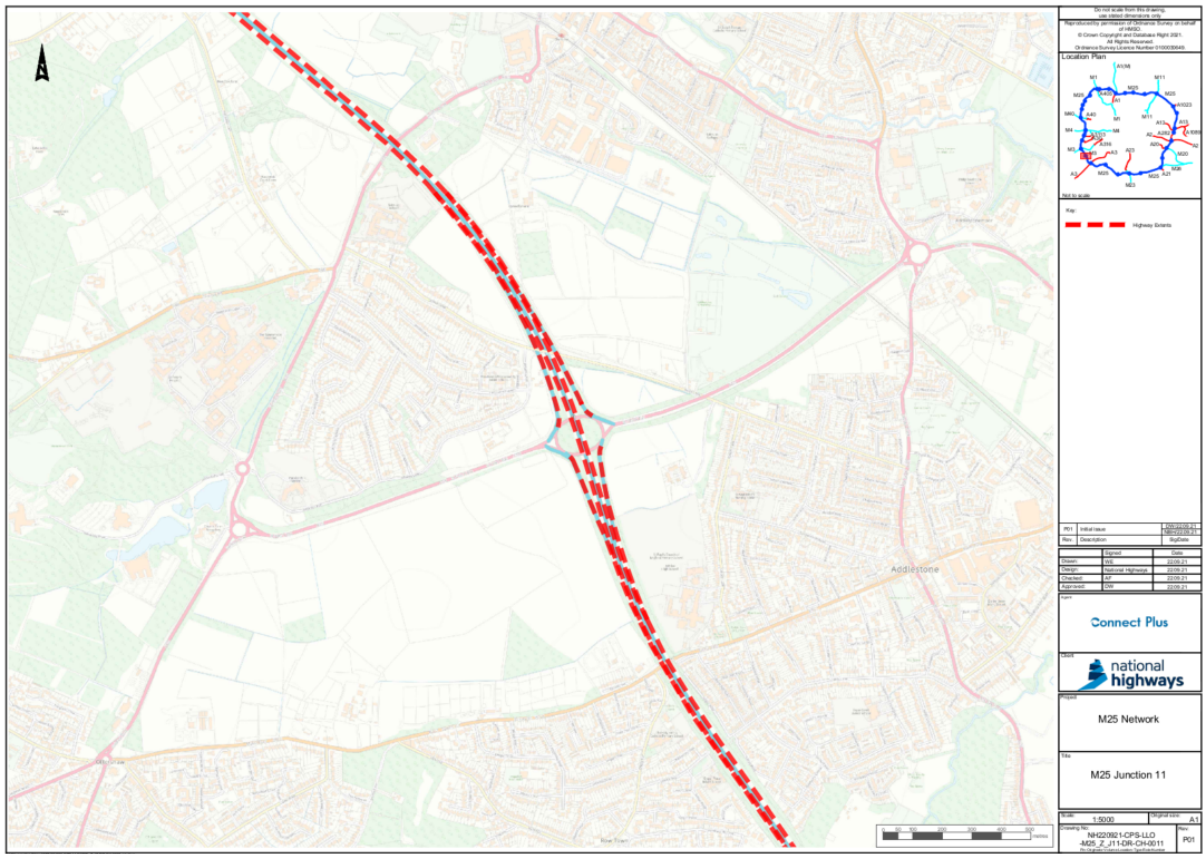


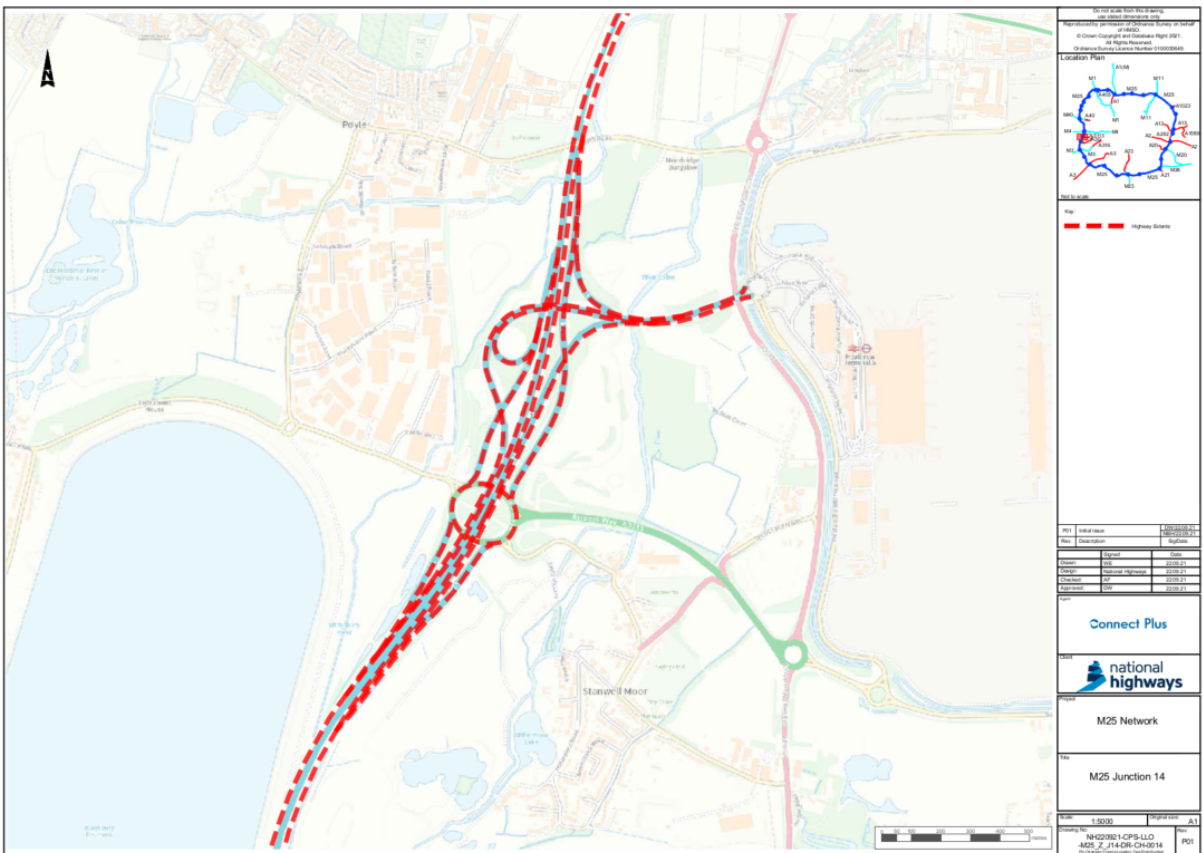
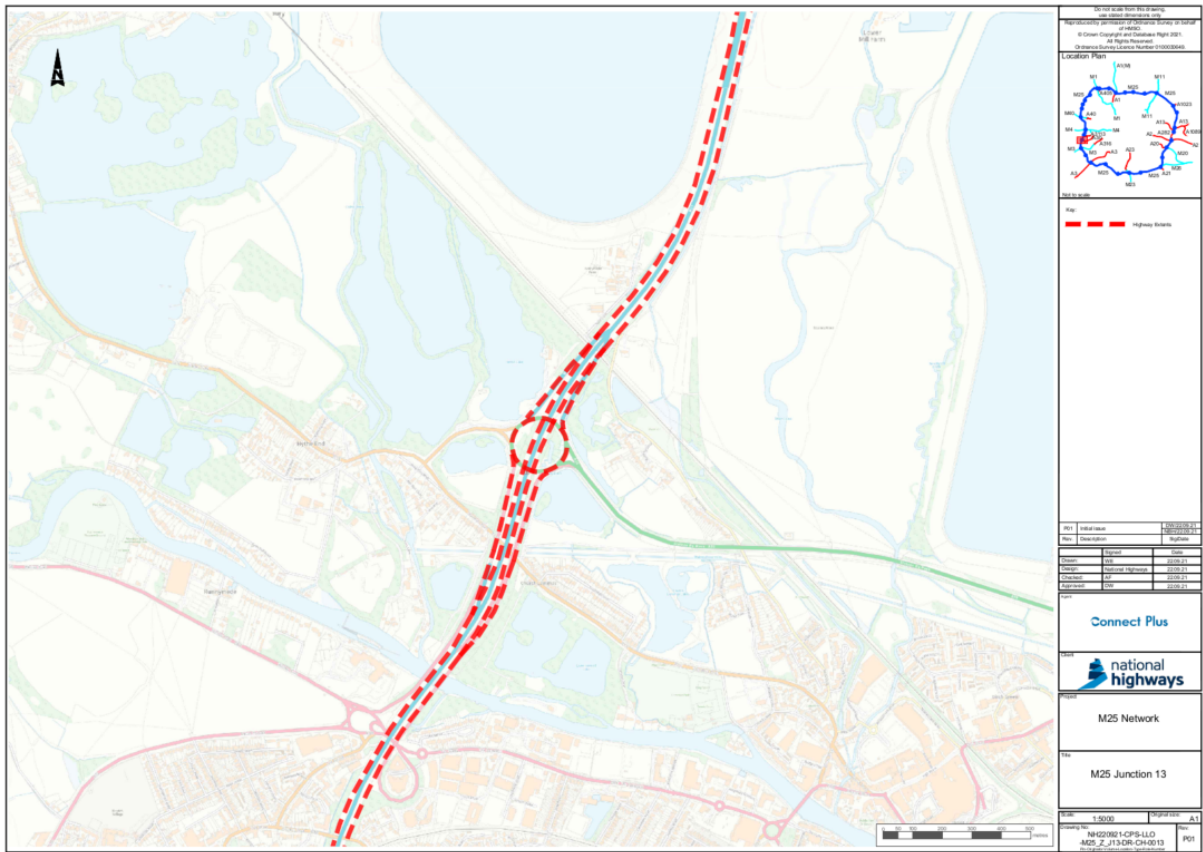


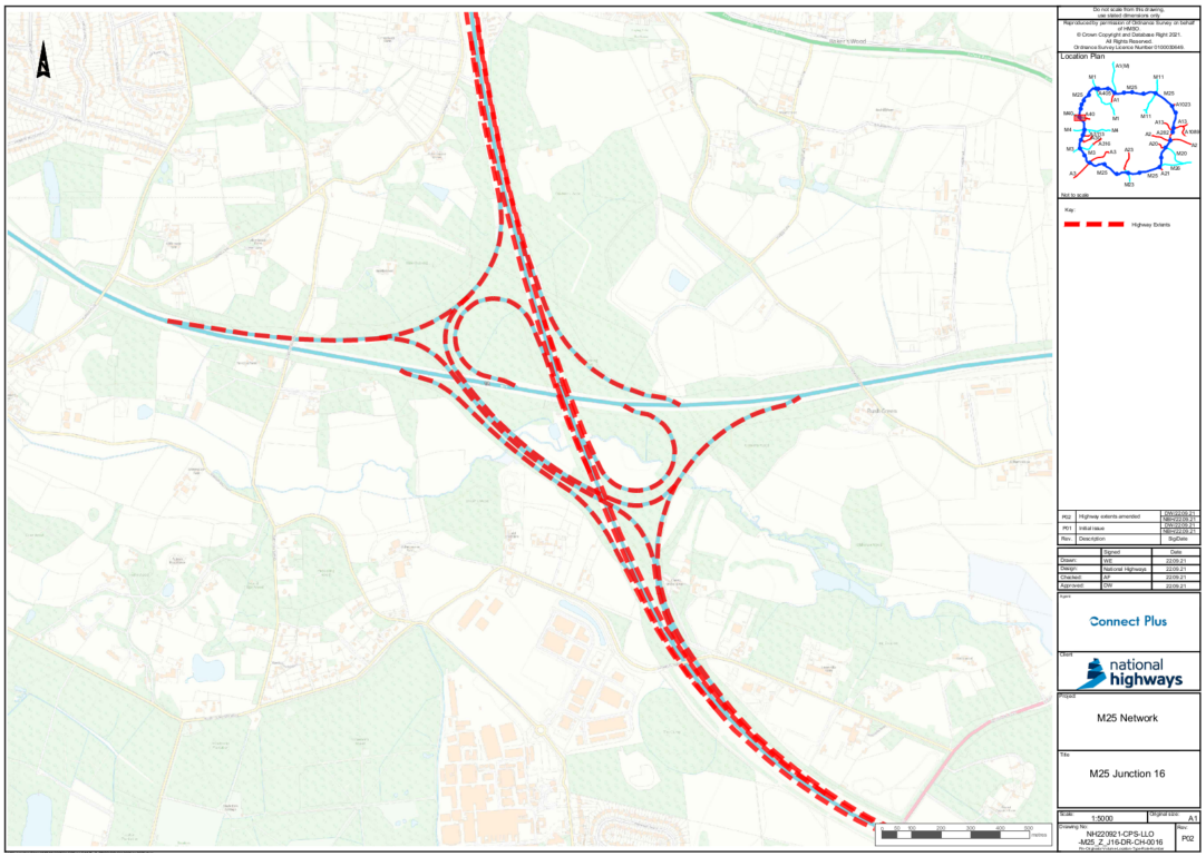
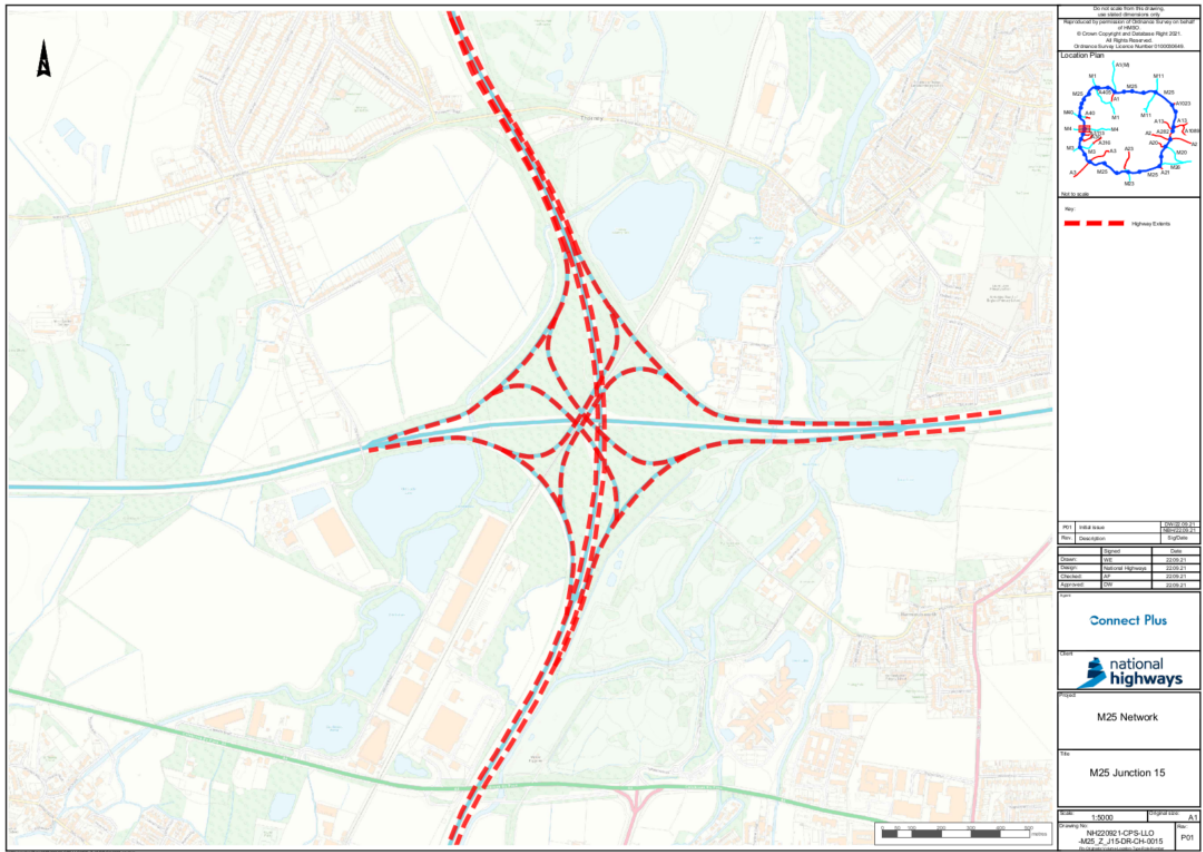


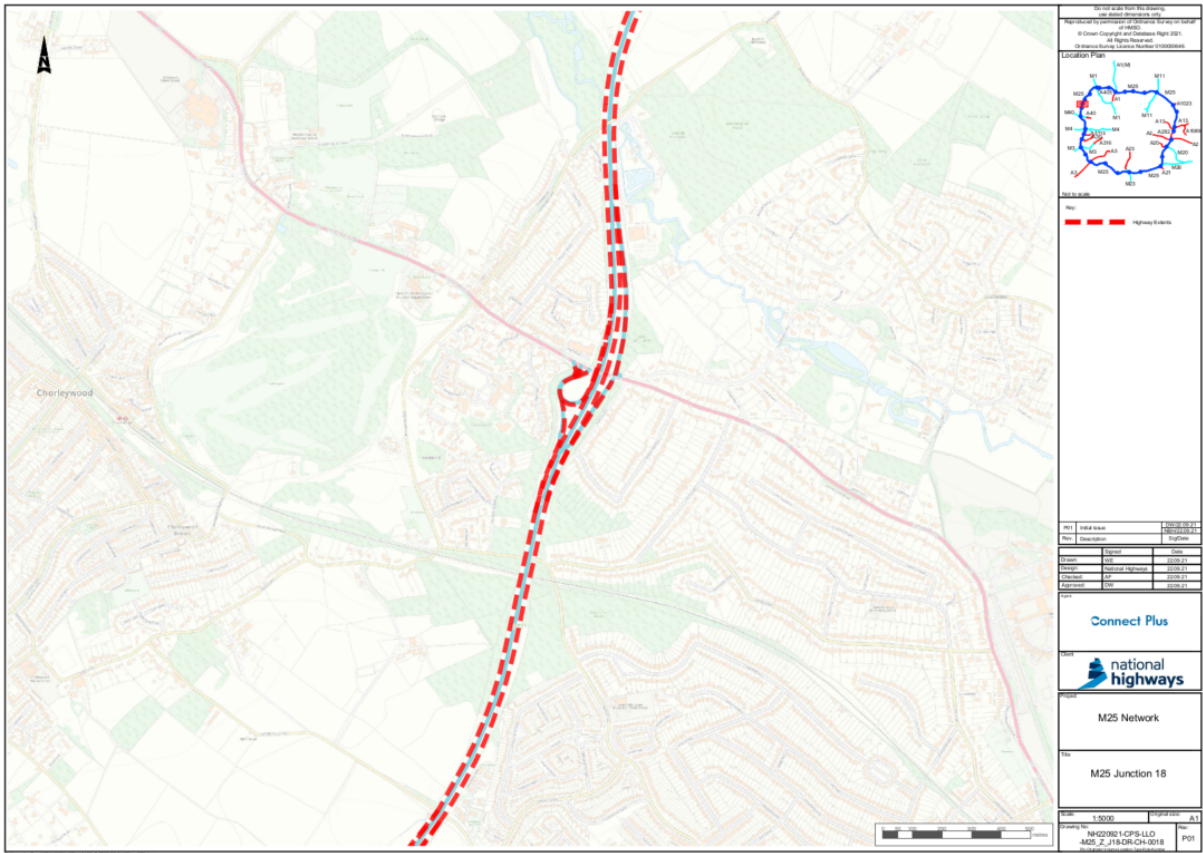
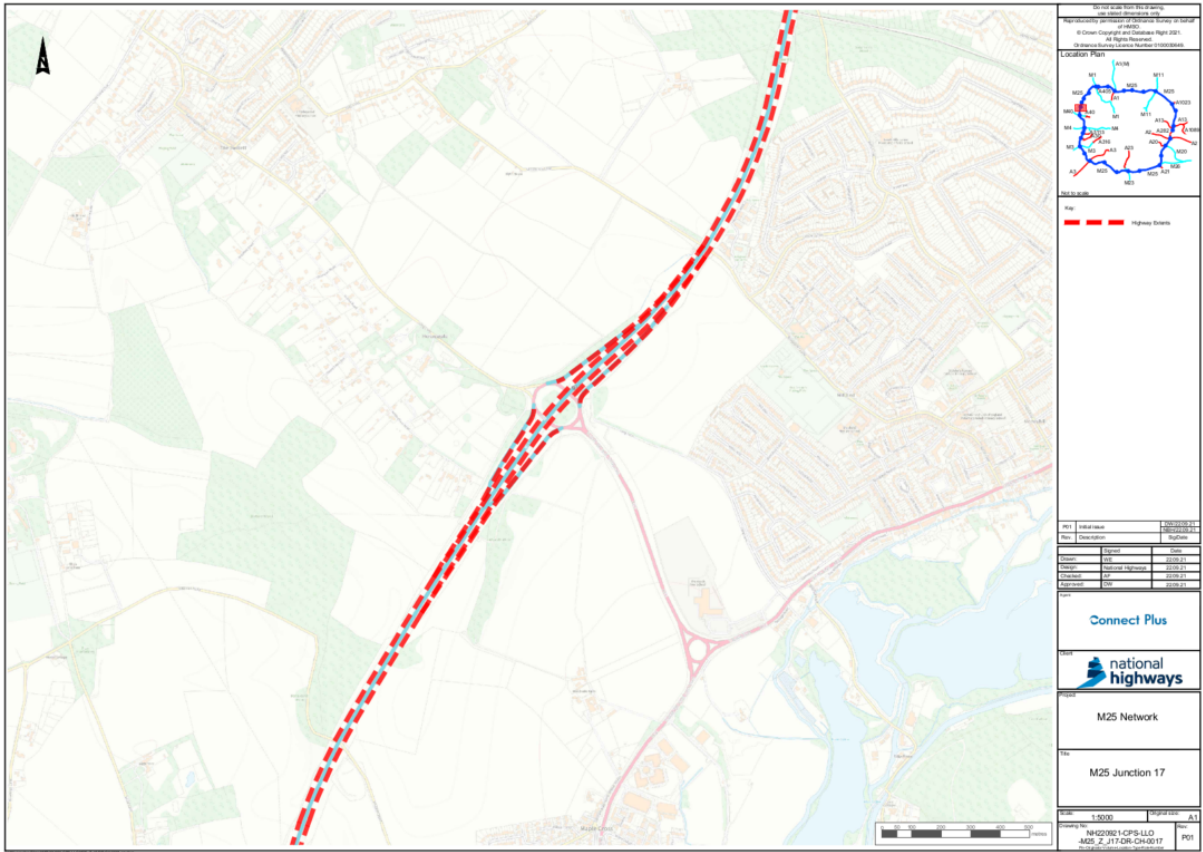


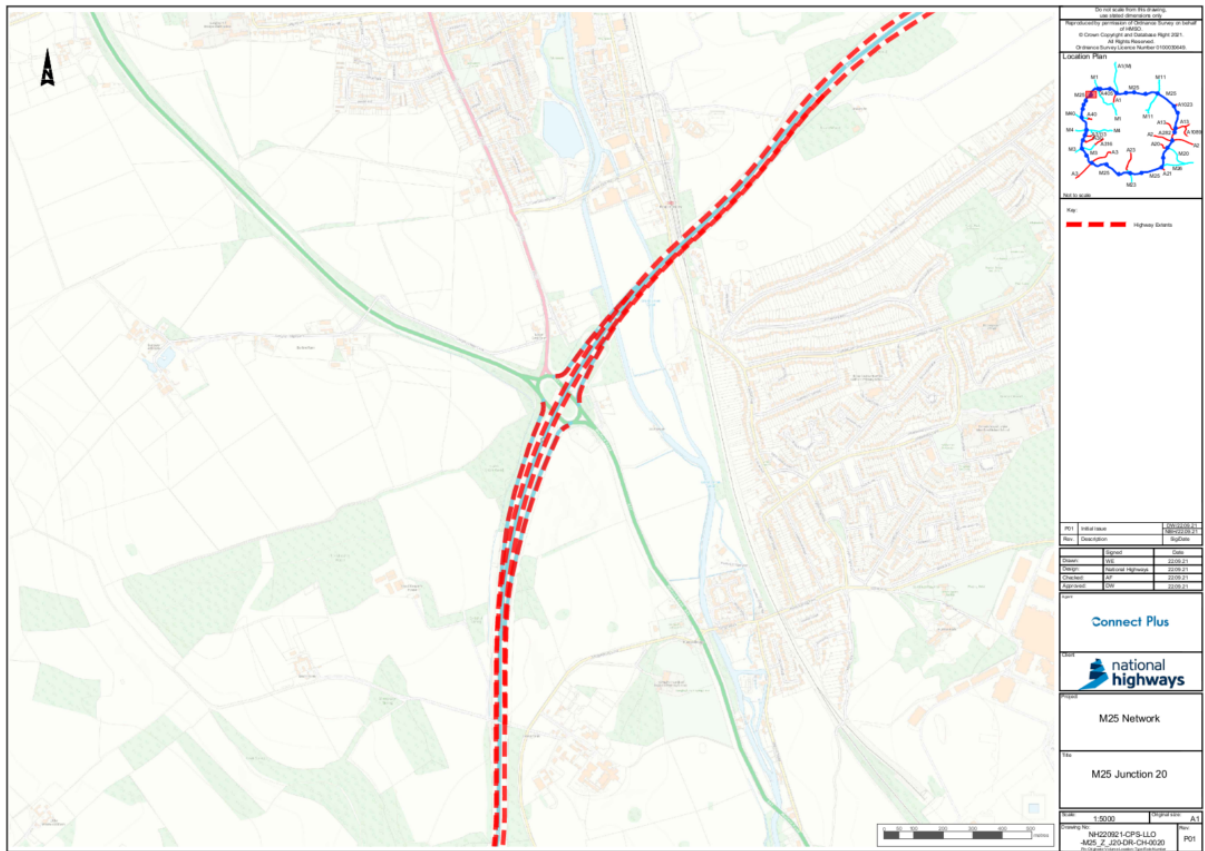
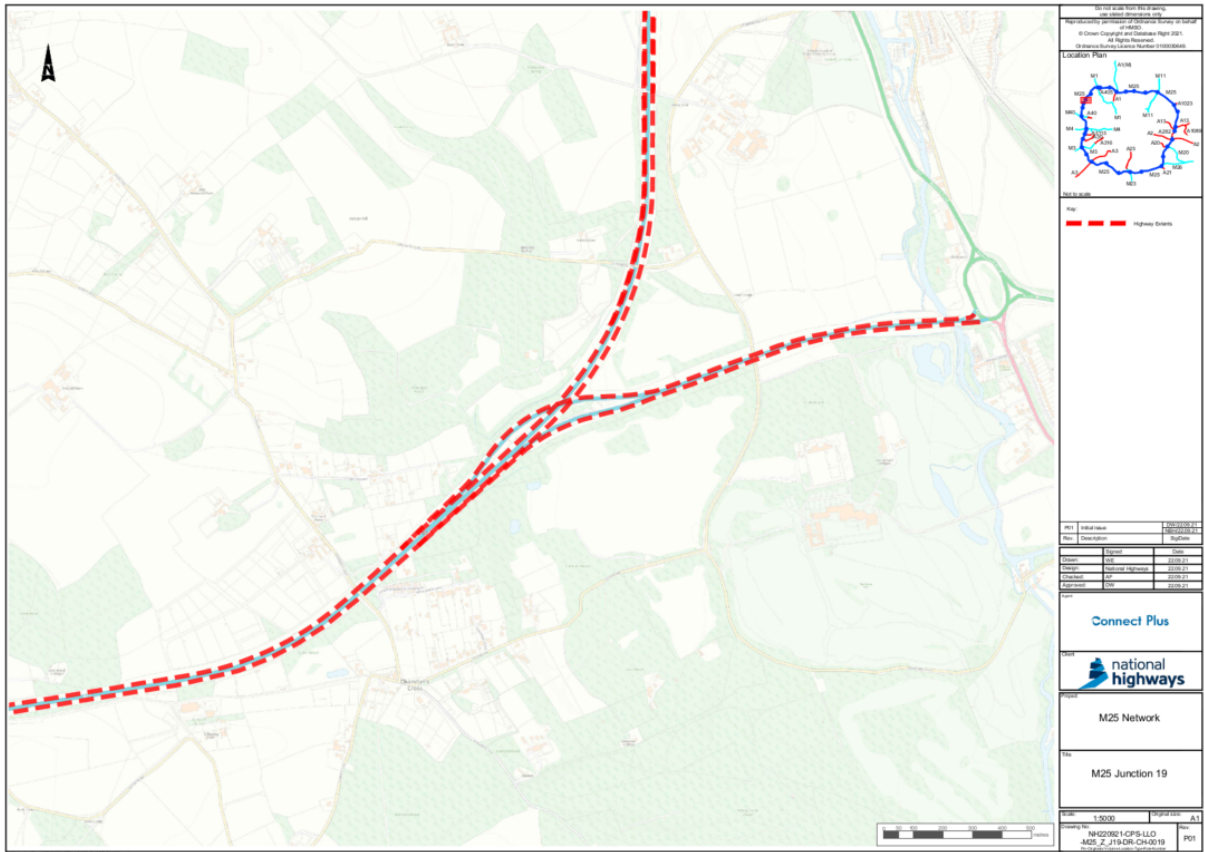




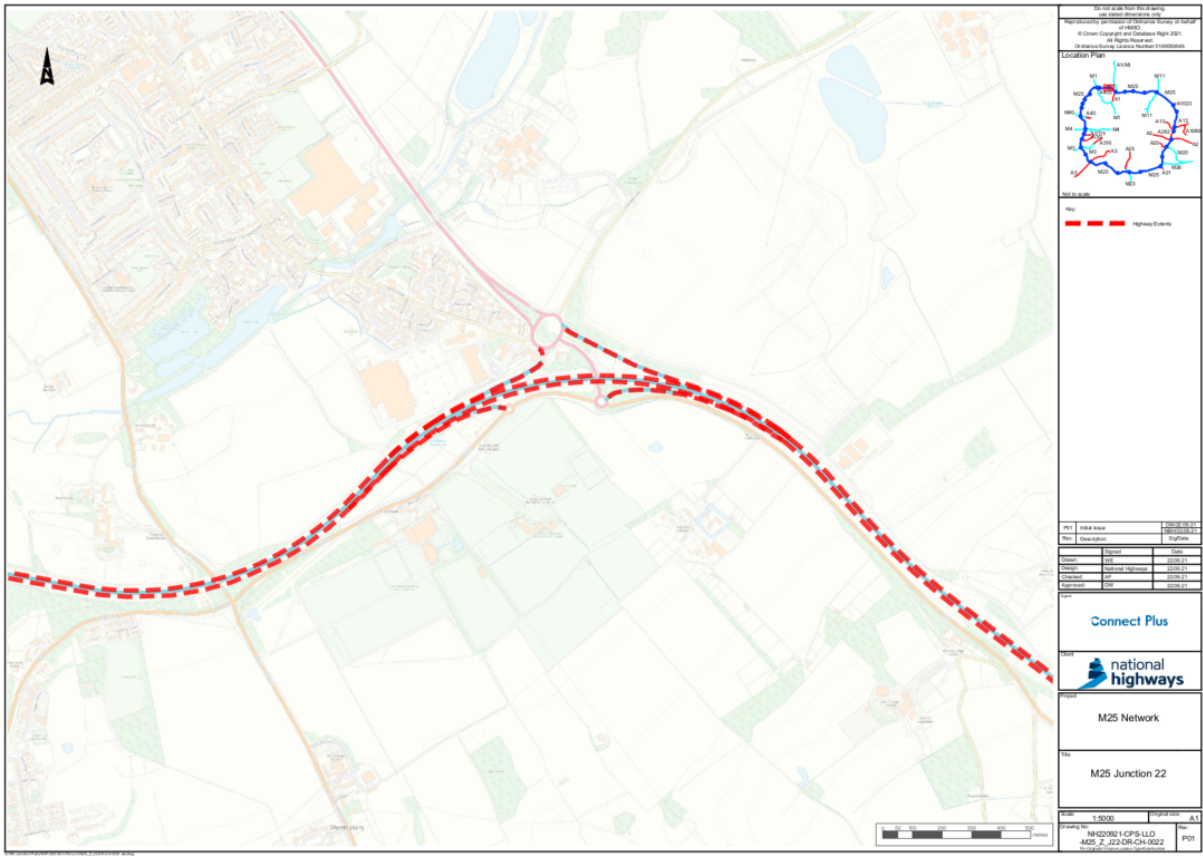
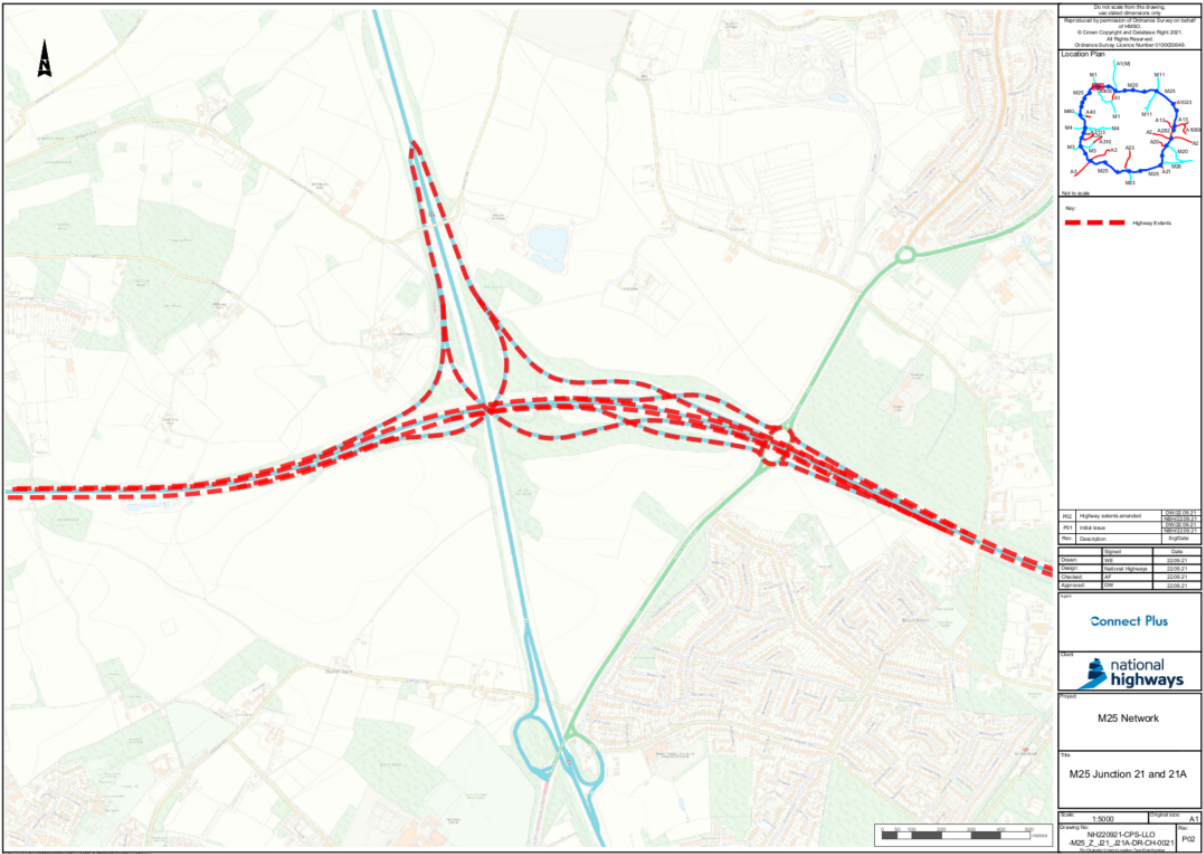


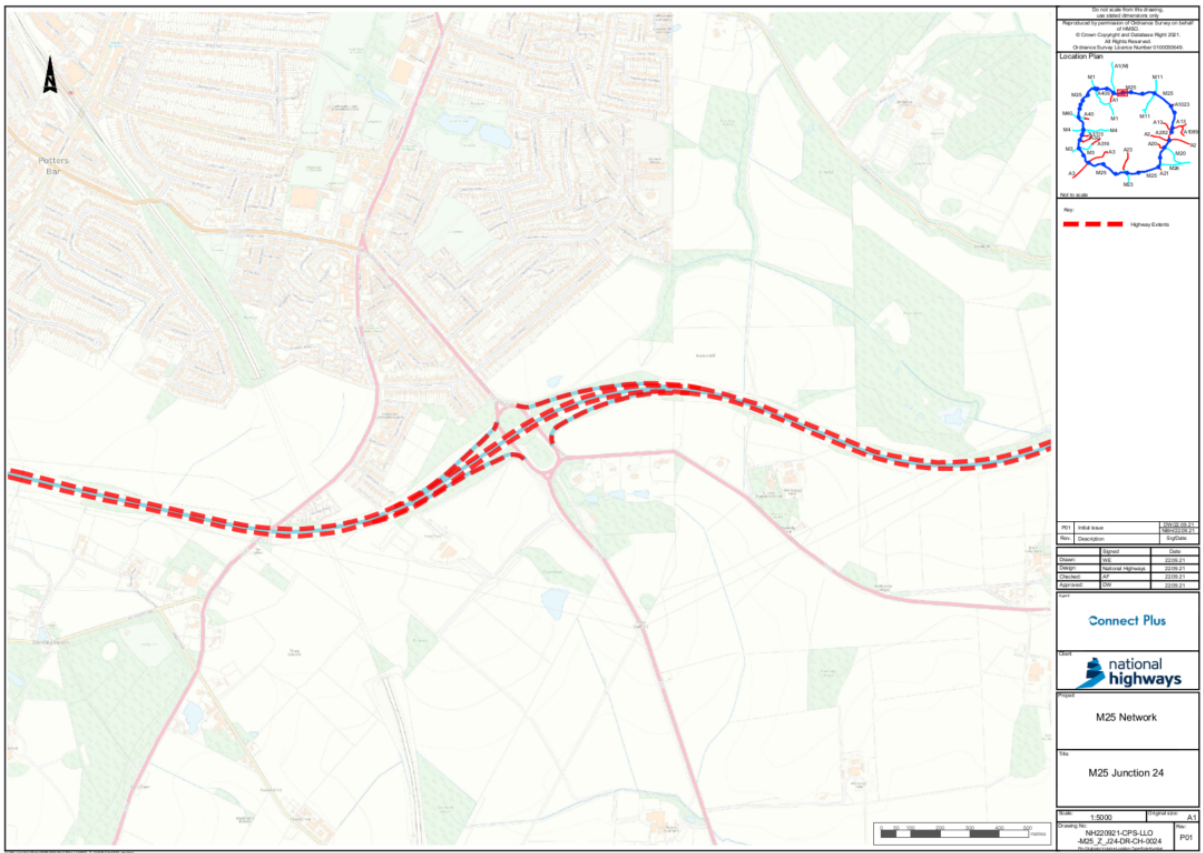
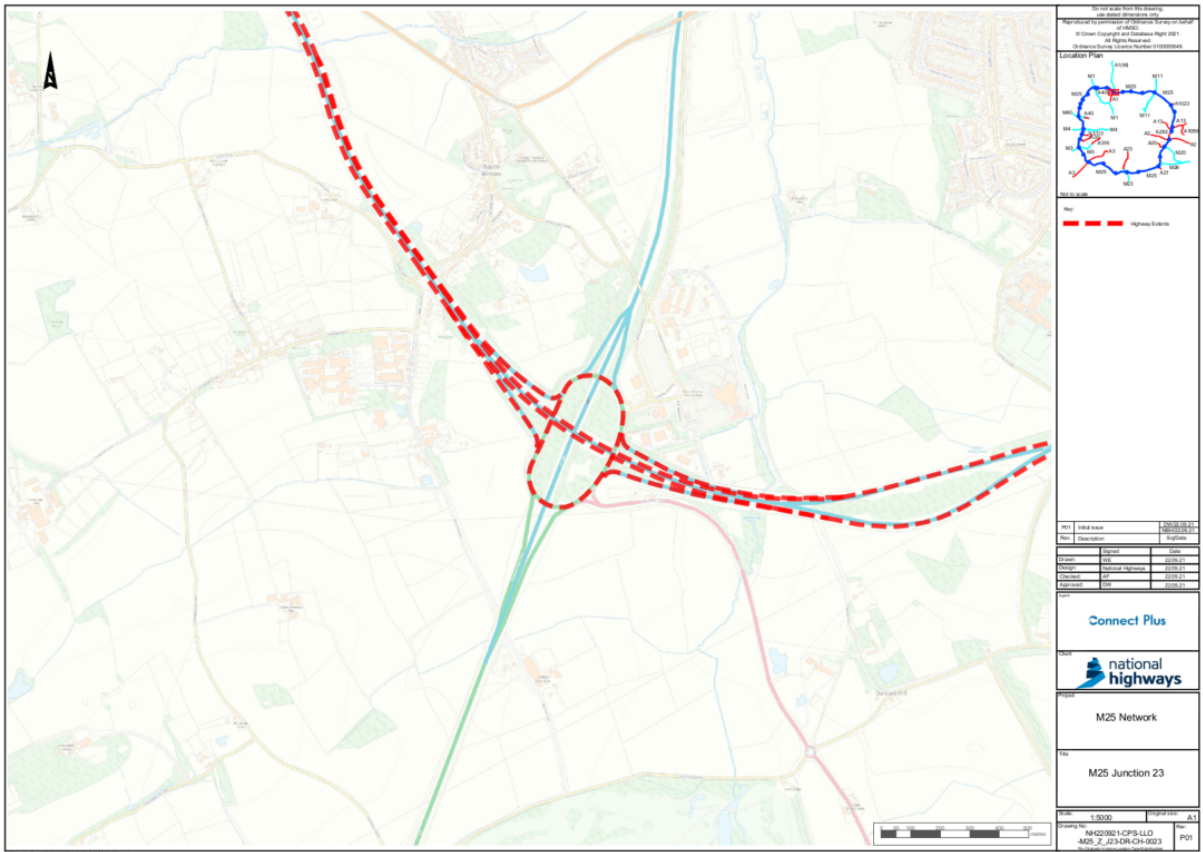


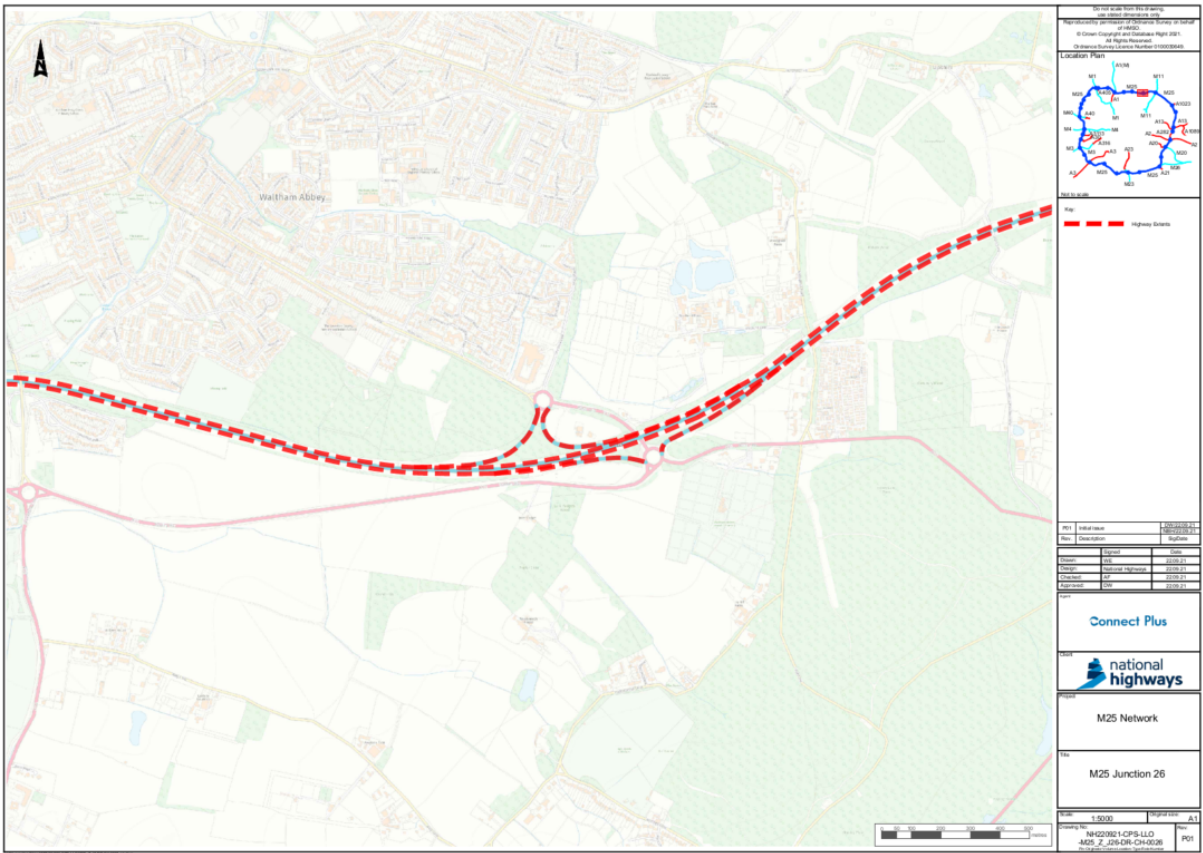
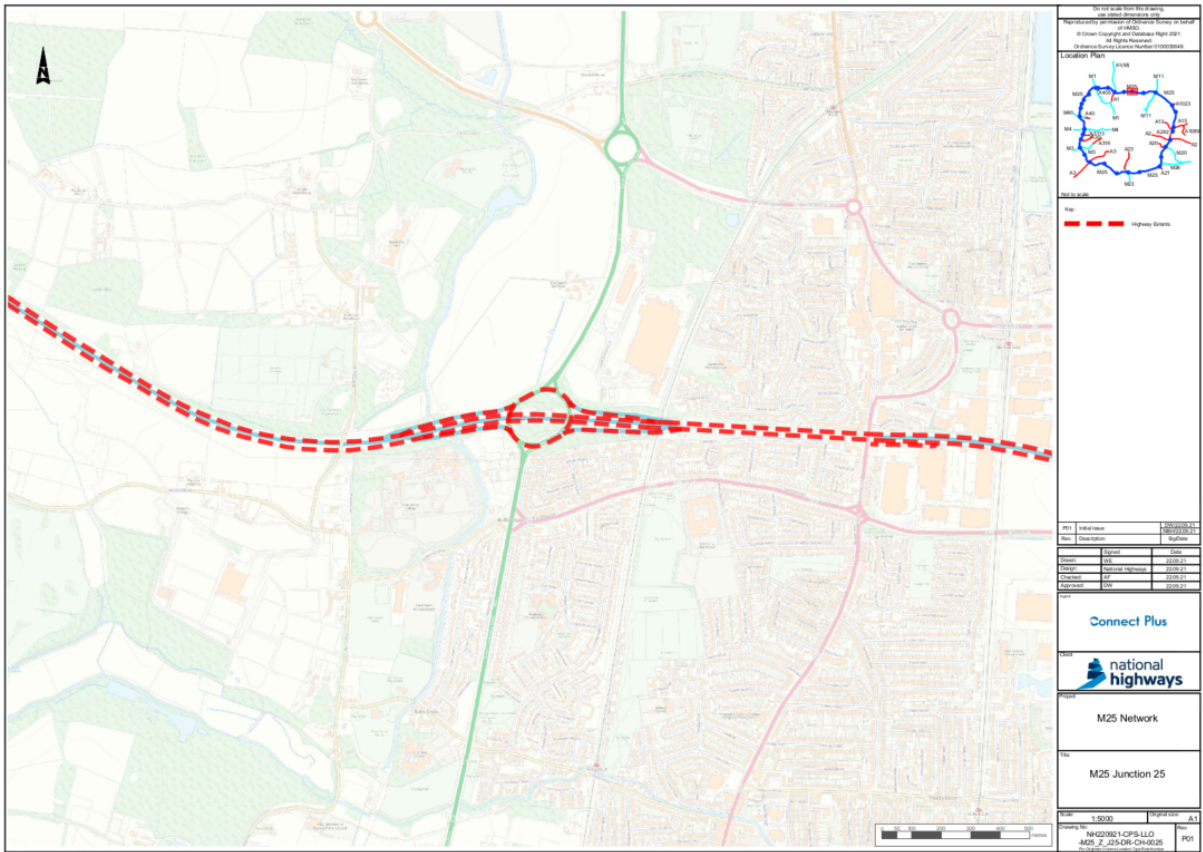


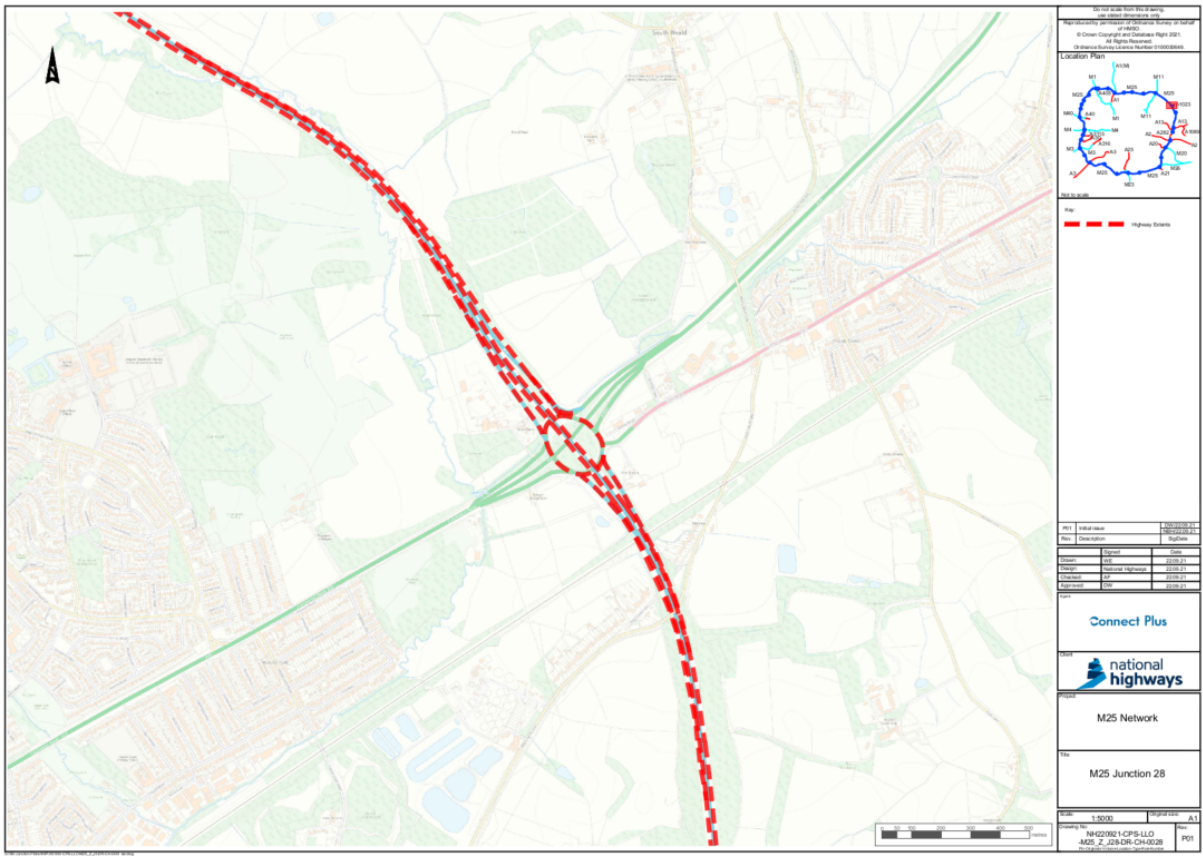
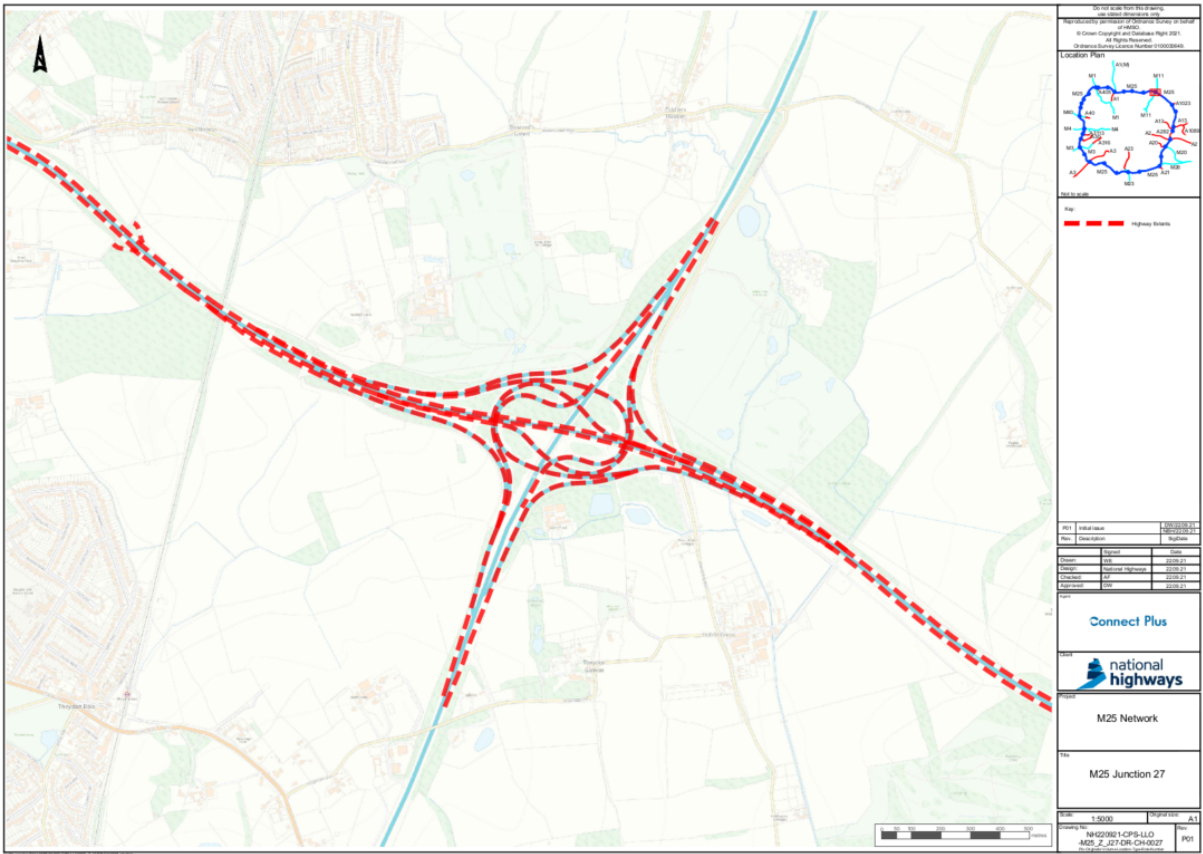


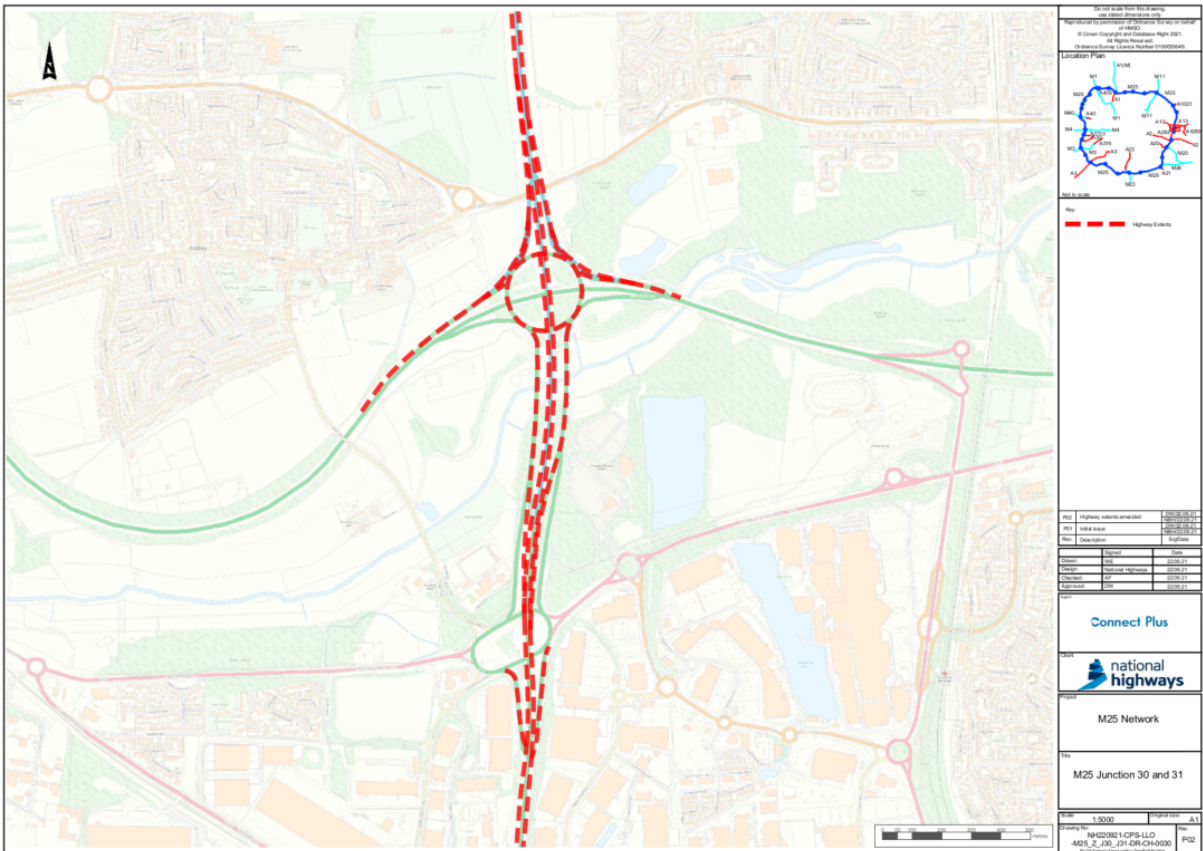
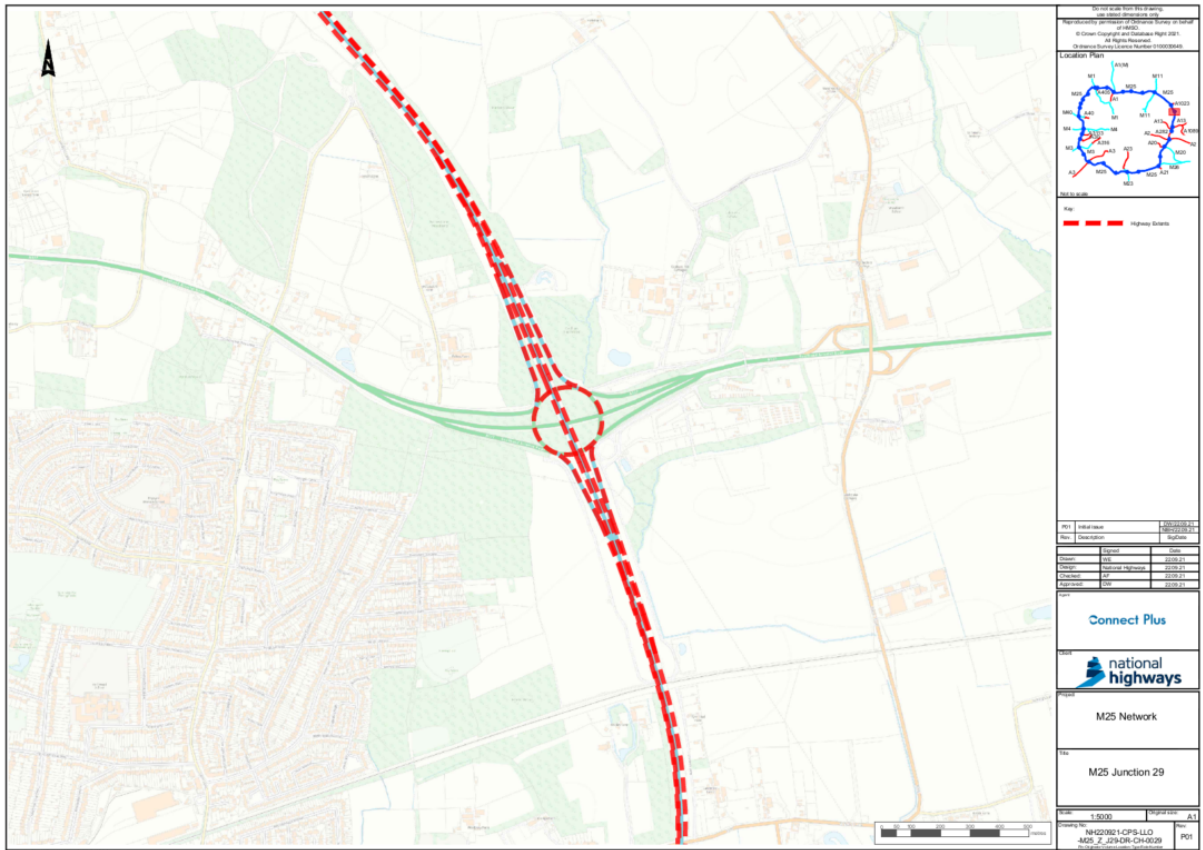






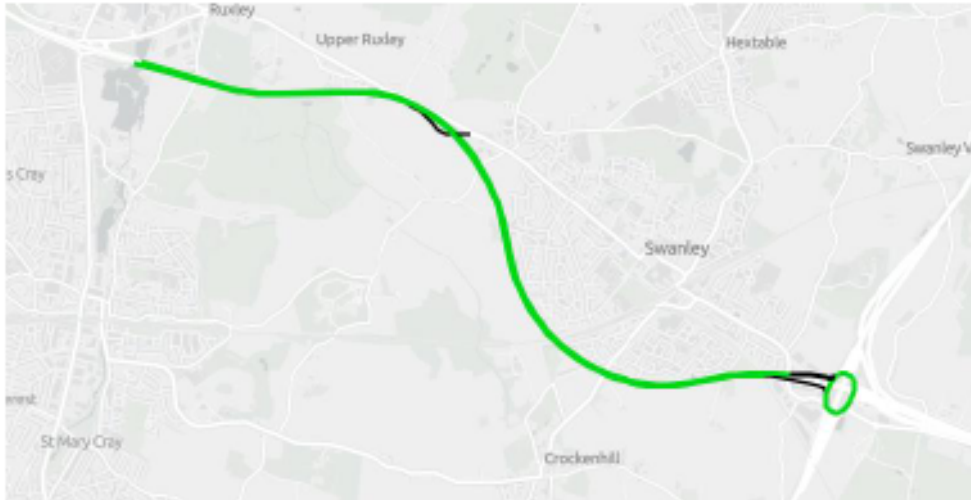




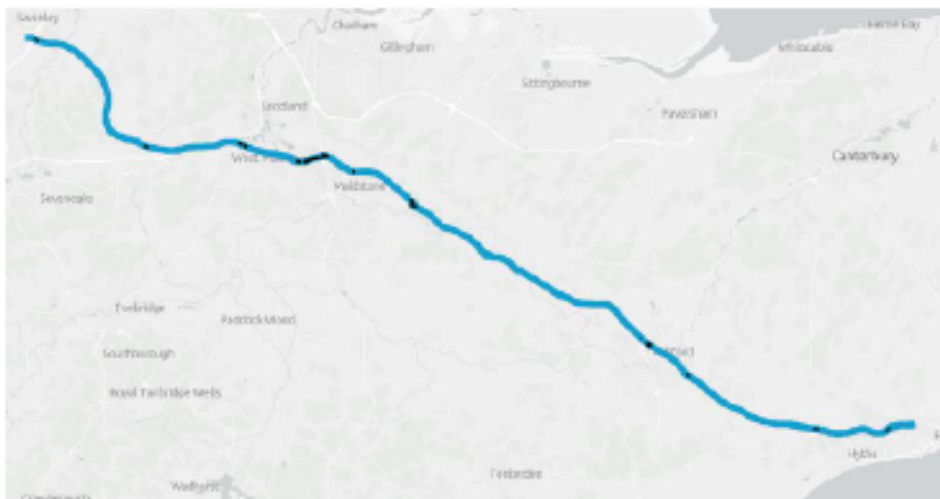


## APPENDIX 2

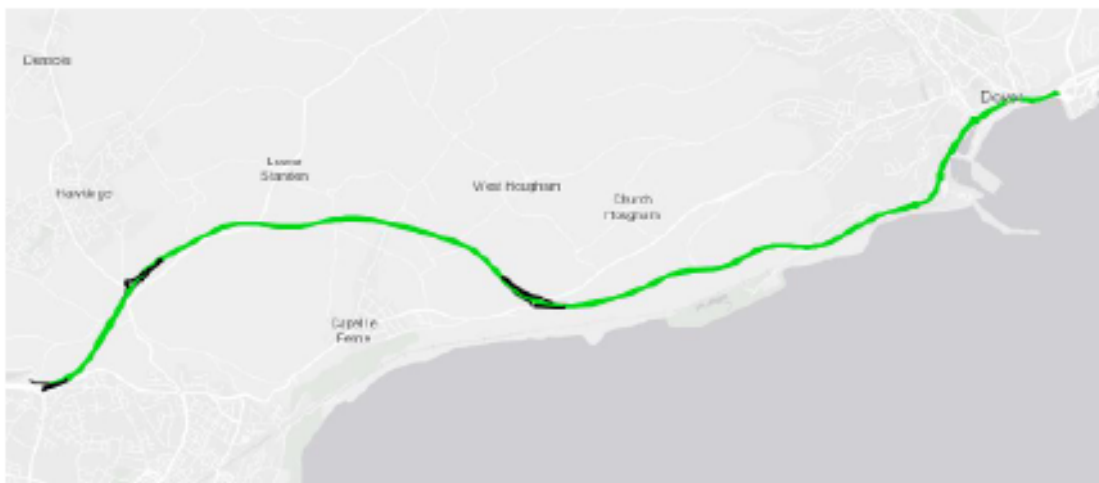
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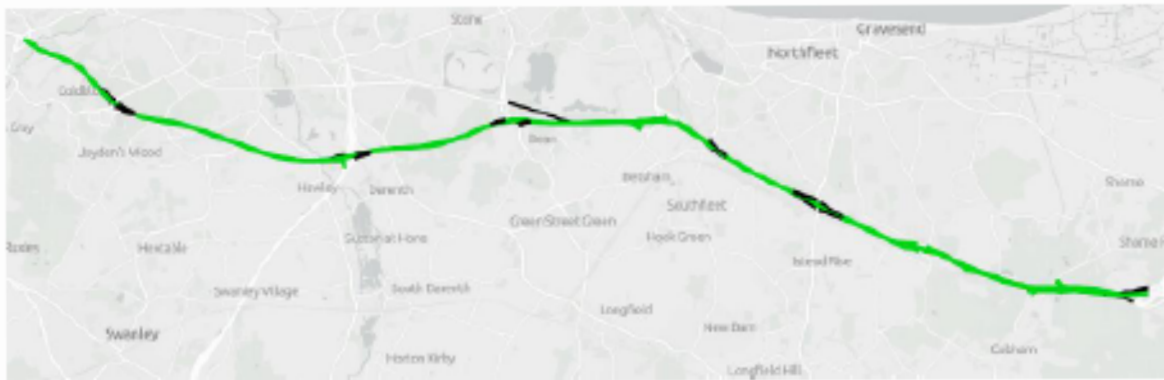
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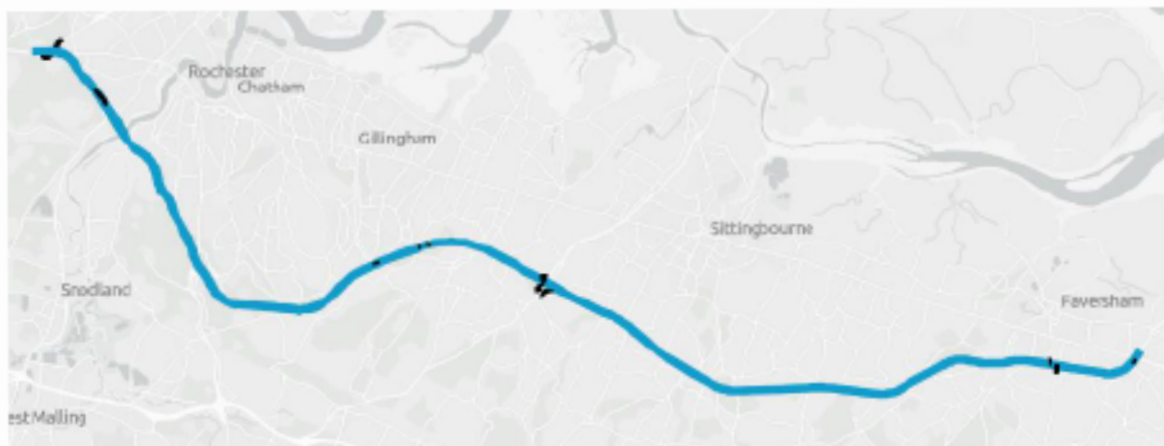
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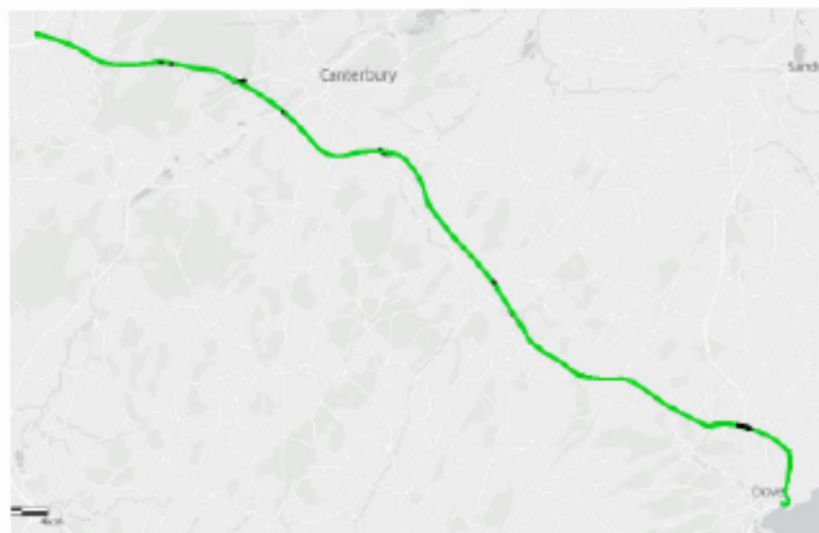
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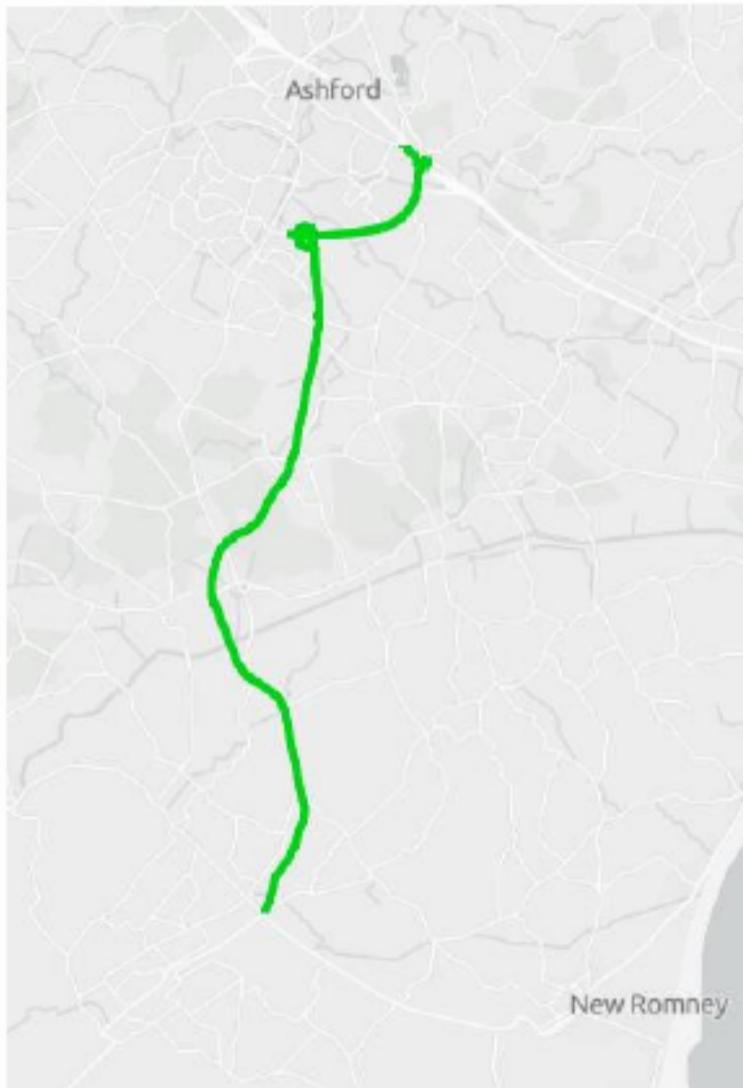
### M2



### A2 M2 - Dover Section



A2070



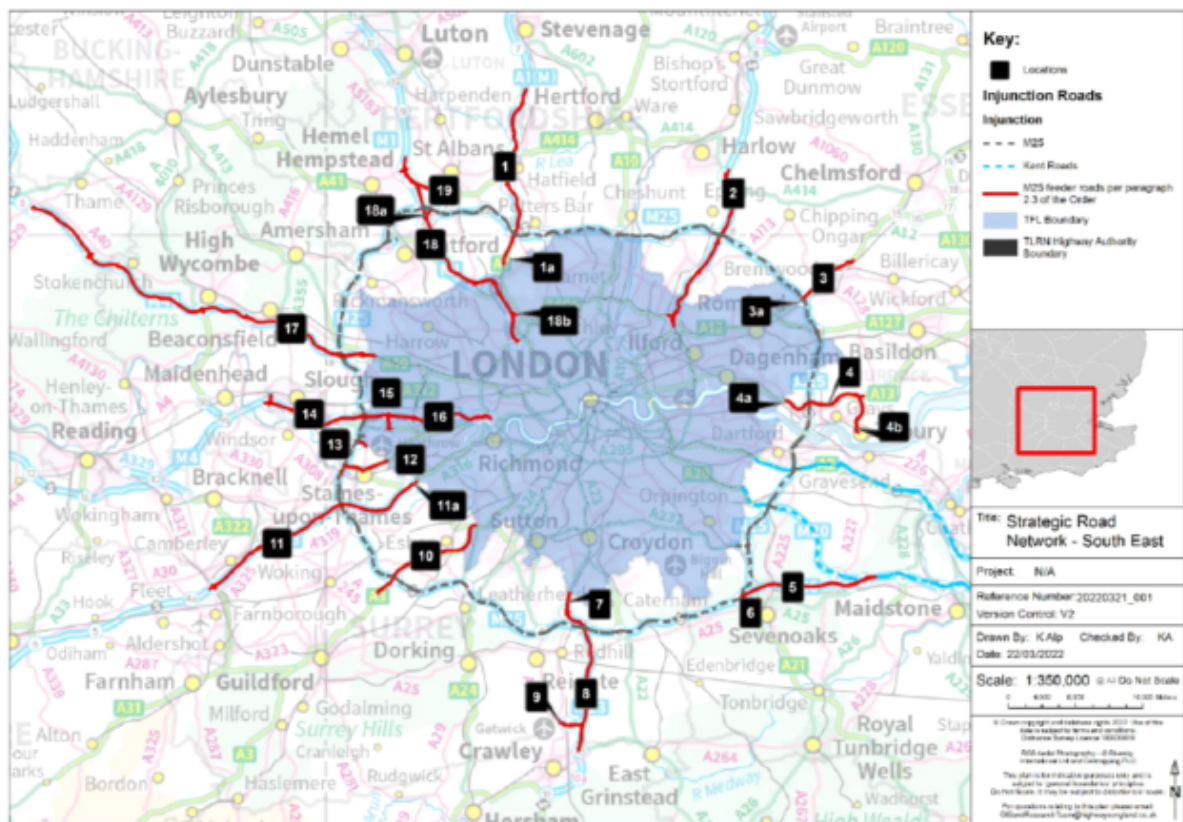
Kent & Surrounding areas SRN





## APPENDIX 3

### Strategic Road Network – South East



1. A1(M) from Junction 1 to Junction 6
- 1a. A1 from A1(M) to Rowley Lane
2. M11 from Junction 4 to Junction 7
3. A12 from M25 Junction 28 to A12 Junction 12
- 3a. A1023 (Brook Street) from M25 Junction 28 roundabout to Brook Street Shell Petrol Station access
4. A13 from M25 Junction 30 to junction with A1089
- 4a. A13 from junction with A1306 for Wennington to M25 Junction 30
- 4b. A1089 from junction with A13 to Port of Tilbury entrance

5. M26 (the whole motorway) from M25 to M20
6. A21 from the M25 to B2042
7. A23 from M23 to Star Shaw
8. M23 from Junction 7 to Junction 10 (including M23 Gatwick Spur)
9. A23 between North and South Terminal Roundabouts
10. A3 from A309 to B2039 Ripley Junction
11. M3 from Junction 1 to Junction 4
- 11a. A316 from M3 Junction 1 to Felthamhill Brook
12. A30 from M25 Junction 13 to Harrow Road, Stanwell, Feltham
13. A3113 from M25 Junction 14 to A3044
14. M4 from Junction 4B to Junction 7
15. M4 Spur (whole spur) from M4 Junction 4 to M4 Junction 4a
16. M4 from Junction 1 to Junction 4B
17. M40 from M40 Junction 7 to A40 (Fray's River Bridge)
18. M1 from Junction 1 to Junction 8
- 18a. A405 from M25 Junction 21A to M1 Junction 6
- 18b. A1 from Fiveways Corner roundabout to Hilltop Gardens
19. A414 from M1 Junction 8 to A405

APPENDIX 4

[On the package containing the Court 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 CALL - Antony Nwanodi, Government Legal Department, Tel: 020 7210 3424”**

[To affix to front door when the package has been posted through the letterbox or placed in a mailbox]

**“VERY URGENT: A PACKAGE HAS BEEN LEFT THAT CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL - Antony Nwanodi, Government Legal Department, Tel: 020 7210 3424”**

**SCHEDULE 1 – NAMED DEFENDANTS**

	<b>Name</b>	<b>Address</b>
1.	PERSONS UNKNOWN CAUSING THE BLOCKING OF, OR ENDANGERING, OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING	
2.	Alexander RODGER	[REDACTED]
3.	Alyson LEE	[REDACTED]
4.	Amy PRITCHARD	[REDACTED]
5.	Ana HEYATAWIN	[REDACTED]
6.	Andrew Taylor WORSLEY	[REDACTED]
7.	Anne TAYLOR	[REDACTED]
8.	Anthony WHITEHOUSE	[REDACTED]
9.	Barry MITCHELL	[REDACTED]
10.	Ben TAYLOR	[REDACTED]
11.	Benjamin BUSE	[REDACTED]
12.	Biff William Courtenay WHIPSTER	[REDACTED]
13.	Cameron FORD	[REDACTED]
14.	Catherine RENNIE-NASH	[REDACTED]
15.	Catherine EASTBURN	[REDACTED]
16.	Christian MURRAY-LESLIE	[REDACTED]

17.	Christian ROWE	[REDACTED]
18.	Cordelia ROWLATT	[REDACTED]
19.	Daniel Lee Charles SARGISON	[REDACTED]
20.	Daniel SHAW	[REDACTED]
21.	David CRAWFORD	[REDACTED]
22.	David JONES	[REDACTED]
23.	David NIXON	[REDACTED]
24.	David SQUIRE	[REDACTED]
25.	Diana Elizabeth BLIGH	[REDACTED]
26.	Diana HEKT	[REDACTED]
27.	Diana Lewen WARNER	[REDACTED]
28.	Donald BELL	[REDACTED]
29.	Edward Leonard HERBERT	[REDACTED]
30.	Elizabeth ROSSER	[REDACTED]
31.	Emma Joanne SMART	[REDACTED]
32.	Gabriella DITTON	[REDACTED]
33.	Gregory FREY	[REDACTED]
34.	Gwen HARRISON	[REDACTED]

35.	Harry BARLOW	[REDACTED]
36.	Ian BATES	[REDACTED]
37.	Ian Duncan WEBB	[REDACTED]
38.	James BRADBURY	[REDACTED]
39.	James Malcolm Scott SARGISON	[REDACTED]
40.	James THOMAS	[REDACTED]
41.	Janet BROWN	[REDACTED]
42.	Janine EAGLING	[REDACTED]
43.	Jerrard Mark LATIMER	[REDACTED] [REDACTED]
44.	Jessica CAUSBY	[REDACTED]
45.	Jonathan Mark COLEMAN	[REDACTED]
46.	Joseph SHEPHERD	[REDACTED]
47.	Joshua SMITH	[REDACTED]
48.	Judith BRUCE	[REDACTED]
49.	Julia MERCER	[REDACTED]
50.	Julia SCHOFIELD	[REDACTED]
51.	Karen MATTHEWS	[REDACTED]
52.	Karen WILDIN	[REDACTED]

		[REDACTED]
53.	Liam NORTON	[REDACTED]
54.	Louis MCKECHNIE	[REDACTED]
55.	Louise Charlotte LANCASTER	[REDACTED]
56.	Lucy CRAWFORD	[REDACTED]
57.	Mair BAIN	[REDACTED]
58.	Margaret MALOWSKA	[REDACTED]
59.	Marguerite DOWBLEDAY	[REDACTED]
60.	Maria LEE	[REDACTED]
61.	Martin John NEWELL	[REDACTED]
62.	Mary ADAMS	[REDACTED]
63.	Matthew LUNNON	[REDACTED]
64.	Matthew TULLEY	[REDACTED]
65.	Meredith WILLIAMS	[REDACTED]
66.	Michael BROWN	[REDACTED]
67.	Michael Anthony WILEY	[REDACTED]

68.	Michelle CHARLSWORTH	[REDACTED]
69.	Natalie Clare MORLEY	[REDACTED]
70.	Nathaniel SQUIRE	[REDACTED]
71.	Nicholas COOPER	[REDACTED]
72.	Nicholas ONLEY	[REDACTED]
73.	Nicholas TILL	[REDACTED]
74.	Oliver ROCK	[REDACTED]
75.	Paul COOPER	[REDACTED]
76.	Paul SHEEKY	[REDACTED]
77.	Peter BLENCOWE	[REDACTED]
78.	Peter MORGAN	[REDACTED]
79.	Phillipa CLARKE	[REDACTED]
80.	Priyadaka CONWAY	[REDACTED]
81.	Richard RAMSDEN	[REDACTED]
82.	Rob STUART	[REDACTED]
83.	Robin Andrew COLLETT	[REDACTED]
84.	Roman Andrzej PALUCH-MACHNIK	[REDACTED]
85.	Rosemary WEBSTER	[REDACTED]



86.	Rowan TILLY	[REDACTED]
87.	Ruth Ann COOK	[REDACTED]
88.	Ruth JARMAN	[REDACTED]
89.	Sarah HIRONS	[REDACTED]
90.	Simon REDING	[REDACTED]
91.	Stefania MOROSI	[REDACTED]
92.	Stephanie AYLETT	[REDACTED]
93.	Stephen Charles GOWER	[REDACTED]
94.	Stephen PRITCHARD	[REDACTED]
95.	Susan CHAMBERS	[REDACTED]
96.	Sue PARFITT	[REDACTED]
97.	Sue SPENCER- LONGHURST	[REDACTED]
98.	Susan HAGLEY	[REDACTED]
99.	Suzie WEBB	[REDACTED]
100.	Tessa-Marie BURNS	[REDACTED]
101.	Theresa NORTON	[REDACTED]
102.	Tim SPEERS	[REDACTED]
103.	Tim William HEWES	[REDACTED]

104.	Tracey MALLAGHAN	[REDACTED]
105.	Valerie SAUNDERS	[REDACTED]
106.	Venitia CARTER	[REDACTED]
107.	Victoria Anne LINDSELL	[REDACTED]
108.	Xavier GONZALEZ TRIMMER	[REDACTED]
109.	Bethany MOGIE	[REDACTED]
110.	Indigo RUMBELOW	[REDACTED]
111.	Adrian TEMPLE-BROWN	[REDACTED]
112.	Ben NEWMAN	[REDACTED]
113.	Christopher PARISH	[REDACTED]
114.	Elizabeth SMAIL	[REDACTED]
115.	Julian MAYNARD SMITH	[REDACTED]
116.	Rebecca LOCKYER	[REDACTED]
117.	Simon MILNER-EDWARDS	[REDACTED]
118.	Stephen BRETT	[REDACTED]
119.	Virginia MORRIS	[REDACTED]
120.	Andria EFTHIMIOUS-MORDAUNT	[REDACTED]

121.	Christopher FORD	[REDACTED]
122.	Darcy MITCHELL	[REDACTED]
123.	David MANN	[REDACTED]
124.	Ellie LITTEN	[REDACTED]
125.	Julie MACOLI	[REDACTED]
126.	Kai BARTLETT	[REDACTED]
127.	Sophie FRANKLIN	[REDACTED]
128.	Tony HILL	[REDACTED]
129.	Nicholas BENTLEY	[REDACTED]
130.	Nicola STICKELLS	[REDACTED]
131.	Mary LIGHT	[REDACTED]
132.	David McKENNY	[REDACTED]
133.	Giovanna LEWIS	[REDACTED]
134.	Margaret REID	[REDACTED]

**SCHEDULE 2**

**Claim Nos. QB-2021-003576, 003626 and 003737**

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION**

**Before the Honourable Mr Justice Chamberlain  
On 17 March 2022**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

**-and-**

- (1) PERSONS UNKNOWN CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ONTO OR ALONG THE M25 MOTORWAY FOR THE PURPOSES OF PROTESTING**
- (2) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A2, A20 AND 2070 TRUNK ROADS AND M2 AND M20 MOTORWAY FOR THE PURPOSE OF PROTESTING**
- (3) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING**
- (4) MR ALEXANDER RODGER AND 142 OTHERS**



Defendants

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**ORDER**

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**PENAL NOTICE**

**IF YOU THE WITHIN NAMED DEFENDANTS OR PERSONS UNKNOWN OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

## **IMPORTANT NOTICE TO THE DEFENDANTS**

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

**FURTHER TO** the Orders made in these proceedings by Lavender J on 22 September 2021 (the “**M25 Order**”), Cavanagh J on 24 September 2021 (the “**Kent Roads Order**”) and Holgate J on 4 October 2021 (the “**Feeder Roads Order**”)

**AND UPON** the Claimant’s application by Application Notice dated 4 March 2022, pursuant to the liberty to apply provisions at paragraph 7 of the M25 and Kent Roads Orders and paragraph 10 of the Feeder Roads Order to extend the duration of the injunctions contained at paragraph 2 of the M25 and Kent Roads Orders and paragraph 4 of the Feeder Roads Order (the “**Extension Application**”)

**AND UPON READING** the Witness Statement of Robert Shaw dated 4 March 2022, and the Claimant’s skeleton argument.

**AND UPON** hearing David Elvin QC, Counsel for the Claimant

**AND UPON** the Court accepting the Claimant’s undertaking that it will provide to the Defendants copies of further evidence or other documents filed in these proceedings upon request, following the Defendants or their representatives providing contact details to the Claimant’s solicitors

**AND UPON** the Court accepting the Claimant’s renewed undertaking that the Claimant 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 Court accepting the Claimant’s renewed undertaking to identify and name Defendants and apply to add them as named Defendants to this Order as soon as reasonably practicable

**AND UPON** the Claimant confirming that this Order is not intended to prohibit lawful protest which does not endanger, slow, obstruct, prevent or otherwise interfere with the flow of traffic onto off or along the M25, Kent Roads or Feeder Roads nor to prevent lawful use of the Roads by any person

**AND UPON** the Claimant confirming that it will file summary judgment applications in respect of Claim Nos. QB-2021-003576, 003626 and 003737 as soon as reasonably practicable

**AND UPON** the Chief Constables for those forces listed in Schedule 2 to this order having consented to an order being made in the terms set out below

**IT IS ORDERED THAT:**

**Continuation of the M25 Order**

1. For the purposes of this Order, the

1.1 M25 means the London Orbital Motorway including but not limited to the verges, central reservation, on- and off-slip roads, overbridges and underbridges including the Dartford Crossing and Queen Elizabeth II Bridge, and any apparatus related to that motorway.

1.2 the Kent Roads mean the A2, A20, A2070, M2 and M20 as identified in the plans annexed at Annex A to this Order, including but not limited to the verges, central reservation, on- and off-slip roads, overbridges and underbridges and any apparatus related to that motorway;

1.3 the Feeder Roads mean the A1(M) (Junction 1 to Junction 6), M11 (Junction 4 to Junction 7), A12 (M25 Junction 28 to A12 Junction 12), A13 (M25 Junction 30 to A1089), M26 (whole motorway from M25 to M20), A21 (M25 to B2042), A23 (M23 to Star Shaw), M23 (Junction 7 to Junction 10 (including M23 Gatwick Spur)), A23 (between North and South Terminal Roundabouts), A3 (A309 to B2039 Ripley Junction), M3 (Junction 1 to Junction 4), A30 (M25 Junction 13 to Harrow Road, Stanwell, Feltham), A3113 (M25 Junction 14 to A3044), M4 (Junction 1 to Junction 7), M4 Spur (whole of spur from M4 Junction 4 to M4 Junction 4a), M40 (Junction 7 to A40 at Fray's River Bridge), M1 (Junction 1 to Junction 8) and A414 (M1 Junction 8 to A405) as identified by the descriptions and plan annexed at Annex B to this Order, including but not limited to the verges, central reservation, on- and off-slip roads, overbridges and underbridges, including any roundabouts for access to and from the Feeder Roads, and any apparatus related to those roads.

(together the “**Roads**”).

### **Continuation of the M25 Order**

2. The long-stop date of 21 March 2022 be deleted, and the injunction at paragraph 2 of the M25 Order as set out in full at paragraph 3 below shall continue until 9 May 2022 or further order.

### **Injunction in force – M25 Order**

3. With immediate effect and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 pm on 9 May 2022, the Defendants and each of them are forbidden from:

3.1 Blocking, endangering, slowing down, preventing, or obstructing the free flow of traffic onto or along or off the M25 for the purposes of protesting.

3.2 Causing damage to the surface of or to any apparatus on or around the M25 including but not limited to painting, damaging by fire, or affixing any item or structure thereto.

3.3 Affixing themselves (“locking on”) to any other person or object on the M25.

3.4 Erecting any structure on the M25.

3.5 Tunnelling in the vicinity of the M25.

3.6 Entering onto the M25 unless in a motor vehicle.

3.7 Abandoning any vehicle or item on the M25 with the intention of causing an obstruction.

3.8 Refusing to leave the area of the M25 when asked to do so by a police constable, National Highways Traffic Officer or High Court Enforcement Officer.

3.9 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 3.1 – 3.8 above.

3.10 Continuing any act prohibited by paragraphs 3.1 – 3.9 above.

### **Continuation of the Kent Roads Order**

4. The long-stop date of 24 March 2022 be deleted, and the injunction at paragraph 2 of the Kent Roads Order as set out in full at paragraph 5 below shall continue until 9 May 2022 or further order.

**Injunction in force - Kent Roads Order**

5. With immediate effect and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 pm on 9 May 2022, the Defendants and each of them are forbidden from:
  - 5.1 Blocking, slowing down, obstructing or otherwise interfering with the flow of traffic onto or along or off the Roads for the purpose of protesting.
  - 5.2 Blocking, slowing down, obstructing or otherwise interfering with access to or from the Roads, and on any adjacent roads, slip roads or roundabouts which are not vested in the Claimant, for the purpose of protesting.
  - 5.3 Causing damage to the surface of or to any apparatus on or around the Roads including but not limited to painting, damaging by fire, or affixing any item or structure thereto.
  - 5.4 Affixing themselves (“locking on”) to any other person or object on the Roads.
  - 5.5 Erecting any structure on the Roads.
  - 5.6 Tunnelling in the vicinity of the Roads.
  - 5.7 Entering onto the Roads unless in a motor vehicle.
  - 5.8 Abandoning any vehicle or item on the Roads with the intention of causing an obstruction.



5.9 Refusing to leave the area within 50m of the centre of the Roads when asked to do so by a police constable, National Highways Traffic Officer or High Court Enforcement Officer.

5.10 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 5.1 – 5.9 above.

5.11 Continuing any act prohibited by paragraphs 5.1 – 5.10 above.

### **Continuation of the Feeder Roads Order**

6. The long-stop date of 24 March 2022 be deleted, and the injunction at paragraph 4 of the Feeder Roads Order as set out in full at paragraph 7 below shall continue 9 May 2022 or further order.

### **Injunction in force – Feeder Roads Order**

7. With immediate effect and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 pm on 9 May 2022, the Defendants and each of them are forbidden from:

7.1 Blocking, slowing down, obstructing or otherwise interfering with the flow of traffic onto or along or off the Roads for the purpose of protesting.

7.2 Blocking, slowing down, obstructing or otherwise interfering with access to or from the Roads, and on any adjacent roads, slip roads or roundabouts which are not vested in the Claimant, for the purpose of protesting.

7.3 Causing damage to the surface of or to any apparatus on or around the Roads including but not limited to painting, damaging by fire, or affixing any item or structure thereto.

7.4 Affixing themselves (“locking on”) to any other person or object on the Roads.

7.5 Erecting any structure on the Roads.

7.6 Tunnelling in the vicinity of the Roads.

7.7 Entering onto the Roads unless in a motor vehicle.

7.8 Abandoning any vehicle or item on the Roads with the intention of causing an obstruction.

7.9 Refusing to leave the area within 50m of the centre of the Roads when asked to do so by a police constable, National Highways Traffic Officer or High Court Enforcement Officer.

7.10 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 7.1 – 7.9 above.

7.11 Continuing any act prohibited by paragraphs 7.1 – 7.10 above.

### **Alternative Service**

8. The Claimant is permitted in addition to personal service to serve this Order and other documents in these proceedings by the following three methods:

8.1 placing a copy of this Order on the National Highways website; and

8.2 sending a copy of this Order to Insulate Britain's email addresses: Insulate Britain [ring2021@protonmail.com](mailto:ring2021@protonmail.com) and [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com); and

8.3 posting a copy of this Order together with covering letter through the letterbox of each Defendant (or leaving in a separate mailbox) with a notice affixed to the front door if necessary, 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 the front door 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 Schedule 1; or

8.4 instead of by post as set out in paragraph 8.3 above, by email in circumstances where a Defendant has requested email service of documents.

9. Compliance with paragraph 8 shall constitute service of this Order.

### **Third-Party Disclosure**

10. The disclosure obligations contained in the order of Thornton J dated 24 November 2021, as set out in full at paragraph 11 below, shall be extended to continue until 31 July 2022 or further order.
11. The Chief Constables for those forces listed in the Schedule to this order shall disclose to the Claimant:
  - 11.1 all of the names and addresses of any person who has been arrested by one of their officers in the course of, or as a result of, protests on the highway referred to in these proceedings; and
  - 11.2 all arrest notes, body camera footage and/or all other photographic material relating to possible breaches of the Orders.
12. The Claimant is to serve this order on the Police Representative Assistant Chief Constable Owen Weatherill ([owen.weatherill@npocc.police.uk](mailto:owen.weatherill@npocc.police.uk)), by email only.

### **Further directions**

13. The Defendants or any other person affected by this order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimant's solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
14. 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 (to the extent they are not already so named).
15. The Claimant has permission to apply to extend or vary this Order or for further directions.
16. The Claimant is to file its application for summary judgment ("**the Application**") by 4pm on 25 March 2022.
17. The Claimant is to serve the Application and evidence in support thereof on the Defendants by 4pm on 5 April 2022.

18. Any Defendant wishing to file evidence in response to the Application is to file and serve such evidence in response by 4pm on 22 April 2022.
19. The Claimant and any Defendant wishing to file a Skeleton Argument are to file and serve a Skeleton Argument by 4pm on 27 April 2022.
20. The Application is listed for 4-5 May 2022 with a time estimate of 2 days, with 3 May 2022 set aside as a judicial reading day.
21. Costs reserved.

### **Communications with the Claimant**

22. The Claimant's solicitors and their contact details are:

FAO Petra Billing/ Rob Shaw ([petra.billing@dlapiper.com](mailto:petra.billing@dlapiper.com) / [rob.shaw@dlapiper.com](mailto:rob.shaw@dlapiper.com))

DLA Piper UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX

Reference – RXS/366530/107

**BY THE COURT**

**Dated: 18 March 2022**

### **SCHEDULE 3**

#### **CHIEF CONSTABLES OF THE FORCES OF:**

**City of London Police**

**Metropolitan Police Service**

**Avon and Somerset Constabulary**

**Bedfordshire Police**

**Cambridgeshire Constabulary**

**Cheshire Constabulary**

**Cleveland Police**

**Cumbria Constabulary**

**Derbyshire Constabulary**

**Devon & Cornwall Police**

**Dorset Police**

**Durham Constabulary**

**Essex Police**

**Gloucestershire Constabulary**

**Greater Manchester Police**

**Hampshire Constabulary**

**Hertfordshire Constabulary**

**Humberside Police**

**Kent Police**

**Lancashire Constabulary**

**Leicestershire Police**

**Lincolnshire Police**

**Merseyside Police**

**Norfolk Constabulary**  
**North Yorkshire Police**  
**Northamptonshire Police**  
**Northumbria Police**  
**Nottinghamshire Police**  
**South Yorkshire Police**  
**Staffordshire Police**  
**Suffolk Constabulary**  
**Surrey Police**  
**Sussex Police**  
**Thames Valley Police**  
**Warwickshire Police**  
**West Mercia Police**  
**West Midlands Police**  
**West Yorkshire Police**  
**Wiltshire Police**

**SCHEDULE 2**

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

**BEFORE: MR JUSTICE BENNATHAN**

**Claim No: QB-2021-003576, QB-2021-003626, QB-2021-003737**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

Claimant

-and-

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING,  
OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25  
MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20  
MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK  
ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40  
MOTORWAYS FOR THE PURPOSE OF PROTESTING**

**(2) MR ALEXANDER RODGER AND 132 OTHERS**

Defendants

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**JUDGMENT ORDER**

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**UPON** the application of the Claimant for summary judgment (“the Application”)

**AND UPON** Mr Justice Chamberlain making an Order dated 17 March 2022 (“Extension Order”)

**AND UPON** hearing Myriam Stacey QC, Admas Habteslasie and Michael Fry for the Claimant, and Owen Greenhall for Jessica Branch being a person who is not a party to the proceedings but who was permitted to make representations pursuant to CPR r. 40.9.

**AND UPON** the Court making a separate Order dated ~~9~~<sup>4</sup> May 2022 (“Injunction Order”) in respect of interim and final injunctive relief.



## IT IS ORDERED:

### Definitions

~~1.~~ In this Order, the following definitions shall have effect:

~~1.1.~~ “Dismissal Defendants” means ~~Tam Millar; Hannah Shafer; Jesse Long; Thomas Franke; William Wright; Arne Springorum; Ben Horton; Emily Broecklebank; Mare Savitsky; and Serena Schellenberg~~

~~1.2.~~ “Contemnor Defendants” means ~~Ana Heyatawin (D5); Ben Taylor (D10); Benjamin Buse (D11); Biff Whipster (D12); Christian Rowe (D17); David Nixon (D23); Diana Warner (D27); Ellie Litten (D124); Emma Smart (D31); Gabriella Ditton (D32); Indigo Rumbelow (D110); James Thomas (D40); Louis McKechnie (D54); Oliver Rock (D74); Paul Sheeky (D76); Richard Ramsden (D81); Roman Paluch-Machnik (D84); Ruth Jarman (D88); Stephanie Aylett (D92); Stephen Gower (D93); Stephen Pritchard (D94); Sue Parfitt (D96); Theresa Norton (D101); and Tim Speers (D102)~~

~~1.3.~~ “109 Defendants” means ~~all the remaining named defendants excluding the Dismissal and Contemnor Defendants.~~

### Management of Proceedings

~~2.1.~~ The Extension Order at paragraph ~~12~~<sup>14</sup> is varied as it conflicts with CPR r 40.9. Pursuant to r 40.9 Ms Jessica Branch is directly affected by the proposed order and has permission to seek to vary the proposed order.

### Disposal

~~3.~~ The Application is dismissed as against the Dismissal Defendants and the 109 Defendants.

~~4.2.~~ Summary judgment on the Application in favour of the Claimant is granted in respect of the ~~Contemnor~~ Defendants.

~~5.3.~~ Injunctive relief in the form of ~~a~~ <sup>an</sup> interim and final injunctions is granted, as set out in the Injunction Order dated ~~9~~<sup>12</sup> May 2022.

~~6.4.~~ 6.4. The Claimant's application for alternative service of the Injunction Order is refused in respect of the First Defendant, and granted in respect of the ~~Contemnor~~ Second Defendants, ~~and 109 Defendants.~~

~~7.5.~~ 7.5. The Claimant's application for disclosure orders in respect of the police is granted as provided for in the Injunction Order.

~~8.6.~~ 8.6. The Claimant's application for declaratory relief is refused.

### **Costs**

~~9.7.~~ 9.7. Costs reserved.

~~10.8.~~ 10.8. Any submissions on costs by any party are to be filed and served on the Claimant, Ms Branch, and the Court by 4pm on Monday 16 May 2022.

### **Permission to Appeal**

~~11.9.~~ 11.9. The Claimant's application (made by email to Mr Justice Bennathan's clerk dated 11 May 2022 timed at 17:51) for permission to appeal is refused.

~~12.10.~~ 12.10. If so advised, time to file any further application for permission to appeal is to run from Wednesday 11 May 2022 which is the date judgment in the Application was handed down.

### **Alternative Service of this Order**

~~13.11.~~ 13.11. The Claimant is permitted to serve this Judgment Order on the Defendants by:

~~13.1.11.1.~~ 13.1.11.1. Service of the sealed Order on Insulate Britain by email to their known email addresses [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com) and [ring2021@protonmail.com](mailto:ring2021@protonmail.com); and

~~13.2.11.2.~~ 13.2.11.2. Placing copies of the Order on the National Highways website.

~~14.~~12. This Judgment Order and any document relating to the hearing on 4 – 5 May 2022 (but not the Injunction Order) may be served on Ms Branch by providing a copy to her solicitors by email.

**12 May 2022**

**BY THE COURT**

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

**BEFORE: MR JUSTICE BENNATHAN**

**Claim No: QB-2021-003576, QB-2021-003626, QB-2021-003737**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

Claimant

-and-

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING,  
OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25  
MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20  
MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK  
ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40  
MOTORWAYS FOR THE PURPOSE OF PROTESTING**

**(2) MR ALEXANDER RODGER AND 132 OTHERS**

Defendants

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**JUDGMENT ORDER**

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**UPON** the application of the Claimant for summary judgment (“the Application”)

**AND UPON** Mr Justice Chamberlain making an Order dated 17 March 2022 (“Extension Order”)

**AND UPON** hearing Myriam Stacey QC, Admas Habteslasie and Michael Fry for the Claimant, and Owen Greenhall for Jessica Branch being a person who is not a party to the proceedings but who was permitted to make representations pursuant to CPR r. 40.9.

**AND UPON** the Court making a separate Order dated 9 May 2022 (“Injunction Order”) in respect of interim and final injunctive relief.

## **IT IS ORDERED:**

### **Management of Proceedings**

1. The Extension Order at paragraph 12 is varied as it conflicts with CPR r 40.9. Pursuant to r 40.9 Ms Jessica Branch is directly affected by the proposed order and has permission to seek to vary the proposed order.

### **Disposal**

2. Summary judgment on the Application in favour of the Claimant is granted in respect of the Defendants.
3. Injunctive relief in the form of a final injunction is granted, as set out in the Injunction Order dated 9 May 2022.
4. The Claimant's application for alternative service of the Injunction Order is refused in respect of the First Defendant, and granted in respect of the Second Defendant.
5. The Claimant's application for disclosure orders in respect of the police is granted as provided for in the Injunction Order.
6. The Claimant's application for declaratory relief is refused.

### **Costs**

7. Costs reserved.
8. Any submissions on costs by any party are to be filed and served on the Claimant, Ms Branch, and the Court by 4pm on Monday 16 May 2022.

### **Permission to Appeal**

9. The Claimant's application (made by email to Mr Justice Bennathan's clerk dated 11 May 2022 timed at 17:51) for permission to appeal is refused.

10. If so advised, time to file any further application for permission to appeal is to run from Wednesday 11 May 2022 which is the date judgment in the Application was handed down.

**Alternative Service of this Order**

11. The Claimant is permitted to serve this Judgment Order on the Defendants by:
  - 11.1. Service of the sealed Order on Insulate Britain by email to their known email addresses [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com) and [ring2021@protonmail.com](mailto:ring2021@protonmail.com); and
  - 11.2. Placing copies of the Order on the National Highways website.
12. This Judgment Order and any document relating to the hearing on 4 – 5 May 2022 (but not the Injunction Order) may be served on Ms Branch by providing a copy to her solicitors by email.

**12 May 2022**

**BY THE COURT**

**IN THE COURT OF APPEAL (CIVIL DIVISION)**  
**ON APPEAL FROM THE HIGH COURT OF JUSTICE**  
**QUEENS BENCH DIVISION**  
**Bennathan J [2022] EWHC 1105 (QB)**

**Claim No: 1**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

**Proposed Appellant**

-and-

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING,  
OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25  
MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20  
MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK  
ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40  
MOTORWAYS FOR THE PURPOSE OF PROTESTING  
(2) MR ALEXANDER RODGER AND 132 OTHERS**

**Proposed Respondents**

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**GROUND OF APPEAL**

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1. The Proposed Appellant (“**NHL**”) seeks permission to appeal against the Orders of Bennathan J (“**the Judge**”), by which the Judge dismissed in part the application of NHL for summary judgment (“**the SJ Application**”). By the SJ Application, NHL sought a final precautionary injunction. This required NHL to show an imminent and real risk of harm in the future. The Judge dismissed the SJ Application in relation to (i) 109 of the 133 named defendants and (ii) persons unknown on the basis that, because NHL was seeking summary judgment, this required NHL to establish that each defendant (named or unknown) had already committed the alleged torts, and the Judge found that NHL could not do so in respect of the 109 named defendants and persons unknown. The Judge nevertheless proceeded to grant a precautionary injunction on an interim basis against the 109 named defendants and persons unknown.
2. NHL seeks permission to appeal on the single ground that the Judge erred in law in concluding that a final injunction could not be granted against all of the defendants (including those named and unnamed) on the basis that a claim for a final injunction

and/or the summary judgment procedure imported some further requirement on NHL to show on the balance of probabilities that all defendants had actually already committed the torts in question.

**MYRIAM STACEY Q.C.**

**ADMAS HABTESLASIE**

**JOEL SEMAKULA**

Landmark Chambers

London EC4A 2HG

**27 May 2022**



**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

-and-

**Appellant**

- (1) PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING,  
OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25  
MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20  
MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK  
ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40  
MOTORWAYS FOR THE PURPOSE OF PROTESTING  
(2) MR ALEXANDER RODGER AND 132 OTHERS**

**Respondents**

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**APPEAL SKELETON ARGUMENT**  
*of the Appellant, National Highways Limited*

**(updated with bundle references 15 January 2023)**

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References to:

- page numbers in the core appeal bundle are in the format [CB/--]
- page numbers in the supplementary appeal bundle are in the format [SB/--]
- paragraph numbers in the Witness Statement of Nicola Bell of 22 March 2022 are in the format Bell/WS/§§
- paragraph numbers in the Witness Statement of Laura Higson of 24 March 2022 are in the format Higson/WS/§
- paragraph numbers in the Witness Statement of Laura Higson of 25 April 2022 are in the format Higson/WS2/§

1. This Skeleton Argument is structured as follows:

- |                             |         |
|-----------------------------|---------|
| (1) Introduction            | §§2-6   |
| (2) Background – the claims | §§7-14  |
| (3) Relevant principles     | §§15-18 |
| (4) The Judge’s decision    | §§19-24 |
| (5) Submissions             | §§25-35 |
| (6) Expedition and disposal | §§36-38 |

## ***Introduction***

2. This is the skeleton argument of National Highways Limited (“**NHL**”) in support of its appeal against the Order of Bennathan J (“**the Judge**”, “**Order**”) the reasons for which are recorded in the judgment in *NHL v Persons Unknown* [2022] EWHC 1105 (QB) (“**the Judgment**”). Whipple LJ granted permission to appeal on 27 October 2022.
3. By the Order, the Judge determined NHL’s application for summary judgment (“**the SJ Application**”) in three extant proceedings (“**the Claims**”)<sup>1</sup> brought by NHL against protestors associated with Insulate Britain (“**IB**”). The defendants to the Claims were a combination of named defendants (“**the Named Defendants**”) and persons unknown. The main remedy that NHL sought was a final precautionary<sup>2</sup> injunction substantially in the terms of interim injunctions already granted to prevent future IB protests, on the basis of the imminent and real risk of torts of trespass and nuisance being committed. NHL also sought a declaration as to the unlawfulness of future protests. NHL did not seek to pursue damages.
4. The Judge acceded to the SJ Application only in part. The Judge dismissed the SJ Application in relation to (i) 109 of the 133 Named Defendants (“**the 109**”) and (ii) persons unknown. The Judge concluded that he could only accede to the SJ Application and grant a final injunction in relation to 24 of the Named Defendants who had been found to be in contempt of court for breaches of interim injunctions already granted (“**the Contemnor Defendants**”). However, the Judge went on to grant an interim precautionary injunction, on precisely the same terms as the final injunction, against the 109 and persons unknown.
5. NHL’s case on appeal is that the Judge clearly applied the wrong test in his determination of the SJ Application. While the Judge’s reasoning is not entirely clear, in NHL’s submission, on analysis of the Judgment it appears that the Judge proceeded on the basis that a claim for a final injunction and/or the summary judgment procedure imported some further requirement on NHL to show on the balance of probabilities that each defendant had already committed the torts in question. In NHL’s submission, there can be no sound

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<sup>1</sup> On NHL’s application, the Judge consolidated the proceedings by the Order.

<sup>2</sup> Or *quia timet*/anticipatory injunction. The Judge uses the terminology of an anticipatory injunction.

legal basis for such a conclusion. In any event, however, the Judge clearly did not apply the correct tests in determining the SJ Application.

6. As recognised by the Whipple LJ in granting permission, the present appeal raises important issues about the court’s approach in cases of this kind. In particular, the reasoning and conclusions of the Judge appear to present a difficulty for claimants who, having obtained interim relief that substantially achieves the results sought by the underlying claim, then name defendants and seek to progress the proceedings to a conclusion in line with their procedural obligations and the guidance given by the courts.<sup>3</sup> The Judge’s reasoning appears to present a disincentive to adopting such an approach, and an incentive to, in such situations, leave the interim relief in place indefinitely.

### ***Background - the Claims***

7. NHL is the highways authority for the Strategic Road Network (“**the SRN**”) pursuant to s.1A of the Highways Act 1980 (“**the 1980 Act**”), and, as highways authority, has the physical extent of the highway vested in it pursuant to s.263 of the 1980 Act. The Claims were brought by NHL in response to a series of protests that commenced on 13 September 2021 on the SRN in and around London and the south-east of England under the banner of IB (“**the IB Protests**”). The IB Protests involve protestors blocking highways comprising parts of the SRN (“**the Roads**”) with their physical presence, normally by sitting down on the road or gluing themselves to the road surface. The IB Protests create a serious risk of danger and have caused serious disruption both to ordinary users of the SRN and more broadly.
8. The three sets of proceedings arose following urgent applications made by NHL for interim injunctions restraining conduct arising from the IB Protests. Each of these applications was successful:
  - (1) On 21 September 2021, Lavender J granted an interim injunction in relation to the M25 (claim no. QB-2021-003576) [SB/3];
  - (2) On 24 September 2021, Cavanagh J granted an interim injunction in relation to parts of the SRN in Kent (claim No. QB-2021-3626) [SB/7];

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<sup>3</sup> E.g. *Canada Goose v Persons Unknown* [2019] EWHC 2459 at [87]-[89]

- (3) On 2 October 2021, Holgate J granted an interim injunction in relation to certain M25 ‘feeder roads’ (claim No. QB-2021-3737) [SB/15]
- (collectively, “**the Interim Injunctions**”).
- (4) The Interim Injunctions were continued on the return date of 12 October 2021 until trial or further order and the claims were consolidated.
9. The Interim Injunctions were originally made against persons unknown only, but each contained an express obligation for NHL to identify and add named defendants. To facilitate that, a number of consequential disclosure Orders were made for the Chief Constables of the relevant police forces to share with NHL the identities of those they arrested on the Roads in the course of or as a result of the IB Protests (“**the Disclosure Orders**”), together with material relating to possible breaches of the Interim Injunctions.<sup>4</sup> NHL discharged its obligation to add and name defendants by periodically filing a schedule of named defendants as and when notified by the relevant police forces of the details of those arrested in the course of or as a result of the IB Protests. The offences for which those individuals were arrested are offences which would constitute a contravention of the Interim Injunctions.
10. NHL pleaded its case in Consolidated Particulars of Claim on the basis that the conduct of all of the defendants in participating in the IB Protests constituted (1) trespass; (2) private nuisance; and/or (3) public nuisance. The pleading referred to the fact that the Named Defendants had been added as persons identified as participating in the IB Protests on the Roads following arrest. It claimed a final injunction, damages<sup>5</sup> and a declaration that the use of the SRN for the IB protests which caused an obstruction to the highway was unlawful and a trespass.
11. The pleading described the IB Protests that had already taken place and asserted that the IB Protests exceeded the rights of the public to use the public highway; and that the obstruction of and disruption to the highway caused by the IB Protests was a trespass on the SRN which endangered the life, health, property or comfort of the public and/or

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<sup>4</sup> See Witness Statement of Anthony Nwanodi of 30 September 2021, §§5-15 [SB/38].

<sup>5</sup> Although, as noted above, damages were ultimately not pursued by NHL and did not form part of the SJ Application.

obstructed the public in the exercise of their right.

12. Paragraphs 18 and 19 of the Consolidated Particulars of Claim set out the basis for the *quia timet* injunction sought: “*there is a real and imminent risk of trespass and nuisance continuing to be committed across the SRN including to the Roads*” and referred to open expressions of intention by the defendants generally to continue to cause obstruction to the SRN, unless restrained.
13. Following the grant of the Interim Injunctions, NHL made three contempt applications in relation to breaches of the M25 Injunction (“**the Contempt Applications**”) on 22 October 2021 (determined on 17 November 2021),<sup>6</sup> 19 November 2021 (determined on 15 December 2021)<sup>7</sup> and 17 December 2021 (determined on 2 February 2022).<sup>8</sup> The Contemnor Defendants were found to have been in contempt of court.
14. On 24 March 2022, in the interests of achieving finality, NHL brought the SJ Application in respect of its claim for a final injunction. In relation to the majority of the Named Defendants, NHL was also entitled to apply for default judgment, but wished to adopt a procedure that would afford those defendants the opportunity to engage with the merits of the claim.<sup>9</sup> Its approach was driven by the practical desire to secure finality of the proceedings in a proportionate manner rather than having to proceed with a trial against 100+ Defendants and Persons Unknown. That course was taken in circumstances where there was clear evidence of past unlawful acts and NHL was seeking a continuation of orders in substantially the same terms as the Interim Injunctions against (i) the same Persons Unknown and (ii) against Named Defendants who had been joined following their arrest in the course of protests on the Roads, served with the proceedings and who had not applied to be removed as defendants<sup>10</sup>.

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<sup>6</sup> *National Highways Limited v Ana Heyatawin and others* [2021] EWHC 3078 (QB).

<sup>7</sup> *National Highways Limited v Benjamin Buse and others* [2021] EWHC 3404 (QB).

<sup>8</sup> *National Highways Limited v Arne Springorum and others* [2022] EWHC 205 (QB).

<sup>9</sup> Higson/WS/§62 [SB/171].

<sup>10</sup> The Court is invited to note that there are some cases, such as the first hearing of possession claims under CPR 55, where proceedings akin to summary judgment proceedings are provided automatically as a filter so as to ensure that only those cases which have a real prospect of defence go forward to trial. See CPR 55.8 in particular.

## ***Relevant principles***

### ***Injunctions: general***

15. As to the relevant principles pertaining to the grant of injunctions:

- (1) The test for an injunction (whether interim or final) is whether it is just and convenient to grant it: s.37(1) of the Senior Courts Act 1981 (“**the 1981 Act**”). The Court has undoubted jurisdiction to grant final injunctive relief to protect a claimant’s rights on a *quia timet* basis where appropriate, and thereby prevent an apprehended tort from being committed in the future. There was no dispute before the Judge as to the Court’s jurisdiction to grant such precautionary injunctions and the following principles are applicable<sup>11</sup>: A precautionary injunction can be granted on an interim or final basis.<sup>12</sup> The test is whether there is an imminent and real risk of a tort being committed to justify *quia timet* relief: ***Ineos Upstream Ltd v Persons Unknown*** [2019] 4 WLR 100 (CA) per Longmore LJ at [34(1)] (“**the Precautionary Injunction Test**”).
- (2) ‘Imminent’ is used in the sense that the circumstances must be such that the remedy sought is not premature: ***Hooper v Rogers*** [1975] Ch 43 (CA) per Russell LJ at 49-50.<sup>13</sup> Per Gee, *Commercial Injunctions*, 7th ed (2016) at §2-035: “*There is no fixed or "absolute" standard for measuring the degree of apprehension of a wrong which must be shown in order to justify quia timet relief. The graver the likely consequences, the more the court will be reluctant to consider the application as "premature". But there must be at least some real risk of an actionable wrong. If the court decides to grant a final injunction the width of that injunction is a matter*

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<sup>11</sup> As cited to the Judge in NHL’s Skeleton Argument in support of the SJ Application.

<sup>12</sup> See also ***Vastint Leeds BV v Persons Unknown*** [2019] 4 WLR 2 “*The court applies a two-stage test: “(a) First, is there a strong probability that, unless restrained by injunction, the defendant will act in breach of the claimant’s rights? (b) Secondly, if the defendant did an act in contravention of the claimant’s rights, would the harm resulting be so grave and irreparable that, notwithstanding the grant of an immediate interlocutory injunction (at the time of actual infringement of the claimant’s rights) to restrain further occurrence of the acts complained of, a remedy of damages would be inadequate?”*”.

<sup>13</sup> Per Russell LJ: “*the degree of probability of future injury is not an absolute standard: what is to be aimed at is justice between the parties, having regard to all the relevant circumstances.*”

*for the court's discretion and can be tailored according to the circumstances.”*

- (3) A permanent precautionary injunction can only be granted if the claimant has proved that there will be an actual infringement of his rights unless the injunction is granted: ***London Borough of Islington v Elliott*** [2012] EWCA Civ 56 per Patten LJ and cases referred to at [29], [30] (see also per Chadwick LJ in *Lloyd v Symonds* [1998] EWCA 511 at [31] “*a strong probability that, unless restrained, the defendant will do something which will cause the plaintiff irreparable harm that is to say, harm which, if it occurs, cannot be reversed or restrained by an immediate interlocutory injunction and cannot be adequately compensated by an award for damages*”).
- (4) Where an injunction is sought on a precautionary basis, past interference is relevant to the assessment of risk under the Precautionary Injunction Test. Where the defendant has already infringed the claimant’s rights, it will normally be appropriate to infer that the infringement will continue unless restrained: see discussion in ***Secretary of State for Transport and HS2 Limited v Persons Unknown*** [2019] EWHC 1437 (Ch) at [122] to [124]; and *Snell’s Equity* at §18-028.
- (5) However, there is no requirement for a claimant to establish that there has been a past infringement to obtain a precautionary injunction. It is in principle open to the court to restrain even lawful activity in an appropriate case, in order to afford effective protection to the rights of the claimant (subject to not imposing an injunction which is in wider terms than necessary to do justice): ***Cuadrilla Bowland Ltd and others v Persons Unknown*** [2020] 4 WLR 29 (CA) per Leggatt LJ (as he then was) at [50]; ***Canada Goose UK Retail Ltd v Persons Unknown*** [2020] 1 WLR 2802 (CA) at [78].

*Final injunctions against ‘Persons Unknown’*

16. In ***London Borough of Barking and Dagenham and others v Persons Unknown and others*** [2022] EWCA Civ 13 (Vos MR, Lewison and Laing LJJ), this Court held that there was undoubtedly power under s.37 of the 1981 Act to grant final injunctions against persons who were unknown and unidentified (‘newcomers’): [71]. In concluding that there was no jurisdictional obstacle to such an order, it rejected the reasoning of this

Court in *Canada Goose UK Retail Ltd v Persons Unknown* [202] 1 WLR 2802 and considered that the first instance judge was wrong to suggest that there was a fundamental difference between interim and final injunctions and to hold that the court could not grant final injunctions to prevent persons unknown from trespassing [89], [93], [101]. The Supreme Court has recently granted permission to appeal against the Court of Appeal's decision in *Barking*, and NHL understands that the appeal is due to be heard in February 2023.

### Summary judgment

17. CPR 24.2 provides that:

“The court may give summary judgment against a claimant or defendant on the whole of a claim or on a particular issue if –

- (a) it considers that –
  - (i) that claimant has no real prospect of succeeding on the claim or issue; or
  - (ii) that defendant has no real prospect of successfully defending the claim or issue; and
- (b) there is no other compelling reason why the case or issue should be disposed of at a trial.”

18. The principles governing the grant of summary judgment are well-established: see the formulation of Lewison J in *Easyair Ltd v Opal Telecom Ltd* [2009] EWHC 339 (Ch) at [15], approved by this Court in *AC Ward & Sons Ltd v Catlin (Five) Ltd* [2009] EWCA Civ 1098; [2010] Lloyd's Rep. I.R. 301 at [24] (cited also in *Civil Procedure 2022* at §24.2.3). One of those principles is that “*in reaching its conclusion the court must take into account not only the evidence actually placed before it on the application for summary judgment, but also the evidence that can reasonably be expected to be available at trial*”: *Doncaster Pharmaceuticals Group Ltd v Bolton Pharmaceutical Co 100 Ltd* [2007] F.S.R. 3. Attention is also drawn, in this connection, to the guidance in *Civil Procedure 2022* at §24.2.5: “*If the applicant for summary judgment adduces credible evidence in support of their application, the respondent becomes subject to an evidential burden of proving some real prospect of success or some other reason for a trial.*”

### ***The Judge's decision***

#### *The SJ Application*



19. By the SJ Application, NHL sought the grant of a single final precautionary injunction against all defendants, and other ancillary orders. The SJ Application was considered by the Judge at an in-person hearing on 4 – 5 May 2022.
20. The evidence produced by NHL in support of the SJ Application included the following:
  - (1) Evidence of: the IB Protests that had taken place; that they had been carried out by IB knowingly in breach of courts orders; and that IB had openly expressed its intention to continue to obstruct the Roads as part of its campaign<sup>14</sup>
  - (2) Evidence as to the joinder of the Named Defendants and that “*each of the Named Defendants has been arrested on suspicion of conduct which constitutes a trespass and/or nuisance on the roads subject to the Interim Injunctions*”.<sup>15</sup> That evidence was set out in the form of a timeline of protests identifying how many of the Named Defendants were arrested at each protest.<sup>16</sup> As noted above, the Interim Injunctions placed an obligation on NHL to identify and add named defendants.
  - (3) Evidence of service of the Claims and the SJ Application on each of the Named Defendants<sup>17</sup>.
  - (4) Evidence of the success of the Interim Injunctions in limiting the disruption caused by the IB Protests on the SRN, NHL’s concerns about the “*prospect of a renewed and strengthen further round of disruptive protests*” and its plans for “*a serious, ambitious continuation of IB’s campaign*” and threats to continue “*for the next 2-3 years*”.<sup>18</sup>
  - (5) Evidence as to the impact of the IB Protests in terms of danger and disruption.<sup>19</sup>

*The Judge’s approach*

21. At [5], the Judge summarised what the Claimant was seeking on the SJ Application as

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<sup>14</sup> Higson/WS/§14-34; 37-38; 39-47; [SB/142] Higson/WS2/§27-32 [SB/181].

<sup>15</sup> Higson/WS/§50 [SB/156].

<sup>16</sup> Higson/WS/§51 [SB/157].

<sup>17</sup> Higson/WS2/§§4-25 [SB/177].

<sup>18</sup> Higson/WS/§§55-57 [SB/167].

<sup>19</sup> Higson/WS/§58 [SB/168]; Bell/WS/§§19-20 [SB/134].

follows (emphasis added):

“...In addition to summary judgment, the Claimant sought:

(1) A final injunction in terms similar, but not identical to, to those granted in the interim orders, and

(2) A declaration that the use of the SRN for protests is unlawful...”

22. The Judge’s reasoning in relation to the issues before him on the SJ Application can be found at [19] to [57]. These paragraphs of the Judgment are broken up into a series of sections under headings. The SJ Application was brought in respect of the substantive claims rather than “in addition to” those claims. However, the Judge dealt separately with ‘Summary judgment’ at [24] to [36]; and then with ‘Injunction’ at [37] to [49].
23. Under the ‘Summary judgment’ section of his reasoning, the Judge made the following points:
- (1) at [24] the Judge referred to his “*concerns about the evidential basis for the summary judgment applications*”. He went on to set out his understanding of NHL’s submissions as being that “*even if I doubted there was sufficient evidence to find tortious liability, the same evidence could and should be seen as an ample basis to show the justification for granting a final injunction.*” That was not an accurate characterisation of the submissions made which did not draw any distinction between “*tortious liability*” and the giving of summary judgment (see e.g. para 29 below)<sup>20</sup>. The remainder of that section of the Judgment sets out the Judge’s reasons for rejecting what he understood to be NHL’s submissions on that distinction, which the Judge considered to be of some relevance to the matters before him.
- (2) At [25], the Judge makes the point that “[*a*]n application for an injunction can only succeed if it is advanced as a necessary relief for an underlying substantive claim.”. At [26], the Judge further distinguishes a ‘remedy’, such as an injunction, from a ‘cause of action’ at [26], saying that summary judgment is not available in respect of the former (as opposed to the latter). He goes on to say that that consequent relief may be granted on a summary judgment basis, but “only after the

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<sup>20</sup> NHL’s case was (and is) that in order to obtain a precautionary injunction there is no need for a claimant to establish past tortious liability. Rather, the Precautionary Injunction Test involves consideration of whether there is a ‘real and imminent risk’.

cause of action has been resolved”. It is not entirely clear what the Judge meant by the “*underlying cause of action [being] resolved*” but he seems to have considered that it was necessary for him to make a finding of tortious liability before being able to grant summary judgment.

- (3) At [27], the Judge then went on to consider the SJ Application “[o]n the basis of the approach I have described”. He considered “potential defences” by reference to his summary of the law of trespass, which was drawn from two decisions, **DPP v Jones** [1999] 2 AC 240 and **DPP v Ziegler** [2022] AC 408, (both concerned with criminal offences (see also [31])).
- (4) At [32] to [35] the Judge set out his conclusion in respect of the SJ Application. At [32], he found that there was “sufficient evidence” to give summary judgment in respect of the Contemnor Defendants on the basis that “[a]lthough the Court in those cases was deciding whether there had been breaches of an injunction, rather than the commission of torts, the factual summaries in those cases gives sufficient details for me to conclude there is no realistic basis to believe there would be any issue were there to be a trial of those defendants.” The Judge did not spell out what he meant by “any issue” or what test he was applying, but it seems tolerably clear (from his earlier references to the need to ‘resolve’ the cause of action and the absence of any reference to the risk) that he was considering the prospects of the defendants raising a defence in respect of past breaches as opposed to the prospects of them being able to dispute the risk of future infringements.
- (5) At [33]-[35] the Judge dealt with the 109 and refused to give summary judgment. His reasoning was as follows:
  - (a) NHL’s evidence did not identify each specific defendant arrested, and that there were “no details of the activities that led the police to arrest” [34].
  - (b) At [35(1)] he said that the evidence was “manifestly inadequate”, because he “would have to be satisfied in each case”. It is not expressly stated of what the Judge considered that he would have to be satisfied of. However, he went on to say: “As a matter of common sense, it is highly likely that many of the defendants have committed the 3 torts alleged but I am not able to take a broad brush approach that “lumps together” all 109 in a case where I am

*dealing with important and fundamental rights.*” (emphasis added)

- (c) At [35(2)], he evaluated the relevance of arrest: *“The fact a protestor has been arrested may well mean they have been obstructing a road so as to commit the torts, but it is entirely realistic that, on a few occasions, the police’s reasonable suspicion [the requirement for an arrest] was misplaced or mistaken. English law does not proceed on the basis that a person arrested is assumed to be guilty, even [as here] on a balance of probabilities test.”* (emphasis added, brackets in original)
- (d) At [35(4)], he considered the third committal application and evaluates the relevance of the fact the application was dismissed against three defendants, stating *“I am conscious that the Court was dealing with breaches of an injunction, not tortious liability, but I doubt that the activities of those 3 could amount to the latter. Once more, this serves as an obvious example that the mere fact of an arrest does not necessarily establish the tortious conduct.”*
- (e) At 35(5) he considered the fact that all but four of the Named Defendants had not responded to the claim, including by filing a Defence, and dismissed that as irrelevant<sup>21</sup>: *“In some situations, the failure to serve a defence could provide such evidence but, in my view, this is not such a case, given the general attitude of disinterest in Court proceedings as described in Ms Higson’s witness statement, as above.”*
- (6) At [36], the Judge summarised his conclusions on the SJ Application as regards the Named Defendants. He made no reference to, and does not appear to have considered, the SJ Application for a final injunction as against Persons Unknown. However, he recorded that the consequence of his determination was, *“the injunctions I was persuade[d] to grant are both final, for the 24, and interim, for the 109 and the unknown defendants.”*

24. Having dealt with the SJ Application, the Judge then proceeded to deal separately with

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<sup>21</sup> As to those four Named Defendants who did respond/file a Defence, NHL dealt with those in its Skeleton Argument on the SJ Application at §44 [SB/221] and in Higson/WS2/§§33-35 [SB/195].

injunctive relief at [37] to [49], under the heading ‘Injunction’:

- (1) He set out the *American Cyanamid* test for the grant of an interim injunction at [37] and expressed the view that it could be satisfied in this case subject to modification of the terms of the draft order proposed by NHL on the basis that “*the actions previously carried out and those threatened by IB clearly amount to a strong basis for an action in trespass and private and public nuisance*”.
- (2) At [38], he noted that the injunctions sought were precautionary injunctions and referred (for the first time) to the Precautionary Injunction Test. At [39], the Judge applied the test to the facts, and held that the Precautionary Injunction Test was satisfied (“*once a movement vows “to cause more chaos across the country in the coming weeks” and threatens” a fusion of other large scale blockade- style actions you have seen in the past”, the Claimant must be entitled to seek the Court’s protection without waiting for major roads to be blocked. In my view the scale of protests being discussed, and those that have already occurred are sufficient to meet the heightened test of harm so grave and irreparable that damages would be an inadequate remedy*”). On that basis, he accepted that NHL was entitled to a precautionary injunction. In that paragraph, the Judge conducts, for the first time, a forward-looking analysis in accordance with the Precautionary Injunction Test.
- (3) At [40], the Judge addressed s.12 of the Human Rights Act 1998 (“**the HRA 1998**”) and held that he was satisfied that NHL would secure the same orders at trial.
- (4) At [41] to [49], the Judge set out the applicable principles under the HRA 1998 for the balancing of the human rights of those participating in protests and the countervailing rights sought to be protected by way of injunction. That discussion arises from and informs the Judge’s conclusions on the terms of both the final and interim injunctions which he granted: see [49].

### ***Submissions***

#### ***The judge applied the wrong test***

25. The issue for the Court is whether the Judge applied the wrong test (or failed to apply the

correct test) in determining the SJ Application. In NHL's submission, the Judge did apply the wrong test. In particular, the Judge erred by approaching the SJ Application for a final precautionary injunction without apparent assessment of future risk and on the basis that NHL was required to establish tortious liability in respect of each of the defendants on the balance of probabilities. That confusion of principle proceeded to infect his assessment of the evidence.

26. In NHL's submission, the correct analysis in respect of the SJ Application is as follows:

(1) There were three consolidated Part 7 claims before the Judge in which a precautionary injunction was sought as a final remedy in respect of apprehended trespass and nuisance. NHL applied for summary judgment in respect of its Claims for such relief. In doing so, NHL was asking the Court to grant at the hearing of the SJ Application the same relief that it would have sought at trial. The relevant question on the SJ Application under CPR 24.2(a)(ii), was whether the defendants had "*no real prospect of successfully defending the claim or issue*", namely NHL's entitlement to a precautionary injunction, and whether there was any other compelling reason why the matter should not be disposed of before trial. CPR 24.2 is an expedited procedure for obtaining what was already being sought in an extant claim and did not introduce a different substantive legal test or a different remedy.

(2) The legal tests that the Judge was required to apply were, therefore:

- (a) the Precautionary Injunction Test, namely whether there was an imminent and real risk of commission of the torts averred, being trespass and nuisance;
- (b) s.6(1) of the HRA 1998, whether there was a disproportionate interference with any Convention rights;
- (c) CPR 24.2, whether the defendants had no real prospect of successfully defending the claim, that is, of persuading the court at trial that NHL would not be able to make out an affirmative answer to point (a) and a negative answer to point (b).

27. It is, respectfully, not at all clear from the Judgment what legal test the Judge applied in determining the SJ Application and which led to his dismissal of the SJ Application in

relation to the 109 (which is the aspect of the Judge’s decision that NHL challenges) or Persons Unknown. It is for that reason that the relevant reasoning in the Judgment has been set out in some detail above. However, the following aspects of the Judge’s reasoning provide some insight into his approach and bear emphasis:

- (a) At [24], the Judge identifies the need to “*find tortious liability*”, but distinguishes this from what might justify the grant of a final injunction;
- (b) At [25], the Judge distinguishes “*an application for an injunction*” from “*an underlying substantive claim*”, making the point that the former “*can only succeed if it is advanced as a necessary relief*” for the latter.
- (c) At [26], the Judge distinguishes between a “*cause of action*” and a remedy, and, perhaps importantly, between “*granting summary judgment*” and granting “*consequent relief*”, making the point that “*consequent relief*” can “*only [be granted] after the cause of action has been resolved*”.
- (d) The Judge sets out what he understands to be the applicable principles governing the giving of summary judgment at [24] to [26], and then describes himself as applying them at [27] to [35], with the result that the Judge determines the SJ Application and gives his reasons for doing so at [36]. Only then does the Judge, having given advance indication of his conclusion on summary judgment and relief at [36], move on to set out the applicable principles relating to the grant of injunctions in a different section of his judgment (‘Injunction’) at [37] to [49]; at the end of that section of his judgment, the Judge concludes that an injunction should be granted in the terms provided.

28. In NHL’s submission, it can be taken from the above that:

- (1) The Judge considered that there was a need to “*resolve*” the cause of action, in order for summary judgment to be granted. That appears to have been understood by the Judge as requiring an evaluation of whether “*tortious liability*” had been made out.
- (2) The Judge considered that exercise of ‘resolving’ the cause of action as being

distinct from the consideration of whether NHL was entitled to an injunction. That is evident from the distinctions that the Judge drew in his analysis of the applicable principles at [24] to [26], and is also reflected in the structure of the judgment which deals separately with ‘summary judgment’ and ‘injunction’ and by his consideration of summary judgment at the outset.

(3) In light of those points, the substance of the reasoning of the Judge in determining what he appears to have considered to be the two issues of the SJ Application and NHL’s entitlement to injunctive relief was:

(a) in relation to the Contemnor Defendants, that he was able to grant summary judgment because:

(i) those defendants had been found to be in contempt of court, notwithstanding that what had been made out were previous breaches of the Interim Injunctions “*rather than the commission of torts*”; and

(ii) the factual summaries in those determinations of applications for contempt of court gave “*sufficient details*” of individual wrongdoing in order for the Court to be satisfied that tortious liability was made out in relation to them.

(b) in relation to the 109, he was unable to grant summary judgment because NHL had failed to adduce evidence to show that each individual had personally committed one of the alleged torts/engaged in tortious conduct. In particular:

(i) the fact that it was “*highly likely*” that many of the 109 had committed the alleged torts was not enough to establish such tortious liability and the Judge was “*not able to take a broad brush approach that “lumps together” all 109*”: [35(1)]; and

(ii) the fact that a protestor had been arrested “*may well mean they have been obstructing a road so as to commit the torts*”; however, the police’s reasonable suspicion could be wrong and so an arrest was not tantamount to establishing that the tort had occurred i.e. “*on a balance*”



*of probabilities test*”: [35(2)]; it is doubtful that arrest could amount to “*tortious liability*” [35(4)].

- (c) The Judge does not appear to have considered the question of whether or not summary judgment should be given against persons unknown. The effect of his decision was that the SJ Application was dismissed against persons unknown.
  - (d) Separately and following on from those points, in relation to all Named Defendants, NHL was nevertheless entitled to an injunction restraining the conduct of the IB protests, albeit only an interim injunction in relation to the 109 and persons unknown.
29. In NHL’s submission, the Judge’s approach appears to have been that he needed as a matter of principle to consider whether a tort had been committed in addition to the three tests set out above, before a final injunction could be granted as a remedy on a summary judgment basis. That approach was clearly wrong as a matter of law.
30. A number of features of the way the Judge dealt with the SJ Application bear that out and underscore the confusion of principle underlying the Judge’s reasoning.
- (1) First, the judgment contains no reasoning to explain his dismissal of the SJ Application against Persons Unknown. He refers at [17] to the Named Defendants falling into “2 groups” and makes no reference to the Persons Unknown in his analysis (other than at [41] which was after he had already dismissed the claim for a final injunction against them). In the absence of any other explanation, it appears that the dismissal was on the basis that the Judge considered that it would be a conceptual impossibility for persons unknown to have committed a tort. If that is the test he applied, it is plainly wrong and would mean that a final injunction could never be obtained against Persons Unknown.
  - (2) Second, the Judge’s view that he did not need to distinguish between an interim and final injunction in the ‘Injunction’ section of the Judgment, his reference to a ‘hybrid’ injunction that operated simultaneously as an interim and final injunction and the fact that his analysis of the entitlement to injunctive relief was only undertaken after he had dismissed the SJ Application (see [36]) support the view

that the Judge considered that determination of summary judgment was a distinct process in a category of its own.

- (3) Third, the way in which the Judge summarises his understanding of NHL’s submissions at [24]. His reference to NHL’s submissions is inaccurate, as shown in the following excerpt from NHL’s note of the hearing (when counsel was addressing why NHL did not consider that it needed to satisfy the Court that past torts had been committed by all Named Defendants) at 40 of Appendix 1:

“JB [the Judge]: I am trying to uncover summary judgment.

MSQC [for NHL]: You can’t uncouple this because they are part and parcel. A prospective injunction of a real and imminent tort being committed in the future. The evidence you have is sufficient to meet the threshold in relation to named individuals who were arrested at protests. Doesn’t this establish that there is a risk of these individuals engaging in this conduct in future?

...

JB: What’s the claim in 24.2(a)(ii)?

MSQC: The claim is for an injunction.

JB: Not a claim for summary judgment against 130?

MSQC: The claim is for a final injunction. We have title to the land and so have the right to bring a cause of an action.

JB: You are arguing about trespass and I understand the nature of nuisance but (inaudible).

MSQC: This is a claim for an injunction based on that cause of action, we do not have to establish that a tort has already occurred because it’s a prospective injunction. All you need to be satisfied with is that there is a real and imminent risk that these individuals named for the reason I give you have a sufficient threat of going on the roads.”

- (4) In NHL’s submission, the Judge’s reference to a “*claim for summary judgment*” – a conceptual impossibility – is consistent with its analysis of his reasoning as set out above. The transcript is littered with references by the Judge to the need for NHL to show that the defendants had “committed the tortious acts” in the context

of a summary judgment claim (e.g. p. 4 “*You’re seeking summary judgement which invites me to find that 130 defendants have committed tortious acts*”; and p. 5 “*I am concerned whether the claimant can advance evidence for summary judgment*” “*My understanding ... is that ... I should give summary judgment for trespass, nuisance and public nuisance ... How can I be satisfied that all 130 have committed the torts? ... I would need to be satisfied that the 130 had committed tortious acts*”).

(5) Fourth, the manner in which the Judge dealt with this point at the hearing of the SJ Application also supports the above analysis: see §§34 to 39 of NHL’s PTA Skeleton Argument.

31. Even if the Court disagrees with NHL’s positive interpretation of the Judge’s reasoning, the salient point for the purposes of this appeal is a narrower one: did the Judge apply the correct test and approach the determination of the SJ Application on the correct basis? In NHL’s submission, the Judge plainly did not.
32. First, there was no reference to the Precautionary Injunction Test at any point in the Judge’s reasoning on the SJ Application or any indication that he was evaluating the evidence with a view to assessing the question of future risk of harm. The somewhat mechanistic approach taken by the Judge at [32] to [35] did not take into account the future risk of harm at all, or the seriousness of the consequences that would arise from that harm eventuating. Nor did he expressly identify any reason why he considered that there was a greater risk of the 24 committing future trespasses than the others. That alone is sufficient to allow the appeal. The fact that the Judge only went on to consider this issue at [39], after he had determined the SJ Application and refused to grant a final injunction in respect of the 109 and Persons Unknown, underscores the legal error.
33. Second, even if the Court were to take the view that the Judge was (implicitly) applying the correct test and merely expressing views on whether or not the evidence before him was more than sufficient to meet that threshold (an analysis of the Judgment that, for the reasons set out above, does not bear scrutiny and assumes too much), the Judge erred in his assessment of the evidence:
  - (a) The Judge’s approach to the evidence is internally inconsistent in circumstances where he decided to grant an interim injunction in precisely the same terms as the final injunction in relation to the 109 and Persons Unknown without explaining

why. In this context, the test for the two remedies is practically identical, given the Judge's assumption that a claim seeking interim relief would require NHL to persuade the court that the relief sought is more likely than not to be obtained at trial and the Judge's finding that he was so satisfied: see [40] and reference to s.12(3) HRA 1998<sup>22</sup>. It follows that the Judge accepted the evidence that there was a real and imminent risk and was satisfied that the same order would be granted at trial. Given that, it is difficult to see on what basis he dismissed the SJ Application.

(b) The Judge was also wrong to dismiss, as having no probative relevance, the fact that Named Defendants who had been joined to the proceedings had failed to file a Defence. The Judge's approach risks diluting the importance of procedural requirements. Having been named and served with both the claim and the SJ Application, each of the Named Defendants became subject to the jurisdiction of the Court and could be expected to have engaged, responded and defended their position if they considered that they had any arguable defence (with the risk that adverse inferences will be drawn if they do not).<sup>23</sup> The fact that Named Defendants had the opportunity to file a defence and did not do so is self-evidently a factor which ought to have been weighed in the assessment. The Judge's failure to do so indicates that the Judge was applying too high a threshold for summary judgment (whether as a matter of principle or in his approach to the evidence), contrary to the guidance in the Civil Procedure Rules 2022 (paragraph 17 above).<sup>24</sup> The basis for the injunction was made out, and there was no reasonable basis to expect that any further evidence would be forthcoming at trial (paragraph 17 above). It bears emphasis that this was a case in which NHL was entitled to obtain default judgment against (at least) all but four of the Named Defendants.

(c) The Judge's erroneous view that NHL needed to establish tortious liability infected

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<sup>22</sup> The Judge thereby proceeded on the basis of the approach in *Ineos* [2017] EWHC 2945 (Ch) per Morgan J at [85]; cf *Cream Holdings Ltd and Others v Banerjee and Another* [2005] 1 AC 253 per Lord Nicholls at [22].

<sup>23</sup> See footnote 9 (above) and the relevance of the absence of a defence at the first hearing of possession claims under CPR 55.8, where the question of whether there is a seriously arguable defence is assessed in a manner similar to summary judgment.

<sup>24</sup> See also *Abaidildinov v Amin* [2020] 1 WLR 5120 at [43] (“*the summary judgment test is being applied to this particular stage of the analysis by first of all setting out the defendant's submissions as to why the factual basis is not made out*”).

his approach to the assessment of the evidence. In particular, the Judge was wrong to focus (and focus alone) on the individual evidence of wrongdoing in relation to each identified individual protester. That approach was too restrictive in the context of these claims. The context of the arrests was an IB-organised protest with the stated aim of causing disruption; that movement was formed of protestors acting as a single, coordinated group with general consensus as to the method of civil resistance to be deployed, and that their activities were consistent, and did not vary in their methodology. The Judge's analysis of the evidence and focus on the absence of details and circumstances of each individual's arrest ignored that critical context and had no regard to the fact that the activities complained of were not individualised but part of a campaign designed to conduct protests in a unified manner and that each of the Named Defendants had been arrested in connection with IB Protests on the Roads. Notably, in *Vastint* a final injunction was granted against Persons Unknown on the basis of general evidence of past incidents, without the need for the claimant to identify the persons likely to trespass or adduce evidence regarding the attitude of anticipated defendants [32] – [34].

- (d) The evidential position here was much stronger and the Judge was wrong to refuse the final injunction on the basis that the evidence was inadequate to satisfy the tests at paragraph 25 above:
- (i) The Judge himself stated at [35(1)] that it was “*highly likely that many have committed the torts alleged*”; at [35(2)] that the fact that the Named Defendants had been “*arrested may well mean that have been obstructing the road so as to commit the torts*”;
  - (ii) The evidence of past IB Protests and the Judge's finding as to IB's public declarations and NHL's entitlement to advance protection [39];
  - (iii) The fact that each Named Defendant had been joined to the proceedings and made party to the injunctions as a result of arrests in the course of protests which constituted a breach of the Interim Injunctions;
  - (iv) The fact that the Named Defendants had been served with the proceedings, been made aware of the nature of the application against them and had an opportunity to put in Defences and contradict NHL's evidence, disassociate

themselves from the movement group but did not do so and had not expressed any intention to do so.

### Practical consequences

34. The practical consequences of the way in which the Judge determined the SJ Application are significant and call for consideration. Whatever the basis for the Judge's reasoning is found to be, the Judge's approach creates difficulties for those parties seeking to effect the guidance of the courts to name defendants and to the effect that interim injunctions should not be allowed to 'drift' and that proper progression of litigation requires parties to take appropriate steps to bring proceedings to a conclusion once an interim injunction has been granted: see the guidance given by Nicklin J in *Barking and Dagenham LBC v Persons Unknown* [2021] EWHC 1201 (QB) [86] to [95], which this Court did not disturb on appeal.<sup>25</sup>
35. In this case, NHL applied for summary judgment in circumstances where, in relation to the majority of the Named Defendants, it was entitled to apply for default judgment but took this procedural course because it wished to adopt a procedure that would allow defendants the opportunity to engage with the merits of the claim, as set out above. To the extent that the Judge's decision creates unnecessary or problematic obstacles to obtaining summary judgment in this context, it creates an incentive for claimants in similar position to NHL to either obtain interim relief and then take no further steps; or to seek default rather than summary judgment. In either case, a final determination of the underlying claim is avoided. Equally, the Judge's rejection of the claim for a final injunction against Persons Unknown leaves claimants unclear as to the basis of that dismissal and what the appropriate test is said to be. If the rationale was (as it seems) the Judge's view that it is necessary to prove tortious liability, a final injunction would be conceptually impossible to obtain against Persons Unknown.

### *Expedition and disposal*

36. In NHL's submission, the Judge's Order was wrong for the reasons set out above and the Court is respectfully invited to allow the appeal and set aside the Order.

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<sup>25</sup> And also, to similar effect, *Canada Goose UK Retail Ltd and another v Persons Unknown* [2020] 1 WLR 417 at [89], [154] and [161].

37. If the appeal is made out, it would follow that a new Order, on the correct legal basis, would need to be made. In that context, the final injunction granted by the Judge expires on 9 May 2023, with provision for a hearing to be listed in April 2023 at which the court is to review whether or not to vary or discharge the injunctions.
38. In light of those points:
- (1) NHL has already written to the Court seeking expedition of the appeal and requesting that the appeal be heard by 24 February 2023. This is to allow the appeal to be determined prior to the hearing to take place in the court below for review of the injunctions granted by the Order (the “**Review Hearing**”); and
  - (2) If NHL is successful on the appeal, it would seek the following consequential Orders:
    - (a) that the matter be remitted to the High Court in order that the High Court make, at the Review Hearing, the final injunction sought by NHL on the correct legal basis; and, further
    - (b) that the Court (pursuant to its powers under CPR 52.20(1)) make directions in relation to the Review Hearing to the effect that:
      - (i) NHL is to file and serve evidence in support of its proposed application to be made at the Review Hearing for (a) an extension of the time period for the injunction/injunctions under the Order and (b) alternative service provisions to be included within that Order; and
      - (ii) the Respondents are to file and serve any evidence in response.

**MYRIAM STACEY K.C.**  
**ADMAS HABTESLASIE**  
*Landmark Chambers*

**MICHAEL FRY**  
*Francis Taylor Building*

**24 November 2022**

**(updated with bundle references 15 January 2023)**

## APPENDIX 1

### ATTENDANCE NOTE

**CLIENT:** National Highways Limited

**MATTER:** Insulate Britain – Application for Summary Judgment Hearing

**ATTENDING:** Mr Justice Bennathan (“**JB**”) (**Judge**)

Myriam Stacey QC (“**MSQC**”), Admas Habteslasie (“**AH**”) (**Counsel for the Claimant**)

Ruth Hobbs, Lucy Tangen, Nicola Bell, Harry-Jay Bellew (**National Highways Limited**)

Petra Billing, Laura Higson, Alexa Parkinson (**DLA Piper**)

Tony Nwanodi and Amy Freeman (**Government Legal Department**)

Alice Hardy (“**AH**”) (**Solicitor from Hodge Jones and Allen**)

Owen Greenhall (“**OG**”) representing Caspar Hughes and Jessica Branch (**Counsel for interested parties**)

Ben Horton (“**BH**”) (**Defendant**)

**DATE:** 04 May 2022 at 14:00

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***Start time: 14:00***

**MSQC:** I appear on behalf of the claimant and OG appears on behalf of two persons and has submitted a skeleton on their behalf.

**JB:** You need to keep your voice nice and loud. Do we have any named defendant’s amongst us?

**BH:** Yes.

**JB:** I have a skeleton of yours. Are you unrepresented?

**BH:** Yes.

**MSQC:** My client on receipt of Mr. Horton's submission and his particular circumstances took a pragmatic decision not to bring a claim against him. He’s come here today because he objects to having the claim against him and seeks costs.

**JB:** Is that right?

**BH:** I feel I’ve been pursued unjustly by National Highways and I have made repeated attempts to explain I have never trespassed on roads and I have been repeatedly misled. I have a friend who is a barrister and she pointed out all the problems in the case against me and there is no case and she helped me prepare a defence which shows how DLA has misled the court. I have tried to settle with DLA and suggested costs which they have refused and now my costs are higher and it’s taken hours from my



helpful friend. So I am here to claim those costs and raise the case of those who aren't so lucky to have a barrister who did not protest on the strategic road network.

JB: I will come back to you. There is a lot to get through and I've been talking to people in court as to how we move that. My plan would be first a few preliminary bits, OG's status and procedural bits. The first thing I need to consider is the application for summary judgment against it is now I anticipate 143 defendants?

MSQC: We have lost Mr Sabitsky and Serena Schellenberg. We've lost 3 defendants.

JB: And also those people who couldn't be served as set out in Ms. Higson's statement. I think there's 4. The first thing I have decide is whether it is a summary judgment against some or all defendants. It would help me most to hear from you on that and then I need to decide that because if you don't get summary judgment against anyone, then this will be the end of this case and the interim injunctions. If I find summary judgment against some or all the named defendants the next stage is whether to grant an injunction and the terms and the declaration and damages and the costs issues. Its seems to be purely on practicality, I need to resolve summary judgment and if I was to grant an injunction I need to decide its terms. Declarations, damages and costs could be subject to a reserved judgment?

MSQC: I don't disagree, we are not seeking damages.

JB: OG do you agree?

OG: In relation to injunctive relief are we considering this for both named defendants and persons unknown?

JB: Yes I will be considering this. I have seen your skeleton arguments.

MSQC: We haven't seen an updated skeleton.

JB: Do you have the bundle?

MSQC: Yes.

JB: Look at the index to Bundle B. The hearing date states the 4 April why is that? My worry is that people are using different bundles.

MSQC: I will investigate that.

JB: What should my last page be?

MSQC: I am not going to look at the index and will look at the last page. The last page is not numbered in my bundle.

JB: Is it a certificate of service?

MSQC: It's the certificate of service of Emily Brocklebank.

JB: Mine is the same, let's move on and if I find myself lost in a bundle then maybe I have an excuse. You and I have had a conversation about CPR rule 40.9 which is a provision that allows someone who is not a defendant to make submissions about an injunction. OG, you are instructed by Hodge Jones and Allen on behalf of 2 people who are concerned with the protests but who are not defendants.

JB: My starting point is that CPR rule 40.9 means I can hear submissions from someone directly affected. It is not naturally the language that would allow me to hear

submissions but for the context of the case concerning protests and convention rights my preliminary review is that it is wide enough for this case.

MSQC: The particular circumstances of those 2 people is that they have vowed not to protest in the future. In Chamberlain J's order at paragraph 13-14 found in Bundle C, there was specific directions made that any interested person should apply to be joined not less than 48 days before the hearing and to furnish upon the other side their name and address. This is relevant to the context of the application. They should be joined and provide their name and address. Where do I go with that? I am not saying that they shouldn't be heard but they certainly should be joined as named persons.

JB: Let's look at 40.9 if we may. It gives the opportunity to have a judgment set aside by a person who is not a party. In what circumstances would I require a party to be joined as a named defendant in order to make that application?

MSQC: In Bundle C, tab 18, paragraph 13, its applicable to anyone affected and is not limited to defendants.

JB: With great respect to Chamberlain J, no doubt he had a reason for that but I do think to say that a person must be joined as a named defendant sits uneasily with CPR rule 40.9.

MSQC: I suggest that the purpose of it is that if any party wants to challenge the order that party will subject themselves to the jurisdiction of the court and be subject to costs. That's the practical reason and that's indeed standard practice. The only distinction is that we were anticipating more notice and an application rather than receiving a 31 page skeleton the day before the hearing.

JB: That being the same as the one before Lavender J.

MSQC: Which we have drawn your Lordship's attention to.

JB: Entirely properly. OG?

OG: My Lord my application would be under CPR rule 40.9 and my submissions are in relation to orders ongoing and are limited to an order in relation to persons unknown. My submission is that it's not a requirement that a person automatically becomes a party. It is CPR rule 40.9 that provides the most appropriate mechanism for what I hope will be submissions that will be helpful and I apologise for the late arrival and the submissions are similar to the submissions made earlier. My application would be limited to Ms. Branch but I can make submissions on behalf of both Mr Hughes and Ms. Branch.

JB: I have a statement from Ms. Branch here. Yes Ms. Stacey.

MSQC: Our position is that they cannot have it both ways. It's not within the objective of justice and fairness to file a statement and submissions which extend to points including matters of principle to grant an injunction which have complete immunity for consequences for the court finding in our favour. We should be entitled to costs and it's not fair in other words. Its standard for a party to come to court they cannot hide behind a screen and not subject themselves to costs implications which is what OG is seeking.

JB: I will permit OG to make submissions. Ms. Branch does provide an address in her witness statement. With great respect to Chamberlain J I am troubled he is seeking to require defendants to be joined in order to make submissions. CPR rule 40.9 is at odds

with that requirement. I take the point made by claimants in another case that it may be reason for the court not to allow the parties to make submission but in a case with absent defendants and persons unknown and competing rights I do think I will be assisted by someone who can articulate those arguments. I will use trial management powers to ensure those submissions made under 40.9 don't take an unproportionate time. Under CPR rule 24.4(1) I don't think absence of acknowledgement of service is a barrier to summary judgment because they have been served. We need not take time about that. My preliminary view is that section 12(2) of the Human Rights Act ("HR Act") act has also been satisfied by service to date on named defendants. Section 12(3) I have to consider when I get to it.

- MSQC: Chamberlain J deals with service of persons unknown as well as named Defendants.
- JB: Can we turn to matters of substance. It seems to me that named defendants have 3 categories: 24 have been subject to findings of contempt in 3 hearings in the high court; subgroup of possibly 3 people who have replied.
- MSQC: I characterise those as people who have put in defences.
- JB: That leaves a large number of 134 unnamed defendants. My question for the 134, where is the evidential basis in the claimant's papers for me to give summary judgment?
- MSQC: The short answer is that they have been involved in at least one protest and arrested by police and none of the defendants have filed defences. The test is whether I am asking you to grant a final injunction and have we established whether there is trespass being the owner of the road and as a backup the Highway Authority may bring a claim in nuisance as well. Have we established active trespass on our land? Yes. Does this give the right to an injunction? Yes, if there is a real and imminent threat which justifies a final junction being granted.
- JB: Maybe I have misunderstood the claim. Your seeking summary judgment which invites me to find that 130 defendants have committed tortious acts and not breached the injunction?
- MSQC: They've breached the injunctions. The injunctions prevented them from blocking highways, they were arrested by police and claims made for trespass and nuisance. Is there any further evidence that would enable you to make a better determination of the issues? I suggest no you have everything you need and there is the duty on the claimant who has obtained judgment to prosecute quickly which is what Chamberlain J has in mind.
- JB: It is not for the claimant to say what evidence they have in mind. Although closely linked it is my current view that they are distinct. Whether a tortious act has been committed and whether an injunction has been breached are not identical and are different. For example, if we imagine an injunction says you will not trespass on this road but a protestor was briefly on the road thus breaching the injunction but on circumstances that would be considered in Ziegler or Jones and if we consider the test for public nuisance and private nuisance (Illinois) there must be legal room to have a protestor who has breached the injunction but isn't tortiously liable.
- MSQC: This injunction which involves the strategic network, entry onto road and the activity which is forming human road blocks is one of the same in that there is trespass. I accept there could be differences in a particular case but we're seeking to restrain a specific type of protest activity.

JB: You agree as a matter of law there could be differences but not in this instance?

MSQC: We are seeking to restrain a very specific type of protest activity which was described by Lavender J in his judgment.

JB: Lavender J is highly persuasive but at the moment I am not concerned whether to grant injunctive relief against unknown people, I am concerned as to whether the claimant can advance evidence for summary judgment. Let's look at Bundle A, page 112.

MSQC: Before you take me to that in response an injunction is forward looking and we are seeking to restrain future conduct and there is the need to establish sufficient evidence to justify an injunction being granted and that there is an imminent risk of breach.

JB: Does the claimant have sufficient evidence to advance summary judgment against 130 unknown people?

MSQC: There's no defence and clear past activity. As a matter of principle the fact that past wrongs have been committed lowers the evidential threshold. We're not saying people are on the roads now but they have participated in protests and they have not put in defences.

JB: My understanding of the way you have advanced your case is that you have put forward before me sufficient evidence for 130 unknown defendants and that I should give summary judgment for trespass, nuisance and public nuisance. Am I wrong?

MSQC: No you are not wrong.

JB: My first point is whether there is any point going to trial on the evidence you have?

MSQC: There is a conceptual difference. You would be in no better position then you are now if you were at trial today. We are seeking a final injunction against the named persons referred to and those unnamed. I am not seeking judgment in respect of their past behaviour but I am seeking an order for the continuation of the interim injunctions as those particular individuals have been involved in the past and breached the injunctions. They have not put in a defence which is sufficient for my purposes. We could have waited for a trial but this would not bring things to a close and would just let the injunction drift which is not consistent with the obligation to not let the injunction drift.

JB: The way the claimant's case is presented is that I should give summary judgment against named defendants and I can be satisfied I can find against them. The remedies you seek are primarily an injunction but there is mention of damages, why is damages listed if I don't have to be satisfied there's no defence. How can I be satisfied that all 130 have committed all 3 torts?

MSQC: If we were at trial we would be in the same position. I am asking for a final injunction following the hearing on the interim injunction and there was an arguable case that there were individuals who didn't come into the equation but the court was satisfied that these individuals were protesting and we were granted an interim injunction. We now have people arrested and we have served all the named defendants who have had the opportunity to put in defences and they all said they were involved in at least one Insulate Britain protest which is sufficient evidence for you to make the finding that we seek.

JB: There's 2 things that we're discussing here. First they have participated in tortious acts and secondly for summary judgment I would need to be satisfied that the 130 had committed tortious acts.

MSQC: There is no seriously arguable defence to that in the absence of a defence and in circumstances they were arrested and the test for final injunction is whether there's a real and imminent risk and that's the relief were seeking.

JB: Can we forget the injunction for a moment. The fact someone is arrested is not alone enough- let's look at page 113 as an example at 51.1.

51.1 On 13 September 2021, 18 of the Named Defendants were arrested by Hertfordshire Constabulary in connection with a protest which took place under the banner of IB. Of those arrested, all were arrested under suspicion of wilful obstruction of the highway, and 6 under suspicion of conspiracy to cause a public nuisance. I am not personally presently aware of the current status of any prosecutions.

Is it your submission that this paragraph alone is enough to make me think the defendants have no chance of defending the claim successfully?

MSQC: Not on that paragraph alone. In this paragraph for GDPR reasons the information is not in the document. If your Lordship wants to see that evidence then we can provide it.

JB: I have no reason to doubt Ms. Higson's views, my concern is the mere fact someone in connection with the protests, I don't see that this gives me a point to say that person has no real prospect of defending a claim for trespass, private and public nuisance. What if one of those people was to say a journalist and the police believe it and the person was there for the public interest. That person might have a defence to trespass. How am I to say that someone might not have a defence?

MSQC: Because of the nature of the proof and the nature of the protest activity. It may be different protest activity but the fact of participation in these types of protests on live carriageways and sitting down gluing themselves to tarmac for the sole purpose of obstructing traffic is sufficient to establish a cause of action that were relying on.

JB: Let's assume you are right. Someone sitting on the M25 would be committing trespass, where do I get the fact that just because the person was arrested that this extinguishes any prospect of a defence.

MSQC: From the context of these arrests, there were ongoing Insulate Britain protests in 30 locations in 50 days from September to [inaudible] . Having been served with proceedings, none of the individuals have served defences. You must have regard to this when considering whether we have met the standard.

JB: The fact they haven't replied is an evidential matter and not a matter of law. A lot of Ms. Higson's statement has quotations of activists of either Insulate Britain or Just Stop Oil. Insulate Britain tweets are retweeted by Just Stop Oil and lots of them say they don't care about court systems and given they haven't formed a defence doesn't this show that they're more concerned with the cause?

MSQC: It is consistent with the intention that they are doing something which is targeted at obstructing traffic. That's the purpose of their campaign. The campaign is a collective organisation that is designed to cause maximum disruption. The arrests are in the context of those being part of the movement and those not arrested.

JB: Actually the claimant does have a chapter and verse. There were deadlines for the claimant to serve evidence on 130 defendants and it is the claimant's choice in how they present their case.

MSQC: It's not practical or possible for my client to have served on the defendant all the details of the other persons involved in protests and it would expose them to breaches of GDPR legislation. There are good and practical reasons as to why that could not be done. We've done the next best thing with the solicitor signing a statement of truth. The purpose of the relief were seeking is to prohibit individuals from doing it again.

JB: I am trying to uncover summary judgment.

MSQC: You can't uncouple this because there part and parcel. A prospective injunction of a real and imminent tort being committed in the future. The evidence you have is sufficient to meet the threshold in relation to named individuals who were arrested at protests. Doesn't this establish that there is a risk of these individuals engaging in this conduct in future?

JB: Let's look at page 7 of the skeleton argument that refers to CPR rule 24.2(a)(ii). Subsection (ii) states that the defendant has no real prospect of successfully defending the claim. What's the claim in 24.2(a)(ii)?

16. CPR 24.2 provides that:

"The court may give summary judgment against a claimant or defendant on the whole of a claim or on a particular issue if –

(a) it considers that –

(i) that claimant has no real prospect of succeeding on the claim or issue; or

(ii) that defendant has no real prospect of successfully defending the claim or issue; and

(b) there is no other compelling reason why the case or issue should be disposed of at a trial."

MSQC: The claim is for an injunction.

JB: Not a claim for summary judgment against 130?

MSQC: The claim is for a final injunction. We have title to the land and so have the right to bring a cause of an action.

JB: You are arguing about trespass and I understand the nature of nuisance but (inaudible).

MSQC: This is a claim for an injunction based on that cause of action, we do not have to establish that a tort has already occurred because it's a prospective injunction. All you need to be satisfied with is that there is a real and imminent risk that these individuals named for the reason I give you have a sufficient threat of going on the roads.

JB: Ok I am concerned what a summary judgment would amount to?

MSQC: I am not trying to short circuit the process. The reason we have escalated and brought the matter to the court early is because there is no reason to wait to bring to this to trial and the final injunction will be a continuation of the current injunctions.

JB: Let's turn paragraph 18 of the particulars of claim.

18. By reason of the matters set out herein, there is a real and imminent risk of trespass and nuisance continuing to be committed across the SRN including to the Roads.

On this point OG, do you have a stance on this?

MSQC: OG isn't representing named defendants.

OG: My understanding of how the matter is set up is for summary judgment based on a claim for trespass and nuisance on named defendants.

JB: Your understanding is mine and I don't want to drag you into arguments you are not prepared for.

MSQC: We are asking for a finding of fact and if you look at the terms of the declaration it's about conduct that may happen not which has happened. I am not asking you to give a summary judgment for past conduct, I am asking you to look at past conduct as a spring board.

JB: Damages could confuse a judge.

MS: I accept that. The court has a discretion to award damages if he considers it appropriate to do so, so I can't assume the court will exclude equitable damages.

JB: Lets break for 5-10 minutes.

(Resume at 15:22).

JB: Lets proceed on the basis that the issue I have decided is whether it is likely there is a defence to an injunction and I do think there is sufficient evidence. The next stages are section 12(2) of the HR Act, does that arise?

MSQC: I don't think so.

JB: I don't think so either. I will go on the basis of the court of appeal. You need to identify that there is a real and imminent risk of tort under Canada Goose. A point OG makes and Ms. Higson sets out with great clarity is that the Insulate Britain protests have affected the strategic road network. I believe there have been no protests this year?

MSQC: Yes the last protest was 2 November last year and in Parliament Square on 4 November. There have been no protests since. You need to look at the whole picture which includes extensive protests in 2021 and indications that large scale protest activity is planned. The injunction is not premature and therefore there is a real risk. The first category is past activity, each named defendant has taken part in at least one protest and there has been some contempt applications. They have been arrested in connection with protests. There have been 3 contempt applications in respect of which the custody threshold was seen to be passed for those who contravened. The nature of the past activity cannot be secured and modus operandi is that they will obstruct again until moved. The primary aim is intentional obstruction. Where there's past activity there's a lower threshold. We have that evidence. The second category is evidence of on-going campaign. There's nothing to suggest they have hung up their banners, they're now targeting a different entity and this does not mean the risk is minimised but it has underscored the risk. They have not disavowed future protests on the strategic road network. The reason we didn't go for default judgment was to give the defendants the opportunity to be heard which they didn't take. There is evidence of ongoing campaigns. OG has said there has been

no action but there's evidence of a planned rave on the M25. Its didn't happen but it shows an attempt or an intention since 2 November 2021 and it was certainly well published. Second they have taken direct action not on the SRN roads and have continued to make statements until April 2022 about continuing to carry out actions despite the sanctions. Ms. Higson's second statement refers to a continuing wish to protest, they are still pursuing the campaign. Mr McKechnie was released from prison and said he would do it again. Paragraph 57.3 (page 124 of the bundle) references going onto the roads again and if you go back to page 110 at paragraph 43 she exhibits a screenshot stating:

43. I exhibit at 247 a screenshot of part of the homepage of JSO's website, which describes it as a "new campaign [that] will mobilise 1000+ people from all walks of life to oppose the plans for new UK Oil fields during 2022".<sup>47</sup> I exhibit at 248-249 a timestamped note of a presentation given by Roger Hallam, a leading figure within both IB and JSO, at a community centre in south-east London on 7 February 2022,<sup>48</sup> in which Mr Hallam said as follows in relation to the planned future protests (emphasis added):

*"Okay so there is a specific project. This is the project which is at the end of March in this country and ten of the western democracies. Thousands of people will be going onto the streets and onto the motorways to the oil refineries and they will be sitting down. The precise ask tonight is do you sign up for a full 36-hour commitment right? [...] You join a non-violence training session in three weeks' time and then you join with other people in this locality, with other people in this room, you go to an oil refinery in an oil depot with hundreds or thousands of other people. Priti Patel will ensure you are arrested, don't worry about that. You'll spend about 5 hours in a police station with other people and around midnight you'll be released probably under investigation" (51:21-52:18)*

*"This is what civil resistance looks like. It's not about everyone getting on, it's not about everyone being the same. It's about going, there's a date, there's a place, turn up and don't move. [...] That's what we need to do, and we need 3,000 people to do it and we've got about 500." (53:26-53:40)*

*"I can 100% guarantee those of you that act on this knowledge and go on the roads will live happier lives" (1:00:00-1:00:04)*

The last quote is with regards going on roads. That's the evidence of an ongoing campaign. My third category is evidence of developments since November 2021, there have been protests on roads not covered by injunctions (see page 124 of witness statement of Ms. Higson). There's evidence that they have joined forces either with Just Stop Oil or other affiliated groups which has just started (see paragraph 47 at page 111 and para 36-31 of Ms. Higson's statement). There's the recruitment drive and a clear aim to attract new protestors and the fact they have moved to a different target does not mean they will not go back to the previous campaign. The final category, evidence of some deterrent effect, the fact there has not been protest activity since 2 November 2021 shows to some degree the effectiveness of the injunctions and this needs to be taken into account. It's too simple to say that as there's no protest there is no future risk, it needs to be looked at in relation to what's happening. The spring was the starting point for new protests. My client shouldn't have to wait and suffer, there remains a serious risk and it's not premature and the injunctions have the effect of letting the protestors know what is permitted giving clarity. The test is more than met.

JB: OG, you have submissions to make. I am working from your first skeleton argument unless you prefer an updated version?

OG: The difference between the versions is minimal, the only change was to paragraph 2.

JB: If I'm against you we will come to the terms of the injunction tomorrow.



- OG: I will confine my submissions to the test in relation to an injunction against persons unknown and my simple submission is that the evidential basis is not there. There are not unnamed defendants who have not previously been arrested who are going to come onto the road to commit acts this injunction seeks to address. There has been no action since 2 November 2021 on the roads which is 6 months ago. In relation to the tweets, the fact that a twitter account associated with Insulate Britain has tweeted support for Just Stop Oil is not in my submission evidence that Insulate Britain are planning to take action on the roads. There is a big difference between tweeting and spreading the word and actually undergoing the actions themselves.
- JB: Is that a big difference? If I consider a loose collection of activists who all share a primary concern about global warming and the cost of living crisis it's not hugely different people tweeting in support?
- OG : I submit it is different. Just because Insulate Britain have tweeted this doesn't mean that Insulate Britain will take action or that other types of actions on these roads is going to be repeated from six months ago. There is evidence that some groups are targeting oil terminals and there have been injunctions granted in relation to those matters. There are differences to be drawn but it is wrong to draw a distinction simply on the basis of tweets sent out. There will be loads of tweets sent supporting different aspects of claims and there is a risk of a distorted picture if you just look at what Insulate Britain are saying. In relation to the rave on the M25, the tweet said some Insulate Britain supporters will be in attendance and it's not an Insulate Britain action.
- JB: Well it didn't happen but it does look like a planned breach on the face of it.
- OG: The wording is significant it says Insulate Britain supporters and not members or activists.
- JB: I am not taken with the distinction between members and supporters. Members and supporters doesn't have that much distinction.
- OG: There is no formal membership card but there is a difference between activists taking part in Insulate Britain actions and wider supporters and supporter has a wider meaning than an Insulate Britain activist. The other point is that it did not happen and there were no real steps to try to make it happen. The question is what else is there, if you ask the general public what Insulate Britain was about, it was a campaign from 2021 where people sat in roads. To grant an injunction the court must look at the risk of the conduct that the injunction seeks to prevent. Risk to these particular roads and in my submission there simply isn't the sufficient evidential basis that person unknown will be undertaking these activities.
- MSQC: OG said the protest activity is effectively over. There's no evidence of it being over and there is evidence to point to the opposite. The evidence shows there has been no protests since 2 November 2021 and that they're regrouping. If I can take you to page 108 of the bundle, paragraph 39 includes a statement from Insulate Britain on 7 February for a press release regarding its intentions for the future. If I can take you to paragraph 39 of page 108 of the bundle. There is a statement from Insulate Britain from a press release regarding their intentions for the future. This points to it not being over and they say they haven't gone away and that they're just getting started.

39. On 7 February 2022, IB published a press release on its website summarising its intentions as to the future as follows:<sup>43</sup>

*"We did not take part in this campaign to start an insulation brand. We did not cause you disruption to make history as Britain's quickest growing advertising campaign. We took part to force our government to stop failing its people.*

*We will continue our campaign of civil resistance because we only have the next two to three years to sort it out and prevent us completely failing our children and hitting climate tipping points we cannot control.*

In respect of the rave, if you look at the context of what's happened before and a statement published in November regarding the M25 being a site of nonviolent civil resistance.

27. On 26 October 2021, IB published a statement on its website entitled 'We declare the M25 a site of nonviolent civil resistance'.<sup>21</sup> In that statement, IB said *"We are not concerned with endless injunctions. We are not concerned with our fears. We are concerned with fulfilling our duties and responsibilities at this 'period of consequence'. Starting from 7:00 on the morning of Wednesday 27th October the M25 will become a place of nonviolent civil resistance to stop our government committing crimes against humanity."* The statement also asked that *"[p]eople do not use the M25"* and that *"police refuse to arrest us"*. (155-156)

JB: If we proceed on the basis that there is a sufficient evidential basis but applying the law it is not the most compelling case. I think there is a sufficient basis but I need to consider the terms of any injunction in terms of service (in mind of OG's submissions).

JB: Mr Horton we're not going to finish today. I will grant some sort of injunction but I am conscious you are being dragged in to this with and you may have better things to do with your time. I doubt I will make any decision as to costs during the oral hearing either later today or tomorrow. An alternative mechanism would be if you are happy to is to set out what expense you have been put to. If you email this bullet point list to the email address of the court then I will allow MS and her team to reply by email. I will arrive at a costs order when I give the full written judgment next week. You can use this route rather than you coming back tomorrow.

BH: May I submit an email exchange between myself and DLA?

JB: You can but not now. Do you want to come back tomorrow?

BH: Yes I find this rather fascinating.

JB: It does seem to me that the tortious conduct/unlawful conduct which the claimant seeks to prevent is trespass which is more complicated than other types as some injunctions think of trespass where members of the public don't have a right but on the highway they do. Trespass and its lawfulness or unlawfulness has been considered in Zeigler. I'm not aware of an authority considering a Zeigler type of protestor where any court has balanced article 10 and 11 rights under the HR Act against Zeigler/tortious acts.

MSQC: We don't dispute the proportionality assessment. We accept it's a highway and I am not inviting you not to make an assessment but the reasoning in Cucurian does apply, AIP1 is an important factor.

JB: The balancing exercise in Zeigler is about what happens to other members of public that want to use the road.

MSQC: It cannot be ignored that this is a trespass claim and it is an important one that cannot be put aside, this is a different factual situation to Zeigler. Zeigler was a symbolic location obstructing an access road to that purpose and there was limited destruction. Whereas in this case members of the public are being disturbed and in Zeigler there were other routes and it is not a trespass case. Yes it's a fact sensitive assessment but the nature of the assessment I am inviting you to carry out did not feature in Zeigler.

JB: In your favour, in Canada Goose which I don't think Lavender J states even if I were to conclude that a certain activity you found lawful, nonetheless there may be occasions where there is no other way of protecting. The court of appeal expressed reluctance to arrive at that stage. Is there somewhere obvious where I can see the draft order put before Lavender J and the agreed order. I am interested in the modifications made by Lavender J. I don't feel bound by Lavender J but it would be useful to look at it and the mechanics of how he come to term with the details, is there a simpler way of getting the draft order?

OG: I can get the draft order.

JB: You don't need to if MS's team can. Right shall we meet again at 10:30am, tomorrow. At the moment I am going to grant an injunction but I am a long way off in thinking of the terms. I will seek your assistance tomorrow and before the end of tomorrow I will make a decision as to what the injunction will look like. Declarations and legal costs can await written judgment next week.

*End time: 16:26*

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IN THE COURT OF APPEAL (CIVIL DIVISION)  
ON APPEAL FROM THE HIGH COURT OF JUSTICE  
QUEENS BENCH DIVISION  
Bennathan J [2022] EWHC 1105 (QB)

B E T W E E N:

**NATIONAL HIGHWAYS LIMITED**

**Proposed Appellant**

**-and-**

**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING**

**(2) MR ALEXANDER RODGER AND 132 OTHERS**

**Proposed Respondents**

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**CHRONOLOGY OF RELEVANT EVENTS**

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<b>DATE</b>	<b>DESCRIPTION</b>
13-Sep-2021	Insulate Britain (“IB”) protestors enter onto the M25 for the first time, obstructing traffic at 5 different Junctions (J20, J14, J3, J6 and J31) from around 8 am. 42 individuals arrested.
15-Sep-2021	IB protestors enter onto the M25 and disrupt traffic at Junctions 1a, 1b, 8, 9 and 23 from approximately 8 am. At least 89 individuals arrested.
17-Sep-2021	IB protestors enter onto the M25 and disrupt traffic at Junctions 3, 9 and 28 of the M25. 14 individuals arrested.
21-Sep-2021	IB protestors block traffic on both carriageways of the M25 between Junctions 9 and 10. At least 38 individuals arrested.
	The date of the Claim Form for the M25 Injunction (Claim No. QB-2021-003576)
	The M25 Injunction is granted by Lavender J (Claim No. QB-2021-003576)
24-Sep-2021	IB protestors block the A20 in Kent and the Port of Dover.
	The date of the Claim Form for the Kent Injunction (Claim No. QB-2021-003626)
	The Kent Injunction is granted by Cavanagh J (Claim No. QB-2021-003626)
29-Sep-2021	IB protestors block Junction 3 of the M25 at approximately 7:30 am and again at approximately 1 pm. 27 individuals arrested in total.
30-Sep-2021	IB protestors block Junction 20 of the M25. 9 individuals arrested.

01-Oct-2021	Approximately 30 IB protestors block Junction 3 of the M4 and Junction 1 of the M1.
	May J orders that 113 individuals arrested by the Police as a result of the aforementioned IB protest activity be added as Named Defendants to the proceedings and makes an order for third party disclosure of evidence by the police.
02-Oct-2021	The M25 Feeder Roads Injunction is granted by Holgate J (Claim No. QB-2021-003737)
04-Oct-2021	54 IB protestors block the Blackwall Tunnel (North and South), Hanger Lane, Arnos Grove and Wandsworth Bridge.
	The date of the Claim Form for the M25 Feeder Roads Injunction (Claim No. QB-2021-003737)
05-Oct-2021	The first return date hearing for the M25 Injunction and the Kent Injunction. Lavender J orders that the return date hearing be adjourned to 12 October 2021 to be listed with the return date hearing for the M25 Feeder Roads Injunction.
08-Oct-2021	Approximately 40 IB protestors block Old Street roundabout in central London and Junction 25 of the M25.
12-Oct-2021	Return date hearing for the three interim injunctions: the M25 Injunction, the M25 Feeder Roads Injunction and the Kent and Dover Injunction. Lavender J orders that additional Named Defendants be added to proceedings/the claims and extends the order for third party disclosure of evidence by the police to include additional police forces, with such order to be continuing in nature until 30 November 2021.
13-Oct-2021	IB protestors block traffic at Junction 31 of the M25 and the A1090 at the Dartford Crossing. At least 35 individuals arrested.
14-Oct-2021	IB announce a pause in their campaign of civil resistance until Monday 25 October 2021.
19-Oct-2021	Further return date hearing for the three interim injunctions: the M25 Injunction, the M25 Feeder Roads Injunction and the Kent and Dover Injunction. Lavender J orders that additional Named Defendants be added to proceedings/ the claims and extends the order for third party disclosure of evidence by the police to include additional police forces, with such order to be continuing in nature until 30 November 2021.
22-Oct-2021	The Proposed Appellant makes its first application for contempt of Court ("CA1") in relation to breaches of the M25 Injunction by 9 Named Defendants.
25-Oct-2021	The Proposed Appellant makes an application for an interim injunction against Persons Unknown and Named Defendants in relation to the Strategic Road Network ("SRN") in entirely separate proceedings to those which are the subject of this permission application.
27-Oct-2021	IB protestors block part of the A40 in West London and the Dartford Crossing roundabout. 49 individuals arrested.
29-Oct-2021	19 IB protestors disrupt traffic between Junction 28 and Junction 29 of the M25, and Junction 21 and Junction 22 of the M25.
02-Nov-2021	Approximately 60 IB protestors disrupt traffic on Junction 23 of the M25, Junction 6 of the M56 in Manchester and on the A4400 in Birmingham.
04-Nov-2021	Approximately 62 IB protestors block roads around Parliament Square.
07-Nov-2021	The date by which Consolidated Particulars of Claim are served on the majority of Named Defendants.
11-Nov-2021	The SRN Injunction is granted by Lavender J (in Claim No. QB-2021-003985) in entirely separate proceedings to those which are the subject of this permission application.

17-Nov-2021	The Divisional Court gives judgment in relation to CA1, finding all 9 Named Defendants in contempt of Court and committing all to a term of immediate imprisonment for varying periods of between 3 and 6 months.
19-Nov-2021	The Proposed Appellant makes its second application for contempt of Court ("CA2") in relation to breaches of the M25 Injunction by 9 Defendants.
20-Nov-2021	Approximately 400 individuals take part in a protest which involved blocking Lambeth Bridge. IB publish a statement describing the protest as <i>"inspired by the jailing of nine peaceful individuals and Insulate Britain's campaign of repeatedly blocking key road infrastructure"</i> .
21-Nov-2021	Nicholas Till (D73) serves a defence.
23-Nov-2021	Matthew Tulley (D64) serves a defence. Ben Horton and Marc Savitsky (who are no longer Named Defendants) serve defences.
24-Nov-2021	Thornton J orders that the order for third party disclosure of evidence by the police be of a continuing nature and extended to 24 March 2022.
15-Dec-2021	The Divisional Court gives judgment in relation to CA2, finding all 9 Named Defendants in contempt of Court and handing down prison sentences to all for varying periods between 3 months and 30 days, with 6 Named Defendants having their periods of imprisonment suspended for 2 years.
17-Dec-2021	The Proposed Appellant makes its third contempt of Court application ("CA3") in relation to 19 Named Defendants for breaches of the M25 Injunction.
31-Dec-2021	The period for which the SRN Injunction was granted in separate proceedings to these proceedings / claims (the long stop date) expires by effluxion of time.
01-Feb-2022	The first day of the hearing of CA3. Four of the Named Defendants to CA3 refuse to attend the hearing and instead protest by gluing themselves to the steps of the Royal Courts of Justice, where CA3 was being heard.
02-Feb-2022	The Divisional Court gives judgment in relation to CA3, finding that 16 Named Defendants were in contempt of Court handing down prison sentences to those 16 Named Defendants for varying periods of imprisonment of between 24 and 60 days, with 11 of the Named Defendants having their periods of imprisonment suspended for 2 years. The application in respect of the remaining 3 Named Defendants is dismissed.
14-Feb-2022	The SRN Injunction is discontinued by notice of discontinuance.
04-Mar-2022	The Proposed Appellant makes its application to the Court for an extension of the three interim injunctions in these proceedings/ claims: the M25 Injunction, the M25 Feeder Roads Injunction and the Kent and Dover Injunction.
17-Mar-2022	Chamberlain J orders that the longstop dates of the M25 Injunction, the M25 Feeder Roads Injunction and the Kent and Dover Injunction be extended to 9 May 2022 or further order (" <b>the Extension Order</b> ") and again extends the order for third party disclosure of evidence by the police with such order continuing in nature to 31 July 2022.
24-Mar-2022	The Proposed Appellant makes its application to the Court for summary judgment and a final injunction against Named Defendants and Persons Unknown.
04/05-May-2022	The summary judgment hearing which results in Bennathan J making an order (" <b>the Injunction Order</b> "), the main terms of which varies the description of the Roads and the nature of protest activity forbidden by the M25 Injunction, the M25 Feeder Roads Injunction and the Kent and Dover Injunction, extends the Extension Order to 23:59 hrs on 9 June 2022, dismisses the summary judgment application and grants an interim injunction from 10 June 2022 until 23:59 hrs on 9 May 2023 in respect of Persons Unknown and 109 of the Named Defendants, grants the summary judgment application and a final injunction

	from 10 June 2022 until 23:59 hrs on 9 May 2023 in respect of 24 of the Named Defendants previously held in contempt of court, consolidates the 3 claims/injunctions and further extends the order for third party disclosure of evidence by the police with such order continuing in nature in relation to protest activity on the Roads (as described in the Injunction Order).
09-May-2022	The date of the Injunction Order.
11-May-2021	Bennathan J's judgment is handed down.
	The Proposed Appellant makes an application to Bennathan J for permission to appeal.
12-May-2022	The date of Bennathan J's judgment Order dealing with matters of a consequential nature and of pertinence to the Injunction Order.
16-May-2022	Bennathan J refuses the Proposed Appellant's application for permission to appeal.
27-May-2022	The Proposed Appellant files its application to the Court of Appeal for permission to appeal the orders of Bennathan J dated 9 and 12 May 2022 respectively.

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

**BEFORE: MR JUSTICE BENNATHAN**

**Claim No: QB-2021-003576, QB-2021-003626, QB-2021-003737**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

**-and-**



**(1) PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A413 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING**

**(2) MR ALEXANDER RODGER AND 132 OTHERS**

**Defendants**

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**ORDER**

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**PENAL NOTICE**

**IF YOU THE WITHIN NAMED DEFENDANTS AND PERSONS UNKNOWN OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR 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.**

**UPON the application of the Claimant for summary judgment (“the Application”)**



**AND UPON** hearing Myriam Stacey QC, Admas Habteslasie and Michael Fry for the Claimant, and Owen Greenhall for Jessica Branch being a person who is not a party to the proceedings but who was permitted to make representations pursuant to CPR r. 40.9.

**AND UPON** the Claimant confirming that this Order is not intended to prohibit lawful protest which does not block or endanger, or prevent the free flow of traffic on the Roads defined in paragraph 4 of this Order (“**the Roads**”).

**IT IS ORDERED THAT:**

1. The “Named Defendants” are now those Defendants with their numerical designations (e.g. D1, D2 etc.) whose names appear in the revised and re-numbered Schedule 1 annexed to this Order to reflect the Order made at paragraph 8.
  
2. The “Contemnor Defendants” refers to a sub-set of the Named Defendants, being the Named Defendants who have been found in contempt of Court in these proceedings, namely:
  - 2.1. Ana Heyatawin (D5)
  - 2.2. Ben Taylor (D10)
  - 2.3. Benjamin Buse (D11)
  - 2.4. Biff Whipster (D12)
  - 2.5. Christian Rowe (D17)
  - 2.6. David Nixon (D23)
  - 2.7. Diana Warner (D27)
  - 2.8. Ellie Litten (D124)
  - 2.9. Emma Smart (D31)
  - 2.10. Gabriella Ditton (D32)
  - 2.11. Indigo Rumbelow (D110)
  - 2.12. James Thomas (D40)
  - 2.13. Louis McKechnie (D54)
  - 2.14. Oliver Rock (D74)
  - 2.15. Paul Sheeky (D76)
  - 2.16. Richard Ramsden (D81)
  - 2.17. Roman Paluch-Machnik (D84)
  - 2.18. Ruth Jarman (D88)
  - 2.19. Stephanie Aylett (D92)

- 2.20. Stephen Gower (D93)
  - 2.21. Stephen Pritchard (D94)
  - 2.22. Sue Parfitt (D96)
  - 2.23. Theresa Norton (D101)
  - 2.24. Tim Speers (D102)
3. The term “Defendants” refers to both “persons unknown” as defined as First Defendant in paragraph 6, the Named Defendants, and the Contemnor Defendants.
4. For the purposes of this Order, “the Roads” shall mean all of the following:
- 4.1. The M25, meaning the London Orbital Motorway and shown in red on the plans at Appendix 1 annexed to this Order.
  - 4.2. The A2, A20, A2070, M2 and M20, meaning the roads shown in blue and green on the plans at Appendix 2 annexed to this Order.
  - 4.3. The A1(M) (Junction 1 to Junction 6), A1 (from A1M to Rowley Lane and from Fiveways Corner roundabout to Hilltop Gardens), M11 (Junction 4 to Junction 7), A12 (M25 Junction 28 to A12 Junction 12), A1023 (Brook Street) (from M25 Junction 28 roundabout to Brook Street Shell Petrol Station access), A13 (M25 Junction 30 to A1089), A13 (from junction with A1306 for Wennington to M25 Junction 30), A1089 (from junction with A13 to Port of Tilbury entrance), M26 (whole motorway from M25 to M20), A21 (M25 to B2042), A23 (M23 to Star Shaw), M23 (Junction 7 to Junction 10 (including M23 Gatwick Spur)), A23 (between North and South Terminal Roundabouts), A3 (A309 to B2039 Ripley Junction), M3 (Junction 1 to Junction 4), A316 (from M3 Junction 1 to Felthamhill Brook), A30 (M25 Junction 13 to Harrow Road, Stanwell, Feltham), A3113 (M25 Junction 14 to A3044), M4 (Junction 1 to Junction 7), M4 Spur (whole of spur from M4 Junction 4 to M4 Junction 4a), M40 (Junction 7 to A40 at Fray’s River Bridge), M1 (Junction 1 to Junction 8), A405 (from M25 Junction 21A to M1 Junction 6), A1 (from Fiveways Corner roundabout to Hilltop Gardens), and A414 (M1 Junction 8 to A405), meaning the roads shown in red on the plan at Appendix 3 annexed to this Order;

4.4. In the case of each of the Roads, the reference to the Roads shall include all carriageways, hard shoulders, central reservations, motorway (including the A1(M)) verges, slip roads, roundabouts (including those at junctions providing access to and from the Roads), gantries, traffic tunnels, traffic bridges including in the case of the M25 the Dartford Crossing and Queen Elizabeth II Bridge and other highway structures whether over, under or adjacent to the motorway/trunk road, together with all supporting infrastructure including all fences and barriers, road traffic signs, road traffic signals, road lighting, communications installations, technology systems, lay-bys, police observation points/park up points, and emergency refuge areas.

### **Consolidation and Consequential Amendments**

5. The three claims (QB-2021-003576, 003626 and 00737) are hereby consolidated.
6. The Claimant has permission to amend the description of the First Defendant in the consolidated claim to:

**PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING, OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING**

7. As this is a simple amalgamation of the existing categories of the First Defendants in each of the original claims, the requirements in the CPR to amend other documents in the proceedings and to serve those amended documents on the Defendants is dispensed with.
8. The following defendants are to be removed as defendants:
  - 8.1. Tam Millar
  - 8.2. Hannah Shafer
  - 8.3. Jesse Long
  - 8.4. Thomas Franke
  - 8.5. William Wright
  - 8.6. Arne Springorum
  - 8.7. Ben Horton
  - 8.8. Emily Brocklebank

8.9. Marc Savitsky

8.10. Serena Schellenberg

### **Injunction in Force**

9. The Order of Mr Justice Chamberlain dated 17 March 2022 which continued the M25, Kent Roads and Feeder Roads Orders (“Extension Order”) shall continue and remain in force until 23.59 hrs on 9 June 2022. The Injunctions are not repeated within the body of this Order to avoid confusion. The Extension Order less appendices is appended to this Order at Schedule 2.

### **Interim Injunction**

10. From 10 June 2022 and until 23.59 hrs on 9 May 2023 or until further Order the Defendants (excluding the Contemnor Defendants) and each of them are forbidden from:

- 10.1. Blocking, or endangering, or preventing the free flow of traffic on the Roads for the purposes of protesting by any means including their presence on the Roads, or affixing themselves to the Roads or any object or person, tunnelling within 25m of the Roads, abandoning any object, erecting any structure on the Roads or otherwise causing, assisting, facilitating or encouraging any of those matters.

- 10.2. Causing damage to the surface of or to any apparatus on or around the Roads including by painting, damaging by fire, or affixing any structure thereto.

- 10.3 Entering on foot those parts of the Roads which are not authorised for access on foot, other than in cases of emergency.

### **Final Injunction**

11. From 10 June 2022 until 23.59 hrs on 9 May 2023 the Contemnor Defendants and each of them are forbidden from:

- 11.1. Blocking or endangering, or preventing the free flow of traffic on the Roads for the purposes of protesting by any means including their presence on the Roads, or affixing themselves to the Roads or any object or person, tunnelling within 25m of

the Roads, abandoning any object, erecting any structure on the Roads or otherwise causing, assisting, facilitating or encouraging any of those matters.

11.2. Causing damage to the surface of or to any apparatus on or around the Roads including by painting, damaging by fire, or affixing any structure thereto.

11.3 Entering on foot those parts of the Roads which are not authorised for access on foot, other than in cases of emergency.

### **Alternative service**

12. The Claimant is permitted in addition to personal service to serve this Order on Named Defendants by the following methods together:

12.1. service of the sealed Order on Insulate Britain by email to their known email addresses [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com) and [ring2021@protonmail.com](mailto:ring2021@protonmail.com); and

12.2. posting a copy of this Order through the letterbox of each Named Defendant (or leaving it in a separate mailbox) with a notice affixed to the front door if necessary, 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 the front door 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 Appendix 4.

13. The Claimants are directed to take the following steps to publicise the existence of this Order:

13.1. Placing copies of the Order on the National Highways website;

13.2. Advertising the existence of this Order in the London Gazette;

13.3. Sending a copy of this Order to Insulate Britain's known email addresses: [ring2021@protonmail.com](mailto:ring2021@protonmail.com) and [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com).

14. For the avoidance of doubt, persons who have not been served with this Order by an acceptable method are not bound by its terms. Compliance with paragraphs 12.1 and 13.1 – 13.3 above **does not constitute service** on any Defendant, nor does a failure to comply with paragraph 13 above constitute a failure of service.

### **Third-Party Disclosure**

15. Pursuant to CPR 31.17, the Chief Constables for those forces listed in Schedule 3 to this Order shall procure that the officers within their forces disclose to the Claimant:

- 15.1. all of the names and addresses of any person who has been arrested by one of their officers in the course of, or as a result of, protests on the Roads referred to in these proceedings; and

- 15.2. all arrest notes, body camera footage and/or all other photographic material relating to possible breaches of this Order.

16. Without the permission of the Court, the Claimants shall not make use of any document disclosed by virtue of paragraph 15 of this Order, other than for one or more of the following uses:

- (i) applying to name and join any person as a named defendant to these proceedings and to serve the said person with any document in these proceedings;

- (ii) investigating, formulating, pleading and prosecuting any claim within these proceedings arising out of any alleged breach of this Order;

- (iii) use for purposes of formulating, pleading and prosecuting any application for committal for contempt of court against any person for breach of any Order made within these proceedings.

17. Until further Order, the postal address and/or address for service of any person who is added as a defendant to these proceedings shall be redacted in any copy of any document which is served other than by means of it being sent directly to that person or their legal representative.

18. The Claimant is to serve this order on the Police Representative Assistant Chief Constable Owen Weatherill (owen.weatherill@npocc.police.uk), by email only.

### **Further directions**

19. There shall be listed in April 2023 a hearing at which the Court shall review whether it should vary or discharge this Order or any part.
20. The Defendants or any other person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors by email to the addresses specified at paragraph 28 below 48 hours before making such application of the nature of such application and the basis for it.
21. Any person applying to vary or discharge this Order must provide their full name and address, and address for service to the Claimant and to the Court, and must also apply to be joined as a named defendant to these proceedings at the same time.
22. The Contemnor Defendants have a right to apply for summary judgment as against them to be set aside in accordance with CPR PD 24.8.
23. The Claimants have liberty to apply to extend, vary or discharge this Order, or for further directions.
24. No acknowledgment of service, admission or defence is required by any party until further so ordered.
25. Costs reserved.

### **Communications with the Claimant**

26. The Claimant's solicitors and their contact details are:

DLA Piper UK LLP

Attention: Petra Billing and Rob Shaw

1 St. Paul's Place

Sheffield S1 2JX

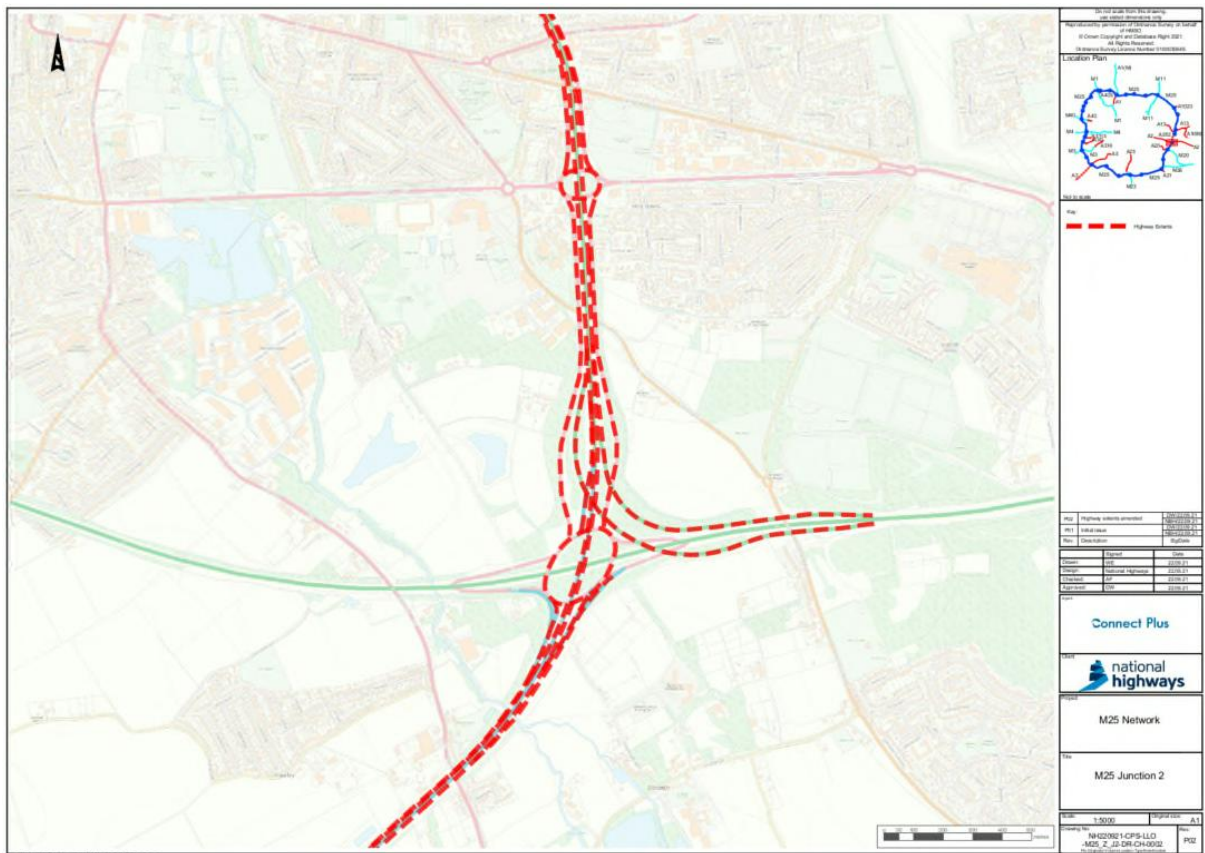
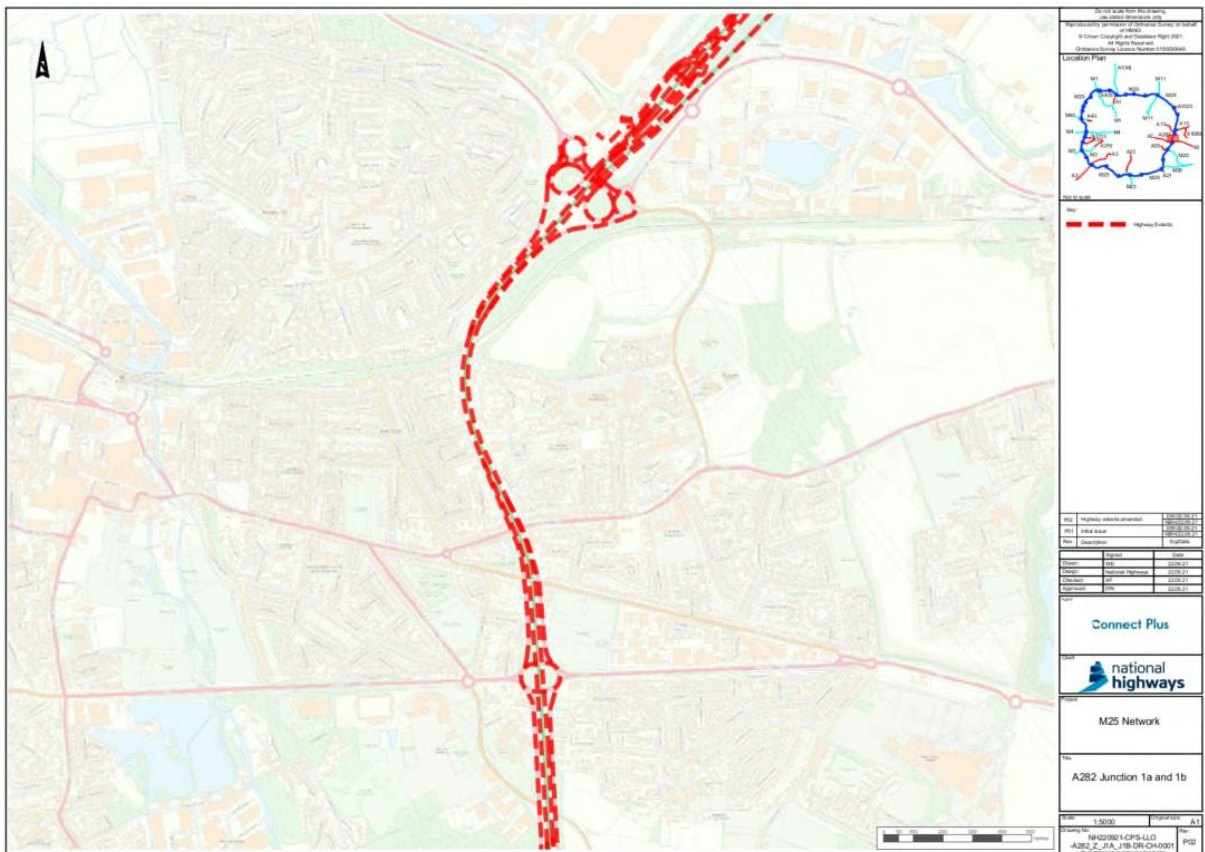
**E: [petra.billing@dlapiper.com](mailto:petra.billing@dlapiper.com) and [rob.shaw@dlapiper.com](mailto:rob.shaw@dlapiper.com)**

T: 0207 796 6047 / 0114 283 3312

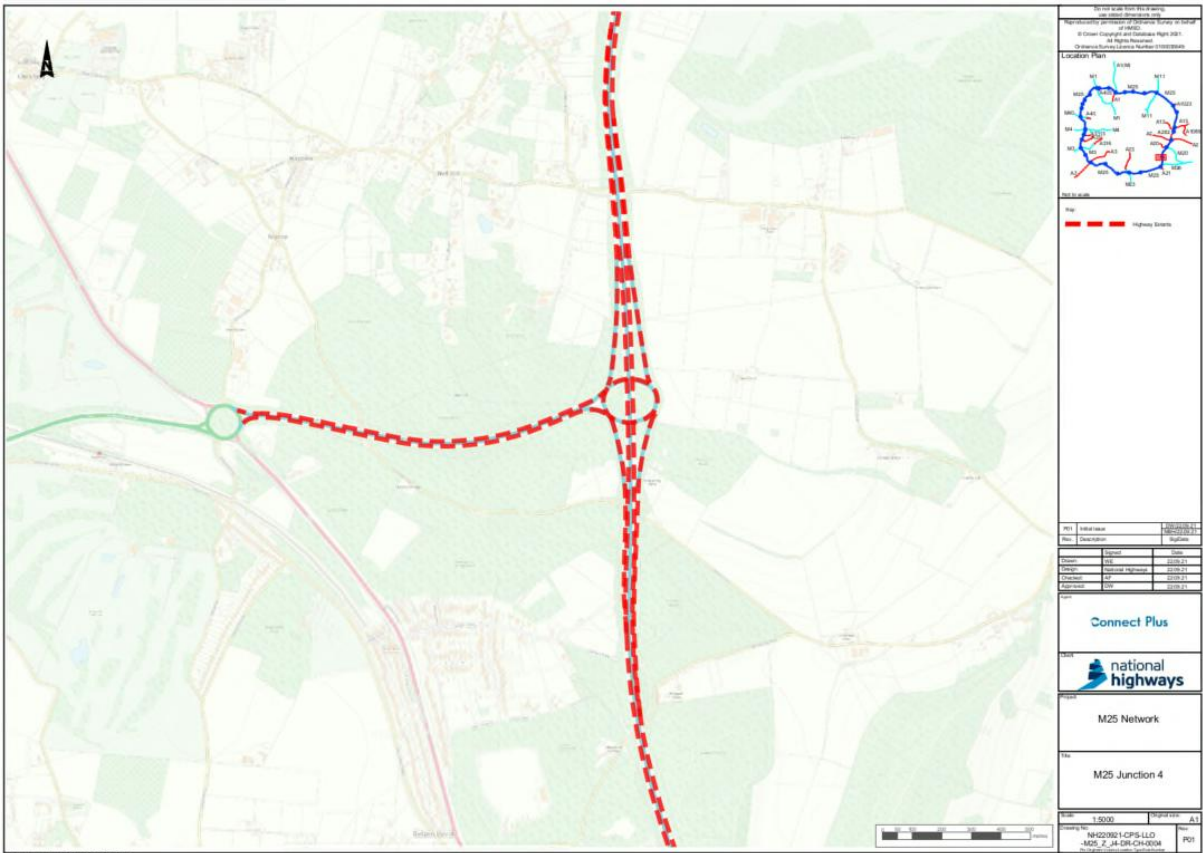
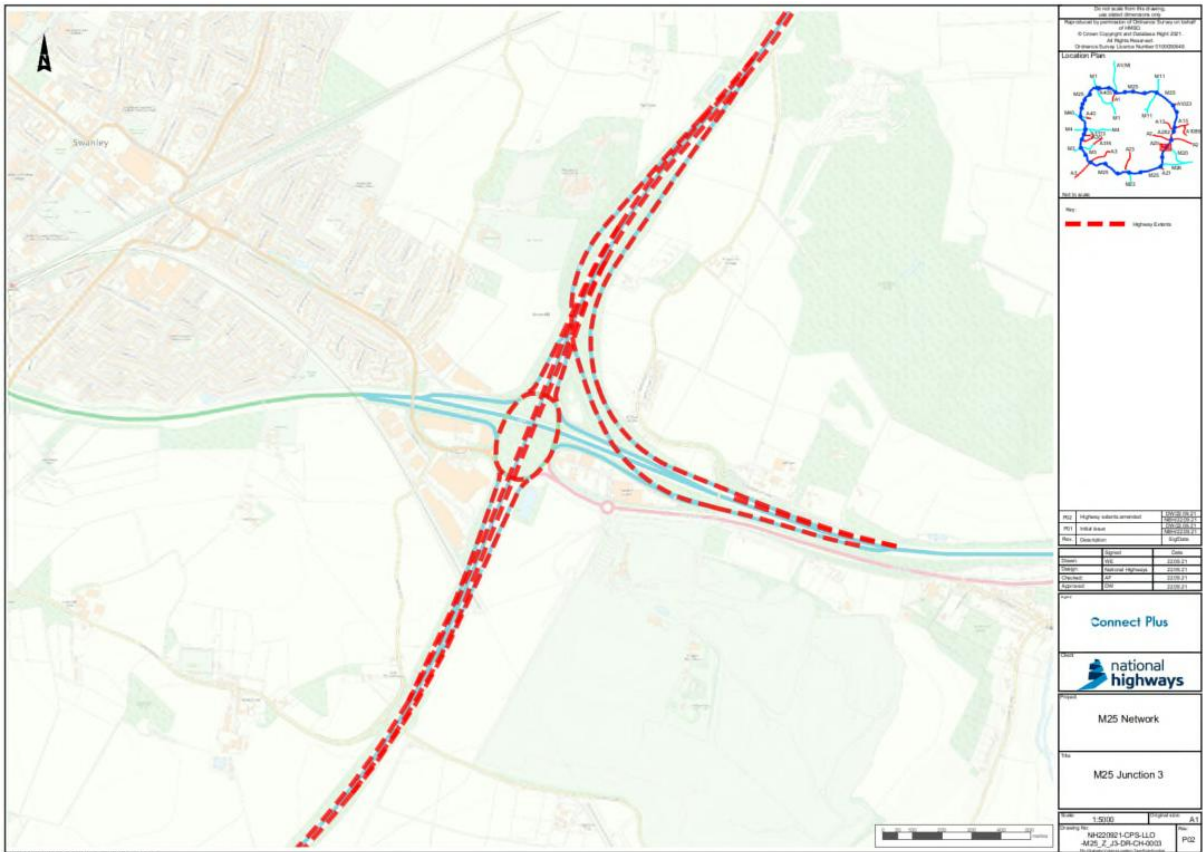
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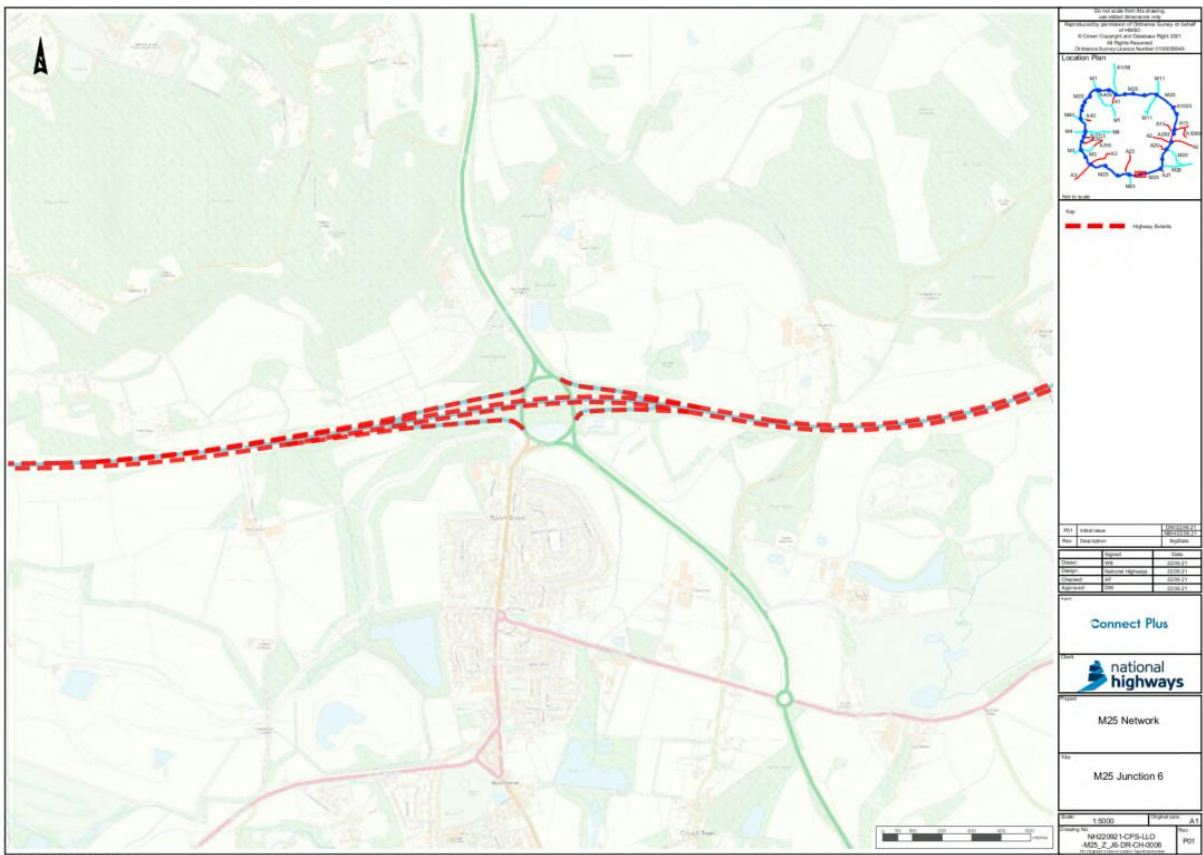
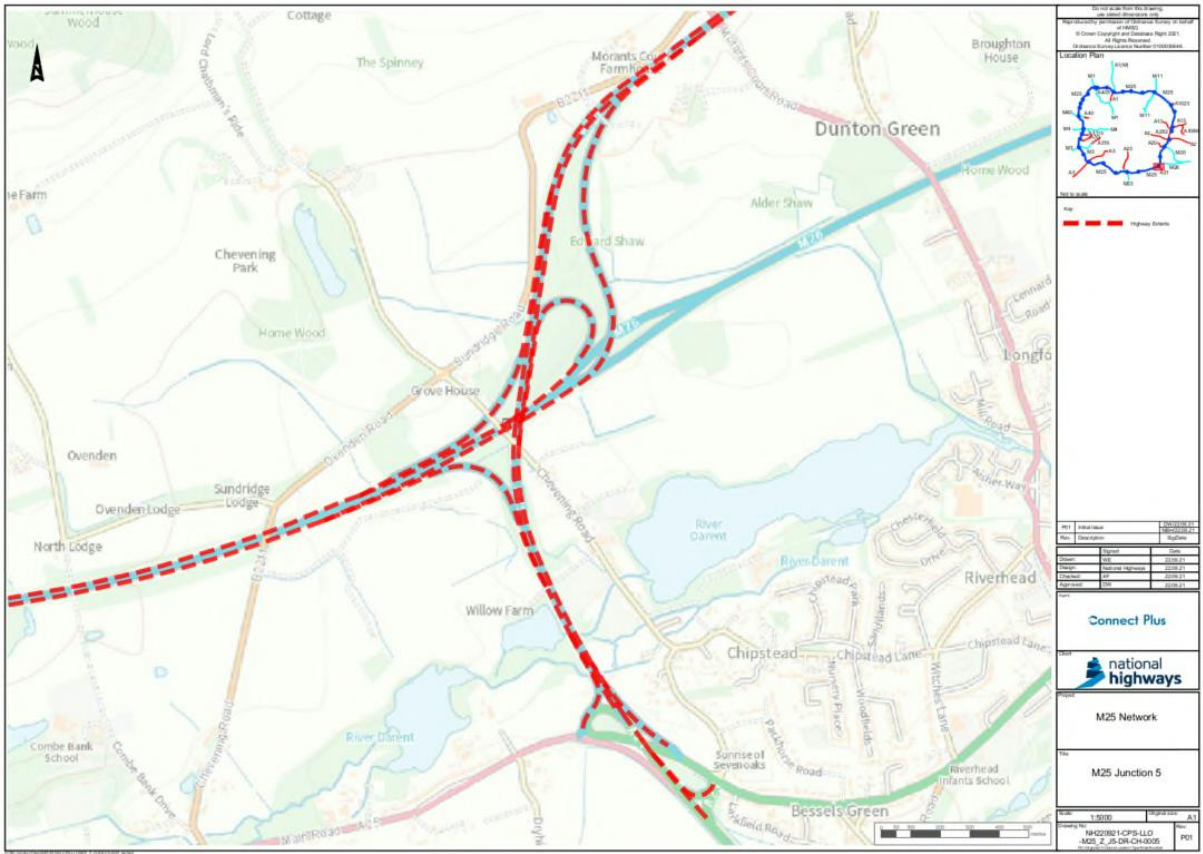
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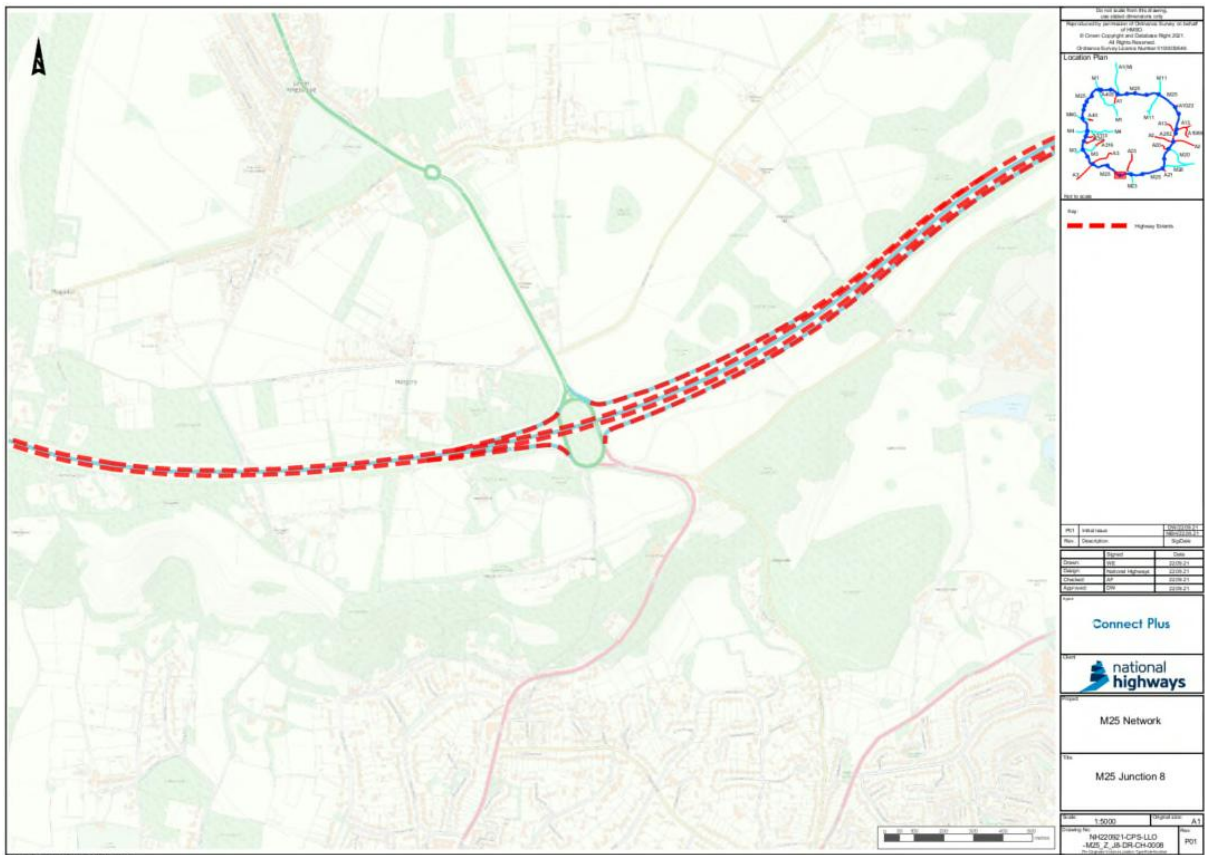
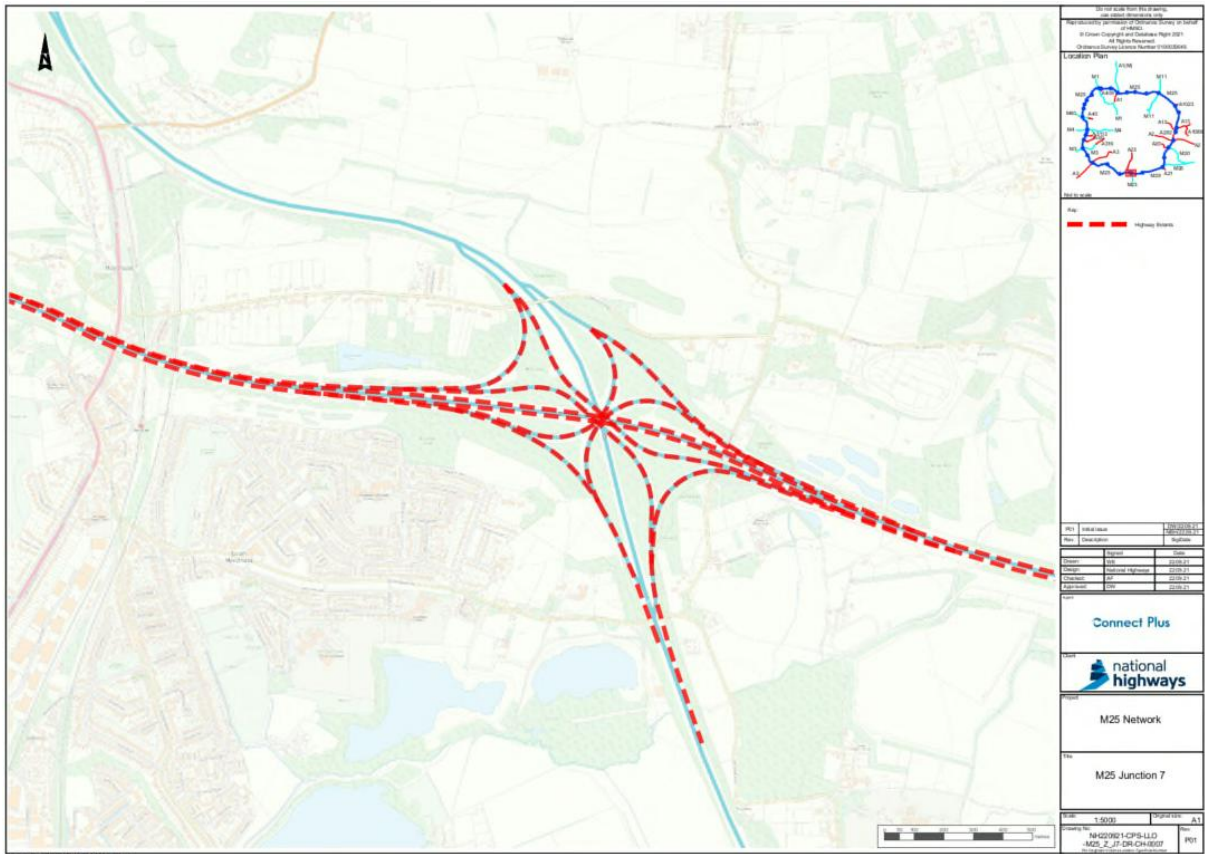
# APPENDIX 1



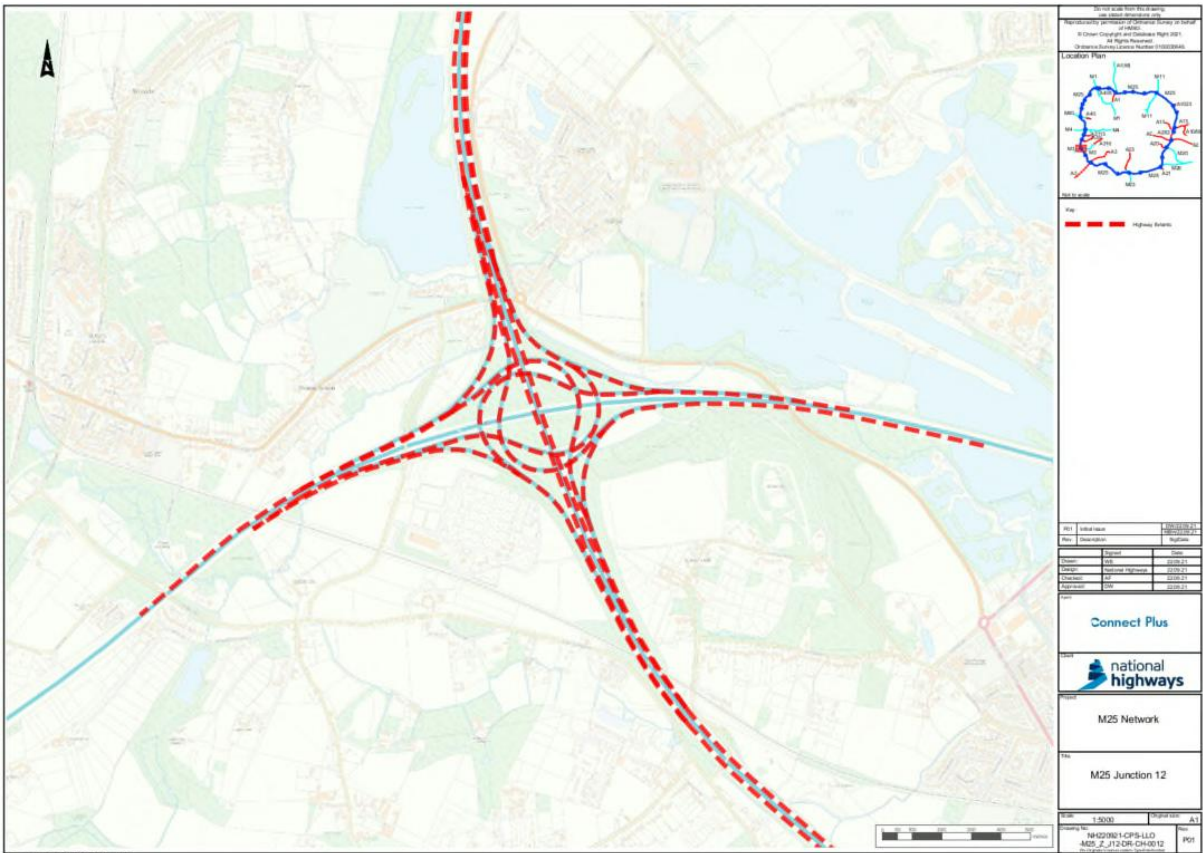
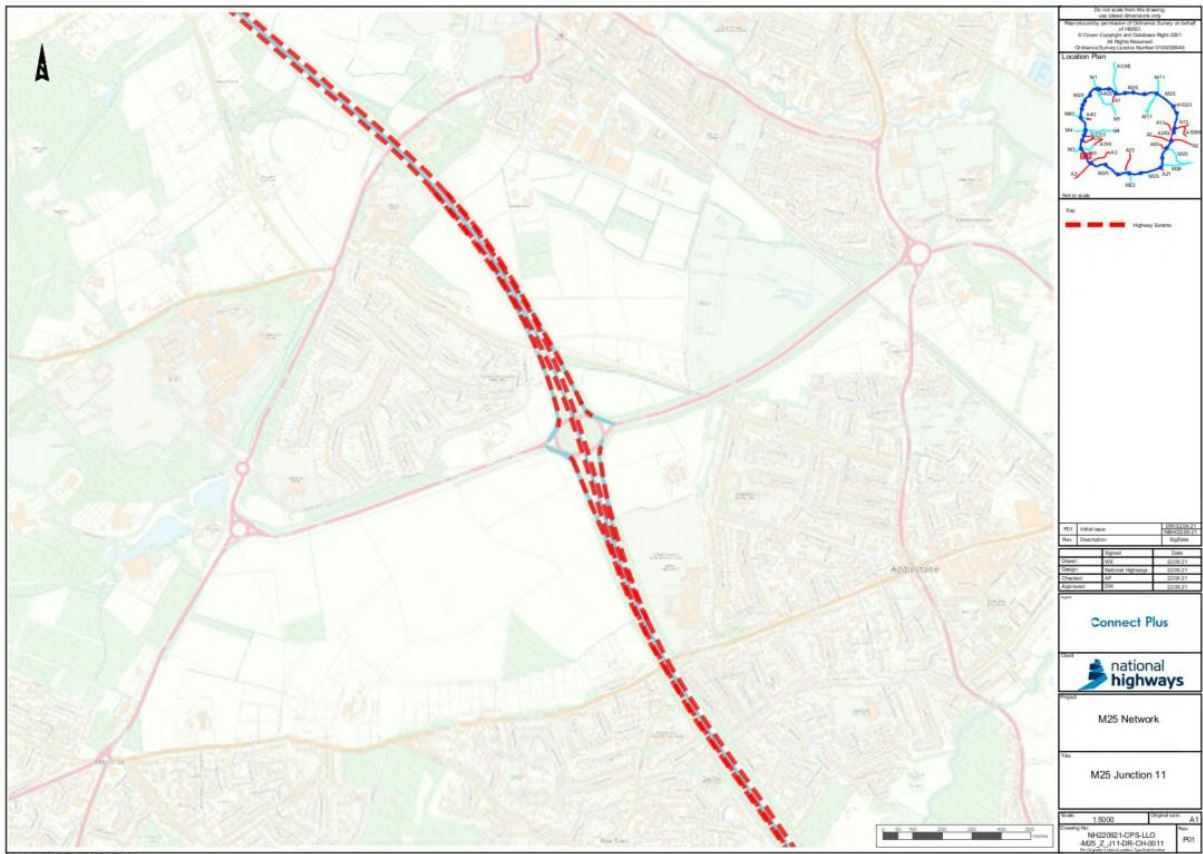


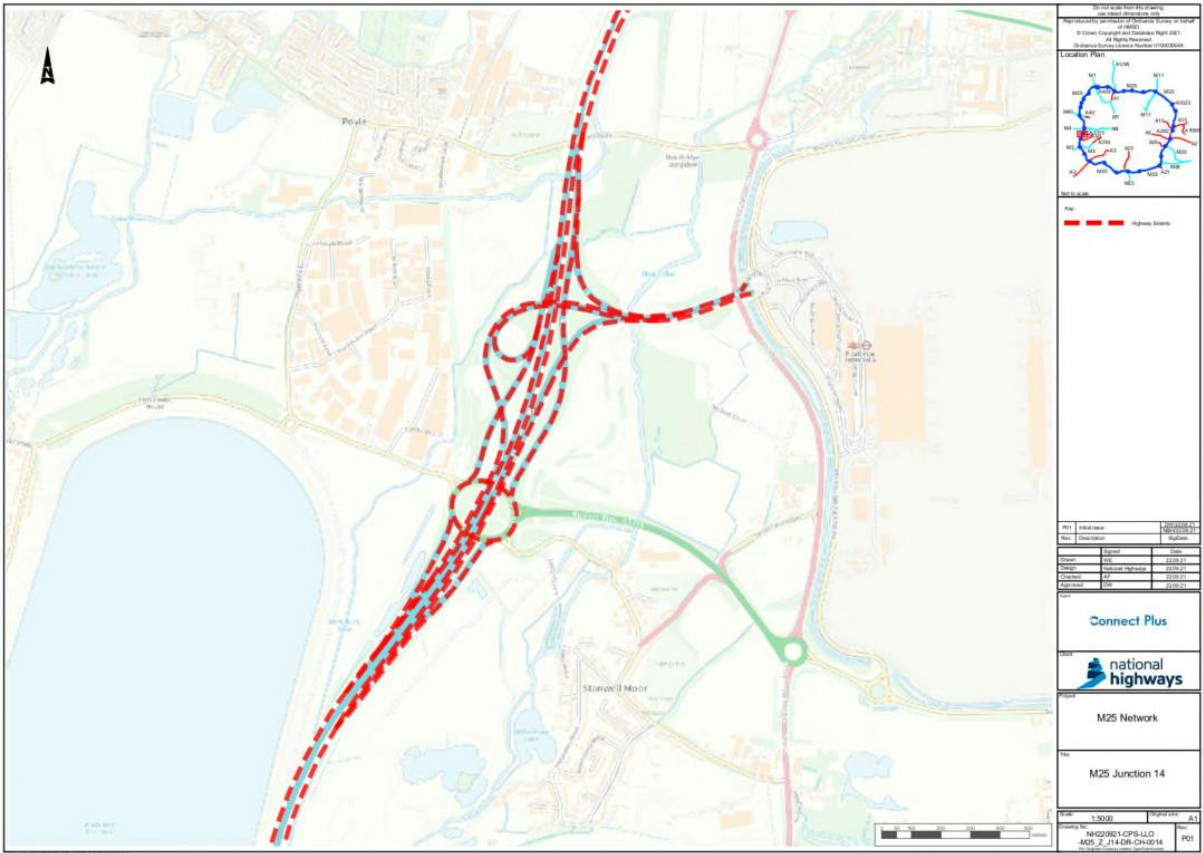


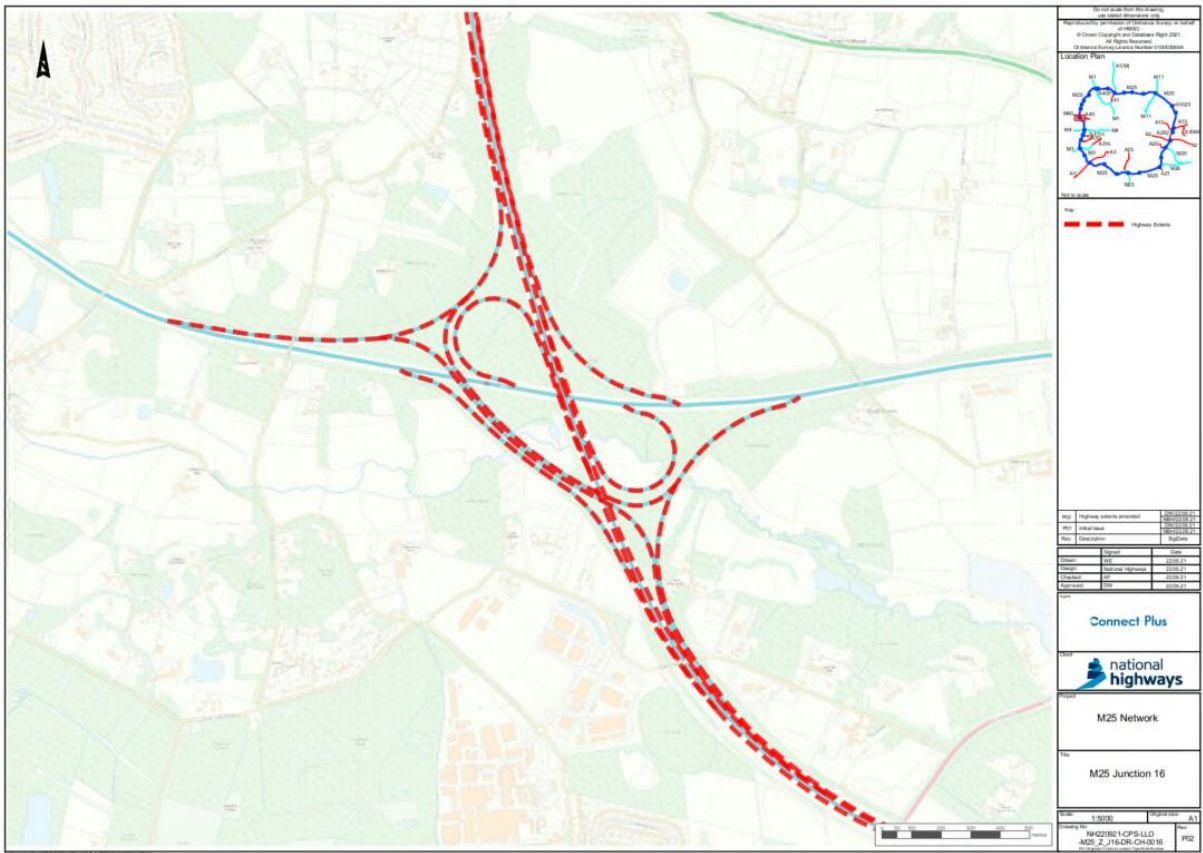
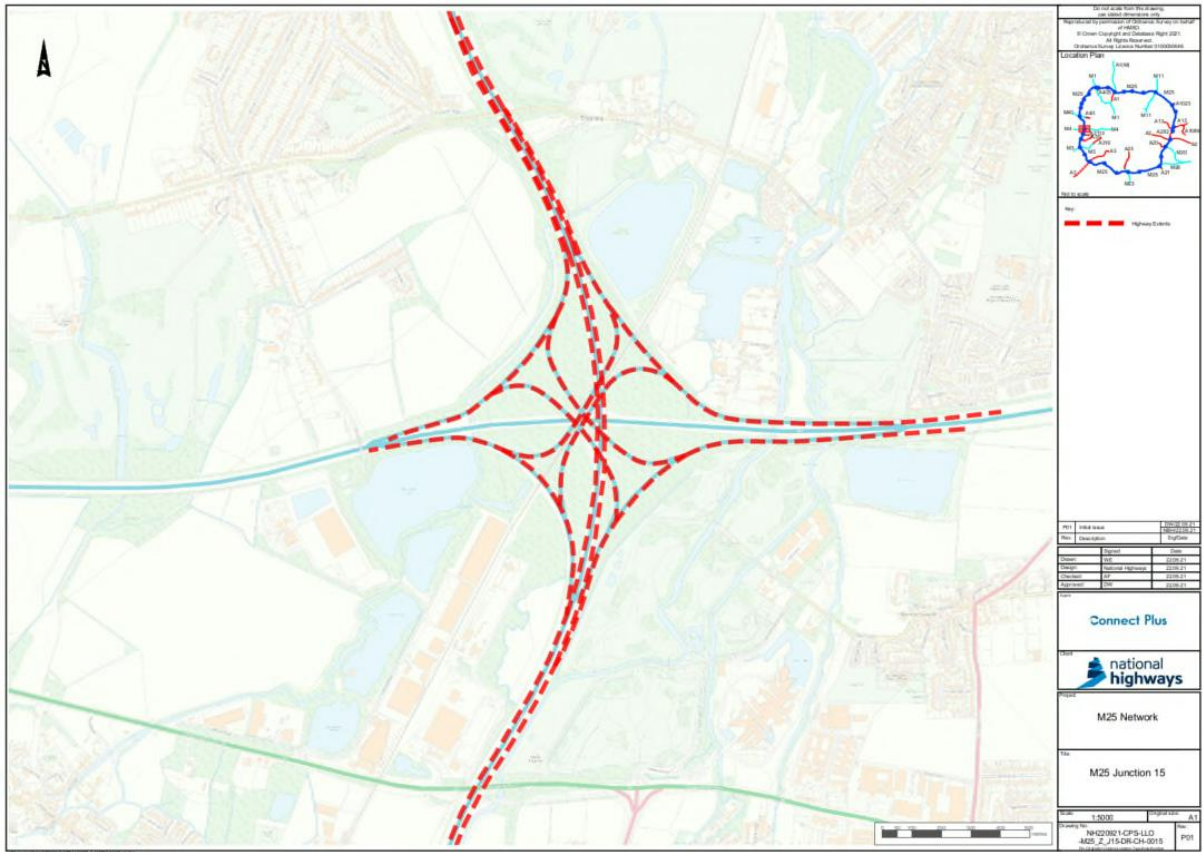


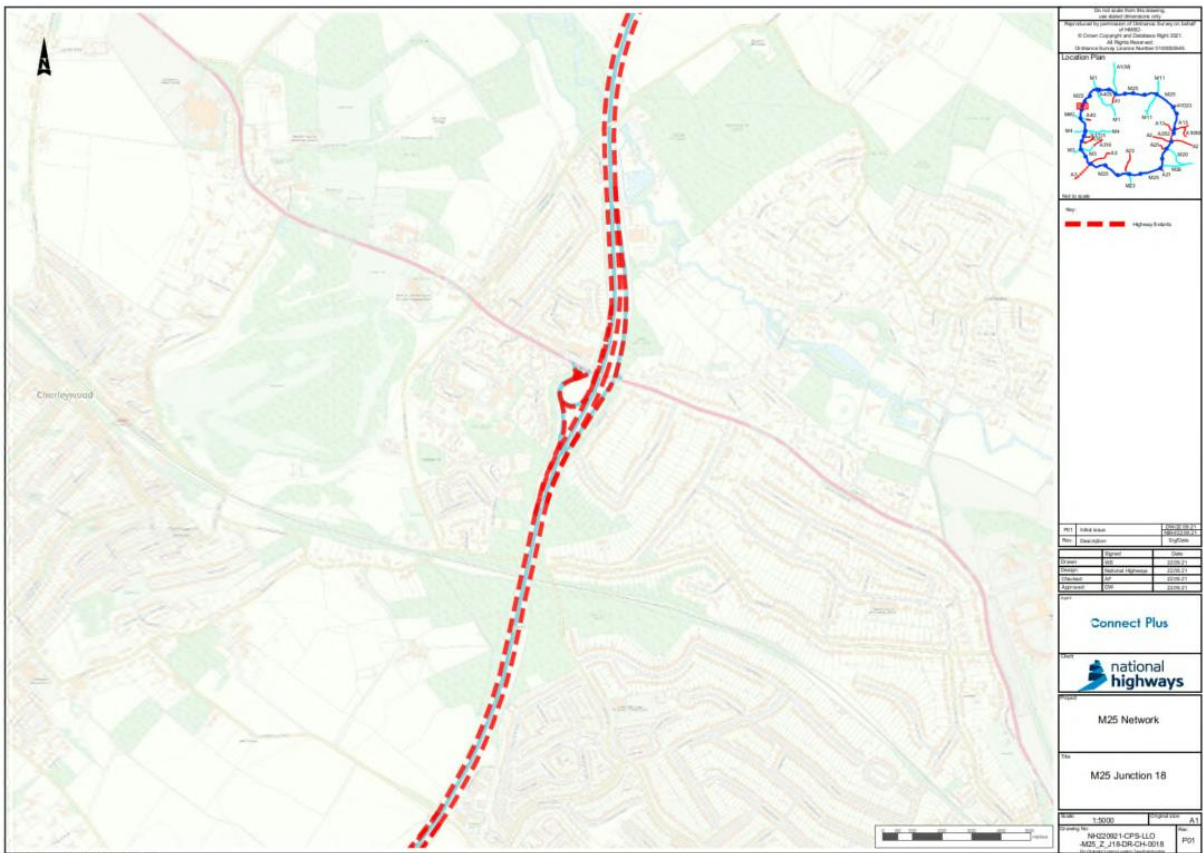
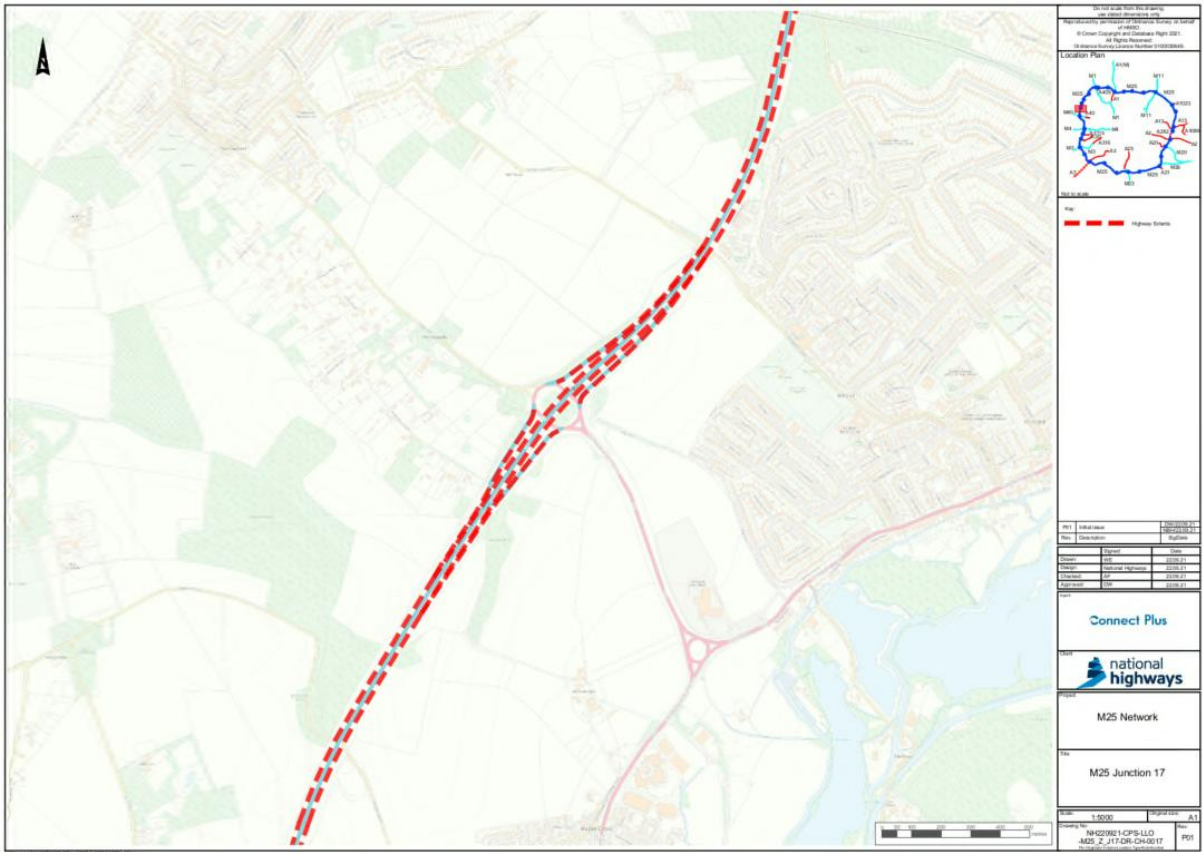




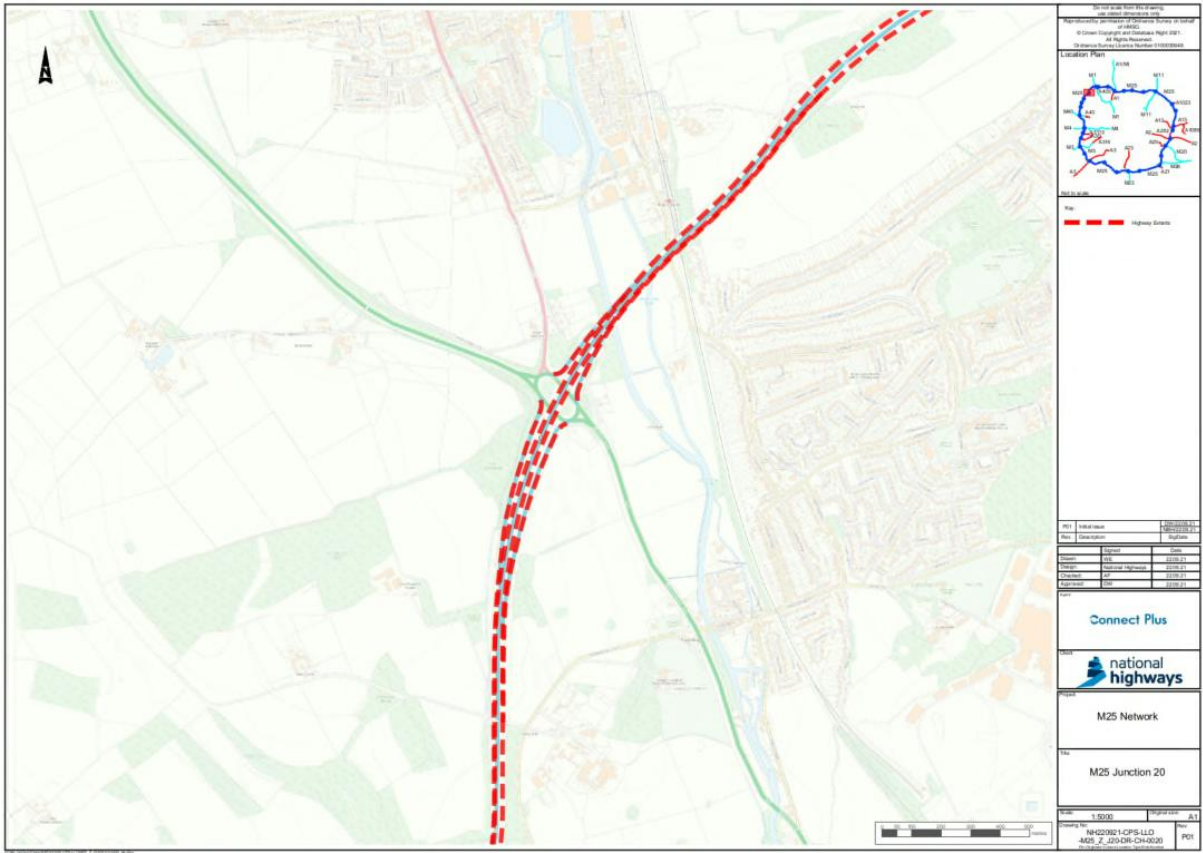


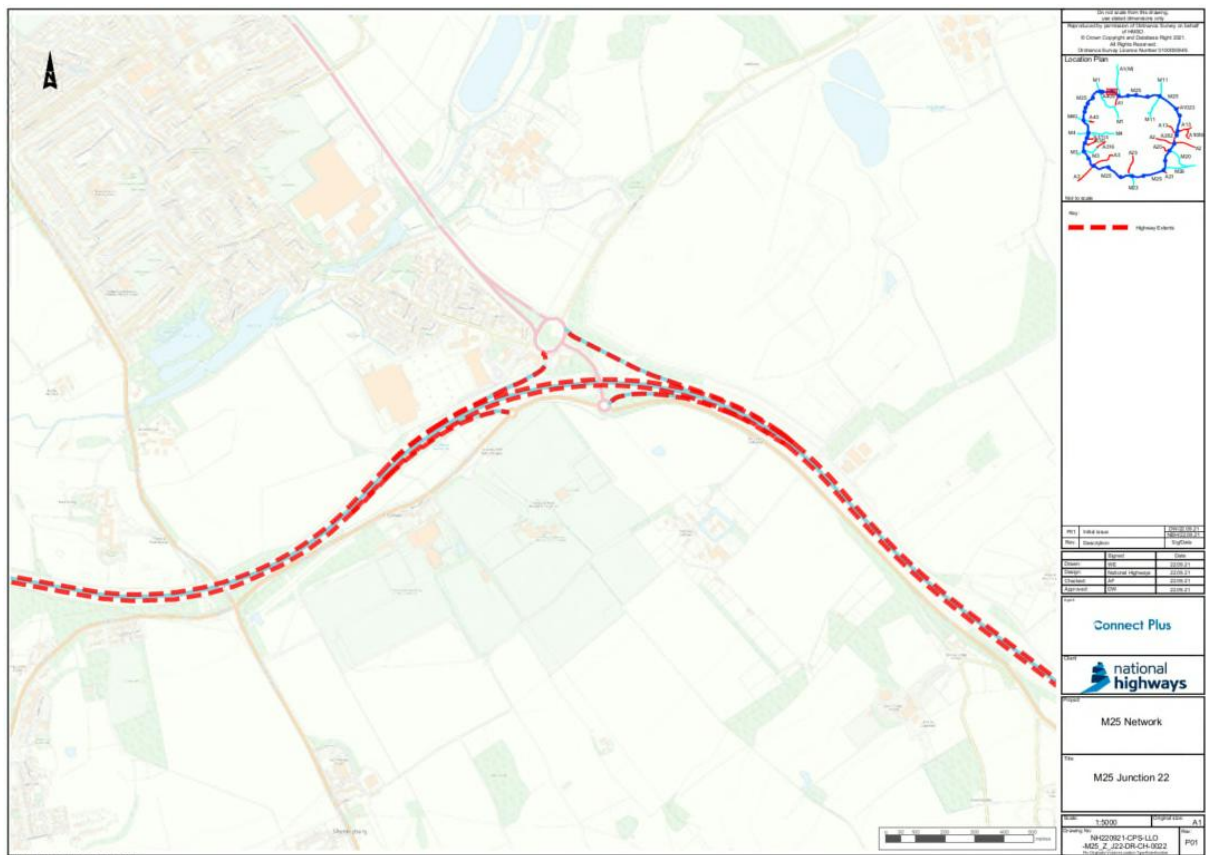
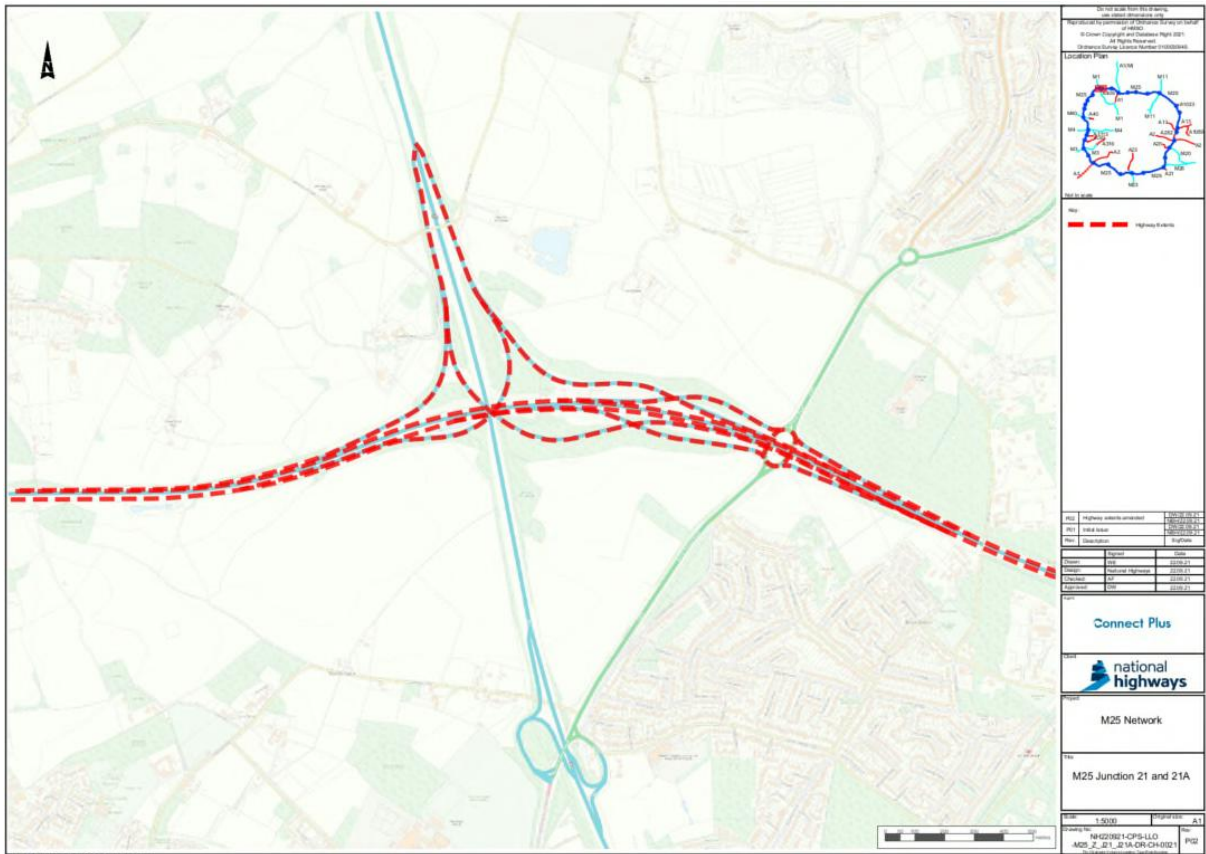


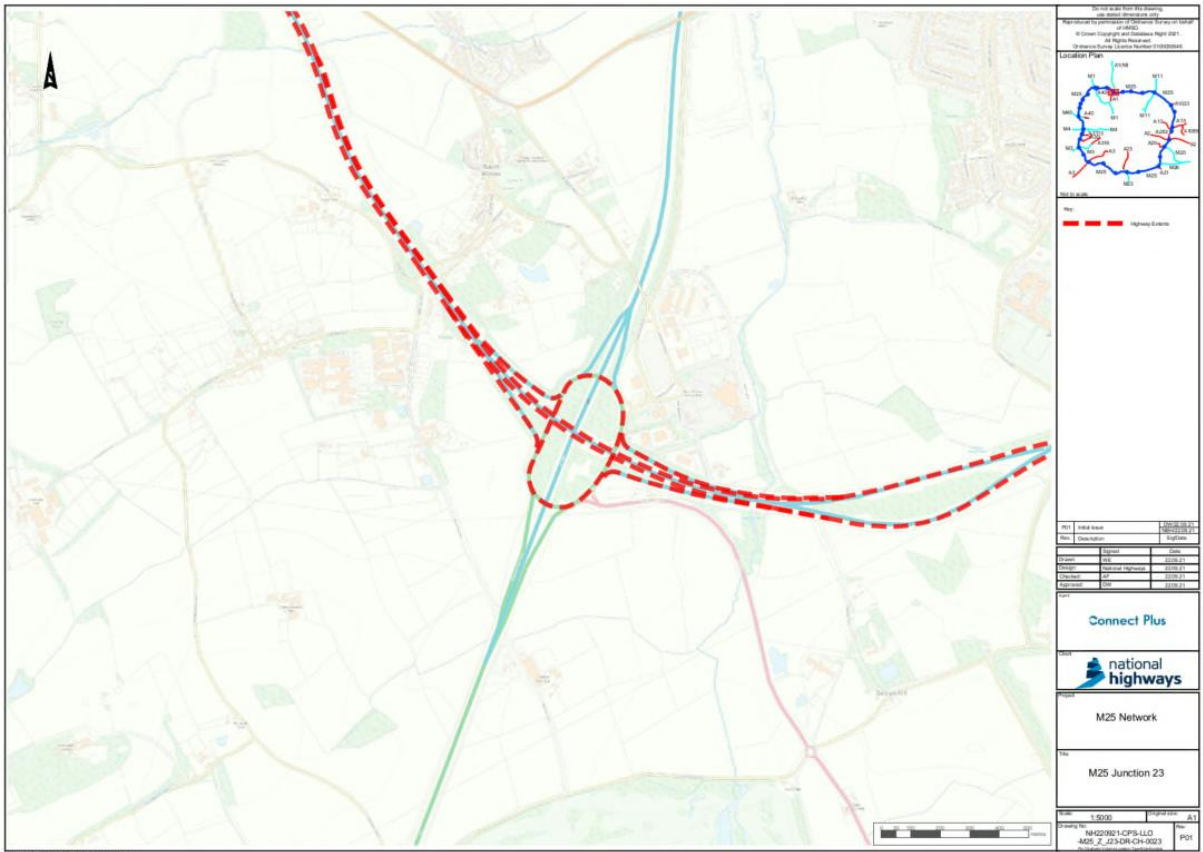


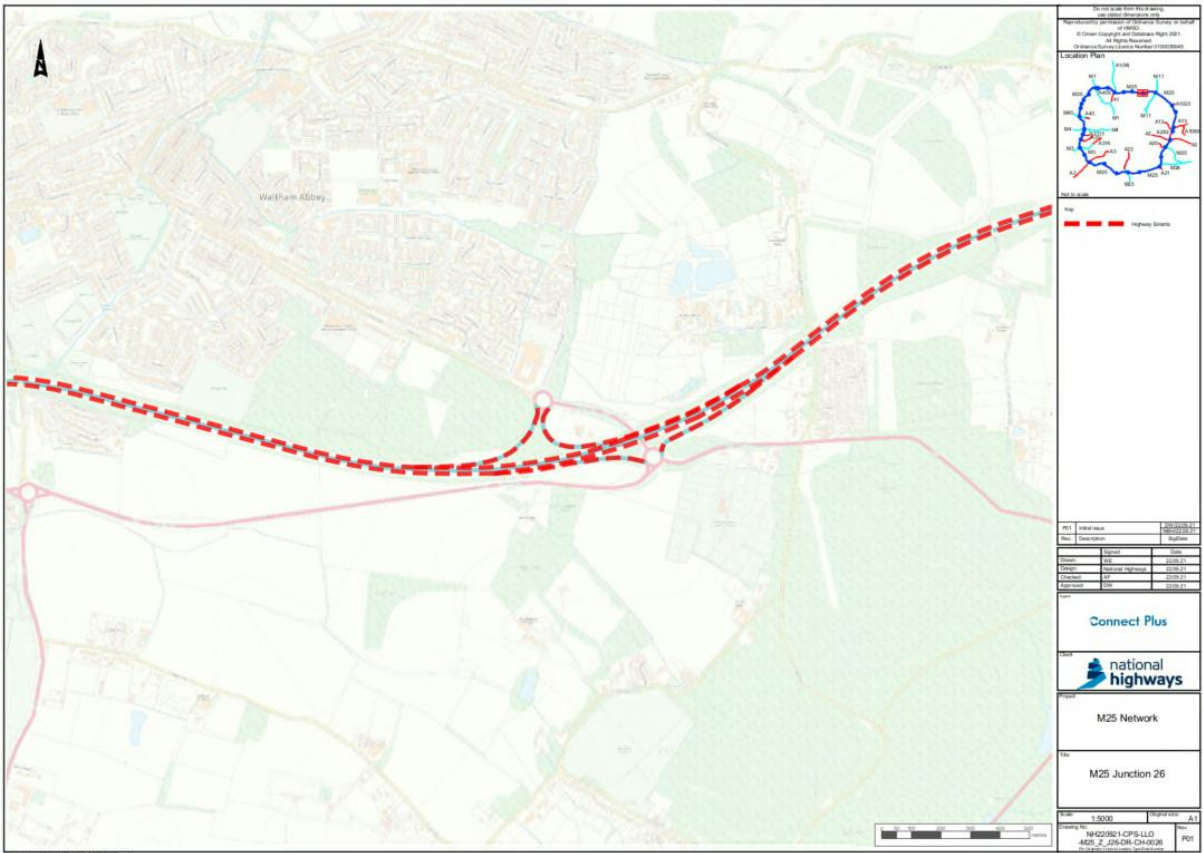
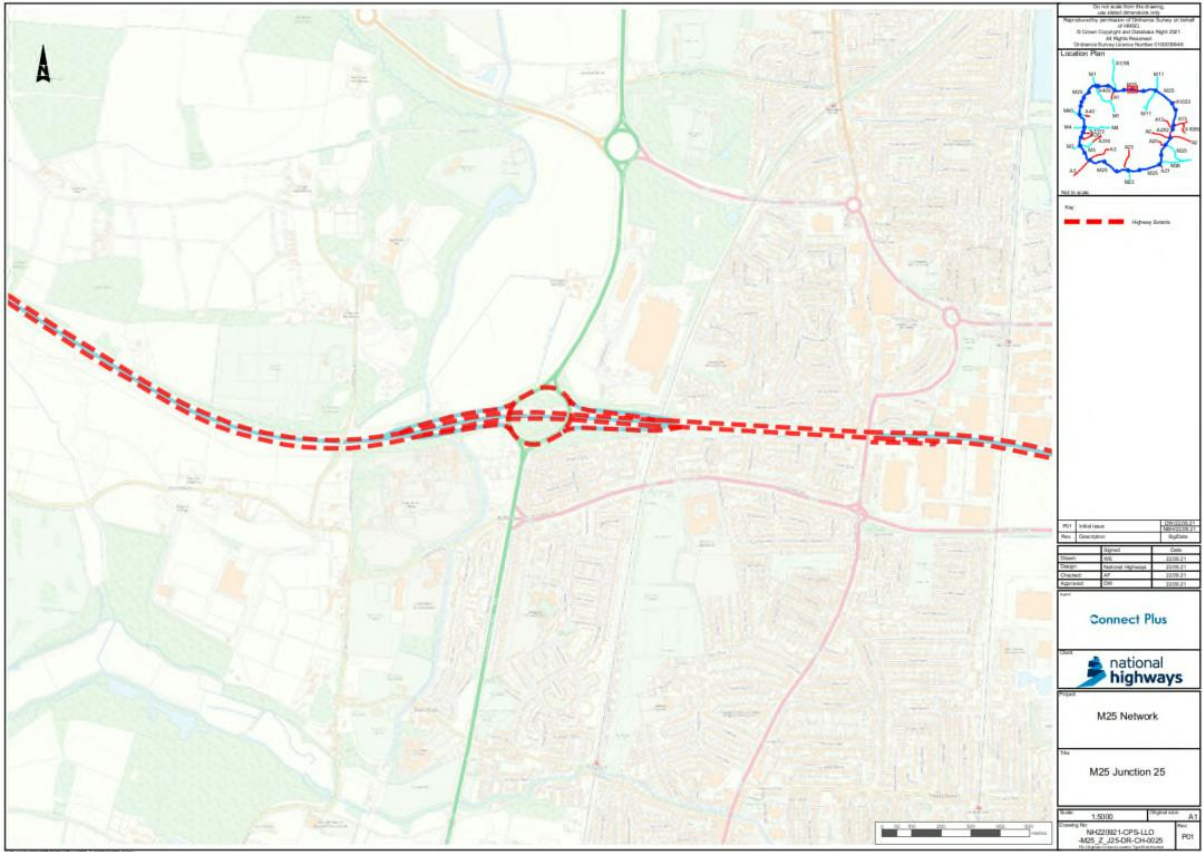


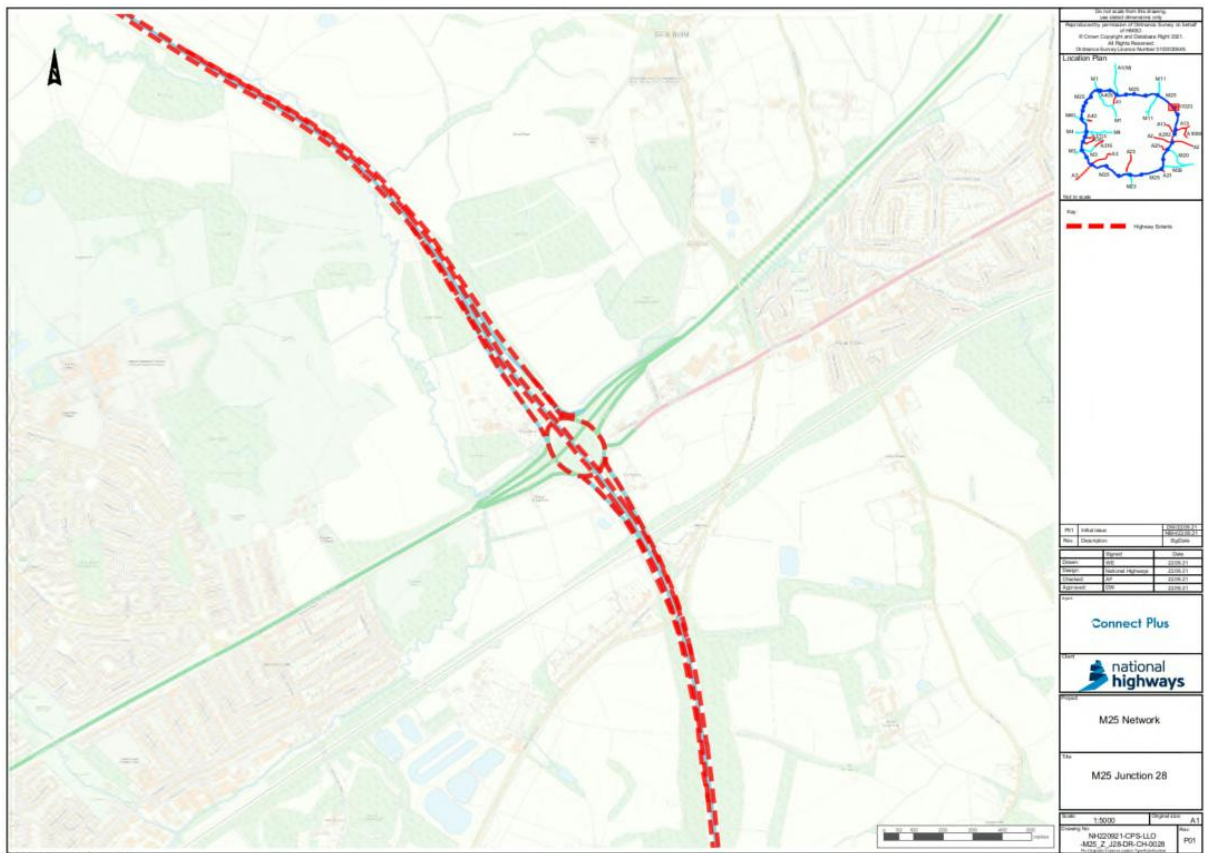
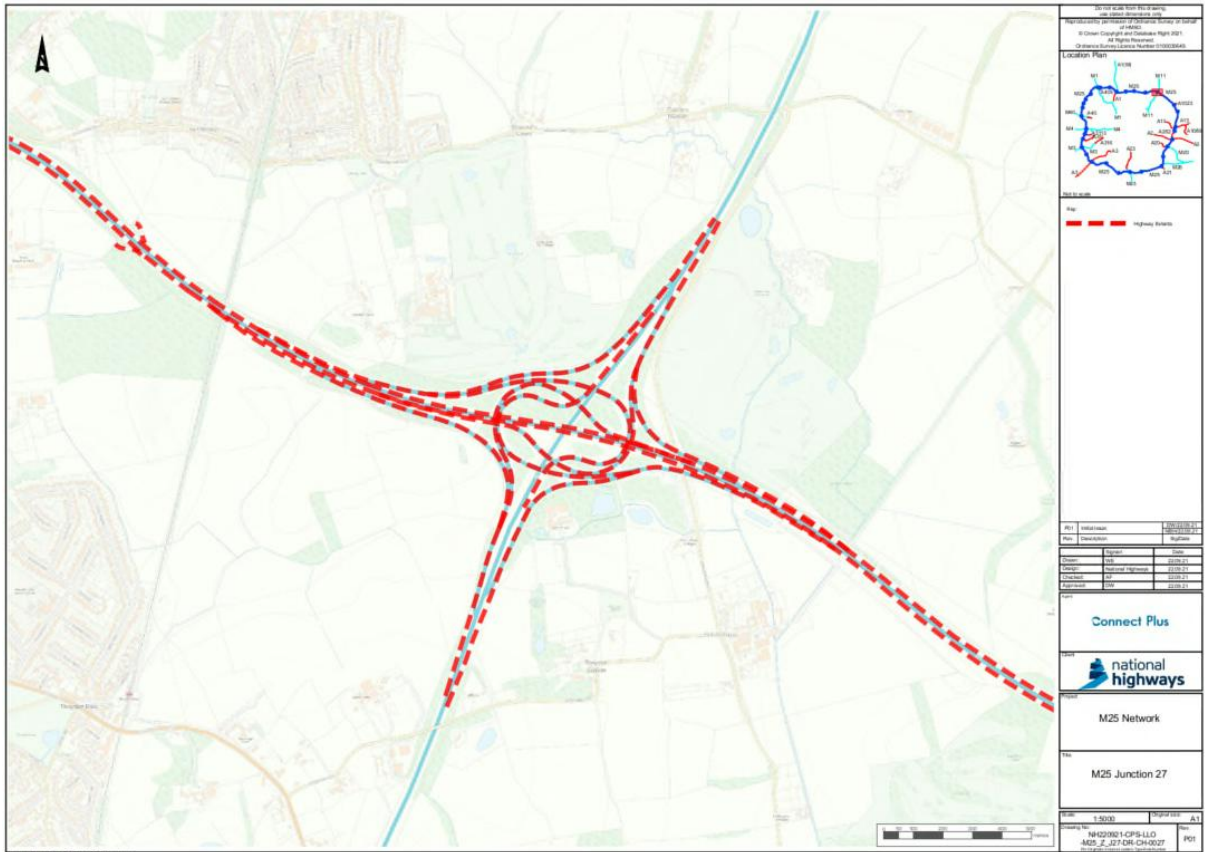


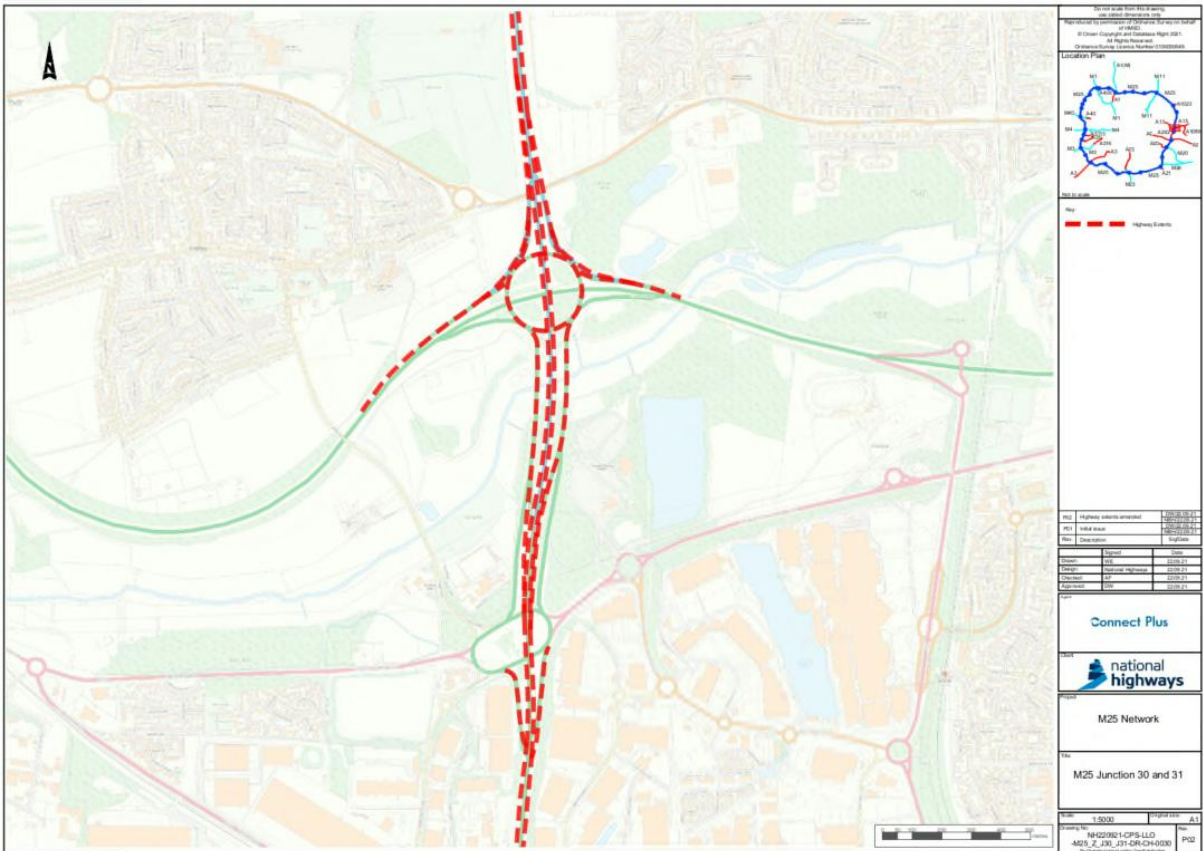
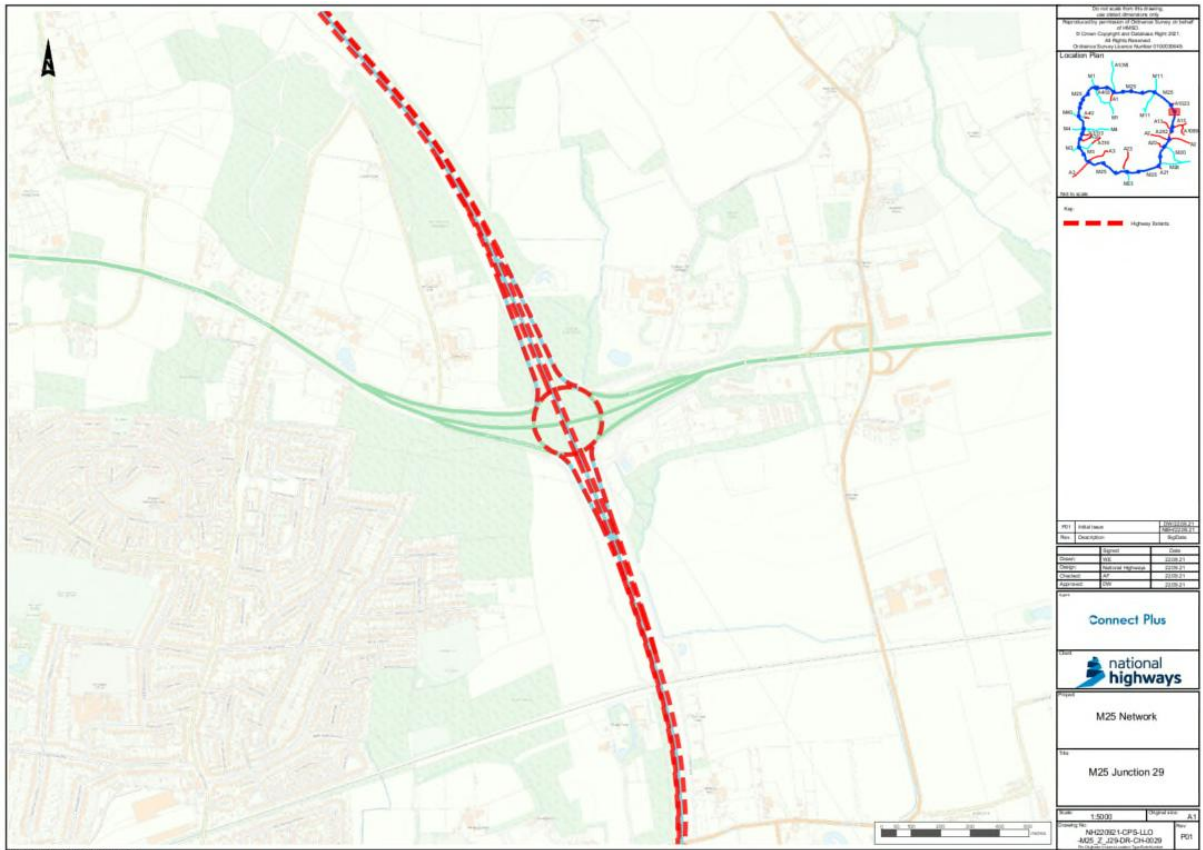






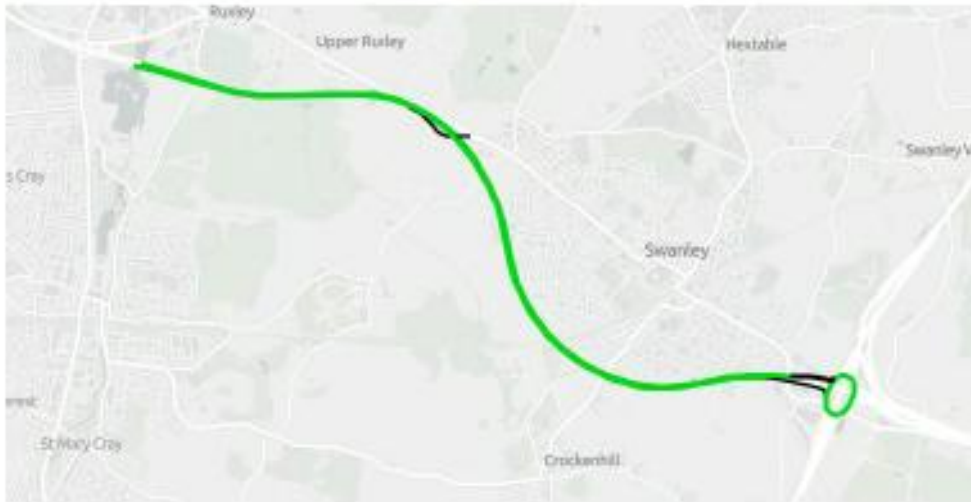




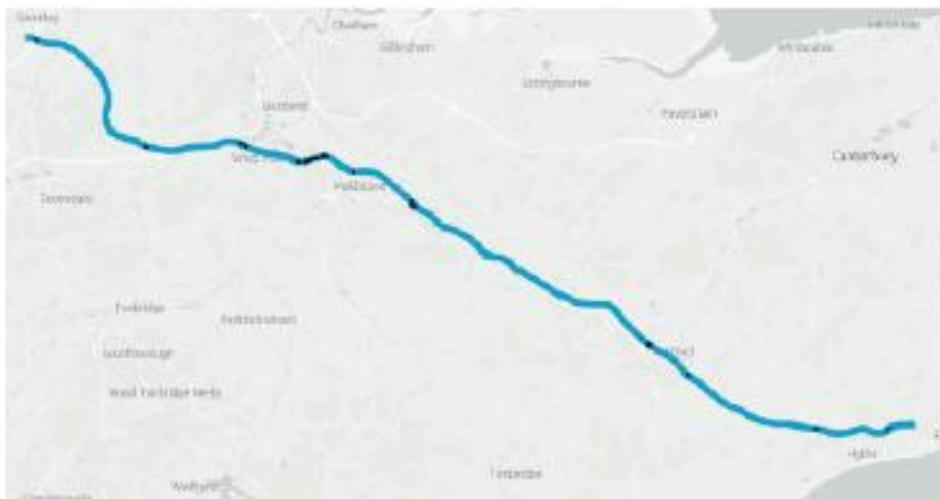


## APPENDIX 2

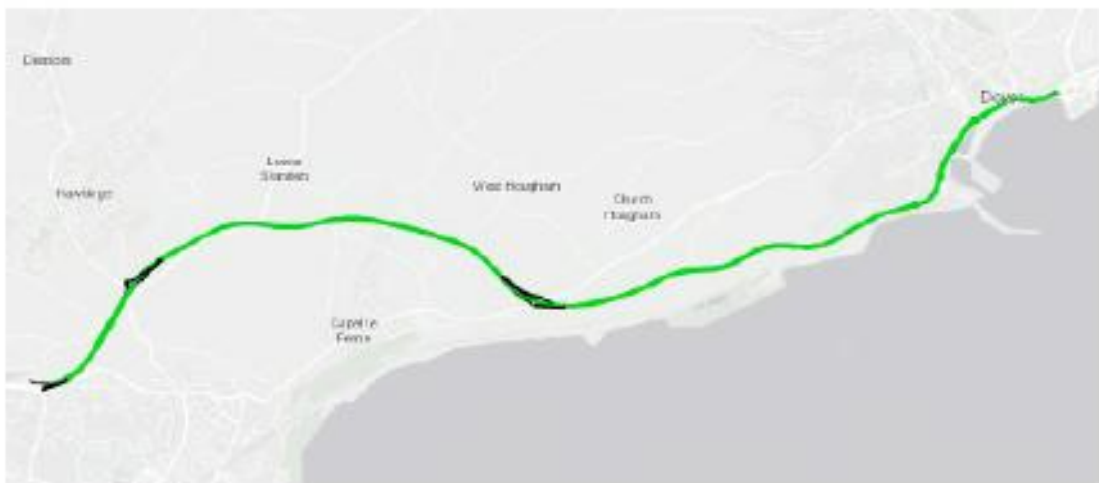
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### M20



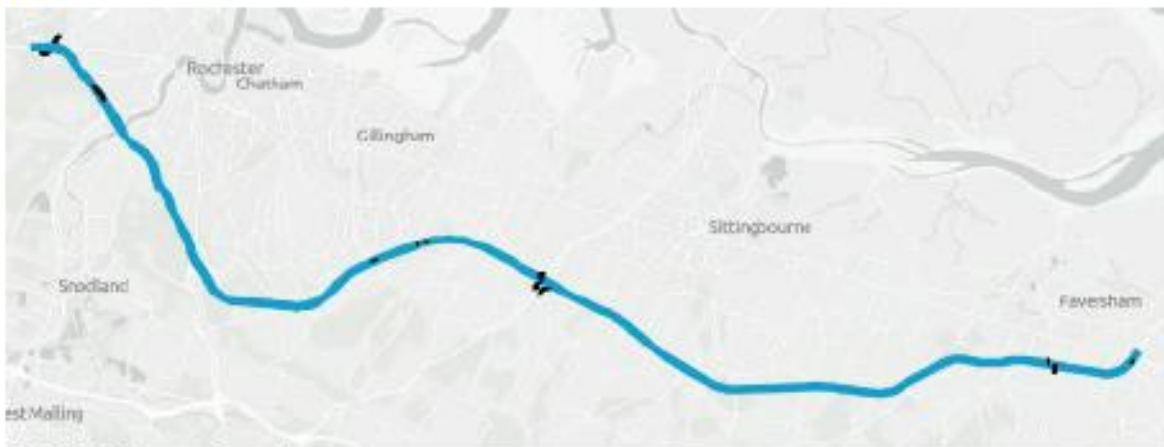
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### A2 London – M2 Section



### M2

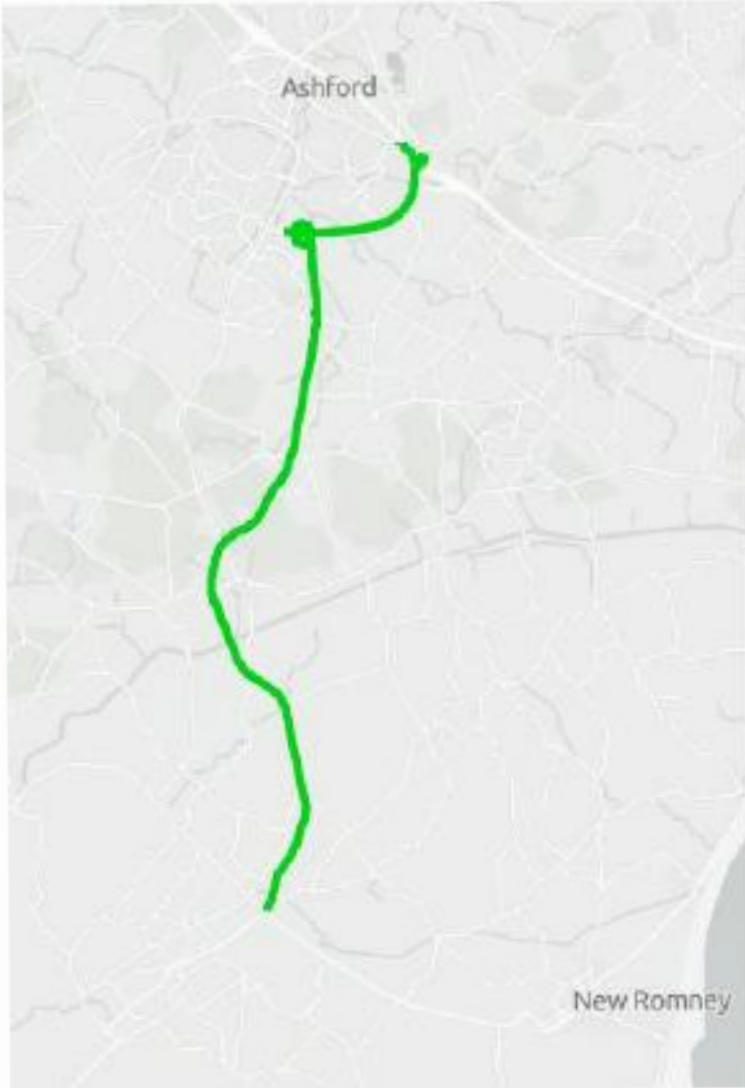


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A2070

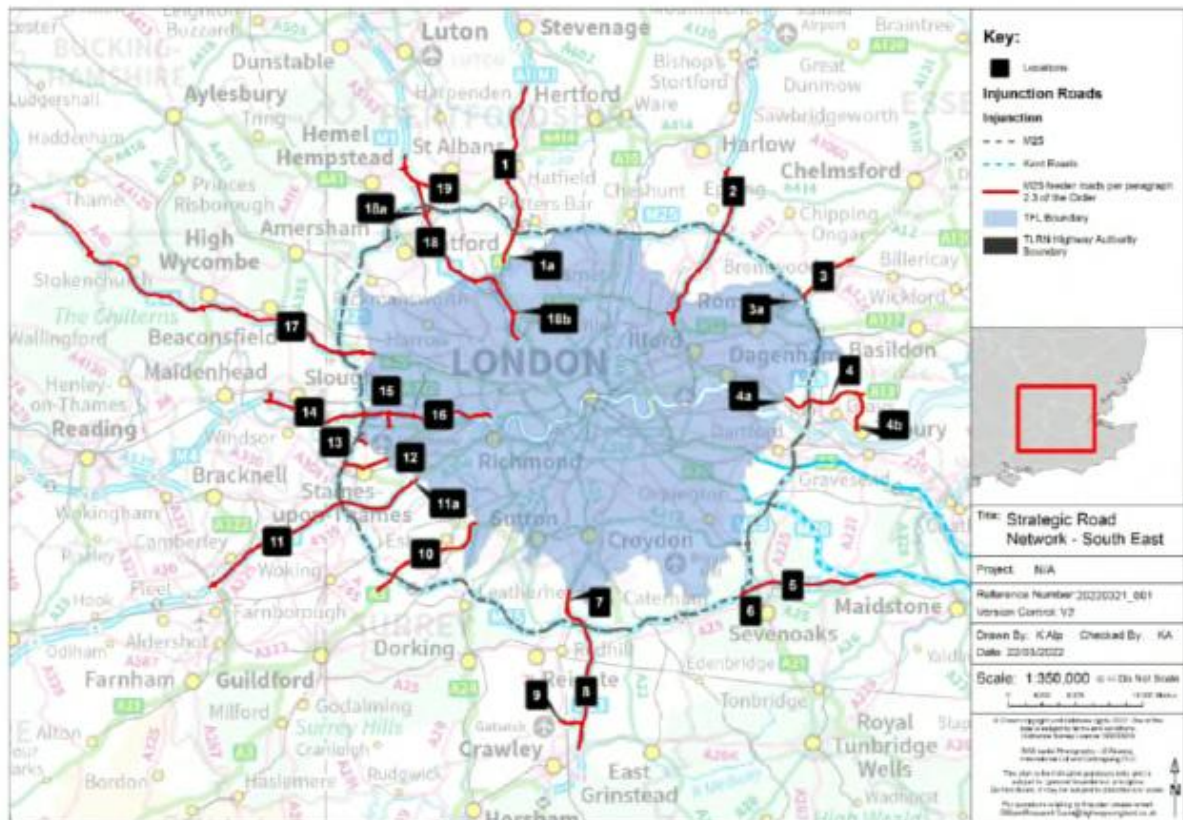


Kent & Surrounding areas SRN



## APPENDIX 3

### Strategic Road Network – South East



1. A1(M) from Junction 1 to Junction 6
- 1a. A1 from A1(M) to Rowley Lane
2. M11 from Junction 4 to Junction 7
3. A12 from M25 Junction 28 to A12 Junction 12
- 3a. A1023 (Brook Street) from M25 Junction 28 roundabout to Brook Street Shell Petrol Station access
4. A13 from M25 Junction 30 to junction with A1089
- 4a. A13 from junction with A1306 for Wennington to M25 Junction 30
- 4b. A1089 from junction with A13 to Port of Tilbury entrance

5. M26 (the whole motorway) from M25 to M20
6. A21 from the M25 to B2042
7. A23 from M23 to Star Shaw
8. M23 from Junction 7 to Junction 10 (including M23 Gatwick Spur)
9. A23 between North and South Terminal Roundabouts
10. A3 from A309 to B2039 Ripley Junction
11. M3 from Junction 1 to Junction 4
- 11a. A316 from M3 Junction 1 to Felthamhill Brook
12. A30 from M25 Junction 13 to Harrow Road, Stanwell, Feltham
13. A3113 from M25 Junction 14 to A3044
14. M4 from Junction 4B to Junction 7
15. M4 Spur (whole spur) from M4 Junction 4 to M4 Junction 4a
16. M4 from Junction 1 to Junction 4B
17. M40 from M40 Junction 7 to A40 (Fray's River Bridge)
18. M1 from Junction 1 to Junction 8
- 18a. A405 from M25 Junction 21A to M1 Junction 6
- 18b. A1 from Fiveways Corner roundabout to Hilltop Gardens
19. A414 from M1 Junction 8 to A405

**APPENDIX 4**

**[On the package containing the Court 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 CALL - Antony Nwanodi, Government Legal Department, Tel: 020 7210 3424”**

**[To affix to front door when the package has been posted through the letterbox or placed in a mailbox]**

**“VERY URGENT: A PACKAGE HAS BEEN LEFT THAT CONTAINS AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL - Antony Nwanodi, Government Legal Department, Tel: 020 7210 3424”**

**SCHEDULE 1 – NAMED DEFENDANTS**

	<b>Name</b>	<b>Address</b>
1.	PERSONS UNKNOWN CAUSING THE BLOCKING OF, OR ENDANGERING, OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING	
2.	Alexander RODGER	[REDACTED]
3.	Alyson LEE	[REDACTED]
4.	Amy PRITCHARD	[REDACTED]
5.	Ana HEYATAWIN	[REDACTED]
6.	Andrew Taylor WORSLEY	[REDACTED]
7.	Anne TAYLOR	[REDACTED]
8.	Anthony WHITEHOUSE	[REDACTED]
9.	Barry MITCHELL	[REDACTED]
10.	Ben TAYLOR	[REDACTED]
11.	Benjamin BUSE	[REDACTED]
12.	Biff William Courtenay WHIPSTER	[REDACTED]
13.	Cameron FORD	[REDACTED]
14.	Catherine RENNIE- NASH	[REDACTED]
15.	Catherine EASTBURN	[REDACTED]
16.	Christian MURRAY- LESLIE	[REDACTED]

17.	Christian ROWE	[REDACTED]
18.	Cordelia ROWLATT	[REDACTED]
19.	Daniel Lee Charles SARGISON	[REDACTED]
20.	Daniel SHAW	[REDACTED]
21.	David CRAWFORD	[REDACTED]
22.	David JONES	[REDACTED]
23.	David NIXON	[REDACTED]
24.	David SQUIRE	[REDACTED]
25.	Diana Elizabeth BLIGH	[REDACTED]
26.	Diana HEKT	[REDACTED]
27.	Diana Lewen WARNER	[REDACTED]
28.	Donald BELL	[REDACTED]
29.	Edward Leonard HERBERT	[REDACTED]
30.	Elizabeth ROSSER	[REDACTED]
31.	Emma Joanne SMART	[REDACTED]
32.	Gabriella DITTON	[REDACTED]
33.	Gregory FREY	[REDACTED]
34.	Gwen HARRISON	[REDACTED]

35.	Harry BARLOW	[REDACTED]
36.	Ian BATES	[REDACTED]
37.	Ian Duncan WEBB	[REDACTED]
38.	James BRADBURY	[REDACTED]
39.	James Malcolm Scott SARGISON	[REDACTED]
40.	James THOMAS	[REDACTED]
41.	Janet BROWN	[REDACTED]
42.	Janine EAGLING	[REDACTED]
43.	Jerrard Mark LATIMER	[REDACTED] [REDACTED]
44.	Jessica CAUSBY	[REDACTED]
45.	Jonathan Mark COLEMAN	[REDACTED]
46.	Joseph SHEPHERD	[REDACTED]
47.	Joshua SMITH	[REDACTED]
48.	Judith BRUCE	[REDACTED]
49.	Julia MERCER	[REDACTED]
50.	Julia SCHOFIELD	[REDACTED]
51.	Karen MATTHEWS	[REDACTED]
52.	Karen WILDIN	[REDACTED]

		[REDACTED]
53.	Liam NORTON	[REDACTED]
54.	Louis MCKECHNIE	[REDACTED]
55.	Louise Charlotte LANCASTER	[REDACTED]
56.	Lucy CRAWFORD	[REDACTED]
57.	Mair BAIN	[REDACTED]
58.	Margaret MALOWSKA	[REDACTED]
59.	Marguerite DOWBLEDAY	[REDACTED]
60.	Maria LEE	[REDACTED]
61.	Martin John NEWELL	[REDACTED]
62.	Mary ADAMS	[REDACTED]
63.	Matthew LUNNON	[REDACTED]
64.	Matthew TULLEY	[REDACTED]
65.	Meredith WILLIAMS	[REDACTED]
66.	Michael BROWN	[REDACTED]
67.	Michael Anthony WILEY	[REDACTED]



68.	Michelle CHARLSWORTH	[REDACTED]
69.	Natalie Clare MORLEY	[REDACTED]
70.	Nathaniel SQUIRE	[REDACTED]
71.	Nicholas COOPER	[REDACTED]
72.	Nicholas ONLEY	[REDACTED]
73.	Nicholas TILL	[REDACTED]
74.	Oliver ROCK	[REDACTED]
75.	Paul COOPER	[REDACTED]
76.	Paul SHEEKY	[REDACTED]
77.	Peter BLENCOWE	[REDACTED]
78.	Peter MORGAN	[REDACTED]
79.	Phillipa CLARKE	[REDACTED]
80.	Priyadaka CONWAY	[REDACTED]
81.	Richard RAMSDEN	[REDACTED]
82.	Rob STUART	[REDACTED]
83.	Robin Andrew COLLETT	[REDACTED]
84.	Roman Andrzej PALUCH-MACHNIK	[REDACTED]
85.	Rosemary WEBSTER	[REDACTED]

86.	Rowan TILLY	[REDACTED]
87.	Ruth Ann COOK	[REDACTED]
88.	Ruth JARMAN	[REDACTED]
89.	Sarah HIRONS	[REDACTED]
90.	Simon REDING	[REDACTED]
91.	Stefania MOROSI	[REDACTED]
92.	Stephanie AYLETT	[REDACTED]
93.	Stephen Charles GOWER	[REDACTED]
94.	Stephen PRITCHARD	[REDACTED]
95.	Susan CHAMBERS	[REDACTED]
96.	Sue PARFITT	[REDACTED]
97.	Sue SPENCER- LONGHURST	[REDACTED]
98.	Susan HAGLEY	[REDACTED]
99.	Suzie WEBB	[REDACTED]
100.	Tessa-Marie BURNS	[REDACTED]
101.	Theresa NORTON	[REDACTED]
102.	Tim SPEERS	[REDACTED]
103.	Tim William HEWES	[REDACTED]

104.	Tracey MALLAGHAN	[REDACTED]
105.	Valerie SAUNDERS	[REDACTED]
106.	Venitia CARTER	[REDACTED]
107.	Victoria Anne LINDSELL	[REDACTED]
108.	Xavier GONZALEZ TRIMMER	[REDACTED]
109.	Bethany MOGIE	[REDACTED]
110.	Indigo RUMBELOW	[REDACTED]
111.	Adrian TEMPLE-BROWN	[REDACTED]
112.	Ben NEWMAN	[REDACTED]
113.	Christopher PARISH	[REDACTED]
114.	Elizabeth SMAIL	[REDACTED]
115.	Julian MAYNARD SMITH	[REDACTED]
116.	Rebecca LOCKYER	[REDACTED]
117.	Simon MILNER-EDWARDS	[REDACTED]
118.	Stephen BRETT	[REDACTED]
119.	Virginia MORRIS	[REDACTED]
120.	Andria EFTHIMIOUS-MORDAUNT	[REDACTED]

121.	Christopher FORD	[REDACTED]
122.	Darcy MITCHELL	[REDACTED]
123.	David MANN	[REDACTED]
124.	Ellie LITTEN	[REDACTED]
125.	Julie MACOLI	[REDACTED]
126.	Kai BARTLETT	[REDACTED]
127.	Sophie FRANKLIN	[REDACTED]
128.	Tony HILL	[REDACTED]
129.	Nicholas BENTLEY	[REDACTED]
130.	Nicola STICKELLS	[REDACTED]
131.	Mary LIGHT	[REDACTED]
132.	David McKENNY	[REDACTED]
133.	Giovanna LEWIS	[REDACTED]
134.	Margaret REID	[REDACTED]

**SCHEDULE 2**

**Claim Nos. QB-2021-003576, 003626 and 003737**

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION**

**Before the Honourable Mr Justice Chamberlain  
On 17 March 2022**

**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**



**-and-**

- (1) PERSONS UNKNOWN CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ONTO OR ALONG THE M25 MOTORWAY FOR THE PURPOSES OF PROTESTING**
- (2) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A2, A20 AND 2070 TRUNK ROADS AND M2 AND M20 MOTORWAY FOR THE PURPOSE OF PROTESTING**
- (3) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING**
- (4) MR ALEXANDER RODGER AND 142 OTHERS**

Defendants

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**ORDER**

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**PENAL NOTICE**

**IF YOU THE WITHIN NAMED DEFENDANTS OR PERSONS UNKNOWN OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

## **IMPORTANT NOTICE TO THE DEFENDANTS**

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

**FURTHER TO** the Orders made in these proceedings by Lavender J on 22 September 2021 (the “**M25 Order**”), Cavanagh J on 24 September 2021 (the “**Kent Roads Order**”) and Holgate J on 4 October 2021 (the “**Feeder Roads Order**”)

**AND UPON** the Claimant’s application by Application Notice dated 4 March 2022, pursuant to the liberty to apply provisions at paragraph 7 of the M25 and Kent Roads Orders and paragraph 10 of the Feeder Roads Order to extend the duration of the injunctions contained at paragraph 2 of the M25 and Kent Roads Orders and paragraph 4 of the Feeder Roads Order (the “**Extension Application**”)

**AND UPON READING** the Witness Statement of Robert Shaw dated 4 March 2022, and the Claimant’s skeleton argument.

**AND UPON** hearing David Elvin QC, Counsel for the Claimant

**AND UPON** the Court accepting the Claimant’s undertaking that it will provide to the Defendants copies of further evidence or other documents filed in these proceedings upon request, following the Defendants or their representatives providing contact details to the Claimant’s solicitors

**AND UPON** the Court accepting the Claimant’s renewed undertaking that the Claimant 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 Court accepting the Claimant’s renewed undertaking to identify and name Defendants and apply to add them as named Defendants to this Order as soon as reasonably practicable

**AND UPON** the Claimant confirming that this Order is not intended to prohibit lawful protest which does not endanger, slow, obstruct, prevent or otherwise interfere with the flow of traffic onto off or along the M25, Kent Roads or Feeder Roads nor to prevent lawful use of the Roads by any person

**AND UPON** the Claimant confirming that it will file summary judgment applications in respect of Claim Nos. QB-2021-003576, 003626 and 003737 as soon as reasonably practicable

**AND UPON** the Chief Constables for those forces listed in Schedule 2 to this order having consented to an order being made in the terms set out below

**IT IS ORDERED THAT:**

**Continuation of the M25 Order**

1. For the purposes of this Order, the

1.1 M25 means the London Orbital Motorway including but not limited to the verges, central reservation, on- and off-slip roads, overbridges and underbridges including the Dartford Crossing and Queen Elizabeth II Bridge, and any apparatus related to that motorway.

1.2 the Kent Roads mean the A2, A20, A2070, M2 and M20 as identified in the plans annexed at Annex A to this Order, including but not limited to the verges, central reservation, on- and off-slip roads, overbridges and underbridges and any apparatus related to that motorway;

1.3 the Feeder Roads mean the A1(M) (Junction 1 to Junction 6), M11 (Junction 4 to Junction 7), A12 (M25 Junction 28 to A12 Junction 12), A13 (M25 Junction 30 to A1089), M26 (whole motorway from M25 to M20), A21 (M25 to B2042), A23 (M23 to Star Shaw), M23 (Junction 7 to Junction 10 (including M23 Gatwick Spur)), A23 (between North and South Terminal Roundabouts), A3 (A309 to B2039 Ripley Junction), M3 (Junction 1 to Junction 4), A30 (M25 Junction 13 to Harrow Road, Stanwell, Feltham), A3113 (M25 Junction 14 to A3044), M4 (Junction 1 to Junction 7), M4 Spur (whole of spur from M4 Junction 4 to M4 Junction 4a), M40 (Junction 7 to A40 at Fray's River Bridge), M1 (Junction 1 to Junction 8) and A414 (M1 Junction 8 to A405) as identified by the descriptions and plan annexed at Annex B to this Order, including but not limited to the verges, central reservation, on- and off-slip roads, overbridges and underbridges, including any roundabouts for access to and from the Feeder Roads, and any apparatus related to those roads.

(together the “**Roads**”).

### **Continuation of the M25 Order**

2. The long-stop date of 21 March 2022 be deleted, and the injunction at paragraph 2 of the M25 Order as set out in full at paragraph 3 below shall continue until 9 May 2022 or further order.

### **Injunction in force – M25 Order**

3. With immediate effect and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 pm on 9 May 2022, the Defendants and each of them are forbidden from:

3.1 Blocking, endangering, slowing down, preventing, or obstructing the free flow of traffic onto or along or off the M25 for the purposes of protesting.

3.2 Causing damage to the surface of or to any apparatus on or around the M25 including but not limited to painting, damaging by fire, or affixing any item or structure thereto.

3.3 Affixing themselves (“locking on”) to any other person or object on the M25.

3.4 Erecting any structure on the M25.

3.5 Tunnelling in the vicinity of the M25.

3.6 Entering onto the M25 unless in a motor vehicle.

3.7 Abandoning any vehicle or item on the M25 with the intention of causing an obstruction.

3.8 Refusing to leave the area of the M25 when asked to do so by a police constable, National Highways Traffic Officer or High Court Enforcement Officer.

3.9 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 3.1 – 3.8 above.

3.10 Continuing any act prohibited by paragraphs 3.1 – 3.9 above.

### **Continuation of the Kent Roads Order**



4. The long-stop date of 24 March 2022 be deleted, and the injunction at paragraph 2 of the Kent Roads Order as set out in full at paragraph 5 below shall continue until 9 May 2022 or further order.

**Injunction in force - Kent Roads Order**

5. With immediate effect and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 pm on 9 May 2022, the Defendants and each of them are forbidden from:
  - 5.1 Blocking, slowing down, obstructing or otherwise interfering with the flow of traffic onto or along or off the Roads for the purpose of protesting.
  - 5.2 Blocking, slowing down, obstructing or otherwise interfering with access to or from the Roads, and on any adjacent roads, slip roads or roundabouts which are not vested in the Claimant, for the purpose of protesting.
  - 5.3 Causing damage to the surface of or to any apparatus on or around the Roads including but not limited to painting, damaging by fire, or affixing any item or structure thereto.
  - 5.4 Affixing themselves (“locking on”) to any other person or object on the Roads.
  - 5.5 Erecting any structure on the Roads.
  - 5.6 Tunnelling in the vicinity of the Roads.
  - 5.7 Entering onto the Roads unless in a motor vehicle.
  - 5.8 Abandoning any vehicle or item on the Roads with the intention of causing an obstruction.

5.9 Refusing to leave the area within 50m of the centre of the Roads when asked to do so by a police constable, National Highways Traffic Officer or High Court Enforcement Officer.

5.10 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 5.1 – 5.9 above.

5.11 Continuing any act prohibited by paragraphs 5.1 – 5.10 above.

### **Continuation of the Feeder Roads Order**

6. The long-stop date of 24 March 2022 be deleted, and the injunction at paragraph 4 of the Feeder Roads Order as set out in full at paragraph 7 below shall continue 9 May 2022 or further order.

### **Injunction in force – Feeder Roads Order**

7. With immediate effect and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 pm on 9 May 2022, the Defendants and each of them are forbidden from:

7.1 Blocking, slowing down, obstructing or otherwise interfering with the flow of traffic onto or along or off the Roads for the purpose of protesting.

7.2 Blocking, slowing down, obstructing or otherwise interfering with access to or from the Roads, and on any adjacent roads, slip roads or roundabouts which are not vested in the Claimant, for the purpose of protesting.

7.3 Causing damage to the surface of or to any apparatus on or around the Roads including but not limited to painting, damaging by fire, or affixing any item or structure thereto.

7.4 Affixing themselves (“locking on”) to any other person or object on the Roads.

7.5 Erecting any structure on the Roads.

7.6 Tunnelling in the vicinity of the Roads.

7.7 Entering onto the Roads unless in a motor vehicle.

7.8 Abandoning any vehicle or item on the Roads with the intention of causing an obstruction.

7.9 Refusing to leave the area within 50m of the centre of the Roads when asked to do so by a police constable, National Highways Traffic Officer or High Court Enforcement Officer.

7.10 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 7.1 – 7.9 above.

7.11 Continuing any act prohibited by paragraphs 7.1 – 7.10 above.

### **Alternative Service**

8. The Claimant is permitted in addition to personal service to serve this Order and other documents in these proceedings by the following three methods:

8.1 placing a copy of this Order on the National Highways website; and

8.2 sending a copy of this Order to Insulate Britain's email addresses: Insulate Britain [ring2021@protonmail.com](mailto:ring2021@protonmail.com) and [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com); and

8.3 posting a copy of this Order together with covering letter through the letterbox of each Defendant (or leaving in a separate mailbox) with a notice affixed to the front door if necessary, 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 the front door 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 Schedule 1; or

8.4 instead of by post as set out in paragraph 8.3 above, by email in circumstances where a Defendant has requested email service of documents.

9. Compliance with paragraph 8 shall constitute service of this Order.

### **Third-Party Disclosure**

10. The disclosure obligations contained in the order of Thornton J dated 24 November 2021, as set out in full at paragraph 11 below, shall be extended to continue until 31 July 2022 or further order.
11. The Chief Constables for those forces listed in the Schedule to this order shall disclose to the Claimant:
  - 11.1 all of the names and addresses of any person who has been arrested by one of their officers in the course of, or as a result of, protests on the highway referred to in these proceedings; and
  - 11.2 all arrest notes, body camera footage and/or all other photographic material relating to possible breaches of the Orders.
12. The Claimant is to serve this order on the Police Representative Assistant Chief Constable Owen Weatherill ([owen.weatherill@npocc.police.uk](mailto:owen.weatherill@npocc.police.uk)), by email only.

### **Further directions**

13. The Defendants or any other person affected by this order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimant's solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
14. 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 (to the extent they are not already so named).
15. The Claimant has permission to apply to extend or vary this Order or for further directions.
16. The Claimant is to file its application for summary judgment ("**the Application**") by 4pm on 25 March 2022.
17. The Claimant is to serve the Application and evidence in support thereof on the Defendants by 4pm on 5 April 2022.

18. Any Defendant wishing to file evidence in response to the Application is to file and serve such evidence in response by 4pm on 22 April 2022.
19. The Claimant and any Defendant wishing to file a Skeleton Argument are to file and serve a Skeleton Argument by 4pm on 27 April 2022.
20. The Application is listed for 4-5 May 2022 with a time estimate of 2 days, with 3 May 2022 set aside as a judicial reading day.
21. Costs reserved.

### **Communications with the Claimant**

22. The Claimant's solicitors and their contact details are:

FAO Petra Billing/ Rob Shaw ([petra.billing@dlapiper.com](mailto:petra.billing@dlapiper.com) / [rob.shaw@dlapiper.com](mailto:rob.shaw@dlapiper.com))

DLA Piper UK LLP  
1 St Paul's Place  
Sheffield  
S1 2JX

Reference – RXS/366530/107

**BY THE COURT**

**Dated: 18 March 2022**

### **SCHEDULE 3**

#### **CHIEF CONSTABLES OF THE FORCES OF:**

**City of London Police**

**Metropolitan Police Service**

**Avon and Somerset Constabulary**

**Bedfordshire Police**

**Cambridgeshire Constabulary**

**Cheshire Constabulary**

**Cleveland Police**

**Cumbria Constabulary**

**Derbyshire Constabulary**

**Devon & Cornwall Police**

**Dorset Police**

**Durham Constabulary**

**Essex Police**

**Gloucestershire Constabulary**

**Greater Manchester Police**

**Hampshire Constabulary**

**Hertfordshire Constabulary**

**Humberside Police**

**Kent Police**

**Lancashire Constabulary**

**Leicestershire Police**

**Lincolnshire Police**

**Merseyside Police**

**Norfolk Constabulary**  
**North Yorkshire Police**  
**Northamptonshire Police**  
**Northumbria Police**  
**Nottinghamshire Police**  
**South Yorkshire Police**  
**Staffordshire Police**  
**Suffolk Constabulary**  
**Surrey Police**  
**Sussex Police**  
**Thames Valley Police**  
**Warwickshire Police**  
**West Mercia Police**  
**West Midlands Police**  
**West Yorkshire Police**  
**Wiltshire Police**

## SCHEDULE 4

### **Email addresses of further linked protestor organisations**

#### **Extinction Rebellion UK**

- (i) [enquiries@extinctionrebellion.uk](mailto:enquiries@extinctionrebellion.uk)
- (ii) [press@extinctionrebellion.uk](mailto:press@extinctionrebellion.uk)
- (iii) [xrvideo@protonmail.com](mailto:xrvideo@protonmail.com)
- (iv) [xr-action@protonmail.com](mailto:xr-action@protonmail.com)
- (v) [xraffinitysupport@protonmail.com](mailto:xraffinitysupport@protonmail.com)
- (vi) [xr-arrestwelfare@protonmail.com](mailto:xr-arrestwelfare@protonmail.com)
- (vii) [artsxr@gmail.com](mailto:artsxr@gmail.com)
- (viii) [xr-CitizensAssembly@protonmail.com](mailto:xr-CitizensAssembly@protonmail.com)
- (ix) [xr.connectingcommunities@gmail.com](mailto:xr.connectingcommunities@gmail.com)
- (x) [xrdemocracy@protonmail.com](mailto:xrdemocracy@protonmail.com)
- (xi) [xrnotables@gmail.com](mailto:xrnotables@gmail.com)
- (xii) [integration@rebellion.earth](mailto:integration@rebellion.earth)
- (xiii) [xr-international@protonmail.com](mailto:xr-international@protonmail.com)
- (xiv) [xr-legal@riseup.net](mailto:xr-legal@riseup.net)
- (xv) [press@extinctionrebellion.uk](mailto:press@extinctionrebellion.uk)
- (xvi) [xr-newsletter@protonmail.com](mailto:xr-newsletter@protonmail.com)
- (xvii) [xr-peoplesassembly@protonmail.com](mailto:xr-peoplesassembly@protonmail.com)
- (xviii) [xrpoliceliason@protonmail.com](mailto:xrpoliceliason@protonmail.com)
- (xix) [rebelringers@rebellion.earth](mailto:rebelringers@rebellion.earth)
- (xx) [xr.regenerativeculture@gmail.com](mailto:xr.regenerativeculture@gmail.com)
- (xxi) [xr-regionaldevelopment@protonmail.com](mailto:xr-regionaldevelopment@protonmail.com)
- (xxii) [RelationshipsXRUK@protonmail.com](mailto:RelationshipsXRUK@protonmail.com)



- (xxiii) [xr.mandates@gmail.com](mailto:xr.mandates@gmail.com)
- (xxiv) [socialmedia@extinctionrebellion.uk](mailto:socialmedia@extinctionrebellion.uk)
- (xxv) [xrsocialmediaevents@gmail.com](mailto:xrsocialmediaevents@gmail.com)
- (xxvi) [eventsxr@gmail.com](mailto:eventsxr@gmail.com)
- (xxvii) [xrbristol.regional@protonmail.com](mailto:xrbristol.regional@protonmail.com)
- (xxviii) [xrcymru@protonmail.com](mailto:xrcymru@protonmail.com)
- (xxix) [xr.eastengland@protonmail.com](mailto:xr.eastengland@protonmail.com)
- (xxx) [xrlondoncoord@gmail.com](mailto:xrlondoncoord@gmail.com)
- (xxxi) [XRMidlands@protonmail.com](mailto:XRMidlands@protonmail.com)
- (xxxii) [xrne@protonmail.com](mailto:xrne@protonmail.com)
- (xxxiii) [support@xrnorth.org](mailto:support@xrnorth.org)
- (xxxiv) [xrni@rebellion.earth](mailto:xrni@rebellion.earth)
- (xxxv) [xrscotland@gmail.com](mailto:xrscotland@gmail.com)
- (xxxvi) [XR-SouthEastRegionalTeam@protonmail.com](mailto:XR-SouthEastRegionalTeam@protonmail.com)
- (xxxvii) [xr.regional.sw@protonmail.com](mailto:xr.regional.sw@protonmail.com)
- (xxxviii) [talksandtraining.xrbristol@protonmail.com](mailto:talksandtraining.xrbristol@protonmail.com)
- (xxxix) [xrcymrutalksandtraining@gmail.com](mailto:xrcymrutalksandtraining@gmail.com)
- (xl) [eoexrtnt@protonmail.com](mailto:eoexrtnt@protonmail.com)
- (xli) [xrlondoncommunityevents@gmail.com](mailto:xrlondoncommunityevents@gmail.com)
- (xlii) [xrmidlandstraining@protonmail.com](mailto:xrmidlandstraining@protonmail.com)
- (xliii) [XRNE.training@protonmail.com](mailto:XRNE.training@protonmail.com)
- (xliv) [xrnw.training@gmail.com](mailto:xrnw.training@gmail.com)
- (xlv) [xryorkshire.training@gmail.com](mailto:xryorkshire.training@gmail.com)
- (xlvi) [xrni.tt@rebellion.earth](mailto:xrni.tt@rebellion.earth)
- (xlvii) [talksandtrainings.scotland@extinctionrebellion.uk](mailto:talksandtrainings.scotland@extinctionrebellion.uk)
- (xlviii) [xrttse@gmail.com](mailto:xrttse@gmail.com)

(xlix) [xrsw.trainings@gmail.com](mailto:xrsw.trainings@gmail.com)

**Just Stop Oil**

(l) [Ring2021@protonmail.com](mailto:Ring2021@protonmail.com)

(li) [juststopoil@protonmail.com](mailto:juststopoil@protonmail.com)

**Youth Climate Swarm**

(lii) [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)

**Insulate Britain**

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**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

**BEFORE: MR JUSTICE BENNATHAN**

**Claim No: QB-2021-003576, QB-2021-003626, QB-2021-003737**

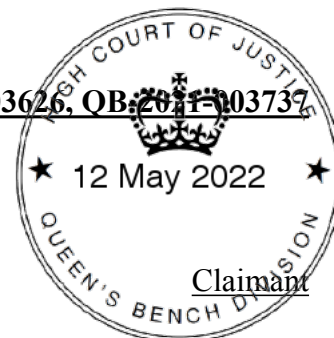
**B E T W E E N:**

**NATIONAL HIGHWAYS LIMITED**

-and-

- (1) PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING,  
OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25  
MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20  
MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK  
ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40  
MOTORWAYS FOR THE PURPOSE OF PROTESTING**
- (2) MR ALEXANDER RODGER AND 132 OTHERS**

Defendants



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**JUDGMENT ORDER**

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**UPON** the application of the Claimant for summary judgment (“the Application”)

**AND UPON** Mr Justice Chamberlain making an Order dated 17 March 2022 (“Extension Order”)

**AND UPON** hearing Myriam Stacey QC, Admas Habteslasie and Michael Fry for the Claimant, and Owen Greenhall for Jessica Branch being a person who is not a party to the proceedings but who was permitted to make representations pursuant to CPR r. 40.9.

**AND UPON** the Court making a separate Order dated 12 May 2022 (“Injunction Order”) in respect of interim and final injunctive relief.

**IT IS ORDERED:**

**Definitions**

1. In this Order, the following definitions shall have effect:
  - 1.1. “Dismissal Defendants” means Tam Millar; Hannah Shafer; Jesse Long; Thomas Franke; William Wright; Arne Springorum; Ben Horton; Emily Brocklebank; Marc Savitsky; and Serena Schellenberg
  - 1.2. “Contemnor Defendants” means Ana Heyatawin (D5); Ben Taylor (D10); Benjamin Buse (D11); Biff Whipster (D12); Christian Rowe (D17); David Nixon (D23); Diana Warner (D27); Ellie Litten (D124); Emma Smart (D31); Gabriella Ditton (D32); Indigo Rumbelow (D110); James Thomas (D40); Louis McKechnie (D54); Oliver Rock (D74); Paul Sheeky (D76); Richard Ramsden (D81); Roman Paluch-Machnik (D84); Ruth Jarman (D88); Stephanie Aylett (D92); Stephen Gower (D93); Stephen Pritchard (D94); Sue Parfitt (D96); Theresa Norton (D101); and Tim Speers (D102)
  - 1.3. “109 Defendants” means all the remaining named defendants excluding the Dismissal and Contemnor Defendants.

**Management of Proceedings**

2. The Extension Order at paragraph 14 is varied as it conflicts with CPR r 40.9. Pursuant to r 40.9 Ms Jessica Branch is directly affected by the proposed order and has permission to seek to vary the proposed order.

**Disposal**

3. The Application is dismissed as against the Dismissal Defendants and the 109 Defendants.

4. Summary judgment on the Application in favour of the Claimant is granted in respect of the Contemnor Defendants.
5. Injunctive relief in the form of interim and final injunctions is granted, as set out in the Injunction Order dated 12 May 2022.
6. The Claimant's application for alternative service of the Injunction Order is refused in respect of the First Defendant, and granted in respect of the Contemnor Defendants and 109 Defendants.
7. The Claimant's application for disclosure orders in respect of the police is granted as provided for in the Injunction Order.
8. The Claimant's application for declaratory relief is refused.

**Costs**

9. Costs reserved.
10. Any submissions on costs by any party are to be filed and served on the Claimant, Ms Branch, and the Court by 4pm on Monday 16 May 2022.

**Permission to Appeal**

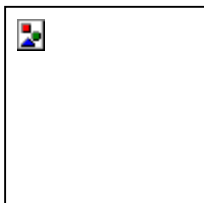
11. The Claimant's application (made by email to Mr Justice Bennathan's clerk dated 11 May 2022 timed at 17:51) for permission to appeal is refused.
12. If so advised, time to file any further application for permission to appeal is to run from Wednesday 11 May 2022 which is the date judgment in the Application was handed down.

**Alternative Service of this Order**

13. The Claimant is permitted to serve this Judgment Order on the Defendants by:
  - 13.1. Service of the sealed Order on Insulate Britain by email to their known email addresses [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com) and [ring2021@protonmail.com](mailto:ring2021@protonmail.com); and
  - 13.2. Placing copies of the Order on the National Highways website.
14. This Judgment Order and any document relating to the hearing on 4 – 5 May 2022 (but not the Injunction Order) may be served on Ms Branch by providing a copy to her solicitors by email.

**12 May 2022**

**BY THE COURT**



Neutral Citation Number: [2022] EWHC 1105 (QB)

Case No: QB-2021-003576, QB-2021-003626, QB-2021-003737

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 11 May 2022

Before :

**MR JUSTICE BENNATHAN**

Between :

**NATIONAL HIGHWAYS LIMITED**

**Claimant**

- and -

**(1) PERSONS UNKNOWN CAUSING THE  
BLOCKING OF, ENDANGERING, OR  
PREVENTING THE FREE FLOW OF  
TRAFFIC ON THE M25 MOTORWAY,  
A2, A20 AND A2070 TRUNK ROADS AND  
M2 AND M20 MOTORWAY, A1(M), A3,  
A12, A13, A21, A23, A30, A414 AND A3113  
TRUNK ROADS AND THE M1, M3, M4,  
M4 SPUR, M11, M26, M23 AND M40  
MOTORWAYS FOR THE PURPOSE OF  
PROTESTING**

**Defendants**

**(2) MR ALEXANDER RODGER AND 132  
OTHERS**

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**Myriam Stacey QC, Admas Habteslasie and Michael Fry (instructed by DLA Piper LLP  
UK) for the Claimant**

**Owen Greenhall (Intervening) (instructed by Hodge Jones & Allen)**

Hearing dates: 4<sup>th</sup> and 5<sup>th</sup> May 2022

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**Approved Judgment**

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

MR JUSTICE BENNATHAN



**Mr Justice Bennathan :**

1. The Claimant, National Highways Limited [*"NHL"*], seeks summary judgment and various remedies in 3 sets of proceedings brought in relation to protests carried out on the Strategic Road Network [*"SRN"*] under the banner of Insulate Britain [*"IB"*]. The Claimant was represented by Myriam Stacey QC, Admas Habteslasie and Michael Fry, of Counsel. I express my gratitude for all the assistance I have received from all the lawyers in the case.
2. IB is a protest group made up of people whose aims include two demands. First, that the Government undertakes to insulate all social housing in the UK by 2025, and second to do the same for all other housing by 2030. The twin aims behind those demands, as described by IB, are to save the planet from disastrous climate change and to soften the blow of rising fuel prices. The means employed by IB have included protests blocking roads, and protest designed to disrupt other parts of civil society such as various magistrates courts. I should stress that these are all peaceful protests. None of the named Defendants were represented but Ben Horton, who had been a named Defendant, attended at Court and made some submissions about costs. I also made an order under CPR 40.9 and thereafter heard argument from Owen Greenhall of Counsel, who appeared to make submissions on behalf of a person who took an interest in the litigation.
3. There have been 3 interim injunctions granted in 3 sets of proceedings:
  - (1) On 21 September 2021 Lavender J granted an order banning protests on M25, and a claim form for an action in trespass and nuisance was lodged on 22 September.
  - (2) On 24 September 2021 Cavanagh J granted an order banning protests on parts of the SRN in Kent, and a claim form for an action in trespass and nuisance was lodged on the same day.
  - (3) On 2 October 2021 Holgate J granted an order banning protests on certain M25 feeder roads, and a claim form for an action in trespass and nuisance was lodged on 4 October.
4. A number of contempt of court applications for breaches of the terms of those injunctions led to protestors being imprisoned and subject to lesser sanctions, in the decisions in *NHL v Heyatawin and others* [2021] EWHC 3078 (QB), *NHL v Buse and others* [2021] EWHC 3404 (QB), and *NHL v Springorum and others* [2022] EWHC 205 (QB).
5. The Claimant sought summary judgment against 133 named Defendants. Those named Defendants have all been arrested by various police forces in operations connected to IB protests, whereafter their details were notified to the Claimant under disclosure provisions of the interim injunctions. In addition to summary judgment, the Claimant sought:
  - (1) A final injunction in terms similar, but not identical to, to those granted in the interim orders, and
  - (2) A declaration that the use of the SRN for protests is unlawful, and
  - (3) Damages, though the Claimant stated in its Skeleton Argument that it was not pursuing damages against any of the Defendants, and
  - (4) Costs.

6. There are certain procedural orders the Claimant also sought, namely to join the 3 sets of proceedings and to order alternative service. The former is uncontroversial, and I made that order, the latter is less straightforward and I will address that later in this judgment.
7. The hearing in this case took place on 4 and 5 May 2022. At the end of the hearing I announced some decisions and reserved judgment on others; this judgment sets out the decisions on reserved issues and explains my reasons for all the decisions I have, or had, to take. If any party seeks to appeal, or to vary the order, the handing down of this judgment should be seen as the date of the decision for the purposes of the periods to make any such applications.
8. The injunction the Claimant sought covers:
  - (1) The M25 motorway. The well-known 117 mile long motorway that encircles London.
  - (2) The M25 feeder roads [in slightly wider terms than that granted by Holgate J], as listed in the draft order. To take one example, A1 from A1(M) to Rowley Lane: one of the main roads in and out of London to the North, and a road used to divert traffic when other roads, such as the M1, are closed or blocked.
  - (3) The Kent roads include the M2, M20, A2 and A20. These roads serve Dover, one of the busiest ports in the UK.
9. The evidence the Claimant relied on is set out in the witness statements of Nicola Bell and Laura Higson.
10. Nicola Bell is the Regional Director for NHL's Operations [South East Region]. In her witness statement dated 22 March 2022 she describes the protests that began on 13 September 2021, in which protestors seemingly affiliated to IB blocked motorways by sitting on the carriageways and by gluing themselves to the roadway. She described their activities as "*dangerous and very disruptive*" though she provided no details of any actual injury to anyone. Ms Bell also set out the importance of the roads that the Claimant seeks to protect by way of injunctive relief.
11. Laura Higson is a lawyer at DLA Piper, NHL's solicitors. In her witness statement of 24 March 2022, she set out the protests that had occurred:
  - (1) On 13 September 2021, protestors blocked slip roads and the carriageway around five junctions on the M25.
  - (2) Further protests took place on 15 September and 17 September 2021.
  - (3) On 21 September 2021 protests on the M25 escalated, including by blocking the main carriageway of the M25 in both directions.
  - (4) On 24 September 2021 protestors blocked the A20 in Kent and subsequently the port of Dover.
  - (5) On 29 September 2021 protestors blocked, for the second time, Junction 3 of the M25.
  - (6) On 30 September 2021, protestors glued their hands to the ground at Junction 30 of the M25.
  - (7) On the morning of 1 October 2021, IB reported that around 30 protestors from IB blocked Junction 3 of the M4 and Junction 1 of the M1.
  - (8) On 4 October 2021, IB reported that "*54 people from Insulate Britain have blocked three major routes in the capital*", with protestors blocking the Blackwall

Tunnel, Hanger Lane, Arnos Grove and Wandsworth Bridge [all of which do not fall within the SRN].

- (9) On 8 October 2021, protestors from IB blocked the M25 at Junction 25.
- (10) On 13 October 2021, IB protests took place on the M25.
- (11) On 27 October 2021, IB protestors blocked part of the A40 in West London and a roundabout in Dartford.
- (12) On 29 October 2021, 19 IB protestors disrupted traffic at two locations on the M25. 10 protestors walked between lanes of oncoming traffic between Junction 28 and Junction 29 of the M25, and a further 9 protestors entered onto the motorway between Junction 21 and Junction 22.
- (13) On 2 November 2021, around 60 IB protestors disrupted traffic on Junction 23 of the M25
- (14) There have been other protests from time to time in central London. For example, on 20 November 2021 about 400 people blocked Lambeth Bridge.

12. Ms Higson also addressed the risk of future protests. In her 24 March statement, she set out a press release in the name of IB, dated 7 February 2022:

We did not take part in this campaign to start an insulation brand. We did not cause you disruption to make history as Britain's quickest growing advertising campaign. We took part to force our government to stop failing its people. We will continue our campaign of civil resistance because we only have the next two to three years to sort it out and prevent us completely failing our children and hitting climate tipping points we cannot control.

Now we must accept that we have lost another year, so our next campaign of civil resistance against the betrayal of this country must be even more ambitious. More of us must take a stand. More of you need to join us. We don't get to be bystanders. We either act against evil or we participate in it. We haven't gone away. We're just getting started.

13. Ms Higson reported a further IB posting spoke of plans for a "*Rave on the M25*" on *Facebook*, beginning at 12pm on 2 April 2022 and ending at 4am on 3 April 2022. This event does not seem to have taken place. Ms Higson then set out a series of news releases that mainly concern another group, "*Just Stop Oil*" ["JSO"] with whom IB wrote of having formed an alliance. The focus of the JSO posts was very much on acting so as to interfere with various parts of the oil industry and while there have been many such protests reported in the press and other media, and the Courts have dealt with a number of applications by Oil companies for injunctions, few have targeted the SRN.
14. Ms Higson also detailed the attitude of at least some protestors towards the Courts in general and injunctions in particular. I can summarise those public comments as expressing views that range from defiance to complete disinterest. Those comments by people associated with IB were put in evidence by the Claimant in support of the application for an injunction but do not seem to me to be particularly relevant to that subject: the fact people may not obey an injunction is not a basis for the Court to refuse to make an order [see Lord Bingham in *South Buckingham District Council v Porter* [2003] 2 AC 558 [at 32]], but nor is disrespect for the Court process a reason

to do so. Where that attitude may be of relevance is when I come to consider the evidential basis for the applications for summary judgment.

15. Finally, in her first statement, Ms Higson reported on a number of incidents whereby IB protests have led to a hostile reaction from other road users:
  - (1) A BBC News report of 4 October 2021 reported drivers clashing with IB protestors near the Blackwell Tunnel during a protest that had been timed to take place during the morning rush hour, quoting a road user whose mother was in an ambulance on the way to hospital.
  - (2) A video posted on the Daily Express's website showed a van driver attempting to run over an IB Protestor.
  - (3) A news report of 13 October 2021 recorded, in relation to an IB Protest on the M25 that day, tense scenes between road users and IB protestors, including, "*a female protester was almost run over after stopping in front of a blue Hyundai car*" and "*a mother getting out of her black Range Rover and arguing with those gathered around her car. "Move out of the f\*\*\*\*\* way, my son needs to get to school,"* she told demonstrators.
  - (4) A news report of 19 October 2021 records an incident where "*two grey haired protesters on their backsides [were] being pulled off the road by two men - presumably drivers frustrated at the blockage*"
  - (5) A news report of 27 October 2021 records that an IB protestor had ink thrown in their face during a protest on the M25.
  
16. In a further statement dated 25 April 2022, Ms Higson deals with three topics:
  - (1) The Claimant's attempts to serve the summary judgment application on the named Defendants. In the main, and with some acknowledged exceptions I will deal with later, it seems to me that the Claimant has served the Defendants sufficiently for the application to proceed.
  - (2) She provides some further details from the police, in respect of a few Defendants who have served replies or defences, of their activities.
  - (3) Ms Higson also sets out further reasons why, on the Claimant's case, there is a sound basis to fear further actions by the Defendants and persons unknown: the various press releases are almost entirely those of JSO and speak of actions at oil terminals and such premises rather than the SRN. There have, however, been distinct and more recent signs of the threat of a renewal of the type of protests that would be caught by the injunction sought. Interviews in the media in March and April spoke of vowing "*to cause more chaos across the country in the coming weeks*" and that there was going to be "*a fusion of other large-scale blockade-style actions you have seen in the past*".
  
17. Of the 143 Defendants originally listed, the Claimant did not seek to continue the action against 10 because of troubles with serving the claim upon them and other issues. I consequently dismissed those claims. Of the remaining 133 named Defendants, 24 have been subject to findings of contempt on the basis of substantial evidence of their taking part in protests blocking the M25 [see *NHL v Heyatawin and others* [2021] EWHC 3078 (QB) at 46, *NHL v Buse and others* [2021] EWHC 3404 (QB) at 26, and *NHL v Springorum and others* [2022] EWHC 205 (QB) at 30]. Thus, for some purposes of the decisions I had to take the 133 remaining Defendants could

be seen as 2 groups; the 24 who have been sanctioned for contempt [“*the 24*”] and the 109 who have not [“*the 109*”].

18. The main issues I had to consider are:

- (1) Whether to make an order under CPR 40.9.
- (2) Whether to give summary judgment against some or all of the Defendants.
- (3) Whether to make a further injunction, and if so in what terms.
- (4) Whether to abridge the normal rules of service.
- (5) Whether to make disclosure orders binding on the police.
- (6) Whether to make the declaration sought by the Claimant.
- (7) Whether to make an order for damages or costs.

### **Rule 40.9**

19. In advance of the hearing Hodge, Jones and Allen Solicitors served witness statements from Alice Hardy, a Solicitor in the firm’s Civil Liberties Department and Jessica Branch, an environmental activist who is not a named defendant and has not attended any IB protests. Those statements argued that the order sought by NHL was overly wide and would have a chilling effect on protests generally. Ms Hardy also expressed concerns on behalf of a campaigner for greater safety measures to protect cyclists who, on occasions, has demonstrated or otherwise campaigned on roads, including of the type that would be caught by NHL’s draft order. Hodge Jones and Allen also instructed Counsel, Mr Greenhall, who submitted a Skeleton Argument and attended at the hearing. This raised the issue of whether I should permit Ms Branch to advance argument by way of Mr Greenhall’s submissions. The legal route for this to happen is rule 40.9 of the Civil Procedure Rules that states as follows:

A person who is not a party but who is directly affected by a judgment or order may apply to have the judgment or order set aside or varied

20. On its face, the terms of rule 40.9 are strikingly wide. There is no guidance within the rule itself, and no appellate guidance of which I have been made aware, as to how a judge should decide such applications. Ms Stacey, for the Claimant, submitted that I should not permit Ms Branch to make submissions unless and until she was joined as a Defendant, not least as to do otherwise would equip her with the privilege of a participant without the risk of an adverse costs order for unsuccessful participation. Ms Stacey stressed that the words “*directly affected*” were the only limit on the rule and suggested that Ms Branch was not so affected. In addition, Ms Stacey drew my attention to the order of Chamberlain J who, in his directions [paragraph 14] for this hearing, stated:

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 (to the extent they are not already so named).

21. Ms Branch’s witness statement expresses a general view that the terms of the order sought are so wide as to prevent protests that are lawful and, more specifically, sets out her concern that they might catch people such as her who, while not involved in IB or any of its protests, might protest near some of the many roads specified in NHL’s draft order and find herself inadvertently caught up in contempt proceedings. I decided that I should grant the rule 40.9 application on the following grounds:

- (1) The scenario suggested by Ms Branch, in her specific concern, is not fanciful and would amount to a sensible basis to regard her as “*directly affected*”.
  - (2) Even absent that most direct connection, in a case where an order is sought for unnamed and unknown defendants, and where [as here] Convention rights are engaged, it is proper for the Court to adopt a flexible approach and a general concern by a person concerned with the political cause involved could, perhaps only just, fit within the term. To take an example far removed from the facts of this case, a member of a proselytising religious group who only attended their local place of worship *might* nonetheless be seen as directly affected by an order banning his co-religionists from travelling to seek converts.
  - (3) In a case where the Court is being asked to make wide ranging orders and, but for a successful rule 40.9 application, would not hear any submissions in opposition it seemed to me desirable to take a generous view of such applications.
22. While reluctant to vary the order made by another Judge in advance of the hearing it did seem to me, with respect, that Chamberlain J’s order was at odds with rule 40.9 which specifically allows for the possibility of participation by non-parties, in other words those who are not defendants. I therefore varied that order to permit Mr Greenhall to advance submissions on behalf of Ms Branch.
23. Before passing on to other matters I should emphasise this was a decision taken on the facts of this case and does not purport to lay down an immutable principle. There may well be other protest cases where it is not appropriate to grant such an application. In addition, if the rule was used as a mechanism to mount arguments that took up excessive time, were repetitious or did not assist the Court [none of which criticisms can be levelled at Mr Greenhall’s measured and focused submissions], then there are ample and robust case management powers to stop that happening.

### **Summary judgment**

24. In setting out my reasoning on this aspect of the case I need to rehearse some fundamental underlying principles. The need for this approach occurred because of the course of the hearing. I had indicated my concerns about the evidential basis for the summary judgment applications in respect of some of the Defendants. At that stage Ms Stacey QC, on behalf of NHL, argued that their cause of action was, perhaps amongst other things, for an injunction and that the evidence advanced by the Claimant could be a basis for my giving summary judgement in favour of a final injunction, on the basis that even if I doubted there was sufficient evidence to find tortious liability, the same evidence could and should be seen as an ample basis to show the justification for granting a final injunction. After entertaining those submissions in argument, I reflected on them overnight, then rejected them for the following reasons.
25. An injunction is not a cause of action, it is a remedy. An application for an injunction can only succeed if it is advanced as a necessary relief for an underlying substantive claim. In my view this is basic and beyond debate:
- (1) In *Injunctions* [Bean et al, Sweet and Maxwell, 14<sup>th</sup> Edition, at page 4] under the heading, “*Requirement of a substantive claim*” the authors write, “*There is one overriding requirement: the applicant must normally have a cause of action in law*”

*entitling him to substantive relief. An injunction is not a cause of action (like a tort or a breach of contract) but a remedy (like damages)”*

- (2) In *Fourie v Le Roux* [2007] 1 WLR 320 [2] Lord Bingham stated that injunctions “are a supplementary remedy, granted to protect the efficacy of court proceedings, domestic or foreign”. In Lord Scott’s speech in the same judgment [30], he also spoke of the need for an underlying cause of action, albeit as a rule of practice rather than a matter of jurisdiction.

26. Summary judgment under CPR part 24 is available for a cause of action or for an issue within that cause of action, but not for a remedy. This is not to say that Judge granting summary judgment may not also grant the consequent relief, but she or he can only do so after the cause of action has been resolved. Although the word “trial” is at times used to describe an assessment of a remedy [see, for example, White Book 2022 at 12.0.1] in both the CPR 24 and the accompanying Practice Direction the language is consistent with the narrower meaning, namely a trial of a cause of action. Further, in the context of this case it would make no sense to describe an injunction as “final” if the underlying cause of action was yet to be resolved.
27. On the basis of the approach I have described, I turned to consider the applications for summary judgment in the case of the 24 and the 109. The test I had to apply is set out in CPR 24.2:

The court may give summary judgment against a claimant or defendant on the whole of a claim or on a particular issue if:

- (a) it considers that –
- (i) that claimant has no real prospect of succeeding on the claim or issue; or
  - (ii) that defendant has no real prospect of successfully defending the claim or issue; and
- (b) there is no other compelling reason why the case or issue should be disposed of at a trial.

28. The causes of action pleaded by the Claimant are trespass, public nuisance and private nuisance. I will consider the basis for trespass more fully later in this judgment but for these purposes I summarise the law [based primarily on *DPP v Jones* [1999] 2 AC 240 and *DPP v Ziegler* [2022] AC 408] as being that a protestor using a highway *may* have a defence to an action for trespass but will not do so, to address the specifics relevant to my determination of these applications, if they have protested by obstructing traffic on the M25.
29. Mummery LJ described private nuisance in *West v Sharp* (1999) 79 P&CR 327 at 332, as follows: “*Not every interference with an easement, such as a right of way, is actionable. There must be a substantial interference with the enjoyment of it. There is no actionable interference with a right of way if it can be substantially and practically exercised as conveniently after as before the occurrence of the alleged obstruction. Thus, the grant of a right of way in law in respect of every part of a defined area does not involve the proposition that the grantee can in fact object to anything done on any part of the area which would obstruct passage over that part. He can only object to such activities, including obstruction, as substantially interfere with the exercise of the defined right as for the time being is reasonably required by him*”.

30. Obstruction of the highway, for the purposes of public nuisance, is described in Halsbury's Laws, 5th ed. (2012) at para. 325 where it is said:
- (1) whether an obstruction amounts to a nuisance is a question of fact;
  - (2) an obstruction may be so inappreciable or so temporary as not to amount to a nuisance;
  - (3) generally, it is a nuisance to interfere with any part of the highway; and
  - (4) it is not a defence to show that although the act complained of is a nuisance with regard to the highway it is in other respects beneficial to the public.
31. I note that neither public nor private nuisance have been subject to an appellate review in the light of the Article 10 and 11 rights of protestors, as was carried out for trespass in *DPP v Jones* and other cases to which I have been referred. It seems to me both torts will have a potential defence if the actions of protestors cause *some* interference on a road but, once more moving from the general to the specific, such a defence would not render obstructing traffic on the M25 a lawful, non-tortious, act.
32. With those definitions in mind and applying the broad hearsay provisions of section 1 of the Civil Evidence Act 1995, I found there was sufficient evidence to give summary judgement against the 24 based on the decisions in *NHL v Heyatawin and others*, *NHL v Buse and others* [2021] EWHC 3404 (QB), and *NHL v Springorum and others* [2022] EWHC 205 (QB). Although the Court in those cases was deciding whether there had been breaches of an injunction, rather than the commission of torts, the factual summaries in those cases gives sufficient details for me to conclude there is no realistic basis to believe there would be any issue were there to be a trial of those defendants.
33. The position of the 109 is different. The only basis offered by the evidence supplied by the Claimant was within the witness statement of Laura Higson [at her paragraph 51]. The 28 sub-paragraphs are similar, so I take only the first 2 to illustrate their general nature:
- 51.1 On 13 September 2021, 18 of the Named Defendants were arrested by Hertfordshire Constabulary in connection with a protest which took place under the banner of IB. Of those arrested, all were arrested under suspicion of wilful obstruction of the highway, and 6 under suspicion of conspiracy to cause a public nuisance. I am not personally presently aware of the current status of any prosecutions.
- 51.2 On 13 September 2021, 10 of the Named Defendants were arrested by Kent Police in connection with an IB protest. Each of the 10 individuals were arrested under suspicion of wilful obstruction of the highway and conspiracy to cause a public nuisance. All have been charged with conspiracy to cause a public nuisance.
34. At no stage in this part of her witness statement does Ms Higson identify which defendant was arrested on what date. There are no details of the activities that led the police to arrest. There has been one conviction in Kent for an offence of criminal damage but there is no description of what the unidentified arrestee had done. In other sub-paragraphs Ms Higson states that the police took no further action against some of those arrested on some occasions. Ms Stacey sought to support Ms Higson's evidence by pointing out that none of the defendants, with 2 exceptions I will come to



shortly, had served a defence to NHL's claim. In the hearing I was told that the reason [or at least one reason] for the lack of specificity was "GDPR": I struggled to understand that explanation given that there have been 3 successful contempt applications wherein defendants were named and their detailed activities set out, given the terms of the disclosure orders previously made allow for arrestees' details to be deployed in this litigation, and given that in her second witness statement Ms Higson gives the names, dates and [at least some] details of 3 of those who were arrested but later did respond with defences to the claim. Ultimately, however, the reasons for how the Claimant chose to present their case is a matter for them, not me.

35. The task I had to undertake was to assess the material put before me and decide whether the Claimant had shown there was no real prospect of a successful defence to the claims of the 109 Defendants. In my judgment the evidence supplied was manifestly inadequate, given:

- (1) I would have to be satisfied in each case. As a matter of common sense, it is highly likely that many of the defendants *have* committed the 3 torts alleged but I am not able to take a broad brush approach that "*lumps together*" all 109 in a case where I am dealing with important and fundamental rights.
- (2) The fact a protestor has been arrested may well mean they have been obstructing a road so as to commit the torts, but it is entirely realistic that, on a few occasions, the police's reasonable suspicion [the requirement for an arrest] was misplaced or mistaken. English law does not proceed on the basis that a person arrested is assumed to be guilty, even [as here] on a balance of probabilities test.
- (3) One of the defendants who has replied states that she is a film maker who was videoing protestors blocking the M25 as part of a media project. She attached a letter to her reply which showed the Crown Prosecution Service have discontinued prosecuting her on the basis that it is not in the public interest to do so. Her situation is both a case that clearly raises an issue for any trial and one that serves as an example that might apply to some of the other 109.
- (4) In the third committal application [*NHL v Springorum and others*, at 21-24] the Court dismissed the application in respect of 3 defendants on the basis that they had been arrested while on a pavement and had not caused any obstruction of any traffic; I am conscious that the Court was dealing with breaches of an injunction, not tortious liability, but I doubt that the activities of those 3 could amount to the latter. Once more, this serves as an obvious example that the mere fact of an arrest does not necessarily establish the tortious conduct.
- (5) The Claimant did not make any application for default judgments but sought to rely on the general lack of any defences in support of its application for summary judgment. In some situations, the failure to serve a defence could provide such evidence but, in my view, this is not such a case, given the general attitude of disinterest in Court proceedings as described in Ms Higson's witness statement, as above. There is an illustration of the same point in the contempt hearing described above, where 2 of the 3 Defendants expressly disassociated themselves from the submission that they had not breached the injunction and were presumably disgruntled to find the application to sanction them dismissed.
- (6) In her second witness statement Ms Higson gives some further details of 3 of the arrests [the then-defendants Matthew Tully, Ben Horton and Nicholas Till]. Of those 3, Mr Horton has been abandoned as a defendant. Those paragraphs of Ms Higson's statement do not provide a sufficient basis to exclude any realistic possibility that the remaining 2 have a defence to the claim.

36. In the light of the evidence called I granted summary judgment in respect of the 24 and dismissed the application in the case of the 109. The consequence is that the injunctions I was persuaded to grant are both final, for the 24, and interim, for the 109 and the unknown defendants. In the light of the Court of Appeal's decision in *London Borough of Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13, I did not view a hybrid injunction as impossible and my preference was the simplicity of the same, but Ms Stacey has expressed a firm preference for separate final and interim injunctions, and I did not think it right to deny the Claimant their choice as to the structure of the relief. Nonetheless, I consider the requirements of both injunctions in a single section of what follows.

### **Injunction**

37. The well-established test for the grant of an interim injunction was described in *American Cyanamid Co v Ethicon Ltd* [1975] AC 396. The first 2 aspects, whether there is a serious question to be tried and whether damages would be an adequate remedy were no injunction granted, are easily met in this case: the actions previously carried out and those threatened by IB clearly amount to a strong basis for an action for trespass and private and public nuisance. Given the scale of disruption at risk and the impracticality of obtaining damages on that scale from a diverse group of protestors, some of whom may have no assets, damages would obviously not be an adequate remedy. The balance of convenience, however, is not so simply resolved in a case involving a largely anticipatory injunction, unidentified defendants, and the human rights of both sides: in my view that balance can be achieved in this case by modifying the terms of the order from those in the Claimant's draft. I explore the reasons for that being required, below.

38. The injunctions sought are anticipatory injunctions. In *Vastint Leeds BV v Persons Unknown* [2018] EWHC 2456 (Ch) Marcus Smith J summarised the effect of 2 decisions of the Court of Appeal on this topic, and I adopt his summary with gratitude. The questions I have to address are:

- (1) Is there a strong possibility that the Defendants will imminently act to infringe the Claimants' rights?
- (2) If so, would the harm be so "*grave and irreparable*" that damages would be an inadequate remedy. I note that the use of those two words raises the bar higher than the similar test found within *American Cyanamid*.

39. Mr Greenhall pointed out that the IB protests described by NHL were all in 2021 and there has been no repetition this year. This is a fair point, but it is outweighed by some of the public declarations made on behalf of IB. Once a movement vows "*to cause more chaos across the country in the coming weeks*" and threatens "*a fusion of other large-scale blockade-style actions you have seen in the past*", the Claimant must be entitled to seek the Court's protection without waiting for major roads to be blocked. In my view the scale of the protests being discussed, and those that have already occurred, are sufficient to meet the heightened test of harm so "*grave and irreparable*" that damages would be an inadequate remedy.

40. Section 12(2) of the Human Rights Act 1998 would prevent me from granting an injunction unless I was satisfied that the Claimant had taken all practicable steps to

notify the defendants: in this case I am satisfied of that in the cases of the named defendants and will modify the terms of the service of the injunction to avoid rendering unknown people liable until they too have been made aware of the order. Section 12(3) bans the restraint of “*publication*” by way of an interim injunction unless the Court is satisfied that the Claimant is likely to succeed in stopping publication at any final trial. There is an argument that protests such as those carried out by IB should not be considered as “*publication*” at all but given the Court of Appeal’s decision in *Ineos* [as below] I proceed on the basis I should consider them as such. Nonetheless, I am satisfied that the type of “*publication*” that will be banned by the order I am prepared to make will be likely to be similarly banned at any trial.

41. Injunctions against unidentified defendants were considered by the Court of Appeal in the cases of *Ineos Upstream Ltd v Persons Unknown* [2019] 4 WLR 100 [“*Ineos*”] and *Canada Goose Retail Ltd v Persons Unknown* [2020] 1 WLR 2802 [“*Canada Goose*”]. I summarise their combined affect as being:
- (1) The Courts need to be cautious before making orders that will render future protests by unknown people a contempt of court [*Ineos*].
  - (2) The terms must be sufficiently clear and precise to enable persons potentially effected to know what they must not do [*Ineos* and *Canada Goose*].
  - (3) The prohibited acts must correspond to the threatened tort. They may include lawful conduct if, and only to the extent that, there is no other proportionate means of protecting the claimant’s rights [*Canada Goose*].
42. The balance between the competing rights of protestors and others have been considered in a series of cases. In *DPP v Jones* [1999] 2 AC 240 the House of Lords allowed an appeal by protestors convicted on the basis they had taken part in a “*trespassory assembly*”. The speeches in the judgment make clear that protests could be a reasonable use of a public highway. Although the European Convention was discussed, the Human Rights Act 1998 was not yet in force and that decision, in my respectful view, has to be read with a degree of caution given the more recent case of *Ziegler*, to which I now turn.
43. In *Director of Public Prosecutions v Ziegler* [2022] AC 408 protestors had blocked a road leading to a venue where an arms fair was being held, by sitting in the road and by attaching themselves to heavy objects. They had been arrested and prosecuted for obstructing the highway under section 137 of the Highways Act 1980, which offence has a “*lawful excuse*” defence. The District Judge hearing the trial dismissed the charges on the basis that, having weighed up considerations that pulled either way including the protestors’ Article 10 and 11 rights, he concluded the prosecution had failed to negate the statutory defence advanced by the defendants. The Divisional Court allowed an appeal against the decision of the District Judge. The Supreme Court then allowed the further appeal and restored the dismissals. *Ziegler* was an important, perhaps a landmark, decision about the right to protest, but its effect should not be misunderstood: the Court did not declare that blocking roads was henceforth a legitimate and lawful form of political action, but that on occasions it might not be a crime under that section of that act. It is notable that the Supreme Court discussed and approved a list of considerations of the detailed facts that a judge should weigh in such cases, before reaching a decision.

44. The limits to *Ziegler* were made clear in *DPP v Cuciurean* [2022] EWHC 736 (Admin) in which Lord Burnett CJ held that *Ziegler* did not impose an extra test in a case of aggravated trespass under section 68 of the Criminal Justice and Public Order Act 1994, as Article 10 and 11 rights do not generally include the right to trespass, and parliament had set the balance between those rights, and the lawful occupier's rights under Article 1 of Protocol 1 ["A1P1"], by the terms of that offence. The type of trespass in *Cuciurean* was on premises to which the public were not allowed any access, so while the decision is important and, of course, informative, it does not provide a direct and complete answer to a case, such as the instant one of trespass on a highway.
45. The right to peaceful enjoyment of one's property has been honoured by the Courts for centuries, albeit not described as a human right nor still less as A1P1. Article 10 and 11 rights have been described in numerous cases, from which I select only two examples:
- (1) In *Tabernacle v Secretary of State for Defence* [2009] EWCA Civ 23 Lord Justice Laws said [at 43]: "*Rights worth having are unruly things. Demonstrations and protests are liable to be a nuisance. They are liable to be inconvenient and tiresome, or at least perceived as such by others who are out of sympathy with them.*"
- (2) In *Kudrevicius v Lithuania* (2015) 62 EHRR 34 [91] the European Court of Human Rights stated that "*the right to freedom of assembly is a fundamental right in a democratic society and, like the right to freedom of expression .....is one of the foundations of such a society. Thus, it should not be interpreted restrictively*"
46. In assessing the balance between competing rights in protest cases, it is not for the Court to choose between different political causes. In *City of London Corporation v Samede* [2012] PTSR 1624 Lord Neuberger, M.R., stated as follows [within 39 to 41]:

As the judge recognised, the answer to the question which he identified at the start of his judgment [the limits to the right of lawful assembly and protest on the highway] is inevitably fact sensitive and will normally depend on a number of factors. In our view, those factors include (but are not limited to) the extent to which the continuation of the protest would breach domestic law, the importance of the precise location to the protesters, the duration of the protest, the degree to which the protesters occupy the land, and the extent of the actual interference the protest causes to the rights of others, including the property rights of the owners of the land, and the rights of any members of the public..... The Convention rights in play are neither strengthened nor weakened by a subjective response to the aims of the protest itself or by the level of support it seems to command.....the court cannot, indeed, must not, attempt to adjudicate on the merits of the protest. To do that would go against the very spirit of articles 10 and 11 of the Convention . . . the right to protest is the right to protest right or wrong, misguidedly or obviously correctly, for morally dubious aims or for aims that are wholly virtuous.....Having said that, we accept that it can be appropriate to take into account the general character of the views whose expression the Convention is being invoked to protect. For instance, political and economic views are at the top end of the scale, and pornography and vapid tittle-tattle is towards the bottom.

47. It is clear that once breach proceedings are under way, it is no defence for the alleged contemnor to argue that the injunction should not have been granted in the first place, or that its terms are too broad. The balance between property rights and the right of protestors is one that has to be struck when the injunction is granted [see *National Highways Ltd v Heyatawin and Others* [2021] EWHC 3078 (QB), at 44 and 45].
48. To draw together the various legal threads: in deciding the terms of the injunctions I had to be conscious of the right to protest which may, on occasions, mean a protest that causes some degree of interference to road users is lawful [*DPP v Jones* and *DPP v Ziegler*]. I should not ban lawful conduct unless it is necessary to do so as there is no other way to protect the Claimant's rights [*Canada Goose*]. The consequence of my banning protests that should be permitted would be to expose protestors to sanctions up to and including imprisonment, as there is no human rights defence by the time of contempt proceedings [*NHL v Heyatawin*].
49. My decision on the terms of the injunctions was communicated in discussion at the end of the hearing and in drafts sent between the parties and myself since. As the detail can be seen in the order, I confine my explanation to broader principles. The general character of the views held by IB protestors are properly described as “*political and economic*” and as such are at the “*top end of the scale*”, as described in *Samede*, and the protests are non-violent; these matters weigh in favour of lawfulness. There are a number of matters, however, that go the other way. Having regard to the sort of criteria described in both *Samede* and *Ziegler*, there is no particular geographical significance to the protests, they are simply directed to where they will cause the most disruption. The public were completely prevented from travelling to their chosen destinations by previous protests; there was normally not, in contrast to the facts in *Ziegler*, an alternative route for other road users to take. While the protestors themselves have been uniformly peaceful, the extent of previous protests has caused an entirely predictable reaction from other road users, as described in Ms Higson's statement, above. Judging the future risks of protests against IB's past conduct I approved the terms of the draft injunctions that would ban the deliberate obstruction of the carriageways of the roads on the SRN but would not eliminate the possibility of lawful protests around or in the area on those roads.

### **Alternative service**

50. Service on the named Defendants poses no difficulty but warning persons unknown of the order is far harder. In the first instance judgment in *Barking and Dagenham v People Unknown* [2021] EWHC 1201 (QB) Nicklin J [at 45-48, passages that were not the subject of criticism in the later appeal] stated that the Court should not grant an injunction against people unknown unless and until there was a satisfactory method of ensuring those who might breach its terms would be made aware of the order's existence.
51. In other cases, it has been possible to create a viable alternative method of service by posting notices at regular intervals around the area that is the subject of the injunctions; this has been done, for example, in injunctions granted recently by the Court in protests against oil companies. That solution, however, is completely impracticable when dealing with a vast road network. Ms Stacey QC suggested an enhanced list of websites and email addresses associated with IB and other groups

with overlapping aims, and that the solution could also be that protestors accused of contempt of court for breaching the injunction could raise their ignorance of its terms as a defence. I do not find either solution adequate. There is no way of knowing that groups of people deciding to join a protest in many months' time would necessarily be familiar with any particular website. Nor would it be right to permit people completely unaware of an injunction to be caught up with the stress, cost and worry of being accused of contempt of court before they would get to the stage of proceedings where they could try to prove their innocence.

52. In the absence of any practical and effective method to warn future participants about the existence of the injunction, I adopt the formula used by Lavender J that those who had not been served would not be bound by the terms of the injunction and the fact the order had been sent to the IB website did not constitute service. The effect of this will be that anyone arrested can be served and, thus, will risk imprisonment if they thereafter breach the terms of the injunction.

### **Disclosure**

53. The interim orders contained provisions requiring the various relevant police forces to provide NHL with the identities of those arrested in circumstances that suggest they may have breached the Court's order, and to also supply the evidence that showed the conduct before arrest. This strikes me as the most efficient way to provide the Claimant with the means to enforce their order, and subject to adding in some confidentiality clauses, I made those orders.

### **Declaration**

54. NHL applied for a declaration to this effect:

That the use of the SRN by the Defendants for the purposes of protest which causes an obstruction of the public highway is unlawful and a trespass in that it exceeds the lawful right of the public to use the highway and interferes unreasonably with the use of the highway by other members of the public entitled to use it

55. In deciding whether to make the declaration I have to take into account, in the words of Neuberger J [as he then was] in *FSA v Rourke* [2001] EWHC 704 (Ch), "*justice to the claimant, justice to the defendant, whether the declaration would serve a useful purpose and whether there are any other special reasons why or why not the court should grant the declaration*".
56. In my view this is not a case in which I should make such a declaration. After *Ziegler* it does not follow automatically in all cases that the use of the SRN for protests is unlawful or a trespass. While I could construct a proposition with caveats and qualifications, it would serve no useful purpose and might be positively unhelpful if it could be read as proffering some sort of arguable defence to contempt proceedings for the breach of the terms of the order that I have been prepared to grant. The injunction is already long and detailed and this judgment is designed to explain the reasoning behind it, and I see no reason to add any further explanation of the law.

### **Damages and costs**

57. The Claimant has stated that they do not seek damages in this case. I have reserved the issue of costs and will give a hand down judgment once I have received written submissions under a timetable agreed at the end of the hearing.

**IN THE HIGH COURT**  
**APPLICATION FOR LEAVE TO APPEAL**  
**TO THE COURT OF APPEAL (CIVIL DIVISION)**

Title of case/action: National Highways Limited v Persons Unknown	Action/case no. QB-2021-003576 / 626 / 737  File no.
Heard/tried before: Mr Justice Bennathan	Court no: 2 (Woolwich Crown Court)
Nature of hearing: Application Notice	
Date of hearing/judgement: 04/05/2022 – 05/05/2022 (Judgment: 11/05/2022)	
Results of hearing (attach copy of order): See attached order	
Claimant's application for leave	Refused
<p>Reasons for decision (to be completed by the Judge):</p> <p>Under CPR 40.2 I am required, having refused permission to appeal, to indicate the Court to which the Claimant may seek to appeal. I do so, it is the Court of Appeal.</p> <p>My reasons for my decision are set out in the written judgment handed down. My reason for refusing permission to appeal are that the law is settled by appellate authority and the factual decisions were based on an assessment of the evidence that Claimant chose to call [and chose not to call] rather than my purporting to discover and declare any new legal principles.</p> <p>On one matter of detail, not addressed in the written judgment, namely the claim that the Claimant was barred from making any submissions on <i>Fourie v Le Roux</i>: The hearing was recorded, so my recollection can be checked if needs be but my memory is that I expressed my decision as my firm view but allowed the parties a brief adjournment to reflect on that view, after which Ms Stacey QC suggested I did not wish to hear further argument on the point, with which I agreed. Later on the second day, on at least one occasion, I stressed to Ms Stacey that she should not feel under pressure of time and should take me to any authority she wished, albeit that was in the context of later argument. I think it is apparent from a fair reading of the proceedings that had there been any application to refer me to any authority that contradicted <i>Fourie v Le Roux</i> I would have been happy to grant it.</p>	



Judge's signature:  
Joel Bennathan

Date:  
16 May 2022

**Note to the Applicant:**

When completed this form should be lodged in the Civil Appeals Office on a renewed application for leave to appeal or when setting down an appeal

## Defence and Counterclaim (specified amount)

- Fill in this form if you wish to dispute all or part of the claim and/or make a claim against the claimant (counterclaim).
- You have a limited number of days to complete and return this form to the court.
- Before completing this form, please read the notes for guidance attached to the claim form.
- Please ensure that all boxes at the top right of this form are completed. You can obtain the correct names and number from the claim form. The court cannot trace your case without this information.

### How to fill in this form

- Complete sections 1 and 2. Tick the correct boxes and give the other details asked for.
- Set out your defence in section 3. If necessary continue on a separate piece of paper making sure that the claim number is clearly shown on it. In your defence you must state which allegations in the particulars of claim you deny and your reasons for doing so. **If you fail to deny an allegation it may be taken that you admit it.**

<b>Name of court</b> High Court of Justice Queen's Bench Division	
<b>Claim No.</b>	QB-2021-003576, QB-2021-003626 and QB-2021-003737
<b>Claimant</b> (including ref.)	NATIONAL HIGHWAYS LIMITED
<b>Defendant</b>	(1) PERSONS UNKNOWN CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ONTO OR ALONG THE M25 MOTORWAY FOR THE PURPOSES OF PROTESTING  (2) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A2, A20 AND 2070 TRUNK ROADS AND M2 AND M20 MOTORWAY FOR THE PURPOSE OF PROTESTING  (3) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING  (4) MR ALEXANDER RODGER AND 123 OTHERS

- If you dispute only some of the allegations you must
  - specify which you admit and which you deny; and
  - give your own version of events if different from the claimant's.
- If you wish to make a claim against the claimant (a counterclaim) complete section 4.
- Complete and sign section 5 before sending this form to the court. Keep a copy of the claim form and this form.

### 1. How much of the claim do you dispute?

I dispute the full amount claimed as shown on the claim form.

### 2. Do you dispute this claim because you have already paid it? Tick whichever applies

No (go to section 3)  
 Yes I paid £  to the claimant

or

I admit the amount of £

on  /  /

(before the claim form was issued)

If you dispute only part of the claim you must either:

- pay the amount admitted to the person named at the address for payment on the claim form (see How to Pay in the notes on the back of, or attached to, the claim form). Then send this defence to the court

Give details of where and how you paid it in the box below (then go to section 5)

or

- complete the admission form and this defence form and send them to the court.

I paid the amount admitted on  
or  /  /

I enclose the completed form of admission (go to section 2)

**3. Defence** (If you need to continue on a separate sheet put the claim number in the top right hand corner.)

~~I have never trespassed on the Strategic Road Network (SRN)~~  
~~nor do I intend to do so.~~

I have never trespassed or caused a nuisance on any of the roads mentioned in the claim or any of the roads owned by the Claimant (including any roads on the Strategic Road Network) nor do I intend to do so in the future. I therefore deny each and every allegation in the particulars of claim. (continue over the page)

**Defence (continued)**

**4. If you wish to make a claim against the claimant (a counterclaim)**

- To start your counterclaim, you will have to pay a fee. Court staff can tell you how much you have to pay.
- You may not be able to make a counterclaim where the claimant is the Crown (e.g. a Government Department). Ask at your local county court office for further information.

If your claim is for a specific sum of money, how much are you claiming?

£
---

I enclose the counterclaim fee of

£
---

My claim is for *(please specify nature of claim)*

What are your reasons for making the counterclaim?

If you need to continue on a separate sheet put the claim number in the top right hand corner.

**5. Signed – To be signed by you or by your solicitor or litigation friend.**

~~\*[I believe] [The defendant believes]~~ that the facts stated in this form are true.

\* [I understand] ~~[The defendant understands]~~ 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.

\* I am duly authorised by the defendant to sign this statement.

B Th...

*\*delete as appropriate*

**Position or office held**  
(If signing on behalf of firm or company)

Date 23 / 11 / 2021

Defendant's date of birth, if an individual

15 / 04 / 1993

Give an address to which notices about this case can be sent to you

<div style="background-color: black; width: 100%; height: 40px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 100%; height: 20px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between;"> <span>Postcode</span> <span style="border: 1px solid black; padding: 2px;"> </span> <span style="border: 1px solid black; padding: 2px;"> </span> </div>	If applicable	
	Telephone no.	
	Fax no.	
	DX no.	

Email

# Defence and Counterclaim (specified amount)

- Fill in this form if you wish to dispute all or part of the claim and/or make a claim against the claimant (counterclaim).
- You have a limited number of days to complete and return this form to the court.
- Before completing this form, please read the notes for guidance attached to the claim form.
- Please ensure that all boxes at the top right of this form are completed. You can obtain the correct names and number from the claim form. The court cannot trace your case without this information.

## How to fill in this form

- Complete sections 1 and 2. Tick the correct boxes and give the other details asked for.
- Set out your defence in section 3. If necessary continue on a separate piece of paper making sure that the claim number is clearly shown on it. In your defence you must state which allegations in the particulars of claim you deny and your reasons for doing so. **If you fail to deny an allegation it may be taken that you admit it.**

<b>Name of court</b> High Court of Justice Queen's Bench Division	
<b>Claim No.</b>	QB-2021-003576, QB-2021-003626 and QB-2021-003737
<b>Claimant</b> (including ref.)	NATIONAL HIGHWAYS LIMITED
<b>Defendant</b>	<p>(1) PERSONS UNKNOWN CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ONTO OR ALONG THE M25 MOTORWAY FOR THE PURPOSES OF PROTESTING</p> <p>(2) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A2, A20 AND 2070 TRUNK ROADS AND M2 AND M20 MOTORWAY FOR THE PURPOSE OF PROTESTING</p> <p>(3) PERSONS UNKNOWN CAUSING THE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING</p> <p>(4) MR ALEXANDER RODGER AND 123 OTHERS</p>

- If you dispute only some of the allegations you must
  - specify which you admit and which you deny; and
  - give your own version of events if different from the claimant's.
- If you wish to make a claim against the claimant (a counterclaim) complete section 4.
- Complete and sign section 5 before sending this form to the court. Keep a copy of the claim form and this form.

## 1. How much of the claim do you dispute?

I dispute the full amount claimed as shown on the claim form.

## 2. Do you dispute this claim because you have already paid it? Tick whichever applies

No (go to section 3)

Yes I paid £  to the claimant

or

[ ] I admit the amount of £

on  /  /   
(before the claim form was issued)

If you dispute only part of the claim you must **either**:

- pay the amount admitted to the person named at the address for payment on the claim form (see How to Pay in the notes on the back of, or attached to, the claim form). Then send this defence to the court

or

- complete the admission form **and** this defence form and send them to the court.

[ ] I paid the amount admitted on  /  /

or

[ ] I enclose the completed form of admission  
(go to section 2)

Give details of where and how you paid it in the box below (then go to section 5)

**3. Defence** (If you need to continue on a separate sheet put the claim number in the top right hand corner.)

I have never trespassed or caused a nuisance on any of the roads mentioned in the claim, or any roads owned by the claimant, including any roads in the Strategic Roads Network; nor do I intend to do so in the future.

I therefore deny each and every allegation in the particulars of claim.

(continue over the page)

Defence (continued)

**4. If you wish to make a claim against the claimant (a counterclaim)**

- To start your counterclaim, you will have to pay a fee. Court staff can tell you how much you have to pay.
- You may not be able to make a counterclaim where the claimant is the Crown (e.g. a Government Department). Ask at your local county court office for further information.

If your claim is for a specific sum of money, how much are you claiming?

£

I enclose the counterclaim fee of

£

My claim is for (please specify nature of claim)

What are your reasons for making the counterclaim?

If you need to continue on a separate sheet put the claim number in the top right hand corner.

**5. Signed – To be signed by you or by your solicitor or litigation friend.**

\*[I believe] [The defendant believes] that the facts stated in this form are true.  
 \* [I understand] [The defendant understands] 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.  
 \* I am duly authorised by the defendant to sign this statement.

Mave Sawitsky

\*delete as appropriate

**Position or office held**

(If signing on behalf of firm or company)

Date 23 / 11 / 2021

Defendant's date of birth, if an individual 29 / 02 / 1956

Give an address to which notices about this case can be sent to you

[Redacted Address]  Postcode [Redacted]	If applicable	
	Telephone no.	
	Fax no.	
	DX no.	

E-mail

# Defence and Counterclaim (unspecified amount, non-money and return of goods claims)

- Fill in this form if you wish to dispute all or part of the claim and/or make a claim against the claimant (a counterclaim)
- You have a limited number of days to complete and return this form to the court.
- Before completing this form, please read the notes for guidance attached to the claim form.
- Please ensure that all the boxes at the top right of this form are completed. You can obtain the correct names and number from the claim form. The court cannot trace your case without this information.

## How to fill in this form

- Set out your defence in section 1. If necessary continue on a separate piece of paper making sure that the claim number is clearly shown on it. In your defence you must state which allegations in the particulars of claim you deny and your reasons for doing so. If you fail to deny an allegation it may be taken that you admit it.
- If you dispute only some of the allegations you must
  - specify which you admit and which you deny; and
  - give your own version of events if different from the claimant's.
- If the claim is for money and you dispute the claimant's statement of value, you must say why and if possible give your own statement of value.

<b>Name of court</b> High Court of Justice Queens Bench Division London	
<b>Claim No.</b>	QB-2021-003985
<b>Claimant</b> (including ref.)	National Highways Ltd
<b>Defendant</b>	Matthew TULLEY

- If you wish to make a claim against the claimant (a counterclaim) complete section 2.
- Complete and sign section 3 before returning this form.

## Where to send this form

- send or take this form immediately to the court at the address given on the claim form.
- Keep a copy of the claim form and the defence form.

## Need help with your legal problems?

Community legal advice is a free confidential service, funded by legal aid. They can help you find the information and advice you need by putting you in touch with relevant agencies, helplines or local advice services. And if you are eligible for legal aid, the service can offer specialist legal advice over the telephone in cases involving: debt; housing; employment; benefits; and education

Call **0845 345 4 345** or [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)

## 1. Defence

Reference the 'Particulars of Claim' dated 9 Nov 2021 from Petra Billing, DLA Piper UK:

- 1) I was involved in IB Protests on M25 on 13, 15, 17 Sep 2021
- 2) I was not involved in the IB Protests covered by Injunctions
- 3) I was involved in IB Protests not covered by Injunctions
- 4) I consider that the Claimant Claims section (1), (2) apply but sections (3), (4), (5) should not apply

(continue over the page)



**Defence** (continued)

**2. If you wish to make a claim against the claimant (a counterclaim)**

- To start your counterclaim, you will have to pay a fee. Court staff can tell you how much you have to pay.
- You may not be able to make a counterclaim where the claimant is the Crown (e.g. a Government Department). Ask at your local county court office for further information.

If your claim is for a specific sum of money, how much are you claiming?

£

I enclose the counterclaim fee of

£

My claim is for *(please specify nature of claim)*

What are your reasons for making the counterclaim?

If you need to continue on a separate sheet put the claim number in the top right hand corner.

**3. Signed** - To be signed by you or by your solicitor or litigation friend.

\*(I believe) (The defendant believes) that the facts stated in this form are true.  
 \*I am duly authorised by the defendant to sign this statement.

**Position or office held**  
 (If signing on behalf of firm or company)

*\*delete as appropriate*

**Date**   /   /

**Defendant's date of birth, if an individual**   /   /

Give an address to which notices about this case can be sent to you

Matthew Tulley <input type="text"/> <input type="text"/> <input type="text"/>	<b>If applicable</b>
Postcode <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	Telephone no. <input type="text" value=""/>
	Fax no. <input type="text"/>
	DX no. <input type="text"/>

E-mail

[REDACTED]  
[REDACTED]

November 21 2021

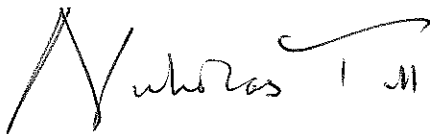
Dear DLA Piper,

I was recently sent four packets of documents by you concerning claims against Insulate Britain protestors by National Highways Ltd. The documents are dated 9 November 2021.

I was working abroad at the time they were delivered, and only a few days ago had the opportunity to examine the packets and discuss with fellow persons named in the claim, which ascertained that although the packets had included the "Notes for defendant on replying to the claim form", they did not include the claim forms themselves.

The packets were therefore miss-served, and I am therefore unable to respond appropriately to the documents.

Yours sincerely,

A handwritten signature in black ink that reads "Nicholas Till". The signature is written in a cursive style with a large initial 'N' and a long horizontal flourish extending to the right.

Nicholas Till

## ORDERS OF THE COURT OF APPEAL

TAB	DOCUMENT	PAGES
<b>Orders of the Court of Appeal</b>		
10.	Order of Whipple LJ dated 27 October 2022 granting permission to appeal	268 - 269
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## IN THE COURT OF APPEAL, CIVIL DIVISION

REF:



**National Highways Limited –v– (1) Persons Unknown**

**(2) Mr Alexander Rodger and 132 Others**

CA-2022-001066

### ORDER made by the Rt. Hon. Lady Justice Whipple

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

**ORDER AMENDED UNDER THE SLIP RULE UNDERLINED IN RED THIS 31<sup>ST</sup> OCTOBER 2022**

**REF: CA-2022-001066 & CA-2022-001105 REF:CA-2022-001066**

**Decision: Permission to appeal granted.**

**Reasons**

1. Permission is sought on the single ground that the judge erred in not granting a final injunction against all defendants, named and unnamed. It is said that the judge imported a further requirement on the Appellant to show that all defendants had already committed the torts in question.
2. I grant permission on the basis that there is a compelling reason for this appeal to be heard. The appeal raises important issues about the Court's approach to final injunctions in the context of protests on public roads and in public spaces.
3. The legal issue raised is arguable, but I have not formed a view on the merits. I observe this: at paragraphs [24]-[36], the judge refused summary judgment for the 109 because (as I read it) the evidence was insufficient to show that those 109 had "no real prospect" of defending themselves at a notional trial of the pleaded allegations of trespass, public nuisance and private nuisance, applying the test in CPR 24.2. He reached a different conclusion in relation to the 24 because of the stronger evidence arising from their contempt proceedings. The Appellant says this was an error of law because the judge, in effect, imposed a further condition for a final anticipatory injunction, namely that past commission of torts be proven. I am not so sure. I think the judge might just have been making a point about the evidence in the context of a summary judgment application. At the hearing, the Court will doubtless wish to examine the evidential requirements that underpin CPR 24.2 and understand how CPR 24.2 is said to work alongside the test for anticipatory injunctions.

**Information for or directions to the parties**

**Mediation:** Where permission has been granted or the application adjourned:

Does the case fall within the Court of Appeal Mediation Scheme (CAMS) automatic pilot categories (see below)?

No

Pilot categories:

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• All cases involving a litigant in person (other than immigration and family appeals)</li> <li>• Personal injury and clinical negligence cases;</li> <li>• All other professional negligence cases;</li> <li>• Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual;</li> </ul> | <ul style="list-style-type: none"> <li>• Boundary disputes;</li> <li>• Inheritance disputes.</li> <li>• EAT Appeals</li> <li>• Residential landlord and tenant appeals</li> </ul> |
|---|---|

If yes, is there any reason not to refer to CAMS mediation under the pilot?

Yes/No (delete as appropriate)

If yes, please give reason:

Non-pilot cases: Do you wish to make a recommendation for mediation?

Yes/No (delete as appropriate)

**Where permission has been granted, or the application adjourned**

- a) time estimate (excluding judgment) 1 day
- b) any expedition Some expedition required, to be heard this term or early next term if possible.

Signed:

Date: Lady Justice Whipple,  
27.10.22

BY THE COURT

**Notes**

- (1) Rule 52.6(1) provides that permission to appeal may be given only where –
  - a) the Court considers that the appeal would have a real prospect of success; or
  - b) there is some other compelling reason why the appeal should be heard.
- (2) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 49 days of the date of the Listing Window Notification letter (see paragraph 21 of CPR PD 52C).

Case Number:



TUESDAY 08 NOVEMBER 2022



**IN THE COURT OF APPEAL**

ON APPEAL FROM KING'S BENCH DIVISION  
QB-2021-003576

**BEFORE** LADY JUSTICE WHIPPLE

CA-2022-001066-B

**B E T W E E N**

- 1. NATIONAL HIGHWAYS LIMITED,
- 2.. NATIONAL HIGHWAYS LIMITED

CLAIMANTS/  
APPLICANTS

- and -

- and -

- 1. PERSONS UNKNOWN CAUSING THE BLOCKING OF, ENDANGERING, OR PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING
- 2. ALEXANDER RODGER AND 132 OTHERS

DEFENDANTS /  
RESPONDENTS

**UPON** the Appellant's Application dated 3 November 2022 for permission to serve documents in these proceedings by alternative means (the "Application")

**AND UPON** reading the Witness Statement of Laura Natasha Higson dated 3 November 2022 in support of the Application

**AND UPON** the Court considering it to be in the interests of all parties to minimise the need for papers to be printed and distributed in advance of the appeal

**IT IS ORDERED THAT:**

- 1. Pursuant to CPR rules 6.15(3)(b) and 23.4(2)(c), permission for the Application to be heard without notice is granted.
- 2. The Respondents have the right to make an application to set aside or vary this Order under CPR rule 23.10 within 7 days of the date on which this Order is served upon them.
- 3. Pursuant to CPR rules 6.15 and 6.27, but subject to paragraph 4 of this Order, service of documents in these proceedings by post is dispensed with and the

ON PAPER

Application No.

CA-2022-001066-B  
AND  
CA-2022-001105-B

Appellant is permitted to serve the Respondents with the Application, any documents relating to the Appellant's application for permission to appeal, and any other documents in these proceedings (including this Order and all documents in the substantive appeal proceedings) (the "Documents") by electronic means as set out in paragraphs 5 to 8 of this Order.

4. Where a particular Respondent notifies the Appellant that they do not wish to accept service of the Documents electronically:

4.1 the Appellant must serve the Documents upon that Respondent by first class and/or special delivery post at their last known address for service as set out at Appendix 1 of this Order.

4.2 Should any of the Respondents move to a different address, that Respondent must notify the Appellant of their new address for service in accordance with CPR rule 6.24 and until such notification is provided to the Appellant, service of the Documents by post at their last known address for service will be effective.

#### **EMAIL SERVICE ON RESPONDENTS**

5. Where any of the Respondents have provided their email address to the Appellant, the Appellant shall serve those Respondents with the Documents:

5.1 By sending the Documents by email to the email addresses for the Respondents which have been provided to the Appellant by the Respondents

5.2 Where any of the Documents are too large to attach to an email, email service will be effective if the Appellant sends a secure link to a file-sharing platform which hosts the Documents to the email addresses identified in paragraphs 5.1 and 5.2.

#### **OTHER EMAIL SERVICE**

6. In addition to service in accordance with paragraph 5 of this Order, the Appellant shall serve the Documents by additional email:

6.1 By sending the Documents by email to the two known email addresses for Insulate Britain, being [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com) and [ring2021@protonmail.com](mailto:ring2021@protonmail.com);

6.2 By sending the Documents by email to the known email address for Just Stop Oil, being [juststopoilpress@protonmail.com](mailto:juststopoilpress@protonmail.com);

6.3 Where any of the Documents are too large to attach to an email, email service will be effective if the Appellant sends a secure link to a file-

sharing platform which hosts the Documents to the email addresses identified in paragraphs 6.1 and 6.2.

### **SERVICE VIA THE APPELLANT'S WEBSITE**

7. In addition to service in accordance with paragraphs 5 and 6 of this Order, the Appellant shall serve the Documents by placing them on the National Highways website:

<https://nationalhighways.co.uk/injunctions-appeal>

Although not a direction of the Court, there is a button on the webpage identified above which allows any person to register to be informed of any updates to the that webpage. The Respondents should consider registering for updates.

8. Within 7 days of the date of this Order, the Appellant will write to the Respondents, enclosing a copy of this Order (with Appendix 1 redacted to remove personal data) and informing them that the Documents will no longer be served on them by post and:

8.1 That if they wish to view the Documents they will be made available at <https://nationalhighways.co.uk/injunctions-appeal>; and

8.2 In addition, where they have provided (or subsequently provide) an email address to the Appellant's solicitors, the Documents will be sent to them by email only and unless and until a Respondent notifies the Appellant's solicitors that they require documents to be provided in hard copy.

9. Where a Respondent has provided an email address to the Appellant, the letter (set out in paragraph 7 above) and this Order will be sent to them by email only. In all other cases, the letter will be sent by first class and/or special delivery post to the Respondents' last known address for service as set out at Annex 1 of this Order

### **COSTS**

10. No order for costs.

### **COMMUNICATIONS WITH THE APPELLANT**

11. The Appellant's solicitors and their contact details are:

FAO: Petra Billing / Laura Higson

[petra.billing@dlapiper.com](mailto:petra.billing@dlapiper.com) / [laura.higson@dlapiper.com](mailto:laura.higson@dlapiper.com)

**BY THE COURT**



**APPENDIX 1**

	<b>Name</b>	<b>Address</b>
1.	PERSONS UNKNOWN CAUSING THE BLOCKING OF, OR ENDANGERING, OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ON THE M25 MOTORWAY, A2, A20 AND A2070 TRUNK ROADS AND M2 AND M20 MOTORWAY, A1(M), A3, A12, A13, A21, A23, A30, A414 AND A3113 TRUNK ROADS AND THE M1, M3, M4, M4 SPUR, M11, M26, M23 AND M40 MOTORWAYS FOR THE PURPOSE OF PROTESTING	
2.	Alexander RODGER	[REDACTED] [REDACTED]
3.	Alyson LEE	[REDACTED]
4.	Amy PRITCHARD	[REDACTED] [REDACTED]
5.	Ana HEYATAWIN	[REDACTED]
6.	Andrew Taylor WORSLEY	[REDACTED] [REDACTED]
7.	Anne TAYLOR	[REDACTED]
8.	Anthony WHITEHOUSE	[REDACTED]
9.	Barry MITCHELL	[REDACTED]
10.	Ben TAYLOR	[REDACTED]
11.	Benjamin BUSE	[REDACTED] [REDACTED]
12.	Biff William Courtenay WHIPSTER	[REDACTED]
13.	Cameron FORD	[REDACTED]
14.	Catherine RENNIE- NASH	[REDACTED]
15.	Catherine EASTBURN	[REDACTED]
16.	Christian MURRAY- LESLIE	[REDACTED]
17.	Christian ROWE	[REDACTED]

18.	Cordelia ROWLATT	[REDACTED]
19.	Daniel Lee Charles SARGISON	[REDACTED]
20.	Daniel SHAW	[REDACTED]
21.	David CRAWFORD	[REDACTED]
22.	David JONES	[REDACTED]
23.	David NIXON	[REDACTED] [REDACTED]
24.	David SQUIRE	[REDACTED]
25.	Diana Elizabeth BLIGH	[REDACTED]
26.	Diana HEKT	[REDACTED]
27.	Diana Lewen WARNER	[REDACTED]
28.	Donald BELL	[REDACTED]
29.	Edward Leonard HERBERT	[REDACTED]
30.	Elizabeth ROSSER	[REDACTED] [REDACTED]
31.	Emma Joanne SMART	[REDACTED]
32.	Gabriella DITTON	[REDACTED]
33.	Gregory FREY	[REDACTED] [REDACTED]
34.	Gwen HARRISON	[REDACTED]
35.	Harry BARLOW	[REDACTED]
36.	Ian BATES	[REDACTED]
37.	Ian Duncan WEBB	[REDACTED]

38.	James BRADBURY	[REDACTED]
39.	James Malcolm Scott SARGISON	[REDACTED]
40.	James THOMAS	[REDACTED]
41.	Janet BROWN	[REDACTED]
42.	Janine EAGLING	[REDACTED]
43.	Jerrard Mark LATIMER	[REDACTED]
44.	Jessica CAUSBY	[REDACTED]
45.	Jonathan Mark COLEMAN	[REDACTED]
46.	Joseph SHEPHERD	[REDACTED]
47.	Joshua SMITH	[REDACTED]
48.	Judith BRUCE	[REDACTED]
49.	Julia MERCER	[REDACTED]
50.	Julia SCHOFIELD	[REDACTED]
51.	Karen MATTHEWS	[REDACTED]
52.	Karen WILDIN	[REDACTED]
53.	Liam NORTON	[REDACTED]
54.	Louis MCKECHNIE	[REDACTED]
55.	Louise Charlotte LANCASTER	[REDACTED]

56.	Lucy CRAWFORD	[REDACTED]
57.	Mair BAIN	[REDACTED]
58.	Margaret MALOWSKA	[REDACTED]
59.	Marguerite DOWBLEDAY	[REDACTED]
60.	Maria LEE	[REDACTED]
61.	Martin John NEWELL	[REDACTED]
62.	Mary ADAMS	[REDACTED]
63.	Matthew LUNNON	[REDACTED]
64.	Matthew TULLEY	[REDACTED]
65.	Meredith WILLIAMS	[REDACTED]
66.	Michael BROWN	[REDACTED]
67.	Michael Anthony WILEY	[REDACTED]
68.	Michelle CHARLSWORTH	[REDACTED]
69.	Natalie Clare MORLEY	[REDACTED]
70.	Nathaniel SQUIRE	[REDACTED]
71.	Nicholas COOPER	[REDACTED]
72.	Nicholas ONLEY	[REDACTED]
73.	Nicholas TILL	[REDACTED]
74.	Oliver ROCK	[REDACTED]
75.	Paul COOPER	[REDACTED]

76.	Paul SHEEKY	[REDACTED]
77.	Peter BLENCOWE	[REDACTED]
78.	Peter MORGAN	[REDACTED]
79.	Phillipa CLARKE	[REDACTED]
80.	Priyadaka CONWAY	[REDACTED]
81.	Richard RAMSDEN	[REDACTED] [REDACTED]
82.	Rob STUART	[REDACTED]
83.	Robin Andrew COLLETT	[REDACTED]
84.	Roman Andrzej PALUCH-MACHNIK	[REDACTED]
85.	Rosemary WEBSTER	[REDACTED]
86.	Rowan TILLY	[REDACTED]
87.	Ruth Ann COOK	[REDACTED]
88.	Ruth JARMAN	[REDACTED]
89.	Sarah HIRONS	[REDACTED]
90.	Simon REDING	[REDACTED]
91.	Stefania MOROSI	[REDACTED]
92.	Stephanie AYLETT	[REDACTED]
93.	Stephen Charles GOWER	[REDACTED]
94.	Stephen PRITCHARD	[REDACTED] [REDACTED]
95.	Susan CHAMBERS	[REDACTED]

96.	Sue PARFITT	[REDACTED]
97.	Sue SPENCER-LONGHURST	[REDACTED]
98.	Susan HAGLEY	[REDACTED]
99.	Suzie WEBB	[REDACTED]
100.	Tessa-Marie BURNS	[REDACTED]
101.	Theresa NORTON	[REDACTED]
102.	Tim SPEERS	[REDACTED]
103.	Tim William HEWES	[REDACTED]
104.	Tracey MALLAGHAN	[REDACTED]
105.	Valerie SAUNDERS	[REDACTED]
106.	Venitia CARTER	[REDACTED]
107.	Victoria Anne LINDSELL	[REDACTED]
108.	Xavier GONZALEZ TRIMMER	[REDACTED]
109.	Bethany MOGIE	[REDACTED]
110.	Indigo RUMBELOW	[REDACTED]
111.	Adrian TEMPLE-BROWN	[REDACTED]
112.	Ben NEWMAN	[REDACTED]
113.	Christopher PARISH	[REDACTED]
114.	Elizabeth SMAIL	[REDACTED]
115.	Julian MAYNARD SMITH	[REDACTED]

116.	Rebecca LOCKYER	[REDACTED]
117.	Simon MILNER-EDWARDS	[REDACTED]
118.	Stephen BRETT	[REDACTED]
119.	Virginia MORRIS	[REDACTED]
120.	Andria EFTHIMIOUS-MORDAUNT	[REDACTED]
121.	Christopher FORD	[REDACTED]
122.	Darcy MITCHELL	[REDACTED]
123.	David MANN	[REDACTED]
124.	Ellie LITTEN	[REDACTED]
125.	Julie MECOLI	[REDACTED]
126.	Kai BARTLETT	[REDACTED]
127.	Sophie FRANKLIN	[REDACTED]
128.	Tony HILL	[REDACTED]
129.	Nicholas BENTLEY	[REDACTED]
130.	Nicola STICKELLS	[REDACTED]
131.	Mary LIGHT	[REDACTED]
132.	David McKENNY	[REDACTED]
133.	Giovanna LEWIS	[REDACTED]
134.	Margaret REID	[REDACTED]

BY THE COURT