

IN THE HIGH COURT OF JUSTICE

CLAIM NO. QB-2021-003841

KING'S BENCH DIVISION

Before: Mr Justice Cotter

Dated: 11th October 2022

B E T W E E N:

TRANSPORT FOR LONDON

-and-



(1) PERSONS UNKNOWN DELIBERATELY CAUSING THE BLOCKING, ENDANGERING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE PREVENTING THE FREE FLOW OF TRAFFIC ONTO OR ALONG THE 1) HANGER LANE GYRATORY INCLUSIVE OF ALL ADJOINING ENTRY AND EXIT SLIPS; 2) VAUXHALL BRIDGE INCLUDING VAUXHALL GYRATORY AND ALL ENTRY AND EXIT ROADS; 3) HAMMERSMITH GYRATORY INCLUSIVE OF ALL ADJOINING ENTRY AND EXIT ROADS; 4) BLACKWALL TUNNEL AND BOTH APPROACHES; 5) TOWER BRIDGE AND BOTH APPROACHES; 6) LONDON BRIDGE AND BOTH APPROACHES; 7) PARK LANE, INCLUSIVE OF MARBLE ARCH AND HYDE PARK CORNER; 8) ELEPHANT AND CASTLE INCLUSIVE OF ALL ENTRY AND EXIT ROADS; 9) VICTORIA ONE WAY SYSTEM; 10) A501/INNER RING ROAD FROM EDGWARE ROAD TO OLD STREET; 11) STAPLES CORNER; 12) CHISWICK ROUNDABOUT; 13) REDBRIDGE ROUNDABOUT; 14) KIDBROOKE INTERCHANGE, FOR THE PURPOSES OF PROTESTING ON BEHALF OF, IN ASSOCIATION WITH, UNDER THE INSTRUCTION OR DIRECTION OF, OR USING THE NAME OF, INSULATE BRITAIN

(2) MR ALEXANDER RODGER AND OTHER DEFENDANTS LISTED IN THE SCHEDULE TO THE CLAIM FORM

Defendants

ORDER

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. You have the right to ask the Court to vary or discharge this Order.

UPON hearing Andrew Fraser-Urquhart KC and Charles Forrest, Counsel for the Claimant

AND UPON none of the Defendants attending.

AND UPON reading the Claimant's application by Application Notice dated 27 May 2022 to extend the duration of the interim injunction in this Claim made by Martin Spencer J on 4 April 2022 and for an expedited Trial, the Claimant's skeleton argument, and the witness statements of Abbey Ameen and Glynn Barton dated 10 October 2022.

AND UPON the Claimant indicating that it is minded to withdraw its application for summary judgment in this Claim, and undertaking to do so in the event its extension application is granted.

AND UPON no Defendant having filed or served an Acknowledgement of Service or Defence in this Claim.

AND UPON the Claimant indicating 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 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 Claimant 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 onto off or along the Roads to which this Order relates.

IT IS ORDERED THAT:

1. The “within named Defendants” are those Defendants whose names appear in the schedule annexed to this Order (Annex 1). The term “Defendants” refers to both “persons unknown” and the within-named Defendants.
2. For the purposes of this Order, ‘the Roads’ means the Roads identified by the descriptions and plans annexed to this Order (Annex 2) including any verges, central reservations, and any apparatus related to those Roads.
3. Trial in this Claim be expedited and listed for a two day hearing with reference to the Claimant’s dates to avoid.
4. This Order replaces the Order in this Claim made by Martin Spencer J on 4 April 2022 (sealed on 5 April 2022), which is discharged with effect from today.

Injunction in force

5. With immediate effect until the earlier of (i) Trial; (ii) Further Order, or (iii) 23:59 on 10 October 2023, the Defendants and each of them are forbidden from deliberately undertaking the following activities:
 - a. Blocking, slowing down, obstructing or otherwise interfering with the flow of traffic onto or along or off the Roads for the purpose of protesting.
 - b. Blocking, slowing down, obstructing or otherwise interfering with access to or from the Roads for the purpose of protesting which has the effect of slowing down or otherwise interfering with the flow of traffic onto or along or off the Roads.
 - c. Causing, assisting or encouraging any other person to do any act prohibited by sub-paragraphs a-b above.
 - d. Continuing any act prohibited by sub-paragraphs a-c above.
6. The activities prohibited by paragraphs 5a-b include, but are not limited to, the following when done for the purpose of protesting and with the deliberate effect of blocking, slowing down, obstructing or otherwise interfering with the flow of traffic onto or along or off the Roads:

- a. Affixing themselves (“locking on”) to any other person or object on the Roads or to the surface of the Roads
 - b. Erecting any structure on the Roads.
 - c. Tunnelling in the vicinity of the Roads.
 - d. Abandoning any vehicle or item on the Roads with the intention of causing an obstruction.
 - e. Causing damage to the surface of or to any apparatus on or around the Roads or any structure supporting the Roads including but not limited to painting, damaging by fire, or affixing any item or structure thereto
7. The publication by the Claimant of any orders or other documents (such as the Claim Form or Particulars of Claim) in these proceedings shall not include (in the published version) the addresses of the Named Defendants.
8. The Claimant shall:
 - a. Place a copy of this Order on the TfL and Mayor of London/GLA London.gov.uk websites; and
 - b. Send a copy of this Order to Insulate Britain’s email address: Insulate Britain ring2021@protonmail.com.
9. For the avoidance of doubt, compliance with paragraph 8 shall not constitute service.

Alternative Service

10. The Claimant is permitted, in addition to personal service, to serve this Order, the Claim Form, and any other documents in these proceedings by both of the following methods together:
 - a. Service on Insulate Britain by email; and
 - b. Posting a copy 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 a copy 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.

Disclosure

11. The Claimant is granted a disclosure order under CPR r31.17 in the following terms:
- a. the Metropolitan Police shall by 18 October 2022 disclose to the Claimant the name and address of any person whose name has not previously been disclosed who has been arrested by one of their officers in the course of, or as a result of, any protests on the Roads which have been carried out on behalf of, in association with, under the instruction or direction of, or using the name of, Insulate Britain;
 - b. the Metropolitan Police shall disclose to the Claimant as soon as reasonably practicable all arrest notes, body cam footage and/or other photographic material not previously disclosed relating to any breach or potential breach of this Interim Injunction or its predecessors in this claim;
 - c. the disclosure duties in sub-paragraphs a.-b. on the Metropolitan Police shall be continuing ones, continuing for as long as this Order remains in force.

Further directions

12. This claim shall proceed and be heard together with Claim no. QB-2021-004122
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.
15. Any person who applies to vary or discharge this Order shall file a skeleton argument and any evidence to be relied upon no later than 48 hours before the application hearing (excluding weekends and bank holidays).
16. The Claimant has permission to apply to extend or vary this Order or for further directions.
17. Costs reserved.

Communications with the Claimant

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

FAO Mr Abbey Ameen
Team Legal, Transport for London,
5 Endeavour Square, 4th Floor, Stratford, Yellow Zone,
Stratford, E20 1JN
Tel: 02030547921

BY THE COURT

Mr Justice Cotter

11th October 202

SCHEDULE 1

[On the package containing a Court order/proceedings]

“VERY URGENT: THIS PACKAGE CONTAIN AN ORDER OF THE HIGH COURT AND YOU SHOULD READ IT IMMEDIATELY AND SEEK LEGAL ADVICE. IF YOU NEED ANOTHER COPY PLEASE CALL – Mr Abbey Ameen of TfL 02030547921

[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 - Mr Abbey Ameen of TfL 02030547921