

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BEFORE THE HONOURABLE MR JUSTICE SOOLE
28TH NOVEMBER 2022

BETWEEN:

NATIONAL HIGHWAYS LIMITED

- and -



**(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE
CONSENT OF THE CLAIMANT ON, OVER, UNDER OR ADJACENT TO A
STRUCTURE ON THE M25 MOTORWAY**

(2) AARON GUNNING AND 64 OTHERS

Defendants

ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED DEFENDANTS 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.

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

UPON the return date hearing for Claim No. KB-2022-004333 (“**Claim**”) in relation to the Claimant’s injunction over the M25 Motorway Structures, namely that granted by the Honourable Mr Justice Chamberlain dated 5 November 2022 (“**Chamberlain Order**”)

AND UPON READING the two witness statements and exhibits of Sean Foster Martell dated 5 and 17 November 2022 respectively and the Claimant’s skeleton argument dated 18 November 2022

AND UPON HEARING Counsel for the Claimant, Mr Michael Fry and Mr Michael Feeney; and the Defendants not attending or being represented

AND UPON the Court not being satisfied at this time that the proposed Defendants Just Stop Oil and Animal Rebellion had legal personality

AND UPON the Claimant undertaking to amend the Claim Form for the Claim

AND UPON the Claimant indicating that it will provide to any Defendant copies of further evidence or other documents filed in these proceedings upon request, following the Defendants or their representatives providing contact details (including a valid email address) to the Claimant’s solicitors

AND UPON the Claimant undertaking to identify and name Defendants and apply to add them as named Defendants to the Claim as soon as reasonably practicable

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

IT IS ORDERED THAT:

Definitions

1. In this Order, the following defined terms shall apply:
 - a. “**M25 Motorway**” means the London Orbital Motorway as shown in red on the plans at Schedule 1 to this Order, which description and plans include:
 - i. The A282

- ii. The Dartford Crossing
 - iii. The Queen Elizabeth II Bridge
 - iv. The carriageways, hard shoulders, central reservations, verges, slip roads, roundabouts including those at junctions providing access to and from the M25 Motorway.
- b. “**Structure**” means any gantries, traffic tunnels, traffic bridges and other highway structures whether over, under or adjacent to the M25 Motorway, together with all supporting infrastructure including all fences and barriers, road traffic signs, road traffic signals, road lighting, communications installations, technology systems, police observation points/park up points, and to which the general public has no right of access.
 - c. “**Proceedings Documents**” means any documents in these proceedings but does not include the Amended Claim Form or this Order.
 - d. “**Claim Documents**” means the Amended Claim Form and this Order.
 - e. “**Named Defendant**” means a defendant listed with numerical designation (e.g. D2, D3, etc.) at Schedule 2 to this Order or added to the Claim from time to time in accordance with the Claimant’s undertaking referenced in the recitals to this Order.

Injunction in Force

- 2. With immediate effect, and until 23.59 on 15 November 2023 unless varied, discharged or extended by further order, the Defendants and each of them are forbidden from:
 - a. entering or remaining upon or affixing themselves or any object to any Structure on the M25 Motorway.
 - b. causing, assisting, facilitating or encouraging any other person to enter or remain upon or affix themselves or any object to any Structure on the M25 Motorway.
- 3. The Court will provide sealed copies of this Order to the Claimant’s solicitors for service.

Service on the First Defendant

4. Pursuant to CPR r.6.15, r.6.27 and r.81.4(2)(c) and (d), the Claimant is permitted to serve the First Defendant with the Claim Documents and Proceedings Documents by alternative method, namely electronic means as set out in paragraph 5 of this Order.
5. The Claimant shall serve the Claim Documents and Proceedings Documents upon the First Defendant by:
 - a. Emailing a copy of the Claim Documents and Proceedings Documents to:
 - a. juststopoil@protonmail.com and juststopoilpress@protonmail.com;
 - b. insulatebritainlegal@protonmail.com and Ring2021@protonmail.com;
 - c. actions@animalrebellion.org, fundraising@animalrebellion.org, integration@animalrebellion.org, talks@animalrebellion.org, global@animalrebellion.org, localgroups@animalrebellion.org, media@animalrebellion.org, governance@animalrebellion.org, pressoffice@animalrebellion.org, finance@animalrebellion.org and techsupport@animalrebellion.org;

Where any of the Claim Documents and Proceedings Documents are too large to attach to an email, email service will be effective if the Claimant sends a secure link to a file-sharing platform which hosts the Claim Documents and Proceedings Documents to the email addresses in this paragraph;

- b. Posting a direct link to the Claim Documents and Proceedings Documents on the National Highways Injunctions Website at: <https://nationalhighways.co.uk/about-us/high-court-injunctions-for-motorways-and-major-a-roads/m25-high-court-injunction-proceedings/>; and
 - c. For the Claim Documents only: Publishing a social media post on the National Highways' twitter feed advertising the existence of this Order and providing a link to the National Highways Injunctions website.

- d. For the Claim Documents only: Sending a notification of the existence of this Order to the Press Association.
6. Service in accordance with paragraph 5 above shall:
 - a. Be verified by certificates of service to be filed with the Court;
 - b. Be deemed effective as at the date of service confirmed by the certificates of service. The period for filing an acknowledgment of service is within 14 days of the date of service confirmed by the certificate of service; and
 - c. Be good and sufficient service of the Claim Documents and Proceeding Documents on the First Defendant and each of them and the need for personal service is dispensed with.

Service on Named Defendants

7. The Claimant shall as soon as practicable serve the Claim Documents on any Named Defendants personally.
8. Subject to Paragraph 7 above and pursuant to CPR r.6.27, the Claimant is permitted to serve the Proceedings Documents upon any Named Defendants by alternative method, namely electronic means as set out in paragraph 9 of this Order.
9. The Claimant shall serve the Proceedings Documents upon any Named Defendant, where a Named Defendant has provided their email address to the Claimant's solicitors, by emailing a copy of the Proceedings Documents to that email address.

Where any of the Proceedings Documents are too large to attach to an email, email service will be effective if the Claimant sends a secure link to a file-sharing platform which hosts the Proceedings Documents to the email address provided.

10. Where a Named Defendant has not provided their email address to the Claimant's solicitors, the Claimant will serve the Proceedings Documents by posting a copy of them by first class post to the last known address as provided to the Claimant either: (i) pursuant to Paragraph 14 below; or (ii) by a Defendant directly.

Should any Named Defendant move to a different address, that Defendant must notify the Claimant of their new address in accordance with CPR r.6.24 and until such notification is provided to the Claimant, Proceedings Documents sent by post to that Defendant's last known address will be sufficient to effect good and proper service.

11. Service in accordance with paragraphs 7 - 10 above shall:

- a. Be verified by certificates of service to be filed with the Court;
- b. Be deemed effective as at the date of service confirmed by the certificates of service; and
- c. Be good and sufficient service of the Claim Documents and Proceedings Documents on the Named Defendants and each of them.

12. Further, without prejudice to paragraphs 7 - 11, while this Order is in force, and where the Claimant becomes aware any Defendant (who is not currently a Named Defendant and/or who has not previously been served with a copy of this Order) is, or has been, on an M25 Motorway Structure without the consent of the Claimant from the date of this Order (and the Claimant does not have an email address for that particular Defendant), the Claimant shall take reasonably practicable steps to effect personal service of this Order upon such Defendant. Any such personal service in accordance with this paragraph shall be verified by further certificates of service (where possible if persons unknown can be identified) to be filed with the Court.

The Chamberlain Order

13. The Chamberlain Order is discharged at 4pm on the third working day after the date on which this Order is provided to the Claimant's solicitors pursuant to paragraph 3 above.

Third Party Disclosure

14. 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:

- a. 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 M25 Motorway; and

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

The duty to disclose the matters specified in paragraph 14 shall continue until 5pm on 14 January 2024, unless extended by further order.

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

- a. 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;
- b. Investigation, formulating, pleading and prosecuting any claim within these proceedings arising out of any alleged breach of this Order; and
- c. 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.

16. Until further order, the postal address and/or address for service of any person who is added as a Named 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.

Further Case Management

17. Without prejudice to the foregoing, any person affected by the injunction imposed by this Order may apply to the Court at any time to vary or discharge the injunction, 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) via the contact details set out below. Annex A to this Order indicates the process which must be followed for any such application.

18. Any person applying to vary or discharge this Order must provide their full name and address, an address for service whether physical or email, and must also themselves

apply to be joined as a Named Defendant to the Claim at the same time (unless they are already a Named Defendant).

19. For the avoidance of doubt, should any of the Chief Constables for those forces listed in Schedule 3 apply to vary or discharge the provisions of Paragraph 14 of this Order, they are not required to apply to be joined as a Named Defendant to the Claim.
20. Annex B to this Order contains useful references for any party seeking to oppose or understand this Order.
21. The Claimant otherwise has liberty to apply to extend or vary this Order or for further directions.
22. Costs reserved.

Communications with the Claimant

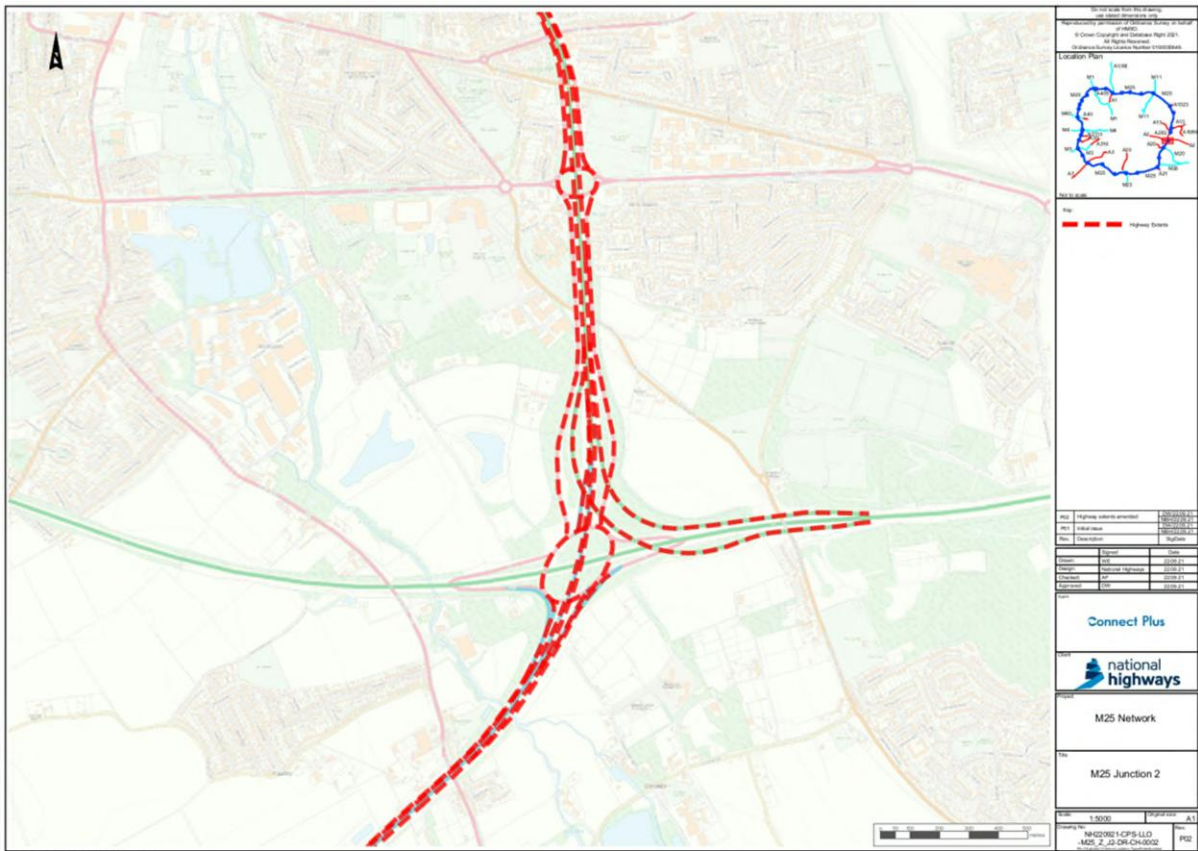
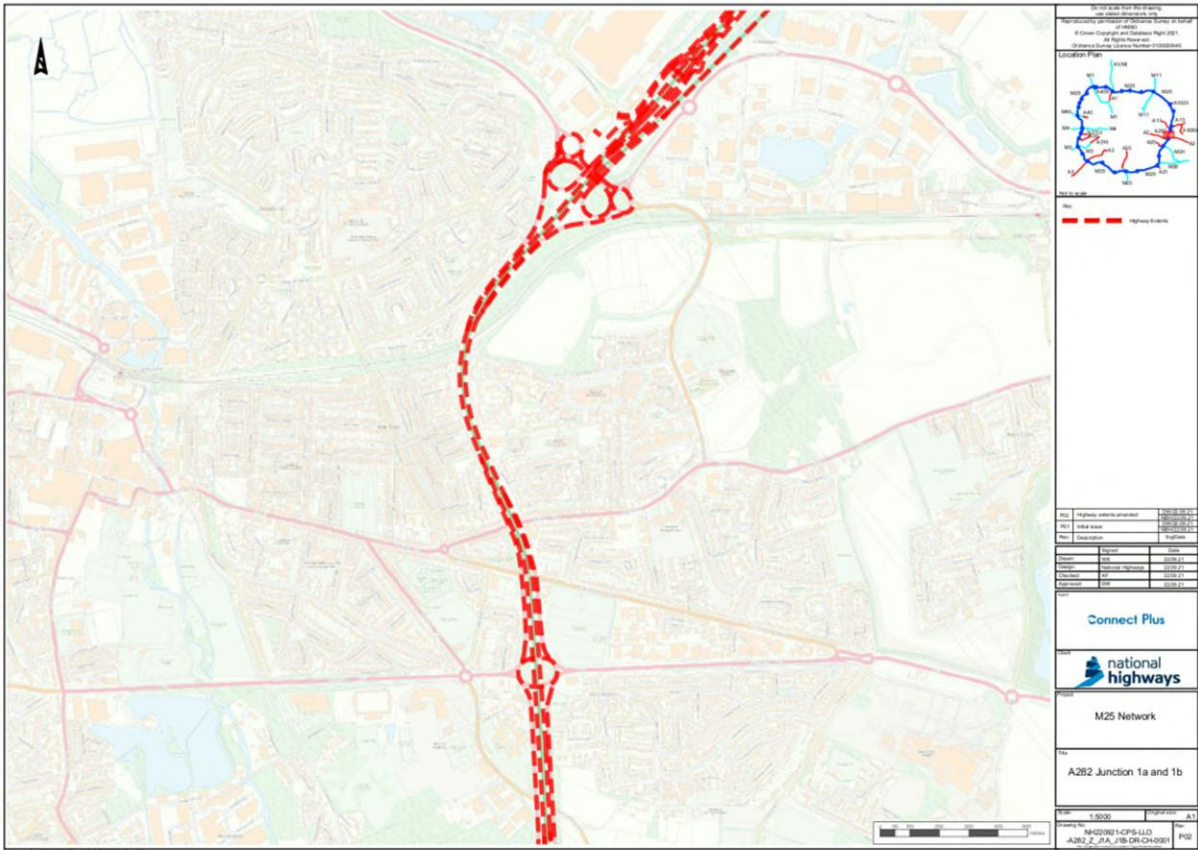
23. The Claimant's solicitors and their contact details are:

FAO: NATIONAL HIGHWAYS TEAM
DLA PIPER UK LLP
1 St Paul's Place
Sheffield
S1 2JX
E: NH-Injunctions@dlapiper.com
T: 0114 283 3312
DX: 708580 Sheffield 10
Ref: RXS/366530/248

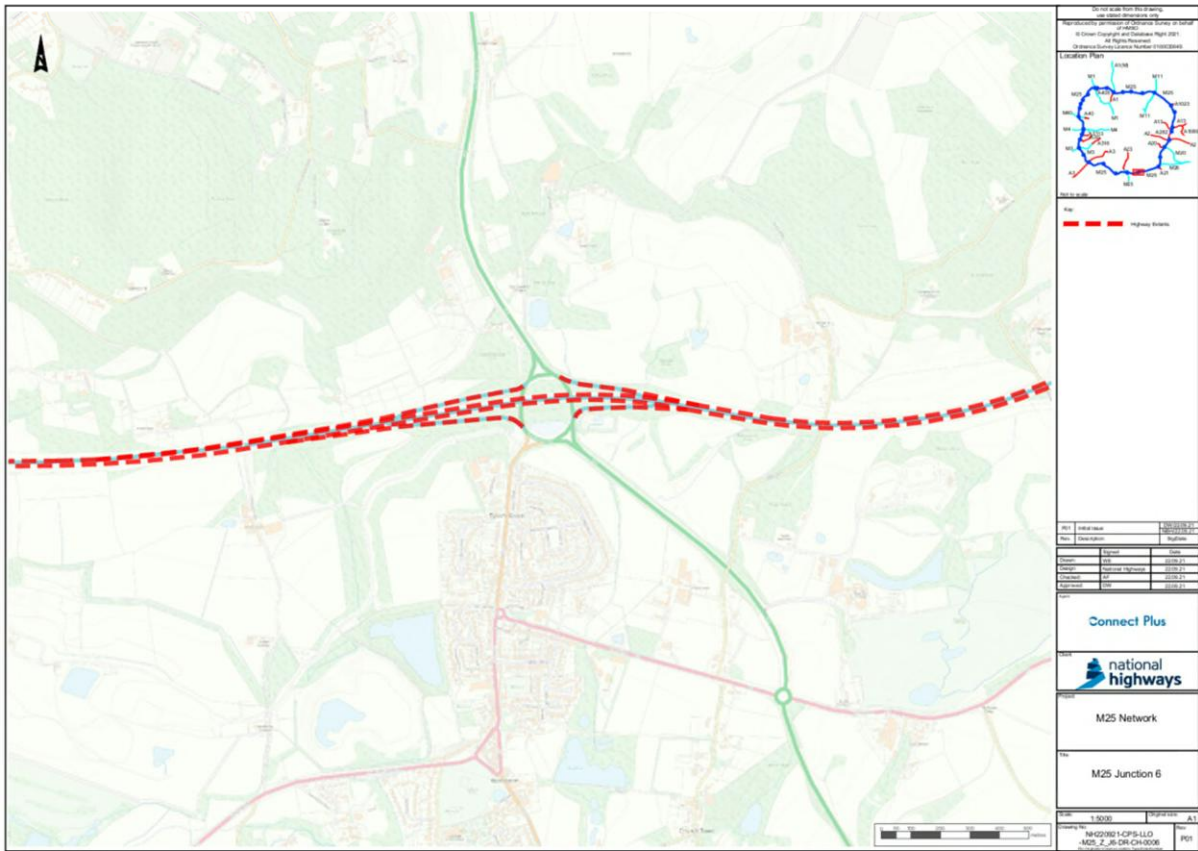
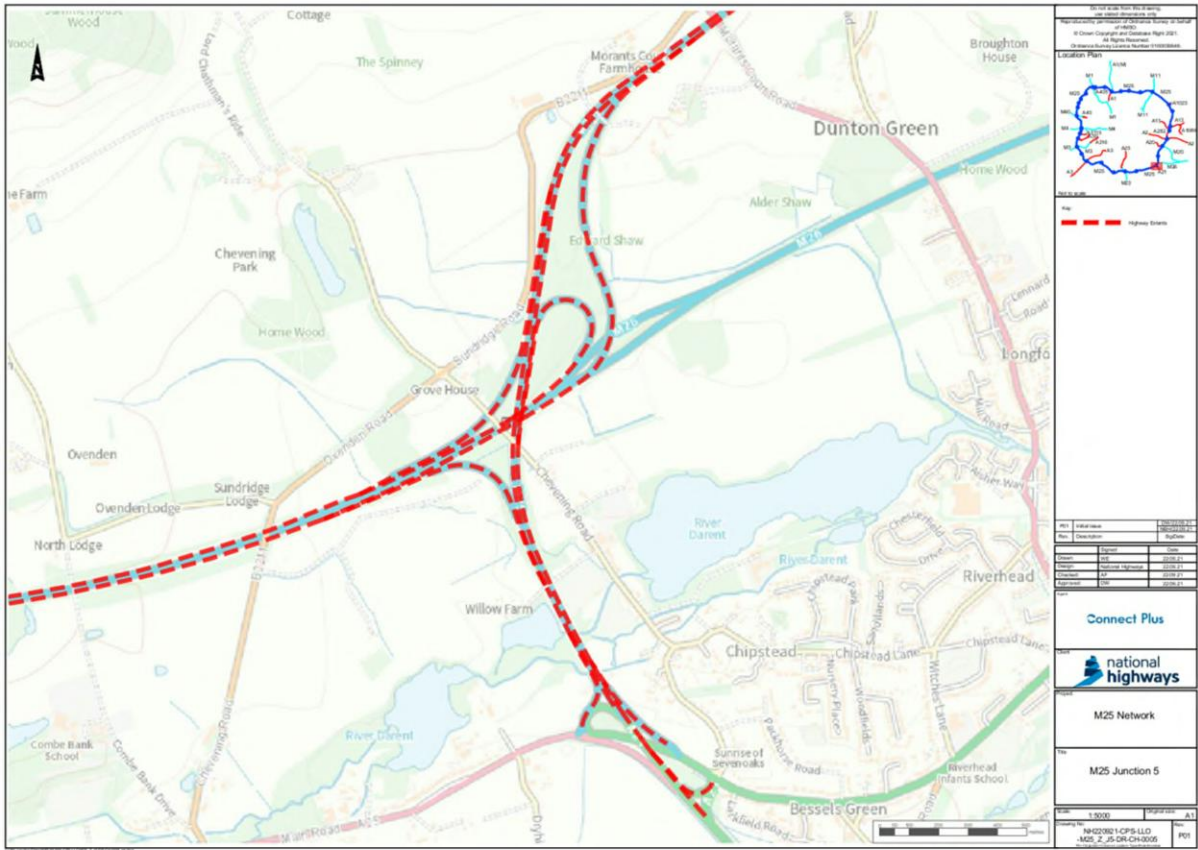
BY THE COURT

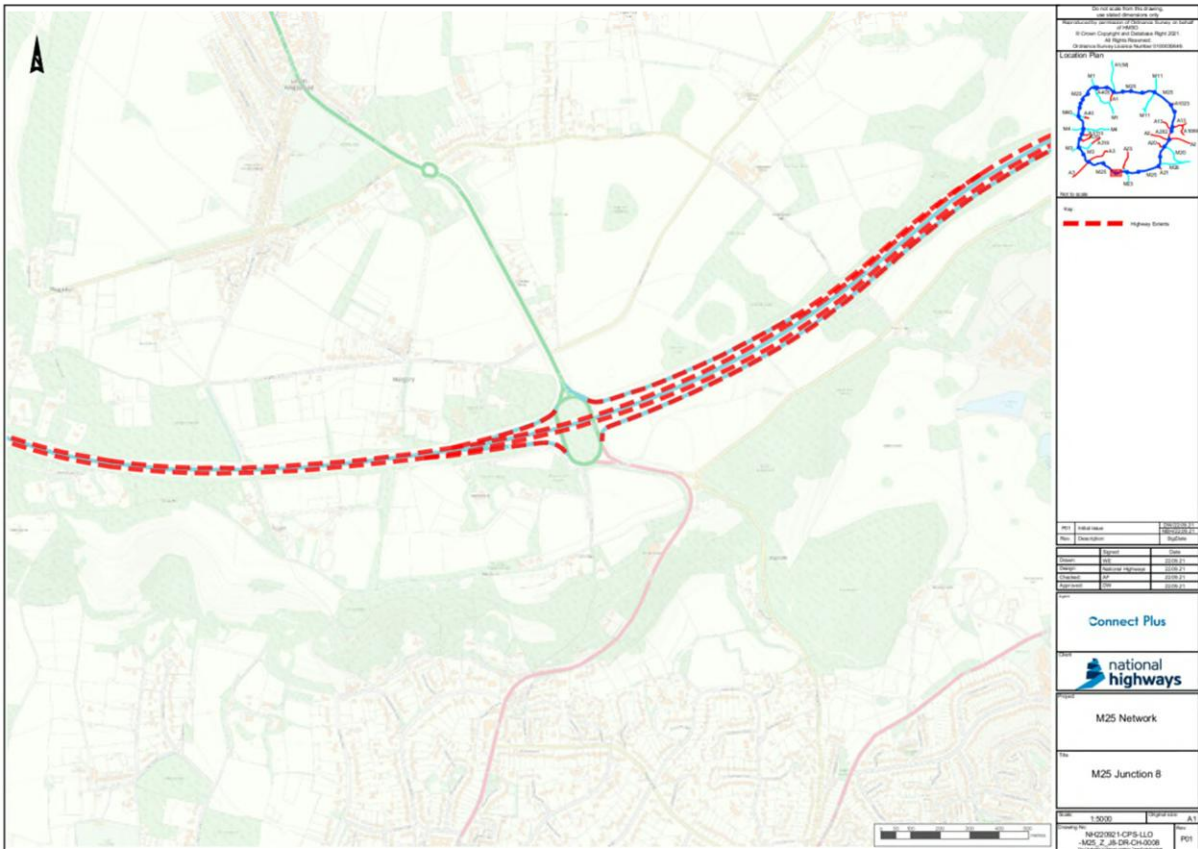
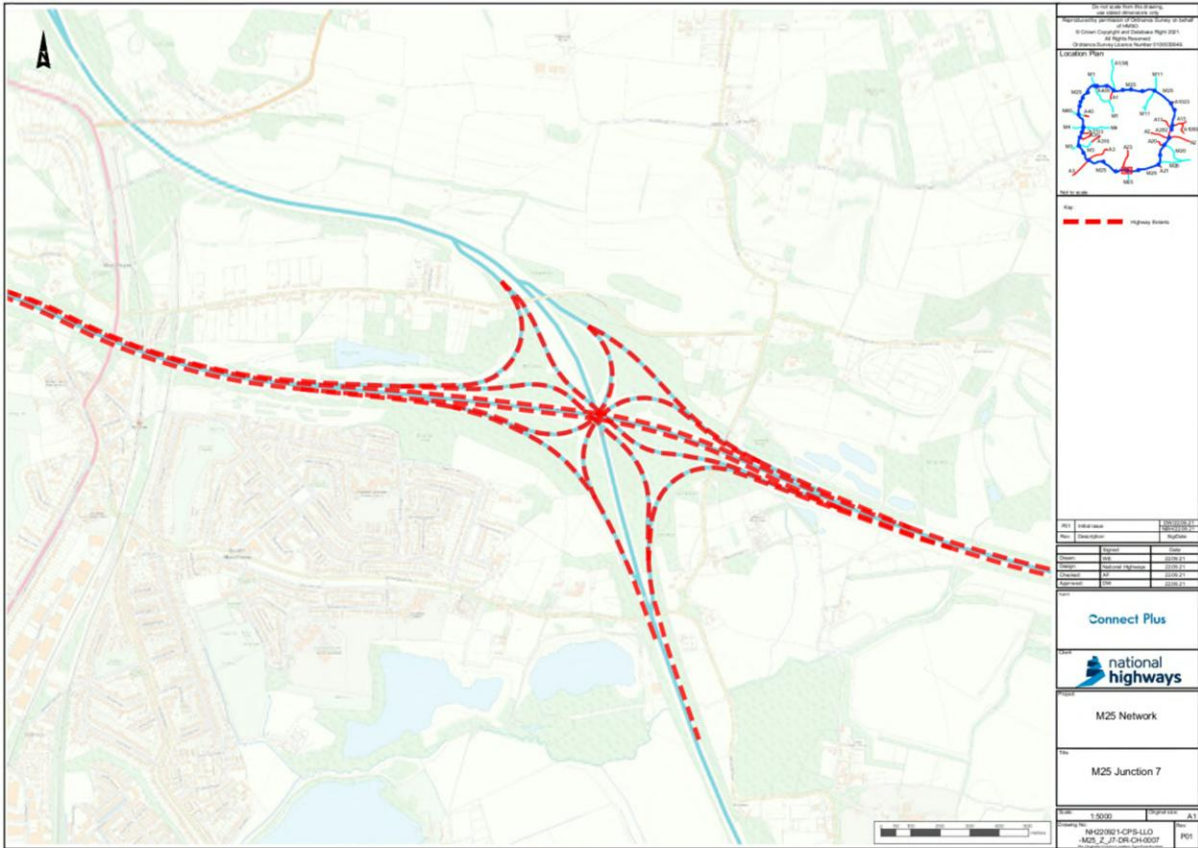
MADE ON 28th NOVEMBER 2022

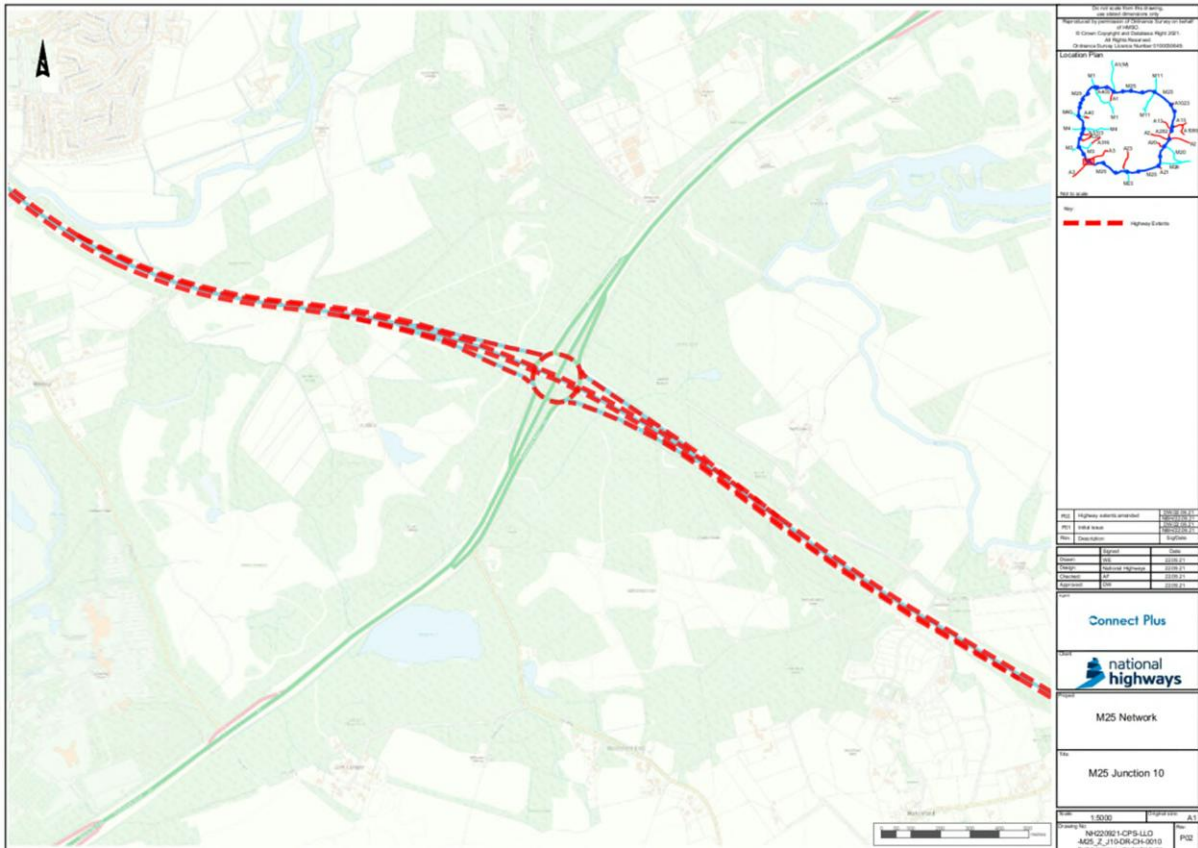
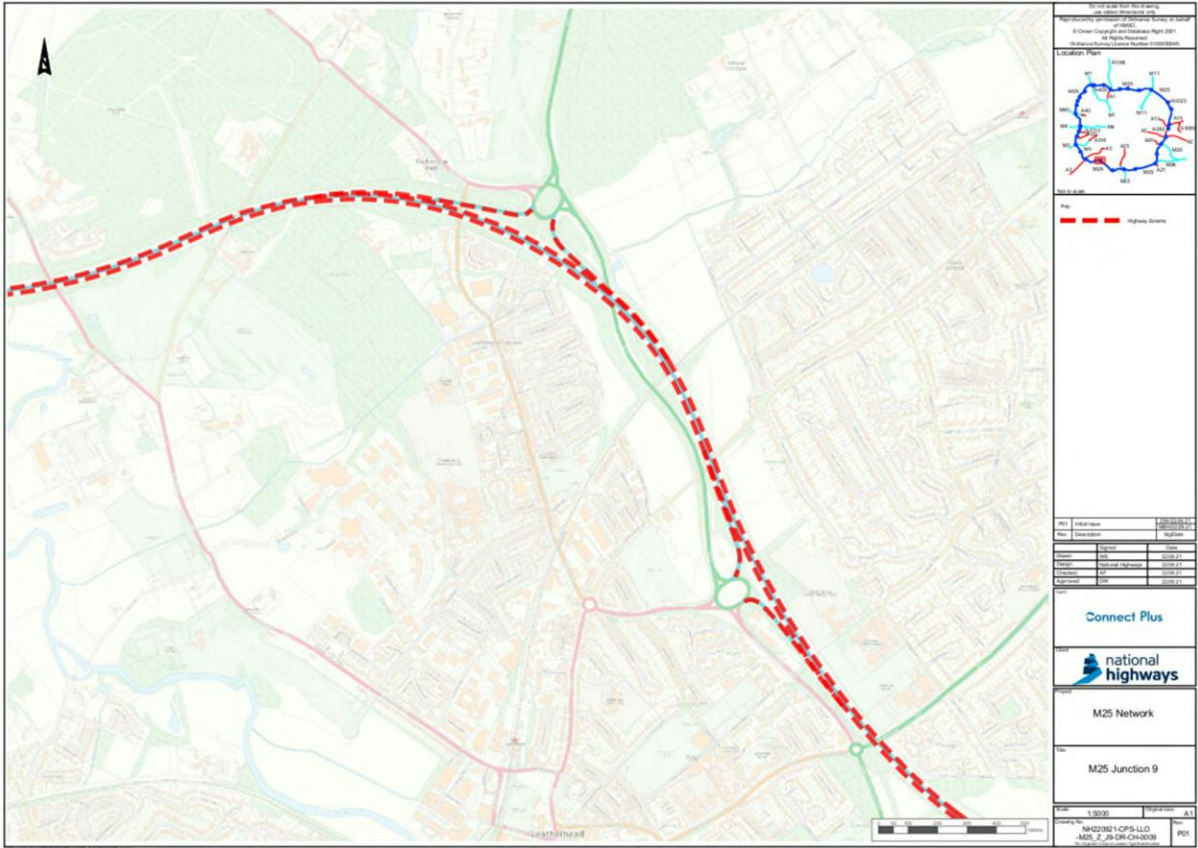
SCHEDULE 1 – M25 MOTORWAY PLANS

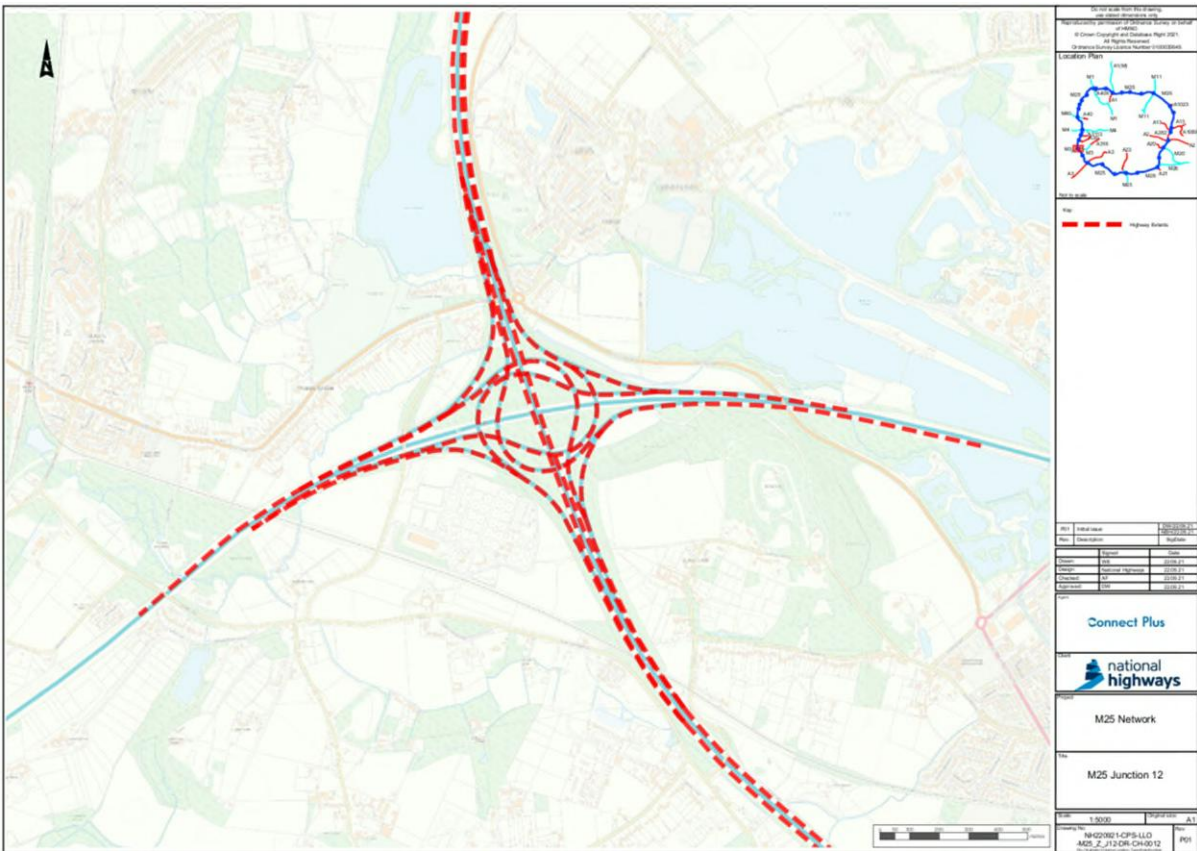
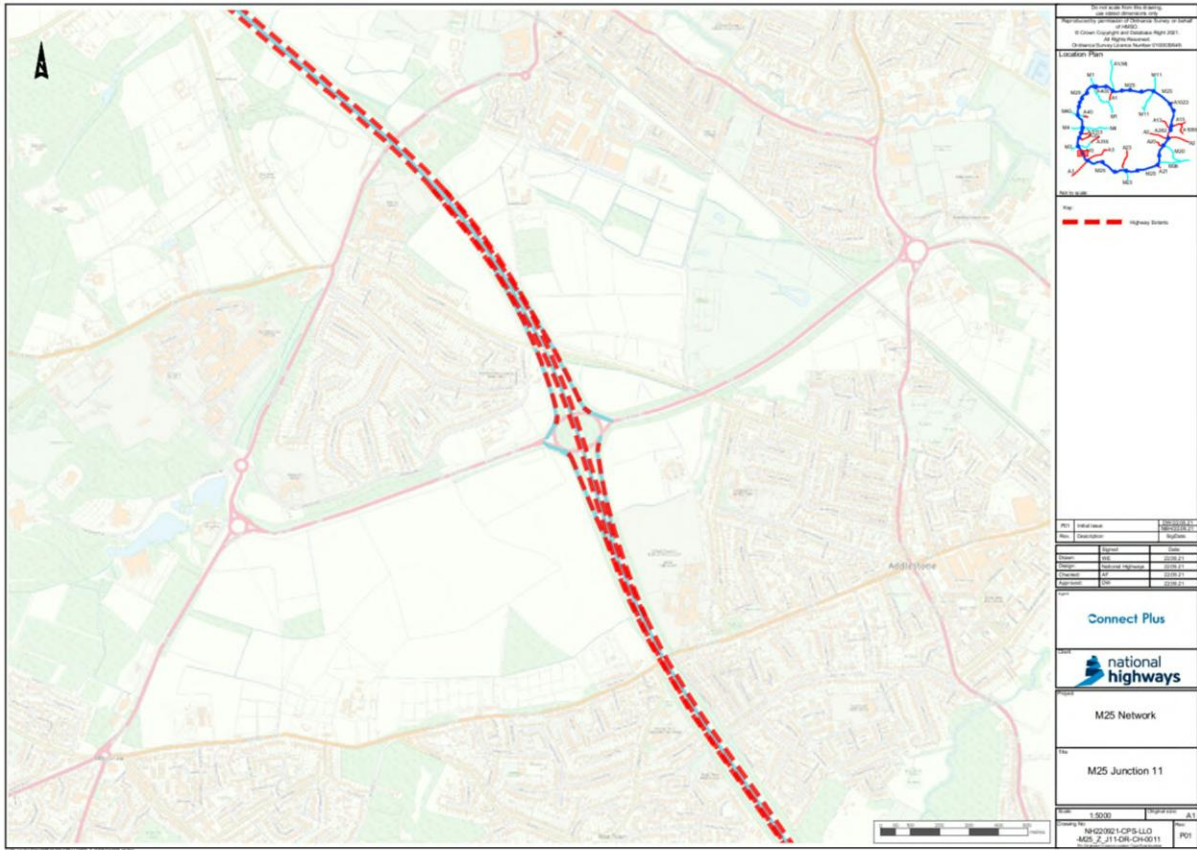




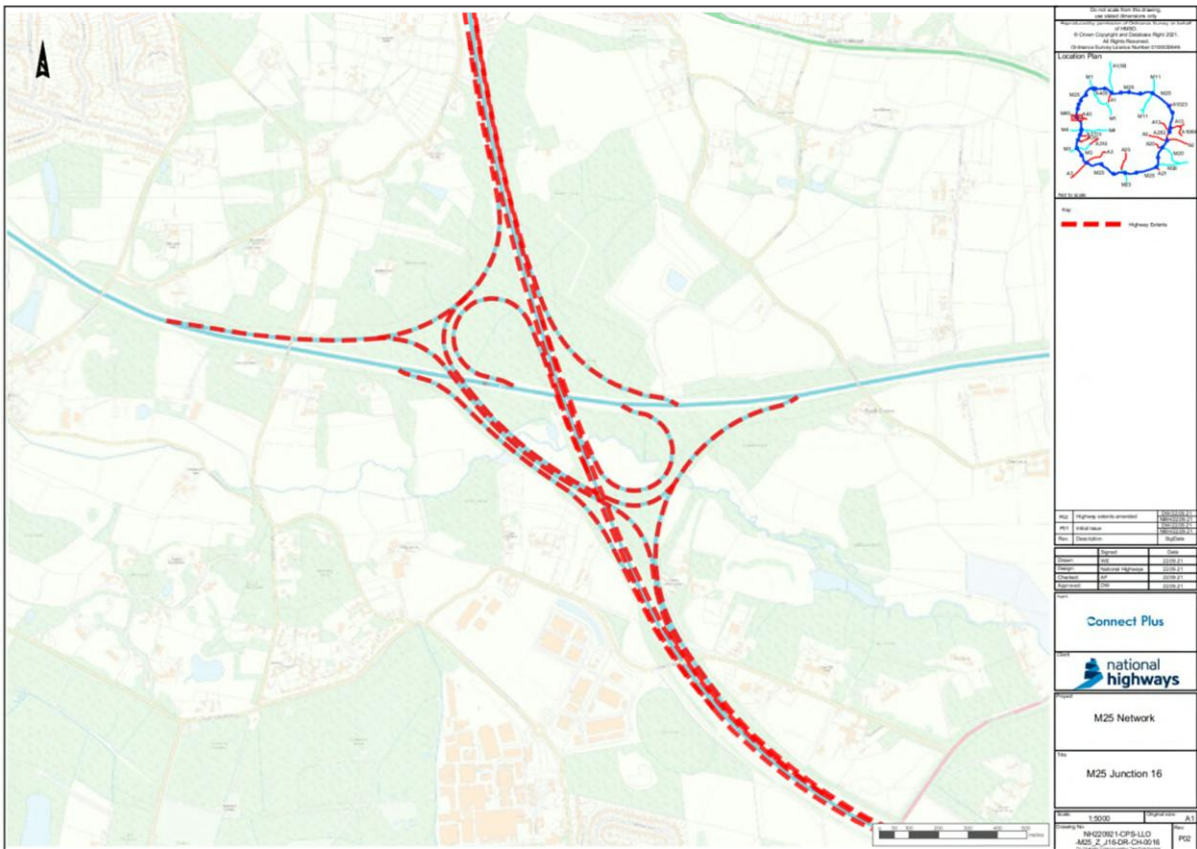
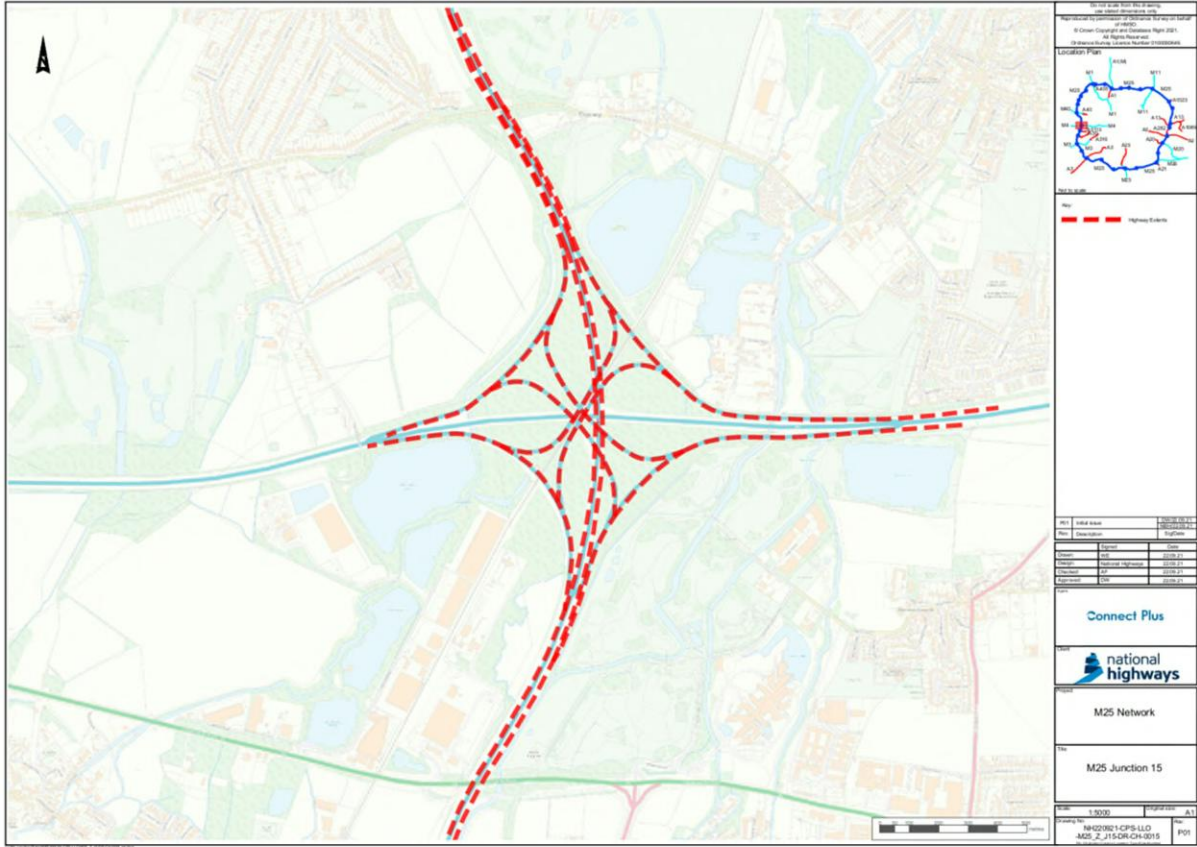


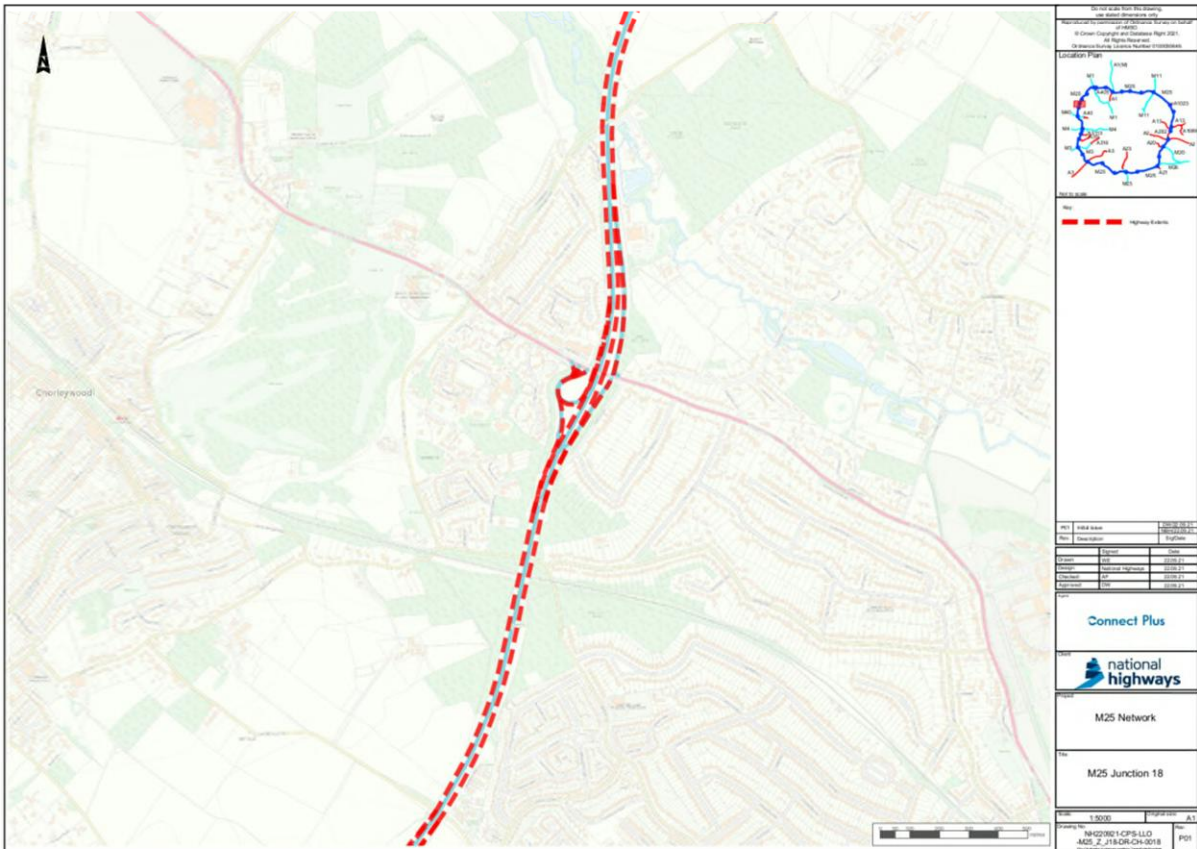
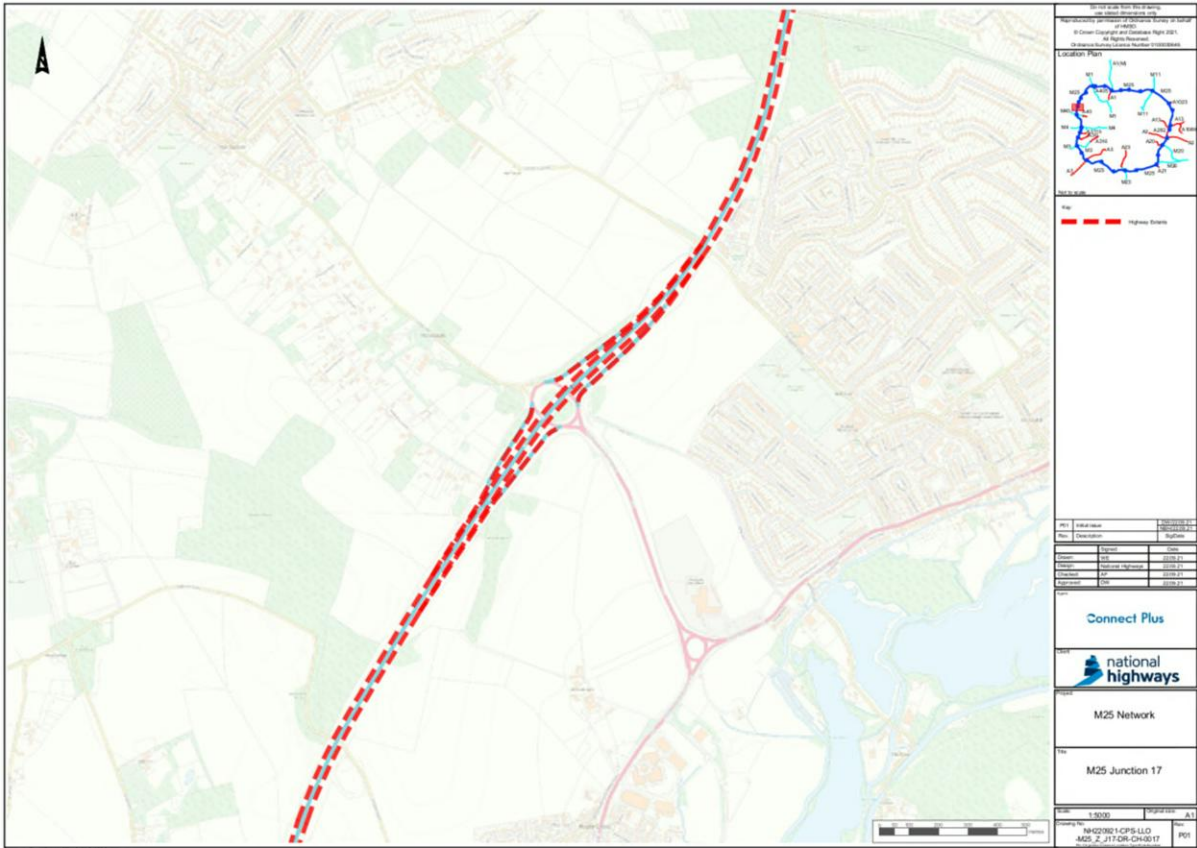


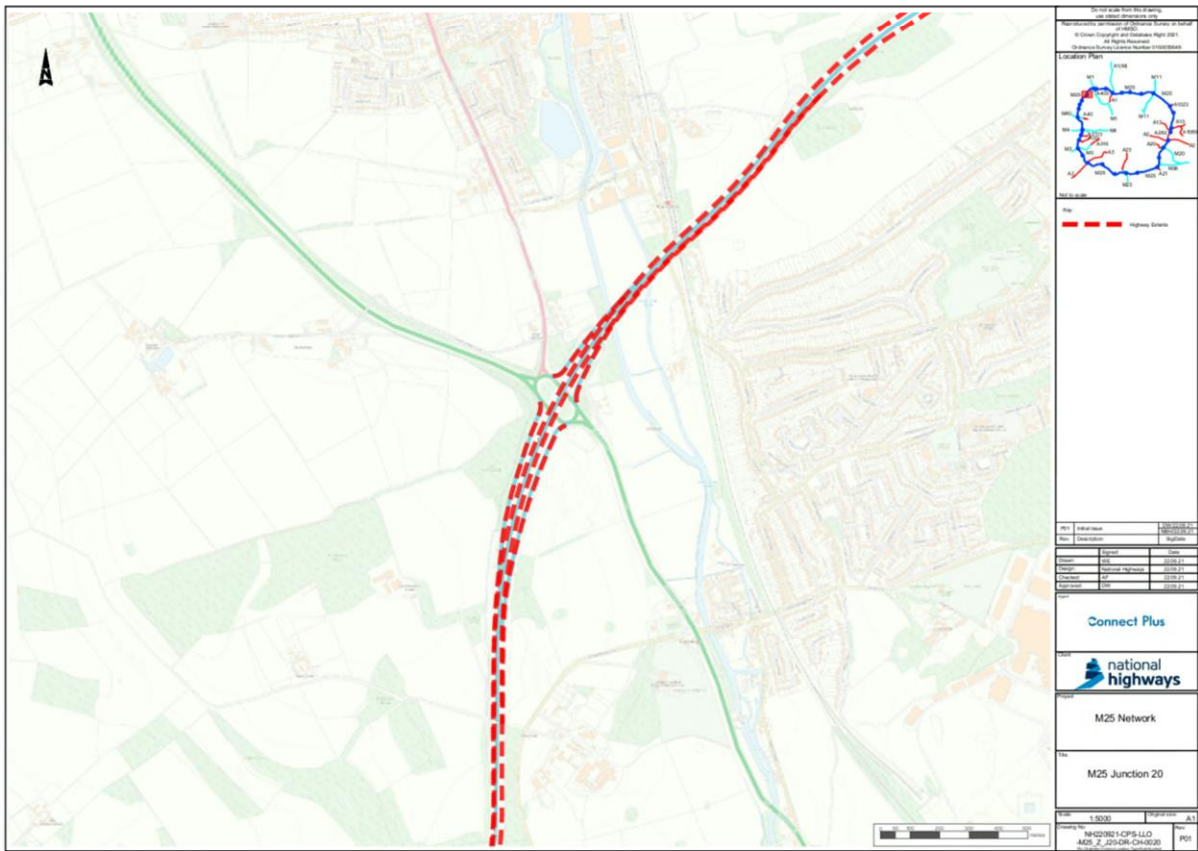
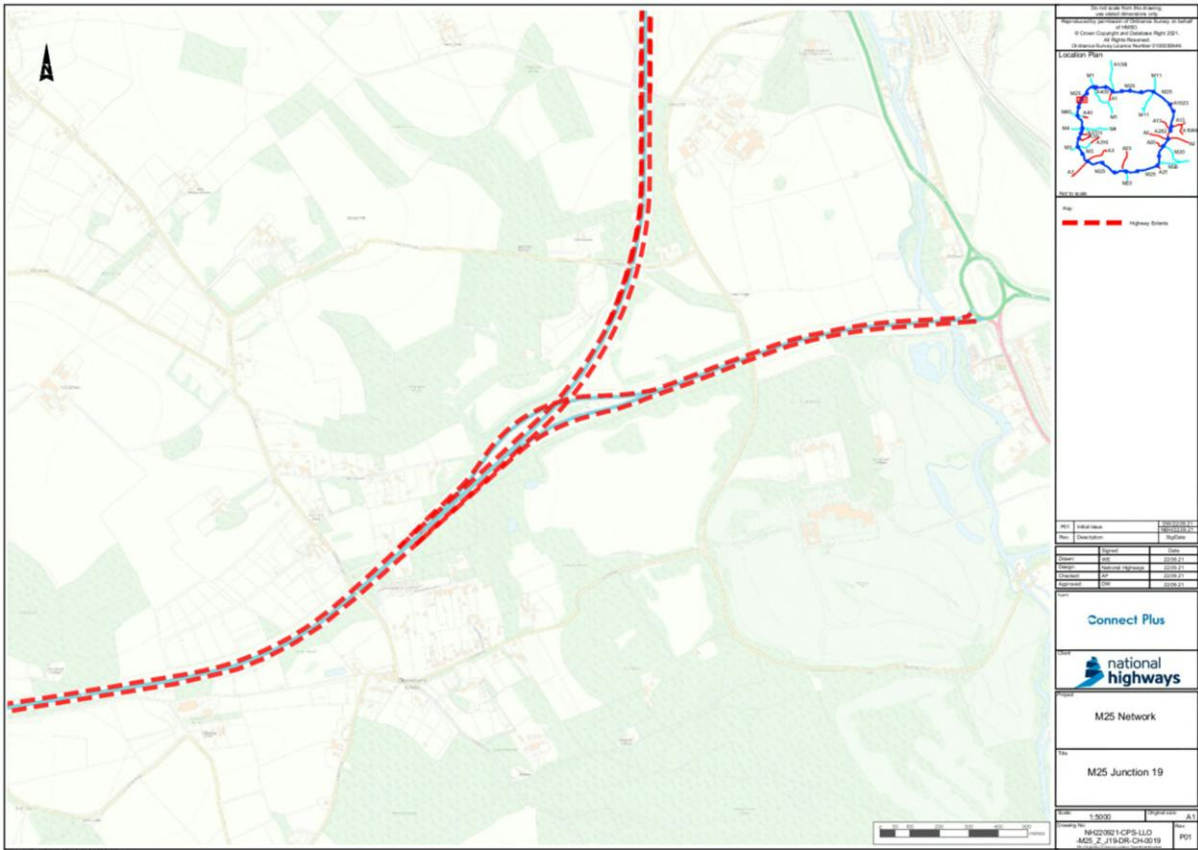


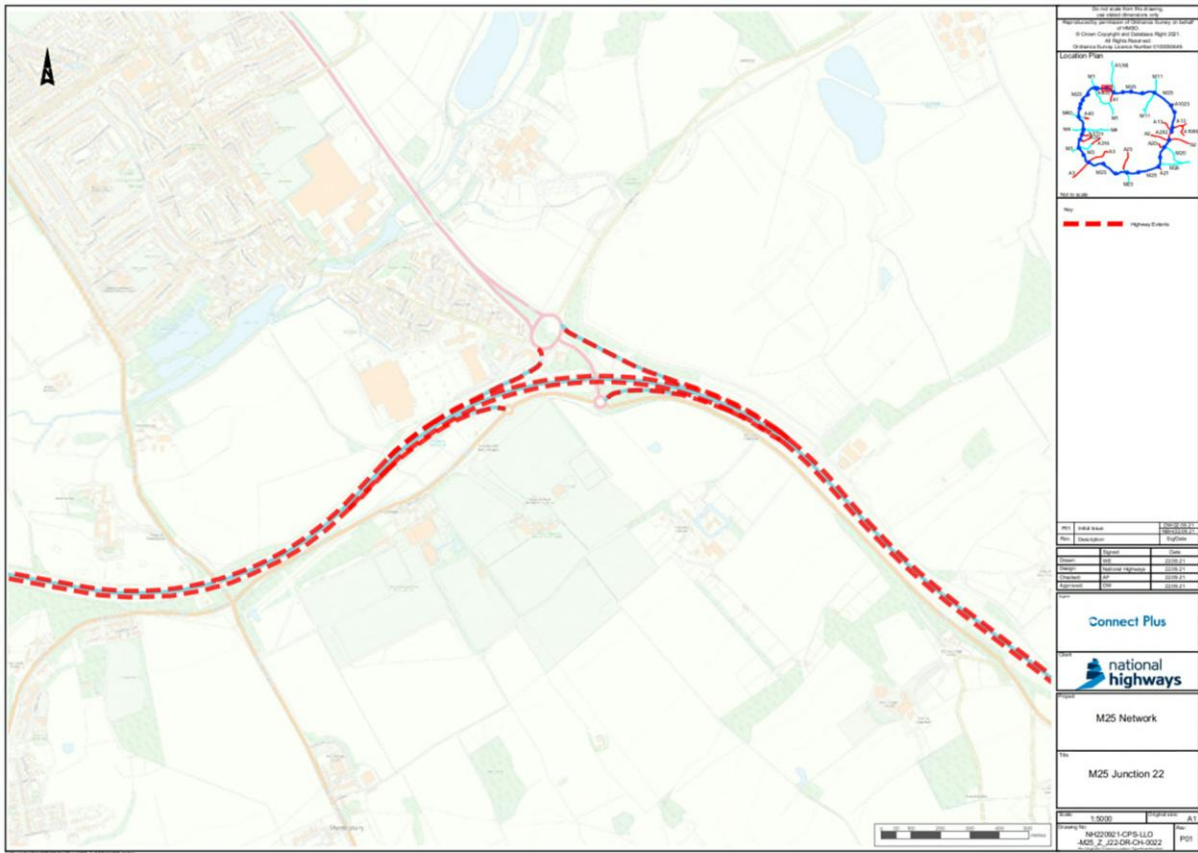
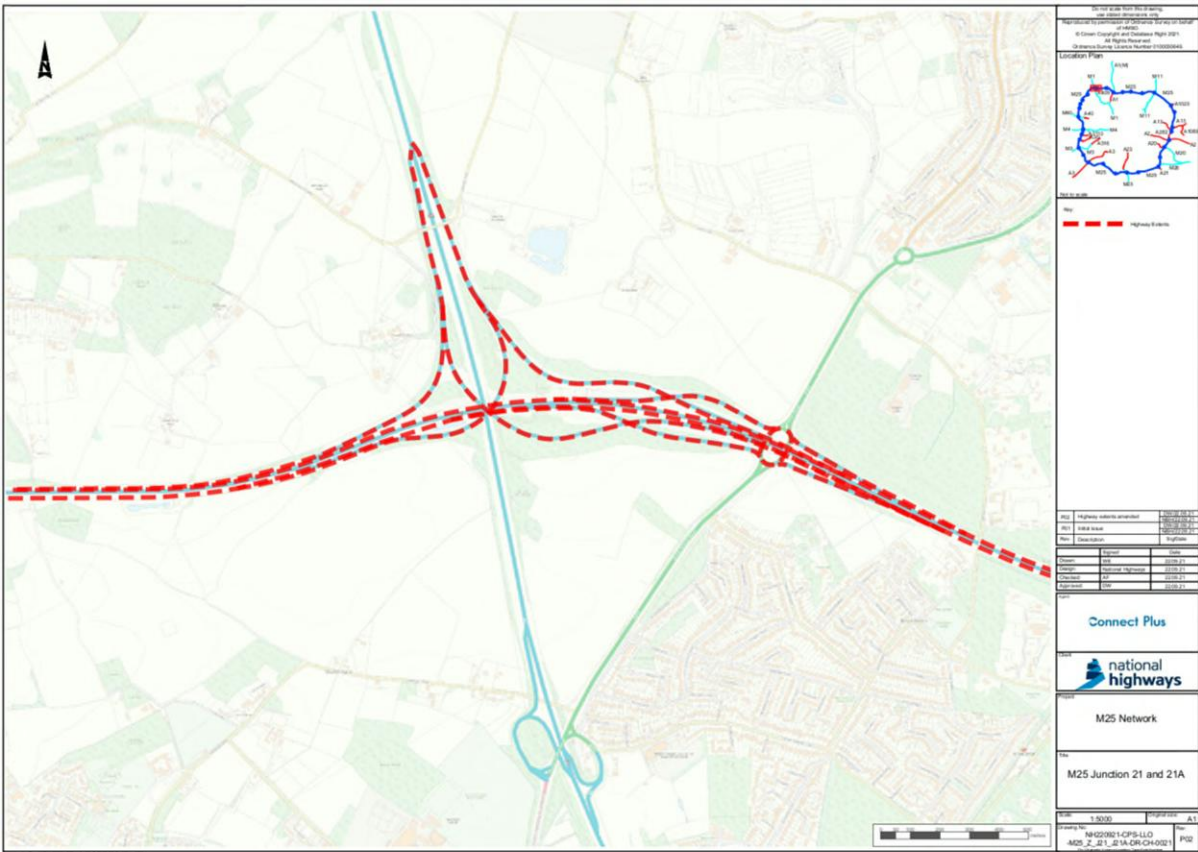


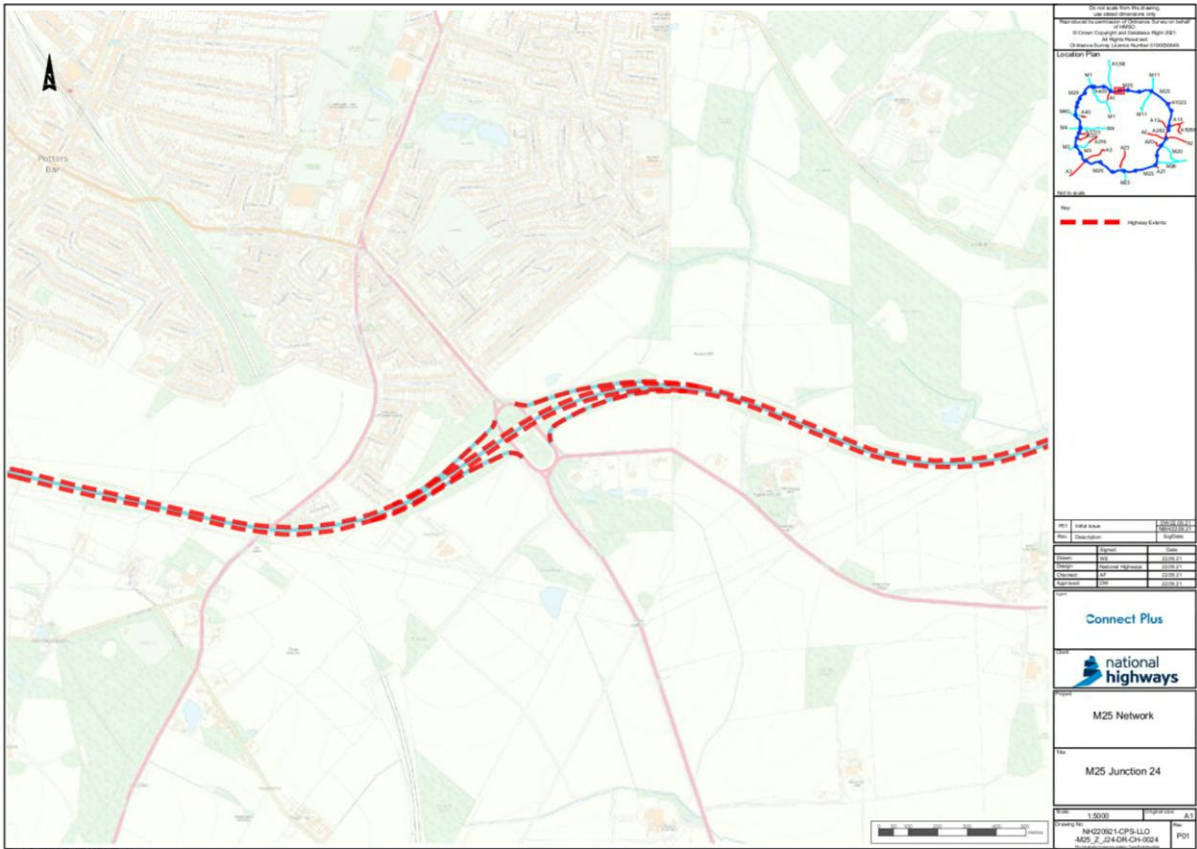
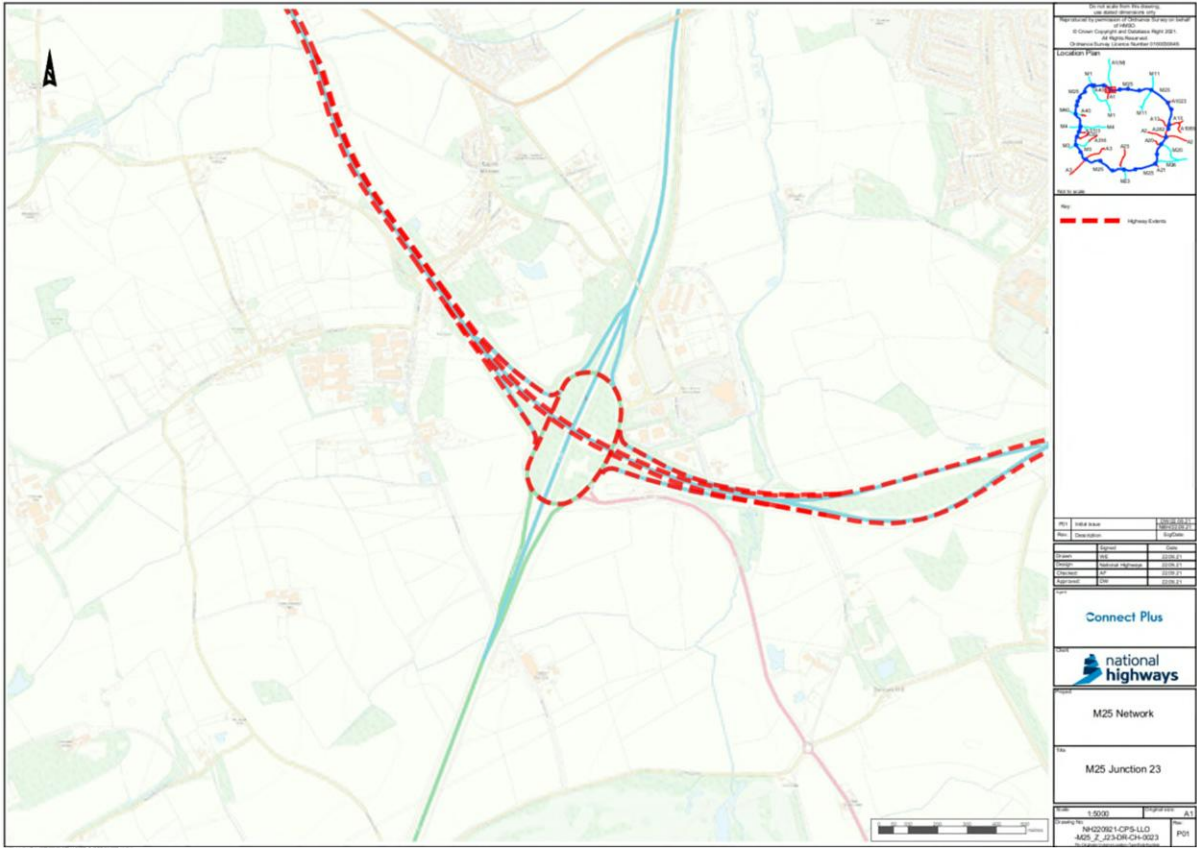


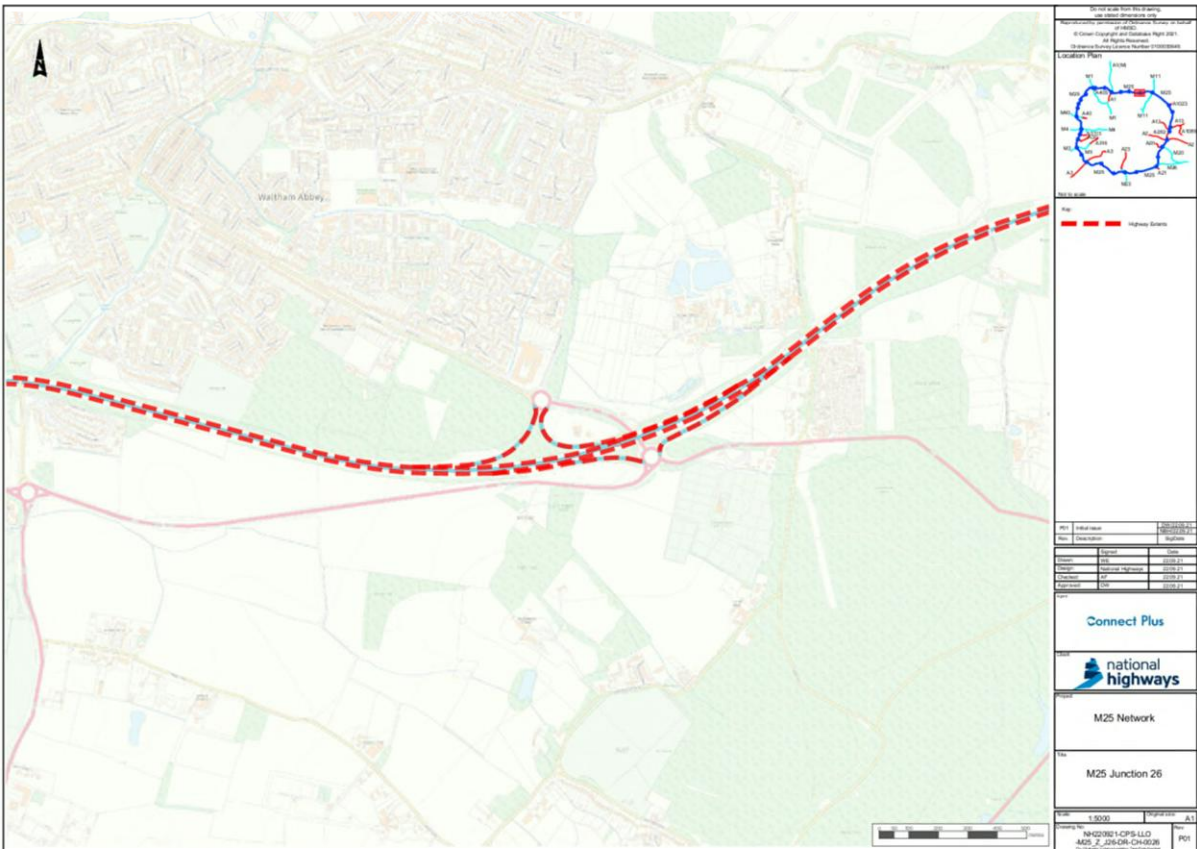
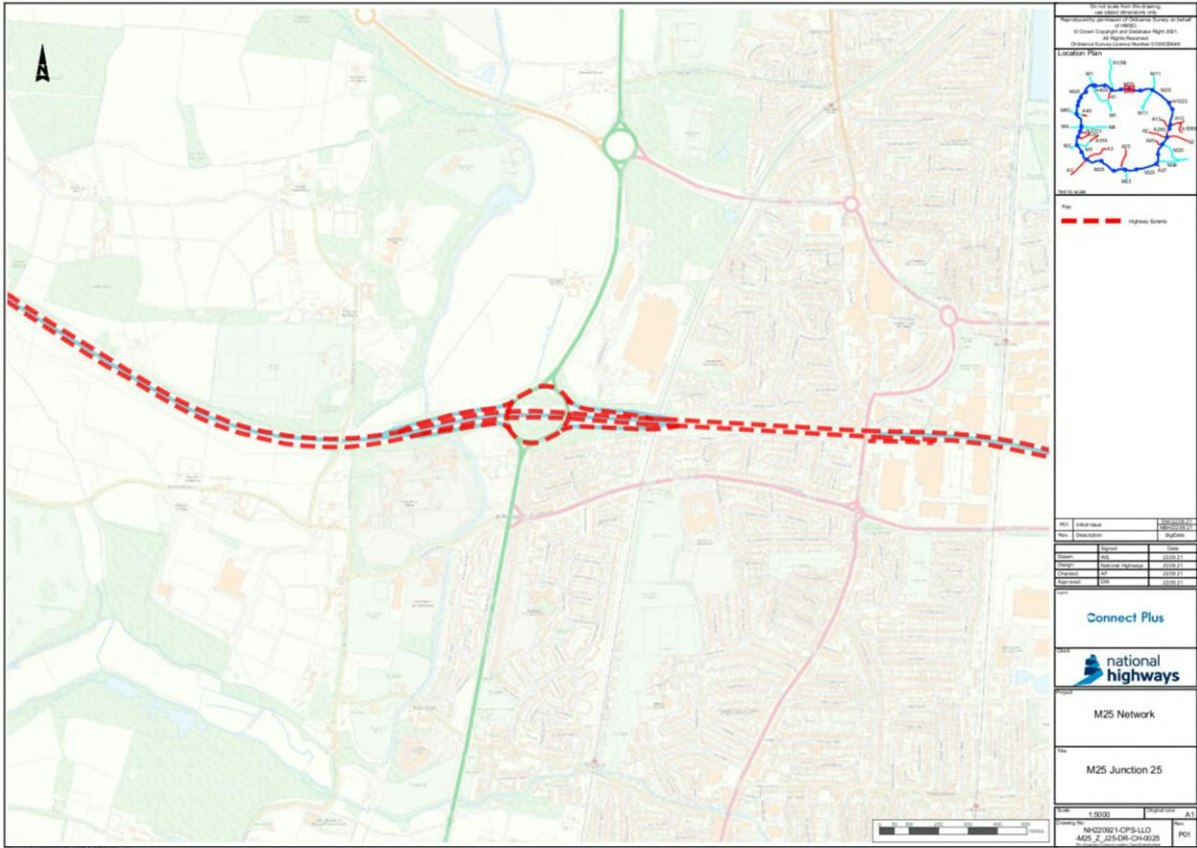


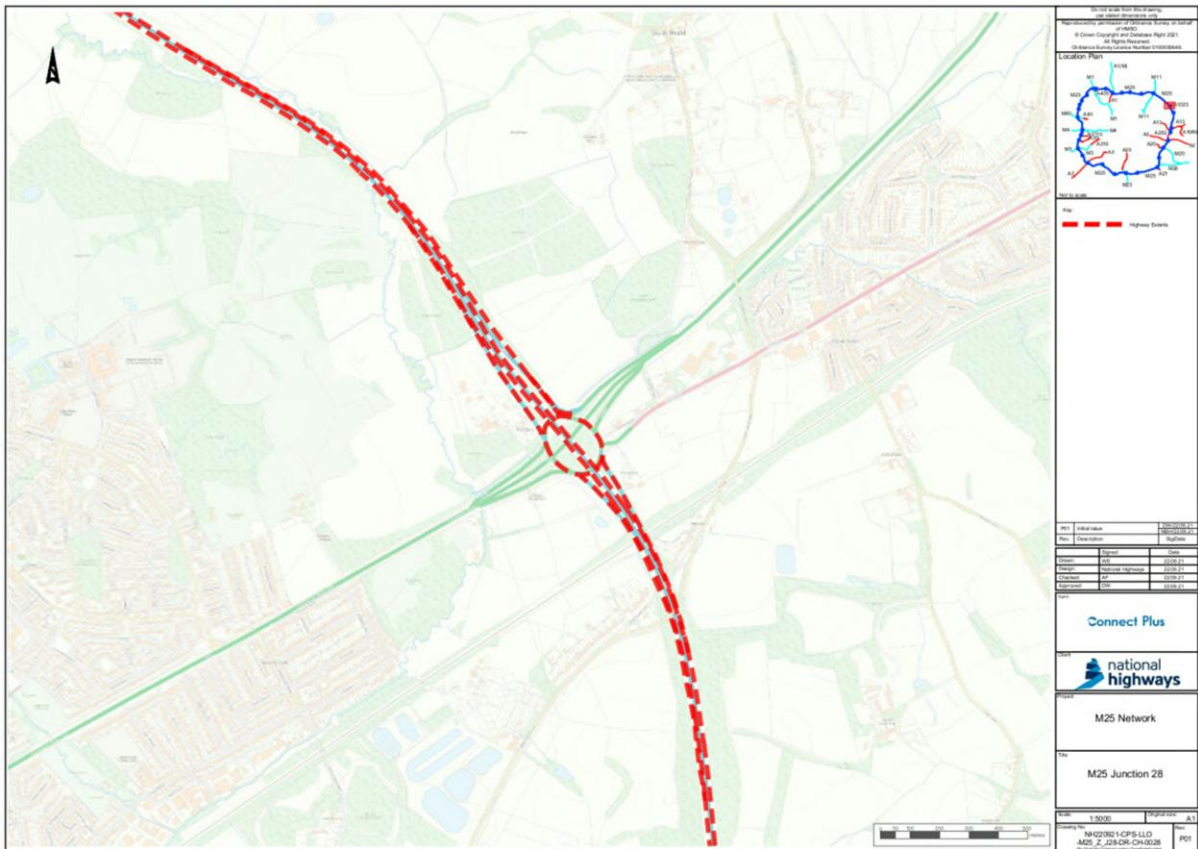
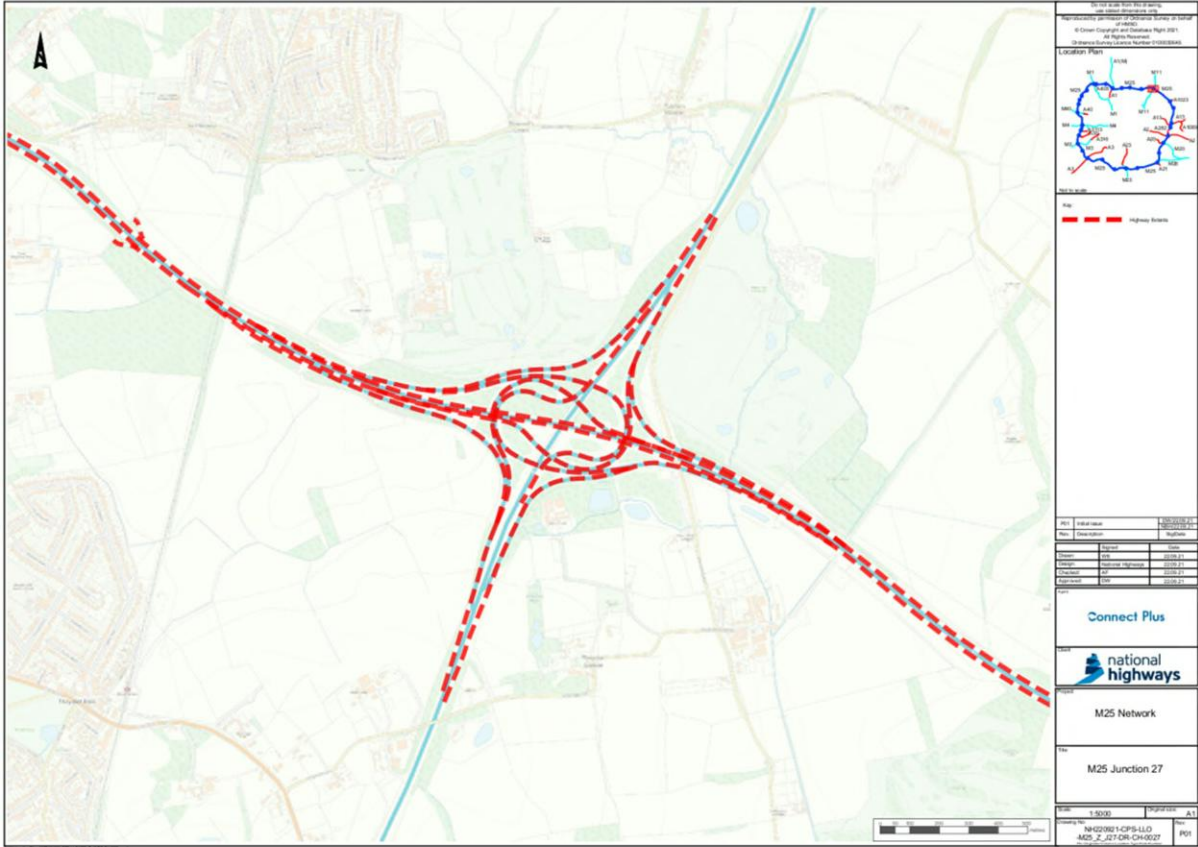


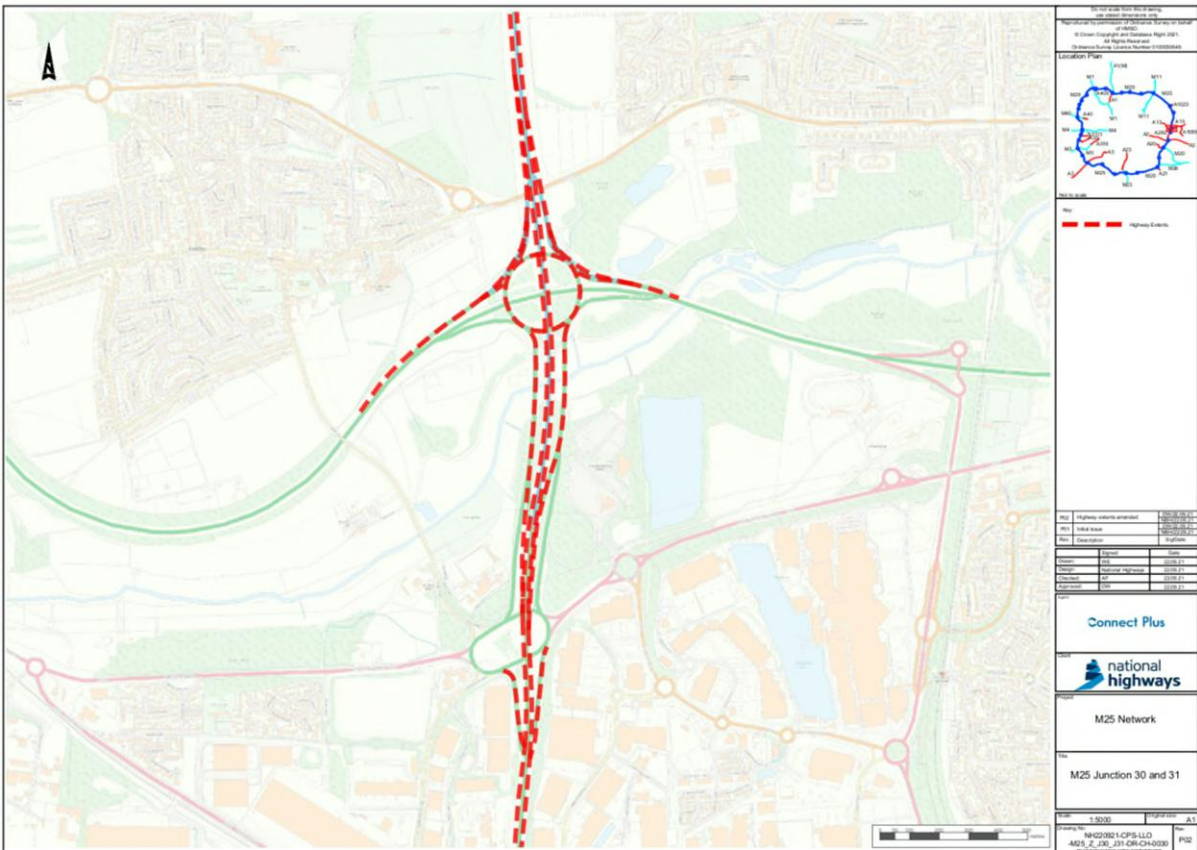
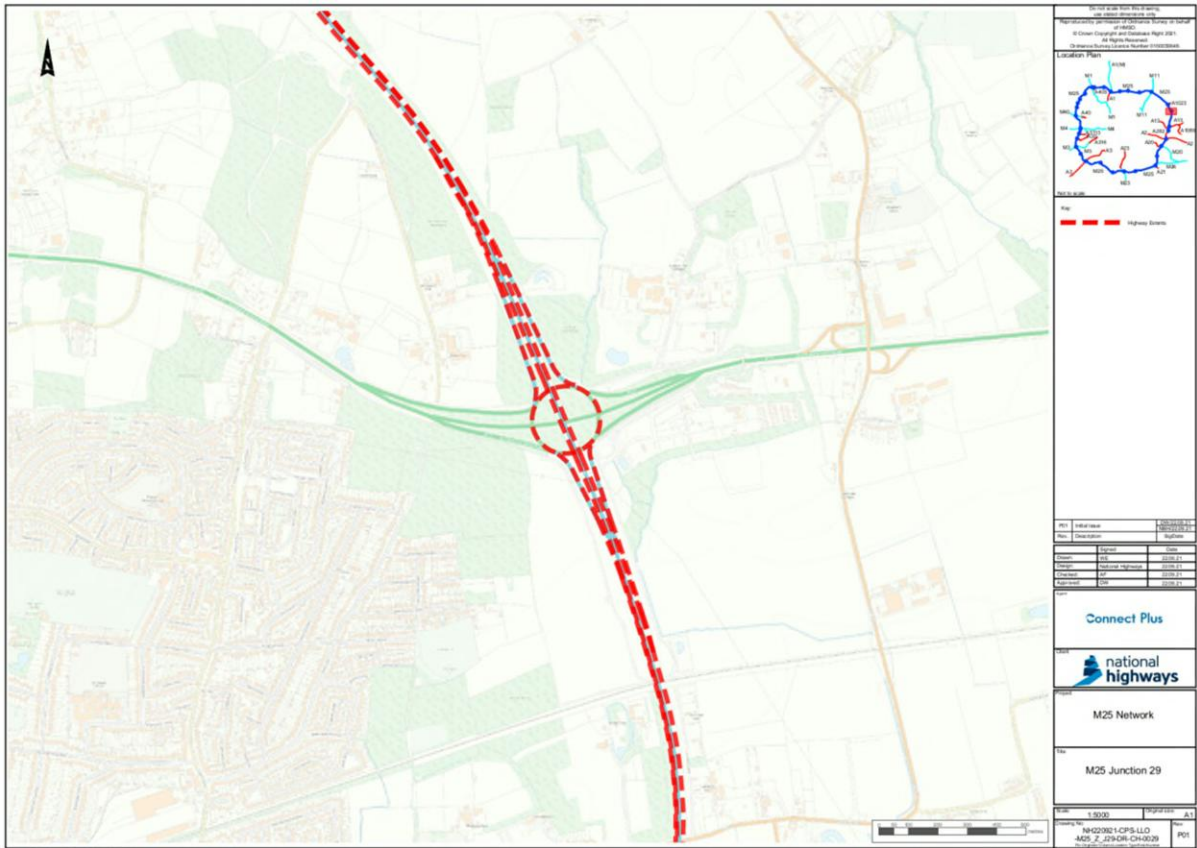














SCHEDULE 2 – NAMED DEFENDANTS

	Name
1.	PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT ON, OVER, UNDER, OR ADJACENT TO A STRUCTURE ON THE M25 MOTORWAY
2.	Aaron GUNNING
3.	Abigail PERCY-RADCLIFF
4.	Adelhele RUSSENBERGER
5.	Alexander WILCOX

6.	Alfred BESWICK
7.	Amy FRIEL (aka O'DONNELL)
8.	Andrew DAMES
9.	Anna RETALLACK
10.	Anthony WHITEHOUSE
11.	Arne SPRINGORUM
12.	Callum GOODE
13.	Catherine RENNIE NASH
14.	Charlotte KIRIN
15.	Clara O'CALLAGHAN
16.	Cressida GETHIAN
17.	Christopher FORD
18.	Christopher WHITE
19.	Daniel JOHNSON
20.	Daniel MIFSUD
21.	Daniel SHAW
22.	Daniel JUNIPER
23.	Darcy MITCHELL
24.	David MANN
25.	Diane HEKT
26.	Edward LANEY
27.	Emma MANI
28.	Gair DELAP

29.	George CATTELL
30.	George SIMONSON
31.	Ian BATES
32.	Isabel ROCK
33.	James SKEET
34.	Jan GOODEY
35.	Jane TOUIL
36.	Jesse PRINCE
37.	Joseph LINHART
38.	Karen MATTHEWS
39.	Louise HARRIS
40.	Louise LANCASTER
41.	Lucia WHITTAKER-DE-ABRUE
42.	Luke ELSON
43.	Mair BAIN
44.	Marcus DECKER
45.	Michael DUNK
46.	Molly BERRY
47.	Morgan TROWLAND
48.	Nicholas Mark ONLEY
49.	Niculina TIRPOCA
50.	Paul BLEACH
51.	Paul SOUSEK

52.	Paul Vincent BELL
53.	Phoebe PLUMMER
54.	Quido WIESER
55.	Rachel PAYNE
56.	Roger HALLAM
57.	Rosemary JACKSON
58.	Sam HOLLAND
59.	Samantha SMITHSON (aka SWAN LAKE)
60.	Samuel PRICE
61.	Tez BURNS
62.	Theresa HIGGINSON
63.	Theresa NORTON
64.	Thomas Christopher GARDENER
65.	Timothy HEWES
66.	Toby ROBARDS

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

ANNEX A – STEPS TO VARY OR DISCHARGE THIS ORDER

1. If, in accordance with paragraph 17 above, any Defendant or any other person affected by this Order wishes to apply to vary or discharge this Order, to ensure effective case management by the Court the following indicative steps must be followed.
2. Any party seeking to contest the Claimant's entitlement to interim relief should file with the Court (i.e. send to the Court) and serve (i.e. send to the Claimant):
 - a. An N244 application form¹;
 - b. Written grounds for the application (i.e. reasons for the proposed variation / discharge of the Order) – this may be contained within the N244 application form or on in a separate document; and
 - c. A witness statement(s) containing and/or appending all of the evidence to be relied upon in support of the application.
3. The procedure for filing documents with the court (and useful advice and guidance) is set out in the King's Bench Guide².
4. In order to serve the above documents on the Claimant, the applicant should:
 - a. Send physical copies of the documents to the address at paragraph 24 of this Order; and/or
 - b. Send electronic copies of the documents to the e-mail address at paragraph 24 above.

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

² See the following link:

5. The person making the application should indicate to the Court and Claimant whether they consider the matter requires a court hearing or can be dealt with by the judge reviewing the paper application and any response from the Claimant.
6. Thereafter the Claimant shall have 14 days to file and serve evidence and submissions in response, including as to whether an oral hearing is required to determine the application.
7. Within 21 days, the Court shall decide whether a hearing is necessary, and/or may request from the parties' evidence on any further matters necessary to determine the application. If the Court decides that a hearing is necessary, it shall seek to schedule the hearing (accommodating in so far as is reasonable the availability of the parties) within 42 days (6 weeks).
8. If the Court decides that further evidence is needed from either party, it may set strict deadlines by which that evidence must be filed. Both parties should be aware that the Court may restrict the use of evidence which is filed late or impose other penalties for non-compliance.

ANNEX B – USEFUL REFERENCES AND RESOURCES

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

- Bar Pro Bono Unit – A possible avenue for obtaining free legal advice and/or representation: <https://weareadvocate.org.uk/>
- Support Through Court (formerly Personal Support Unit) – An organisation supporting litigants in person: <https://www.supportthroughcourt.org/>
- Civil Procedure Rules Part 8:
<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part08>
- Help with Court Fees website: <https://www.gov.uk/get-help-with-court-fees>
- The Kings Bench Guide 2022³, in particular Chapter 2 which contains useful guidance for litigants in person.

³ <https://www.judiciary.uk/wp-content/uploads/2022/09/KB-Guide-2022-with-links-to-new-website.pdf>