

IN THE HIGH COURT OF JUSTICE

Claim no. ~~QB-2021~~

QUEEN'S BENCH DIVISION

Before: The Honourable Mr Justice Linden

On: 25 October 2021

B E T W E E N:



NATIONAL HIGHWAYS LIMITED

Claimant

-and-

(1) PERSONS UNKNOWN WHO ARE BLOCKING, SLOWING DOWN, OBSTRUCTING OR OTHERWISE INTERFERING WITH THE FLOW OF TRAFFIC ONTO OR OFF OR ALONG THE STRATEGIC ROAD NETWORK FOR THE PURPOSE OF PROTESTING

(2) MR ALEXANDER RODGER AND 121 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.**

**UPON** the Claimant undertaking to issue and the claim and application in trespass, nuisance and under the Highways Act 1980 and pay the relevant court fees by 12pm on 26 October 2021

**AND UPON** the Claimant undertaking to serve on the Defendants as soon as practicable and in any event before the return day stated below, the Claim Form, the Application Notice, this Order, the witness statement of Mr Duncan Smith and the exhibits thereto dated 25 October 2021, the Claimant's skeleton argument for the purposes of the application and the note of the hearing on 25 October 2021

**AND UPON** reading the witness statement of Duncan Bell dated 25 October 2021

**AND UPON** hearing Leading Counsel and Junior Counsel for the Claimant

**AND UPON** the Claimant undertaking that it will provide to any unnamed defendants copies of any further evidence or other documents filed in these proceedings upon request, following such 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 ought to be compensated for the loss

**AND UPON** the Claimant undertaking to identify and name the Defendants who are not currently named 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 block, slow down, obstruct or otherwise interfere with the flow of traffic onto or off or along the Strategic Road Network

**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 Strategic Road Network ('SRN') means the roads identified in the plans and schedule of roads annexed to this Order (Annex 2) including but not limited to the verges, central reservation, on- and off-slip roads, overbridges and underbridges and any apparatus related to that motorway.

2.1 For the purposes of this Order, the SRN does not include the areas covered by the following injunctions:

- i. QB-2021-003576 – interim injunction granted on 21 September in relation to M25;
- ii. QB-2021-003626 – interim injunction granted on 24 September 2021 in relation to the A2, A20, A2070, M2 and M20; and,
- iii. QB-2021-003737 – interim injunction granted on 2 October 2021 covering the SRN providing access to London both inside and outside the M25.

2.2 For the avoidance of doubt, the injunctions identified in paragraph 2.1 remain in force.

2.3 This Order, along with the injunctions identified in paragraph 2.1, cover the entire SRN.

#### **Injunction in force**

3. With immediate effect and until the earlier of (i) Trial; (ii) Further Order; or (iii) 23.59 pm on 31 December 2021, the Defendants and each of them are forbidden from:

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

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

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

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

3.5 Erecting any structure on the SRN.

3.6 Tunnelling in the vicinity of the SRN.

3.7 Entering onto the SRN unless in a motor vehicle.

3.8 Abandoning any vehicle or item on the SRN with the intention of causing an obstruction.

3.9 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.

3.10 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 2.1 – 2.9 above.

3.11 Continuing any act prohibited by paragraphs 2.1 – 2.10 above.

4. The Claimant shall place copies of this Order and the Claim Form on the National Highways and Gov.uk website.
5. For the avoidance of doubt, compliance with paragraph 4 shall not constitute service.

#### **Alternative Service**

6. Service of this Order, the Claim Form, the Application and supporting documents, the skeleton argument and the Claimant's note of the hearing on persons unknown shall be by service of the sealed Order on Insulate Britain by email to [ring2021@protonmail.com](mailto:ring2021@protonmail.com).
7. Service of this Order, the Claim Form, the Application and supporting documents, the skeleton argument and the Claimant's note of the hearing on named defendants by personal service where practicable and / or posting a copy of this Order together with a copy of the claim form, evidence in support, skeleton argument and the Claimant's note of the hearing through the letterbox of each named 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 and the proceedings 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.

#### **Further directions**

8. 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 in writing (and in any event not less than 24 hours before the hearing of any such application).
9. 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 if they are not already a named defendant to proceedings.
10. The Claimant has liberty to apply to extend or vary this Order or for further directions.

11. The return date hearing to be listed for 10.30am on 28 October 2021 in person with a time estimate of half a day.

12. Costs reserved.

**Communications with the Claimant**

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

FAO: Petra Billing ([petra.billing@dlapiper.com](mailto:petra.billing@dlapiper.com)) and Mary Barraclough ([mary.barraclough@dlapiper.com](mailto:mary.barraclough@dlapiper.com)) **07968 558 801**"

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Sheffield

S1 2JX

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**BY THE COURT**

**Mr Justice Linden**

**Dated: 25 October 2021**

**SCHEDULE 1**

**[On the package containing the Court order and 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 – Petra Billing, DLA Piper UK LLP, Tel: 07968 558 801”**

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