

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
AMENDED UNDER THE SLIP RULE**

**QB-2021-003576, 003626 and 003737**

**Before: Mr Justice Cotter  
On: 24<sup>th</sup> July 2023**

BETWEEN:



NATIONAL HIGHWAYS LIMITED

**QB-2021-003576**

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 139 OTHERS

Defendants

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ORDER

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PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER  
YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED,  
FINED OR HAVE YOUR 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.**

**FURTHER TO** the order of Mr Justice Cotter on 5<sup>th</sup> May 2023 (“the order”)

**AND UPON** the Court considering undertakings given by Defendants pursuant to paragraph 18 of the order

**AND FURTHER UPON** the Court considering the written submissions on behalf of the Claimant dated 5<sup>th</sup> June 2023

**AND UPON** the Court acting of its own motion

**IT IS ORDERED THAT:**

1. The order shall remain in force subject only to the amendments set out in this order.

**Amendments to the Claim**

2. Paragraph 2(a) of the order is amended to add Defendant No 28; Donald Bell.
3. The orders of 9<sup>th</sup> May 2022 and 14<sup>th</sup> March 2023 are discharged against Rebecca Lockyer (Defendant 116 and incorrectly named as Rebecca Locker at paragraph 17 of the order) and Giovanna Lewis (Defendant 133)
4. Time for compliance with paragraph 18 of the order is extended as follows;
  - (a) In respect of Defendant 36, Ian Bates, Defendant 137, Abigail Percy-Radcliff and Defendant 74, Oliver Rock to 12.00 on 23<sup>rd</sup> May 2023.
  - (b) In respect of Defendant 90, Simon Redding to 12.00 on 25<sup>th</sup> May 2023.
  - (c) In respect of Defendant 110, Indigo Rumbelow to 12.00 on 28<sup>th</sup> June 2023.
5. Following the receipt of undertakings the following Defendants 2,3,4,5,7,8,10,11, 13,15, 16, 17, 18, 19,20,21,22,23,24,25,26,27,30,31,32,33,34,35,36, 37,38,39,40,41,42,43,44,45,46,47,48,49, 51, 55, 56,57, 58,59, 60, 61, 62, 65, 66, 67, 68, 70,71, 73,74, 75, 77, 78,79,80,81,82,83,84,85,86,87,88,89,90,91,92, 94, 95, 96, 97, 98, 99, 102, 103, 106, 107, 109,110, 112, 113, 114, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 129, 130, 131, 132, 134, 135, 137, 138 and 139 are removed as named Defendants to this action.
6. For the avoidance of any doubt the action continues against Defendants 14, 50, 52, 53, 54,72,76,93, 100, 101,104, 136 and 140 as named Defendants

## **Third Party Disclosure**

7. Paragraph 11 of the order is varied in that the Chief Constables listed in schedule 2 to the order shall procure that the officers within their forces give the relevant person whose details are to be provided to the Claimant not less than 48 hours' notice that disclosure will be given under the order and supply a copy of the same or refer to an e-mail address/website or phone number provided by the Claimant to enable the order to be provided/available for consideration.
8. The Claimant shall serve a copy of this order upon the Chief Constables of the forces listed in Schedule 2 to this Order and also upon the Police Representative Assistant Chief Constable Owen Weatherill (owen.weatherill@npocc.police.uk), by email only.

### **Brief reasons**

I retain a concern that the Claimant's submissions as to the how the requirements of CPR 31.17 (3) are satisfied assumes what needs to be proved in that there is a case against the relevant individual to be supported. I appreciate that the test is of likelihood of support ("may well" support), but there has been at least one example to date where the disclosure provided under the order has not provided such support and an objection could have been immediately raised. The submissions made in relation to conduct of individuals not caught by the terms of the order being not "unrelated" to the prohibitions under its terms and the "efficiency" of the police only elevate my concerns.

The Court has a clear obligation to ensure, if necessary of its own motion, that this intrusive jurisdiction is not used inappropriately, a fortiori where it concerns the data of individuals who will have had no opportunity to object to its disclosure to the Claimant. In my judgment Article 8 may be engaged and the court must be wary of broad brush assessment of justification before the facts in relation to any particular incident/individual are known

Ordering disclosure against non-parties is an exception and not the normal rule and the power is to be exercised with caution. There is a wide discretion in respect of the making of an order under CPR 31.17.

The order in force on an interim basis (and currently); goes beyond the provision of names and addresses to cover a range of documents. As Freedman J stated in **Transport for London-v-Lee**

"such disclosure may engage the Article 8 rights of individuals. However any interference with that right can be justified for the protection of rights and freedoms of others. Although there are occasions where the Court should consider inviting submissions on behalf of interested parties, this is much more likely where an order is being sought for the provision of detailed documents or records, as opposed to, for instance, simply asking for disclosure of a name and address"

I do not have the relevant orders made in the "numerous cases" in which it is said within the submission that "similar orders" have been made and I am concerned that there may have been a degree of incremental expansion in width. I will deal with the matter on the merits of this case and the submissions before me.

Having carefully considered the Claimant's submission I am prepared to continue the current order subject to a requirement that the Police give the relevant person not less than 48 hours' notice that disclosure will be given under the order and supply a copy of the same or refer to an e-mail address/website or phone number provided by the Claimant to enable the order to be provided.

## Service of this order

9. Pursuant to CPR r. 6.15, 6.27 and r.81.4:

- a. The Claimant shall serve this Order upon D1 by:
  - i. Posting a direct link to this Order on the National Highways Injunctions Website at:

<https://nationalhighways.co.uk/media/rxvlibud/25-july-2023-sealed-order-national-highways-v-persons-unknown.pdf>

- ii. Publishing social media posts on the National Highways Twitter and Facebook platforms advertising the existence of this Order and providing a link to the Injunction Website.
- iii. Emailing a copy of this Order to:
  1. [juststopoil@protonmail.com](mailto:juststopoil@protonmail.com)
  2. [juststopoilpress@protonmail.com](mailto:juststopoilpress@protonmail.com)
  3. [insulatebritainlegal@protonmail.com](mailto:insulatebritainlegal@protonmail.com)

10. Pursuant to CPR r. 6.15, 6.27 and r.81.4, the Claimant is permitted in addition to personal service, where practicable, to serve this Order on each Named Defendant by:

- a. Placing this Order on the Injunction Website; and
- b. Electronic means: where a Named Defendant has provided an email address to the Claimant, the Claimant shall serve that Named Defendant with this Order by sending this Order by email to that email address or
- c. Post: by posting a copy of this Order through the letterbox of each Named Defendant (or leaving in a separate mailbox) at their last known address, with a notice drawing the recipient's attention to the fact the package contains a Court Order. If the address does not have a letterbox, or mailbox, a package containing this Order may be affixed to or left at the front door or other prominent feature 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. It is open to any Defendant to contact the Claimant to identify an alternative place for service and, if they do so, it is not necessary for a notice or package to be affixed to or left at the front door or other prominent feature; or
- d. Social media: only in circumstances where the Claimant has no address, or no email address for a Named Defendant, but is aware of that Named Defendant having a social media account which will permit the Claimant to contact that Named Defendant directly, the Claimant may serve this Order by sending a message to that Named Defendant providing either this Order or a link to the Injunction Website.

11. Where a Named Defendant is known by the Claimant to be in prison this order shall be served by sending it by first class and/or special delivery post to the Named Defendant at the prison in which the Claimant reasonably considers they are being held.
12. Service in accordance with the provisions of paragraphs 9 and 10 above shall be good and sufficient service of this Order on the Defendants and each of them and the requirement for personal service is dispensed with accordingly.

### **Liberty to apply**

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 by email to the addresses specified at paragraph 23 below 48 hours before making such application of the nature of such application and the basis for it.
14. 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.
15. The Claimant has liberty to apply to extend, vary or discharge this Order, or for further directions.

### **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

**BY THE COURT**

**MADE ON 24<sup>th</sup> July 2023**

