

IN THE HIGH COURT OF JUSTICE

Claim no. QB-2021-003985

QUEEN'S BENCH DIVISION

Before: Mr Justice Lavender

11 November 2021

B E T W E E N:

NATIONAL HIGHWAYS LIMITED



QB-2021-003985

-and-

(1) PERSONS UNKNOWN WHO ARE DELIBERATELY 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 134 OTHERS

Defendants

ORDER

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 reading the witness statements submitted on behalf of the Claimant and on behalf of Jessica Branch (signed) and Caspar Hughes (unsigned)

AND UPON hearing Saira Kabir Sheikh QC and Charles Merrett for the Claimant and Owen Greenhall on behalf of Jessica Branch and Caspar Hughes (non-parties) and Dr Diana Warner, Liam Norton, Stephen Gower, Andria Efthimious-Mordaunt, Victoria Lindsell, Michael Spencer Brown, Rob Stuart and Jerrard Latimer, all named Defendants.

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 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 the verges, central reservation, on- and off-slip roads.

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 the 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 those parts of 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, covers the entire SRN.

2.4 This Order replaces the Order made by Linden J on 25 October 2021, which is discharged with effect from today.

Injunction in force:

IT IS FURTHER ORDERED THAT:

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 deliberately undertaking the activities prohibited in paragraphs 3.1, 3.2, 3.3 and 3.4 below:

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, including doing so by any activity on any adjacent slip roads or roundabouts which are not vested in the Claimant, 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 SRN.

3.3 Causing, assisting or encouraging any other person to do any act prohibited by paragraphs 3.1 and 3.2 above.

3.4. Continuing any act prohibited by paragraphs 3.1 – 3.3 above.

4. The activities prohibited by paragraphs 3.1 and 3.2 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 SRN:

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

- 4.2 Erecting any structure on the SRN.
 - 4.3 Tunnelling in the vicinity of the SRN.
 - 4.4 Abandoning any vehicle or item on the SRN with the intention of causing an obstruction.
 - 4.5 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.
- 5. The Claimant shall place copies of this Order and the Claim Form on the National Highways and Gov.uk website.
 - 6. For the avoidance of doubt, compliance with paragraph 5 shall not constitute service.

Alternative Service

- 7. For the avoidance of doubt, persons who have not been served with this order by an acceptable method are not bound by its terms and sending the Order of Linden J of 25 October 2021 pursuant to paragraph 6 of that Order by email to Insulate Britain at ring2021@protonmail.com did not constitute service of that Order.
- 8. Service of this Order on named defendants may be affected by personal service where practicable and/or posting a copy of this Order 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. 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 packages to be affixed to the front door.

Further directions

- 9. 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).

10. Any person applying to vary or discharge this order must provide their full name and address and 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 joined to proceedings.
11. The Claimant has liberty to apply to extend or vary this Order or for further directions.
12. Costs reserved.

Communications with the Claimant

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

FAO: Petra Billing (petra.billing@dlapiper.com) and Mary Barraclough (mary.barraclough@dlapiper.com)

DLA Piper UK LLP

1 St Paul's Place

Sheffield

S1 2JX

Ref: PXB/MEB/439241/1

P: 07968 558 801

Dated the 11th November 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”

[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 - Petra Billing, DLA Piper UK LLP, Tel: 07968 558 801”