Neutral Citation Number: [2026] EWHC 2569 (KB)

Case No: QB-2022-001236

**IN THE HIGH COURT OF JUSTICE**
**KING'S BENCH DIVISION**

Royal Courts of Justice
Stand, London, WC2A 2LL

Date: 9 October 2026

**Before**:

**HHJ Emma Kelly sitting as a Judge of the High Court**

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**Between :**

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| **NORTH WARWICKSHIRE BOROUGH COUNCIL** | **Claimant** |
| **- and –** | |
| **THE DEFENDANTS LISTED AT SCHEDULE A TO THIS JUDGMENT** | **Defendants** |

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**Ms Charlotte Crocombe** (instructed by **North Warwickshire Borough Council, Legal Services**) for the **Claimant.**

The **Defendants** did not attend and were not represented.
Hearing date: 7 October 2026.
Judgment handed down remotely at 10.30am on 9 October 2026 by circulation to the Claimant's representatives by email (for them to serve on the Defendants within 7 days of receipt) and by release to the National Archives.

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# APPROVED JUDGMENT

**HHJ Emma Kelly:**

## Introduction

1. This is the second annual review of an injunction granted in this matter to North Warwickshire Borough Council ("the Claimant"). The Claimant seeks continuation of the existing order and power of arrest.

2. The Defendants are a combination of 'Persons Unknown' and named individuals connected with protest activity at an inland oil terminal known as Kingsbury Oil Terminal ("the Terminal") in Kingsbury, Warwickshire. None of the Defendants attended or were represented at the second review hearing.

## Background

3. The background to the claim is set out at [3]–[13] and [18]-[43] of the judgment that followed the trial: *North Warwickshire Borough Council v Barber & Others* [2024] EWHC 2254 (KB) ('*NWBC 1*').

4. By order dated 6 September 2024, I granted an injunction, prohibiting protests within the boundary of the Terminal and restricting certain protest activity within the locality of the Terminal ('the Injunction'). A power of arrest was attached to the Injunction, pursuant to s.27 of the Police and Justice Act 2006. The Injunction was to remain effective until 16:00 on 6 September 2027, subject to annual reviews.

5. The first review hearing occurred on 18 September 2025. The judgment that followed the review hearing set out the updated evidential position as it stood at that time: *North Warwickshire Borough Council v Barber & Others* [2025] EWHC 2403 (KB) ('*NWBC 2*'). The evidence included that of Mr Maxey, the Claimant's Chief Executive, who stated that:

    i) Protest groups affiliated with the Defendants remained active,

    ii) The Claimant was still receiving notification of planned direct action by other unaffiliated climate groups,

    iii) The nature of the risks posed by direct action or civil disobedience remained unchanged,

    iv) There had been no further protests since the Injunction was granted,

    v) The police still considered the injunction essential, and

    vi) Just Stop Oil had changed the focus of their campaign to stopping the extraction and burning of oil and gas by 2030.

6. By order dated 21 October 2025 ("the First Review Order"), the Injunction and Power of Arrest were continued without amendment, save that both orders were discharged against the 16th Defendant (Jane Thewlis) only. The discharge of the Injunction and Power of Arrest as against Ms Thewlis was to correct a

typographical error in the original orders by which the Ms Thewlis had been included in error in the list of named defendants.

7. The First Review Order directed a second review hearing at 10.30am on 18 September 2026 at Birmingham District Registry. The hearing on that occasion was adjourned to 7 October 2026 due to the court failing to list the case. No Defendant attended the hearing on 18 September 2026. The order of 18 September 2026 ("the Adjournment Order") relisted the second review hearing at 10.30am on 7 October 2026 at the Royal Courts of Justice and required the Claimant to serve the Adjournment Order on the Defendants within 7 days of receipt of the sealed order.

**Service**

8. For the reasons given at [5] – [11] of *NWBC 2*, I was satisfied that the Injunction and Power of Arrest had been served on the Defendants.

9. Paragraph 5 of the First Review Order provided notice of the time, date and location of the second review hearing. The First Review Order did not specify the date by which said order had to be served on the Defendants. The witness statement of Ms Sofia Ali, the Claimant's Assistant Director of Legal Services, dated 15 September 2026, provides evidence of the steps the Claimant has taken to serve the First Review Order and otherwise advertise the details of the second review hearing. On 19 September 2025, the Claimant posted a media release on its website and social media account to the effect that the Injunction and power of arrest had been reviewed, remained in force and would be subject to another review in 12 months' time. On 26 November 2025, the Claimant caused the 17 signs at the Terminal to be updated with details of the second review hearing. On 2 September 2026, a copy of the First Review Order was uploaded to the Claimant's website and a further press release placed on the Claimant's website and social media accounts informing readers of the time, date and location of the Second Review hearing. On the same day, the Claimant asked Warwickshire Police to share the information on their social media accounts. On 4 September 2026, the named Defendants were emailed or posted the First Review Order, in accordance with the mode of service prescribed by paragraph 9 of the First Review Order. On 14 September 2026, the Claimant emailed the First Review Order to youthclimateswarm@protonmail.com and juststopoil@protonmail.com although the email to Youth Climate Swarm was returned as undelivered.

10. Whilst the First Review Order did not specify the date by which the Claimant was to serve the said order on the Defendants, it was implicit that the Claimant should do so in a timely manner. It is therefore unsatisfactory that the Claimant did not serve the order on the named Defendants until early September 2026, albeit I recognise that a number of steps were taken to publicise the date of the second review hearing.

11. The adjournment of the hearing on 18 September 2026 has however remedied any prejudice that Defendants may have been occasioned by the late service of

the First Review Order. Paragraph 1 of the Adjournment Order provided the hearing date, time and place of the adjourned second review hearing. Paragraphs 2 and 3 of the same order required the Claimant to effect service of the Adjournment Order on the Defendants by variously first class post, email and alternative methods, within 7 days of receipt of the sealed order. Certificates of service confirm that service of those named Defendants required to be served by email occurred on 22 September 2026, and on those required to be served by first class post on 24 September 2026. Ms Sofia Ali has provided a witness statement, dated 25 September 2026, setting out the steps she took to comply with the alternative service provisions on the persons unknown Defendants and other Defendants for whom the Claimant has no email or postal address. The last step was completed on 24 September 2026. I am therefore satisfied that the Defendants have been served with the Adjournment Order, have thus been provided with notice of the second review hearing and have had an opportunity to participate.

12. At the second review hearing on 7 October 2026, I dealt with the Claimant's application, dated 15 September 2026, for relief from sanctions in respect of the late compliance with four aspects of the First Review Order as to updating of signage at the Terminal, the filing and serving of updating evidence and the hearing bundle for the second review, and the uploading of a copy of the judgment from the first review onto the Claimant's website. For the reasons given in an ex tempore judgment during the hearing, I granted that application.

## Legal Framework

13. The applicable legal framework for review hearings has not changed since the last review in this case. A review hearing remains an important, and in cases of persons unknown a required, process to ensure the continuation of the injunction remains justified. As noted by the Supreme Court in *Wolverhampton City Council & others v London Gypsies and Travellers & others* [2023] UKSC 47 ("*Wolverhampton*") at [225], the review hearing:

> "…will give all parties an opportunity to make full and complete disclosure to the court, supported by appropriate evidence, as to how effective the order has been; whether any reasons or grounds for its discharge have emerged; whether there is any proper justification for its continuance; and whether and on what basis a further order ought to be made."

14. As I noted in *NWBC 2* at [13]:

> "A review hearing is not an opportunity to revisit the original merits of the claim afresh. The proper focus of the review is to consider whether anything material has changed since the injunction and power of arrest were granted. Material changes may be factual and/or developments in the law since the order was granted. If there has been a material change or changes, the Court needs to question whether the scope of the injunction needs amending or indeed whether there remains a compelling need for any kind of injunction

> or power or arrest at all. Such an approach is consistent with the views expressed in a number of post-*Wolverhampton* cases including by Ritchie J in *HS2 v Persons Unknown* [2024] EWHC 1277 (KB) at [32]-[33], Hill J in *Valero v Persons Unknown* [2025] EWHC 207 (KB) ("*Valero*") at [20]-[23], and Sweeting J in *Esso Petroleum Company v Persons Unknown* [2025] EWHC 1768 (KB) ("*Esso*") at [5]-[8]."

15. In the recent case of *Teledyne UK Ltd v Persons Unknown* [2026] EWHC 2252 (KB), Soole J, at [9] noted the observations of Garnham J in *Rochdale Metropolitan Borough Council v Persons Unknown* [2025] EWHC 1314 (KB) ("*Rochdale*"), where at [51] the judge stated:

> "In my judgment the correct approach is dictated by the Supreme Court's judgment in *Wolverhampton* and in particular [225]. This is not a 'tick box' exercise, but the matters on which evidence should be adduced and argument focused are (i) how effective the order has been; (ii) whether any reasons or grounds for its discharge have emerged; (iii) whether there is any proper justification for its continuance; and (iv) whether and on what basis a further order ought to be made. The parties should give full disclosure, supported by appropriate evidence, directed towards those questions."

## The evidence

16. The Council relies on the updating evidence from Mr Maxey, the Claimant's Chief Executive. He is also the Claimant's representative on the Strategic Coordinating Group of the Warwickshire Local Resilience Forum. In his sixth witness statement, dated 9 September 2026, he explains that he has undertaken a further internal review of the current need for the injunction and power of arrest.

17. Mr Maxey states that, since the first review hearing, there have been no further protests at the Terminal, no breaches of the Injunction and the Claimant has not received any notifications of planned direct action by Just Stop Oil ("JSO") or affiliated groups. He believes the Injunction and power of arrest are having the intended deterrent effect.

18. He notes that JSO and Extinction Rebellion, the main protest groups with which the named Defendants are affiliated, remain active. Whilst JSO vowed to end disruptive protests some 18 months ago, Mr Maxey believes they have relaunched their campaign. He points to a protest on 2 September 2026 at which approximately 60 JSO activists blocked roads at Parliament Square due to an indication by the Prime Minister that he was "deciding whether to have more oil and gas projects". Mr Maxey has checked JSO's website which, as at the date of his statement, read: "FOR FUCK'S SAKE JUST STOP OIL! Think this summer was bad? It was just the start. Every new oil and gas project will make things worse…if you feel the same, now is the time to resist". The website contained a link below the wording by which readers could sign up to join a call to plan "what happens next".

19. Mr Maxey expresses his concern that the Terminal, which is one of the largest oil terminals in the country and is capable of holding 405 million litres of flammable liquids, remains a target for future civil resistance action. He states he is confident that advance notice of any such protests would not be given to the Claimant or police so as to enable any safety planning. He concludes that the nature of the explosive risks remain the same, putting the lives and livelihoods of countless residents and the local environment at risk.

20. At the hearing on 7 October 2026, Mr Maxey gave oral evidence on oath to provide an update as to JSO's current stated position on their website. He notes that, as at 7 October 2026, the landing page of JSO's website included the following wording, under the hearing "Action":

> "We will not just sit around and wait while everything we love is being destroyed. So once again we are putting our bodies on the line, risking arrest and even imprisonment…If you feel the same, now is the time to resist. Don't wait for others to lead the way. We are all Just Stop Oil now.
>
> Register now to join our next online call 10am, 17th October 2026"

**Discussion**

21. It is apparent from Mr Maxey's sixth statement that he has undertaken research to ascertain the current evidential position and addressed his mind to whether there is an ongoing need for the Injunction and power of arrest. There is nothing to suggest that the Claimant has been other than full and frank in its updating evidence and the manner in which it has presented its case at the second review hearing.

22. I turn to consider whether there has been any material factual change since the Injunction and First Review Order.

23. There has been no protest activity at the Terminal or any breaches of the Injunction since the first review. Evidence of a cessation of protest activity does not however equate to the threat having dissipated but, on the facts of this case, amounts to evidence that the Injunction has continued to have its intended deterrent effect: applying *Valero* at [34]. The logic I applied in *NWBC 2* at [21] continues to apply to the evidence of cessation as at the second review.

24. In March 2025, JSO published a statement stating they were "hanging up the hi vis". However, by the date of the first review in September 2025, JSO's website made references to "just getting started", civil resistance and a "new revolutionary direct action campaign". I concluded in *NWBC 2* at [22] that the evidence suggested that JSO had further direct action planned and that the Terminal remained at risk of a continued real and imminent risk of direct action. That risk of further direct action has evolved into actual direct action, as seen by JSO's actions in Parliament Square as recently as 2 September 2026. The current wording on JSO's website declaring that they "are once again putting our bodies on the line, risking arrest and even imprisonment", that "now is the

time to resist" and encouraging readers to join a call to find out "what happens next" is further evidence consistent with the resumption of direct action.

25. If individuals are minded to take direct action or other protest activity, the Terminal remains a prominent target. Mr Maxey confirms that the Terminal continues to be one of the largest oil terminals in the country capable of holding 405 million litres of flammable liquids. It is located close to a significant number of residential properties. Interference with the operation of the Terminal gives rise to an increased risk of fire or explosion. The consequences of any fire or explosion would be a significant risk to life, property, the livelihoods of those working in the locality and to the environment. Taking account of the updated evidence, I consider the threat of direct action at the Terminal is actually higher now than it was at the first review.

26. I have considered whether there have been any material changes in legislation or caselaw since the first review but none have been identified.

27. Taking the guidance in *Wolverhampton* at [225], summarised by Garnham J in *Rochdale* at [51], into account:

    i) The Injunction and power of arrest have been very effective in deterring dangerous protest activity at the Terminal. There have been no breaches of the Injunction since the first review hearing.

    ii) No reasons or grounds for discharge have emerged. No Defendant has engaged with the review process or otherwise raised any reason or grounds for discharge. The Claimant has provided full and frank updating evidence which does not identify any factual basis for discharge or variation. No legal basis for discharge or variation has been identified.

    iii) There is proper justification for its continuance. There is evidence that JSO has resumed direct action. The risks that justified the making of the Injunction remain. The Terminal remains at high risk of direct protest, and the consequences of any fire or explosion at the Terminal remain the same.

28. I am therefore persuaded that, having reviewed the evidence and legal landscape, nothing material has changed so as to warrant the amendment or discharge of the Injunction and power of arrest. The Injunction and power of arrest will therefore continue in unamended form.

29. There is no need to list a further annual review as the Injunction and power of arrest expire by effluxion of time at 4pm on 6 September 2027. If the Claimant wishes to apply for an extension of the Injunction, the onus will rest upon it to make a formal application. Paragraph 9 of the Injunction provides 'liberty to apply' and continues to provide any person served with or affected by the order with a mechanism for applying to vary or discharge the same.

HHJ Emma Kelly

SCHEDULE A

SCHEDULE OF DEFENDANTS

| SCHEDULE OF DEFENDANTS |
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| (2) THOMAS BARBER |
| (3) MICHELLE CADET-ROSE |
| (4) TIMOTHY HEWES |
| (5) JOHN HOWLETT |
| (6) JOHN JORDAN |
| (7) CARMEN LEAN |
| (8) ALYSON LEE |
| (9) AMY PRITCHARD |
| (10) STEPHEN PRITCHARD |
| (11) PAUL RAITHBY |
| (14) JOHN SMITH |
| (15) BEN TAYLOR |
| (17) ANTHONY WHITEHOUSE |
| (19A) PERSONS UNKNOWN WHO, OR WHO INTEND TO, PARTICIPATE IN PROTESTS WITHIN THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA (THE "TERMINAL") AGAINST THE PRODUCTION OF FOSSIL FUELS AND/OR THE USE OF FOSSIL FUELS, AND/OR THE GRANT OF LICENCES TO EXTRACT FOSSIL FUELS; |
| (19B) PERSONS UNKNOWN WHO, OR WHO INTEND TO, PARTICIPATE IN PROTESTS IN THE LOCALITY OF THE TERMINAL, AGAINST THE PRODUCTION OF FOSSIL FUELS AND/OR THE USE OF FOSSIL FUELS AND/OR THE GRANT OF LICENCES TO EXTRACT FOSSIL FUELS, AND WHO, IN CONNECTION WITH ANY SUCH PROTEST, DO, OR INTEND TO DO, OR INSTRUCT ASSIST OR ENCOURAGE ANY OTHER PERSON TO DO, ANY OF THE FOLLOWING:<br><br>(A) ENTER OR ATTEMPT TO ENTER THE TERMINAL;<br>(B) CONGREGATE AT ANY ENTRANCE TO THE TERMINAL;<br>(C) OBSTRUCT ANY ENTRANCE TO THE TERMINAL; |

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| (D) CLIMB ON TO OR OTHERWISE DAMAGE OR INTERFERE WITH ANY VEHICLE OR ANY OBJECT ON LAND (INCLUDING BUILDINGS, STRUCTURES, CARAVANS, TREES AND ROCKS);<br>(E) DAMAGE ANY LAND INCLUDING (BUT NOT LIMITED TO) ROADS, BUILDINGS, STRUCTURES OR TREES ON THAT LAND, OR ANY PIPES OR EQUIPMENT SERVING THE TERMINAL ON OR BENEATH THAT LAND;<br>(F) AFFIX THEMSELVES TO ANY OTHER PERSON OR OBJECT OR LAND (INCLUDING ROADS, STRUCTURES, BUILDINGS, CARAVANS, TREES OR ROCKS);<br>(G) ERECT ANY STRUCTURE;<br>(H) ABANDON ANY VEHICLE WHICH BLOCKS ANY ROAD OR IMPEDES THE PASSAGE OF ANY OTHER VEHICLE ON A ROAD OR ACCESS TO THE TERMINAL;<br>(I) DIG ANY HOLES IN OR TUNNEL UNDER (OR USE OR OCCUPY EXISTING HOLES IN OR TUNNELS UNDER) LAND, INCLUDING ROADS; OR<br>(J) ABSEIL FROM BRIDGES OR FROM ANY OTHER BUILDING, STRUCTURE OR TREE ON LAND. |
| (19C) PERSONS UNKNOWN WHO, OR WHO INTEND TO, ORGANISE, PUBLICISE OR PROMOTE ANY PROTEST WITHIN THE TERMINAL AGAINST THE PRODUCTION OF FOSSIL FUELS AND/OR THE USE OF FOSSIL FUELS AND/OR THE GRANT OF LICENCES TO EXTRACT FOSSIL FUELS. |
| (19D) PERSONS UNKNOWN WHO, OR WHO INTEND TO, ORGANISE, PUBLICISE OR PROMOTE ANY PROTEST IN THE LOCALITY OF THE TERMINAL, AGAINST THE PRODUCTION OF FOSSIL FUELS AND/OR THE USE OF FOSSIL FUELS AND/OR THE GRANT OF LICENCES TO EXTRACT FOSSIL FUELS, AT WHICH PROTEST THEY INTEND OR FORESEE OR OUGHT TO FORESEE THAT ANY OF THE ACTS DESCRIBED AS PART OF THE DESCRIPTION OF DEFENDANT 19B WILL BE CARRIED OUT. |
| (20) JOHN JORDAN |
| (22) MARY ADAMS |
| (23) COLLIN ARIES |
| (24) STEPHANIE AYLETT |
| (25) MARCUS BAILIE |
| (28) PAUL BELL |
| (29) PAUL BELL |

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| (30) SARAH BENN |
| (31) RYAN BENTLEY |
| (32) DAVID ROBERT BARKSHIRE |
| (33) MOLLY BERRY |
| (34) GILLIAN BIRD |
| (36) PAUL BOWERS |
| (37) KATE BRAMFITT |
| (38) SCOTT BREEN |
| (40) EMILY BROCKLEBANK |
| (42) TEZ BURNS |
| (43) GEORGE BURROW |
| (44) JADE CALLAND |
| (46) CAROLINE CATTERMOLE |
| (48) MICHELLE CHARLESWORTH |
| (49) ZOE COHEN |
| (50) JONATHAN COLEMAN |
| (53) JEANINIE DONALD-MCKIM |
| (55) JANINE EAGLING |
| (56) STEPHEN EECKELAERS |
| (58) HOLLY JUNE EXLEY |
| (59) CAMERON FORD |
| (60) WILLIAM THOMAS GARRATT-WRIGHT |
| (61) ELIZABETH GARRATT-WRIGHT |
| (62) ALASDAIR GIBSON |
| (64) STEPHEN GINGELL |
| (65) CALLUM GOODE |
| (68) JOANNE GROUNDS |
| (69) ALAN GUTHRIE |
| (70) DAVID GWYNE |
| (71) SCOTT HADFIELD |
| (72) SUSAN HAMPTON |
| (73) JAKE HANDLING |
| (75) GWEN HARRISON |

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| (76) DIANA HEKT |
| (77) ELI HILL |
| (78) JOANNA HINDLEY |
| (79) ANNA HOLLAND |
| (81) JOE HOWLETT |
| (82) ERIC HOYLAND |
| (83) REUBEN JAMES |
| (84) RUTH JARMAN |
| (85) STEPHEN JARVIS |
| (86) SAMUEL JOHNSON |
| (87) INEZ JONES |
| (88) CHARLOTTE KIRIN |
| (90) JERRARD MARK LATIMER |
| (91) CHARLES LAURIE |
| (92) PETER LAY |
| (93) VICTORIA LINDSELL |
| (94) EL LITTEN |
| (97) DAVID MANN |
| (98) DIANA MARTIN |
| (99) LARCH MAXEY |
| (100) ELIDH MCFADDEN |
| (101) LOUIS MCKECHNIE |
| (102) JULIA MERCER |
| (103) CRAIG MILLER |
| (104) SIMON MILNER-EDWARDS |
| (105) BARRY MITCHELL |
| (106) DARCY MITCHELL |
| (107) ERIC MOORE |
| (108) PETER MORGAN |
| (109) RICHARD MORGAN |
| (110) ORLA MURPHY |
| (111) JOANNE MURPHY |
| (112) GILBERT MURRAY |

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| (113) CHRISTIAN MURRAY-LESLIE |
| (114) RAJAN NAIDU |
| (115) CHLOE NALDRETT |
| (117) DAVID NIXON |
| (118) THERESA NORTON |
| (119) RYAN O TOOLE |
| (120) GEORGE OAKENFOLD |
| (121) NICOLAS ONLAY |
| (122) EDWARD OSBOURNE |
| (123) RICHARD PAINTER |
| (124) DAVID POWTER |
| (125) STEPHANIE PRIDE |
| (127) SIMON REDING |
| (128) MARGARET REID |
| (129) CATHERINE RENNIE-NASH |
| (130) ISABEL ROCK |
| (131) CATERINE SCOTHORNE |
| (133) GREGORY SCULTHORPE |
| (135) VIVIENNE SHAH |
| (136) SHEILA SHATFORD |
| (137) DANIEL SHAW |
| (138) PAUL SHEEKY |
| (139) SUSAN SIDEY |
| (141) JOSHUA SMITH |
| (142) KAI SPRINGORUM |
| (145) HANNAH TORRANCE BRIGHT |
| (146) JANE TOUIL |
| (150) SARAH WEBB |
| (151) IAN WEBB |
| (153) WILLIAM WHITE |
| (155) LUCIA WHITTAKER-DE-ABREU |
| (156) EDRED WHITTINGHAM |
| (157) CAREN WILDEN |

(158) MEREDITH WILLIAMS