

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No. QB-2022-001236

In the matter of an application for an injunction under s.222, Local Government Act 1972 s.130(5), Highways Act 1980 and s.1, Localism Act 2011.

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

and



QB-2022-001236

- (1) DAVID BALDWIN
- (2) THOMAS BARBER
- (3) MICHELLE CADET-ROSE
- (4) TIM HEWES
- (5) JOHN HOWLETT
- (6) JOHN JORDAN
- (7) CARMEN LEAN
- (8) ALISON LEE
- (9) AMY PRITCHARD
- (10) STEPHEN PRITCHARD
- (11) PAUL RAITHBY
- (12) HOLLY ROTHWELL
- (13)
- (14) JOHN SMITH
- (15) BEN TAYLOR
- (16) JANE THEWLIS
- (17) ANTHONY WHITEHOUSE
- (18) ANDREW WORSLEY

(19) PERSONS UNKNOWN WHO ARE ORGANISING, PARTICIPATING IN OR ENCOURAGING OTHERS TO PARTICIPATE IN PROTESTS AGAINST THE PRODUCTION AND/OR USE OF FOSSIL FUELS, IN THE LOCALITY OF THE SITE KNOWN AS KINGSBURY OIL TERMINAL, TAMWORTH B78 2HA

Defendants

INTERIM INJUNCTION 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

On the 5 May, 2022, before Mr Justice Sweeting, sitting at the Birmingham Magistrates' Court, Victoria Law Courts, Birmingham B4 6PH, the Court considered an application by the Claimant to continue, in an amended form, an injunction granted by the Court on 14 April 2022.

UPON hearing the Claimant's said application and an application to discharge the injunction brought by Mr Jake Handling and Ms Jessica Branch (the "Applicants")

AND UPON hearing counsel Mr Manning and Ms Crocombe for the Claimant, and Counsel, Mr Simblet QC for the Mr Jake Handling and Ms Jessica Branch, with no other party attending;

AND UPON considering an application for an interim injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.37(1) Senior Courts Act 1981

AND FURTHER UPON the Court being satisfied for the purposes of section 12(2) of the Human Rights Act 1998 that the Claimant has taken all practicable steps to notify the Defendants of this application.

AND FURTHER UPON the Court having previously been satisfied for the purposes of section 12(3) of the Human Rights Act 1998 that the Claimant is likely to establish at the trial of this claim that any publication restrained by this Order should not be allowed.

AND FURTHER UPON the Court having particular regard to the importance of the Convention right to freedom of expression but finding in the circumstances, having previously been satisfied that it is just and convenient, and proportionate, to grant injunctive relief in the terms set out herein, pending the trial of this claim.

AND FURTHER UPON the Court having previously been satisfied for the purposes of s.27(3), Police and Justice Act 2006, that there is a significant risk of harm to a person or persons from

the conduct prohibited by this Order and that a power of arrest should therefore be granted.

AND pending the court giving its judgment and reaching its decision on the applications mentioned above considering it appropriate to maintain the current position in relation to there being an injunction and a power of arrest until judgment or further order on the applications before the court.

IT IS ORDERED THAT

1. The Defendants SHALL NOT (whether by themselves or by instructing, encouraging or allowing any other person):
 - (a) organise or participate in (whether by themselves or with any other person), or encourage, invite or arrange for any other person to participate in any protest against the production or use of fossil fuels, at Kingsbury Oil Terminal (the “Terminal”), taking place within the areas the boundaries of which are edged in red on the Map attached to this Order at Schedule 1.
 - (b) in connection with any such protest anywhere in the locality of the Terminal perform any of the following acts:
 - (i) entering or attempting to enter the Terminal
 - (ii) congregating or encouraging or arranging for another person to congregate at any entrance to the Terminal
 - (iii) obstructing any entrance to the Terminal
 - (iv) climbing on to or otherwise damaging or interfering with any vehicle, or any object on land (including buildings, structures, caravans, trees and rocks)
 - (v) damaging 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
 - (vi) affixing themselves to any other person or object or land (including roads, structures, buildings, caravans, trees or rocks)
 - (vii) erecting any structure
 - (viii) abandoning any vehicle which blocks any road or impedes the passage any other vehicle on a road or access to the Terminal
 - (ix) digging any holes in or tunnelling under (or using or occupying existing tunnels under) land, including roads;
 - (x) abseiling from bridges or from any other building, structure or tree on land or
 - (xi) instructing, assisting, or encouraging any other person to do any act prohibited by paragraphs (b)(i)-(x) of this Order.
2. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1(a) and (b) above.
3. This Order and power of arrest shall continue until the hearing of the Claim unless previously varied or discharged by further Order of the Court.
4. Any person served with a copy of, or affected by, this Order may apply to the Court to

vary or discharge it, on 48 hours written notice to the Claimant at the address set out at the foot of this Order.

5. Pursuant to CPR rules 6.15, 6.27 and 81.4(2) (c) and (d), the Claimant shall be permitted to serve the Claim Form and supporting documents relied on, and this Order and power of arrest, by the alternative methods specified at Schedule 2 to this Order. Reservice of the Claim Form and supporting documents is dispensed with.
6. The deemed date of service of the documents referred to at paragraph 5 above shall be the date of the relevant certificate of service on completion of the steps described in Schedule 2 to this Order.

If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.

Name and Address of the Claimant's Legal Representatives

Ms Annie Ryan

The Council House

South Street

Atherstone

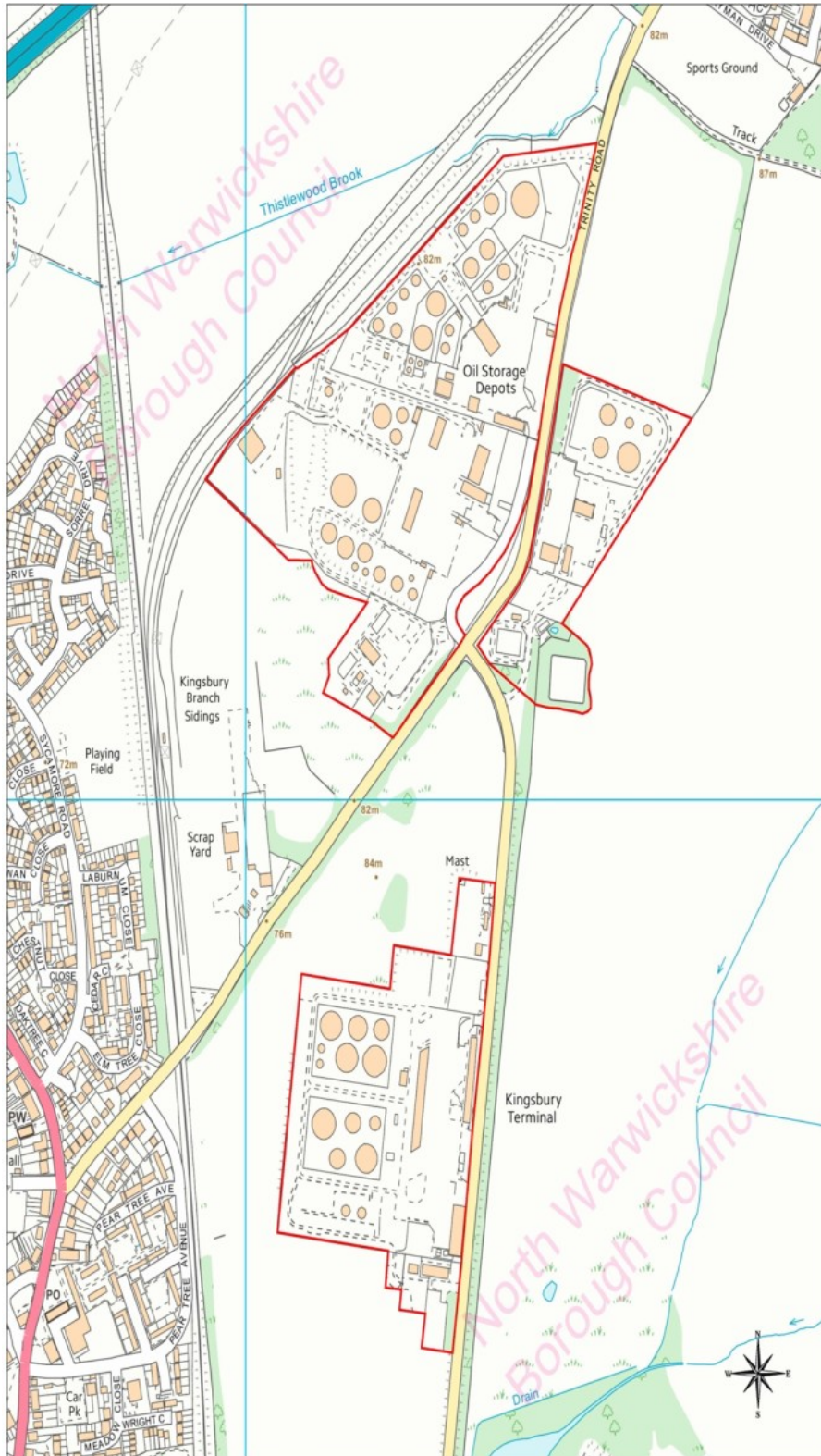
Warwickshire CV9 1DE

Email:

clivetobin@northwarks.gov.uk

annieryan@northwarks.gov.uk

SCHEDULE 1



North Warwickshire
Borough Council

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Ordnance Survey 100017910



Operator:	xxxxxx
Department:	xxxxxx
Drawing No:	nnnnnn
Date:	06/05/2022
Scale:	1:5000

SCHEDULE 2

1. Service of the Claim Form and this Order shall be effected by
 - (i) placing signs informing people of
 - (a) this Claim,
 - (b) this Order and power of arrest, and the area in which they have effect and
 - (c) where they can obtain copies of the Claim Form. Order and power of arrest, and the supporting documents used to obtain this Orderin prominent locations along the boundary of the buffer zone referred to at para.1 of this Order and particularly outside the Terminal and at the junctions of roads leading into the zone,
 - (ii) placing a copy prominently at the entrances to the Terminal;
 - (iii) posting a copy of the documents referred to at para.1(i)(c) above Order on its website, and publicising it using the Claimant's facebook page and twitter account, and posting on other relevant social media sites including local police social media accounts, and/or.
 - (iv) any other like manner as the Claimant may decide to use in order to bring the Claim Form and this Order and power of arrest to the attention of the Defendants and other persons likely to be affected.
2. If the Claimant intends to take enforcement proceedings against any person in respect of this Order, the Claimant shall, no later than the time of issuing such proceedings, serve on that person,
 - (i) a copy of the Claim Form and all supporting documents relied on to obtain this Order; and
 - (ii) a copy of this Order and power of arrest.
3. The Court will consider whether to join the person served to the proceedings as a named Defendant and whether to make any further Order.

Signed *Mr Justice Sweeting*

Dated 6th May 2022