

Claim No. QB-2022-001236

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

Her Honour Judge Emma Kelly

Dated the 6th September 2024



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.

BETWEEN

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

and

- (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**
- (16) JANE THEWLIS**
- (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:

- (A) ENTER OR ATTEMPT TO ENTER THE TERMINAL;**
- (B) CONGREGATE AT ANY ENTRANCE TO THE TERMINAL;**
- (C) OBSTRUCT ANY ENTRANCE TO THE TERMINAL;**
- (D) CLIMB ON TO OR OTHERWISE DAMAGE OR INTERFERE WITH ANY VEHICLE OR ANY OBJECT ON LAND (INCLUDING BUILDINGS, STRUCTURES, CARAVANS, TREES AND ROCKS);**
- (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;**
- (F) AFFIX THEMSELVES TO ANY OTHER PERSON OR OBJECT OR LAND (INCLUDING ROADS, STRUCTURES, BUILDINGS, CARAVANS, TREES OR ROCKS);**
- (G) ERECT ANY STRUCTURE;**
- (H) ABANDON ANY VEHICLE WHICH BLOCKS ANY ROAD OR IMPEDES THE PASSAGE OF ANY OTHER VEHICLE ON A ROAD OR ACCESS TO THE TERMINAL;**
- (I) DIG ANY HOLES IN OR TUNNEL UNDER (OR USE OR OCCUPY EXISTING HOLES IN OR TUNNELS UNDER) LAND, INCLUDING ROADS; OR**
- (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

AND 106 OTHERS LISTED AT SCHEDULE 1

Defendants

**POWER OF ARREST
UNDER SECTION 27, POLICE AND JUSTICE ACT, 2006**

The court orders that a power of arrest under section 27, Police and Justice Act 2006, applies to the following paragraphs of an order made on 6 September 2024.

1. The Defendants **SHALL NOT** (whether by themselves or by instructing, encouraging or allowing any other person):

Prohibition on protests within the boundaries of Kingsbury Oil Terminal

(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 of fossil fuels and/or the use of fossil fuels and/or the grant of licences to extract 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 2.

Prohibition on certain protest activities within the locality of Kingsbury Oil Terminal

(b) in connection with any protest against the production of fossil fuels and/or the use of fossil fuels and/or the grant of licences to extract fossil fuels, 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.

Power of Arrest The court thinks that there is a significant risk of harm to a person. A power of arrest is attached to the order whereby any constable may (under the power given by section 27 Police and Justice Act 2006) arrest without warrant a person if he or she has reasonable cause to suspect that the person is in breach of the provision.

This Power of Arrest **This power of arrest shall remain in force until 16:00 on 6 September 2027 unless previously varied or discharged by further Order of the Court.**

Note to the Arresting Officer Where a person is arrested under the power given by section 27, Police and Justice Act 2006, the section requires that:

- A constable who arrests a person for breach of the injunction must inform the person who applied for the injunction.
- A person arrested for breach of the injunction must, within the period of 24 hours beginning with the time of the arrest, be brought before a judge of the High Court.
- In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.
- The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.

Ordered by: HHJ Emma Kelly

On:

6 September 2024

SCHEDULE 1

- (22) MARY ADAMS**
- (23) COLLIN ARIES**
- (24) STEPHANIE AYLETT**
- (25) MARCUS BAILIE**
- (28) PAUL BELL**
- (29) PAUL BELL**
- (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
(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
(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