

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

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.

Before:

Her Honour Judge Emma Kelly Sitting as a Judge of the High Court

Dated: 6th September 2024

B E T W E E N

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

FINAL 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 11-12 June 2024 before Her Honour Judge Emma Kelly, sitting as a Judge of the High Court, sitting in the High Court of Justice, Kings Bench Division at the Royal Courts of Justice, Strand, London, WC2A 2LL the Court considered an application by the Claimant for a final injunction.

UPON hearing Counsel Mr Manning and Ms Crocombe for the Claimant, and Ms Lee (the 8th Defendant), Ms Hindley (the 78th Defendant) and Ms Naldrett (the 115th Defendant) in person.

AND UPON Timothy Hewes (the 4th Defendant), Stephen Pritchard (the 9th Defendant), Paul Raithby (the 11th Defendant), Marcus Bailie (the 25th Defendant), David Roberts Barkshire (the 32nd Defendant), Molly Berry (the 33rd Defendant), Kate Bramfitt (the 37th Defendant), Zoe Cohen (the 49th Defendant), Ruth Jarman (the 84th Defendant), Charles Laurie (the 91st Defendant), Victoria Lindsell (the 93rd Defendant), Christian Murray-Leslie (the 113th Defendant), Stephanie Pride (the 125th Defendant), Vivienne Shah (the 135th Defendant), and Sarah Webb (the 150th Defendant) attending in person.

AND UPON Caroline Cattermole (the 46th Defendant), Diana Martin (the 98th Defendant), Nicolas Onley (the 121st Defendant) and Daniel Shaw (the 137th Defendant) attending by remote link.

AND UPON the Court considering an application for a final 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 handing down of judgment [2024] EWHC 2254 (KB) on 6 September 2024 at Birmingham District Registry, The Priory Law Courts, 33 Bull Street, Birmingham, B4 6DS.

AND FURTHER UPON the Court concluding that the actions of the Defendants at Kingsbury Oil Terminal amount to a public nuisance, and that there remains a threat of further public nuisance being committed.

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 being satisfied that the restrictions of the Defendants' Article 10 and 11 rights contained within this order are (a) prescribed by law, (b) in pursuance of a legitimate aim, and (c) necessary in a democratic society.

AND FURTHER UPON the Court being satisfied that there is a compelling need for injunctive relief to protect the inhabitants of North Warwickshire and those who work in or travel through or otherwise visit the area from the more extreme types of protest activity at and in the locality of the Terminal that amount to public nuisance and/or criminal offences which is not currently being met by any other remedy available to the Claimant.

AND FURTHER UPON the Claimant having brought to the attention of the Court any matter which the 19th Defendants might wish to raise by way of opposition to the making of the order.

AND FURTHER UPON the Court considering that it is just and convenient in all the

circumstances that an injunction ought to be made.

AND FURTHER UPON the Court being 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.

IT IS ORDERED THAT

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 protect 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.

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 come into force on completion of the last of the service requirements detailed at paragraph 11 below and remain in force until 16:00 on 6 September 2027 unless previously varied or discharged by further Order of the Court.
4. The Interim Injunction and power of arrest dated 13 June 2024 shall be extended so as to remain in force until this Order and power of arrest come into force in accordance with paragraph 3 above, after which they shall be discharged.

Review Hearings

5. There shall be annual hearings to review the operation of this injunction and power of arrest, the first of which is to be held on **18 September 2025 at 10:30am** at Birmingham District Registry, The Priory Law Courts, 33 Bull Street, Birmingham, B4 6DS. The time estimate is 1 day.

6. The Claimant is to file and serve any updated evidence as to the operation of the injunction and power of arrest, and the updated position, 21 days prior to each review hearing in this matter.
7. A hearing bundle is to be filed with the Court and served 7 days prior to each review hearing in this matter together with, if the Claimant seeks any amendment to this Order or power of arrest, a copy of the proposed amendments.
8. Any skeleton arguments in this matter shall be filed with the Court and served 3 days prior to each review hearing in this matter.

Liberty to Apply

9. 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.

Service

10. Pursuant to CPR rule 6.38, the Claimant has permission to serve this Order and power of arrest on the 142nd Defendant outside of the jurisdiction.
11. Pursuant to CPR Rules 6.15, 6.27 and 81.4(2)(c) and (d), the Claimant shall be permitted to serve this Order and power of arrest:
 - (a) On the Defendants numbered 2, 22, 30, 32, 36, 37, 43, 49, 50, 53, 56, 58, 59, 60, 61, 69, 70, 71, 72, 79, 82, 83, 91, 92, 97, 99, 101, 103, 114, 117, 121, 122, 124, 127, 128, 129, 130, 131, 133, 135, 136, 146, 151, 156, and 157, by the alternative method of recorded first class post.
 - (b) On the Defendants numbered 4, 6, 8, 10, 11, 17, 20, 24, 25, 28, 29, 33, 34, 40, 44, 46, 48, 55, 65, 68, 76, 78, 81, 84, 85, 88, 90, 93, 94, 98, 102, 104, 106, 107, 108, 111, 113, 115, 120, 123, 137, 138, 139, 150, 153, and 158 by email.

(c) On the Defendants numbered 3, 5, 7, 9, 14, 15, 19A, 19B, 19C, 19D, 23, 31, 38, 42, 62, 64, 73, 75, 77, 86, 87, 91, 100, 105, 109, 110, 112, 118, 119, 125, 137, 141, 142, 145 and 155 by the alternative methods specified at Schedule 3 to this Order.

12. The deemed date of service of this Order and power of arrest on the Defendants identified in paragraph 11(c) above shall be the date of completion of the steps described in Schedule 3, paragraph 1 of this Order. The completion of those steps is to be verified by a witness statement to be filed at Court and uploaded to the Claimant's dedicated webpage within 7 days of completing those steps. Service of the said witness statement on the Defendants is dispensed with.

Costs

13. No order as to costs.

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

THE CLAIMANT'S CONTACT DETAILS

North Warwickshire Borough Council, Legal Services

The Council House

South Street

Atherstone

Warwickshire CV9 1DE

Email: sofiaali@northwarks.gov.uk, annieryan@northwarks.gov.uk

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

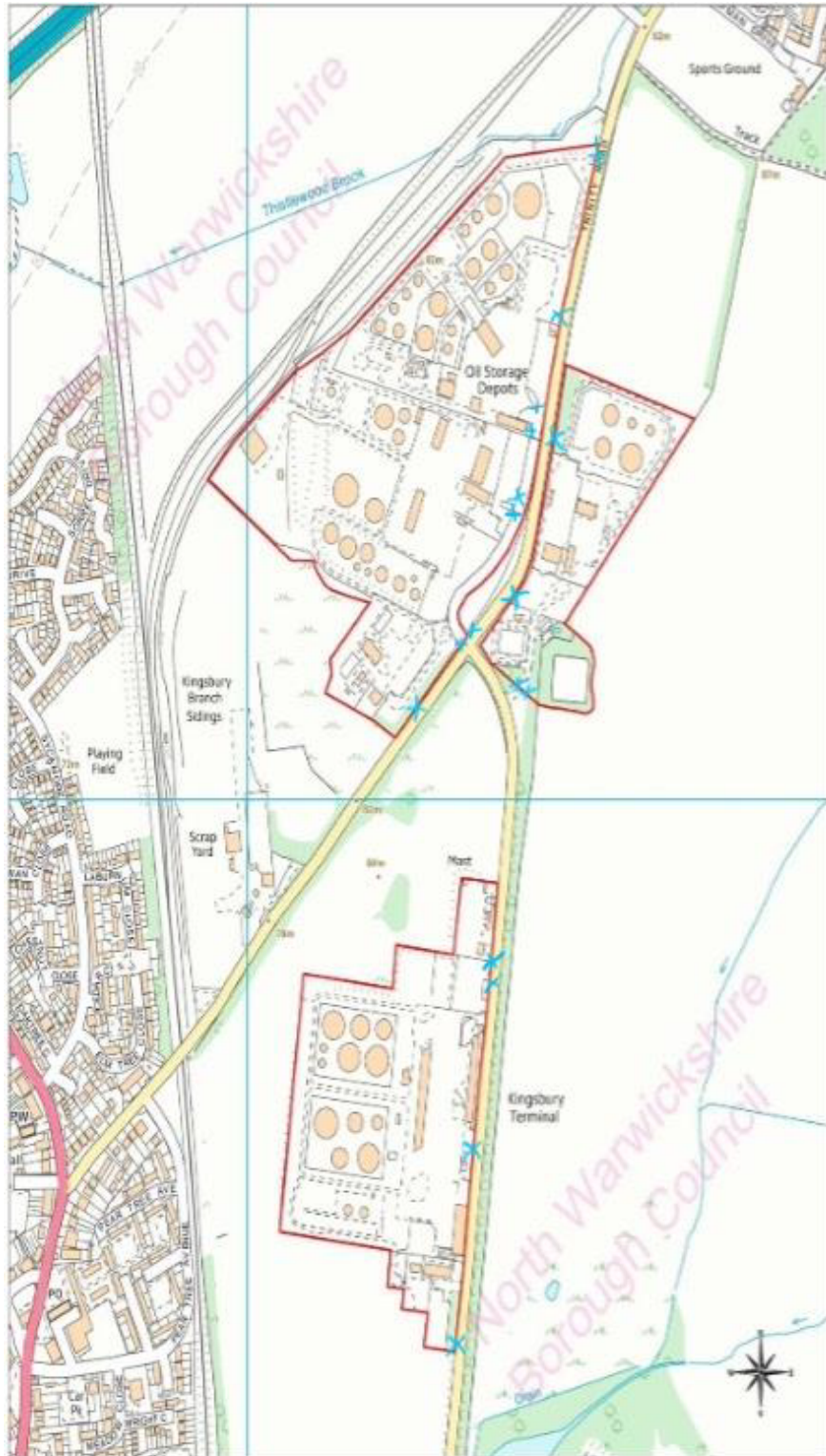
- (70) DAVID GWYNE
- (71) SCOTT HADFIELD
- (72) SUSAN HAMPTON
- (73) JAKE HANDLING
- (75) GWEN HARRISON
- (76) DIANA HEKT
- (77) ELI HILL
- (78) JOANNA HINDLEY
- (79) ANNA HOLLAND
- (81) JOE HOWLETT
- (82) ERIC HOYLAND
- (83) REUBEN JAMES
- (84) RUTH JARMAN
- (85) STEPHEN JARVIS
- (86) SAMUEL JOHNSON
- (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

SCHEDULE 2



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Ordnance Survey 100017910



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

SCHEDULE 3

1. Service of this Order and power of arrest on the 3, 5, 7, 9, 14, 15, 19A, 19B, 19C, 19D, 23, 31, 38, 42, 62, 64, 73, 75, 77, 86, 87, 91, 100, 105, 109, 110, 112, 118, 119, 125, 137, 141, 142, 145 and 155 Defendants shall be effected by the completion of all of the following steps:
 - (a) Placing 17 signs sized A1 informing people of:
 - (i) This Order and power of arrest and the area in which they have effect, and
 - (ii) Where they can obtain copies of the trial bundlesat the entrances to the Terminal and along the boundary of the Terminal as marked in blue on the map at Schedule 2 above.
 - (b) Placing a copy of this Order and power of arrest prominently at the entrances to the Terminal,
 - (c) Posting a copy of this Order and power of arrest on the Claimant's dedicated webpage for these proceedings,
 - (d) Signposting the existence of this Order and power of arrest from the Claimant's website landing page,
 - (e) Publicising the Order, power of arrest and the link through which they can be obtained using the Claimant's Facebook, X (formerly Twitter), Instagram and LinkedIn accounts,
 - (f) Using its best endeavours to ensure that a link to this Order and power of arrest is posted on the Warwickshire Police social media accounts,
 - (g) Using its best endeavours to tag this Order and power of arrest to the Facebook and X (formerly Twitter) accounts of Just Stop Oil, and
 - (h) Emailing this Order and power of arrest to:
 - (i) juststopoil@protonmail.com
 - (ii) youthclimateswarm@protonmail.com

2. In addition to the methods of service set out in paragraph 1 above, the Claimant may also serve this Order and power of arrest in any other manner in order to bring the documents to the attention of the Defendants and other persons likely to be affected.

3. 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,
 - (a) A copy of the Trial Bundles
 - (b) A copy of this Order and power of arrest.

4. In the case of Defendants 19A, 19B, 19C and 19D, the Court will consider whether to join the person served with the proceedings as a named Defendant and whether to make any further Order.

Signed

Dated: 6 September 2024