

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

**BEFORE: MRS. JUSTICE JEFFORD**

**Dated: Thursday 21<sup>st</sup> December 2023**



**B E T W E E N:**

- (1) MULTIPLEX CONSTRUCTION EUROPE LTD**
- (2) LUDGATE HOUSE LIMITED  
(INCORPORATED IN JERSEY)**
- (3) SAMPSON HOUSE LIMITED  
(INCORPORATED IN JERSEY)**

**Claimants**

**-and-**

**PERSONS UNKNOWN ENTERING IN OR REMAINING AT  
THE CLAIMANTS' CONSTRUCTION SITE AT BANKSIDE YARDS WITHOUT  
THE CLAIMANTS' PERMISSION**

**Defendants**

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**ORDER FOR AN INJUNCTION**

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**PENAL NOTICE**

**IF YOU, THE DEFENDANT, DISOBEY 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 OR ANY OF THEM TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.**

## **IMPORTANT NOTICE TO THE DEFENDANT**

**This Order prohibits you from doing certain acts. You should read this Order very carefully. You are advised to consult a solicitor as soon as possible.**

**If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or your assets seized.**

**You have the right to apply to the court to vary or discharge this order (which is explained below)**

## **RECITALS**

**UPON** the Claimants' application dated 21 December 2023

**AND UPON** the Claimants not having given 3 clear days' notice of its application to the Defendants and bringing the application on a 'without notice' basis

**AND UPON THE COURT** having regard to the Interim injunction Order of Mr Justice Soole dated 31 July 2020; the Interim injunction Order of Mr Justice Bourne dated 26 January 2021; the Interim Injunction Order dated 4 March 2021; the Interim Injunction Order of Mrs Justice Eady dated 6 May 2021; the Interim Injunction Order of Mr Justice William Davis dated 20 July 2021; the order of Master Dagnall dated 26 October 2021; and the Interim Injunction Order of His Honour Judge Shanks dated 3 March 2022.

**AND UPON READING** the witness statements of Martin Philip Wilshire dated 27 July 2020 and 25 January 2021 and of Stuart Sherbrooke Wortley dated 23 February 2022 and 21 December 2023 and the schedule of title plans produced to the court.

AND UPON the First Claimant giving the undertaking to the Court set out in Schedule 2 to this Order

## **IT IS ORDERED THAT:**

### **THE INJUNCTION**

- (1) Until the hearing of the Claimants' application dated 21 December 2023 or further order the Defendants must not enter or remain, without the Claimants' consent, upon any part of the Claimants' construction site at Blackfriars Road, London SE1 9UY ("The Bankside Yards Construction Site"). The outer perimeter of the

Bankside Yards Construction Site is enclosed by hoardings, fences, gateways and the structures of railway arches and bridges and the Defendants must not enter within that perimeter without the Claimants' consent. The general location of the perimeter is shown edged red on the plan at Schedule 3 to this Order ("the Plan"). For the avoidance of doubt, this order does apply to the areas of The Bankside Yards Construction Site which are under and within railway arches, but does not apply to the railway land which is immediately above those railway arches. The location of the railway arches, and the railway land, is shown hatched blue on the Plan.

### **VARIATION OR DISCHARGE OF THIS ORDER**

- (2) Any party affected by this order may apply to vary or discharge this Order upon giving 48 hours' notice in writing to the Claimants' solicitors at Eversheds Sutherland (International) LLP, One Wood Street, London, EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 0969; email: [stuartwortley@eversheds-sutherland.com](mailto:stuartwortley@eversheds-sutherland.com) and [nawaazallybokus@eversheds-sutherland.com](mailto:nawaazallybokus@eversheds-sutherland.com)).

### **INTERPRETATION OF THIS ORDER**

- (3) A Defendant who is ordered not to do something must not do it him/herself or in any other way. He/she must not do it through another acting on his/her behalf or on his/her instructions or with his/her encouragement.

### **SERVICE OF THIS ORDER**

- (4) Service of this Order may be effected in the manner set out in paragraphs (5) to (7) below.
- (5) The First Claimant shall post notice of the existence of this Order substantially in the form approved by the Court ("the Notice"), as soon as reasonably practicable:-
- (i) at all main entrances to the Bankside Yards construction site;
  - (ii) at a minimum of 10 prominent locations around the perimeter of the Bankside Yards construction site.
- (6) The Notice referred to in paragraph (5) shall include a statement that copies of the order of His Honour Judge Shanks dated 3 March 2022, this Order, the Amended Claim Form, the Amended Particulars of Claim, the Claimants'

application notices dated 28 July 2020, 25 January 2021, 2 March 2021, 4 May 2021, 19 July 2021, 18 August 2021, 23 February 2022 and 21 December 2023 the Witness Statements of Martin Wilshire dated 27 July 2020 and 25 January 2021, and of Stuart Sherbrooke Wortley dated 28 February 2022 and 21 December 2023, and the Claimant's schedule of leasehold titles, may all be viewed:

(a) at a website the URL of which is specified in the Notice;

(b) at a physical location specified in the Notice,

and may be obtained from the Claimants' Solicitor, whose contact details shall be specified in the notice.

- (7) Downloadable digital copies of the documents referred to in the Notice shall be placed on the website with the URL specified in the Notice, and hard copies of the said documents shall be kept at the physical location specified in the Notice.
- (8) Pursuant to CPR 6.15, the steps identified in paragraphs (5) to (7) shall stand as good service of this Order upon any person who shall, by knowingly breaching the terms of this Order, automatically become a defendant to this action.
- (9) Save as set out above, any further requirement for service of the evidence submitted to the Court in support of this Application are dispensed with in respect of any person who shall become a defendant to this Claim as aforesaid.
- (10) The requirement of any person to file any acknowledgment of service or defence in respect of this claim is dispensed with unless further directed by the Court.

## **COSTS**

(11) There shall be no order as to costs on the interim injunction application.

## **Discontinuance**

(12) If the Claimant wishes to discontinue the Claim point after the expiry of the interim injunction granted by this order, and provided that no party has been joined as a named defendant to the Claim, it may do so by filing a notice of discontinuance referring to this paragraph of this order.

## **COMMUNICATIONS WITH THE COURT**

(13) All communications to the Court about this Order should be sent to:

- King's Bench Division, Royal Courts of Justice, Strand WC2A 2LL.

The offices are open between 10.00 a.m. and 4.30 p.m. Monday to Friday (except Bank Holidays).

- The telephone number is 020 7947 6000
- The email address is [kbjudgeslistingoffice@justice.gov.uk](mailto:kbjudgeslistingoffice@justice.gov.uk)

## **SCHEDULE 1**

### **Witness Statements**

The Judge read the following Witness Statements and other evidence before making this Order:

First Witness Statement of Martin Philip Wilshire dated 27 July 2020 together with the Exhibits marked "MPW1" - "MPW7".

Second Witness Statement of Martin Philip Wilshire dated 25 January 2021 together with the Exhibits marked "MPW8" - "MPW10".

First Witness Statement of Stuart Sherbrooke Wortley dated 23 February 2022 together with the Exhibits marked "SSW1" - "SSW3".

Third Witness Statement of Stuart Sherbrook Wortley dated 21 December 2023 together with the Exhibit marked "SSW4"

Section 10 of the application notices dated 25 January 2021, 2 March 2021, 4 May 2021, 19 July 2021, 18 August 2021, 23 February 2022 and 21 December 2023.

The Schedule of leasehold titles produced to the Court

**SCHEDULE 2**

**Undertaking given to the Court by the First Claimant**

To pay any damages which the Defendants (or any other party served with or notified of this Order) shall sustain which the Court considers the First Claimant should pay.

**SCHEDULE 2**

**Plan**

