

Application notice

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Name of court HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION		Claim No. QB-2020-002702
Fee account no. (if applicable)	Help with Fees – Ref. no. (if applicable)	
PBA0087211	H W F - [] [] [] - [] [] []	
Warrant no. (if applicable)		
Claimant's name (including ref.) (1) MULTIPLEX CONSTRUCTION EUROPE LTD (2) LUDGATE HOUSE LIMITED (INCORPORATED IN JERSEY)		
Defendant's name (including ref.) PERSONS UNKNOWN ENTERING IN OR REMAINING AT THE CLAIMANTS' CONSTRUCTION SITE AT BANKSIDE YARDS WITHOUT THE CLAIMANTS' PERMISSION		
Date	18 August 2021	

1. What is your name or, if you are a legal representative, the name of your firm?

Eversheds Sutherland (International) LLP

2. Are you a Claimant Defendant Legal Representative

Other (please specify)

If you are a legal representative whom do you represent?

Claimants

3. What order are you asking the court to make and why?

We seek the following orders:-

- (1) pursuant to CPR Rule 19.2(a) that Sampson House Limited be added as Third Claimant;**
(2) pursuant to CPR Rule 17.2(b) for permission to amend the Particulars of Claim in accordance with the attached draft;
(3) to dispense with the need to serve the Amended Particulars of Claim and Order for the reasons given in box 10

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with? at a hearing without a hearing

at a telephone hearing

6. How long do you think the hearing will last?

 Hours Minutes

Is this time estimate agreed by all parties?

 Yes No

7. Give details of any fixed trial date or period

8. What level of Judge does your hearing need?

9. Who should be served with this application?

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

10. What information will you be relying on, in support of your application?

the attached witness statement

the statement of case

the evidence set out in the box below

If necessary, please continue on a separate sheet.

(1) On 30 July 2020, The Honourable Mr. Justice Soole granted an interim injunction to restrain the Defendants from entering or remaining upon the construction site known as Bankside Yards and as defined in the order of that date ("the Injunction"). This related to the first phase works which were being undertaken on the land to the west of Bankside Yards and extended to registered freehold title number TGL62703 and registered leasehold title number TGL541676 (both of which are owned by the Second Claimant). The Injunction was expressed to last until 29 January 2021 or further order.

(2) On 25 January 2021, an application was made to extend the Injunction (both in duration and the land subject to the order). As explained at paragraphs 15 – 22 of the Second Witness Statement of Martin Philip Wilshire dated 25 January 2021, the second phase works began on 19 November 2020 and were being undertaken on the land to the east of Bankside Yards, comprising registered freehold title number TGL138850 and registered leasehold title numbers TGL501998, TGL467215 and TGL467217. Copies of these titles were exhibited to the Second Witness Statement of Martin Philip Wilshire dated 25 January 2021 as "MPW9".

(3) Whereas the additional 3 leasehold titles were (and are) owned by the Second Claimant, the additional freehold title was (and is) owned by Sampson House Limited (a company incorporated in Jersey).

(4) Accordingly, in addition to including a revised plan, the Claimants' application dated 25 January 2021 should also have included (but did not in fact include) applications:-
(a) to amend the Particulars of Claim (to add reference to the additional registered titles); and
(b) to join Sampson House Limited as a Third Claimant.

(5) On 26 January 2021, The Honourable Mr. Justice Bourne extended the Injunction and the extent of the land until 9 March 2021 or further order.

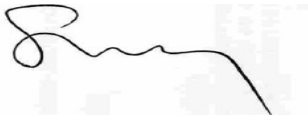
(6) Notwithstanding our having overlooked the need to join Sampson House Limited as a Third Claimant (for which I apologise), the First Claimant's licence (pursuant to which it is undertaking the construction works) extends to all parts of the additional land. Accordingly, although the Second Claimant was not entitled to the benefit of the Injunction of the additional land (because it was not the registered owner of that land), the First Claimant was so entitled. In those circumstances, assuming the present application is successful, the Claimants seek permission to dispense with the need to serve the Order and the Amended Particulars of Claim.

(7) The duration of the Injunction has been further extended by Orders dated 4 March, 6 May and 20 July 2021.

(8) We attach at 'Exhibit 1' consent from Sampson House Limited.

Statement of Truth

The applicant believes that the facts stated in this section (and any continuation sheets) are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Stuart Sherbrooke Wortley

Partner
Eversheds Sutherland (International) LLP

18 August 2021

11. Signature and address details



Applicant's solicitor

Stuart Sherbrooke Wortley
Partner
Eversheds Sutherland (International) LLP

18 August 2021

Applicant's address to which documents about this application should be sent

Eversheds Sutherland (International) LLP, One Wood Street, London Postcode <table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td>E</td><td>C</td><td>2</td><td>V</td><td></td><td>7</td><td>W</td><td>S</td> </tr> </table>	E	C	2	V		7	W	S	If applicable	
	E	C	2	V		7	W	S		
	Phone no.	020 7497 9797								
	Fax no.	020 7919 4919								
	DX no.	DX 154280 Cheapside 8								
Ref no.	SSW.CH/335158.000006									
E-mail address	stuartwortley@eversheds-sutherland.com									

EXHIBIT 1




Sampson House Ltd

47 Esplanade
St Helier
Jersey
JE1 0BD

To whom it may concern,

On behalf of Sampson House Limited, I confirm consent to any injunction restraining individuals gaining undesirable access onto the site at 64 Hopton Street, London.

Regards,

DocuSigned by:

4E683EE49EA24A7...

Director of Sampson House Limited

(5) There shall be no order as to costs on this application.



Claim Form (CPR Part 8)

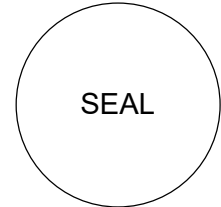
In the High Court of Justice Queen's Bench Division	
Claim no.	QB-2020-002702
Fee Account no.	PBA0087211
Help with Fees - Ref no. (if applicable)	H W F - <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/>

Claimant

Multiplex Construction Europe Limited of 99 Bishopsgate,
Second Floor, London, United Kingdom, EC2M 3XD

Ludgate House Limited (incorporated in Jersey) of
Crestbridge, 47 Esplanade, St Helier, Jersey, JE1 0BD,
Channel Island

Sampson House Limited (incorporated in Jersey) of
Crestbridge, 47 Esplanade, St Helier, Jersey, JE1 0BD,
Channel Island



Defendant(s)

Persons Unknown entering or remaining at the Claimants' property as more particularly identified in the schedule to the Particulars of Claim without the Claimants' permission, and climbing or ascending buildings, structures or equipment at the premises.

Does your claim include any issues under the Human Rights Act 1998? Yes No

Details of claim (see also overleaf)

See Particulars of Claim attached.

Defendant's
name and
address

N/A

£

Court fee	528.00
Legal representative's costs	
Issue date	

Claim no.

QB-2020-002702

Details of claim (continued)

See attached Particulars of Claim

Statement of Truth

~~XXXXXX~~ (The Claimant believes) that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimant to sign this statement.

Full name Stuart Sherbrooke Wortley

Name of claimant's legal representative's firm Eversheds Sutherland (Intl) LLP

signed 

position or office held Partner

~~XXXXXX (Legal representative)~~
(Legal representative)

(if signing on behalf of firm or company)

**delete as appropriate*

Claim no.

QB-2020-002702

Eversheds Sutherland (Intl) LLP
One Wood Street
London
EC2V 7WS

DX 154280 Cheapside 8
020 7919 4919
SSW.JB./335158.000006

Claimant's or claimant's legal representative's address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N:

(1) MULTIPLEX CONSTRUCTION EUROPE LTD

First Claimant

(2) LUDGATE HOUSE LIMITED (INCORPORATED IN JERSEY)

Second Claimant

(3) SAMPSON HOUSE LIMITED (INCORPORATED IN JERSEY)

Third Claimant

and

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

Defendants

PARTICULARS OF CLAIM

The Premises

1. This is a Claim for an injunction to prevent the Defendants from trespassing on the construction site owned by the Second Claimant **and the Third Claimant** known as Blackfriars Road, London SE1 9UY as shown edged red on the plan at Schedule 1 ("Bankside Yards").

The Claimants' Interests

2. The registered title to Bankside Yards is comprised in the registered titles which are vested in the Second Claimant **and the Third Claimant** and set out in the following table:-

Ludgate House 245 Blackfriars Road London SE1 9UY	Freehold	TGL62703
Invicta Plaza - airspace and pillars	Leasehold	TGL541676

48 to 62 (even) Hopton Street, Sampson House, 64 Hopton Street and 1 to 110 Falcon Point, London	Freehold	TGL138850
Land Beneath The Arches, Invicta Plaza, Blackfriars Road, London	Leasehold	TGL501998
Land beneath Arches 1-8 Invicta Plaza, Blackfriars Road, London.	Leasehold	TGL467215
Land at Arches on the west side of, Hopton Street, London	Leasehold	TGL467217

3. By an early works agreement dated 30 January 2020, the Second Claimant appointed the First Claimant to undertake major construction works on Bankside Yards. Pursuant to the terms of this appointment, with effect from 3 August 2020, the First Claimant will occupy Bankside Yards and will be responsible, amongst other things, for site safety and security.

Urban Exploring

4. The Defendants are so called "urban explorers" who trespass on high rise buildings and construction sites and upload photographs and / or video recordings of their exploits to the internet for the entertainment of their subscribers or followers on social media.
5. The method by which urban explorers climb buildings under construction can be via the cranes on the site or by the use of concrete structures (unfinished stairwells) or construction lifts or hoists.
6. These activities pose serious risks to: (1) those involved; (2) construction workers below should they fall; (3) security staff; and (4) the emergency services. A trespasser on a construction site at Canary Wharf died on either 1 or 2 January 2018 and another trespasser fell off the scaffolding at a residential block at Waterloo in September 2019. Further details are provided in the witness statement of Martin Wilshire, Health and Safety Director at Multiplex Construction Europe Limited, which accompanies these Particulars of Claim.

The Defendants

7. Unknown individuals have undertaken reconnaissance or attempted to trespass upon the Bankside Yards construction site. Further details are provided in the witness statement of Mr Wilshire.
8. For the reasons given by Mr Wilshire in his witness statement, the Claimants believe that there is a real and significant risk that the Defendants will enter Bankside Yards (or attempt to do so) unless restrained from doing so by the Court.
9. There is no arguable right for the Defendants to be present on Bankside Yards.
10. Any attempts to access Bankside Yards will therefore constitute a trespass for which damages will not be an adequate remedy. The Claimants' concern is that any such trespass

has the potential to cause very serious harm to the Defendants, construction workers and those who are responsible for the safety and security of the Properties including the emergency services.

AND THE FIRST AND SECOND CLAIMANTS CLAIM;

11. An injunction against the Defendants restraining them from trespassing on Bankside Yards as shown on the Plan at Schedule 1;
12. Costs; and
13. Further or other relief.

The Claimants believe that the facts stated in these Particulars of Claim are true.

I am authorised to sign this Statement of Truth on behalf of the Claimants.

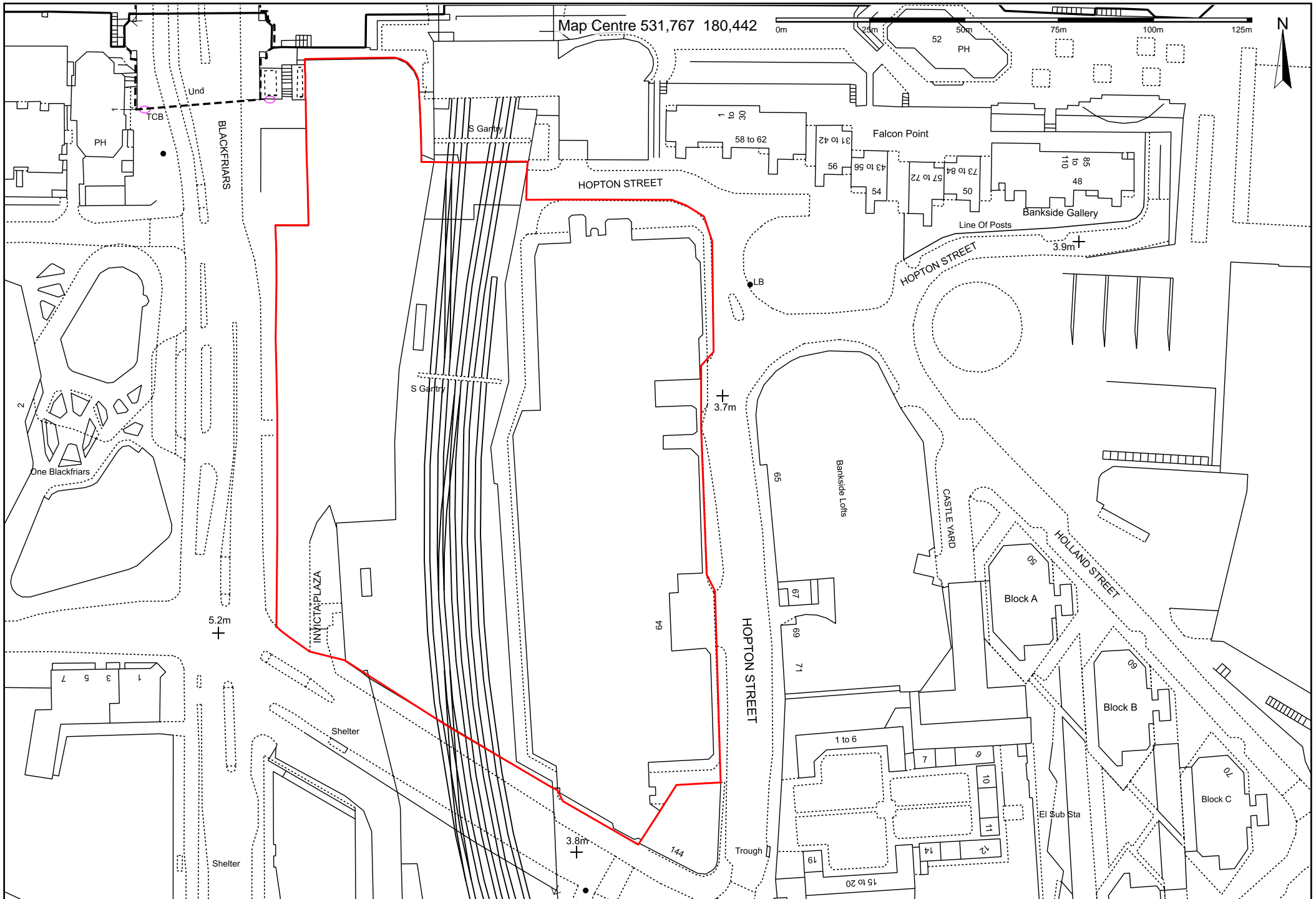
~~28 July 2020~~ 18 August 2021



Stuart Sherbrooke Wortley
Partner, Eversheds Sutherland (International) LLP

SCHEDULE 1

Plan



Map Centre 531,767 180,442

0m 25m 50m 75m 100m 125m

