

IN THE HIGH COURT OF JUSTICE

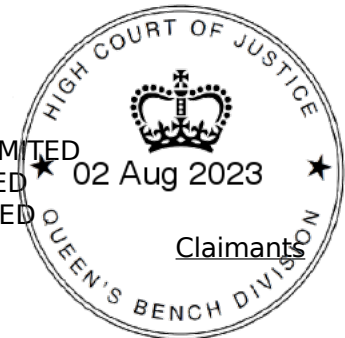
KING'S BENCH DIVISION

Mr Justice Sweeting

1 August 2023

B E T W E E N:

- (1) ELEPHANT AND CASTLE PROPERTIES CO LIMITED
(2) ELEPHANT AND CASTLE 990 UNI CO LIMITED
(3) MULTIPLEX CONSTRUCTION EUROPE LIMITED



and

PERSONS UNKNOWN ENTERING OR REMAINING AT THE CONSTRUCTION SITE AT ELEPHANT & CASTLE SE1 6TE WITHOUT THE CLAIMANTS' PERMISSION OR OTHER LAWFUL AUTHORITY

Defendants

ORDER FOR AN INJUNCTION

PENAL NOTICE

IF YOU, THE DEFENDANTS 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 DEFENDANTS

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 notice dated 14 July 2023;

AND UPON HEARING Counsel for the Claimants and the Defendants not appearing;

AND UPON READING the witness statements of Michael Waters dated 14 July 2023, of Stuart Sherbrooke Wortley dated 14 July 2023

AND UPON the Third Claimant undertaking that it will pay any damages sustained by the Defendants in consequence of this Order, should it transpire that the Order should not have been made, which the Court considers the Claimants should pay

IT IS ORDERED THAT:

THE INJUNCTION

- (1) the Defendants must not until further order, without the consent of the Claimants or other lawful authority, enter or remain upon any part of the land as shown edged red on the plan at Schedule 2 to this Order as demarcated from time to time by hoarding or security fencing (the "Elephant and Castle Construction Site").

VARIATION OR DISCHARGE OF THIS ORDER

- (2) The Defendants and any person 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).

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) and (6) below.
- (5) The Claimants shall upload a complete copy of this Order and the proceedings to a specified website and post notice, as soon as reasonably practicable:-
- (a) at all main entrances to the Elephant and Castle Construction Site; and
 - (b) at not less than 10 prominent locations around the perimeter of the Elephant and Castle Construction Site informing people of the existence and nature of the injunction; the proceedings; and the potential consequences of breaching it
- and shall attach to the notice a copy of the plan at Schedule 2 (as updated from time to time pursuant to paragraph (13) below).
- (6) The said notice shall include a statement describing the basic operation of the injunction and confirming that copies of this Order and the proceedings, may be viewed:
- (a) at a website (including via a mobile phone device), the URL of which is specified in the notice; and
 - (b) at the site office for the Elephant and Castle Construction Site,
- and may be obtained from the Claimants' Solicitor, whose contact details shall be included.

ISSUE AND SERVICE OF CLAIM WITHOUT NAMED DEFENDANTS

- (7) For the avoidance of doubt, the Claimants are granted permission (if the same is required) pursuant to CPR 8.2A to issue this claim without naming a defendant.
- (8) Pursuant to CPR 6.15, the steps identified in paragraphs (5) and (6) shall stand as good service of the Claim Form and Particulars of Claim 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, pursuant to CPR 6.16 service of the Claim Form, Particulars of Claim, Response Pack, Application and Witness Statement in support 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.

COMMUNICATIONS WITH THE COURT

- (11) 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

FUTURE CONDUCT OF PROCEEDINGS

- (12) Unless otherwise ordered by the Court, service by the Claimants of any application or Order or other document that should be served in these proceedings, may be effected by:

- (a) Uploading a complete copy of the document in question to the same website as specified in paragraph (6) above; and
- (b) Posting notice thereof at the same entrances and locations as mentioned in paragraph (5) above.

- (13) In the event that any change in the configuration of the hoarding has the effect of making the plan at Schedule 2 (which shows, in red, the outline of the hoarding) materially inaccurate, the Claimants shall as soon as practicable (a) update the plan attached to the notices mentioned at paragraph (5) above and (b) update the plan attached as Schedule 2 to this Order at the website mentioned in that paragraph.

- (14) This Order shall be reviewed by the Court by not later than 31 December 2023 (having regard in particular to any judgment of the Supreme Court which has by then been delivered in the appeal now known as *Wolverhampton City Council v. London Gypsies and Travellers* (2022/0046)) — such review to be conducted in writing unless the Court otherwise directs, on application to be made by the Claimants (and served in accordance with paragraph (12) above) in the week commencing 11 December 2023.

- (15) The Claimants shall by not later than 28 July 2024 apply to the Court for an extension of this order or for a final order (such application to be served in accordance with paragraph (12) above).
- (16) 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.
- (17) The Court will consider whether to join the person served to the proceedings as a named Defendant and whether to make any further Order.

02nd August 2023

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SCHEDULE 1

Witness Statements

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

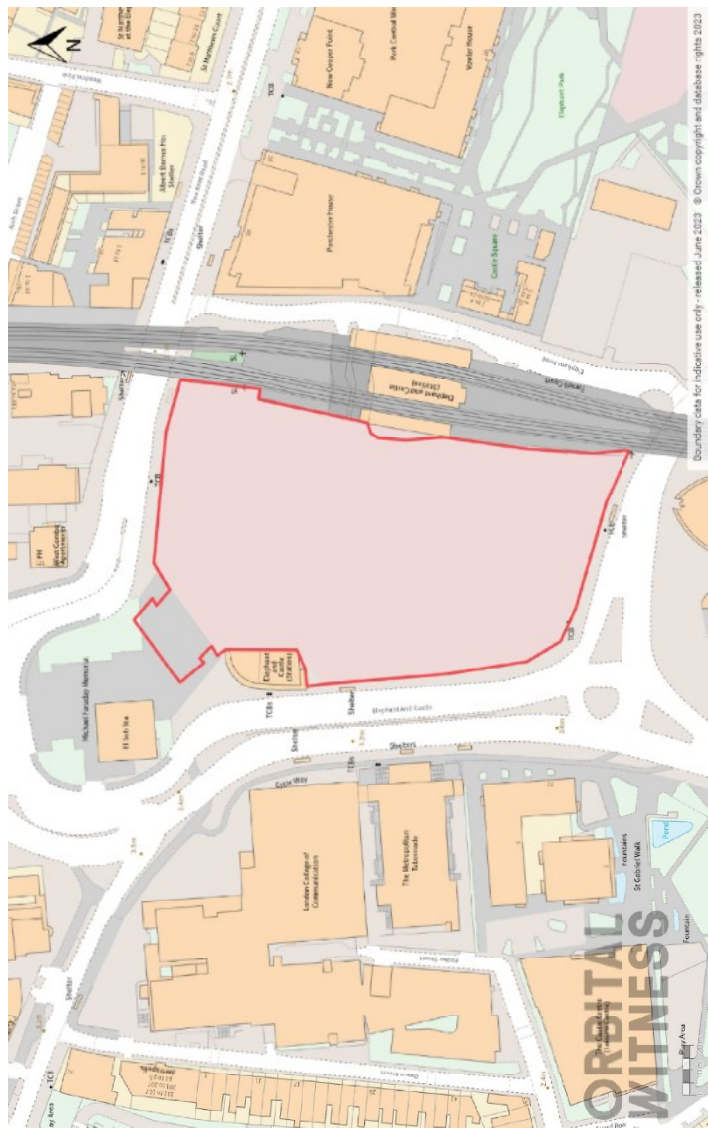
Witness Statement of Michael Waters dated 14 July 2023 together with the Exhibits marked **"MW1"** - **"MW5"**.

Witness Statement of Stuart Sherbrooke Wortley dated 14 July 2023 together with Exhibits marked **"SSW1"** - **"SSW6"**

Second Witness Statement of Michael Waters date 28 July 2023

SCHEDULE 2

The Elephant and Castle Construction Site - Plan



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ORBITAL WITNESS
The Orbital Witness Foundation