

IN THE HIGH COURT OF JUSTICE

Claim No:QB-2019-002737

QUEENS BENCH DIVISION

Before: Mr Justice Pepperall

On the 11th day of September 2019

BETWEEN:

THE LONDON BOROUGH OF HAVERING



Claimant

-and-

(1) WILLIAM STOKES AND 104 OTHER DEFENDANTS NAMED IN SCHEDULE 1
(106) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS WITHIN
THE LONDON BOROUGH OF HAVERING

Defendants

ORDER

IF YOU, ANY OF THE ABOVE NAMED FIRST TO ONE HUNDRED-FIFTH DEFENDANTS OR PERSONS UNKNOWN DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD 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

POWER OF ARREST

THIS ORDER CONTAINS A POWER OF ARREST FOR BREACH OF PARAGRAPHS 1 - 5 OF THIS ORDER PURSUANT TO SECTION 27 OF THE POLICE AND JUSTICE ACT 2006. ANY PERSON CAUGHT BREACHING PARAGRAPHS 1-9 OF THIS ORDER MAY BE ARRESTED AND BROUGHT BEFORE THE COURT

Note to Arresting Officer: Where the defendant is arrested under the power given by section 27 of the Police and Justice Act 2006:-

- The defendant shall be brought before the judge within a period of 24 hours beginning at the time of their arrest
- A constable shall inform the person on whose application the injunction was granted forthwith where the defendant is arrested under these powers

Nothing in sections 27 of the Police and Justice Act 2006 shall authorise the detention of the defendant after the expiry of the period of 24 hours beginning at the time of their arrest.

In calculating any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

UPON HEARING COUNSEL FOR THE CLAIMANT MISS CAROLINE BOLTON

AND UPON HEARING THE NINETY-SEVENTH DEFENDANT MR ANTHONY PRICE WHO ATTENDED AND CONSENTED TO PARAGRAPHS 1-5 OF THIS ORDER

AND UPON THE FIRST TO THE NINETY-SIXTH AND THE NINETY-EIGHTH TO THE ONE HUNDRED-SIXTH DEFENDANTS NOT ATTENDING

AND UPON THE CLAIMANT UNDERTAKING THROUGH COUNSEL TO FILE THE WITNESS STATEMENT OF ADAM RULEWSKI IN PROPER AND FINAL FORM AS EXPLAINED TO THE COURT

AND UPON READING THE PAPERS AND HEARING THE APPLICATION FOR AN INTERIM INJUNCTION PENDING THE FINAL INJUNCTION HEARING

IT IS ORDERED THAT:

The First to the Fifth Defendants, the Seventh Defendant, Tenth Defendant, Twelfth Defendant, Fifteenth to the Twenty-Third Defendant, Twenty-Fifth to the Twenty-Eighth Defendants, Thirty-First to the Thirty-Third Defendants, Thirty-Fifth Defendant, Thirty-Seventh to the Thirty-Eighth Defendants, Forty-First and Forty-Second Defendants, Forty-Fifth Defendant, Forty-Eighth to the Sixtieth Defendants, Sixty-Second Defendant, Sixty-Fourth to the Seventy-Third Defendants, Seventy-Sixth Defendant, Seventy-Eighth to the Seventy-Ninth Defendants, Eighty-First to the Eighty-Third Defendants, Eighty-Sixth to the Ninety-Seventh Defendants, Ninety-Ninth to the One-Hundred-Fifth Defendants (hereinafter referred to as the 'Named Defendants') are forbidden from:

1. Setting-up an encampment on the Land within the London Borough of Havering unless authorised to do so by the owner of the Land.
2. Setting-up an encampment on the Land within the London Borough of Havering without written permission from the Local Planning Authority, or, planning permission granted by the Secretary of State or in accordance with statutory permitted development rights.

3. Entering and/or occupying any part of the Land for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia, save for the lawful occupation of a permanent place of residence with planning permission under Use Class C of the Town and Country Planning (Use Classes) Order 1987.
4. Bringing on to the Land or stationing on the Land any caravans/mobile homes other than when driving through the London Borough of Havering or in compliance with the parking orders regulating the use of car parks or with the express permission from the owner of the land.
5. Deposit or cause to be deposited, controlled waste in or on the Land unless a waste management license or environmental permit is in force and the deposit is in accordance with the license or permit.

The One Hundred-Sixth Defendants are forbidden from:

6. Setting-up an encampment on the Land identified on the attached map and list of sites without written permission from the local planning authority, or, planning permission granted by the Secretary of State or in accordance with statutory permitted development rights.
7. From entering and/or occupying any part of the Land identified on the attached map and list of sites for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia.
8. From bringing onto the Land or stationing on the Land any caravans/mobile homes other than when driving through the London Borough of Havering or in compliance with the parking orders regulating the use of car parks or with express permission from the owners of the land.
9. Deposit or cause to be deposited, controlled waste in or on the Land unless a waste management license or environmental permit is in force and the deposit is in accordance with the license or permit.
10. There shall be a power of arrest attached to prohibitions ¹⁻⁵ of this Order.

The Land in this order means:

11. For the Named Defendants, all land within the London Borough of Havering as appears within the marked blue outline on the attached map at Schedule 2 of this Order.
12. For the One Hundred-Sixth Defendants (Persons Unknown) all the land marked on the map at Schedule 2 of this Order and identified by the key to the map and numbered 1 to 279, further details of which are on the list at Schedule 3 of this Order.

13. The proceedings shall be discontinued against the Eighth and Ninth Defendants, Eleventh Defendant, Thirteenth and Fourteenth Defendants, Twenty-Ninth to Thirtieth Defendants, Thirty-Fourth Defendant, Thirty-Sixth Defendant, Thirty-Ninth Defendant, Forty-Seventh Defendant, Sixty-First Defendant, Sixty-Third Defendant, Seventy-Fourth to Seventy-Fifth Defendants, Seventy-Seventh Defendant, Eightieth Defendant, Eighty-Fourth to Eighty-Fifth Defendants and the Ninety-Eighth Defendant.
14. Service of this Order on Persons Unknown shall be by affixing a copy of this Order in a transparent envelope, or laminated copy, in a prominent position on the Land.
15. The defendants may each of them (or anyone notified of this Order) apply to the Court on 72 hours written notice to the Court and the Claimant to vary or discharge this Order (or so much as it affects that person).
16. The costs of this matter be reserved.

UNDERTAKINGS

17. The Claimant undertakes to place a copy of this Order on its website within 2 working days of the Order being sealed.

GUIDANCE NOTES

EFFECT OF THIS ORDER

18. A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or his instructions or with his encouragement.
19. A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

EFFECT OF THIS ORDER

20. It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined, or have their assets seized.

INTERPRETATION OF THIS ORDER

21. In this Order, where there is more than one Defendant, unless otherwise stated, references to "the Defendants" means each or all of them.
22. A requirement to serve on "the Defendants" means on each of them, unless an Order of the Court specifies otherwise. The Order is, however, effective against any Defendant on whom it is served.
23. An Order requiring the Defendants to do or not to do anything applies to all Defendants save for those against whom the action has been discontinued as referred to in paragraph 13 of this Order.
24. "controlled waste" has the same meaning as within s.75(4) of the Environmental Protection Act 1990.

COMMUNICATIONS WITH THE COURT

25. All communication to the Court about this order should be sent to Room WG08 Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 7772).