



Neutral Citation Number: [2022] EWHC 3338 (KB)

Case No: QB-2021-003094

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**MEDIA & COMMUNICATIONS LIST**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 22 December 2022

**Before:**

**THE HONOURABLE MR JUSTICE NICKLIN**

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**Between:**

**(1) MBR ACRES LIMITED**

**(2) DEMETRIS MARKOU**

(for and on behalf of the officers and employees of MBR Acres Ltd, and the officers and employees of third party suppliers and service providers to MBR Acres Ltd pursuant to CPR 19.6)

**(3) B & K UNIVERSAL LIMITED**

**(4) SUSAN PRESSICK**

(for and on behalf of the officers and employees of B & K Universal Ltd, and the officers and employees of third party suppliers and service providers to B & K Universal Ltd pursuant to CPR 19.6)

**Claimants**

**- and -**

**(1) FREE THE MBR BEAGLES**

(formerly Stop Animal Cruelty Huntingdon)

(an unincorporated association by its representative Mel Broughton on behalf of the members of Free the MBR Beagles who are protesting within the area marked in blue on the Plan attached at Annex 1 of the Claim Form and/or engaging in unlawful activities against the Claimants and/or trespassing on the First Claimant's Land at MBR Acres Ltd, Wyton, Huntingdon PE28 2DT and/or posting on social media images and details of the officers and employees of MBR Acres Ltd, and the officers and employees of third party suppliers and service providers to MBR Acres Ltd)

**(2) CAMP BEAGLE**

(an unincorporated association by its representative Bethany Mayflower on behalf of the members of Camp Beagle who are protesting within the area marked in blue on the Plan attached at Annex 1 of the Claim Form and/or engaging in unlawful activities against the Claimants and/or trespassing on the First Claimant's Land at MBR Acres Ltd, Wyton, Huntingdon PE28 2DT and/or posting on social media images and details of the officers and employees of MBR Acres Ltd, and the officers and employees of third party suppliers and service providers to MBR Acres Ltd)

**(3) MEL BROUGHTON**

**(4) RONAN FALSEY**

**(5) BETHANY MAYFLOWER**

(also known as Bethany May and/or Alexandra Taylor)

**(6) SCOTT PATERSON**

**(7) HELEN DURANT**

**(8) BERNADETTE GREEN**

**(9) SAM MORLEY**

**(10) PERSON(S) UNKNOWN**

(who are protesting within the area marked in blue on the Plan attached at Annex 1 of the Claim Form and/or engaging in unlawful activities against the Claimants and/or trespassing on the First Claimant's Land at MBR Acres Ltd, Wyton, Huntingdon PE28 2DT and/or posting on social media images and details of the officers and employees of MBR Acres Ltd, and the officers and employees of third party suppliers and service providers to MBR Acres Ltd)

**(11) JOHN CURTIN**

**(12) MICHAEL MAHER**

(also known as John Thibeault)

**(13) SAMMI LAIDLAW**

**(14) PAULINE HODSON**

**(15) PERSON(S) UNKNOWN**

(who are entering or remaining without the consent of the First Claimant on the land and in buildings outlined in red on the plan at Annex 1 of the Amended Claim Form, that land known as MBR Acres Ltd, Wyton, Huntingdon PE28 2DT)

**(16) PERSON(S) UNKNOWN**

(who are interfering with the rights of way enjoyed by the First Claimant over the access road on the land shown in purple at Annex 3 of the Amended Claim Form and enjoyed by the Second Claimant as an implied or express licensee of the First Claimant)

**(17) PERSON(S) UNKNOWN**

(who are obstructing vehicles of the Second Claimant entering or exiting the access road shown in purple Annex 3 of the Amended Claim Form and/or entering the First Claimant's land at MBR Acres Ltd, Wyton, Huntingdon PE28 2DT)

**(18) LOU MARLEY**

(also known as Louise Yvonne Firth)

**(19) LUCY WINDLER**

(also known as Lucy Lukins)

**(20) LISA JAFFRAY**

**(21) JOANNE SHAW**

**(22) AMANDA JAMES**

**(23) VICTORIA ASPLIN**

**(24) AMANDEEP SINGH**

**(25) PERSON UNKNOWN 70**

**(26) PERSON UNKNOWN 74**

**(28) PERSON(S) UNKNOWN**

(who are, without the consent of the First Claimant, entering or remaining on land and in buildings outlined in red on the plans at Annex 1 to the Amended Claim Form, those being land and buildings owned by the First Claimant, at MBR Acres Ltd, Wyton, Huntingdon PE28 2DT)

**(29) PERSON(S) UNKNOWN**

(who are interfering, without lawful excuse, with the First Claimant's staff and Second Claimants' right to pass and repass with or without vehicles, materials and equipment along the Highway known as the B1090)

**(30) PERSON(S) UNKNOWN**

(who are obstructing vehicles exiting the First Claimant's land at MBR Acres Ltd, Wyton, Huntingdon PE28 2DT and accessing the Highway known as the B1090)

**(31) PERSON(S) UNKNOWN**

(who are protesting outside the premises of the First Claimant and/or against the First Claimant's lawful business activities and pursuing a course of conduct causing alarm and/or distress to the Second Claimant and/or the staff of the First Claimant for the purpose of convincing the Second Claimant and/or the staff of the First Claimant not to: (a) work for the First Claimant; and/or (b) provide services to the First Claimant; and/or (c) supply goods to the First Claimant; and/or (d) to stop the First Claimants' lawful business activities at MBR Acres Ltd, Wyton, Huntingdon PE28 2DT)

**(32) PERSON(S) UNKNOWN**

(who are photographing and/or videoing/recording the First Claimant's staff and members of the Second Claimant and/or their vehicles and vehicle registration numbers as they enter and exit and/or work on the First Claimant's land outlined in red at Annex 1 to the Amended Claim Form for the purpose of causing alarm and/or distress by threatening to use and/or in fact using the images and/or recordings to identify members of the Second Claimant, follow the Second Claimant or ascertain the home addresses of the Second Claimant for the purpose of convincing the Second Claimant not to: (a) work for the First

Claimant; and/or (b) not to provide services to the First Claimant; and/or (c) not to supply goods to the First Claimant)

**(33) PERSON(S) UNKNOWN**

(who are, without the consent of the First Claimant, trespassing on the First Claimant's land by flying drones over the First Claimant's land and buildings outlined in red on the plans at Annex 1 to the Amended Claim Form, that being land and buildings owned by MBR Acres Ltd, Wyton, Huntingdon PE28 2DT)

**Defendants**

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**Caroline Bolton and Natalie Pratt** (instructed by **Mills & Reeve LLP**) for the **Claimants**  
**Cathryn McGahey KC** (instructed by **Cohen Cramer Solicitors**) for the **Fourth Defendant**

**Adam Tear** (of **Scott-Moncrieff & Associates Ltd**) for the **Fifth, Seventh, Eighth and Twenty-Second Defendants**

**Ashley Underwood KC and Adam Tear** (instructed by **Scott-Moncrieff & Associated Ltd**) for the **Sixth, Twelfth, Thirteenth and Twenty-Third Defendants**  
**The Ninth, Eleventh, Fourteenth, Eighteenth, Twentieth, Twenty-First and Twenty-Fourth Defendants appeared in person**

**Ashley Underwood KC and Adam Tear** (instructed by **Scott-Moncrieff & Associated Ltd**) for **Gillian McGivern, an interested party**  
**The Third, Eighteenth, Nineteenth and Twenty-Third Defendants (and the "Persons Unknown" Defendants) did not attend and were not represented**  
**The claim against the First and Second Defendants has been stayed**  
**The claim against the Fifth and Nineteenth Defendants has been compromised**

Hearing date: 25 July and 7 October 2022  
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## **Approved Judgment**

This judgment was handed down by the Judge remotely by circulation to the parties and their representatives by email and by release to The National Archives. The date and time for hand-down is deemed to be 10:30am on 22 December 2022.

**The Honourable Mr Justice Nicklin :**

1. This judgment deals with the Claimants’ application to vary the interim injunction that was granted on 10 November 2021 (“the variation application”) (see Section B: [13.]-[17.] below). It also deals with a discrete point about whether Gillian McGivern has become a defendant to the proceedings (see Section F: [81.]-[88.] below).

**A: Background**

2. The general background to the litigation, and the reasons for granting the injunction are contained in the judgment handed down on that date ([2021] EWHC 2996 (QB)) (“the Injunction Judgment”).

**(1) Alternative service orders**

3. On 12 August 2021, the Court granted permission for alternative service of the Claim Form on the “Persons Unknown” Defendants. The order provided:

“Pursuant to CPR Part 6.14, 6.15, 6.26 and 6.27 the Claimants have permission to serve the Tenth Defendant, Persons Unknown, by the following alternative forms of service:

- (1) Affixing copies (as opposed to originals) of the Claim Form, the Injunction Application Notice, draft Injunction Order and this Order permitting alternative service, in a transparent envelope on the gates of the First and Third Claimants’ Land and in a prominent position on the grass verge at the front of the First and Third Claimant’s Land.

- (2) The documents shall be accompanied by a cover letter in the form set out in Annexure 2 explaining to Persons Unknown that they can access copies of

- (a) the Response Pack;
- (b) evidence in support of the Alternative Service and Injunction Applications; and
- (c) the skeleton argument and note of the hearing of the Alternative Service Application

at the dedicated share file website at: [Dropbox link provided]”

- (3) The deemed date of service for the documents referred to in (1) to (3) above shall be two working days after service is completed in accordance with paragraphs (1) to (3) above.

4. The Defendants (including those in the category of “Persons Unknown”) were required to file an Acknowledgement of Service 14 days after the deemed date of service.

5. Similar orders have been made for service of the Claim Form by an alternative method on the additional categories of Persons Unknown Defendants as they have been added to the claim. Following the imposition of the exclusion zone by the

interim injunction order of 10 November 2021, the location at which the relevant documents were to be displayed was moved to a noticeboard opposite the entrance of the Wyton Site.

## **(2) Initial hearings of the variation application**

6. The variation application was originally listed to be heard on 20 June 2022, but it had to be adjourned – see [13]-[17] of the further judgment of that date ([2022] EWHC 1715 (QB)). It was relisted to be heard on 21-22 July 2022. However, the time allocated for the hearing of the variation application had to be reallocated to deal with a contempt application that the Claimants had brought against Gill McGivern (see judgment [2022] EWHC 2072 (QB) (“the McGivern Contempt Judgment”). The Court was able to make additional time available on 25 July 2022 to hear the variation application, but one day was insufficient, and the hearing had to be adjourned, part-heard, to 7 October 2022.

## **(3) Variations to the interim injunction made on 25 July 2022**

7. Pending the adjourned hearing of the variation application, I did, however, accept, at the hearing on 25 July 2022, that some limited modifications should be made to the interim injunction. The affected Defendants did not oppose the changes and they took effect in a revised injunction order of 2 August 2022.

8. The 10 November 2021 order provided, so far as material, that the Defendants (both named and “Persons Unknown”) must not:

“... approach and/or obstruct the path of any vehicle directly entering or exiting the Exclusion Zone (save that for the avoidance of doubt it will not be a breach of this Injunction Order where any obstruction occurs as a result of an emergency).”

9. The 2 August 2022 order replaced that restriction with the following prohibitions:

“(2) The Third to Ninth and Eleventh to the Twenty-Fourth Defendants **MUST NOT** within 1 mile in either direction of the First Claimant’s Land, approach, slow down, or obstruct any vehicle which is believed to be travelling to or from the First Claimant’s Land at the Wyton Site.

(3) The Seventeenth Defendant **MUST NOT** within 1 mile in either direction of the First Claimant’s Land, approach, slow down, or obstruct any vehicle:

(a) for the purpose of protesting and/or campaigning against the activities of the First and/or Third Claimant; and

(b) where the vehicle is, or is believed to be, travelling to or from the First Claimant’s Land at the Wyton Site.

(4) The Third, Twelfth, Fifteenth, Twentieth and Twenty-Second Defendants **MUST NOT** cut, push, shake, kick, lift, climb up or upon or over, damage or remove, or attempt to remove any part of the perimeter fence to the Wyton Site, as marked in red on the attached plan at Annex 1.”

10. In respect of obstruction of vehicles (the subject of the new sub-paragraphs (2) and (3)), evidence of events following the grant of the injunction, particularly that which had been filed by the Claimants in relation to the contempt applications against the Twelfth and Thirteenth Defendants (see [2022] 3 WLR 999), showed that some protestors had adopted tactics of surrounding and/or obstructing vehicles that were travelling to or from the Wyton Site further along the carriageway of the B1090. It had also become apparent that the earlier formulation – prohibiting approaching/obstruction of any vehicle “directly” entering or exiting the exclusion zone – had the potential to catch behaviour that the injunction was not designed to prevent. A particular example was an occasion in which a police vehicle was about to exit the exclusion zone when it was obstructed by protestors who wanted to ascertain what was happening to a person who had been arrested. The exclusion zone has always been recognised to be an expedient, justified because it is the best way of avoiding the flashpoints that have occurred between the protestors and those coming and going to/from the Wyton Site. However, the Court will keep the terms of the any interim injunction under review – and in appropriate cases will make changes to the terms of the order – to ensure that they are not having an unintended effect. The revised restrictions now more directly focus on the obstruction of vehicles travelling to/from the Wyton Site where that obstruction is for the purpose of protesting.
11. Sub-paragraph (4) contained a new prohibition upon interfering with and/or damaging the perimeter fence of the Wyton Site. I was satisfied on the Claimants’ evidence that the relevant Defendants had been damaging or interfering with the fence. Such actions are tortious, are not an exercise of a right to protest and the balance of convenience clearly favoured an interim prohibition. The Claimants had asked for a 1 metre exclusion zone to be imposed around the entire perimeter of the Wyton Site. I refused to make such an order. The correct way of targeting this particular wrongdoing is by making a direct order that prohibits that behaviour, not an indirect order that would also restrict lawful activities. The Claimants do not own the land over which they were seeking the imposition of this further exclusion zone, so I was not persuaded that there was an adequate legal basis upon which to impose the wider restriction that they had sought.

#### **(4) Concerns as to the operation of the interim injunction order**

12. The operation of the interim injunction over the last 12 months has given cause for concern about whether the order is being used by the Claimants as a ‘weapon’ against the protestors or their supporters. The contempt application against Ms McGivern was dismissed. I found that the breaches alleged against Ms McGivern were trivial: see McGivern Contempt Judgment [96]. The Claimants well know, and fully understand, the basis on which the exclusion zone has been imposed. It is not to be used by the Claimants as an opportunity to take action against protestors for trivial infringements that have none of the elements that led to the grant of the interim injunction and are not otherwise unlawful acts. Ultimately, if there were to be any repetition of contempt applications being brought for trivial infringements, then the Court might have to reconsider the terms of the interim injunction order that should remain in place pending trial.

#### **B: The variation application**

13. The Application Notice seeking the variation to the interim injunction was issued on 22 March 2022. By the time of the hearing on 7 October 2022, and in light of the amendments to the interim injunction that had been granted by the Order of 2 August 2022 (see [9.] above), the Claimants had narrowed the terms of the variation that they sought.

(1) The Claimants sought the imposition of the following further restrictions by way of interim injunction:

“(5) The Third to Ninth, Eleventh to Twenty-Fourth and Thirty-First and Thirty-Second Defendants **MUST NOT** attempt to compel or coerce any Protected Person to cease their lawful activities for or on behalf of the First Claimant by:

- (a) attending their place of work (whether that be their principal place of work or where they conduct their lawful activities for and on behalf of the First Claimant from time to time) and attempting to obstruct them in their lawful activities whilst at their place of work;
- (b) knowingly enter or remain on any premises and/or land and/or residence belonging to or occupied by any Protected Person;
- (c) harming a Protected Person and/or their property or attempting to do the same.

(6) The Third to Ninth, Eleventh to Twenty-Fourth and Twenty-Eighth to Thirty-Second Defendants **MUST NOT**:

- (a) Obstruct, deface, damage or otherwise interfere with the Noticeboard at the Wyton Site or any other signage advising of the presence of this Order;
- (b) Obstruct, approach, hinder or otherwise interfere with any person instructed by the Claimants when that person is posting documents onto, or otherwise attending to, the Noticeboard at the Wyton Site.

(2) Linked to this, the Claimants also sought to insert the following into the definitions section of the interim injunction order:

“‘Protected Persons’ shall mean:

- (a) all staff, employees, officers and contractors of the First and Third Claimants working at the Wyton Site or the B&K Site;
- (b) all staff, employees and officers of Impex Services International Limited.

The ‘Noticeboard at the Wyton Site’ shall mean the noticeboard on which the Claimants display this Order, which noticeboard is located on the opposite side of the highway to the Wyton Site (that highway being known as the B1090).”



14. The effect of the revised definition of “Protected Persons”, the definition of the class represented by the Second Claimant, and the various definitions of the “Persons Unknown” Defendants is to seek the imposition of an interim injunction that has a potentially very wide reach, well beyond the protest activities at the Wyton Site, with which the Court has previously been concerned. The restrictions in the new sub-paragraph (5) would prohibit the named Defendants to whom it applied and the Thirty-First and Thirty-Second Defendants “Persons Unknown” from attempting to “*compel and coerce*” any staff member of the First Claimant, contractors of the First Claimant working at the Wyton Site and staff of Impex, to “*cease their lawful activities for or on behalf of the First Claimant*” by doing any of the acts in sub-paragraphs (a) to (c).
15. The Claimants have withdrawn those parts of the variation application which sought to impose further restrictions on both named Defendants and “Persons Unknown” (in various categories) prohibiting:
  - (1) the use of mirrors, torches or other devices to obscure the vision of a person driving a vehicle that is entering or exiting the Wyton Site;
  - (2) the installation or positioning of CCTV or other surveillance equipment (including drones) to record activities at the Wyton Site;
  - (3) the knowing entry or remaining on any premises and/or land and/or residence belonging to or occupied by any Protected Person; and
  - (4) the photographing or videoing of members of the First Claimant’s staff and/or any person accessing, exiting, or carrying out lawful activities at the Wyton Site, without lawful excuse or the express permission of the First Claimant.
16. I was sceptical that the Claimants could establish a proper legal basis for these restrictions, and in respect of some of them (e.g. the restrictions on CCTV footage), the Particulars of Claim contained no recognisable claim which would justify the grant of interim relief in the terms sought. Some time was taken up, at the hearing on 25 July 2022, considering the legal basis for restrictions on drone usage and whether, and if so, in what circumstances and at what height, flying a drone over land is an actionable trespass. I had refused to grant an interim injunction to prohibit drone flying on 10 November 2021 (see [2021] EWHC 2996 [111]-[115]). Had the application in respect of drones been maintained, I would have needed to consider whether the Claimants should be allowed a second opportunity to advance what was, essentially, the same argument that had been rejected last year. In the event, the Claimants withdrew that part of their application before the hearing on 7 October 2022.
17. There were also added complications as to both the grant, and the enforcement, of an interim injunction against “Persons Unknown” in relation to drone use. Permission for alternative service of the Claim Form on the Thirty-Third Defendants “Persons Unknown” has not yet been granted. Unless the Claim Form is properly served – if necessary pursuant to an order for alternative service – the jurisdiction of the Court will not have been established over the relevant defendant (or category of defendant) and, in consequence, there can be no question of any interim relief being granted. That, in turn, raises questions as to whether a method of alternative service could

be devised that would bring the claim to the attention of all of those in the class of the Thirty-Third Defendants “Persons Unknown”: see discussion in *LB Barking & Dagenham -v- Persons Unknown* [2021] EWHC 1201 (QB) [46]-[48]. I will need to return to this issue when considering the variation in paragraph (5) sought by the Claimants (see [71.]-[72.] and [75.] below).

## C: The evidence

### (a) Generally

18. The variation application was originally supported by the ninth Witness Statement of Susan Pressick, the Site Manager and UK Administration & European Quality Manager for the UK subsidiaries of Marshall Farm Group Ltd. This evidence has been supplemented by nine further witness statements, each ostensibly providing an ‘update’ as to events that had happened since the last witness statement. Reliance has also been placed on the earlier eighth witness statement of Ms Pressick.
19. Had the issues not been narrowed by the 7 October 2022 hearing, the large number of witness statements filed by Ms Pressick would have posed significant challenges for both the Court and the named Defendants, particularly those who are representing themselves. Generally, Ms Pressick’s witness statements contain a chronological list of incidents which the Claimants wish to bring to the Court’s attention. Most of these incidents relate to the actions of unidentified (and unidentifiable) individuals. Even in support of the Claimants’ claims against “Persons Unknown”, this evidence might be thought to be of limited value. A single example (from a host of others), is this from Ms Pressick’s tenth witness statement, relating to an incident on 26 April 2022:

“At approximately 06.00 and 07.45, unknown protesters approached the site of the Wyton Site. Three pieces of wood were thrown over the fence, the first at around 06.00, and the other two at around 07.45. Unfortunately, MBR’s CCTV did not capture the wood being thrown, but it appears that the pieces of wood were thrown at security guards as they were touring the inner perimeter of the Wyton Site. I understand that one of the pieces of wood narrowly missed hitting one of the security staff.”

There are also many complaints about what has been posted online – again by unidentified people.

20. I do not presently understand what point this evidence is supposed to support or how it is thought it will assist the Court. Throwing items over the perimeter fence of MBR may be anti-social, but the Claimants have not alleged that it is unlawful, and they have not identified any civil wrong that is committed by doing so. It is also not immediately apparent what part of the variation application this evidence is directed towards or meant to support.
21. The deployment of evidence like this, and much more besides, does not assist the Court in determining the issues that must be resolved. On the contrary, it obstructs the fair disposal of the proceedings because of the time taken to consider the evidence both before and during the hearing. For the named Defendants, they are confronted with the challenge of reading these witness statements to identify what, if anything, is being alleged against them personally. Often only a tiny fraction of the witness

evidence relied upon by the Claimants relates to any of the named Defendants. As this action proceeds towards trial, the Court will need to ensure that the claims being advanced against the individual named Defendants, and the evidence in support, are isolated and presented separately from the material that relates only to the claim made by the Claimants against “Persons Unknown”. The Claimants must adopt a more focused approach to evidence, even that in support of the claim against “Persons Unknown”.

### **(1) The alleged targeting of Impex**

22. The key issue, at the hearing on 7 October 2022, was the alleged targeting by protestors of Impex Services International Limited (“Impex”). Impex is licensed by the Home Office to transport animals for medical research and provides services to the First Claimant by transporting animals from the Wyton Site to facilities at which animal testing is carried out. This has meant that Impex has become a secondary focus of some of the protestors. In short, some protestors want Impex to cease transporting animals reared by the First Claimant for animal testing. A complicating factor, potentially, is that Impex provides animal transport facilities for companies other than the First Claimant.

### **(a) The case pleaded in the Particulars of Claim**

23. At the date of the hearing, the Claimants’ pleaded case in relation to Impex is contained in the following parts of the Amended Particulars of Claim:

- (1) Paragraph 2: *“The Claimants seek an injunction to restrain the Defendants from ... harassment falling under sections 1, 1(1A), 3 and 3A of the Protection from Harassment Act 1997 (including the harassment of Impex Services International Limited and its staff)...”*;
- (2) Paragraph 27(xxvii) (summarising the claims made against the various Defendants): *“Harassment of Impex Services International Limited (the Third, Fifth, Thirteenth, Nineteenth, Twentieth, Twenty-Fifth and Thirty-First Defendants) – paragraphs 483 to 493”*.
- (3) In Paragraphs 483-493 the case of harassment is particularised. In addition to complaints of protestors surrounding (and occasionally damaging) Impex vehicles entering or leaving the Wyton Site specific allegations are made against the Third, Twentieth and Twenty-Fifth Defendants.
  - (a) On 18 January 2022, the Twentieth and Twenty-Fifth Defendants are alleged to have trespassed on Impex’s premises by climbing onto the roof and shouting through a loud hailer: *“shut down Impex”*. The Thirty-First Defendants Persons Unknown are alleged to have set off smoke flares from the roof. Protestors are alleged to have remained on the roof for most of the day making it impossible for Impex staff to access the premises.
  - (b) Also on 18 January 2022, the Third Defendant is alleged to have attended and protested outside Impex’s premises and blocked the entrance, preventing vehicles from entering and leaving. Two

(unidentified) protestors are alleged to have handcuffed themselves to the front gate. The Third Defendant is also alleged, with two others, to have approached the Managing Director of Impex shouting “*cunt*”, “*animal murderer*” and “*you should be ashamed*”.

- (c) On 27 January 2022, at approximately 18.00, a vehicle being driven by the Twentieth Defendant (without headlights) is alleged to have been driven directly at the Managing Director’s vehicle, causing him to swerve.
- (d) On or before 18 January 2022 and until 4 March 2022, the Third, Twentieth and Twenty-Fifth Defendants (and Persons Unknown) are alleged regularly to have protested at Impex’s premises. The protests are alleged to have included (i) following and abusing staff driving vans for Impex; (ii) placing a tracker on one of the Impex vehicles on or before January 2022; (iii) blocking access to Impex’s site to its staff and a director.

24. The Particulars of Claim make the following allegations against the Thirty-First Defendants “Persons Unknown” concerning the targeting of Impex. On 18 January 2022, the Thirty-First Defendants are alleged to have:

- (1) locked the gates to Impex’s site, causing and requiring the Managing Director to arrange to have the lock removed;
- (2) followed Impex staff, and recorded them and their vehicles as they left Impex’s premises on 18 January 2022, in an attempt to intimidate Impex staff; and
- (3) attended the home of the Managing Director and done the following acts:
  - (a) placed tape over the Ring doorbell on the gate of the property, obscuring the view of the camera;
  - (b) ripped off the gate sensor, which is used to open the gates to the property;
  - (c) climbed over the gates and/or the fence and trespassed on the property;
  - (d) approached the dining room window and started banging the windows with their fists;
  - (e) approached the front door and repeatedly banged the door with their fists;
  - (f) repeatedly hit the utility room window;
  - (g) shouted “*animal murderers*” and “*killers*” throughout the duration of the incident complained of; and

- (h) let off several smoke grenades, causing the Managing Director and his wife to fear for their safety, as they thought the unknown persons had set their house on fire.
25. As a result of these alleged acts of harassment, the Claimants allege that Impex has ceased trading from the targeted site and moved its operations elsewhere.
26. Based on these allegations, the Claimants' claim is put in this way in the Amended Particulars of Claim:
- “489. By doing, aiding, abetting, counselling or procuring the conduct complained of in paragraphs 487.1 to 487.12, D3, D20, D25 and D31 have pursued a course of conduct targeted at Impex's director and staff, who are a member of the Second Claimant class, which amounts to harassment of IMPEX's staff and its [managing director], and which D3, D20, D25, and D31 knew or ought to have known amount to harassment of members of the Second Claimant class, and is thereby contrary to section 1 and or 1(1A) of the Protection from Harassment Act 1997.
490. The course of conduct particularised in paragraphs 487.1 to 487.12 above was targeted at the Second Claimant class, and in particular at Impex's [managing director] and staff, to cause [the managing director] to terminate Impex's contractual relationships with the First Claimant.
491. The said harassment has caused IMPEX's staff and [the managing director], who are members of the Second Claimant class, alarm and distress both as a result of the incidents that they have experienced, and by virtue of the course of conduct pursued against them, as set out in paragraphs 487.1 to 487.12 above.
492. The course of conduct particularised in paragraphs 487.1 to 487.12 above is oppressive and unacceptable in that it was designed and intended to torment and intimidate Impex's director and staff, as a member of the Second Claimant class, in an effort to cause Impex's director to terminate its contractual relationships with the First Claimant and/or cease supplying services to the First Claimant, as is plain from paragraphs 487.1 to 487.12 above.
493. It can be inferred from the conduct complained of at paragraphs 487.1 to 487.12 above, its repeat occurrence, and the express words used by D3 and/or D20 and/or D25 and/or D31 that D3, D20, D25, and D31 intends to continue to harass members of the Second Claimant class including, but not limited to, IMPEX's staff and [the managing director], unless restrained by way of an injunction. Accordingly, the First and Second Claimant seek an injunction restraining D3, D20, D25, and D31 from pursuing any conduct that amounts to harassment in the terms set out in Order at Schedule 1 to these Particulars of Claim, or in the terms that the Court considers appropriate.”
27. The presence of the Thirty-First Defendants Persons Unknown, repeatedly, throughout those paragraphs may well lead to issues at trial. The statement of case uses the Thirty-Defendants essentially as a 'catch-all' term for any unidentified

person who is alleged to have carried out acts of harassment. It is impossible, from the statement of case, to work out which “person unknown” is alleged to have done which act(s).

**(b) The Claimants’ evidence**

28. The evidence relating to incidents concerning Impex is contained in several of Ms Pressick’s witness statements.

29. In her ninth witness statement, Ms Pressick sets out the evidence in support of the incidents concerning Impex in January 2022. This evidence is presented as having been provided to Ms Pressick by an “Impex Director”, who is not named in her statement, but it appears from the information that he provided to Ms Pressick that this is the Managing Director of Impex who has more recently provided a letter to the Claimants (see [32.] below).

(1) As to the incident with the Third Defendant on 18 January 2022, the Impex Director told Ms Pressick that the Third Defendant, with three other protestors (who were wearing masks), had approached the Director, who was in his car and are alleged to have started to abuse the Director through his car window, calling him a “*cunt*”, “*animal murderer*” and telling the Director that he “*should be ashamed*”.

(2) The Director told Ms Pressick that he had spoken to the police. From information they provided, he understood that protestors had started arriving at the site at around 04.45. Two protestors had handcuffed themselves to the front gate of the site. Protestors used a lock to secure the gate shut, thereby preventing access to the premises. In total, some 20-25 protestors had been at the site. The Director told Ms Pressick that the majority had their faces covered and he understood from the police that they did not provide them with their details.

(3) Ms Pressick states that, from photographs of those who had climbed onto the roof at the Impex premises, one of those was the Twenty Fifth Defendant. She did not recognise the other individual. She also identifies the Third and Twentieth Defendants as having been present at the demonstration outside the Impex premises, wearing beagle outfits.

(4) The Impex Director told Ms Pressick that, at 14.00 on 18 January 2022, protest management officers from Northamptonshire Police attended the Impex premises. They told the protestors that they had two hours to leave the site or face arrest. By around 16.00 the protestors had left. The police told the Impex Director that four protestors had been cautioned and advised that, if they returned within three months, they would be arrested. No attempt appears to have been made by the Claimants to obtain the identity of these four protestors from the Northamptonshire Police.

(5) Ms Pressick notes that, on the Free the MBR Beagles Facebook page, it was reported that two “*activists*” had locked themselves to the front gates of the Impex premises.

- (6) At 12.25 on 18 January 2022, i.e. before the demonstration at Impex's premises, seven masked protestors had turned up at the Impex Director's home and did the acts identified in [24.(iii)] above. They are not identified. The protestors were present for about 15 minutes. The Director called the police, but officers arrived about 5 minutes after the protestors had left.
- (7) The Impex Director told Ms Pressick that, on 20 January 2022, four unidentified protestors came to his house and tried to pick the lock of his gate. He called the police, who arrived quickly, but there were no arrests.
- (8) On 25 January 2022, there was another protest outside the Impex premises. Ms Pressick states that photographs show that the Sixth and Twentieth Defendants were present. No details are given as to what they did beyond protesting.
- (9) Ms Pressick notes that, on 27 January 2022, there was a post on the Free the MBR Beagles Facebook page stating that two Impex vans had left their site with the comment that "*activists are in pursuit*". Ms Pressick states that this shows "*their intention to disrupt our suppliers*". She does not identify who it is alleged had this intention.
- (10) As to the alleged incident involving the Twentieth Defendant, Ms Pressick states:

"I understand from Impex's director that at about 6pm on 27 January 2022, he was driving his car on the highway, when another car drove directly at his car without any headlights on causing him to swerve his car to avoid a collision. I am informed by the director of Impex that the police later confirmed to him that the vehicle that drove at his car was being driven by Lisa Jaffray."
- (11) On 2 February 2022, a demonstration (previously advertised on the Free the MBR Beagles Facebook page) took place at the Impex premises. Ms Pressick states that there were four or five protestors who she could not identify because they had their faces covered. Ms Pressick does not allege that the protestors did anything wrong.
- (12) Ms Pressick states that, on 16 February 2022, there was a further posting on Free the MBR Beagles Facebook page indicating that the gates of the Impex premises had been locked by protestors and the lock had to be cut off. Mr Pressick does not identify who is said to be responsible for this.
- (13) As to the impact of the protest activities on Impex, Ms Pressick notes the following announcement on the Free the MBR Beagles Facebook page on 4 March 2022:

"IMPEX RUN OUT OF TOWN

We can confirm that Impex Services International Ltd, the infamous operators of white 'death vans' transporting animals to labs up and down the country and internationally, are shutting up shop...

The units used by Impex are now up for sale, and Impex are moving on due to continued daily pressure by dedicated demonstrators.

We will be watching the operations of this company closely, to find out if they attempt to set up elsewhere...”

- (14) Concerning the impact on the First Claimant, Ms Pressick said this in her evidence:

“The targeting of delivery suppliers is extremely concerning. If suppliers such as the delivery companies are targeted which results in them being unable to make deliveries, this will impact on companies receiving animals for medical and clinical research. The impact of this is that it may result in there being no animals being supplied in the UK. If there is no supply, then that will have an impact on medical research being conducted in the UK, including current and future research programmes. The result would be that the medical research would move to other jurisdictions and dogs would be supplied from elsewhere where the regulatory regime regarding welfare may not be the same as our own. [As previously explained], if we were to close the [Wyton] Site, the dogs on the Site would have to be euthanised. That would happen if we could not transport any animals from our Sites, as the build-up of stock of animals would mean we would exceed our allowed capacity limits under our licence. Further, customers will not receive animals from any supplier (whether in the UK or otherwise) and will therefore need to move their medical research activities outside of the UK. That will effectively end medical research in the UK. This is extremely serious and steps need to be taken to protect our suppliers.”

30. In her sixteenth witness statement, Ms Pressick gives evidence of the following further incidents:

- (1) On 12 July 2022, there was a large protest at Impex. Multiple individuals are alleged to have climbed onto the roof and applied graffiti to the wall. They are not identified.
- (2) On 13 July 2022, a Tweet appeared on an account Ms Pressick says is operated by the Twelfth Defendant: “*MBR Scumhole and Evil dirty Impex needs to feel our fkin anger...*” Later that day, a further Tweet included a photograph of a house, with the address identified (said to belong to Impex’s Managing Director”) with the comment: “*[name]... In need of a decorator for the gates*”.
- (3) On 14 July 2022, the Twelfth Defendant is alleged to have posted photograph with the caption: “*Look he it is [name] one ugly evil piece of shit the owner of Impex the courier company that transports the beagles to labs and other animals*”.
- (4) On 18 July 2022, the Twelfth Defendant is alleged to have posted a further photograph with the caption: “*This twerp you see here with his bike helmet on is [name’s] brother, [name] being the owner of Impex the courier company that transports various animals to labs including the Beagles from MBR... Utter vile scumbag he is I bet he as (sic) drove one of those vans*”.



- (5) On 19 July 2022, photographs of protestors demonstrating at the Impex site were posted on the Free the MBR Beagles Facebook page some of which showed the graffiti from the 12 July 2022. The caption said: “*See you’ve still got some lovely chalked messages around your premises... [name]. Must be a proper welcoming sight for you and your gang each day. Nice*”.
- (6) On 20 July 2022, it is alleged that a named individual (not a Defendant to these proceedings) had posted a video online showing him blocking a vehicle attempting to leave Impex’s site.

Ms Pressick states:

“It is clear that protections are needed to protect our suppliers. It is clear that the protests against them are linked because they operate with us. They are lawfully allowed to deal with us and yet they have to experience being targeted and harassed.”

31. In her seventeenth witness statement, Ms Pressick complains of the following:

- (1) On 26 July 2022, at 09.16, photographs were posted on the Free the MBR Beagles Facebook page showing graffiti that had been painted onto the walls of Impex’s office including the words “*scum*” and “*puppy killers*”. Several windows were smashed. A caption of the photographs included the words:

“... Activists arriving at Impex, Couriers of Cruelty, were met with a real sight for sore eyes this morning. Windows have been smashed and daubed with paint in an act of defiance. The secret’s out [name], everyone knows what you get up to now and it seems that decent people just aren’t prepared to put up with it.”

- (2) That same day, the Twelfth Defendant, tweeted:

“Impex (Scumpex) are the weakest link for MBR I believe we should step up protests outside this scumhole every day... Remember there is no injunction in place at this hellhole. I believe limited suppliers in the uk of those who transport animals to labs it has been said. Let’s close down Scumpex”

- (3) On 27 July 2022, at 05.55, further photographs were posted on the Free the MBR Beagles Facebook page showing the windows of Impex’s offices boarded up and Free the MBR Beagles posters stuck on top of the boarding. The caption stated: “*Loving the newly installed notice boards [name]*”.

- (4) On 28 July 2022:

- (a) at 05.33, further photographs were posted on the Free the MBR Beagles Facebook page showing further Free the MBR Beagles posters stuck on the boarded-up windows. The caption stated: “*I get took down but I go up again. You are never gonna keep me down...*”;

- (b) at 06.42, further photographs were posted on the Free the MBR Beagles Facebook. One was a photograph of the Managing Director of Impex with the caption “*providing services to the vivisection industry*”;
- (c) at 11.05, the Twentieth Defendant posted a video on her Facebook page showing the Managing Director of Impex leaving the site. An unidentified protestor can be heard shouting from behind the camera at the Managing Director, “*Twat, you’re a mess! Look at you!*”. The Twentieth Defendant is alleged to have said: “*Your windows look good...*”. It is alleged that the Twentieth Defendant and an unidentified protestor obstructed the Managing Director’s vehicle so that he was unable to leave. The caption to the video states: “*The monster this morning trying to hide his face, despite us all having seen it already. [name], Impex. How we all laugh at this patheticness (sic) and inadequacies.*”
- (5) On 1 August 2022, an Impex vehicle attended the Wyton site to transport animals. The Twelfth Defendant is alleged to have Tweeted: “*We must close down Scumpex weak link to MBR Actres. Come on Activists what are you waiting for.*” The Third Defendant is alleged to have posted on his Facebook page: “*Back on the early protest shift at Impex lab animal couriers. Impex are an independent company transporting laboratory animals all over the UK and beyond including bragles (sic) from MBR Acres. We are determined we won’t back down until Impex are history.*”
- (6) On 2 August 2022:
- (a) at 07.53, photographs of placards apparently from Impex’s premises – with the words “*Animal Abusers*” and “*Couriers of Cruelty*” – were posted on the Free the MBR Beagles Facebook page. The photographs were captioned: “*Come on [name], we’re waiting for you and in the meantime we’re making sure your neighbours know all about you*”;
- (b) at 13.31, further photographs were posted on the Free the MBR Beagles Facebook page showing protestors holding placards with the words “*Puppy Killers*”. The caption stated: “*As well as protesting at Impex premises this morning, some activists visited [location] and spoke with [the Managing Director’s] neighbours. Unsurprisingly he’s really not a very popular member of that community. How awkward for him.*” Ms Pressick was not able to identify the protestors; and
- (c) a video was shared on another platform showing protestors at the Impex site, including a clip of the Twenty-Fifth Defendant sitting with a loudhailer on the roof of Impex’s premises. Ms Pressick concludes that this is a reposting of footage of the incident in January 2022.
- (7) On 4 August 2022, further photographs of protestors holding placards – including one with “*[Managing Director] Puppy Killer*” – were posted on the Free the MBR Beagles Facebook page. The Twentieth Defendant is alleged to be one of those holding a placard with a caption “*Activists in [location] again this morning outside the Impex premises of one [Managing Director]. So what*

*are you up to [name]? You've not been seen since you took dogs from MBR Acres on Tuesday. #animalrights#CouriersofCruelty". Ms Pressick suggests that this evidence demonstrates that "the protestors are tracking [the Managing Director] and have posted this information publicly for anyone, including him, to see".*

- (8) On 9 August 2022, further photographs were posted on the Free the MBR Beagles Facebook page with the following caption:

"No sign of life at the Impex premises in [location], but some interesting and enlightening conversations with people in [location] this morning! Many of [location's] dog walkers were aware of their neighbour's dodgy business but some also described his apparently dodgy behaviour within the village. Dear oh dear [name], some pretty damning comments about your lack of morals (professional and personal) and some that we can't actually even repeat."

- (9) On 13 August 2022, Camp Beagle posted a message on their Facebook page stating that the Third and Twentieth Defendants had been arrested (it appears four days earlier) "*for allegations against MBR and Impex*". The Claimants have not provided any evidence shedding any further light on why they have been arrested.

- (10) On 18 August 2022, the Twentieth Defendant is alleged to have posted on her Facebook page:

"Anyone that can, please get to Sequani, Labcorp etc. Impex have taken three vans from MBR. People are needed in case the vans go there. These MUST be stopped. We cannot allow [the Managing Director] to start operating freely again."

Later, on 18 August 2022, a group called "*Exposing Cruelty*" is alleged to have posted on its Facebook page a video of protestors obstructing an Impex van as it attempted to enter the Sequani site. It is alleged that the Fourteenth Defendant can be heard on the video shouting, "*No! No! I will not move! I will not move! Disgusting! Disgusting!*". Ms Pressick adds that she has recently seen on social media that Sequani was also targeted by protestors after a delivery from the Wyton Site had been made during the week commencing 12 September 2022. Ms Pressick states that this "*demonstrates how the protesters are targeting MBR's third party suppliers, including Impex, well beyond the Wyton Site*".

- (11) On 25 August 2022, the Twelfth Defendant is alleged to have Tweeted:

"Really feel we need to focus our attention on Impex (Scumpex) as they are the link to MBR that can fk things up for them if we get rid of Impex as there are not many couriers in the uk that deliver animals to the Labs. We need more activities to get down to Scumpex... Come on fellow activists we can close this scumback (sic) [name] down I believe but needs more people that just a few. Been said if they cant get the dogs out then MBR will have to close what are we waiting for?"

And the following day,

“Q What does MBR, Labcorp, Charles River, Sequani have in common?  
A Impex.”

(12) On 19 September 2022, TCM.Digital is alleged to have shared two videos on TikTok. The first shows the police telling protestors outside Impex’s Managing Director’s home to move on otherwise they would be arrested. One of the protestors, whom Ms Pressick cannot identify, is shown holding a sign calling the Managing Director an “*animal abuser*”. The second shows an unidentified woman with purple hair being arrested by police, allegedly for having failed to leave, as directed by police, and for refusing to give her personal details.

32. The Claimants have adduced in evidence a letter, dated 3 October 2022, to the First Claimant from the Managing Director of Impex. The material parts of this letter are:

“I am writing on behalf of Impex. As the protestors and you know, Impex supplies services to MBR. We were previously listed as a supplier which was specifically protected by an injunction which the previous owner of your site (Harlan) had in 2012. Whilst I know you have got a new injunction, I understand the court has not yet permitted similar protections for suppliers as what Harlan had in 2012. I know you are planning to apply for similar protections for suppliers as what Harlan had which for the reasons set out below Impex would support.

As you know, we operate from a set of premises where we do not post the name of the business at the site – i.e. the site is unmarked...

Despite this, since January 2022, Impex has been severely targeted by the protestors targeting your business. The protestors have been able to work out that Impex works with MBR which is why I believe we are being targeted now. On 20 January 2022, I saw Free the MBR Beagles posted a video on its Facebook page with the title “IMPEX: WE ARE WATCHING”. In the video, there is a video of me with a van at Heathrow airport unloading items into a bonded warehouse. I made the delivery a couple of weeks before Christmas 2021.

I understand from you that the protestors who have been seen on social media at our site are the same people who have been at your site such as Mel Broughton [Third Defendant], Lisa Jaffray [Twentieth Defendant] and Scott Paterson [Sixth Defendant]. They regularly hold ‘Free the MBR Beagles’ placards or place ‘Free the MBR Beagles’ posters on our premises. I have seen tweets from Michael Maher [Twelfth Defendant] recently saying ‘We must close down Scumpex weak link to MBR Acres. Come on Activists what you waiting for!’ Clearly we are being targeted because of the work we do for you.

The protestors target the business but also my family and home. The conduct of the protestors is not legitimate protest. It is a campaign of harassment and intimidation. I have listed some examples of what they have done recently.

Targeting of Impex’s premises

- On 18 January 2022, protestors ‘locked on’ at the Impex site known as [location given]. When I visited the site that day, the Protester (shouting) called me a ‘cunt’ and ‘animal murderer’ and told me that I ‘should be ashamed’. Protestors climbed on the roof of the office building, with one protestor using a loudhailer to shout, ‘Shut down Impex!’”. Protestors locked a motorcycle lock to the gate of the Impex Site so that no one could gain entry to the premises all day. During the day, there were about 20-25 protestors at the Impex Site. Because of all of this, Impex was not able to move its vans or conduct business that day.
- Protests at our premises have continued routinely since then. The windows of the premises have been smashed in. We regularly find the gate is locked and we have to use an angle grinder to unlock the gates. When we drive out we find protestors trying to block the vans. We get hurled abuse at when the protestors are there.

Targeting me, my family and home:

- As you are aware, the protestors (connected to what I will call ‘Camp Beagle’) have also targeted me directly. This started in January 2022, but is continuing even with police intervention.
- On 18 January 2022, protestors came to my family home (which I share with my wife and school-aged children) where they not only held up ... signs and set out smoke grenades, but... they came [on] to my property, caused criminal damage, and attacked the front door with their fists and hit the utility room window, shouting ‘animal murderers’ and ‘killers’. The director (sic) and his wife were terrified by this behaviour.
- A couple of days later, protestors attempted to pick the lock [at my] home on 20 January 2022.
- At the end of January, I was driving and had to swerve to avoid colliding with another car (which appeared to be [heading] directly towards me, without headlights). It was subsequently confirmed that Lisa Jaffray [Twentieth Defendant], a [defendant] in the proceedings was driving the car. This another indication of the clear link between Camp Beagle and the protestors targeting me and my family.
- More recently, on 17 September, a number of protestors gathered outside my home. The person I understand to be from TCM Digital was there, together with Sammi Laidlaw. This emphasise[d], to me, the connection between the protestors at Camp Beagle and the targeting of Impex and my family. I know that one woman was arrested.
- We regularly have protestors now camping on a green outside of our home and regularly need to call the police.

As you are aware, the protestors behaviour has had a significant impact on Impex and me and my family. The staff and drivers at Impex have been intimidated and frightened by the protestors. One of our drivers [has] left, stating that they do not want to risk their safety given how violent the protestors have been at the Wyton Site. Another driver has refused to do any more

deliveries for MBR as they are concerned for their safety. Me and my family have been intimidated by the protestors and are fearful of violence from them due to repeated threats and visits to my home. We have the right to a family life. My family fear leaving the house.

Impex has incurred significant costs as a result of not being able to carry out our work effectively, and have also incurred costs repairing damage and implementing additional security measures. At one point in March 2022, we were forced to move sites due to continued protests, which also caused us to incur costs.

I believe that an injunction restraining the protestors connected to the groups ‘Free the MBR Beagles’ and/or ‘Camp Beagle’ (including those named in the Proceedings) from harassing MBR’s suppliers is necessary to prevent (or at least deter) behaviour such as that described above.”

33. Impex’s Managing Director has not provided a witness statement in support of the variation application. That is surprising, particularly given the obvious importance of his evidence and the ample opportunity that the Claimants have had to obtain one. Had the Claimants’ solicitors taken a proper witness statement from him, it is likely that it would have contained better evidence. In particular, a solicitor would have understood the need to identify the individuals who were alleged to have targeted Impex and, crucially, precisely what each individual was alleged to have done. The Managing Director’s letter is vague and imprecise, particularly as to the identity of the alleged wrongdoers. It is also clear that, in material respects, he has been provided with information from the Claimants’ side, which makes it difficult to be clear about which information the Managing Director knows personally, and which has been provided to him by others.

## **(2) Alleged targeting of the First Claimant’s employees**

34. The Claimants allege that the First Claimant’s staff have been the subject of harassment in breach of both s.1(1) and s.1(1A) Protection from Harassment Act 1997.

35. Principally, this claim is brought against the Thirty-First Defendants “Persons Unknown”, who are defined as:

“[Persons] who are protesting outside the premises of the First Claimant and/or against the First Claimant’s lawful business activities and pursuing a course of conduct causing alarm and/or distress to the Second Claimant and/or the staff of the First Claimant for the purpose of convincing the Second Claimant and/or the staff of the First Claimant not to: (a) work for the First Claimant; and/or (b) provide services to the First Claimant; and/or (c) supply goods to the First Claimant; and/or (d) stop the First Claimants’ lawful business activities at MBR Acres Ltd, Wyton, Huntingdon PE28 2DT)”

(The Thirty-First Defendants “Persons Unknown” are also alleged to be harassing the employees/officers of Impex)

36. The use of the first “and/or” in that definition means that this category of Persons Unknown is wider than simply those people who are protesting outside the premises

of the First Claimant. As drafted, the definition is capable of catching people who are “*protesting against the First Claimant’s... activities*” otherwise than outside the Wyton Site. When permission was granted to serve the Claim Form on the Thirty-First Defendant “Persons Unknown” by alternative means, the method that was authorised by the Order of 31 March 2022 was, essentially, by posting copies on the noticeboard opposite the Wyton Site. That method of alternative service, whilst it can reasonably be expected to bring the proceedings to the notice of those who are protesting outside the Wyton Site, it is not likely to bring the Claim Form to the attention of people protesting elsewhere, for example at Impex’s premises or at the homes of any of the employees/officers or the First Claimant and/or Impex. There is a potential failure, therefore, in the alternative service order insofar as it purports to serve the Claim Form on people who fall within the definition of the Thirty-First Defendant, but who are not protesting outside the Wyton Site: see ***LB Barking & Dagenham*** [46]-[48].

**(a) The case pleaded in the Particulars of Claim**

37. The case advanced against the Thirty-First Defendants “Persons Unknown” is set out in paragraphs 455-463 of the Particulars of Claim. It is alleged that this category of “Persons Unknown” has:

- (1) “*done, aided, abetted, counselled or procured*” various acts that are alleged to have done by the identified Defendants;
- (2) by so doing, has pursued a course of conduct “*targeted at the First Claimant’s staff and/or members of the Second Claimant class, which amounted to harassment of the First Claimant’s staff and/or members of the Second Claimant class, which D31 knew or ought to have known amount to harassment... and is thereby contrary to section 1 and/or section 1(1A) of the Protection from Harassment Act 1997*”; and
- (3) pursued this course of conduct in an effort to cause members of the Second Claimant class to terminate their contractual relationships with the First Claimant.

38. The course of conduct is alleged to be oppressive and unacceptable in that it was “*designed and intended to torment and intimidate members of the Second Claimant class including, but not limited to the First Claimant’s staff, in an effort to cause members of the Second Claimant class to terminate their contractual relationships with the First Claimant and/or cease supplying goods and/or services to the First Claimant.*”

39. Each of the acts relied upon against the named Defendants is alleged also to have “*included unknown persons who have done, aided, abetted, counselled or procured the acts and who at the time they committed the acts were unknown and unidentified, it being the first time they committed any wrongdoing against the First Claimant’s staff and/or Second Claimants.*” The Claimants contend that this is a “*feature*” of the protests for reasons set out in the Particulars of Claim. These particulars focus on matters which, it is claimed, show that new people come and join the protest.

**(b) The Claimants’ evidence**

40. In her witness statements, Ms Pressick has provided the following evidence:
- (1) During the weekend of 28-30 August 2021:
    - (a) Employee V reported that an unidentified individual had posted a “Free the MBR Beagles” flyer to his/her kitchen window; and
    - (b) Employee DM had an altercation with a drunk neighbour, whom it is said knew about Employee DM’s job. The neighbour started acting aggressively towards Employee DM, hitting him several times.
  - (2) On 3 March 2022, Employee F was sent screenshots to his/her Instagram account by a follower. These showed a conversation between that follower and an account “Liberation\_21”. Liberation\_21 had posted a photograph of Employee F, and a video of him/her leaving the Wyton Site by car, asking if the follower recognised him/her and suggesting the village where Employee F lived. Ms Pressick states that Employee F feared for his/her personal safety and that of his/her family. The matter was reported to the police.
  - (3) On 8 March 2022, a post appeared on the ‘Huntingdon Locals Free the MBR Beagles’ Facebook page which included the social media profiles of eight members of MBR’s staff with derogatory comments and an encouragement to “*screenshot and share before Facebook protect the puppy killers*”. Ms Pressick states that this action caused at least one employee to quit their job.
  - (4) On 5 May 2022:
    - (a) Employee DM’s house had the word “*scum*” spraypainted on the front door.
    - (b) Employee K had the words “*puppy killer*” and “*puppy kill scum*” spraypainted on his/her car;
    - (c) Employee K had the words “*puppy kill scum*” painted on his/her house and also on his/her neighbour’s house. On nearby walls was spraypainted the words “[*Employee L*] is a puppy killer” and “[*Employee L*] kills beagles at MBR acres”.
  - (5) On 19 May 2022, funeral packs were sent to Employee DM and Employee F. Ms Pressick states that Employee F has told her that the police have stated that the Twentieth Defendant was arrested, on 10 August 2022, in relation to this and is subject to bail conditions that she must not contact or publish the details of any employee or contractor of the First Claimant. Ms Pressick has previously provided evidence of alleged targeting by protestors of Employee F in her fifth, ninth, tenth and sixteenth witness statements.
  - (6) Overnight between 18-19 July 2022, Employee F had a poster stating “[*Employee F*] kills puppies” stuck to the outside of his/her house.
  - (7) On 20 July 2022, the Thirteenth Defendant is alleged to have posted on her Facebook page: “*This morning Tee was found guilty of criminal damage – Spray painting ‘scum’ on animal abuser [DM]’s front door. She received 150*



*community work and £259 fine/compensation.*” This related to an incident, on 5 May 2022, at the home of one of the First Claimant’s employees, described in more detail in Ms Pressick’s tenth witness statement. Ms Pressick identifies the person that she believes to be “Tee”. The name is not one that I recognise as having been involved in any other incidents and the Claimants have not sought to join this person as a named defendant to these proceedings.

- (8) On 1 August 2022, Employee D was followed by a protestor on his/her way home from the Wyton Site. It is alleged that the protestor then posted on social media a photograph of Employee D in his/her car, with the comment: *“Shame I caught one of the workers without he’s (sic) poor mask on driving home after I left the protest, soon pulled he’s (sic) mask up, bit late for that” and “clocked the registration and got my Mrs to check on the video protest, was driving the a14 so followed him and got a video, shame the sun was on he’s (sic) window but a good enough view.”*
- (9) On 22 August 2022:
  - (a) Employee U is alleged to have been followed home by a protestor, an incident that was reported to the police; and
  - (b) a named individual, not a Defendant to the proceedings, is alleged to have posted on social media, listing the registration numbers of what were believed to be cars of MBR employees seeking information as to how to work out who owned the cars.
- (10) Ms Pressick alleges that, on 13 August 2022, Camp Beagle posted online that the Third Defendant had also been arrested for *“allegations surrounding actions against MBR and Impex”*. Ms Pressick states that she does not know why the Third Defendant has been arrested and she appears not to have sought further information about this from the police.
- (11) Employee Q has been the target of abuse on social media and, in the early hours of 28 September 2022, a car belonging to him/her was vandalised, including being spray-painted with the words *“puppy-killer”*.
- (12) On 27 September 2022, four members of the First Claimant’s staff received letters at their home addresses. Each stated: *“PUPPY KILLER!!! DON’T GO TO WORK OR WE’LL TELL ALL YOUR NEIGHBOURS”*. Ms Pressick states that *“this is clearly worrying for the employees”*.
- (13) On 30 September 2022, Employee A was driving past ‘Camp Beagle’ (the encampment of the protestors that has been set up near to the Wyton Site) and alleges that an object was thrown at his/her vehicle which smashed the windscreen. Fortunately, no one was hurt in the incident.

Ms Pressick states that employees are reporting incidents to the police as appropriate.

### **(3) Vandalism of the noticeboard outside the Wyton Site**

41. Sub-paragraph (6) of the variation sought by the Claimants to the injunction relates to damage that has been caused to the noticeboard opposite the Wyton Site.

The noticeboard is, in fact, a locked glass fronted cabinet in which a copy of the interim injunction order (and other documents) is displayed. Display of the injunction order outside the Wyton Site was the method of alternative service of the Claim Form for which permission has been granted in respect of the various categories of Persons Unknown Defendants (see [3.]-[5.] above).

42. Alleged damage to the noticeboard is not a claim that is presently included in the Particulars of Claim. In her seventeenth witness statement, Ms Pressick says that the noticeboard has been “*repeatedly vandalised*”, principally by spray painting. Ms Pressick states:

“The vandalism of the noticeboard is especially vexatious as the protestors know that the Claimants must display the Injunction Order on the noticeboard to ensure that Persons Unknown have been effectively served with the Injunction Order. the repeated vandalism of the noticeboard does appear to be an attempt to hinder and evade service of the Injunction Order, or at least mitigate the practical effect of technically effective service.”

She adds:

“I should also mention, and without waiving privilege, that internal discussions are ongoing as to the practicality and effectiveness of potentially placing sign(s) on the Gate and/or perimeter of the Wyton Site which provide a QR code with which the Injunction Order can be accessed online. I understand from the Claimants’ legal representatives that similar signage has been deployed in other recent protestor injunctions such as the Arla Foods Limited injunction and the Just Stop Oil injunction in Thurrock and Essex”

#### **(4) Evidence from the police about the protests**

43. By Order of 30 May 2022, Cambridgeshire Constabulary were directed to provide to the Court a witness statement from the senior officer with current operational responsibility for policing the protest activities against the First Claimant. The information to be provided in the witness statement, together with any further information that the officer considered would assist the Court in its decision as to the interim injunction, was specified in the Order as follows:

- “(a) In relation to the protests at the Wyton Site in the period from 1 April 2021 to date, please provide details of:
- i. the number of people who have been arrested by the police;
  - ii. the date on which each person was arrested;
  - iii. the offence(s) for which the person was arrested and suspected to have committed;
  - iv. the number of people who have been charged;
  - v. the offence(s) with which the person was charged; and
  - vi. the current status (or, if applicable, result) of any prosecution.

At this stage, the Court does **NOT** require the names of those who have been arrested and/or charged (and the information should be given a cipher, e.g. A, B, C, D, etc.)...

- (b) In relation to policing of the protests at the Wyton Site since the grant of the interim injunction, first on 20 August 2021, and then the imposition of the exclusion zone on 10 November 2021, has the number of incidents requiring police intervention increased, decreased or stayed about the same when compared to the period prior to the grant of the relevant injunction?
  - (c) How often are the police currently attending the Wyton Site in order to police the protests?
  - (d) Do the protestors cooperate with the police?
  - (e) Are there any particular activities of the protestors that are currently causing concern to the police and in respect of which the police feel that their powers are insufficient or inadequate?"
44. In response to that Order, Superintendent Robin Sissons has provided a witness statement, dated 10 June 2022. He described himself as the "*standing gold commander for the police response to police activities taking place at MBR Acres Ltd, Wyton; Labcorp, Wooley Road, Alconbury and other associated locations across Cambridgeshire*". He was responsible for overseeing the strategic policing response to the protest activities. I should record the Court's thanks to Superintendent Sissons for providing his witness statement.
45. By way of introduction, Superintendent Sissons stated:
- “5. MBR (Marshall Bio Resources) Acres, B1090 Wyton is a long-established facility where animals are bred for research purposes, which is a lawful activity. There has been continuous protest activity outside the business premises for a twelve-month period and there is no indication that this will cease in the foreseeable future. A semi-permanent protest camp has been erected along the roadside, with a communal tented kitchen, rented port-a-loo's and a number of mobile home vehicles that the protesters sleep in.
  - 6. The protestors tend to protest towards staff arriving and leaving the site at shift changeover times. They hold up animal liberation signs and shout at the staff. At the MBR encampment, the protestor numbers can vary from a handful up to 200 on declared 'Days of Action' and consists of a wide variety of people ranging from those who live locally to others that have travelled a great distance and camp; young, old and all different backgrounds of society are represented. The main stated purpose of the protesters is to ensure no animals leave the site and to continue to protest until the business is closed. More recently protest activity has focused on social media pressure focusing on workers and more direct action at the MBR's supply chain and subcontracted companies that are involved in the animal movement.
  - 7. My gold strategy covers the requirements needed to provide a co-ordinated and consistent response that meets our core policing responsibilities

(Protecting life, property and preventing injury; Maintaining the Queen's Peace; Preventing crime; Bringing offenders to justice) so that we keep our communities safe and maintain public confidence.

8. It is the intention of Cambridgeshire Constabulary to work with partners to deliver our core policing responsibilities by ensuring a proportionate and risk-based policing response in line with the Code of Ethics and the force vision and values. We will engage with protestors and staff at MBR Ltd to reach a balanced position whereby protest activity occurs in such a way that it is peaceful whilst ensuring the rights of those engaged in a lawful business are not infringed.”
46. As requested, the officer has provided a table – set out in the Appendix to this judgment – providing crime data relating to the protests at the Wyton Site, in the period from 1 April 2021. Overall, 23 people had been arrested, 21 had been charged, 4 people had been convicted of offences and 4 people had been found not guilty following trial or in respect of whom the case was dismissed, although there were others in respect of whom criminal prosecutions were pending as at the date of the statement.
47. The data in the table shows that, since the grant of the original interim injunction, on 20 August 2021, there have been 9 arrests, leading to 7 people being charged. Of those, at the date of Superintendent Sissons’ statement, two people were awaiting trial, one person had been found guilty of an offence under s.4A Public Order Act 1986 and fined £100 and ordered to pay £100 in costs; one person had been found not guilty at trial and another had the charge s/he faced dismissed at court; and no further action was taken in respect of one person who was arrested on suspicion of assault. After the exclusion zone was imposed by the varied interim injunction on 10 November 2021, there have been three arrests, leading to the charge of one person with a single count of criminal damage. That is an arrest rate of 1 person every two months. Those who have been arrested and/or charged have often had bail conditions imposed which prevent the relevant individual from attending the Wyton Site.
48. As to the impact of the interim injunction and the subsequent addition of the exclusion zone, Superintendent Sissons’ evidence was as follows:
  - “10. I have been asked to consider the impact that the interim injunction and the subsequent addition of an exclusion zone has had on protest activity. This is difficult as there are several factors that have influenced protest activity and I would not be able to attribute one factor having more influence than another. The main influencing factors are affected by:
    11. Protester activity - over the past twelve months protest activity has changed dramatically. Initially there was a focus on having a physical presence daily (with the intention of influencing MBR staff members as they entered and exited the site) and large “Demonstration Days” at weekends with organised speeches. If the injunction and exclusion area had been in place during this period, then I would have anticipated that its impact would have been significant.
    12. As the winter months/poorer weather conditions developed then physical numbers at the site reduced to only a few being physically present meaning

the injunction impact was limited. During this period protest activity seemed to focus more on social media with the intention of influencing the social network of workers and companies involved in MBR's supply chain. For example, I am aware that the operational premises of a company used for animal movement was identified (situated outside of Cambridgeshire) [Impex] and intensive physical protest activity occurred at that location. Most recently there has been protest activity at the home addresses of MBR staff.

13. These new developments in protest activity have limited the impact that the injunction and the exclusion zone have had; albeit it is appreciated that there is a possibility that a large physical presence both daily and at special events may occur again in the future.
14. MBR activity – throughout the twelve-month protest, MBR have altered their response to the above changes in protester activity. There have been times when staff have entered and left the site together and the injunction and its exclusion zone has assisted them. Similarly, there have been times (during the winter months) where they entered and left with no protester activity. Finally, it is my observation that there is a correlation between animal movements and periods directly afterwards where protest activity intensifies and at these moments the conditions of the injunction have assisted MBR staff to enter and leave the site whilst still allowing the rights of the protesters to be exercised.
15. Police activity – the gold strategy articulates that the constabulary will take a balanced position whereby protest activity that occurs in a way that it is peaceful (with some civil disobedience tolerance) is permitted whilst ensuring the rights of those engaged in a lawful business are not infringed.
16. If substantive offences are committed, then a proportionate policing response will be delivered. The policing style is reasonable to the situation, based on an approach of 'no surprises' delivered in a 'normal policing' context; whilst remaining impartial and accountable in law. The crime data within the informational table demonstrates this being our approach. It will also show that several offenders have been taken through the criminal justice system during which time restrictions were placed on their movement/ability to attend the site. On some occasions these restrictions have had an impact on protest behaviour of those still at the site.
17. Similarly, it is clear from conversations that officers have had whilst engaging with protesters and on reading comments on social media sites that promote their ideology, that many of the protesters are aware of the injunction, its restrictions and implications meaning that its existence has had an impact on their behaviour.
18. The data shows that from 20/12/2019 until 20/08/2021 when the first interim injunction was granted there were a total of 124 incidents recorded plus 30 to other locations which are associated with this issue. From 1 April 2021 – [to] date (05/06/2022) there are a total of 240 incidents recorded that the Police have attended. From 20/08/2021 to the 10/11/2021 when the exclusion zone was imposed there were 51 incidents recorded for

MBR Acres location only. Then from the 10/11/2021 to date (05/06/2022) a total of 56 Incidents have been recorded for this period.”

49. Superintendent Sissons explained the policing response to the protest activities as follows:

19. One of the policing objectives within the gold strategy is to provide a lawful and proportionate policing response to the ongoing protests, balancing the needs and rights of the protesters and those impacted by the protest. My rationale being: *Freedoms of assembly and expression are key elements to protest and are fundamental to our democracy. Whilst I acknowledge that policing a protest is complex; it is vital that our response is reasonable, balancing the rights of all involved.*

20. It is for this reason that police attendance has varied greatly during the twelve-month period dependent on the risks and threats posed. There is a series of weekly meetings where the police review/assess incidents, crimes, intelligence and information from which I then make the decision as to what the police attendance will be for the coming week.

21. Recently daily police attendance has not been required (unless an animal movement has recently taken place for reasons articulated above), with little police attendance at advertised weekend events and a proportionate policing presence at animal movement times. However, in the past the perceived risk of conflict has been higher making it proportionate for police officers to be present when MBR staff enter and leave the site. In addition, consistency is maintained through established protest liaison officers who conduct visits on average four times per week for 1-2 hours to maintain protester/police relationships whilst reassuring MBR.”

50. Regarding the engagement with and cooperation of the protestors, the officer added:

“It should be emphasised that the protest group are a collection of individuals with their own independent thoughts and ideologies. It consists of a wide variety of people, young, old and all different backgrounds of society are represented. In my briefing to officers, I highlight ‘*we should not consider a crowd of protesters as one unit but instead as a group of individuals. Some will want to voice their views only whilst others will be prepared to take further action.*’ This is important as some individuals will co-operate fully with police guidance and injunction restrictions whereas other individuals will be less responsive. To emphasise this further I am aware that there are several different protest groups with different memberships that have varying viewpoints from each other. Therefore, whilst generally the group will state that they are a collection of people, there are individuals that will be more argumentative with officers or will want to deviate from what the group has agreed.”

51. Superintendent Sissons completed his statement with a section headed “*Activities where legislative powers are lacking*”, in which he stated the following:

“23. The constabulary has been successful in being able to reach the correct balance of ensuring that protest activity occurs in such a way that it is peaceful whilst ensuring the rights of those engaged in a lawful business are not infringed. The policing style adopted is very much engagement first

but if there are substantial criminal offences committed then positive action will be taken. The criminal justice system has a wide variety of offences that can be used by the constabulary and as can be evidenced in the crime data provided, we have used them to full effect when proportionate to do so.

24. In appreciation that it is not just the constabulary that hold legislative powers, there is a fortnightly multiagency meeting (chaired by the constabulary) where representatives from Cambridgeshire County Council (Highways), District Councils, blue light services and key stakeholders attend. This allows legislative powers beyond the constabulary to be considered in a co-ordinated way. I have not sought their views on whether there are any activities where legislative powers are lacking from their perspective currently.
25. Finally, I am aware of the use of unmanned aerial vehicles known commonly as drones. These are being used on a regular basis by the protest group to monitor the activities on the MBR site. The constabulary have received complaints regarding their presence and at times the way that they are flown i.e. close to buildings and persons. There is currently no criminal legislative framework that prevents the use of drones (if flown appropriately) to capture images and then circulated on social media. With regards to this, we are seeking advice from the Civil Aviation Authority in appreciation that the constabulary are not the primary legislative guardians in this area.”

#### **(5) Evidence from the relevant named Defendants**

52. Ms Jaffray, the Twentieth Defendant, attended the hearing on 7 October 2022 remotely. She spoke at the hearing and had also provided a witness statement. She responded to the allegations made against her as follows:
  - (1) She confirmed that she had been arrested in relation to the allegation that she had driven her vehicle at a vehicle that was being driven by the Impex Managing Director (see [29.(10)] above). She denied having done so. She stated that she had been released following arrest for the police to investigate and then the matter was “*dropped*”, she believed in early March 2022.
  - (2) She confirmed that she had been arrested for having sent the funeral brochures to two employees of the First Claimant (see [40.(5)] above), that she had been arrested for this and was subject to bail conditions which prohibited her from contacting or publishing the personal details of any member of the First Claimant’s staff. Although I gave Ms Jaffray the required warning against self-incrimination, she candidly admitted sending the brochures as alleged. She added that she had complied with her bail conditions.

#### **D: Submissions**

53. By the time of hearing on 7 October 2022, and the narrowing down of the variation application, the Claimants’ submissions were focused on the alleged targeting of the First Claimant’s employees and those of Impex, which the Claimants contend is harassment.

54. For the Claimants, Ms Bolton submitted that the variations sought to the interim injunction under sub-paragraph (5) are “*tailored*” to restrain specific harassing conduct that has occurred and is likely to occur in the future. As such, the Claimants contend that such relief is both proportionate and necessary.
55. As the principal target of the variation application is “Persons Unknown”, few individual named Defendants made any submissions. Those that did mainly questioned whether the Claimants’ evidence justified any order being made and, in particular, whether it justified the extension of any injunction to the named Defendants.
56. On this point, Ms Bolton submitted that, notwithstanding that the Claimants have no evidence of wrongdoing on the part of many of the named Defendants, they can nevertheless properly apprehend that, were an injunction not granted, these Defendants would nevertheless threaten and intend to commit the relevant acts. During the hearing, I asked Ms Bolton, specifically, why I should grant an injunction, in the terms of sub-paragraph (5), against a named Defendant when, in respect of whom, there was no evidence demonstrating that s/he had committed any of the acts or any credible evidence that s/he threatened to do so in the future. Ms Bolton’s response was that if the injunction does not apply to everyone, those who are not bound by its terms will commit the acts that others are prohibited from doing. In support of her argument, that the Court can and should grant “*precautionary relief*” on this basis, Ms Bolton relied upon *Vastint Leeds BV -v- Persons Unknown* [2019] 4 WLR 2 [26]-[31]; and *Koninklijke Philips NV -v- Guandong Oppo Mobile Telecommunications Corp Ltd* [2022] EWHC 1703 (Pat) [18]-[19], [25]-[36]. She also referred me to two paragraphs of the judgment of HHJ Simon in *Thurrock Council -v- Adams* [2022] EWHC 1324 (QB):

[27] Mr Simblet [Counsel for one of the named defendants] cautioned against adding together acts of individuals and creating a level of conduct that would justify an order, rather than assessing the conduct of an individual tortfeasor. He suggested that the former might be appropriate where individuals were congregating in one place all of the time, but that was not the case here. He challenged the schedule of named Defendants, their arrest details and the fact that there are so many gaps in them. Mr Simblet contended that there may have been people who committed tortious acts but have not been sufficiently described in evidence so that they could be identified. He said it was a misconception to aggregate actions of a number of people and then create a fourth class of Defendant said to be responsible for “all sorts of inchoate tortious misdeeds”. He suggested that the Claimants had not put forward a case against any individual in any cause of action open to them, noting that this was exactly why the Court of Appeal in *Ineos* (CA) discharged two injunctions due to the absence of supporting material. In the instant case a claim in trespass can only apply to acts on the highway...

[53] Mr Simblet makes a good point that not all protesters have been directly involved in the differing acts complained of. However, I reject the submission that the Court must assess the conduct of an individual tortfeasor, on the basis that one is not dealing with a single group of individuals congregating in one place. In my judgment, a proper analysis of the acts engaged in by protesters entitles the Claimants and the Court to



treat as a broad-based composite the Defendants, whose individual actions are intended to contribute to the goal of an alliance that shares a belief in the tactics promulgated by JSO, however loosely connected each person may be to it. Any other approach would neuter the Claimants in the exercise of their statutory duties. I use the word ‘duties’ because it seems to me that contrary to the distinction sought to be made by Mr Simblet between actions of a local authority that are mandatory, such as under the Shops Act 1950 in *B&Q Ltd.*, and what he characterised as the voluntary nature of the Claimants in bringing the instant proceedings, section 130 HA explicitly creates a duty on the Highway Authority to act in the circumstances envisaged in the section. Although section 222 LGA is framed in a permissive way, one need only contemplate this from the perspective of a powerful challenge in judicial review were a local authority to fail to determine the events of 1-15 April 2022 as sufficient justification for a requirement to act to promote or protect the interests of the inhabitants of their area. This applies both to Thurrock and, in terms of apprehended action, to Essex.

57. Based on this, Ms Bolton contended that, unless the Court granted an injunction against the named Defendants in the same terms as was granted against “Persons Unknown”, it would similarly “*neuter*” the effect of the injunction.

#### **E: Decision**

##### **(1) Should the interim injunction be varied to add sub-paragraph (6)?**

58. I will take this proposed variation first, as it is straightforward. I refuse to grant it.
59. This proposed restriction was something of an afterthought. It was not included in the original application for the variation to the interim injunction. None of the named Defendants is alleged to have carried out these acts. The Particulars of Claim currently include no claim which would support the grant of interim relief. The acts complained of involve, it appears, the commission of the criminal offence of criminal damage. The noticeboard is situated within an area covered by the First Claimant’s CCTV, which means it should be a relatively straightforward matter to identify those who have carried out the alleged damage (even if they cannot immediately be named). If reporting these incidents to the police (and providing them with the necessary CCTV evidence) does not produce a satisfactory outcome, then the Claimants may be able to apply to amend their Claim Form and Particulars of Claim and thereafter to make a targeted application for interim relief against those people who can be shown to have carried out the acts of spray-painting or other damage (even if such people cannot be named and have to be identified by a cipher – like the Twenty-Fifth Defendant). Any claim against such a person will require the Claimants to make an application for an order for alternative service of the Claim Form which, in turn, will require the Claimants to provide satisfactory evidence that the proposed method of alternative service can reasonably be expected to bring the proceedings to the attention of the relevant defendant(s). Until those steps are taken, the Court is not able to consider an application for interim relief.

##### **(2) Should the interim injunction be modified to add sub-paragraph (5) against the named Defendants?**

60. In my judgment it should not.
61. The variation to the interim injunction order sought by the Claimants, if granted, is likely to affect the exercise of the Convention rights to freedom of expression and the right to protest. As such, s.12 Human Rights Act 1998 is engaged. Therefore, the Claimants must demonstrate that they are likely to succeed in obtaining an injunction in these terms after a trial: see discussion in the Injunction Judgment [80]-[85].
62. As Ms Bolton accepted, at the hearing on 7 October 2022, Ms Pressick's evidence in support of the variation application makes allegations and contains evidence against only five named Defendants. In summary of the detail which is set out above, that evidence amounts to the following (with references to paragraphs in the judgment above):
- (1) In respect of the Third Defendant: (a) verbal abuse of the Impex Managing Director on 18 January 2022 ([1]); (b) presence at an Impex demonstration on the same date ([3]); (c) online posting to Facebook on 1 August 2022 ([5]); and (d) arrest, on or around 9 August 2022, "*for allegations against MBR and Impex*" (unspecified) ([9]).
  - (2) In respect of the Sixth Defendant, presence at an Impex demonstration on 25 January 2022 [29.(8)].
  - (3) In respect of the Twelfth Defendant, various postings online ([30.(2)], [30.(3)], [30.(4)], [31.(2)], [31.(5)] and [(11)]).
  - (4) In respect of the Twentieth Defendant: (a) presence at Impex demonstrations on 18 January 2022 ([29.(3)], 25 January 2022 ([29.(8)] and on date(s) in August 2022 (photographs of which were subsequently posted on the Free the MBR Beagles Facebook page) ([7]); (b) the disputed incident, on 27 January 2022, in which it is alleged that she drove a vehicle at vehicle driven by the Managing Director of Impex ([29.(10)] and [52.(1)]); (c) the sending, on or around 19 May 2022, of funeral packs to two employees of the First Claimant ([5]), admitted by the Twentieth Defendant ([2]), for which she has been arrested and is on bail; (d) the confrontation (videoed and subsequently posted online) between her and the Managing Director of Impex on 28 July 2022 and alleged obstruction of his vehicle ([4)(c)]; (e) arrest, on or around 9 August 2022, "*for allegations against MBR and Impex*" (unspecified) ([9]); and (f) a posting on Facebook on 18 August 2022 [(10)].
  - (5) In respect of the Twenty-Fifth Defendant, trespass at the Impex site on 18 January 2022 ([29.(3)]).

I should make clear that these allegations are drawn from the Claimants' evidence. Whether the Claimants can prove that the relevant Defendant has done the alleged act(s) (to the extent that they are not admitted) would ultimately have to be determined at a trial.

63. In my judgment, the evidence of alleged wrongdoing against these five Defendants does not justify the grant of the variation to the interim injunction sought by the Claimants.
64. First, the evidence falls a long way short of demonstrating past wrongdoing of sufficient seriousness sufficient to justify an injunction. The events are generally isolated, and the conduct complained of varied. I do not attach any weight to the allegations of online posting by these Defendants. None of these posts, either individually or collectively, is sufficient credibly to sustain a claim in harassment with a real prospect of success. Reflecting the need properly to accommodate the width of the right of freedom of expression, the threshold for speech-based harassment is a high one: *Hayden -v- Dickenson* [2020] EWHC 3291 (QB) [44]; *Scottow -v- CPS* [2021] 1 WLR 1828 [24]. The Claimants are therefore not likely to succeed with a harassment claim on this basis. In respect of the specific Defendants:
- (1) As regards the Third Defendant, (unspecified) verbal abuse of someone, in the context of a demonstration, is not likely to sustain a claim in harassment that would justify an order being made in the terms sought by the Claimants (see Injunction Judgment [50(3)(b)]). The only other matter alleged against the Third Defendant is that he has been present at an Impex demonstration. That cannot justify an order in the terms sought. As the Claimants are unable to shed any further light on why the Third Defendant has been arrested, that piece of the evidence takes matters no further forward.
  - (2) The only allegation made against the Sixth Defendant is that he attended an Impex demonstration on 25 January 2022. For the same reasons, that cannot justify an order being made in the terms sought against him.
  - (3) The complaint about the Twelfth Defendant is limited exclusively to his online postings. The case against him is therefore entirely based on speech-based activity. If credible and sufficient evidence can be produced demonstrating that a person has been inciting specific people to commit civil wrongs, then the Court might be prepared to grant an injunction in specific terms to restrain such conduct. However, the Court would proceed with caution where, as here, the alleged “*incitement*” is in the context of protest speech. I am not persuaded that the Claimants’ evidence shows a case that is likely to succeed at trial, and certainly not likely to lead to the imposition of the terms of the variation sought against the Twelfth Defendant.
  - (4) The evidence against the Twentieth Defendant is more substantial.
    - (a) I discount the evidence that shows no more than presence at Impex demonstrations.
    - (b) The admitted sending of funeral packs to two employees of the First Claimant is potentially harassing conduct that, at this stage, I am satisfied the Claimants are likely to succeed in demonstrating should not be allowed. The issue, here is the terms of the restriction that is likely to be imposed after a trial and what, if any, interim restriction should be imposed by the Court. On this issue, two linked factors are of relevance. First, the Twentieth Defendant is not alleged to have done

any other acts targeting employees in a way that is alleged to amount to harassment. Second, and possibly linked to the first, the bail conditions imposed on the Twentieth Defendant prevent her from contacting any employee of the First Claimant. There is no suggestion that the Twentieth Defendant has breached her bail conditions. As such, I am not persuaded that there is a present threat from the Twentieth Defendant that she is likely to repeat any similar acts of harassment of the First Claimants' employees. If the evidence changes, the Claimants always can reapply for a variation of the interim injunction.

- (c) Perhaps the strongest case is in relation to the Twentieth Defendant's apparent targeting of the Managing Director of Impex. However, this evidence is limited to two incidents. The first of those – the incident of allegedly driving at the Managing Director's car – is disputed by the Twentieth Defendant, and the Claimants' evidence has been presented in an unsatisfactory format (hearsay and a letter from the Managing Director). On the balance of probabilities, the Claimants' evidence does not satisfy me that this is an incident of harassment. The second is an incident of alleged obstruction of the Managing Director's car. Further, and more substantially, the claim for harassment is not being made by the Managing Director, but by the Claimants. The claim is therefore brought under s.1(1A) Protection from Harassment Act 1997. That means that, at trial, the Claimants must show that the Twentieth Defendant has pursued a course of conduct of two or more persons, which she knows or ought to know involves harassment of those persons, and by which she intends to persuade any person (here, presumably Impex) not to do something that it is entitled or required to do (continue its commercial relationship with the First Claimant) (see Injunction Judgment [50(1)]). Two points arise, even if the conduct of the Twentieth Defendant were ultimately to be found to amount to harassment of the Managing Director. First, that is harassment of only one person. Second, the evidence must demonstrate that the intention of the Twentieth Defendant is to persuade Impex not to continue its relationship with the First Claimant. The Claimants' evidence on this point, specifically as against the Twentieth Defendant, is weak and relies entirely on inference. As such, at on the evidence available at this stage, my conclusion is that a claim based on these alleged incidents is not likely to succeed.
- (d) For the same reasons as set out above in respect of the Third Defendant, the fact of the Twentieth Defendant's arrest on or around 9 August 2022 does not take matters any further.
- (5) The allegation against the Twenty-Fifth Defendant is a single occasion of trespass at the Impex site during a demonstration. That took place in January. There is no evidence of any repetition or of any other activity of the Twenty-Fifth Defendant that could justify an injunction in the terms sought against him/her. Again, this is a claim that can only be maintained by the Claimants based on alleged harassment in contravention of s.1(1A) Protection

from Harassment Act 1997. Similar problems arise as in respect of the case against the Twentieth Defendant.

65. There is no evidence against any other named Defendant upon which the Claimants contend, or the Court could conclude, that the relevant Defendant had, in the past, committed any of the acts sought to be prohibited by sub-paragraphs (5) and (6) of the variation application, or credibly threaten to do so in the future.
66. I do not accept Ms Bolton's submission that the flexibility of "*precautionary relief*" permits the Court to grant injunctions against people in respect of whom the Court is not satisfied that the evidential threshold of actual or threatened wrongdoing has been met. The authorities she has cited do not support such a proposition. To be clear: there is **no** evidence against the majority of the named Defendants that they have done, or credibly threaten to do, any of the acts that are sought to be restrained by the variation application. Analysed applying the well-established rules as to the grant of interim injunctions, the Claimants have simply failed to demonstrate that there is a serious issue to be tried in respect of the allegations made against these named Defendants.
67. Further, the logical extension of the Claimants' argument is that it is unnecessary to look at what any individual defendant has done (or threatens to do) and that the Court should instead concentrate on evidence of general wrongdoing by other unidentified individuals. Such a course so obviously carries with it the risk of serious injustice that it must be rejected. I do not read HHJ Simon's judgment in the ***Thurrock Council*** case (paragraph [53]) as endorsing such an approach in respect of identified defendants, but insofar as his remarks might be thought to do so, I would respectfully disagree. In a protest case, adoption of an approach that aggregated the behaviour of a group of protestors, and calibrated the Court's response based on the worst behaviour that could be proved against some of them, would risk contravening the principle that an individual protestor does not lose the right to freedom of peaceful assembly as a result of sporadic violence or other punishable acts committed by others in the course of the demonstration if the individual in question remains peaceful in his or her own intentions or behaviour: see ***Canada Goose -v- Persons Unknown*** [2020] 1 WLR 417 [99(viii)].
68. The Claimants have chosen to bring a claim against the named Defendants in these proceedings. Each named Defendant is entitled to a fair adjudication of the claim made, and evidence presented, against him/her, including in respect of any claim for interim remedies, irrespective of the claim made against "Persons Unknown". The submission that, in order not to "*neuter*" the effectiveness of a "Persons Unknown" injunction, the same terms must be applied to identified defendants (irrespective of the evidence against those defendants) comes perilously close to a justification for a grant of a *contra mundum* order; an order prohibiting certain conduct generally, whoever does it. Whether a *contra mundum* injunction could be granted on the facts of this case is an issue not without controversy. I have previously expressed the view that the circumstances in which *contra mundum* injunctions can be granted is very limited: see ***LB Barking & Dagenham*** [224]-[238]. But the simple point is that the Claimants have never sought a *contra mundum* order. As such, the Court must apply the principles that govern ordinary *inter partes* litigation.
69. Even had I been satisfied that the Claimants' evidence demonstrated that they were likely to succeed at trial in demonstrating that some restriction was justified,

I would have refused to grant a variation to the injunction in the terms sought by the Claimants.

- (1) First, any injunction I would have granted would have been limited to that which the evidence justified. The Claimants' evidence would, at best, only justify a restriction on activities that were targeting Impex, not all "Protected Persons".
- (2) Second, injunctions that have the potential to interfere with lawful protest must be framed in precise terms. It would have been necessary to pay close attention to the terms of the restriction in terms of "*compelling or coercing*". These words have, no doubt deliberately, been chosen to reflect the criminal offences under ss.145-146 Serious Organised Crime and Police Act 2005 ("SOCA") (see discussion in Injunction Judgment [41]-[45]). The difficult issue, that the Court would have to confront and resolve when determining the terms of any injunction, is that it is not unlawful simply to protest and campaign for an organisation, like the First Claimant or Impex, to cease its operations. It only becomes unlawful if the tactics employed in support of the campaign are themselves unlawful (e.g. trespass or harassment). Therefore, even if the Court were satisfied that an injunction ought to be imposed, the object must be to ensure (so far as possible) that the terms of any injunction prohibit only the unlawful behaviour whilst preserving the right of protestors to campaign for the closure of the target of the protest.

**(3) Should the interim injunction be modified to add sub-paragraph (5) against "Persons Unknown"?**

70. In my judgment it should not.
71. First, I am not satisfied that the Claimants have established the Court's jurisdiction over the Thirty-First Defendants "Persons Unknown", by obtaining an alternative service order that can reasonably be expected to bring the proceedings to the attention of all of those of the category of the "Persons Unknown" who are engaged in the alleged harassment of the First Claimant's staff and/or Impex staff. Once the link is broken between the Wyton Site and the activities sought to be restrained, the method of alternative service – by posting a copy of the injunction order outside the Wyton Site – is insufficient. As I made clear in *LB Barking & Dagenham* [47], the greater the width of the category of Persons Unknown, the more difficult it will be to satisfy the requirements for an alternative service order.
72. I accept that there may be some people who have been protesting at the Impex Site who have previously protested at the Wyton Site, but it does not follow that all of those who are protesting at Impex have previously protested at the Wyton Site. The injunction order would catch those who had no previous connection with the Wyton Site. If the injunction is going to include protest activities at the Impex site, then, at the very least, the method for alternative service must provide a means of bringing the proceedings to the attention of people who are protesting at the Impex site. The current alternative service order does not do so. It is focused only on activities at the Wyton Site.

73. Second, the evidence relied upon by the Claimants does not disclose acts of a level of seriousness that would have justified the grant of an injunction against “Persons Unknown”. Apart from two incidents of trespass at the Impex site, the evidence largely consists of non-specific (and apparently lawful) protest activities at the Impex site. At its highest, the evidence discloses that there have been efforts to target protest activities towards the Managing Director of Impex. It is very difficult, from the Claimants’ evidence, to decide which of the alleged incidents might have crossed the line between legitimate protest and harassment. It is clear that the police have been involved, and that they have made arrests. The Claimants have not, apparently, sought information from the police to identify those who have been arrested and what they are alleged to have done. That seems to me to be a basic step that ought to be adopted to ensure that any injunction granted by a civil court is properly targeted at people against whom there is credible evidence of past wrongdoing and/or the threat of future wrongdoing.

#### **(5) Discretion**

74. Finally, I would in any event have refused to grant the variation to the interim injunction sought by the Claimants, whether against the named Defendants or “Persons Unknown” as an exercise of discretion.

75. First, in respect of the variation of the injunction against “Persons Unknown”, moving the focus of the injunction to restrict activities directed towards Impex raises difficult issues. As I have set out already, I am not satisfied that the Claimants have established jurisdiction over those in the category of the Thirty First Defendant “Persons Unknown” in respect of activities against Impex. I am not satisfied that the Claimants have, by service of a Claim Form on the relevant category of Persons Unknown, sufficiently established the Court’s jurisdiction over all of those who would have been subject to the Court’s injunction. The Claimants are not (ostensibly) seeking a *contra mundum* injunction. The issues I have identified are some of the practical limits of bringing civil claims against “Persons Unknown”.

76. Second, unless the Claimants can demonstrate a clear case for an injunction, in my judgment it is better to leave any alleged wrongdoing to be dealt with by the police. Officers on the ground are much better placed to make the difficult decisions as to the balancing of the competing rights (see Injunction Judgment [85] and [96]).

77. The evidence from Superintendent Sissons shows that this is precisely what the police are doing. There is no complaint from the Claimants that the police are failing in their duties or that the targeted measures taken by the police have been ineffective. Arrests are being made of some protestors, including it appears those engaged on protests at Impex, and several people have been charged. Appropriate use of bail conditions or, upon conviction, restraining orders will restrict further unlawful acts of individuals more effectively and on a targeted basis.

78. Arrests for offences under s.14 Public Order Act 1986 suggest that the police have already utilised their powers to impose conditions on public assemblies. I appreciate that the Claimants contend that, notwithstanding the efforts of the police, some people are continuing to break the law. The issue for the Claimants is that, before meaningful relief can be granted by way of civil injunction, it is necessary to identify the alleged wrongdoers so that they can be joined to the proceedings.

79. Third, an injunction in the terms of sub-paragraph (5) is ambitious. Effectively it is a claim for an injunction made by the First Claimant, in order to protect Impex from acts of alleged harassment. I accept that, under the Protection from Harassment Act 1997, the First Claimant may be able to establish a legal basis on which to make that claim, but it does not follow that the Court will consider it just and convenient to grant an order in those circumstances. Fundamentally, I consider that the better course, for several reasons, is for Impex to apply itself for an injunction if it wants to seek relief in respect of acts of alleged harassment (whether by named Defendant or “Persons Unknown”).
- (1) A claim by Impex itself would get over the difficulties that the Claimants have in satisfying the requirements of s.1(1A) Protection from Harassment Act 1997.
  - (2) Impex would have to provide its own evidence of the alleged wrongful acts in support of any claim.
  - (3) In respect of any application for an interim injunction, Impex would be required to provide its own cross-undertaking as to damages.
  - (4) Insofar as Impex sought relief against any category of “Persons Unknown” it would have to apply for, and satisfy the Court that it was appropriate to grant, an order for alternative service of the Claim Form. Practically, that would require it to put forward a method of service that could reasonably be expected to bring the proceedings to the attention of all of those in the class of “Persons Unknown” against whom an injunction was sought. It may be, depending upon the terms of the relief sought against the relevant category of Persons Unknown, that the Court would be satisfied that notices posted around the Impex site would be sufficient to satisfy the requirements for an order for alternative service.

In the complicated area of “Persons Unknown” injunctions, better justice is likely to be achieved in litigation between the actual claimant that is seeking protection than a claim brought by a proxy on its behalf.

80. For these reasons, the Claimants’ application to vary the interim injunction to add sub-paragraphs (5) and (6) is refused.

**F: Is Gillian McGivern a Defendant to the proceedings?**

81. A point that arose at the hearing on 7 October 2022 was whether Ms McGivern is now a defendant to the proceedings.
82. The Claimants brought a contempt application against Ms McGivern. I dismissed it after a 2-day hearing on 22 July 2022. The judgment giving my reasons for dismissing the contempt application was handed down on 2 August 2022 ([2022] EWHC 2072 (QB)) (“the Contempt Judgment”).
83. I raised the status of Ms McGivern at the hearing on 7 October 2022. As part of their Contempt Application, the Claimants had contended that, by operation of the *Gammell* principle, Ms McGivern had become bound by the interim injunction order



because she had done acts that brought her within the category of “Persons Unknown” (see [64]-[66] Contempt Judgment). I had asked, at the hearing of the Contempt Application, whether the Claimants intended to bring a claim against Ms McGivern but was not given an answer (see [71] Contempt Judgment). At the hearing of 7 October 2022, I made clear that if Ms McGivern was a defendant to the claim – by operation of the *Gammell* principle – then the Claimants had a choice. Either they had to pursue a claim against her – which would mean applying further to amend their Particulars of Claim to set out the claim against her – or they had to discontinue the claim against her.

84. Ms Bolton argued that Ms McGivern has not become a defendant to the claim on two bases. First, she contended that the *Gammell* principle operates only to make Ms McGivern liable to comply with the interim injunction, it does not make her a defendant. It would be for the Claimants to make an application to join her as a defendant and they have not made such an application. Second, in the Contempt Judgment, I found that the Claimants had failed to comply with the terms of the alternative service order and so Ms McGivern did not have notice of the injunction order: see [78] Contempt Judgment.
85. I reject Ms Bolton’s first submission. The operation of the *Gammell* principle means that – providing there has been compliance with the terms of the alternative service order – a person who does an act that brings him/her within the definition of a “Persons Unknown” defendant in civil proceedings becomes a defendant to those proceedings. No further step is required: see *South Cambridgeshire DC -v- Gammell* [2006] 1 WLR 658 [32]. As I noted in the Contempt Judgment [71]:

“Whilst it is correct that, in *Gammell*, Sir Anthony Clarke MR stated that it was not ‘*necessary*’ to join such a person to the proceedings, that was because by her actions, she had already *become* one.”

86. Although there has been a large increase in the number of “Persons Unknown” injunctions that have been granted by the Courts in recent years, few claims have ever progressed to a trial. In consequence, the Court has not yet grappled with these issues, whether at first instance or at appellate level. In this case, Ms Pressick’s evidence contains very many examples of unknown individuals who are alleged to have done acts that would place them within one or more of the categories of “Persons Unknown” Defendants to this claim. If that evidence is accepted, by operation of the *Gammell* principle, all these individuals have now become defendants to the claim, even if they are presently unidentified. In ordinary civil litigation, a defendant to a claim would be required to file an Acknowledgement of Service and, if s/he was intending to defend the claim, a Defence. But the alternative service orders that the Claimants sought and obtained deems the Claim Form served 14 days after the relevant documents are displayed at the Wyton Site. In the vast majority of the “Persons Unknown” Defendants, this deemed service is simply a fiction. But the more serious consequence is that, as a result of operation of the *Gammell* principle and the deemed service of the Claim Form, a large number of people will have become defendants to the proceedings, but against whom no claim is advanced in the Particulars of Claim. How will such a claim be resolved? On one view, as the Claimants have brought the claim, if they fail to prove it against any individual defendant at trial, then the claim against that defendant would be dismissed.

Ultimately, I suppose, these will be matters that will have to be resolved at the trial of the action.

87. Although I have rejected Ms Bolton's first point, her second is correct. The result of the decision in the Contempt Application is that the Court has found that the Claimants had failed to comply with the terms of the alternative service order and, consequently, Ms McGivern was not given notice of the interim injunction order or the Claim Form. As such, although Ms McGivern did do acts that brought her within the definition of at least one of the categories of "Persons Unknown" Defendants, she has not become a defendant because she has not been served with the Claim Form.
88. The ramifications of this finding may go beyond Ms McGivern. In order to pursue a claim against "Persons Unknown", unless exceptionally the Court dispenses with the requirement (CPR 6.16), the claimant must serve the Claim Form. For a claim against "Persons Unknown" defendants, that will require permission for alternative service of the Claim Form (CPR 6.15) and compliance with the terms of any order granting permission. If the Claimants have failed to comply with the alternative service order, then they will have failed to establish the Court's jurisdiction over the relevant defendants. The Claimants may need to consider what steps they might now take to remedy any failure to comply with the alternative service order in respect of the Persons Unknown Defendants.

**Appendix: Superintendent Sissons' table of crime data from 1 April 2021 to 10 June 2022**

(see [46.] in the main judgment)

<b>SUSPECT</b>	<b>DATE OF INCIDENT /ARREST</b>	<b>ARREST</b>	<b>OFFENCES SUSPECTED OF BEING COMMITTED</b>	<b>DATE OF CHARGE</b>	<b>CURRENT STATUS, OR RESULT OF PROSECUTION</b>
A	15/08/2021	Y	Obstruction of Highway	15/08/2021	Trial set for 27/09/22
B	15/08/2021	Y	s.14 Public Order Act 1986	15/08/2021	Trial set for 27/09/22
C	27/09/2021	Y	Criminal damage	27/09/2021	Guilty plea entered 12-month Conditional Discharge, £600 compensation
D	14/12/2021	Y	Assault Police	11/01/2022	Awaiting trial
E	13/07/2021	Y	(1) Harassment x 4 (2) s.146 Serious Organised Crime and Police Act 2005	14/07/21, 14/08/21	Awaiting trial
F	07/07/2021	Y	Obstruct person engaged in lawful activity	07/07/2021	Found Not Guilty at court trial
G	01/08/2021	Y	(1) Harassment, (2) s.5 Public Order Act 1986 x 3	29/08/2021	Found Not Guilty at court trial
H	08/08/2021	Y	(1) Harassment (2) Cause danger to other road users	20/10/2021	Found Guilty at trial £100 fine, £150 costs and Restraining Order issued
I	16/08/2021	Y	Racially aggravated s.4A Public Order Act 1986	NFA	
J	11/08/2021	Y	(1) Assault emergency worker (2) s.4 Public Order Act 1986	01/10/2021	Found Guilty at trial. Community order 12 months.
K	15/08/2021	Y	(1) s.4A Public Order Act 1986 (2) Assault police	15/11/2021	Last update set for trial in April
L	15/08/2021	Y	s.14 Public Order Act 1986	15/08/2021	Trial set for 27/09/22
M	15/08//21	Y	s.14 Public Order Act 1986	15/08/2021	Trial set for 27/09/22
O	15/08/2021	Y	s.14 Public Order Act 1986	15/08/2021	Trial set for 27/09/22
P	25/08/2021	Y	Wilful obstruction	25/08/2021	Found Not Guilty at trial
Q	25/08/2021	N	Wilful obstruction	10/02/2022	Trial set for 06/07/22
D	25/08/2021	Y	Wilful obstruction	15/02/2022	Awaiting trial
R	02/09/2021	Y	s.4A Public Order Act	23/09/2021	Found Guilty at trial.

			1986		£100 fine and £100 costs
S	15/09/2021	Y	s.4A Public Order Act 1986	07/10/2021	Case dismissed at court
T	06/10/2021	Y	Assault	No Further Action	
U	18/10/2021	Y	(1) Harassment (2) Causing danger to other road users x 5	30/11/2021	Trial set for 08/08/22
W	05/05/2022	Y	(1) Criminal damage x 3 (2) Stalking	06/05/2022	Awaiting trial for one charge of Criminal Damage
O	19/04/2022	Y	(1) Improper use of telecoms x 6 (2) Malicious Communications (3) Harassment (4) s.14 Public Order Act 1986 POA		
X	12/05/2022	Y	(1) Assault Police, (2) Criminal Damage (3) s.5 Public Order Act 1986		Under Investigation

By way of explanation of some of those entries:

(1) The offences under the Public Order Act 1986 are:

**s.4 Fear or provocation of violence**

Maximum penalty, on summary conviction, is imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both

**s.4A Intentional harassment, alarm or distress**

Maximum penalty, on summary conviction, is imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both

**s.5 Harassment, alarm or distress/Threatening words or behaviour**

Maximum penalty, on summary conviction, is a fine not exceeding level 3 on the standard scale.

**s.14 Breach of conditions imposed by police on public assemblies**

Maximum penalty, on summary conviction, for organisers, is imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both; and for participants, is a fine not exceeding level 4 on the standard scale.

(2) The offence under the Serious Organised Crime and Police Act 2005

**s.146 Intimidation of persons connected with animal research organisation**

Maximum penalty, on summary conviction, is imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or both; or, on conviction on indictment, is imprisonment for a term not exceeding five years or to a fine, or both.