

Neutral Citation Number: [2023] EWHC 2967 (KB)

Ref. KB-2023-002576

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION**

Royal Courts of Justice  
Strand  
London

**Before THE HONOURABLE MR JUSTICE CHOUDHURY**

**IN THE MATTER OF**

**THE LONDON BOROUGH OF RICHMOND**

**(Claimant)**

**-v-**

**TROTMAN**

**(Defendant)**

**MR F HOAR appeared on behalf of the Claimant  
THE DEFENDANT appeared as a litigant in person**

**FINAL JUDGMENT  
26<sup>th</sup> SEPTEMBER 2023**

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**MR JUSTICE CHOUDHURY:**

1. This matter has come before me having first come before me on Saturday 23 September 2023 when I was the duty judge over the weekend.
2. The very brief background to this matter is that an injunction was obtained from Lambert J on 13 July 2023 prohibiting certain conduct on the part of the defendant, Mr Trotman. This conduct included mooring on the river Thames, situated near to or attached by any means to the riverbank or any tow path in the London Borough of Richmond-upon-Thames and remaining beyond the 24 hours restriction or such other restriction.
3. There was also an interim mandatory injunction against the defendant requiring him:
  - a. not to moor or trespass to the riverbank or attach to the land by any means including overhanging the river or the use of gangplanks and scaffolding poles sunk into the riverbed and/or by ropes to overhanging trees any vessels owned or controlled by him, his agents or representatives to land owned by the borough.
  - b. Also, by midday on 18 July, to remove from any land or property, moored by any means owned by the borough, any vessels or controlled by him currently moored to land or wharves owned by the borough.
  - c. In particular, by midday on 18 July to remove from any land or property owned by the borough the vessel, “Kupe”.
4. The order included the power of arrest. I was told on Saturday that the defendant had been arrested the previous evening following the disturbance on the boat, Kupe. The arresting officer considered there had been a breach of the terms of the order and took the defendant into custody.
5. In accordance with the terms of the order, the matter was brought before me within 24 hours and that is the background to the hearing on Saturday 23.
6. At that hearing, I made an order bailing the defendant unconditionally pending attendance at a further hearing on Thursday, 28 of this month. My understanding is that the defendant was released as a result of that order.
7. On Monday 25 September, there was a further incident leading to the defendant’s arrest. Police officer, PC Mason believed that there had been a further breach of the order made by Lambert J and once again, the defendant was taken into custody.

8. He now appears before me in person and has addressed the court courteously and with clarity about the position. The council is represented by counsel, Mr Hoar who has made submissions as to the progress of this matter in the future.
9. The parties are in agreement to a considerable extent as to the way the matter should go forward. There is in particular agreement that the defendant is bailed upon conditions including that he must attend before the interim application at this court on Tuesday 28 November 2023 and that if the defendant fails to appear, a warrant for his arrest may be issued.
10. A further condition is that he may not go within five metres or attempt to interfere with or otherwise disturb the vessel known Kupe, now situated on the River Thames moored to or adjacent to land known as the Ham Lands in the London Borough of Richmond or encourage any other person to set foot on or to attempt to interfere with or otherwise disturb the said vessel and that for the avoidance of doubt, this condition applies wherever the said vessel may be located from time to time.
11. There is also agreement that the claimant be given permission to issue a contempt application setting out the allegations of breach of the injunction including witness statements and any documents in support by 4pm on Friday 6 October 2023 and any such application shall be listed at the hearing fixed under paragraph 1 of the order where the defendant shall be required to admit or deny any allegations of contempt made and the court shall proceed to sentence for any allegations of contempt admitted and issue directions for the trial of any allegations that are denied.
12. The defendant has in the usual way the right to make a statement in response but may, if he wishes to do so, file a witness statement and such statements, if filed, shall be filed and served by 4pm on 27 October 2023.
13. The claimant shall file and serve a hearing bundle by 4pm on Friday 10 November 2023. Costs are reserved.
14. Those are all matters which are agreed between the parties and I am content to make an order in those terms. The defendant, Mr Trotman, seeks additional conditions. These are that he be permitted to board the vessel to collect his belongings. Subject to any drafting clarification, I am content to include a saving provision that the defendant may attend the vessel, escorted by police, to collect his belongings.
15. The defendant also seeks a condition that the council also be prohibited from boarding the vessel. I am not prepared to make any such order prohibiting the council's activities. It is doubtful whether there is jurisdiction in this application,

which is the council's application, to make any order against it but in any case, I see no legal basis for such an order at this juncture.

16. Mr Trotman also seeks a condition that if he has permission from the assignee of the vessel, a company known as MHA, to board or remain on the vessel, then he should be permitted to do so if the council are satisfied that such authorisation is valid and genuine. I am not prepared to make any such condition or variation of the order to permit such boarding of the vessel. It seems to me that to allow the defendant to board the vessel other than to collect his belongings under police escort could give rise to an arguable breach of the existing order. I note that Mr Trotman vehemently denies that merely being on board the vessel could amount to a breach, but it seems to me that given the terms of the order, there is a strongly arguable case that there would be a breach and, in those circumstances, it would not be appropriate to make provision for him to board the vessel, whether he has permission of the assignee or not.
17. The appropriate course for Mr Trotman if he has such permission would be to seek a variation of the order and to present his case on the need for such a variation to the court following a properly instituted application on notice. At present, there is nothing like that before me and so, I do not make that condition part of the order today.
18. I should note that I am satisfied that in making these conditions, there is, given the history of this matter which goes back as far as 2020, a real prospect that there would be breaches of the order were these conditions not imposed, and for these reasons, it is appropriate to impose these bail conditions in respect of the defendant.
19. I think that deals with everything.