

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand
London WC2A 2LL

Thursday, 2 July 2026

BEFORE:

MR JUSTICE SOOLE

BETWEEN:

(1) LONDON SOUTHEND AIRPORT LTD
(2) LONDON SOUTHEND SOLAR LTD
(3) THAMES GATEWAY AIRPORT LTD

Claimants

- and -

PERSONS UNKNOWN

Defendant

MR ROSCOE (instructed by Bryan Cave Leighton Paisner LLP) on behalf of the
Claimants

THE DEFENDANT did not appear and was not represented

PROCEEDINGS

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A (10.30 am)

MR JUSTICE SOOLE: Yes, Mr Roscoe?

B MR ROSCOE: Good morning, my Lord. As your Lordship knows, this is the second annual review hearing for the Southend Airport injunction against Just Stop Oil and other environmental campaigns and I appear for the claimant. Your Lordship will be aware you had a very similar review hearing on Tuesday of this week in respect of 10 other airports—

MR JUSTICE SOOLE: Can we just confirm there is nobody outside?

C MR ROSCOE: No, there is nobody outside, my Lord. We have heard nothing from them—

MR JUSTICE SOOLE: We started on a quite separate type of injunction. Yesterday we had a full hearing and found outside there was counsel and the client patiently waiting so we had to start all over again.

D MR ROSCOE: I think we are safe on that one. A representative of my instructing solicitors attended court on Tuesday and reported back so I have some awareness of how that has unfolded on Tuesday on the 10 airports—

MR JUSTICE SOOLE: Yes.

MR ROSCOE: So—

E MR JUSTICE SOOLE: In some ways it would be better although it would require quite careful case management if all the airport cases were heard together at the same time.

MR ROSCOE: My Lord—

F MR JUSTICE SOOLE: Not because there is automatically the same treatment. As your skeleton acknowledges, each case has to be looked at. But, on the other hand, there is an inevitable fluidity between the (**inaudible**)- more desirable if the same judge hears it and then consistency is obtained and indeed probably the saving of time. But it may be that is just too complicated to organise.

G MR ROSCOE: My Lord, yes. It is something possibly kept on review for if there is to be further hearings. What the oddity is in a case like this- of this case (**several inaudible words**) that we were actually the last of the airports to get the injunction, it started in October. So, the first annual review was in October 2025.

This annual review has been brought forward a few months but that was a factor which might have tendered against hearing them all together at one time—

A MR JUSTICE SOOLE: But now- I see, yes. Well, of course,

His Honour Judge Freedman was in October, was it not, yes.

MR ROSCOE: Yes. But as it happens, they are now all being heard in a cluster around now.

B MR JUSTICE SOOLE: Yes but not necessarily by the same judge. I do not know who is dealing with- I think there is Heathrow.

MR ROSCOE: There is. I am instructed for Heathrow as well, so that is coming up.

MR JUSTICE SOOLE: Yes and the listing is always complex, not least this stage a return. I do not know who is dealing with that next week.

C MR ROSCOE: No, we do not know ourselves yet.

MR JUSTICE SOOLE: And Gatwick later on, is it?

MR ROSCOE: Gatwick I believe is later this month as well, yes. Possibly the following week on around 13 July from recollection. The point being for today, my Lord, is that, as I acknowledged and as your Lordship said, every case needs to be considered separately. But your Lordship will be familiar with the framework of these injunction principles and that is going to inform my approach to these submissions. May I just start with some housekeeping. Your Lordship should have a hearing bundle, a supplemental hearing bundle, an authorities bundle and my skeleton argument.

MR JUSTICE SOOLE: I have all of those.

MR ROSCOE: I am grateful. Your Lordship has kindly indicated that he had a chance to read the skeleton. So, I propose to take my submissions quite shortly and in three parts—

F MR JUSTICE SOOLE: Yes and the reading that you have suggested.

MR ROSCOE: I am very grateful, my Lord, thank you. I am going to take my submissions in three parts. First, to address notification of this hearing insofar as it relates to a continuation of the injunction as is. Second, to deal with the substance of the renewal in relation to the injunction as is, review I should say. And then third to deal with our amendment application which, as with the 10 airports you dealt with on Tuesday, is intended to close what was described in that case as the

loophole that the current form of the injunction may only deal with environmental campaign and not campaigns carried out under the—

MR JUSTICE SOOLE: Although there may well be overlap between the two concepts.

MR ROSCOE: My Lord, **(inaudible)** that was one point I was going to develop to a degree when I get to that stage of my submissions. So, in terms of notification today on the as was injunction, was it were, we can start with things in the main part in tab 4. This was the original injunction of Mrs Justice Farbey back in October- August 2024 it was—

MR JUSTICE SOOLE: Yes.

MR ROSCOE: In October- **(several inaudible words)** and I am not proposing to go through this order was served because that was dealt with at the first annual hearing—

MR JUSTICE SOOLE: Yes.

MR ROSCOE: But it may just be helpful while you are hearing this just to look, please, at the schedule for **(inaudible)** injunction which is page 40 of the bundle and that indicates a series of green and pink dots which are locations around the parameter of the area of the building where this order and the documents by way of notification of these proceedings. Green dots are where the notifications- green and purple. But **(several inaudible words)** your Lordship why there are two different colours and what the significance of the two is. If you look close on the bottom left, **(several inaudible words)**, the purple ones I think possibly are internal locations whereas the green is potentially external and maybe the lodge in between. And that is where actual notices were fixed.

And the form of notice those displayed is over the page at page 41 of Schedule 5.

MR JUSTICE SOOLE: Yes.

MR ROSCOE: And draws attention to the facts of the original injunction that it remains in force until August 2029 or further in the meantime, summarises the effect, gives a penal notice and direct the reader's attention to the airport website, injunction page on the airport website which is the main vehicle depository for electronic **(several inaudible words)**.

MR JUSTICE SOOLE: Yes.

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MR ROSCOE: You will also see at paragraph 1 at the bottom that proper hardcopy documents are made available at the (**inaudible**) at the airport trading station and the contact details of those instructed are also included for anyone who may wish to contact us or to access documents or whatever that may be.

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As we have already then touched upon, my Lord, the first annual review hearing took place before His Honour Judge Freedman in October last year and that order is at tab 5. The meat of it over the page at page 43. Paragraph 1 simply continues the injunction as defined with all force and effect subject to the amendments in the following paragraph. That can be amended in paragraph 2 as a technical housekeeping event but the original injunction required a (**inaudible**) formally to apply for continuation of the injunction. That obligation was relaxed by this simply to require to us to request a renew hearing rather than issue a formal application as such. So, that was the amendment, case management amendment rather than a substantive one.

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And then at paragraph 3, directed at service to take place in accordance with the mechanisms at paragraph 9 to 13 of the injunction and those mechanisms require uploading on the website, which I will show you, emailing various (**inaudible**) all email addresses that were recorded in Sheffield in the previous injunction and putting notices at the green and purple dot locations, as I have shown you. If your Lordship wants to see those—

J : I am just looking at 9 to 13—

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MR ROSCOE: That starts at page 34. (**Inaudible**) I was going to make the draft order from today if and when we get there is that going forward it might actually be more convenient for paragraph 8 to apply because it is paragraph 8 that actually is the mechanism that applies in terms of orders. Paragraph 9 is actually primarily an exercise to deal with applications but what we seek is the same.

G
There is (**inaudible**). There was one potential ambiguity and if your Lordship looks at paragraph 10...

MR JUSTICE SOOLE: Yes.

H
MR ROSCOE: And paragraph 10 says that- in effect paragraph 10 says that where there is application on the website, email and notice of the dots, whereas if there is any further documents in short of the application, they do not need to deal with the part of the notifications of the dots. You can just email the website.

MR JUSTICE SOOLE: Yes.

A MR ROSCOE: As it happens, we did all three. And let me just show you the evidence of that. If we can start please in the third witness statement of Mr Spencer of my instructing solicitors which starts at tab 7, paragraph 35 on page 55.

MR JUSTICE SOOLE: Yes.

B MR ROSCOE: And Mr Spencer then confirms that the website upload and the emailing of the order took place on 30 October. Picking up on the ambiguity which I drew your attention to a moment ago about whether hard notice is required or not, Mr Spencer (**inaudible**) did not think it was required but in fact it had happened and that is much confirmed in his sworn statement confirming more recent service matters at tab 4 of the supplemental bundle...at paragraph 6. There confirms the copies of the order made at the first review hearing also fits the locations of the dots and that occurred the following day to the email. Website notification of 31 October.

C
D So, that was what happened to the first review order, to find it. In terms of today's hearing, the evidence in support of it contained in the main hearing bundle at paragraphs 9 and 10 of the (**inaudible**) witness statement (**several inaudible words**). Paragraph 9 confirms that the notice of this listing was emailed to the email address on 17 June. Paragraph 10 confirms that notice of this hearing was
E uploaded on the website in the form of the screenshot that set out...Paragraph 11 then confirms that the additional witness statements relied upon by evidence of this hearing were uploaded on the same date, 17 June. And then paragraph 12 confirms that ultimately prepared the hearing bundle for this hearing made
F (**inaudible**), I should say, was made available on the website on 25 June with a hardcopy at the train station on 27 June.

MR JUSTICE SOOLE: Was there compliance with paragraph 11.2 of the filing order in respect of- well, both in 2025 and for this hearing? That is a certificate of service, verifying by a certificate of service.

G MR ROSCOE: Well, my Lord, no. Mr Spencer explains in his fourth witness statement at paragraph 4 is that his statement was intended to amount to the certificate as required by 11.2, so the greater specificity of details accepts that (**inaudible**) could be provided.

H MR JUSTICE SOOLE: Well, what happened in 2025?

MR ROSCOE: In 2025 the service of the first order. The evidence of that confirmed in Spencer 3.

MR JUSTICE SOOLE: Was there a certificate—

(Over speaking)

MR ROSCOE: (**Several inaudible words**), my Lord. No, that is- the intention was that a witness statement would and does serve the same purpose. That if that is an omission that your Lordship is concerned should be corrected...I am being told that (**several inaudible words**) in the paper but we can either (**inaudible**) if your Lordship would think that appropriate to file such a certificate or confirm that to be filed as the case may be.

MR JUSTICE SOOLE: I think- does the certificate of service have some sort of rubric which is regarded as particularly important?

MR ROSCOE: My Lord, from memory, no and that is why I say the witness statement is also verified by a statement of truth—

MR JUSTICE SOOLE: Yes, yes.

MR ROSCOE: Because that has been done. A certificate of service serves the same purpose but from my mind's eye provision for is rather more abridged in terms of the level of detail that can be provided but, as I say—

MR JUSTICE SOOLE: Well, it may be, if the injunction is going forward, that there might be a revision for that provision because in some ways it is more helpful to, those who need to know about these things, have the actual details of service.

MR ROSCOE: That the first witness statement to give the narrative description of what had been done. There is no reason that one could not be both, it is just more bits of paper.

MR JUSTICE SOOLE: Yes.

MR ROSCOE: And, of course, there is no particular prejudice to any respondent or potential respondent by this because one does not need to reserve the certificate of service on those affected and that is for the court file to confirm what has been done. So, my Lordship, in my submission, has that information in the witness statement for your Lordship's good order would like a certificate of service in addition or to waive the position, as it was in the past, or take the position that was in the past and clarify the wording of the injunction for the future. I am in the court's hands as to which course is preferred.

So, that brings notification of the review hearing as relates to the injunction as was or as is, I should say. Turning then to the substantive review of that—

A MR JUSTICE SOOLE: Well, there is also- are you going to deal with at this stage with the notification of the application of 26 June?

MR ROSCOE: I was going deal with that separately, whichever order is more convenient for your Lordship.

B MR JUSTICE SOOLE: Yes.

MR ROSCOE: Because I was trying carefully not to muddy the two.

MR JUSTICE SOOLE: Yes, I see that.

MR ROSCOE: Because, as you can see, my considerations of why. The substance of the review hearing on the injunction as it is, I have set out in my skeleton in some detail and possibly more detail than was helpful the recent body of caselaw that deals with the tests on a new hearing. And this was a matter that your Lordship considered on Tuesday.

D MR JUSTICE SOOLE: Yes. I mean I found most helpful what was said by, I think as other judges have done on reviews, the Supreme Court at paragraph 225 of *Wolverhampton*.

MR ROSCOE: Indeed, my Lord.

MR JUSTICE SOOLE: And also some observations of Mr Justice Richard in *HS2*.

E MR ROSCOE: My Lord, yes. I refer to both of those.

MR JUSTICE SOOLE: Are those the essential points?

MR ROSCOE: Those are the essential points. The only additional gloss or approach that your Lordship—

F MR JUSTICE SOOLE: And I said it also because I think there is a danger that we have more and more of first instance observations being made which just makes preparation more and more complicated but it does not actually, with respect, add a great deal. I mean it is not *de novo*. One is looking whether there is a material change of circumstances and overall, since this is an equitable jurisdiction, whether it was right that it should continue.

G MR ROSCOE: My Lord, yes.

MR JUSTICE SOOLE: And I do not find it- the more we develop little tests and so on, the more complex it becomes and without benefiting anybody.

H MR ROSCOE: The one in the authorities bundle gets without- who could be without—

MR JUSTICE SOOLE: Yes.

MR ROSCOE: But at the risk of cutting across that judicial steer, my Lord, one observation which is a slightly different point made in the essay of the *Petroleum* case may just be worth (**inaudible**) to as it particularly relates to the amendment application point, and that is at tab 7. Sorry, forgive me, I have got it wrong. It is tab 5. And I would ask your Lordship to look at paragraphs 7 and 8. Paragraph 7—

MR JUSTICE SOOLE: Just one moment.

MR ROSCOE: Paragraph 7 may not much assist because it may just be—

MR JUSTICE SOOLE: Well, no, I can see...

MR ROSCOE: Restatement of various principles are already discovered. But it is the second part of paragraph 8 which may be of assistance to your Lordship. The review hearing is an opportunity to make necessary adjustments in light of experience of the practical operation of the injunction's changing circumstances. The court should nevertheless be wary of embarking upon fundamental changes to the scope or nature of injunctive relief at the review hearing rather than requiring further and full application to be made.

The reason I drew your Lordship's attention to this is I understand, as you said, that one of the issues that your Lordship was considering was the extent to which bringing in Take Back Power and the wealth inequality campaigns was really within the rubric on, under the umbrella of review. Or whether it was something that was straying into fresh start as regards those two portions of them. And I thought in that context this was helpful because the threshold seems to be well, is it...

MR JUSTICE SOOLE: Fundamental change.

MR ROSCOE: Fundamental change or is it an adjustment to what was there before. I am going to submit that which either one looks at it, the change should be made but to the extent necessary I would have liked your Lordship to find that in fact this is a new former category of a necessary adjustment in light of changing circumstances rather than something more fundamental. But I will develop that as I show your Lordship the evidence which makes fallback but which in any case show the real risk there is warrant injunction in its own right.

On the facts then, my Lord...

MR JUSTICE SOOLE: Yes, take me through your...

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MR ROSCOE: I suggested in my skeleton argument that your Lordship will be most assisted first by reading the note of Mrs Justice Farbey's *ex tempore* judgment, which I assumed you have read which set out the key factual position as to what happened in 2024 which is a starting point of your Lordship's assessment of whether the circumstances have changed. It may also be helpful to look at the way
B in which His Honour Judge Freedman dealt with the position in October last year.

MR JUSTICE SOOLE: I have read that.

MR ROSCOE: You have read that as well. In which case, my Lord, I will not take you back through it. So, looking at the evidence in particular showing the ongoing
C threat, it would probably be most convenient to take this from Mr Spencer's third statement which, as I have said, is at tab 7 of the main bundle and if we can pick it up please at paragraph 16 at page 200.

MR JUSTICE SOOLE: You mean page 50?

D
MR ROSCOE: Yes, I do not know where I have got...Sorry, yes, paragraph 16. This is then picking up the point which you will have seen from the two earlier decisions between the first and second review hearings. I should say between making the judgment and the first review hearing. So, they made an announcement that they are hanging up the hi vis.

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MR JUSTICE SOOLE: Well, I think the essence was saying we are not pursuing this form of tactic but then in broad summary subsequent statements have put that in question. Is that a fair summary?

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MR ROSCOE: There was impression to something of the effect that we are hanging up the high vis. We are stopping direct action. There was then a press report which revealed that they were plotting a very big comeback which JSO acknowledged was a correct report. So, your Lordship has that. And so, paragraph 16 of Spencer 3 picks up at that stage in the narrative and refers to the fact that what JSO's comeback might be because such comeback, as might otherwise be available is
G unclear, was the very project of Take Back Power. And one says that as JSO's own website refers to Take Back Power as a new project.

Paragraph 17 says that Youth Demand which has been described in the press as...

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MR JUSTICE SOOLE: I am just looking at the JSO screenshot—

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MR ROSCOE: I was going to come to this later but we can come to it now, my Lord. It is page 78 of the bundle. So, you can see this is a website but it refers to new project alert to Take Back Power and I was going to make this point later but I shall make it now while we are here. You see under the heading "!! New Project Alert !!", "The rich are killing us." and what I invite your Lordship to infer from this or take from this is that the reason that Just Stop Oil think that the rich are killing us is because what is perceived to be their impact on environmental and climate change. They are not separate concerns, they are two sides of the same coin, they are related concerns.

Over the page, you will notice...

MR JUSTICE SOOLE: **(Inaudible)**.

MR ROSCOE: Exactly the same image announcement from the Youth Demand website. Youth Demand being referred to in the press as Just Stop Oil 2.0. Well, one can see it is obviously the same people or there is some coordination between what Just Stop Oil are saying and what Youth Demand are saying here and what Take Back Power is saying here. It is a coordinate project. There must be some of the same people involved, I think, in this messaging.

Back then to Spencer 3, page 50 of the bundle. We have touched on Take Back Power and I will come back to it a little more in context of the amendment application. We will pass over that now, please, and look at other matters which Mr Spencer deals with at paragraph 23 onwards. One can see that in recent months environmental groups have been active in direct action protests. Examples are given in paragraph 24, London supposedly a demonstration at Shell Headquarters.

Paragraph 25 is an article or a release published by Extinction Rebellion on their website in May which is somewhat cryptically worded in my submission but which seems to suggest that this summer is going to reveal some form of show of strength which has been building on work that has been going on behind the scenes. So, that would appear to be indication of some form of risk of direct action for the environmental movement.

And then at paragraph 27, Shut the System group which, amongst other things, has targeted a supplier of the energy company Drax with slingshot rocks. So, again, that seems to be direct action of a violent nature in recent months. Other

A activities have been done, as they are set out, but those in fairness appear to be directed at concerns about war and arms manufacturing and causes of that sort rather than environmentalism or wealth inequality. I will come back and show you some of the links about that.

B And then Mr Spencer further explains at paragraph 28 and onwards that is an (inaudible) system recent months, years to private aviation in particular Southend Airport in particular because of its private Jet Centre. And you see at paragraph 29, for example, Greenpeace last month calling for the grounding of private jets. So, focus on private aviation in particular is an in-focus issue at the moment.

C MR JUSTICE SOOLE: Yes. Somewhere in his witness statement he refers to there to particular involvement in private...

MR ROSCOE: Yes, I was to take your Lordship to that next. That is actually in the statement of Mr Taylor, the Operations Manager at the airport which is referred to in tab 9.

D MR JUSTICE SOOLE: Yes, you are right, we will come to that later, yes.

MR ROSCOE: We are going to come to that now, my Lord. That does not take me out of order.

MR JUSTICE SOOLE: Taylor 3.

E MR ROSCOE: And that starts at page 117 at tab 9.

MR JUSTICE SOOLE: Yes.

MR ROSCOE: And see in particular at paragraph 9 of the page 118, Mr Taylor expresses the view to the extent, my Lordship, I would say helpful that from his perspective the injunction has been useful. But he goes on more evidentially rather than argumentatively to set out at subparagraphs details of the commercial success that Southend has enjoyed recently, including the private aviation limit and Jet Centre more than having doubled the volume. And at (e), therefore, the Jet Centre has increased its hours of operation. And generally, in commercial aviation there has been a very substantial increase in passage growth and therefore the numbers reached by London aircraft movements in revenue.

H The effect of this really is twofold that Southend is becoming a more prominent airport and the potential impact of direct action has increased accordingly. And your Lordship saw evidence on Tuesday and it is included in this evidence as well

A that there had been previously been protests at Oxford and Inverness Airports in July 2025 shortly before the review hearing granted but after the injunctions were granted focusing on private aviation in particular.

MR JUSTICE SOOLE: I can see the Oxford one is referred to at paragraph 14(a).

B MR ROSCOE: Indeed, it is more fully dealt with in the first statement of Mr Spencer which is the one filed shortly before the first review hearing and that is at tab 12. And the points are made at page 167, penultimate entry in that chronological list, 17 February 2025. Extinction Rebellion had a demonstration at Inverness Airport by the jets by virtue of the (**inaudible**) to take action and then over in the page 171 there are details of the summer of action by Extinction Rebellion last summer, including halfway down the page "stop private jets, join us at Oxford on Saturday, 5 July and Oxford Airport—

C MR JUSTICE SOOLE: Sorry, you are dropping your voice, can you...

D MR ROSCOE: Sorry, forgive me. Page 171, partway down the page, "stop private jets, join XR Oxford, Saturday 5 July and march to Oxford Airport and say no to private jets". And it may be worth noting in this context that Oxford and Inverness are two UK airports who do not have the benefit of injunctions. And that, my Lord, is relevant to this which might be taken against me which I raise by full and frank disclosure as I have in my skeleton argument. It might be said that there have not been direct action incidents at airports generally or Southend Airport in particular since the last review hearing. To which we raise the question is that because the underlying risk has diminished or is it because the injunctions are effective and in my submission, the more likely interpretation and what I would like your Lordship to find is that the deterrent effect is working. And aligned to that—

E MR JUSTICE SOOLE: But in weighing that up I also have to take account of the fact that there have not been further incidences at Oxford or Inverness.

F MR ROSCOE: Yes.

G MR JUSTICE SOOLE: Which are unprotected.

MR ROSCOE: They are unprotected. There is a dangerous at this point turning into a bootstrap argument.

H MR JUSTICE SOOLE: Yes.

A MR ROSCOE: But one point I would make is that if your Lordship were not to continue the injunction, that fact is likely to be quite widely reported amongst those who are—

MR JUSTICE SOOLE: But it says- yes. This is a matter I have to consider. Again, I consider these matters today afresh. I am not bound by what I decided elsewhere but one also has to be realistic.

B MR ROSCOE: Some of these points we touched on again at the amendment application but just before I leave the review part of the hearing—

MR JUSTICE SOOLE: So, the best summary of events since October 2025...

MR ROSCOE: Is in Spencer 3 at paragraph 16 onwards.

C MR JUSTICE SOOLE: Yes.

MR ROSCOE: One more point which—

MR JUSTICE SOOLE: The order here was for a five year period. Some of those I dealt with were indefinite subject to review.

D MR ROSCOE: This is five years—

MR JUSTICE SOOLE: This is the 2029, yes.

MR ROSCOE: And the final point by way of update, at risk of a further bootstrap argument but it a real world consideration, it was observed, I think by His Honour Judge Freedman on the second review hearing, that it would be a little illogical or would be perceived to be to have none of the 10 major airports but not remain and (**several inaudible words**) I just made about the nonrenewal possibly precipitating or capitalising protests. Particularly so where it is one airport that is essentially a cat on its own on that front, it becomes more exposed. I do not press the point strongly because I recognise the slight bootstraps nature of it but that is the practical reality of what nonrenewal would risk leading to.

F MR JUSTICE SOOLE: Yes and there is also the question to what extent there has been a deterrent from the fact of the criminal prosecutions. Some of which have been successful, some of which not.

G MR ROSCOE: My Lord, yes. That was particularly in the Heathrow and possibly Manchester Airport context from them. Not speaking from evidence here.

H MR JUSTICE SOOLE: Well, and also in the broader context of the sort of sentencing that was taking place in non-airport cases such as *M25*.

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MR ROSCOE: And one of the issues that arise from that context of course being controversy about juries acquitting people on the conscience and there has been quite a lot of press about that recently in terms of what places breach of security may or may not be permitted along those lines. Civil intention, those considerations or concerns the matters why claimants are seeking these injunctions, those I represent are given comfort and protection by civil injunctions which the general criminal law may not provide to them.

So, the final point which is in table 3 and, again, your Lordship has heard on Tuesday so I will take it very briefly was at page 122 of the bundle. This is a briefing note which sets out what is called an incident in the airport on 8 June.

Now, your Lordship will be familiar in general terms of the story.

MR JUSTICE SOOLE: Yes, it is a puzzling one.

MR ROSCOE: It is a puzzling one—

MR JUSTICE SOOLE: And I must say I did not give it particular weight in my decision before. I agree there are aspects of—

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MR ROSCOE: Is very curious. I am absolutely not relying upon it as an example of direct action. I want to make that clear. It appears, curious as it is, to have possibly been a student hijinks of some sort.

MR JUSTICE SOOLE: Yes.

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MR ROSCOE: I raise it as completeness but also because what it does show for my point, I submit, in my favour is that it shows the very heightened degree of security under which airports operate and what even might be innocent hijinks have very substantial knock-on effects because of this situation which they are—

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MR JUSTICE SOOLE: Well, one of the points which was made two days ago was that since I think 30 April there has been a heightened threat level in the national terrorism command. I am not suggesting that these people are terrorists. It is this that the point was made and I think it was also a point noted by Mr Justice Ritchie in one of the cases that, and it is supported by evidence, quite minor innocents and certainly major ones can readily cause chaos at airports given the way it is all set up and terrorists thrive on chaos.

MR ROSCOE: Exactly, my Lord. It is a point that Mr Taylor makes himself at paragraph 18.

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MR JUSTICE SOOLE: Yes.

A MR ROSCOE: So, in my submission, I submit that there has been no material change to the underlying threat of unlawful direct action at UK airports and this airport in particular, as justified nonrenewal. There has been no material change in circumstances as would justify the non-continuation of the injunction.

B I am now turning, my Lord, to my third submission of the amendment application. The catalyst for this application we readily accept was the identification of the potential loophole and indeed the publication of the potential loophole by the 10 airports who were heard on Tuesday. And Mr Morshead then tells a point which we see the force of that a direct action protest ostensibly carried out under the (inaudible) wealth inequality campaign may not be captured by the current language of the order. That is the loophole.

C MR JUSTICE SOOLE: It is one of the problems, is it not, the very fact of mentioning something can give ideas.

D MR ROSCOE: Indeed but the point is now out there and so we have responded. Now, I have touched upon this already but I just want to identify a couple more points just to put some more flesh on the bones that the wealth inequality and environmental campaign are not two different things it seems. Particularly in the context of—

MR JUSTICE SOOLE: Effectively there is overlap or they are interwoven.

E MR ROSCOE: Exactly. Particularly, generally, as a matter of generality but particularly so in the case of airports where it is a little bit difficult to imagine why the super rich's use of airports would be considered objectionable save for the environmental concerns. I have shown you already the JSO website which in announcing Take Back Power as a new project refers to the term "The rich are killing us." and I make my submissions as to what your Lordship might say on that.

F If we look at some of the other materials to a similar effect, page 80 of the bundle is the Take Back Power.

G MR JUSTICE SOOLE: This is the main bundle?

MR ROSCOE: Yes, the main bundle, my Lord, yes. As your Lordship can see, the substance to the evidence I am going to be referring to in support of that page is already in the main bundle, it is the same occurrence.

MR JUSTICE SOOLE: Well, yes, that was my impression.

H MR ROSCOE: So, this Take Back Power webpage and you can see...

MR JUSTICE SOOLE: (Several inaudible words).

MR ROSCOE: Exactly. So, that is the principal concerns for the super rich's protest.

Then at paragraph 81.

MR JUSTICE SOOLE: Page 81?

MR ROSCOE: Sorry, page 81, forgive me. This is a FAQ page on the Take Back

Power website which advocates that disruption is a necessary part of social change. It advocates disruptive and direct action, so that is why we claim risk to direct action from this. Page 85 is then an article press release from Take Back Power's own website which is about sitting protests in a Ferrari garage but your Lordship has seen the headline, "Take Back Power 'takes over' the playground of the super-rich". A point my clients reasonably fear is that an airport and a private jet facility in particular is very likely to be perceived as such a playground.

MR JUSTICE SOOLE: The spray paint episode was at your airport in June 2024, is that right?

MR ROSCOE: No, that was at Stanstead.

MR JUSTICE SOOLE: That was at Stanstead, yes.

MR ROSCOE: Page 96 is an article from Extinction Rebellion from May of this year and refer to this to further illustrate the interrelation between world policy concerns and climate concerns. We can pick this up at page 98 which explains in the second paragraph that, "In 2019 Extinction Rebellion emerged to tell the truth about systems placing profit above life itself and to pressure the government to act. It is clear that those systems do not only extract from eco systems. They extract from communities, from democracy and from our collective ability to act together. The same concentrations of wealth and power driving climate collapse are also driving militarisation, border violence and attacks on civil liberties."

So, it is the same wealth inequality which is leading to concerns that are about climate change and various other social ills. Much the same point made at page 100. The second paragraph, "Movements for climate justice and global justice are not separate moral causes competing for attention. They are a response to the same underlying crisis: a political and economic system that concentrates power upwards while demanding silence from everyone living with the consequences." So, again, this is a clear statement at least from some portion of historically environmental campaigns that the objections to wealth inequality and

concentration of power in the super-rich, as they would put it, is what is driving climate crisis.

And then finally page 103 is a page from the Shut the System. It is the same point in the second paragraph, "We pledge to target property and machinery of the destructive industries owned by the wealthiest and most responsible for the greatest crisis humanity has ever faced."

MR JUSTICE SOOLE: Sorry, I cannot see that.

MR ROSCOE: Page 103.

MR JUSTICE SOOLE: How far down is it?

MR ROSCOE: Second paragraph. Second paragraph under the heading. The first line is the heading. Starting, "We pledge...".

MR JUSTICE SOOLE: We pledge, I see.

MR ROSCOE: So, not only is there are further indicative threat of direct action insofar as damaging physical property but it is targeting that owned by the super-rich in order to prevent climate crisis. The two points are very difficult to untangle and so before I ask your Lordship to take with this, is to that (**inaudible**) option of Just Stop Oil. It describes it as a new project. There has been a shift in the messaging from environmental issues to wider socioeconomic issues but the two are interrelated and are not separate issues. I have made the point that in the case of potential action, therefore, the difference between the two concerns is harder still to identify and would be campaigns under the new wealth inequality message such to materialise, pose just as strong a risk as those that were more squarely done under an environmental banner did.

So, I make the point about the interrelation. Going back to paragraph 8 from *SA Petroleum* in order to commence your Lordship's view that seeking to expand the definition of environmental campaign to include Take Back Power's wealth inequality campaign is not fundamental, it is an adjustment reflecting the shift in messaging of who appear to be many, if not all, of the same people putting out the messages. And so, it is not so fundamental as would warrant *de novo* consideration or potentially indeed, as is suggested in *Esso*, a formal application. It is not fundamental, it is something that could be dealt with on a review hearing in the ordinary courts.

A But even if it is *de novo* as regards this issue, my submission is that the
evidence plainly makes out the risk that would make such extension appropriate.
In terms then, my Lord, the practical matters relating to the making of this
application, that material is contained in the supplemental bundle. The brief
chronology, my Lord, is that the materials for the 10 airports review hearing were
B uploaded on their websites last Thursday and that is when the fact of this point
having been addressed—

MR JUSTICE SOOLE: Yes. The application...to amend was dated 18 June.

MR ROSCOE: It was, my Lord.

MR JUSTICE SOOLE: And it was uploaded, you say?

C MR ROSCOE: I cannot say for sure now when it was uploaded. We were aware of it
when the skeleton argument which address these larger points was uploaded on 25
June, last Thursday. We then prepared the application notice at tab1 the following
day and I will come on to show you how it has been sent to who and when. You
D can see it is a fairly short form application notice which seeks to amend the
description of the defendants on the claim form, the amended particulars of claim
and the injunction to—

MR JUSTICE SOOLE: Has it been issued as such?

MR ROSCOE: It was issued yesterday.

E MR JUSTICE SOOLE: And it has been sealed?

MR ROSCOE: Yes, it has been sealed. We did not get a sealed copy back until
yesterday afternoon.

MR JUSTICE SOOLE: Yes.

F MR ROSCOE: Paragraph 8 of the textbox on page 4 reporting the information relied
upon explains that...we will not use the word 'piggyback' but that is the reality
here. And then the evidence which explains what is being done with this is
contained in Spencer 4 which we looked at earlier and it is dealt with in a separate
section at paragraph 13 onwards. And so, we filed the application at 6.38 pm on
G Friday evening.

MR JUSTICE SOOLE: Which paragraph was that?

MR ROSCOE: Sorry, it was paragraph 13.1.

MR JUSTICE SOOLE: 13?

H MR ROSCOE: 13.

A
MR JUSTICE SOOLE: Is this at page 11?

MR ROSCOE: It is page 5 of Spencer 4, tab 4 of the supplemental bundle.

MR JUSTICE SOOLE: Yes.

B
C
MR ROSCOE: So, the application was filed on Friday evening. It was sent in draft to the email addresses currently in the draft order, currently in the injunction i.e., the JSO email addresses at the same time. Hardcopy notices were put in the green and purple dot locations on Saturday and there is a screenshot of the form of notice there. It was uploaded to the website on Sunday with a further email sent to the JSO addresses to say that it had been done and it was also sent to the two Take Back Power email addresses disclosed on their website for contact. And at paragraph 15 we indicated that we would once a sealed application had been received upload it on the website and re-email it. Certainly it has been uploaded to the website now and it has been emailed to those email addresses as well.

D
E
So, the effect of this, my Lord, is that three days' notice of the fact of this application has been made, albeit of course there is the point against me that the issued application itself did not follow until yesterday afternoon. But in my submission no prejudice has been caused to anyone by the fact it was an issue notice. The substance of the application or the supporting materials that we rely on have been given three clear days' notice of. And indeed, as I have said, the underlying evidence to which I refer has been in the hearing bundle throughout.

MR JUSTICE SOOLE: 33.7, you say?

F
G
MR ROSCOE: Yes. A copy of the application notice must be served as soon as practicable (**inaudible**). That was done. And at least three days before the court is to deal with the application. I would add to the lack of prejudice that has been caused to those potentially affected by this application that it is in substance the same application that was made by 10 other parties on Tuesday which they also (**several inaudible words**) so none of these points are new. And had any potentially affected respondent or representative of Take Back Power said that there was something in substance they may wish to say in opposition of this application that there was adequate opportunity for them so to do. (**Several inaudible words**) at some stage over the last three clear days.

H
MR JUSTICE SOOLE: Well, also any order would have the usual liberty to apply.

A MR ROSCOE: Indeed, my Lord and your Lordship is aware from *Wolverhampton*
formal service and notice of things does not quite work with newcomer injunctions
in the same way. It is notification doing the best of what it can to notify those
potentially affected in what is required on the footing your Lordship has just
identified that there is generous liberty to apply provisions in the event that
B anybody for whatever reason contends that it should be may or not proceed in this
form at all. So, in those circumstances, I would invite your Lordship to treat this
limb of the application as effected today.

C I am aware from Tuesday that one point your Lordship made was whether it
was really satisfactory that all that was done was to amend the names of the
defendant in the—

MR JUSTICE SOOLE: The definition of the defendant.

MR ROSCOE: And whether it would not be—

MR JUSTICE SOOLE: Well, no. I required them to amend the particulars of claim.

MR ROSCOE: Indeed, my Lord.

D MR JUSTICE SOOLE: And they produced the same day a draft so it seemed to me—
these are unusual forms of action and they do not typically go to full trial. The
essential relief that is sought is injunctive. But nonetheless particulars of claim
have a purpose of setting out the case and it is also quite a good discipline.

E MR ROSCOE: My Lord, yes. That message having received as we prepared an
amended, re-amended, in fact, particulars of claim which is at tab 3 of the bundle
to try to take on board the comments from Tuesday pre-emptive. You will see that
the header "Re-amendment" territory (**inaudible**) and should therefore be double
underlined. That can be fixed. The defendant is the amendment of the defendant
F definition the header and then further at paragraph 12, page 43 we have set out
in...which we hope strike an appropriate balance between brevity and detail what
it is that is said about the expansion and listing of the defendants.

G So, I am going to ask for permission in that form to reflect the concern that your
Lordship—

MR JUSTICE SOOLE: I have not got the claim form, I do not think.

MR ROSCOE: My Lord, the claim form change would simply be to amend the
identification of the...

H MR JUSTICE SOOLE: I need to see that.

MR ROSCOE: That can be prepared and you can have that shortly after this hearing.

Apologies it is not in the bundle already. As I say, that change will simply be to amend the name of the defendant. So, my Lord, if I can take your Lordship through the updated draft order we are asking to make today takes account of these changes. That is at tab 2 of the supplemental bundle I should say. And the red text in this version is simply to show your Lordship the changes since the draft order in the hearing bundle. It will be cleaned up in final form, if made.

MR JUSTICE SOOLE: Let me just...for some reason, I began reading at page 29. I will just read from 26.

MR ROSCOE: So, the general approach we have adopted, my Lord, and there is concern your Lordship had on Tuesday is to try to ensure that anyone affected by this order only needs to look in one place and they will **(several inaudible words)**.

MR JUSTICE SOOLE: Yes, it is very important.

MR ROSCOE: Yes, my Lord, I agree with respect. The approach we have therefore recommended or suggested is that the body of the order, first three pages is the order we are asking your Lordship to make today but of course the substance of what we are asking your Lordship to do. But then at paragraph 5 it then appends to the order what we have called the conformed version of the original injunction as amended to date.

MR JUSTICE SOOLE: Yes. It was not done that way in the other cases. There was a separate, fresh injunction granted with a provision that, which I suggested, the previous one be discharged upon sealing of a new because here you have- I am not easy about an appended order. Annex 1 here is not meant to be just as it were reflecting a draft, as it were, that will be subsequently produced, is it?

MR ROSCOE: No, it is to be a—

MR JUSTICE SOOLE: This is the order which is appended.

MR ROSCOE: Well, if you turn to internal page 4 or page 29 of the bundle.

MR JUSTICE SOOLE: I am looking at it now.

MR ROSCOE: What then is intended to be made clear at the opening lines and the header that what we are proposing is that this stands as the original injunction as varied and continued pursuant to the order of His Honour Judge Freedman last year and your Lordship on this occasion. So, it continues the original injunction but varies it in the manner there set out. Because, as your Lordship said a moment

ago, the only other way of doing it would be to actually discharge the earlier order and have a fresh order.

A MR JUSTICE SOOLE: What is wrong with doing that?

MR ROSCOE: Nothing in theory, my Lord. Nothing in theory.

MR JUSTICE SOOLE: This may be over formalistic but an order is always headed with the name of the judge who makes it.

B MR ROSCOE: Indeed, my Lord but it—

MR JUSTICE SOOLE: I have not seen one in this form before.

MR ROSCOE: Well, what I had in mind was that it does happen that courts vary previous orders and it may not be the same judge that varies the previous order of the court and in those circumstances one often has an order which says paragraph C 1 of the order of Mrs Justice X stated Y is varied so that this deadline becomes that deadline or whatever the amendment is.

MR JUSTICE SOOLE: Yes and would that have a fresh penal notice on it?

MR ROSCOE: Well, if the original—

D MR JUSTICE SOOLE: If something had to be done by a certain time.

MR ROSCOE: Yes. If the original order had been, it would have been prudent to have the order varying it (**inaudible**) notice but in those circumstances, that is not conceptualised as the earlier order being discharged and renewed, it is varied. And E so, as a matter of...for just focusing on the first three pages of my proposed draft order, that works as a matter of the making of orders. In other words, your Lordship directs that the previous order remains in place but be varied in various respects and you could end it there. And that works as a matter of theory but it has the downside, which your Lordship has identified which I respectfully agree, that F it means that the person affected by the order that is varied is to mean two things. It is to read the original order and the order varied to piece together what the net effect it.

So, the second part of the order, the conformed copy as I have called it, is to G take that difficulty away by having a conformed version which takes the original order, as made by—

MR JUSTICE SOOLE: What does conformed mean?

MR ROSCOE: It means merging changes that have previously been made on to one H clean copy which encapsulates that which has gone before.

A MR JUSTICE SOOLE: It is appended here too for ease of reference. Where is the court seal then? Is it going to be a separate court seal on the first order and the second order? Is it going to be resealed?

MR ROSCOE: The first order certainly would be.

MR JUSTICE SOOLE: If it is an injunction and it has been changed, it needs to be sealed.

B MR ROSCOE: My Lord, yes. So, it probably would not have...I am not amending my approach—

C MR JUSTICE SOOLE: No, no. I mean I was the judge in charge of this for three years so I have spent a lot of time looking at orders and trying to avoid complications but you have obviously rightly acknowledged the point that what is most important is that anybody can just look at something and see what is and is not to be done. You may not have seen the orders that were?

MR ROSCOE: No. We kept a close eye for them as we understand it—

D MR JUSTICE SOOLE: I approved the orders in the other cases last night at sort of 4 pm or thereabouts. Approved for sealing so they will—

MR ROSCOE: They have not yet been uploaded, my Lord. So, we are not absolutely sure quite in what form they are.

E MR JUSTICE SOOLE: I think I would rather they be in the same form actually. I think it makes sense.

MR ROSCOE: Of course it does, my Lord.

F MR JUSTICE SOOLE: Because we had a debate on when it should be. One must not have any intervening period when there is no order and what I have done on other sorts of cases is to say discharged upon sealing of this order.

MR ROSCOE: Yes or it might need to be discharged, being ultra-cautious, upon service of the new order.

G MR JUSTICE SOOLE: Well, there was discussion about that. I thought it was neater to do on sealing because there is no doubt about that. One is always trying to avoid argument on when something did or did not take effect.

MR ROSCOE: My Lord, yes. In which case, assume your Lordship is minded to make an order in something materially in substance this way.

H MR JUSTICE SOOLE: Yes. I am minded to make the order in the substance which you seek.

MR ROSCOE: In which case I can merge the—

A MR JUSTICE SOOLE: I think the two of them need to be merged. I would also need you to come back to court. It is not something, as I have said in all the other cases and in many other cases, drafts going back and forward by email is not a good way of doing business. It gets terribly confusing and it is better for all to sit together with a pen and go through it and have it finally approved.

B MR ROSCOE: My Lord, yes. There is one more change that I want to draw your Lordship's attention to in this version, if I may, which is in the conformed version which we are doing away with but you can see in the header on page 29 this deals with the Take Back Power wealth inequality campaign. But then at paragraph 1 C that definition does need to be followed through to the concluding two lines so the prohibiting conduct must mirror the definition of the defendant so in connection with Just Stop Oil, Take Back Power or other environmental campaigns.

D MR JUSTICE SOOLE: Yes. I think the revision in the 30 June orders is just all wealth inequality campaigns. I do not think it refers to particular organisations but do you think that is appropriate?

MR ROSCOE: It just mirrors the language of the defendant which is Take Back Power or other wealth inequality campaigns. It closes the loophole that—

E MR JUSTICE SOOLE: Yes. I do not think the headings in the other ones actually refer...I thought they do—

MR ROSCOE: The (inaudible) one did.

MR JUSTICE SOOLE: Alright.

F MR ROSCOE: I think I have tried hopefully to (inaudible) the orders down on the City case. That was the material or immaterial change which wraps up consistency. The other point was in terms of service of this order, as indicated at the outset, it should more conveniently be done in accordance with the mechanism set out in paragraph 8 which deals with the service of orders rather than 9 to 13 which deal with the service of applications and other documents.

G MR JUSTICE SOOLE: Yes.

MR ROSCOE: My Lord, yes.

MR JUSTICE SOOLE: Well, I hope to be able to get a hold of those.

MR ROSCOE: Yes, so do I—

H MR JUSTICE SOOLE: Not least from the solicitors on behalf of the other 10 airports.

MR ROSCOE: Yes or possibly counsel on that occasion.

MR JUSTICE SOOLE: Counsel, Mr Morshead.

MR ROSCOE: I will do what I can. I am getting ahead of myself.

MR JUSTICE SOOLE: Well, what I want to do is to give a judgment and then having done so, arise and ask you to come back, I do not know, 3 pm or something like that.

MR ROSCOE: My Lord, yes.

MR JUSTICE SOOLE: Thank you.

(Judgment given)

MR JUSTICE SOOLE: Anything I need to review or change?

MR ROSCOE: My Lord, I am talking from the point of view of the interests of the defendant, just looking ahead to the form of order and the format your Lordship will find most helpful to review—

MR JUSTICE SOOLE: I think there is a lot to be said we are doing it in a very similar one with the 10 airports.

MR ROSCOE: I will look at that, assuming it is available and what I am proposing to do was to take the Mrs Justice Farbey order and to add to it in redline simply for the purpose of your Lordship's review so you could see what has changed from that earlier version and then we can have a clean version filed.

MR JUSTICE SOOLE: So, you will have what? You will have a sort of mock-up of her order with the variations and a separate one which will be a clean version headed by me?

MR ROSCOE: Exactly.

MR JUSTICE SOOLE: Yes and that order, I think, as I recall, yes, my order which discharged the first order included the various other procedural decisions I made including amendment.

MR ROSCOE: Yes. I will look at how that is done—

MR JUSTICE SOOLE: I think it does- again, each case is separate, there is a lot to be said for similarity and approach.

MR ROSCOE: And would your Lordship prefer a version of the hardcopy of the order?

MR JUSTICE SOOLE: Please could you send it through to my clerk whose email address you either have or—

MR ROSCOE: I will get that momentarily.

MR JUSTICE SOOLE: But if it comes early enough, I will print it off but if you could bring a hardcopy as well. I just work much better. It is not entirely a purely generational thing.

MR ROSCOE: No, it is not. I am exactly the same.

(Court adjourned until 3 pm)

MR JUSTICE SOOLE: Thank you.

MR ROSCOE: My Lord, you can see there is a selection of documents which you can see I have handed up. Let me just explain briefly what they are.

MR JUSTICE SOOLE: I have not read anything yet, just so you know.

MR ROSCOE: The first with the red text on it is a marked up version of the injunction order as is reflecting the changes I am asking your Lordship to make today to reflect the fact it is going to be a fresh order—

MR JUSTICE SOOLE: Yes.

MR ROSCOE: Behind that is a clean version of the same.

MR JUSTICE SOOLE: Except it is headed 'Birmingham Airport'- no, sorry...I have got two orders headed 'Birmingham Airport'.

MR ROSCOE: Forgive me that is my fault. In which case may I have—

MR JUSTICE SOOLE: Do you want to swap?

MR ROSCOE: They look very similar.

MR JUSTICE SOOLE: We do want to get the right airport.

MR ROSCOE: The reason for handing up the Birmingham one was simply to compare—

MR JUSTICE SOOLE: In that case, can I have that one back. Yes, I see.

MR ROSCOE: To compare the approach and then I have also included a draft re-amended particulars of claim which is the same as the one you saw earlier just with the double underlining tidied up.

MR JUSTICE SOOLE: Shall we start with the claim form and then turn to the order?

MR ROSCOE: So, you should have a plain form and a particulars of claim agreed amends.

MR JUSTICE SOOLE: And that just amends the description, yes?

MR ROSCOE: Yes, so the claim form just amends the description. The particulars of claim in support amends the description and then includes at paragraph 12 the text which your Lordship saw earlier which sets out the basis of the claim against the expanding.

MR JUSTICE SOOLE: Yes.

MR ROSCOE: So, I have asked your Lordship to approve those drafts and as you will see, your approval thereof is hopefully to be in the order to be made.

MR JUSTICE SOOLE: Alright.

MR ROSCOE: Turning then to, and it is probably easiest to deal with the tracked change version of the order- so you will see we have deleted the language about varying continuing so this is a fresh order made by your Lordship today.

MR JUSTICE SOOLE: I am going to open up the Birmingham one as well.

MR ROSCOE: Yes. Now, I should say the 10 airports had slightly different formulations of the defence to begin with. We have modelled ours on the City one and so the amendments to the defendants we are proposing is the same which that which was sought—

MR JUSTICE SOOLE: Yes, I realise they were different.

MR ROSCOE: Whereas the Birmingham version you have got has got a slightly different formulation of what the defence is so there is a direct comparison there. The only other addition for the defendants to say for good order is in keeping with the spirit that people only need to look in one place, the plan is appended to the order as well having been—

MR JUSTICE SOOLE: At Schedule 4, Plan B?

MR ROSCOE: Yes exactly.

MR JUSTICE SOOLE: And that has got the dots and so on?

MR ROSCOE: Yes exactly so.

MR JUSTICE SOOLE: Right. Let us go through then.

MR ROSCOE: So, we have an appeal notice which remains unchanged. The recitals first records the claim form, second records what was called the Farbey J order which is following the Birmingham approach, third recital records the first annual

review and HHJ Freedman's order which varied and continued the Farbey order. We then record this hearing, then record the further evidence that your Lordship has considered us to review. We then record our application notice, appearances and the fact that no others...

MR JUSTICE SOOLE: What about the fourth witness statement?

MR ROSCOE: That was more by way of service. I am happy to include that if your Lordship would think that...

MR JUSTICE SOOLE: I see that is to do with service history.

MR ROSCOE: Service rather than being more (**inaudible**). The penultimate recital on the page recording the lack of material change and (**inaudible**) approach. And then given that this is a fresh injunction, it was appropriate, as in Birmingham, that we repeat a cross undertaking in damages which accompanied the first injunction.

MR JUSTICE SOOLE: And that is set out in...

MR ROSCOE: In Schedule 1.

MR JUSTICE SOOLE: In the standard?

MR ROSCOE: Yes. You see that Schedule 1- when the claim was first brought it was of course brought on an *ex parte* basis so there was first time around also an undertaking that we notify. But that has now fallen away because that was the position when we first started on an *ex parte* basis.

MR JUSTICE SOOLE: And all the other things for the 26 June application you have notified?

MR ROSCOE: Exactly. So, repeating the cross undertaking in respect of damages.

And then the final recital as before that was included before allows people to be in touch if they want to arrange some form of demonstration. And actually, sorry, I have just noted that that paragraph 1 should actually now be paragraph 4 below.

MR JUSTICE SOOLE: Sorry, paragraph 1 should say what?

MR ROSCOE: The final recital on page 3 says, "The process may be and there are designated at London Southend Airport more particularly described in paragraph 1 below." So, that should be paragraph 4 below.

MR JUSTICE SOOLE: Yes.

MR ROSCOE: Then paragraphs 1 to 3 mirror the approach in Birmingham, give us permission to re-amend the claim form, the particulars of claim and the description of defendants against the new category of the defendant of that description in what

A is approved by the court in draft at this hearing. And so that is why I show you that. And then 2 provides for us to file and then on receipt of a sealed copy to reserve those documents.

MR JUSTICE SOOLE: And the forms of serving a notifying in paragraph 2, paragraph 10 does not include the affixing of a notice?

MR ROSCOE: Yes, I was going to come on to explain.

B MR JUSTICE SOOLE: Come back to that, yes.

C MR ROSCOE: 3 in common with the approach of the Birmingham order replaces the original injunction of obviously this one. Paragraph 4 which is now the meat of the injunction, if you like, just mirrors as I indicated in submission here as the expanded definition of the defendants. There are some updated cross references. Then paragraph 10 the way to explain this is if you can turn to the form of the notice injunction at page 12, Schedule 5 right at the back of the draft order. So, this is the notice of the injunction which is put in the dotted places and your Lordship can see in the underlined text to the bottom it there explains that a copy of the proceedings including order to re-amend notice of claim, re-amend particulars of claim, application notices and so on and so forth can be found at the train station and on the website.

D So, the point occurred to me as I reviewing this to make these amendments is that what was 7.3 and would now be 10.3 duplicates what is now 11.4.

E MR JUSTICE SOOLE: Yes, I see.

MR ROSCOE: So, it is simply just cutting out the surplus. It might be suggested that one has got to do two sorts of notices—

F MR JUSTICE SOOLE: I see, yes.

MR ROSCOE: So, the amendment to 11.4 is simply to update the reference of 7.3 having been deleted. 14.2, this was to pick up the certificate of service witness statement point. I propose that we drop the certificate of service order...

MR JUSTICE SOOLE: Sorry, this was?

G MR ROSCOE: 14.2 The certificate of service point. I propose that we have a choice as to whether—

MR JUSTICE SOOLE: Yes, yes.

H MR ROSCOE: What was paragraph 14 is now crossed out for further direction that was to do with an earlier amendment that part of the Farbey order that does not need to

be repeated that has been done. Then I have taken you to the undertakings in Schedule 1. Schedule 3, page 10 of the document...

A MR JUSTICE SOOLE: The addresses?

MR ROSCOE: The condition of the Take Back Power email addresses. And then finally Schedule 5, just to explain to your Lordship briefly, is the tweaks to the form of notice that the claim has now had- is now in terms that the High Court is regranting the injunction today.

B MR JUSTICE SOOLE: Where are you reading from now? Schedule 5 notice- yes.

MR ROSCOE: I thought that was the most plain English way of explaining that.

MR JUSTICE SOOLE: Yes. Now shall we go back to the body of the order.

C MR ROSCOE: Yes.

MR JUSTICE SOOLE: What is now 4 and has the variation to do with wealth inequality. 5 just changes numbering. 6, what do you say about the time estimate for annual reviews? I am finding the way I do them, I do not know but I have done them in the past, they take rather longer than nine and a half.

D MR ROSCOE: My Lord, such a dangerous question because when we were last in front of His Honour Judge Freedman on the last occasion I think we were about 20 minutes or so or half an hour maybe.

MR JUSTICE SOOLE: I noticed that.

E MR ROSCOE: Different judges can take different—

MR JUSTICE SOOLE: Well, yes, obviously he did a very thorough judgment as well. Let us leave it as it is. And what is now 7, 8, 9, 10...

F MR ROSCOE: Variation. 10 is unchanged save for that which I showed you. It deals separately, as your Lordship has seen, with the re-amended documents, the order—

MR JUSTICE SOOLE: The devil of all these orders is when you change a paragraph number. That is often the main thing that gets...we have corrected that.

G MR ROSCOE: I have my instructing solicitor and my learned pupil, so if any slipped through, we found one that slipped through- as I have said, the clean version simply accepts those with the need for that one cross reference.

MR JUSTICE SOOLE: The final recital where it says paragraph 1 that should be paragraph 4.

H MR ROSCOE: Exactly.

MR JUSTICE SOOLE: Will you send it through to the court associate with that and then it has 4 instead of 1, it does not need to come back to me for final approval in those circumstances. And the approval of the claim form and the re-amended claim form and the re-amended particulars of claim. Thank you for your work on that.

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Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

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