

**IN THE HIGH COURT OF JUSTICE**  
**003471**

**Claim No. QB-2020-**

**QUEEN'S BENCH DIVISION**

**IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972  
AND  
SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

**The Honourable Mr Justice Nicklin  
2 October 2020**



**B E T W E E N :**

**THE LONDON BOROUGH OF ENFIELD**

**Claimant**  
QB-2020-003471

**-and-**

- (1) PERSONS UNKNOWN WHO ENTER AND / OR OCCUPY ANY OF THE SITES LISTED IN THIS ORDER ("THE SITES") FOR RESIDENTIAL PURPOSES (WHETHER TEMPORARY OR OTHERWISE INCLUDING SITING A CARAVANS, MOBILE HOMES, ASSOCIATED VEHICLES AND DOMESTIC PARAPHANELIA**
- (2) PERSONS UNKNOWN WHO ENTER AND / OR OCCUPY ANY OF THE SITES LISTED IN THIS ORDER ("THE SITES") FOR THE PURPOSES OF FLY-TIPPING OR DISCARDING SUBSTANTIAL AMOUNTS OF WASTE INCLUDING ENTERING FOR THIS PURPOSE WITH PICK-UP TRUCKS, VANS OR LORRIES AND ANY ASSOCIATED VEHICLES**

**Defendants**

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**ORDER**

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**UPON APPLICATION** by the Claimant by Application Notice dated 1 October 2020 ("the Application Notice") seeking an order (1) to abridge time for the service of the Part 8 Claim Form ("the Part 8 Claim Form") dated 1 October 2020 (2) to serve the Part 8 Claim Form by an alternative method

and at an alternative place and (3) for an interim injunction against the First and Second Defendants.

**UPON HEARING** (via BT Meet Me) Counsel Mr. Steven Woolf for the Claimant and Counsel Mr. Owen Greenhall, instructed by the Community Law Partnership on behalf of the London Gypsies and Travellers (“the Interested Party”)

**AND UPON** Reading the Part 8 Claim Form and Witness Statement of Karen Maguire dated 1 October 2020

**AND UPON** the Claimant undertaking to serve and file by 4.00pm on Wednesday 7 October 2020 a witness statement correcting paragraph 11 of the Witness Statement of Ms. Maguire dated 1 October 2020.

**AND UPON** the Court considering that the application for an interim injunction raises substantial questions of wider public interest by virtue of the implications on applications for injunctions against Persons Unknown of the Court of Appeal decision in Canada Goose UK Retail Ltd v Persons Unknown [2020] EWCA Civ 303

**IT IS ORDERED THAT:**

1. The name of the Second Defendant be amended to add the words ‘substantial amounts of’ before ‘waste’, remove the words ‘caravans, mobile homes’ and consequential amendments:

**‘PERSONS UNKNOWN WHO ENTER AND / OR OCCUPY ANY OF THE SITES LISTED IN THIS ORDER (“THE SITES”) FOR THE PURPOSES OF FLY-TIPPING OR DISCARDING SUBSTANTIAL AMOUNTS OF WASTE INCLUDING ENTERING FOR THIS PURPOSE WITH PICK-UP TRUCKS, VANS OR LORRIES AND ANY ASSOCIATED VEHICLES’**

2. The Claimant is permitted under CPR 3.1(2)(a) to abridge time for service of the Part 8 Claim Form on the Second Defendant only and pursuant to CPR 6.15(1) to serve the Part 8 Claim Form and the Application Notice on the First and Second Defendants by an alternative method and at an alternative place as opposed to by personal service pursuant to CPR 6.5. The said alternative methods and alternative places are as follows:

- (i) by affixing a copy of the Part 8 Claim Form, the Application Notice and this Order in a transparent waterproof envelope in a prominent position at each of the entrances to the 96 locations (“the Locations”) identified in Exhibit “KM1” attached to the Witness Statement of Ms. Karen Maguire dated 1 October 2020.

- (ii) by placing a copy of the Part 8 Claim Form, the Application Notice and all paperwork associated with this Claim (including a copy of this Order) on the Claimant's website;
  - (iii) by making available hard copies of the Part 8 Claim Form, the Application Notice and all paperwork associated with this Claim (including a copy of this Order) at the operating libraries in the Borough of Enfield and by providing copies of the said documents upon request;
  - (iv) by advertising that these proceedings have been issued in the Enfield Gazette and setting out where copies of the Part 8 Claim Form, all associated paperwork and a copy of this Order can be obtained.
3. The steps required under Paragraph 2 of this Order must be completed by the Claimant by 4.30pm on Friday 16 October 2020 and the Claimant must file a witness statement demonstrating compliance by 4.30pm on Friday 23 October 2020.
  4. Providing the witness statement required by Paragraph 3 is filed by the due date:
    - (a) the Claim Form will be deemed to have been served on the First and Second Defendants on Monday 26 October 2020 unless any person(s) in the category of Persons Unknown demonstrates that s/he was not served with the Claim Form and was unaware of these proceedings; and
    - (b) the time for filing an acknowledgement of service required by CPR 8.3 is to be calculated by the deemed date of service.
  5. The Claimant's application for an interim injunction be adjourned to the first open date after 11 January 2021, with a time estimate of 2 days ("the Adjourned Hearing").
  6. By 4.30pm on 16 October 2020, the parties are to contact the Clerk of the Lists to fix
    - (a) the Adjourned Hearing; and
    - (b) a Case Management Hearing in the window 30 November 2020 to 18 December 2020 with a time estimate of 1 day.
  7. In the event that any of the Locations are trespassed upon by the Second Defendant only seeking to fly-tip and or discard substantial amounts of waste by entering for this purpose with pick-up trucks, vans or lorries and any associated vehicles, the Claimant is permitted to apply on short notice to the Interim Applications Judge in Court 37 for such order as it seeks to obtain an immediate order for possession.
  8. That an expedited transcript of the judgment given on 2 October 2020 be supplied to the parties at public expense.

## **DIRECTIONS FOR THE HEARING OF THE ADJOURNED APPLICATION**

9. That the Attorney General be invited to instruct counsel as an Advocate to the Court to make submissions on the issues that arise at the Adjourned Hearing.
10. That the Claimant and interested parties together supply to the Court a list of all cases they can identify of 'persons unknown' injunctions (whether interim or final) of similar nature to the present case by 4pm on 8 October 2020.
11. There be a general liberty to apply.

**2 October 2020**