HIGH COURT OF JUSTICE
BUSINESS & PROPERTY COURTS OF ENGLAND & WALES
01 Mar 2018

IN THE HIGH COURT OF JUSTICE **CLAIM No: PT-2018-000160**
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
PROPERTY, TRUSTS AND PROBATE LIST (ChD)

PT-2018-000160

BEFORE CHIEF MASTER MARSH
1 MARCH 2018

B E T W E E N:

(1) UK OIL & GAS INVESTEMENTS PLC
(2) KIMMERIDGE OIL AND GAS LIMITED
(3) MAGELLAN PETROLEUM (UK) LIMITED
(4) HORSE HILL DEVELOPMENTS LIMITED
(5) UKOG (GB) LIMITED **Claimants**

- and -

PERSONS UNKNOWN WHO ARE PROTESTORS AGAINST THE EXPLORATION AND/OR EXTRACTOR OF MINERAL OIL OR RELATIVE HYDROCARBON OR NATURAL GAS BY THE CLAIMANT(S) AND WHO ARE INVOLVED IN THE FOLLOWING ACTS OR ANY OF THEM:

(1) ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AND BUILDINGS SHOWN EDGED RED ON THE PLANS ANNEXED TO THE CLAIM FORM ("THE LAND");

(2) OBSTRUCTING OR INTERFERING WITH THE RIGHTS OF WAY ENJOYED BY THE CLAIMANT(S) AND EACH OF ITS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, & LICENCEES ("THE PROTECTED PERSONS"), OVER THE PUBLIC HIGHWAY AND/OR THEIR ACCESS TO AND FROM THE LAND.

(3) COMBINING TOGETHER TO COMMIT THE OFFENCES AS DEFINED IN THE ORDER ANNEXED TO THE CLAIM FORM ("THE ORDER") WITH THE INTENTION SET OUT THEREIN.

(4) INTERFERING WITH THE CLAIMANT(S) ECONOMIC INTERESTS BY THE COMMISSION OF THE UNLAWFUL ACTS AS DEFINED IN THE ORDER;

(5) COMBINING TOGETHER USING LAWFUL MEANS WHERE THE PREDOMINANT INTENTION IS TO INJURE THE CLAIMANT'S ECONOMIC INTERESTS;

(6) WATCHING, BESETTING, INTIMIDATING OR ASSAULTING THE CLAIMANT(S) AND EACH OF THE PROTECTED PERSONS.

Defendants

ORDER

UPON HEARING Counsel for the Claimants.

AND UPON the Claimants' without notice application dated 28 February 2018 for permission to serve the Claim Form and other Documents in this Claim, by alternative methods and/or at alternative places.

AND UPON the Court considering the witness statements set out in Schedule 1 to this Order

IT IS ORDERED THAT:

DEFINITIONS

This Order shall be construed in accordance with the following Orders and/or Definitions:-

(i) In this Order "**Broadford Bridge Site**" shall mean that are of land that forms part of Woodbarn Farm, Broadford Bridge, Billingshurst, West Sussex more particularly shown for illustration purposes edged in red (when presented in colour) on the plan annexed at Schedule 3 ("**Broadford Bridge Site Plan**") and being part of the land now comprised in title number WSX267507.

(ii) In this Order "**Campaign**" means the campaign against the Claimants' business activity and Lawful Use of the Sites.

(iii) In this Order **"Defendant"** or **"Defendants"** shall mean the parties listed in the heading to this Order including (for the avoidance of doubt) any **Protestor** or **Protestors**.

(iv) In this order **"Demonstrating"** and **"Demonstrate"** means carrying out any activity as part of or in furtherance of the Campaign or protest against the Lawful Use and/or development of the Sites.

(v) In this order "**Documents**" means the Particulars of Claim, other pleadings from the Claimant(s), Application Notices, Witness Statements, Notices of Hearing, Orders and any other documents that the Claimant(s) are required to serve by the Court or the Civil Procedure Rules, from time to time in this Claim.

(vi) In this order "**Dropbox**" means an online document storage site (www.dropbox.com) for sharing digital files and documents.

(vii) In this order "**Dropbox Folder**" means a folder created on Dropbox in respect of this Claim that contains a digital PDF copy of this Order, the Claim Form and the Documents.

(viii) In this Order "**Exclusion Zone**" means that area of public highway and land more particularly shown shaded on a **Site Plan** in purple (when presented in colour).

(ix) In this Order "**Horse Hill Site**" shall mean that land on the West side of Horse Hill, Horley more particularly shown for illustration purposes edged in red (when presented in colour) on the plan annexed at Schedule 3 ("**Horse Hill Site Plan**") and being part of the land now comprised in title number SY800371.

(x) In this Order "**Injunction Application**" means the Claimants' Application Notice for an interim injunction dated 1 March 2018

(xi) In this Order "**Lawful Use"** means for mineral or relative hydrocarbon or natural gas exploration extraction and all all ancillary purposes connected therewith.

(xii) In this Order "**Markwells Wood Site**" shall mean that land known as Markwells Wood in the South Downs National Park more particularly shown for illustration purposes shaded in red (when presented in colour) on the plan annexed at Schedule 3 ("**Markwells Wood Site Plan**") and being part of the land now comprised in title number WSX179131

(xiii) In this Order "**New Camp**" means that area of land on Coldharbour Lane in Surrey that is currently occupied by persons protesting against the Lawful Use of land known as at Bury Hill Woodlands, Dorking, Surrey, also known as "Leith Hill" more particularly shown edged and hashed in red on the plan in Schedule 5.

(xiv) In this Order **"Notice of Claim"** means the document at Schedule 4 which relates to the Site(s) specified on a given Notice of Claim.

(xv) In this Order "**PIPs**" means Potentially Interested Persons in the Campaign.

(xvi) In this Order **"Protestor"** or **"Protestors"** shall mean any person who Demonstrates or intends to Demonstrate.

(xvii) In this Order "**Sites**" shall mean Broadford Bridge Site, Horse Hill Site and Markwells Wood Site.

(xviii) In this Order "**Site Plans**" shall mean Broadford Bridge Site Plan, Horse Hill Site Plan and Markwells Wood Site Plan.

(xix) In this Order the "**Witness Statements**" means the witness statements of the Claimants.

IT IS ORDERED THAT:

1. The Claimants are permitted to serve the Claim Form and Documents, by the methods and at the places (or any one of the methods or places) detailed in Schedule 2 and service by such methods and at such places shall be deemed served at the time provided for in Schedule 2. For the avoidance of doubt, this permission does not require that service must be undertaken by every method and at every place provided for in Schedule 2.

2. Service of hard paper copies of the Claim Form and the Documents, is dispensed with, save for where hard copies are expressly provided for in Schedule 2. The Claimants' solicitors shall make available electronic copies of the Claim Form and Documents in PDF format in a Dropbox Folder to which they shall provide access to any person who wishes to be joined to the proceedings as a named Defendant. Such request for access to be by signed writing providing the requesting party's true name and habitual postal address and proof thereof.

3. There is permission to any person not a named party to these proceedings to apply to the Court at any time to be added as a named party and permission to any named party to this Claim to apply to vary, discharge or extend this Order but if they wish to do so, they must (save in the case of emergency) give not less than 3 days written notice to all named parties, via the parties' solicitors where solicitors are instructed.

4. The Application under CPR 81.8 is adjourned.

5. The hearing of the Injunction Application shall be heard at The Rolls Building, Fetter Lane, London EX4A 1NL on 19th March 2018 at 10:30am.

6. Costs reserved.

Service of the order

The court has provided a sealed copy of this order to the serving party:

Hill Dickinson LLP
The Broadgate Tower
Primrose Street
London EC2A 2EW

SCHEDULE 1

Evidence: The Court read the Witness Statements:

Of the Claimants:-

Kevin Aidan Lee dated 28th February 2018

James Court dated 27th February 2018

Stephen Sanderson dated 27th February 2018

SCHEDULE 2 - Methods of Service:

1. Upon Defendants or PIPs at or in the close vicinity of the Sites or Exclusion Zones by handing or attempting to hand a copy of this Order and Notice of Claim, and this Order and the Claim Form will be deemed served at the moment of such handing, and Documents will be deemed served at that same moment or at the moment they are made available in the Dropbox Folder if later in time. For the avoidance of doubt this Order, the Claim Form and Documents shall be deemed served at the moment they are proffered whether or not a person has accepted the handing of this Order and Notice of Claim.

2. Upon Defendants or PIPs by affixing the Notice of Claim for a Site as set out in Schedule 4 (in no smaller than A3 format in size) in clearly visible locations at the entrance to a Site, and this Order and the Claim Form will be deemed served on the date of such affixation and Documents will be deemed served at that same moment or at the moment they are made available in the Dropbox Folder if later in time.

3. Upon Defendants or PIPs by posting, or attempting to post, a hyperlink for the Dropbox Folder, on the following web-sites which appear to relate or have previously related to the Campaign or by emailing the said hyperlink to the administrator of such web-sites, and this Order and the Claim Form will be deemed served on the date of such posting and Documents will be deemed served at that same moment or at the moment they are made available in the Dropbox Folder if later in time

   3.1. Horse Hill Protection Group;

   3.2. Frack Free Billingshurst;

   3.3. Keep Billingshurst Frack Free;

   3.4. Frack Free Surrey;

   3.5. Frack Free Sussex;

   3.6. Surrey against Fracking;

   3.7. Broadford Bridge Protection Group;

   3.8. Broadford Bridge Action Group;

   3.9. Leith Hill Protection Camp; and

3.10. Markwells Wood Watch.

4. Upon Defendants or PIPs by the Claimants creating a Facebook account solely in respect of the Sites that contains a hyperlink for the Dropbox Folder and sending a 'message' to the following Facebook accounts, which appear to have or have had a connection with the Campaign, and this Order and the Claim Form will be deemed served at the date and time of such a message and Documents will be deemed served at that same moment or at the moment they are made available in the Dropbox Folder if later in time

4.1. Ben Deevoy

4.2. Peter Whittick

4.3. Jenny Harper

4.4. Ross Monaghan

4.5. Scott Breen

4.6. Danny VC Llew

4.7. Isabel Bish

4.8. Tina Williamson

4.9. Connor "Badger" Heffey

4.10. Dan White/Dan Tudor Pole

4.11. Charlie Feasey

4.12. Lara Bloch

4.13. Sarah McNichol

4.14. Ian R Crane

4.15. Tina Rothery

4.16. Jared Dunne

5. Upon the Defendants or PIPs by the Claimants creating an email address solely in respect of this action and emailing a hyperlink for the Dropbox Folder to the following

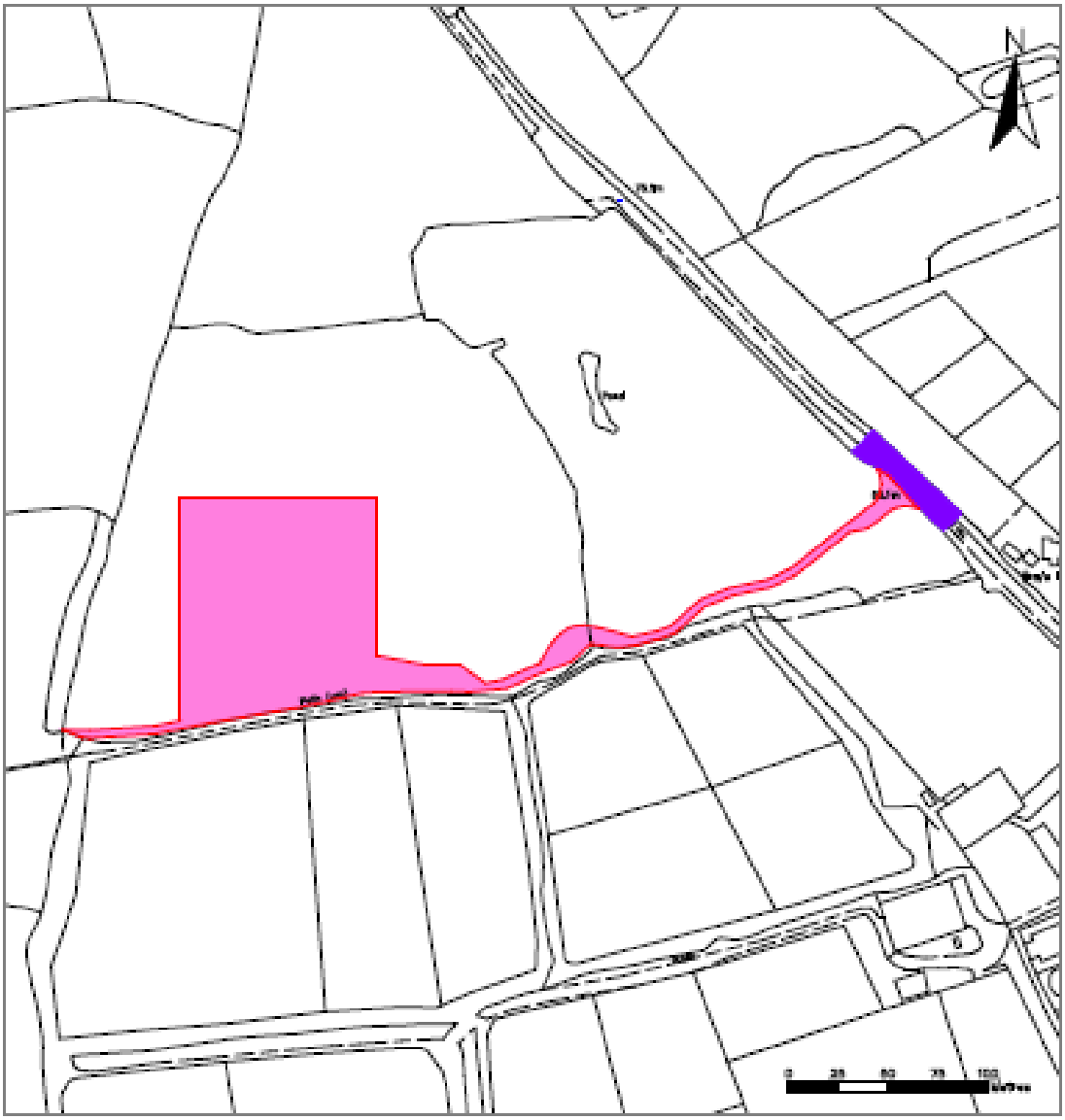
email accounts which appear to relate or have previously related to the Campaign and this Order and the Claim Form will be deemed served on the date of such emailing and Documents will be deemed served at that same moment or at the moment they are made available in the Dropbox Folder if later in time

NICOLA PEEL – NICOLAPEEL@HOTMAIL.COM; NICOLAPEEL@EYESOFGAIA.COM

6. Upon Defendants or PIPS by leaving 10 copies of this Order, the Claim Form and the Witness Statements (excluding exhibits) in a clear plastic lidded box marked for the attention of “The Protesters” at the entrance to the New Camp and this Order and the Claim Form and the Witness Statements will be deemed served at the moment of such leaving, and Documents will be deemed served at that same moment or at the moment they are made available in the Dropbox Folder if later in time.

Schedule 3 – Site Plans

Horse Hill Site Plan



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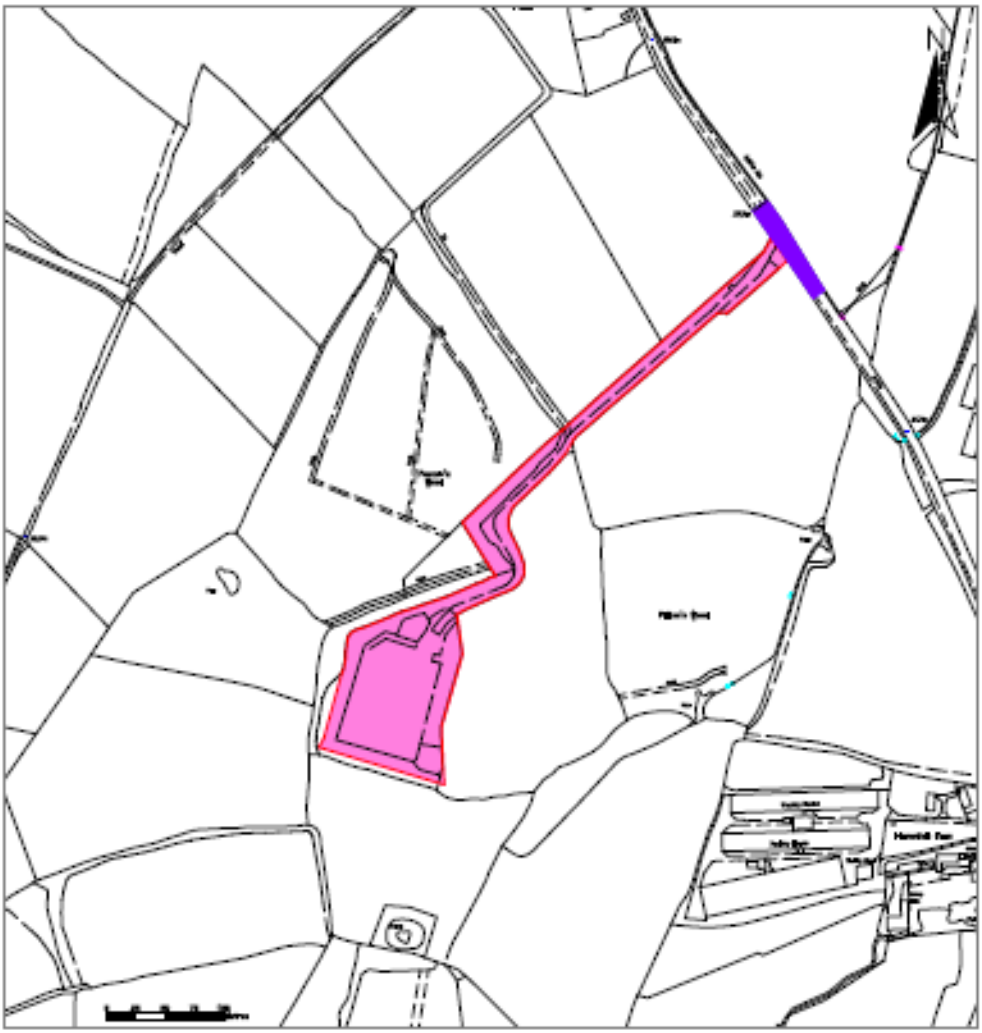
Leasehold land at Horse Hill, Horsley, Surrey, registered with title number SY800371

Broadford Bridge Site Plan



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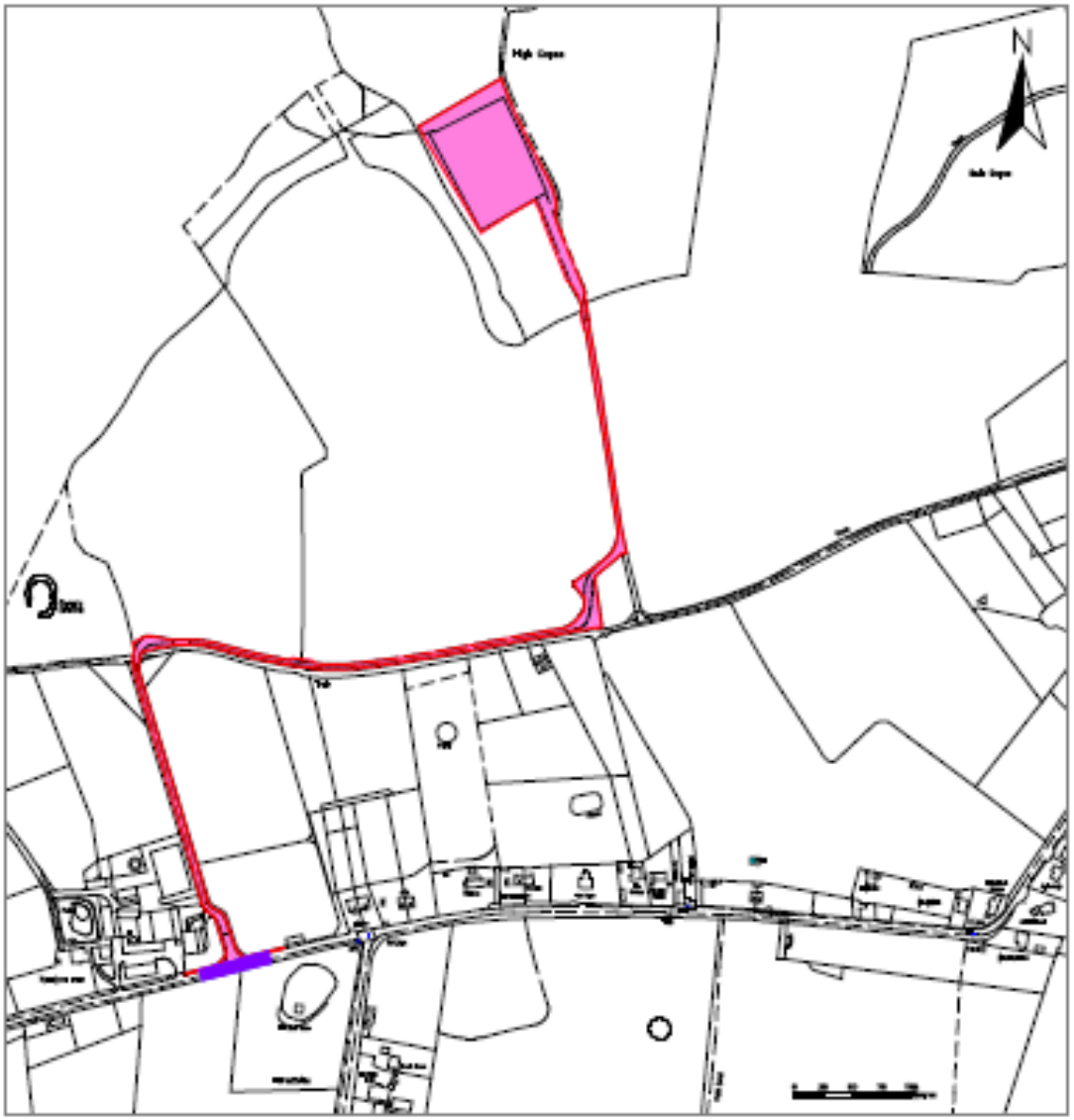
Land at Broadford Bridge, Billingshurst, West Sussex

Markwells Wood Site Plan



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Land at Markwells Wood – 1 Well Site, South Holt Farm, Dean Lane End, Forestside, Rowlands Castle, West Sussex

Schedule 4 - Notice of Claim

HIGH COURT CLAIM NO: PT-2018-000160

NOTICE OF APPLICATION FOR HIGH COURT INJUNCTION

A FULL COPY OF THE APPLICATION CAN BE FOUND VIA WEBLINK LISTED BELOW

TO: PERSONS UNKNOWN AS MORE PARTUCLARLY DEFINED AND DESCRIBED IN THE APPLICATION MENTIONED BELOW ("**DEFENDANTS**") and PERSONS WHO ARE POTENTIALLY INTERESTED IN THE MATTERS MENTIONED BELOW.

FROM: UK OIL & GAS INVESTMENTS PLC & OTHERS ("**CLAIMANTS**")

THE CLAIMANTS HAVE ISSUED A CLAIM IN THE HIGH COURT FOR AN INJUNCTION TO RESTRAIN A CLASS OF PERSONS FROM COMMITTING OR UNDERTAKING CERTAIN PROHIBITED ACTS OR OFFENCES AS DEFINED IN THE DRAFT ORDER ANNEXED TO THE APPLICATION, WHICH INCLUDE BUT ARE NOT LIMITED TO: TRESPASS TO LAND, NUISANCE, UNLAWFUL INTERFERENE WITH ECONOMIC INTERESTS AND CONSPIRACY TO INJURE.

THE CLAIM CONCERNS ACTION BY THAT CLASS OF PERSONS IN PROTEST TO THE CLAIMANTS USE OF THE LAND, SHOWN SHADED RED ON THE PLAN, AND THEIR CONDUCT ON THE HIGHWAY SHADED PURPLE ON THE PLAN SET OUT IN THIS NOTICE.

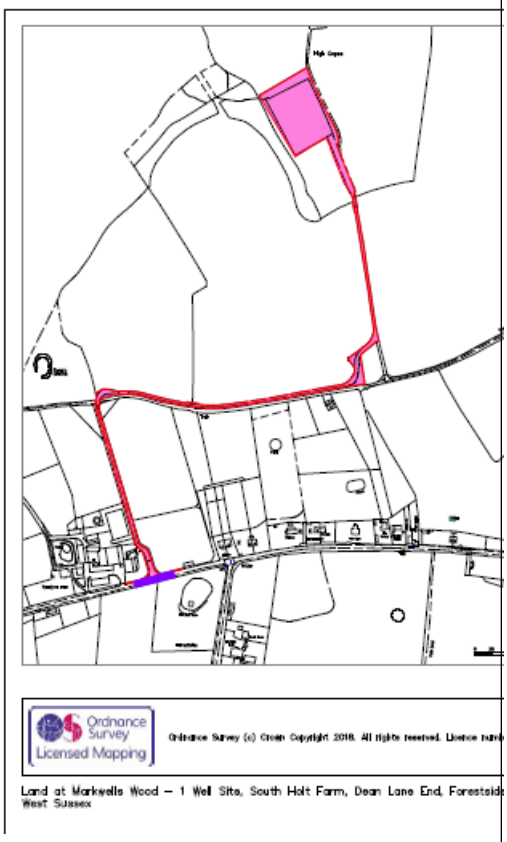
THE COURT HAS ORDERED THAT SERVICE OF THE CLAIM AND DOCUMENTS CAN BE PROVIDED TO THAT CLASS OF PERSONS BY WAY OF THIS NOTICE. IF YOU ARE WITHIN THE CLASS OF PERSONS, YOU ARE ADVISED TO SEEK LEGAL ADVICE AND ACCESS COPIES OF THE CLAIM FORM AND DOCUMENTS.

COPIES OF THE APPLICATION AND SUPPORTING DOCUMENTS CAN BE FOUND AT:
https://www.dropbox.com/sh/gj9z03rvpxd9o83/AADkT5tWFzVBhxLJBvnhR6V4a?dl=0

THERE WILL BE A HEARING OF THE CLAIMANTS APPLICATION FOR AN INTERIM INJUCTION ON MONDAY 19 MARCH 2018 AT 10:30AM AT THE ROLLS BUILDING, 7 ROLLS BUILDINGS, FETTER LANE, LONDON, EC4A 1NL

Court communications: all communications about this order should be sent to the Court manager, High Court of Justice (ref PT-2018-000160) details found at (https://courttribunalfinder.service.gov.uk/courts/rolls-building)

Claimants' solicitors: Hill Dickinson LLP The Broadgate Tower, Primrose street, London EC2A 2EW(t: 0207 280 9350/ 0161 817 9280/0207 283 9033) (e: ukogteam@hilldickinson.com)



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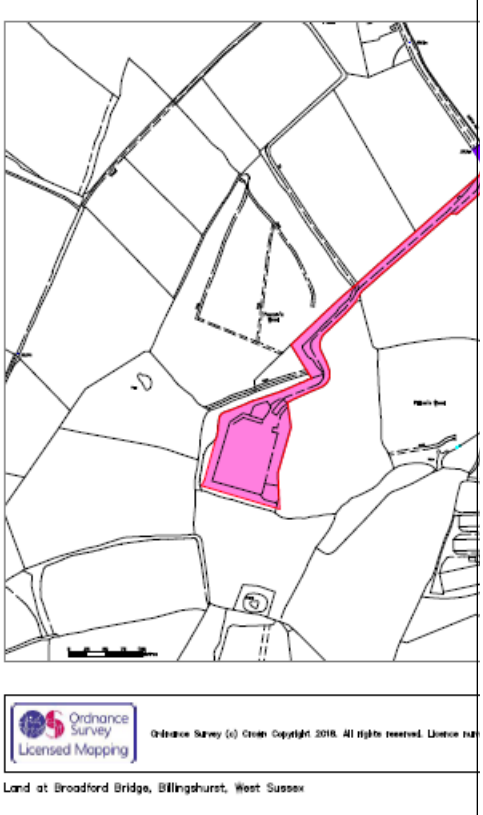

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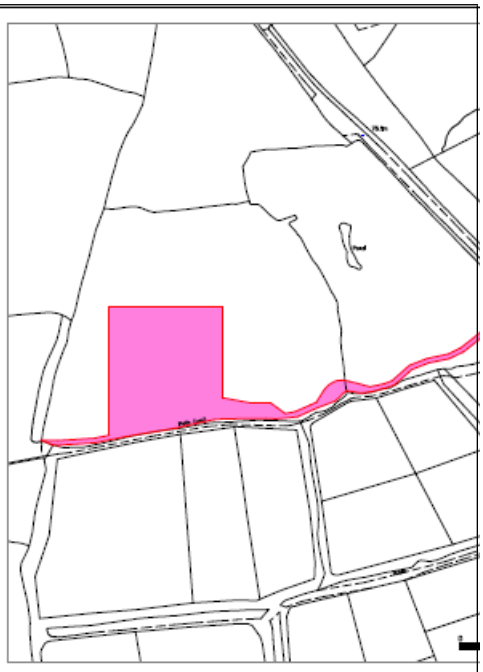

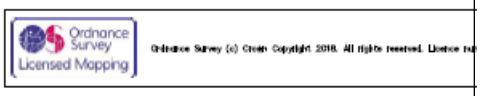

Leasehold land at Horse Hill, Horely, Surrey, registered with title number SY800

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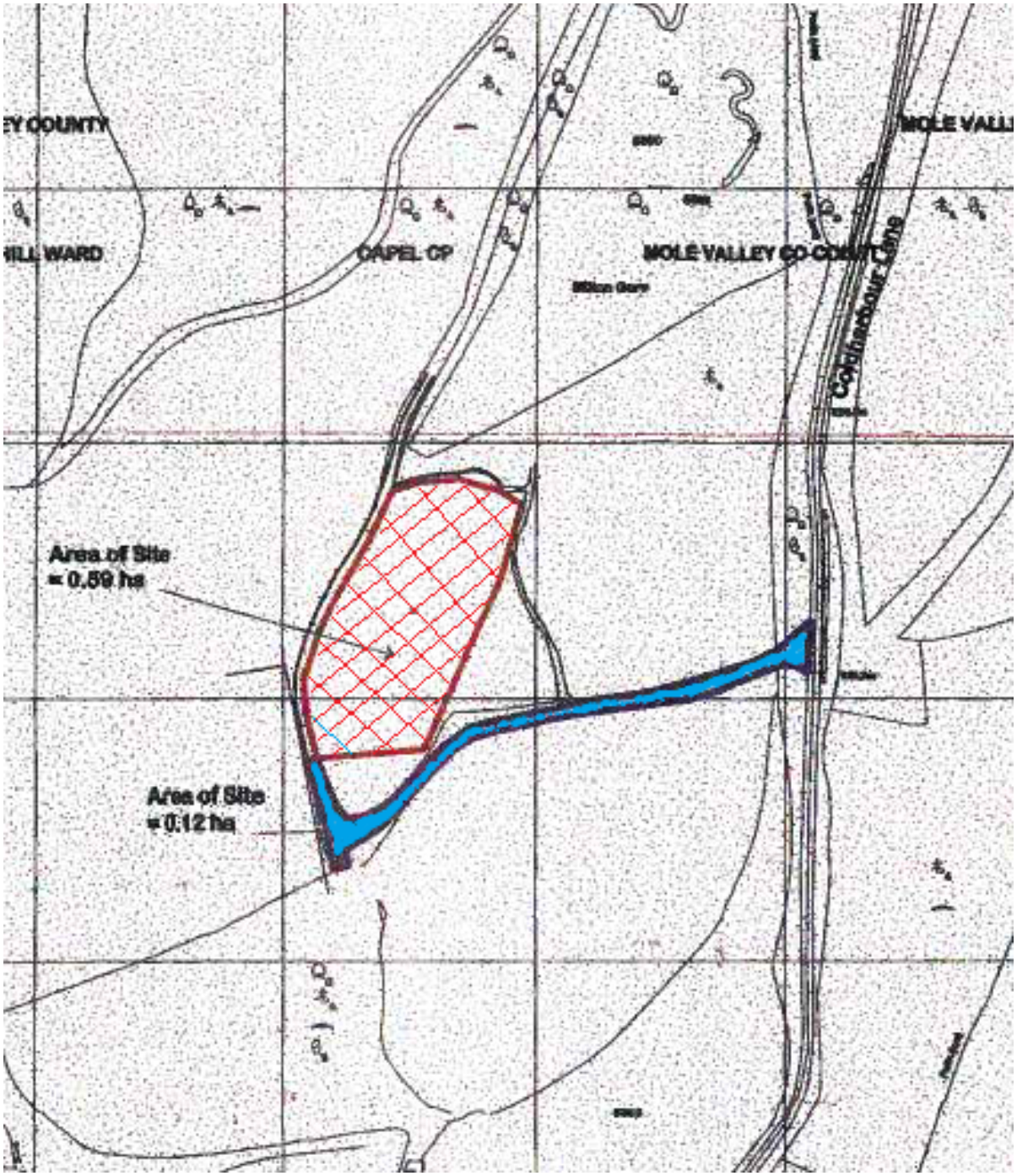
Schedule 5 - Leith Hill Plan