

Mr Justice Bennathan
27 April 2022

B E T W E E N:

- (1) ESSO PETROLEUM COMPANY, LIMITED
(2) EXXONMOBIL CHEMICAL LIMITED

-and-

- (1) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT) UPON ANY OF THE FOLLOWING SITES ("THE SITES")

- (A) THE OIL REFINERY AND JETTY AT THE PETROCHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED RED AND GREEN BUT EXCLUDING THOSE AREAS EDGED BLUE ON THE ATTACHED 'FAWLEY PLAN')
- (B) HYTHE OIL TERMINAL, NEW ROAD, HARDLEY SO45 3NR (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HYTHE PLAN')
- (C) AVONMOUTH OIL TERMINAL, ST ANDREWS ROAD, BRISTOL BS11 9BN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'AVONMOUTH PLAN')
- (D) BIRMINGHAM OIL TERMINAL, WOOD LANE, BIRMINGHAM B24 8DN (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'BIRMINGHAM PLAN')
- (E) PURFLEET OIL TERMINAL, LONDON ROAD, PURFLEET, ESSEX RM19 1RS (AS SHOWN FOR IDENTIFICATION EDGED RED AND BROWN ON THE ATTACHED 'PURFLEET PLAN')
- (F) WEST LONDON OIL TERMINAL, BEDFONT ROAD, STANWELL, MIDDLESEX TW19 7LZ (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'WEST LONDON PLAN')
- (G) HARTLAND PARK LOGISTICS HUB, IVELY ROAD, FARNBOROUGH (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'HARTLAND PARK PLAN')
- (H) ALTON COMPOUND, PUMPING STATION, A31, HOLLYBOURNE (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED 'ALTON COMPOUND PLAN')

- (2) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER OR REMAIN (WITHOUT THE CONSENT OF THE FIRST CLAIMANT OR THE SECOND CLAIMANT) UPON THE CHEMICAL PLANT, MARSH LANE, SOUTHAMPTON SO45 1TH (AS SHOWN FOR IDENTIFICATION EDGED PURPLE ON THE ATTACHED 'FAWLEY PLAN')

- (3) PERSONS UNKNOWN WHO, IN CONNECTION WITH THE 'EXTINCTION REBELLION' CAMPAIGN OR THE 'JUST STOP OIL' CAMPAIGN, ENTER ONTO ANY OF THE CLAIMANTS' PROPERTY AND OBSTRUCT ANY OF THE VEHICULAR ENTRANCES OR EXITS TO ANY OF THE SITES (WHERE "SITES" FOR THIS PURPOSE DOES NOT INCLUDE THE AREA EDGED BROWN ON THE PURFLEET PLAN)

Defendants

ORDER

PENAL NOTICE

IF YOU, THE DEFENDANTS, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS OR ANY OF THEM TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT NOTICE TO THE DEFENDANT

This Order prohibits you from doing certain acts. You should read this Order very carefully. You are advised to consult a solicitor as soon as possible.

If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or your assets seized.

You have the right to apply to the court to vary or discharge this order (which is explained below).

RECITALS

FOLLOWING the Order of Ellenbogen J dated 6 April 2022

UPON the hearing of the Claimants' Applications dated 6 April 2022 and 22 April 2022

AND UPON hearing Leading Counsel and Junior Counsel for the Claimants

AND UPON reading the evidence recorded on the Court file as having been read

AND UPON the Claimants giving and the Court accepting the undertakings to the Court set out in Schedule 2 to this Order

AND UPON the Metropolitan Police, Hampshire Constabulary, West Midlands Police, Avonmouth & Somerset Constabulary, Essex Police having been sent the Application dated 22 April 2022 seeking third party disclosure on 22 April 2022 by email and those police authorities taking no objection to that application

AND UPON the Claimants confirming that this Order is not intended to prohibit any lawful protest outside any of the sites referred to in this Order.

IT IS ORDERED THAT:

THE INJUNCTIONS

1. Until 27 April 2023 or further order in the meantime, the First Defendants must not:

1.1 enter or remain upon any part of the First Claimant's properties ("the Sites") without the consent of the First Claimant at:

- (1) the Oil Refinery and Jetty at the Petrochemical Complex, Marsh Lane, Southampton SO45 1TH (as shown for identification edged red and green but excluding those areas edged blue on the attached 'Fawley Plan').
- (2) Hythe Terminal, New Road, Handley, SO45 3NR (as shown for identification edged red on the attached 'Hythe Plan').
- (3) Avonmouth Terminal, St Andrews Road, Bristol BS11 9BN (as shown for identification edged red on the attached 'Avonmouth Plan').
- (4) Birmingham Terminal, Wood Lane, Birmingham B24 8DN (as shown for identification edged red on the attached 'Birmingham Plan').
- (5) Purfleet Terminal, London Road, Purfleet, Essex RM19 1RS (as shown for identification edged red and brown on the attached 'Purfleet Plan').
- (6) West London Terminal, Bedfont Road, Stanwell, Middlesex TW19 7LZ (as shown for identification edged red on the attached 'West London Plan').
- (7) Hartland Park Logistics Hub, Ively Road, Farnborough (as shown for identification edged red on the attached 'Hartland Park Plan').
- (8) Alton Compound, Pumping Station, A31, Hollybourne (as shown for identification edged red on the attached 'Alton Compound Plan');

1.2 damage any part of any of the Sites;

- 1.3 affix themselves or any person or object to any part of any of the Sites;
 - 1.4 erect any structures on any part of any of the Sites.
2. Until 27 April 2023 or further order in the meantime, the Second Defendants must not without the consent of the First Claimant or Second Claimant:
 - 2.1 enter or remain upon any part of the Second Claimant's property at the Chemical Plant, Marsh Lane, Southampton SO45 1TH ("the Chemical Plant") (as shown for identification edged purple on the attached 'Fawley Plan');
 - 2.2 damage any part of the Chemical Plant;
 - 2.3 affix themselves or any person or object at the Chemical Plant;
 - 2.4 erect any structures on any part of the Chemical Plant.
3. Until 27 April 2023 or further order in the meantime, the Third Defendants must not enter onto the Claimants' property and obstruct any of the vehicular entrances or exits to any of the Sites (where "Sites" for this purpose does not include the area edged brown on the Purfleet Plan) so as to restrict or prevent or endanger the use of such entrances or exits for the Claimants, their contractors, servants, agents, employees or licensees.

VARIATION OR DISCHARGE OF THIS ORDER

4. The Defendants may apply to vary or discharge this Order at any time upon giving not less than 3 clear days' notice to the Claimant's solicitors, Eversheds Sutherland (International) LLP, by emailing exxonmobil.service@eversheds-sutherland.com. Any evidence to be relied upon in support of such an application must be communicated in writing to the Claimants' solicitors at least 2 clear days before the hearing.
5. Any person applying to vary or discharge this Order must provide their full name and address, an address for service and must also apply to be joined as a named defendant to the proceedings at the same time.

6. The Claimants have liberty to apply to extend or vary this Order or to seek further directions.

INTERPRETATION OF THIS ORDER

7. A Defendant who is ordered not to do something must not do it him/herself/themselves or in any other way. He/she/they must not do it through another acting on his/her/their behalf or on his/her/their instructions or with his/her/their encouragement.

SERVICE OF THIS ORDER

8. Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of this Order shall be effected as follows:

- 8.1 fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that a copy of the Order may be obtained from the Claimants' solicitors, Eversheds Sutherland (International) LLP, One Wood Street, London EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 4500) email: exxonmobil.service@eversheds-sutherland.com and (b) that a copy of the Order may be viewed at the website referred to in Paragraph 8.2 of this Order;

- 8.2 posting the Order on the following website: <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>; and

- 8.3 fixing a minimum of four large warning notices in the forms annexed to this Order in conspicuous places around the perimeters of the Sites. Such notices must be a minimum of A2 size.

- 8.4 sending an email to each of the following email addresses with the information that a copy of the Order may be viewed at the website referred to in Paragraph 8.2 of this Order:

- (a) xr-legal@riseup.net
- (b) enquiries@extinctionrebellion.uk
- (c) juststopoilpress@protonmail.com

9. Pursuant to CPR 6.15(3), 6.27 and 81.4(2)(c) and (d), this Order shall be deemed to be served on the latest date on which all of the methods of service referred to in Paragraph 8 above have been completed, such date to be verified by the completion of a certificate of service.
10. Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 8 of this Order shall stand as good service of the Order.

SERVICE OF OTHER DOCUMENTS

11. Pursuant to CPR 6.15 and 6.27 and 81.4(2)(c) and (d), service of any other applications and evidence in support by the Claimants (“the Further Documents”), shall be effected as follows:
 - 11.1 fixing copies thereof in clear transparent sealed containers at a minimum number of 2 locations on the perimeter of each of the Sites together with a notice which states (a) that copies of the Further Documents may be obtained from the Claimants’ solicitors, Eversheds Sutherland (International) LLP, One Wood Street, London EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 0969) email:exxonmobil.service@eversheds-sutherland.com and (b) that copies of the Further Documents may be viewed at the website referred to in Paragraph 11.2 of this Order;
 - 11.2 posting the Further Documents on the following website: <https://www.exxonmobil.co.uk/Company/Overview/UK-operations>; and
 - 11.3 sending an email to each of the following email addresses with the information that copies of the Further Documents may be viewed at the website referred to in Paragraph 11.2 of this Order:
 - (a) xr-legal@riseup.net
 - (b) enquiries@extinctionrebellion.uk
 - (c) juststopoilpress@protonmail.com

12. Pursuant to CPR 6.15(3), 6.27 and 81.4(2)(c) and (d), the Further Documents shall be deemed to be served on the latest date on which all of the methods of service referred to in Paragraph 11 above have been completed, such date to be verified by the completion of a certificate of service.
13. Pursuant to CPR 6.15, 6.27 and 81.4(2)(c) and (d), the steps identified in Paragraph 11 of this Order shall stand as good service of the Further Documents.

DISCLOSURE

14. Pursuant to CPR 31.17, the Chief Constables of the Constabularies and police authorities listed in Schedule 4 to this Order shall as soon as reasonably practicable upon request by the Claimants give disclosure by provision of copy of documents in the following classes to the Claimants:
 - 14.1 documents identifying the names and addresses of any person who has been arrested or is arrested by one of their officers in the course of, or as a result of, the protests which are the subject of these proceedings at the Sites in relation to conduct which may constitute a breach of the injunctions granted in these proceedings;
 - 14.2 arrest notes and other photographic material relating to possible breaches of the injunctions granted in these proceedings.
15. The duty of disclosure imposed by paragraph 14 of this Order shall be a continuing one, and shall continue until 1 June 2022 or further order in the meantime.
16. Without the permission of the Court, the Claimants shall make no use of any document disclosed by virtue of paragraph 14 of this Order, other than one or more of the following uses:
 - 16.1 applying to name and join any person as a named defendant to these proceedings and to serve the said person with any document in these proceedings;
 - 16.2 investigating, formulating and pleading and prosecuting any claim within these proceedings arising out of any alleged disruptive protest at any of the Sites which are (or become) the subject of these proceedings;

- 16.3 use for purposes of formulating, pleading and prosecuting any application for committal for contempt of court against any person for breach of any order made within these proceedings.
17. Until further order, the address and address for service of any person who is added as a defendant to these proceedings shall be redacted in any copy of any document which is served other than by means of it being sent directly to that person or their legal representative.
18. Pursuant to CPR 6.15(2), 6.27 and Practice Direction 6A, paragraph 9.2, the sending of the application dated 22 April 2022 by email to the email addresses set out at paragraph 18 above on 22 April 2022 shall stand as good service.
19. Pursuant to CPR 6.15(2), 6.27 and Practice Direction 6A, paragraph 9.2, the sending of the application dated 22 April 2022 by email to xr-legal@riseup.net, enquiries@extinctionrebellion.uk and juststopoilpress@protonmail.com on 22 April 2022 shall stand as good service.
20. The Claimants shall serve this order by email only on the following email addresses, which shall stand as good service, pursuant to CPR 6.15(2) and 6.27:
- Julia.bartholomew@met.police.uk
 - Civil.litigation@hampshire.pnn.police.uk
 - Victoria.james@avonandsomerset.police.uk
 - Adam.hunt@essex.police.uk
 - Ls_joint_services@westmidlands.police.uk

PERMISSION TO AMEND

21. Pursuant to CPR 17.3 and 19.2, permission is granted to amend the description of the First Defendant (as reflected in the title to this Order) in the Amended Claim Form, paragraph 1.4.1 of the Amended Particulars of Claim and the relief claimed in the Amended Particulars of Claim by the addition of the words underlined in red in: (a) the amended rider to the Amended Claim Form in the form attached; and (b) paragraph 1.4.1 of the Amended Particulars of Claim and paragraph (1)1.1(4) of the relief claimed in the Amended Particulars of Claim in the form attached.

22. Service of the Re-Amended Claim Form and Re-Amended Particulars of Claim as permitted by paragraph 21 above is dispensed with.

COSTS

23. Costs reserved.

THE COURT

24. The Court will provide sealed copies of this Order for service to the Claimants' solicitors, whose details are set out in Paragraph 11.1 of this Order.
25. All communications to the Court about this Order should be sent to:
- Queen's Bench Division, Royal Courts of Justice, Strand WC2A 2LL
 - The office are open between 10.00am and 4.30pm Monday to Friday (except Bank Holidays)
 - The telephone number is 020 7947 6000
 - The email address is qbjudgeslistingoffice@justice.gov.uk

SERVICE OF THE ORDER

26. This Order shall be served by the Claimants on the Defendants.

SCHEDULE 1

The Judge read the following Witness Statements before making this Order:

- (1) First Witness Statement of Stuart Sherbrooke Wortley dated 4 April 2022 together with the exhibits marked “SSW1” - “SSW9”.
- (2) First Witness Statement of Anthony Milne dated 3 April 2022 together with the exhibits marked “AM1” – “AM15”.
- (3) First Witness Statement of Nawaaz Allybokus dated 5 April 2022 together with the exhibit marked “NA1”.
- (4) Second Witness Statement of Nawaaz Allybokus dated 5 April 2022 together with the exhibit marked “NA2”.
- (5) Third Witness Statement of Nawaaz Allybokus dated 22 April 2022 together with the exhibit marked “NA3”.
- (6) Fourth Witness Statement of Nawaaz Allybokus dated 22 April 2022 together with the exhibit marked “NA4”.

SCHEDULE 2

Undertakings given to the Court by the Claimants and each of them

- (1) The First Claimant undertakes to pay any damages caused by paragraphs 1, 2 or 3 of this Order which the Defendants (or any other party served with or notified of this Order) have sustained and which the Court considers ought to be paid.
- (2) The Second Claimant undertakes to pay any damages caused by paragraphs 2 or 3 of this Order which the Second or Third Defendants (or any other party served with or notified of this Order) have sustained and which the Court considers ought to be paid.

SCHEDULE 3

Plans

1. Fawley Plan
2. Hythe Plan
3. Avonmouth Plan
4. Birmingham Plan
5. Purfleet Plan
6. West London Plan
7. Hartland Park Plan
8. Alton Compound Plan

Schedule 4

Site	Constabulary
Fawley and Hythe	Hampshire Constabulary
Avonmouth Terminal	Avonmouth and Somerset Constabulary
Birmingham Terminal	West Midlands Police
Purfleet Terminal	Essex Police
West London Terminal	Metropolitan Police
Hartland Park Terminal	Hampshire Constabulary
Alton Compound	Hampshire Constabulary

