



INJUNCTION ORDER (VERSION 4)

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-2022-BHM-000188

KB-2022-BHM-000188

Mr Justice Ritchie 19 May 2023

In the matter of an application for an injunction under s.222 Local Government Act 1972 and s.130 of the Highways Act 1980

B E T W E E N:-

1. WOLVERHAMPTON CITY COUNCIL
2. DUDLEY METROPOLITAN BOROUGH COUNCIL
3. SANDWELL METROPOLITAN BOROUGH COUNCIL
4. WALSALL METROPOLITAN
BOROUGH COUNCIL

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

2 PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

3. PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING
WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED)

4. PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A (ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING

5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SCZCUBLINSKA

7. MR ISA IQBAL

Defendants

Amended by Order of the Honourable Mr Justice Ritchie on 19 May 2023

Fifth and Sixth Defendants added as parties pursuant to the Order of HHJ Kelly made on 4 October 2023

Seventh Defendant added as a party pursuant to the Order of HHJ Kelly made on 1 November 2023

To: the Fourth Defendants being Persons Unknown being drivers, riders or passengers in or on motor vehicle(s) who participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country Area shown on Plan A (attached) at which such Defendants engage in motor racing or motor stunts or other dangerous or obstructive driving

And to: the Fifth, ~~and~~ Sixth and Seventh Defendants ("the Named Defendants") being persons who have been found to be in breach of this Interim Injunction and who thereby became parties to the claim

PENAL NOTICE

IF YOU THE WITHIN NAMED PERSONS UNKNOWN AND THE NAMED DEFENDANTS , DO NOT COMPLY WITH THIS ORDER YOU MAY BE HELD TO

BE IN CONTEMPT OF COURT AND IMPRISONED OR FINED, OR YOUR ASSETS MAY BE SEIZED.

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

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order but you must obey the order unless it is varied or discharged by the Court.

A Defendant who is an individual who is ordered not to do something must not do it himself/herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.

This Order was made when the Defendants were not present at court but notice of the Claimants application had been given

Before the Honourable Mr Justice Ritchie sitting at the High Court of Justice, Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS on 19 May 2023

Upon hearing Mr Singleton of counsel for the Claimants and there being no appearance by any other person and neither the Court nor the Claimants having received any notification that any other person wished to be joined as a party or heard

And Upon the Claimants' application, by an Application Notice dated 7 October 2022 for an injunction pursuant to section 222 Local Government Act 1972 and section 130 Highways Act 1980

And Upon the Court having granted an Injunction and Power of Arrest, by Order of the Honourable Mrs Justice Hill sealed on 22 December 2022

And Upon the Court having further reconsidered the grant of the Injunction and Power of Arrest (following a previous review held by the Honourable Mr Justice Freedman on 6 and 13 February 2023), as directed by paragraph 2 of the Order of Freedman J sealed on 16 February 2023

And Upon the court having exercised its discretion to grant injunctive relief pursuant to section 37(1) Senior Courts Act 1981;

And Upon the Court being satisfied for the purposes of s.27(3), Police and Justice Act 2006, that there is a significant risk of harm to a person or persons from the conduct prohibited by the Injunction Order and that the Power of Arrest should therefore be continued.

And Upon the Court noting the order of the Honourable Mr Freedman sealed on 16 February 2023 giving directions and approving service by alternative means pursuant to CPR r.6.27 and CPR r.81.4 of: that order; and further evidence.

And Upon it appearing to the court that there is good reason to authorise service by a method or place not otherwise permitted by CPR Parts 6 & 81

And Upon the Claimants renewing their undertaking to inform the Court forthwith if the Supreme Court deliver judgement in the appeal known as *Wolverhampton City Council and others (Respondents) v London Gypsies and Travellers and others (Appellants)* [2022] UKSC/0046

And Upon the Claimants reconfirming that this Order is not intended to prohibit lawful motorsport taking place on private land where planning permission has been granted (or is not required) and such activities take place under an approved code or licence from a recognised regulatory body.

And Upon the Court considering that further clarification was necessary as to the particular categories of Defendant who are Person Unknown to whom this injunction and power of arrest applies

And further upon the Claimant undertaking, and being given permission, to file an Amended Claim Form and An Amended Particulars of Claim to reflect the addition to the proceedings of the Fourth Defendant referred to above and to specify the tort(s) and/or crime(s) that this Order is intended to prevent or inhibit. Such amendments to be filed by 4.00pm, 9 June 2023 and served by the same date by adopting like measures to those set out at paragraphs 11 (3) & (6) in the Combined Directions Order

IT IS ORDERED THAT:

Injunction in force

- 1 The Injunction and Power of Arrest granted by the Honourable Mrs Justice Hill, sealed on 22 December 2022, shall remain in force save that paragraph 1 of that Order be amended as set out below until the hearing of the claim unless varied or discharged by further Order of the Court

IT IS FORBIDDEN for any of the Fourth Defendants or any of the Named Defendants being a driver, rider or passenger in or on a motor vehicle to participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country Area shown on Plan A (attached) at which such Defendants engage in motor racing or motor stunts or other dangerous or obstructive driving.

Stunts are driving manoeuvres often undertaken at such gatherings including but not limited to:

- (1) “Burnouts” Causing a vehicle to damage or destroy its tyres by applying power to the drive wheels while braking so as to remain in place while the wheels revolve at speed.

- (2) “Donuts/Donutting” Causing a vehicle to rotate around a fixed point (normally the front axle) while not moving off causing noise, smoke and tyre marks to be created.
- (3) “Drifting” Turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input.
- (4) “Undertaking” passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code

A Power of Arrest pursuant to section 27 Police and Criminal Justice Act 2006 shall apply to paragraph 1 of this Order.

Definitions

2 In this Order the following definitions have been applied:

- (1) “the Injunction” means the Order of Hill J sealed on 23 December 2022 and as amended by this Order
- (2) “the Power of Arrest” means the Power of Arrest, sealed on 23 December 2022 and as amended by this Order
- (3) “the Interim Relief Application” - the Application Notice of 13 December 2022, including the draft Injunction Order referred to therein.

- (4) "the Alternative Service Application" – the Application Notice of 7 October 2022, seeking permission for alternative service of Claim Form.
- (5) "the Applications" – the Interim Relief Application, the Alternative Service Application and the application for a final injunction issued on 13 October 2022.
- (6) "the Documents"
 - (a) Notice of Hearing and a sealed copy of this Order
 - (b) Part 8 Claim Form;
 - (c) Particulars of Claim
 - (d) N16A application for an Injunction;
 - (e) Draft Injunction Order
 - (f) Draft Power of Arrest
 - (g) The Interim Relief Application;
 - (h) The Alternative Service Application.
- (7) "the Evidence" materials set out at Schedule A below
- (8) "the Combined Directions Order" means the order made on 19 May 2023 by Richie J giving further directions for this matter and the case of Claim No. KB-2022-BHM-000221 (respectively "Birmingham CC" and the "Birmingham claim"),

3 This Amended Order shall come into force immediately and be deemed served on the Defendants at 23.59 on the date upon which,

in each case, the final step in paragraph 11 of the Combined Directions Order have been complied with.

Further Matters

- 4 Without prejudice to the foregoing, any person affected by this Amended Interim Injunction or Power of Arrest may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants' solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).
- 5 Further information on how to make such application and useful sources of information are set out in the Combined Directions Order.
- 6 The costs of this application are reserved.

SCHEDULE A

Please see:

- (1) Material contained in the Bundle of Evidence in support of Application for an Injunction as set out at Parts, B, C, D, E, F, G, H, I and K of the attached Index
- (2) Material contained in the "Bundle of Documents for Review Hearing 15 May 2023 (sic)" in support of Application for an Injunction as set out at Parts B, C, and D of the attached Index
- (3) Witness statements of:
 - (a) Tenth witness statement of Paul Brown, dated 9 May 2023
 - (b) Eleventh witness statement of Paul Brown, dated 17 May 2023