

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

**The Honourable Mr Justice Nicklin**  
**30 July 2021**

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

**(1) NUNEATON AND BEDWORTH BOROUGH COUNCIL**  
**(2) WARWICKSHIRE COUNTY COUNCIL**

**Claimants**

**-and-**

**(1) THOMAS CORCORAN**  
**(2)-(53) OTHER NAMED DEFENDANTS**  
**(54) PERSONS UNKNOWN**

**Defendants**

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**ORDER**

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**UPON THE COURT** having directed, by Order dated 24 May 2021, consideration of whether to discharge the injunction order dated 19 March 2019 on the grounds that, having been granted an interim injunction, the failure by the Claimants to progress the claim to a final hearing is an abuse of process ("the Abuse of Process Application")

**AND UPON CONSIDERING** the evidence filed by the Claimants in relation to the Abuse of Process Application and the evidence originally filed in support of the interim injunction application

**AND UPON HEARING** Caroline Bolton and Natalie Pratt of Counsel for the Claimants at a CVP hearing on 28-30 July 2021 and no defendant attending or being represented

**IT IS ORDERED** that:

1. No order on the Abuse of Process Application.

**Discontinuance of Claims**

2. In respect of any defendant that the Claimants no longer wish to proceed against, by 4.30pm on 20 August 2021 the Claimants must either:

- a. file a notice of discontinuance in respect of any defendant against whom no injunction was granted; or
- b. make an application for permission to discontinue the claim against any defendant in respect of whom an injunction was granted. Unless the Court otherwise directs, the Application will be dealt with on paper.

### **Amended Claim Form**

3. The Claimants have permission to amend the Claim Form:
  - a. to add sites in respect of which the Claimants intends to seek a final injunction; and
  - b. to delete defendants (a) who have not been served with the Claim Form; and (b) in respect of whom the claim is discontinued under Paragraph 2 above.

### **Service of Amended Claim Form, letter to named defendants and further evidence**

4. By 4.30pm on 3 September 2021 the Claimants must:
  - a. file an Amended Claim Form;
  - b. serve the Amended Claim Form on each remaining named Defendant pursuant to CPR Part 6.3 (1) (a) or (b);
  - c. send a copy of the letter in the Appendix to this Order to each remaining named Defendant with the required information for each defendant inserted and the relevant documents enclosed; and
  - d. file and serve an Application Notice seeking permission to rely upon any further evidence together with copies of the evidence.
5. By 4.30pm on 30 September 2021 the Claimants must replace the Claim Form with the Amended Claim Form at each of the sites where the Claim Form was originally posted. In the event that no named defendants are removed from the Claim, the Claimants may apply for this paragraph to be stayed pending determination of the Claim against the named defendants. Unless the Court otherwise directs, the Application will be dealt with on paper.
6. By 4.30pm on 1 October 2021 the Claimants must file a witness statement confirming (a) compliance with paragraph 4 of this Order; and (b) whether any letter sent under Paragraph 4(c) has been returned undelivered and exhibiting in respect of each remaining defendant, copies of:
  - a. the letter (together with enclosures) sent in accordance with Paragraph 4(c); and
  - b. any response received.
7. Any evidence upon which a named defendant wishes to rely must be served on the Claimants by 4.30pm on 24 September 2021.

8. If the Claimants are unable to serve any of the named Defendants in accordance with CPR Part 6.3 (1) (a) or (b), then pursuant to CPR 6.14 and 6.15 and 6.27 the Claimants shall be permitted to serve any such Defendants by leaving a copy (as opposed to an original) of any application notice, amended claim form, and supporting evidence in a clear transparent envelope and:
  - a. affixing the same to a caravan, or, mobile home, or, the front door of any residential premises which is reasonable believed to be the address of a named Defendant in these proceedings, or
  - b. by putting such copy documents through the letter box of any residential premises which is reasonable believed to be the address of a named Defendant in these proceedings.

Any such copy documents served by this method will be deemed served the second working day after service.

**Directions for trial**

9. The Court will give further directions for the final hearing of the claim once the Court has heard and determined the final hearing in the claim brought by Thurrock Council (QB-2019-002738) listed for 25 October 2021.
10. No order as to costs.

**30 July 2021**

## **APPENDIX: Letter to be sent to named defendants**

Dear [name],

**[Local Authority] -v- [named Defendant] and others**  
**[Claim Number]**

We are writing to you because you are one of the defendants in the above proceedings. The terms of this letter have been approved by the High Court to ensure that you are aware of the proceedings and the claim that is being made against you personally.

### **1. The Claim**

- 1.1 [Local Authority] commenced proceedings against you (and other defendants) on [date]. The **Claim Form** was served on you by [*what means, if post state the address to which it was sent*] on [date]. The deemed date of service of the Claim Form is [date]
- 1.2 Under the rules of Court, you were required to file an acknowledgement of service and any written evidence you wished to rely upon by [date]. To date, you have not filed an acknowledgement of service or any evidence.
- 1.3 The Court granted an interim injunction order against you on [date]. A copy of the injunction order is enclosed.

### **2. The Claim against you**

- 2.1 [Local authority] alleges that you did the following acts:
  - (a) [*identify by description and date*]

### **3. The Evidence relied upon**

- 3.1 [Local authority] relies upon the following evidence in support of
  - (a) [*identify the paragraphs of each witness statement relied upon*]Copies of the witness statements relied upon to prove the matters alleged against you in Paragraph 2 are enclosed.

### **4. The Final Hearing**

- 4.1. The Court intends to give further directions, including setting a timetable towards a final hearing in the Autumn of 2021.
- 4.2 At the final hearing, [*the local authority*] will ask the Court to impose an injunction against you in the following terms:  
[state terms]

The Court will also be asked to make an order [*state any further orders to be sought against the defendant*]

- 4.2 At the final hearing the Court will decide whether [the local authority]'s evidence justifies making these orders.

## **5. Your opportunity to respond and to be heard at the hearing**

- 5.1 As a defendant you can attend the final hearing, but as you have not filed an acknowledgement of service or filed any evidence, you will need the Court's permission to participate in the hearing.
- 5.2 The Court wants to understand what you say in answer to the allegations that [*the local authority*] is making against you as set out above. To assist, you can fill in and return the attached short Response Form. A reply-paid envelope is provided.
- 5.3 If you want the Court to consider any evidence, you should send it to us as soon as you can. The Court has set a deadline of **24 September 2021** for you to send to us any evidence upon which you want to rely. If you think you will need more time to submit your evidence, you should contact us and ask for an extension of time.
- 5.4 If you do not respond to this letter, fail to provide any evidence that you want the Court to consider and/or do not attend the final hearing, the Court will make such order as it considers is appropriate and justified by the evidence provided to the Court.
- 5.5 **You are advised to take legal advice on your position.** You may be able to get advice from local Citizens' Advice Bureau or Legal Advice Centres. Advice and assistance may also be available from:

Friends, Families and Travellers,  
Community Base,  
113 Queens Road,  
Brighton, East Sussex, BN1 3XG

Tel: 01273 234 777  
email: [fft@gypsy-traveller.org](mailto:fft@gypsy-traveller.org)

Yours etc.,

**[Defendant's Name]**

**RESPONSE FORM**

1. Did you receive the Claim Form referred to in Paragraph 1.1 of the Letter?

**Yes/No**

2. Do you admit or deny the allegations made against you in Paragraph 2.1?

**Admit/Deny**

3. If you deny the allegations, please state briefly what you say in response. (If you need more space for your answer, please use a further sheet of paper.)

4. Do you intend to attend (or be represented at) the final hearing?

**Yes/No**

5. If you do not intend to attend the final hearing, you can provide below any information that you would like the Court to consider. (If you need more space for your answer, please use a further sheet of paper.)

**Please see over**

**Statement of Truth**

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

**I believe** that the facts stated in this Response Form are true.

**Signature:**

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**Name:**

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**Date:**

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