

Claim Nos: see attached schedule

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

The Honourable Mr Justice Nicklin
17 December 2020



BETWEEN: -

Various Claimants
(see attached Schedule)

Claimants

-and-

(1) Persons Unknown
(2) Various other Defendants
(see attached Schedule)

Defendants

-and-

(1) London Gypsies and Travellers
(2) Friends, Families and Travellers
(3) National Federation of Gypsy Liaison Groups

Interveners

ORDER

UPON the Case Management Hearing ordered by way of the order dated 16 October 2020 conducted remotely by MS Teams

AND UPON APPLICATION (1) by the London Gypsies and Travellers, Friends, Families and Travellers, and the National Federation of Gypsy Liaison Groups by Application Notice dated 10 December 2020 for permission to intervene in the proceedings ("the First Intervener Application"); (2) by the London Boroughs of Merton, Sutton, Kingston-upon-Thames and Waltham Forest and the Boroughs of Epsom & Ewell and Elmbridge by Application Notice dated 9 December 2020 for permission to intervene in the proceedings ("the Second Intervener Application"); and (3) by the London Borough of Ealing and Reigate & Banstead Borough Council by oral

application at the Case Management Hearing for permission to be excused from the hearing on 28-29 January 2021

AND UPON hearing Leading Counsel Mr. Ranjit Bhose QC and Counsel, Mr. Steven Woolf for the London Boroughs of Enfield, Richmond and Hillingdon; Leading Counsel Mr. Ranjit Bhose QC and Counsel, Ms. Sarah Salmon for the London Borough of Hounslow; Leading Counsel Mr. Nigel Giffin QC and Counsel Mr. Simon Birks for Walsall Metropolitan Borough Council; Leading Counsel Mr. Mark Anderson QC and Counsel Ms. Michelle Caney for Wolverhampton City Council; Counsel Ms. Caroline Bolton and Dr. Natalie Pratt for the London Boroughs of Barking and Dagenham, Redbridge and Havering, Test Valley Borough Council, Hampshire County Council, Basingstoke and Deane Borough Council, Rochdale Metropolitan Borough Council, Thurrock Council, Nuneaton and Bedworth Borough Council and Warwickshire County Council; and Leading Counsel Mr. Marc Willers QC and Counsel Mr. Owen Greenhall and Ms. Tessa Buchanan for the Interveners

IT IS ORDERED THAT:

1. The First Intervener Application is granted, and the three parties identified above are permitted to intervene in these proceedings (“the “Interveners”) and to make both written and oral submissions, on the basis that there shall be no order as to costs as between the Interveners and any of the Claimants.
2. The Court will determine the following issues (“the Issues of Principle”) at the hearing fixed for 27 and 28 January 2021:
 - (1) Whether the Court has the power – either generally under CPR 3.1(7) or otherwise, or specifically having regard to the particular terms of the relevant order – to case manage the proceedings and/or to vary or discharge injunctions that have previously been granted by final order.
 - (2) Whether the Court has jurisdiction, and/or whether it is correct in principle, generally or in any relevant category of claim, to grant a claimant local authority final injunctive relief either against “Persons Unknown” who are not, by the date of the hearing of the application for a final injunction, persons whom the law regards as parties to the proceedings, and/or on a *contra mundum* basis.
 - (3) In the event that the Court finds that it does not have jurisdiction to grant a final injunction in the circumstances set out in paragraph 2(2) above, whether
 - a. it is possible to identify the Defendants in the category of persons unknown who were parties to the proceedings at the date the final order was granted and are bound by it; and
 - b. insofar as the final injunction binds newcomers, it should be discharged.

The 1st, 11th, 16th, 35th and 36th Claimants shall indicate in their skeleton arguments whether they seek to show that the answer to (3)(a) above is the affirmative, and (if so) whether they consider that the evidence required to address issue 3 cannot be prepared and served ahead of the hearing on 27 and 28 January 2021 and/or cannot be addressed at that hearing in the required detail and should be reserved to a later date to be fixed.

- (4) If there is no jurisdiction to grant such final injunctive relief in all or any of the cases identified above, in what circumstances (if any) should the Court be prepared to grant interim injunctive relief against “Persons Unknown” Defendants in such a claim, in a form in which final relief would not be granted?
3. Following determination (alternatively hearing) of the Issues of Principle, the Court will give such further directions as may be needed, in each or any of the individual cases, for the determination of Issues (D) – (G) and (I), as identified in the Order of 1 December 2020.
4. The hearing of the claim in Case No.38 on the Schedule (LB Enfield -v- Persons Unknown), presently fixed to be heard on 27-28 January 2021, is adjourned until determination of the Issues of Principle, following which the Court will give such further directions as may be needed.
5. Permission for each Claimant to rely upon the evidence, or extracts from the evidence, previously filed and served in its Claim as it considers relevant to the determination of the Issues of Principle. Copies of the same to be filed with the Court as an indexed and paginated bundle and served on every other Claimant and the Interveners by 4pm on 8 January 2021.
6. The Claimant authorities have permission if so advised to provide further evidence of the use which is in practice made of injunctions in favour of local authorities restraining Persons Unknown, and which they consider is relevant to the determination of the Issues of Principle. Copies of the same to be filed with the Court as an indexed and paginated bundle and served on every other Claimant and the Interveners by 4pm on 8 January 2021.
7. The Interveners to file and serve any evidence in response to any evidence filed by the Claimants by 15 January 2021.
8. Skeleton arguments are to be filed and served as follows:
 - (1) By 4pm on 18 January 2021 for the Claimants. Those Counsel who act for more than one authority should, if reasonably possible, serve one skeleton argument common to their clients;
 - (2) By 4pm on 21 January 2021 for the Interveners; and
 - (3) By 4pm on 25 January 2021 for the Advocate to the Court.

9. The Counsel teams for the Claimant authorities are to liaise with one another to agree a fair division of the time available at the hearing for their oral submissions (*assumed to be 1 day for all the claimants together, with 1 hour for a reply*), and then seek to agree the final timetable with all other parties. The agreed timetable is to be filed by noon on 26 January 2021.
10. The Claimants to file and serve a Core Bundle containing all orders, claim forms, application notices and judgments in the Cohort Claims that the Claimants seek to rely upon by 4pm on 12 January 2021 to be prepared by Sharpe Pritchard LLP, solicitors for the 16th, 26th and 28th Claimants.
11. Authorities Bundles to be agreed between the Claimants and the Interveners and filed at Court by 4pm on 22 January 2021.
12. The Second Intervener Application is refused.
13. The London Borough of Ealing and Reigate & Banstead Borough Council are excused from attendance at the hearing on the 27 and 28 January 2021 if so advised.
14. No order as to costs.
15. Any party has permission to apply for any purpose.

17 December 2020

SCHEDULE 1

	Claimant(s)	Defendants	CASE No:
1.	LB Barking and Dagenham adam.rulewski@lbbd.gov.uk	Tommy Stokes & 63 others and Persons Unknown	QB-2017-006899 (HQ17X00849)
2.	LB Bromley	Persons Unknown	QB-2018-003485 (HQ18X02920)
3.	LB Croydon	Persons Unknown	QB-2018-003395 (HQ18X03041)
4.	LB Ealing RobinsonK@ealing.gov.uk	Persons Unknown	QB-2019-001696
5.	LB Greenwich	Persons Unknown	QB-2018-003037 (HQ18X04086)
6.	LB Havering adam.rulewski@lbbd.gov.uk	William Stokes & 104 others and Persons Unknown	QB-2019-002737
7.	LB Hillingdon Byron.Britton@merton.gov.uk	Persons Unknown	QB-2019-001138
8.	LB Hounslow Jabou.Kinteh@harrow.gov.uk	Persons Unknown	QB-2019-002113
9.	LB Kingston-upon-Thames	Persons Unknown	QB-2019-000150
10.	LB Merton	Persons Unknown	QB-2018-000452
11.	LB Redbridge adam.rulewski@lbbd.gov.uk	Martin Stokes & 99 others and Persons Unknown	QB-2018-003983 (HQ18X01522)
12.	LB Richmond-upon-Thames Byron.Britton@merton.gov.uk	Persons Unknown	QB-2019-000777
13.	LB Sutton	Persons Unknown	QB-2018-003487 (HQ18X02913)
14.	LB Waltham Forest	Persons Unknown	QB-2017-005691 (HQ17X03769)
15.	LB Wandsworth	Persons Unknown	QB-2019-000778
16.	(1) Basingstoke and Deane Borough Council (2) Hampshire County Council	Henry Loveridge & 115 others and Persons Unknown	QB-2018-003748 (HQ18X02304)

	wrose@sharpepritchard.co.uk		
17.	(1) Basildon Borough Council (2) Essex County Council	Dennis Ainey & 44 others and Persons Unknown	QB-2017-005724 (HQ17X03732)
18.	Birmingham City Council	Persons Unknown	QB-2020-003833 (formerly Birmingham District Registry D90BM148-149)
19.	(1) Boston Borough Council (2) Lincolnshire County Council	Persons Unknown	Birmingham District Registry E90BM073
20.	Canterbury City Council	Persons Unknown	QB-2019-001304
21.	Central Bedfordshire	Levi Parker & 21 others and Persons Unknown	Bedford District Registry E01LU344
22.	Elmbridge Borough Council	Persons Unknown	QB-2018-003423 (HQ18X02948)
23.	Epsom and Ewell Borough Council	Persons Unknown	QB-2018-000383
24.	(1) Harlow District Council (2) Essex County Council	Michael Stokes & 71 others	QB-2015-002380
25.	Hertsmere Borough Council	Persons Unknown	QB-2018-000333
26.	(1) Nuneaton and Bedworth Borough Council (2) Warwickshire County Council wrose@sharpepritchard.co.uk	Thomas Corcoran & 52 others and Persons Unknown	QB-2019-000616
27.	Reigate and Banstead Borough Council Rosie.Sykes@reigate-banstead.gov.uk	Persons Unknown	QB-2019-002297
28.	Rochdale Metropolitan Borough Council wrose@sharpepritchard.co.uk	Shane Heron & 89 others and Persons Unknown	QB-2017-005202 (HQ17X04668)
29.	Rugby Borough Council	McDonough & 5 others and Persons Unknown	Nuneaton County Court E00NU379
30.	Runnymede Borough Council	Callum Wooding & 22 others and Persons Unknown	QB-2017-006165 HQ17X02485
31.	Sandwell Metropolitan Borough Council	John Cassidy & 13 others and Persons Unknown	QB-2020-003841 (formerly Birmingham District Registry

			D90BM116)
32.	Solihull Metropolitan Borough Council	John Cassidy & 13 others and Persons Unknown	QB-2020-003848 (formerly Birmingham District Registry E90BM026)
33.	Test Valley Borough Council KDunn@testvalley.gov.uk	Albert Bowers & 88 others and Persons Unknown	QB-2020-002112
34.	Thurrock Council adam.rulewski@lbbd.gov.uk	Martin Stokes & 106 others and Persons Unknown	QB-2019-002738
35.	Walsall Metropolitan Borough Council Javed.iqbal@walsall.gov.uk	Brenda Bridges & 17 others and Persons Unknown	QB-2020-003850 (formerly Walsall County Court C00WJ967)
36.	Wolverhampton City Council Chris.Simmonds@wolverhampton.gov.uk	Persons Unknown	QB-2020-003838 (formerly Birmingham District Registry E90BM139)
37.	Buckinghamshire Council (formerly) Wycombe District Council	Persons Unknown	QB-2019-002783
38.	LB Enfield balbinder.kaur-geddes@enfield.gov.uk	Persons Unknown	QB-2020-003471