

General Form of Judgment or Order

In the County Court at
Reading

Claim Number K00RG167

Date 22 March 2023



BUCKINGHAMSHIRE COUNCIL	1st Claimant Ref IKEN 7286
GEOFFREY RACKSTRAW	1st Defendant Ref
LEE DAVIS	2nd Defendant Ref
CARRIE HEARNE	3rd Defendant Ref
SARAH-JAYNE SMITH	4th Defendant Ref
PERSONS UNKNOWN	5th Defendant Ref

BETWEEN:

BUCKINGHAMSHIRE COUNCIL

Claimant

- and -

- (1) GEOFFREY RACKSTRAW**
- (2) LEE DAVIS**
- (3) CARRIE HEARN**
- (4) SARAH-JAYNE SMITH**
- (5) PERSONS UNKNOWN OCCUPYING OR REMAINING AT SWAN THEATRE CAR PARK (AS DEFINED IN PARAGRAPH (1)(a) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED**
- (6) PERSONS UNKNOWN ENTERING OR REMAINING AT SWAN THEATRE CAR PARK AS DEFINED IN PARAGRAPH (1)(a) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED**
- (7) PERSONS UNKNOWN OCCUPYING OR REMAINING AT QUEEN VICTORIA CAR PARK AS DEFINED IN PARAGRAPH (1)(b) OF THE SCHEDULE APPENDED)**

The court office at the County Court at Reading, 160-163 Friar Street, Reading, Berkshire, RG1 1HE. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: 0870 3240329. **Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.**

Buckinghamshire Council
Legal And Democratic Services
Walton Street Offices
Walton Street
Aylesbury
HP20 1UA

WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED (8) PERSONS UNKNOWN ENTERING OR REMAINING AT QUEEN VICTORIA CAR PARK AS DEFINED IN PARAGRAPH (1)(b) OF THE SCHEDULE APPENDED WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED (9) PERSONS UNKNOWN OCCUPYING OR REMAINING AT EASTON STREET CAR PARK (AS DEFINED IN PARAGRAPH (1)(c) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH(2) OF THE SCHEDULE APPENDED (10) PERSONS UNKNOWN ENTERING OR REMAINING AT EASTON STREET CAR PARK AS DEFINED IN PARAGRAPH (1)(c) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED

Defendant(s)

MINUTE OF ORDER

PENAL NOTICE:

IF YOU DO NOT COMPLY WITH THIS ORDER, YOU MAY BE HELD 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 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(S):

- (1) This Order prohibits you from doing the acts set out in the Order. You should read it carefully.**
- (2) You are advised to consult a solicitor or legal representative as soon as possible. You have a right to ask the Court to vary or discharge this Order.**
- (3) If you disobey this Order, you may be found guilty of Contempt of Court and may be sent to prison or fined or your assets may be seized.**

A claim for possession and injunctive relief was issued on 24 January 2023 on behalf of Buckinghamshire Council.

Before Deputy District Judge Taskis KC sitting in the County Court at High Wycombe on this 7 day of March

UPON the Court reading the claim form and witness evidence on behalf of the Claimant

AND UPON the Court being satisfied that the Defendants have been served with the claim, witness evidence and notice of the hearing, per the witness statement of Mr John Power dated 2 March 2023 and the First and Second witness statement of Mr Safian Rasheed dated 3 and 6 March 2023 respectively.

AND UPON hearing Counsel for the Claimants and the First and Fourth Defendants in person.

AND UPON the Court accepting from the Claimants the undertaking set out in Schedule 2 to this Order.

AND UPON the Claimant undertaking to pay the Court fee for the application for an interim injunction within 7 days of the hearing on 7 March 2023 and the Court dispensing with the need to serve a copy of Form N244.

AND UPON the Court noting that service that took effect on 2 March 2022 upon 'Persons Unknown' was retrospectively validated by the order of Deputy District Judge Child dated 6 March 2023 and that the Fourth Defendant accepted that she had been served with the claim.

AND UPON the Court being informed that under *Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13, the Court has jurisdiction to make a final order in such terms that they would have an effect against newcomers, but that such case was heard on appeal at the Supreme Court 8 and 9 February 2023, with judgment to follow within nine months of the conclusion of the appeal hearing.

IT IS ORDERED THAT:

THE INJUNCTION:

(1) The Defendants (whether by themselves or by instructing, encouraging or permission of any other person) must not, without permission of the Claimants:

(a) Enter, access, or remain on any part of the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of occupying, residing, remaining or otherwise sleeping at Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park.

(b) Access, enter or remain on any part of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of possessing, supplying, producing or using controlled drugs or alcohol.

(c) Access, enter or remain on any part of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of creating or causing harm, nuisance or obstructing the Claimant (or public) in the exercise or enjoyment of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park.

(2) Any person who breaches paragraphs (1) of this Order knowing of the existence of the Order will automatically become a Defendant to these proceedings.

(3) Unless otherwise varied, discharged or renewed at some earlier time and date:

(a) Paragraph (1) of this Order shall be reconsidered by this Court on the first available date after 7 December 2023.

(b) Paragraph (1) of this Order shall continue in force until midnight on 5 January 2024 unless discharged or varied before that date.

(4) The Claimant's solicitors shall write to the Court not less than 14 days before 7 December 2023 to inform the Court if there has been any delay in the Supreme Court handing down judgment in the case of *Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13.

DURATION, VARIATION OR DISCHARGE OF THIS ORDER:

(5) Any person may apply to vary or discharge this Order upon giving 48 hours' notice in writing to the Claimants' solicitors at:

Address: Walton Street, Offices, Walton Street, Aylesbury, HP20 1UA

Email: legallitigation@buckinghamshire.gov.uk

INTERPRETATION OF THIS ORDER:

(6) Appended to this order is Schedule 1, which makes provision for the definitions of "Persons Unknown" and the land and buildings owned by the Claimants. For ease of reference, those definitions are enclosed hereinbelow:

(a) Swan Theatre Car Park means the land and buildings owned by the Claimant within Title Number BM384826, which includes the 12 floors of a multi-storey commercial car park, for identification purposes edged green on the attached registry plan. The Claimant is the registered freehold proprietor of the Swan Theatre Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(b) Town Hall Car Park means the land and buildings owned by the Claimant within title Number BM384826, which includes the ground floor under the first-floor land coloured pink on the attached registry plan. This is also edged green. The Claimant is the registered freehold proprietor of the Town Hall Car Park.

(c) Queen Victoria Car Park means the land and buildings owned by the Claimant within Title Number BM343738, which includes a multi-storey commercial car park comprising of 2 floors, which for identification purposes, includes the land edged green on the plan appended hereto. The Claimant is the registered freehold proprietor of the Queen Victoria Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(d) Easton Street Car Park means the land and buildings owned by the Claimant within Title Number BM413614, which includes a multi-storey car park comprising 12 floors, which for identification purposes includes the land edged green on the plan appended hereto.

NAME AND ADDRESSES OF CLAIMANTS' SOLICITORS:

Address: Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

Email: legalitigation@buckinghamshire.gov.uk

THE EFFECT OF THIS ORDER:

A Defendant who is an individual who is ordered not to do something must not do it himself or herself or in any other way. The Defendant must not do it through others acting on the Defendant's behalf or on the Defendant's instructions or with the defendant's encouragement.

SERVICE OF THIS ORDER:

(7) In relation to the categories of the Defendants included and named as the Fifth to Tenth Defendant, service of this Claim and all documents in the proceedings shall be effected in the manner set out in paragraphs (9)(b) and (10) below which, pursuant to CPR 6.15 and 6.27, shall stand as good service in relation to any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.

(8) Save as set out above, service of the Claim Form, Particulars of Claim, Response Pack, Application Notice and Witness Statements in support of the Claimant's application are dispensed with in respect of any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.

(9) In relation to each of the named Defendants, the Claimant shall:

(a) Personally serve them with a copy of this Order within 24 hours of receipt of the sealed Order; and,

(b) Post notice of the existence of this Order within 24 hours of receipt of the sealed Order:-

(i) At all main entrances to the buildings within the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 5 above and 1 of Schedule 1);

(ii) At not less than 10 other prominent locations in or around the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 5 above and 1 of Schedule 1); and,

(10) The Claimant shall maintain on a website:

<https://www.buckinghamshire.gov.uk/injunctions> ("the Service Website") downloadable copies of the following documents:

(i) This Order;

(ii) The Claim Form;

(iii) The Application Notice;

(iv) The Particulars of Claim;

(v) The witness statements submitted to the Court in support of the Claimant's application for this order; and

(vi) A brief record of the hearing at which this Order was made.

(11) The Claimant shall post notice of the existence of this Order and of this Claimant ("the Notice") within 24 hours of receipt of this Order. The Notice shall include a statement that copies of this Order, the Claim Form, the Particulars of Claim, and the witness statements in support of the Claim, may be viewed:

(i) At the Service Website: <https://www.buckinghamshire.gov.uk/injunctions>; and,

(ii) At the physical locations referred to in paragraphs (9)(a)(i) to (ii) of this order.

And that copies may also be obtained from the Claimant's solicitor, whose contact details shall be included.

(12) The Claimant shall, through their solicitors, provide a copy of all the documents listed in paragraph (10) of this order free of charge to any individual who requests one.

IT IS FURTHER ORDERED THAT:

(13) The Defendants give the Claimant vacant possession of the land and buildings, forthwith, defined as:

(a) Swan Theatre Car Park means the land and buildings owned by the Claimant within Title Number BM384826, which includes the 12 floors of a multi-storey commercial car park, for identification purposes edged green on the attached registry plan. The Claimant is the registered freehold proprietor of the Swan Theatre Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(b) Town Hall Car Park means the land and buildings owned by the Claimant within title Number BM384826, which includes the ground floor under the first-floor land coloured pink on the attached registry plan. This is also edged green. The Claimant is the registered freehold proprietor of the Town Hall Car Park.

(c) Queen Victoria Car Park means the land and buildings owned by the Claimant within Title Number BM343738, which includes a multi-storey commercial car park comprising of 2 floors, which for identification purposes, includes the land edged green on the plan appended hereto. The Claimant is the registered freehold proprietor of the Queen Victoria Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(d) Easton Street Car Park means the land and buildings owned by the Claimant within Title Number BM413614, which includes a multi-storey car park comprising 12 floors, which for identification purposes, includes the land edged green on the plan appended hereto

(14) The Claimant shall serve a copy of this order on the First to Fourth Defendants per paragraph (8) above.

(15) The Claimant shall serve a copy of this order on the Fifth to Tenth Defendants per paragraphs (6) to (10) above.

(16) No order as to costs.

Dated this 8 day of March 2023

Service of the order

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

Address: Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

Email: legalitigation@buckinghamshire.gov.uk

Ref:

SCHEDULE 1
[Witness Statements]

(1) The Claimant relied on the following witness statements:

(a) Witness Statement of Nick Adkins amended date of 27 February 2023

(b) Witness Statement of Daniel Sexton amended date 27 February 2023

- (c) Witness Statement of Julie Rushton amended date 27 February 2023
- (d) Witness Statement of Ruben Nunes amended dated of 27 February 2023
- (e) Witness Statement of John Power dated 2 March 2023
- (f) First Witness Statement Safian Rasheed dated 3 March 2023
- (g) Second Witness Statement of Sagian Rasheed dated 3 March 2023

SCHEDULE 2

Undertakings given to the Court by the Claimant

- (1) To pay any damages which the Defendant (or any other party served with or notified of this Order) shall sustain which the Court considers the Claimant should pay.
- (2) To serve on the Defendant the application notice and evidence in support of this Order as soon as practicable.

General Form of Judgment or Order

In the County Court at
Reading

Claim Number K00RG167

Date 22 March 2023



BUCKINGHAMSHIRE COUNCIL	1st Claimant Ref IKEN 7286
GEOFFREY RACKSTRAW	1st Defendant Ref
LEE DAVIS	2nd Defendant Ref
CARRIE HEARNE	3rd Defendant Ref
SARAH-JAYNE SMITH	4th Defendant Ref
PERSONS UNKNOWN	5th Defendant Ref

BETWEEN:

BUCKINGHAMSHIRE COUNCIL

Claimant

- and -

- (1) GEOFFREY RACKSTRAW
- (2) LEE DAVIS
- (3) CARRIE HEARN
- (4) SARAH-JAYNE SMITH
- (5) PERSONS UNKNOWN OCCUPYING OR REMAINING AT SWAN THEATRE CAR PARK (AS DEFINED IN PARAGRAPH (1)(a) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED
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Geoffrey Rackstraw

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WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED (8) PERSONS UNKNOWN ENTERING OR REMAINING AT QUEEN VICTORIA CAR PARK AS DEFINED IN PARAGRAPH (1)(b) OF THE SCHEDULE APPENDED WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED (9) PERSONS UNKNOWN OCCUPYING OR REMAINING AT EASTON STREET CAR PARK (AS DEFINED IN PARAGRAPH (1)(c) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH(2) OF THE SCHEDULE APPENDED (10) PERSONS UNKNOWN ENTERING OR REMAINING AT EASTON STREET CAR PARK AS DEFINED IN PARAGRAPH (1)(c) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED

Defendant(s)

MINUTE OF ORDER

PENAL NOTICE:

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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(S):

- (1) This Order prohibits you from doing the acts set out in the Order. You should read it carefully.**
- (2) You are advised to consult a solicitor or legal representative as soon as possible. You have a right to ask the Court to vary or discharge this Order.**
- (3) If you disobey this Order, you may be found guilty of Contempt of Court and may be sent to prison or fined or your assets may be seized.**

A claim for possession and injunctive relief was issued on 24 January 2023 on behalf of Buckinghamshire Council.

Before Deputy District Judge Taskis KC sitting in the County Court at High Wycombe on this 7 day of March

UPON the Court reading the claim form and witness evidence on behalf of the Claimant

AND UPON the Court being satisfied that the Defendants have been served with the claim, witness evidence and notice of the hearing, per the witness statement of Mr John Power dated 2 March 2023 and the First and Second witness statement of Mr Safian Rasheed dated 3 and 6 March 2023 respectively.

AND UPON hearing Counsel for the Claimants and the First and Fourth Defendants in person.

AND UPON the Court accepting from the Claimants the undertaking set out in Schedule 2 to this Order.

AND UPON the Claimant undertaking to pay the Court fee for the application for an interim injunction within 7 days of the hearing on 7 March 2023 and the Court dispensing with the need to serve a copy of Form N244.

AND UPON the Court noting that service that took effect on 2 March 2022 upon 'Persons Unknown' was retrospectively validated by the order of Deputy District Judge Child dated 6 March 2023 and that the Fourth Defendant accepted that she had been served with the claim.

AND UPON the Court being informed that under *Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13, the Court has jurisdiction to make a final order in such terms that they would have an effect against newcomers, but that such case was heard on appeal at the Supreme Court 8 and 9 February 2023, with judgment to follow within nine months of the conclusion of the appeal hearing.

IT IS ORDERED THAT:

THE INJUNCTION:

(1) The Defendants (whether by themselves or by instructing, encouraging or permission of any other person) must not, without permission of the Claimants:

(a) Enter, access, or remain on any part of the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of occupying, residing, remaining or otherwise sleeping at Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park.

(b) Access, enter or remain on any part of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of possessing, supplying, producing or using controlled drugs or alcohol.

(c) Access, enter or remain on any part of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of creating or causing harm, nuisance or obstructing the Claimant (or public) in the exercise or enjoyment of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park.

(2) Any person who breaches paragraphs (1) of this Order knowing of the existence of the Order will automatically become a Defendant to these proceedings.

(3) Unless otherwise varied, discharged or renewed at some earlier time and date:

(a) Paragraph (1) of this Order shall be reconsidered by this Court on the first available date after 7 December 2023.

(b) Paragraph (1) of this Order shall continue in force until midnight on 5 January 2024 unless discharged or varied before that date.

(4) The Claimant's solicitors shall write to the Court not less than 14 days before 7 December 2023 to inform the Court if there has been any delay in the Supreme Court handing down judgment in the case of *Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13.

DURATION, VARIATION OR DISCHARGE OF THIS ORDER:

(5) Any person may apply to vary or discharge this Order upon giving 48 hours' notice in writing to the Claimants' solicitors at:

Address: Walton Street, Offices, Walton Street, Aylesbury, HP20 1UA

Email: legallitigation@buckinghamshire.gov.uk

INTERPRETATION OF THIS ORDER:

(6) Appended to this order is Schedule 1, which makes provision for the definitions of "Persons Unknown" and the land and buildings owned by the Claimants. For ease of reference, those definitions are enclosed hereinbelow:

(a) Swan Theatre Car Park means the land and buildings owned by the Claimant within Title Number BM384826, which includes the 12 floors of a multi-storey commercial car park, for identification purposes edged green on the attached registry plan. The Claimant is the registered freehold proprietor of the Swan Theatre Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(b) Town Hall Car Park means the land and buildings owned by the Claimant within title Number BM384826, which includes the ground floor under the first-floor land coloured pink on the attached registry plan. This is also edged green. The Claimant is the registered freehold proprietor of the Town Hall Car Park.

(c) Queen Victoria Car Park means the land and buildings owned by the Claimant within Title Number BM343738, which includes a multi-storey commercial car park comprising of 2 floors, which for identification purposes, includes the land edged green on the plan appended hereto. The Claimant is the registered freehold proprietor of the Queen Victoria Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(d) Easton Street Car Park means the land and buildings owned by the Claimant within Title Number BM413614, which includes a multi-storey car park comprising 12 floors, which for identification purposes includes the land edged green on the plan appended hereto.

NAME AND ADDRESSES OF CLAIMANTS' SOLICITORS:

Address: Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

Email: legalitigation@buckinghamshire.gov.uk

THE EFFECT OF THIS ORDER:

A Defendant who is an individual who is ordered not to do something must not do it himself or herself or in any other way. The Defendant must not do it through others acting on the Defendant's behalf or on the Defendant's instructions or with the defendant's encouragement.

SERVICE OF THIS ORDER:

(7) In relation to the categories of the Defendants included and named as the Fifth to Tenth Defendant, service of this Claim and all documents in the proceedings shall be effected in the manner set out in paragraphs (9)(b) and (10) below which, pursuant to CPR 6.15 and 6.27, shall stand as good service in relation to any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.

(8) Save as set out above, service of the Claim Form, Particulars of Claim, Response Pack, Application Notice and Witness Statements in support of the Claimant's application are dispensed with in respect of any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.

(9) In relation to each of the named Defendants, the Claimant shall:

(a) Personally serve them with a copy of this Order within 24 hours of receipt of the sealed Order; and,

(b) Post notice of the existence of this Order within 24 hours of receipt of the sealed Order:-

(i) At all main entrances to the buildings within the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 5 above and 1 of Schedule 1);

(ii) At not less than 10 other prominent locations in or around the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 5 above and 1 of Schedule 1); and,

(10) The Claimant shall maintain on a website:

<https://www.buckinghamshire.gov.uk/injunctions> ("the Service Website") downloadable copies of the following documents:

(i) This Order;

(ii) The Claim Form;

(iii) The Application Notice;

(iv) The Particulars of Claim;

(v) The witness statements submitted to the Court in support of the Claimant's application for this order; and

(vi) A brief record of the hearing at which this Order was made.

(11) The Claimant shall post notice of the existence of this Order and of this Claimant ("the Notice") within 24 hours of receipt of this Order. The Notice shall include a statement that copies of this Order, the Claim Form, the Particulars of Claim, and the witness statements in support of the Claim, may be viewed:

(i) At the Service Website: <https://www.buckinghamshire.gov.uk/injunctions>; and,

(ii) At the physical locations referred to in paragraphs (9)(a)(i) to (ii) of this order.

And that copies may also be obtained from the Claimant's solicitor, whose contact details shall be included.

(12) The Claimant shall, through their solicitors, provide a copy of all the documents listed in paragraph (10) of this order free of charge to any individual who requests one.

IT IS FURTHER ORDERED THAT:

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(14) The Claimant shall serve a copy of this order on the First to Fourth Defendants per paragraph (8) above.

(15) The Claimant shall serve a copy of this order on the Fifth to Tenth Defendants per paragraphs (6) to (10) above.

(16) No order as to costs.

Dated this 8 day of March 2023

Service of the order

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

Address: Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

Email: legalitigation@buckinghamshire.gov.uk

Ref:

SCHEDULE 1
[Witness Statements]

(1) The Claimant relied on the following witness statements:

(a) Witness Statement of Nick Adkins amended date of 27 February 2023

(b) Witness Statement of Daniel Sexton amended date 27 February 2023

- (c) Witness Statement of Julie Rushton amended date 27 February 2023
- (d) Witness Statement of Ruben Nunes amended dated of 27 February 2023
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- (g) Second Witness Statement of Sagian Rasheed dated 3 March 2023

SCHEDULE 2

Undertakings given to the Court by the Claimant

- (1) To pay any damages which the Defendant (or any other party served with or notified of this Order) shall sustain which the Court considers the Claimant should pay.
- (2) To serve on the Defendant the application notice and evidence in support of this Order as soon as practicable.

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In the County Court at
Reading

Claim Number K00RG167

Date 22 March 2023



BUCKINGHAMSHIRE COUNCIL	1 st Claimant Ref IKEN 7286
GEOFFREY RACKSTRAW	1 st Defendant Ref
LEE DAVIS	2 nd Defendant Ref
CARRIE HEARNE	3 rd Defendant Ref
SARAH-JAYNE SMITH	4 th Defendant Ref
PERSONS UNKNOWN	5 th Defendant Ref

BETWEEN:

BUCKINGHAMSHIRE COUNCIL

Claimant

- and -

- (1) GEOFFREY RACKSTRAW
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- (5) PERSONS UNKNOWN OCCUPYING OR REMAINING AT SWAN THEATRE CAR PARK (AS DEFINED IN PARAGRAPH (1)(a) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED
- (6) PERSONS UNKNOWN ENTERING OR REMAINING AT SWAN THEATRE CAR PARK AS DEFINED IN PARAGRAPH (1)(a) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED
- (7) PERSONS UNKNOWN OCCUPYING OR REMAINING AT QUEEN VICTORIA CAR PARK AS DEFINED IN PARAGRAPH (1)(b) OF THE SCHEDULE APPENDED)

The court office at the County Court at Reading, 160-163 Friar Street, Reading, Berkshire, RG1 1HE. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: 0870 3240329. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

Lee Davis

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WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED (8) PERSONS UNKNOWN ENTERING OR REMAINING AT QUEEN VICTORIA CAR PARK AS DEFINED IN PARAGRAPH (1)(b) OF THE SCHEDULE APPENDED WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED (9) PERSONS UNKNOWN OCCUPYING OR REMAINING AT EASTON STREET CAR PARK (AS DEFINED IN PARAGRAPH (1)(c) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH(2) OF THE SCHEDULE APPENDED (10) PERSONS UNKNOWN ENTERING OR REMAINING AT EASTON STREET CAR PARK AS DEFINED IN PARAGRAPH (1)(c) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED

Defendant(s)

MINUTE OF ORDER

PENAL NOTICE:

IF YOU DO NOT COMPLY WITH THIS ORDER, YOU MAY BE HELD 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 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(S):

- (1) This Order prohibits you from doing the acts set out in the Order. You should read it carefully.**
- (2) You are advised to consult a solicitor or legal representative as soon as possible. You have a right to ask the Court to vary or discharge this Order.**
- (3) If you disobey this Order, you may be found guilty of Contempt of Court and may be sent to prison or fined or your assets may be seized.**

A claim for possession and injunctive relief was issued on 24 January 2023 on behalf of Buckinghamshire Council.

Before Deputy District Judge Taskis KC sitting in the County Court at High Wycombe on this 7 day of March

UPON the Court reading the claim form and witness evidence on behalf of the Claimant

AND UPON the Court being satisfied that the Defendants have been served with the claim, witness evidence and notice of the hearing, per the witness statement of Mr John Power dated 2 March 2023 and the First and Second witness statement of Mr Safian Rasheed dated 3 and 6 March 2023 respectively.

AND UPON hearing Counsel for the Claimants and the First and Fourth Defendants in person.

AND UPON the Court accepting from the Claimants the undertaking set out in Schedule 2 to this Order.

AND UPON the Claimant undertaking to pay the Court fee for the application for an interim injunction within 7 days of the hearing on 7 March 2023 and the Court dispensing with the need to serve a copy of Form N244.

AND UPON the Court noting that service that took effect on 2 March 2022 upon 'Persons Unknown' was retrospectively validated by the order of Deputy District Judge Child dated 6 March 2023 and that the Fourth Defendant accepted that she had been served with the claim.

AND UPON the Court being informed that under *Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13, the Court has jurisdiction to make a final order in such terms that they would have an effect against newcomers, but that such case was heard on appeal at the Supreme Court 8 and 9 February 2023, with judgment to follow within nine months of the conclusion of the appeal hearing.

IT IS ORDERED THAT:

THE INJUNCTION:

(1) The Defendants (whether by themselves or by instructing, encouraging or permission of any other person) must not, without permission of the Claimants:

(a) Enter, access, or remain on any part of the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of occupying, residing, remaining or otherwise sleeping at Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park.

(b) Access, enter or remain on any part of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of possessing, supplying, producing or using controlled drugs or alcohol.

(c) Access, enter or remain on any part of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of creating or causing harm, nuisance or obstructing the Claimant (or public) in the exercise or enjoyment of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park.

(2) Any person who breaches paragraphs (1) of this Order knowing of the existence of the Order will automatically become a Defendant to these proceedings.

(3) Unless otherwise varied, discharged or renewed at some earlier time and date:

(a) Paragraph (1) of this Order shall be reconsidered by this Court on the first available date after 7 December 2023.

(b) Paragraph (1) of this Order shall continue in force until midnight on 5 January 2024 unless discharged or varied before that date.

(4) The Claimant's solicitors shall write to the Court not less than 14 days before 7 December 2023 to inform the Court if there has been any delay in the Supreme Court handing down judgment in the case of *Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13.

DURATION, VARIATION OR DISCHARGE OF THIS ORDER:

(5) Any person may apply to vary or discharge this Order upon giving 48 hours' notice in writing to the Claimants' solicitors at:

Address: Walton Street, Offices, Walton Street, Aylesbury, HP20 1UA

Email: legallitigation@buckinghamshire.gov.uk

INTERPRETATION OF THIS ORDER:

(6) Appended to this order is Schedule 1, which makes provision for the definitions of "Persons Unknown" and the land and buildings owned by the Claimants. For ease of reference, those definitions are enclosed hereinbelow:

(a) Swan Theatre Car Park means the land and buildings owned by the Claimant within Title Number BM384826, which includes the 12 floors of a multi-storey commercial car park, for identification purposes edged green on the attached registry plan. The Claimant is the registered freehold proprietor of the Swan Theatre Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(b) Town Hall Car Park means the land and buildings owned by the Claimant within title Number BM384826, which includes the ground floor under the first-floor land coloured pink on the attached registry plan. This is also edged green. The Claimant is the registered freehold proprietor of the Town Hall Car Park.

(c) Queen Victoria Car Park means the land and buildings owned by the Claimant within Title Number BM343738, which includes a multi-storey commercial car park comprising of 2 floors, which for identification purposes, includes the land edged green on the plan appended hereto. The Claimant is the registered freehold proprietor of the Queen Victoria Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(d) Easton Street Car Park means the land and buildings owned by the Claimant within Title Number BM413614, which includes a multi-storey car park comprising 12 floors, which for identification purposes includes the land edged green on the plan appended hereto.

NAME AND ADDRESSES OF CLAIMANTS' SOLICITORS:

Address: Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

Email: legalitigation@buckinghamshire.gov.uk

THE EFFECT OF THIS ORDER:

A Defendant who is an individual who is ordered not to do something must not do it himself or herself or in any other way. The Defendant must not do it through others acting on the Defendant's behalf or on the Defendant's instructions or with the defendant's encouragement.

SERVICE OF THIS ORDER:

(7) In relation to the categories of the Defendants included and named as the Fifth to Tenth Defendant, service of this Claim and all documents in the proceedings shall be effected in the manner set out in paragraphs (9)(b) and (10) below which, pursuant to CPR 6.15 and 6.27, shall stand as good service in relation to any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.

(8) Save as set out above, service of the Claim Form, Particulars of Claim, Response Pack, Application Notice and Witness Statements in support of the Claimant's application are dispensed with in respect of any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.

(9) In relation to each of the named Defendants, the Claimant shall:

(a) Personally serve them with a copy of this Order within 24 hours of receipt of the sealed Order; and,

(b) Post notice of the existence of this Order within 24 hours of receipt of the sealed Order:-

(i) At all main entrances to the buildings within the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 5 above and 1 of Schedule 1);

(ii) At not less than 10 other prominent locations in or around the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 5 above and 1 of Schedule 1); and,

(10) The Claimant shall maintain on a website:

<https://www.buckinghamshire.gov.uk/injunctions> ("the Service Website") downloadable copies of the following documents:

(i) This Order;

(ii) The Claim Form;

(iii) The Application Notice;

(iv) The Particulars of Claim;

(v) The witness statements submitted to the Court in support of the Claimant's application for this order; and

(vi) A brief record of the hearing at which this Order was made.

(11) The Claimant shall post notice of the existence of this Order and of this Claimant ("the Notice") within 24 hours of receipt of this Order. The Notice shall include a statement that copies of this Order, the Claim Form, the Particulars of Claim, and the witness statements in support of the Claim, may be viewed:

(i) At the Service Website: <https://www.buckinghamshire.gov.uk/injunctions>; and,

(ii) At the physical locations referred to in paragraphs (9)(a)(i) to (ii) of this order.

And that copies may also be obtained from the Claimant's solicitor, whose contact details shall be included.

(12) The Claimant shall, through their solicitors, provide a copy of all the documents listed in paragraph (10) of this order free of charge to any individual who requests one.

IT IS FURTHER ORDERED THAT:

(13) The Defendants give the Claimant vacant possession of the land and buildings, forthwith, defined as:

(a) Swan Theatre Car Park means the land and buildings owned by the Claimant within Title Number BM384826, which includes the 12 floors of a multi-storey commercial car park, for identification purposes edged green on the attached registry plan. The Claimant is the registered freehold proprietor of the Swan Theatre Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(b) Town Hall Car Park means the land and buildings owned by the Claimant within title Number BM384826, which includes the ground floor under the first-floor land coloured pink on the attached registry plan. This is also edged green. The Claimant is the registered freehold proprietor of the Town Hall Car Park.

(c) Queen Victoria Car Park means the land and buildings owned by the Claimant within Title Number BM343738, which includes a multi-storey commercial car park comprising of 2 floors, which for identification purposes, includes the land edged green on the plan appended hereto. The Claimant is the registered freehold proprietor of the Queen Victoria Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(d) Easton Street Car Park means the land and buildings owned by the Claimant within Title Number BM413614, which includes a multi-storey car park comprising 12 floors, which for identification purposes, includes the land edged green on the plan appended hereto

(14) The Claimant shall serve a copy of this order on the First to Fourth Defendants per paragraph (8) above.

(15) The Claimant shall serve a copy of this order on the Fifth to Tenth Defendants per paragraphs (6) to (10) above.

(16) No order as to costs.

Dated this 8 day of March 2023

Service of the order

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

Address: Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

Email: legalitigation@buckinghamshire.gov.uk

Ref:

SCHEDULE 1
[Witness Statements]

(1) The Claimant relied on the following witness statements:

(a) Witness Statement of Nick Adkins amended date of 27 February 2023

(b) Witness Statement of Daniel Sexton amended date 27 February 2023

- (c) Witness Statement of Julie Rushton amended date 27 February 2023
- (d) Witness Statement of Ruben Nunes amended dated of 27 February 2023
- (e) Witness Statement of John Power dated 2 March 2023
- (f) First Witness Statement Safian Rasheed dated 3 March 2023
- (g) Second Witness Statement of Sagian Rasheed dated 3 March 2023

SCHEDULE 2

Undertakings given to the Court by the Claimant

- (1) To pay any damages which the Defendant (or any other party served with or notified of this Order) shall sustain which the Court considers the Claimant should pay.
- (2) To serve on the Defendant the application notice and evidence in support of this Order as soon as practicable.

General Form of Judgment or Order

In the County Court at
Reading

Claim Number K00RG167

Date 22 March 2023



BUCKINGHAMSHIRE COUNCIL	1st Claimant Ref IKEN 7286
GEOFFREY RACKSTRAW	1st Defendant Ref
LEE DAVIS	2nd Defendant Ref
CARRIE HEARNE	3rd Defendant Ref
SARAH-JAYNE SMITH	4th Defendant Ref
PERSONS UNKNOWN	5th Defendant Ref

BETWEEN:

BUCKINGHAMSHIRE COUNCIL

Claimant

- and -

- (1) GEOFFREY RACKSTRAW
- (2) LEE DAVIS
- (3) CARRIE HEARN
- (4) SARAH-JAYNE SMITH
- (5) PERSONS UNKNOWN OCCUPYING OR REMAINING AT SWAN THEATRE CAR PARK (AS DEFINED IN PARAGRAPH (1)(a) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED
- (6) PERSONS UNKNOWN ENTERING OR REMAINING AT SWAN THEATRE CAR PARK AS DEFINED IN PARAGRAPH (1)(a) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED
- (7) PERSONS UNKNOWN OCCUPYING OR REMAINING AT QUEEN VICTORIA CAR PARK AS DEFINED IN PARAGRAPH (1)(b) OF THE SCHEDULE APPENDED)

The court office at the County Court at Reading, 160-163 Friar Street, Reading, Berkshire, RG1 1HE. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: 0870 3240329. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

Carrie Hearne

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WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED (8) PERSONS UNKNOWN ENTERING OR REMAINING AT QUEEN VICTORIA CAR PARK AS DEFINED IN PARAGRAPH (1)(b) OF THE SCHEDULE APPENDED WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED (9) PERSONS UNKNOWN OCCUPYING OR REMAINING AT EASTON STREET CAR PARK (AS DEFINED IN PARAGRAPH (1)(c) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH(2) OF THE SCHEDULE APPENDED (10) PERSONS UNKNOWN ENTERING OR REMAINING AT EASTON STREET CAR PARK AS DEFINED IN PARAGRAPH (1)(c) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED

Defendant(s)

MINUTE OF ORDER

PENAL NOTICE:

IF YOU DO NOT COMPLY WITH THIS ORDER, YOU MAY BE HELD 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 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(S):

- (1) This Order prohibits you from doing the acts set out in the Order. You should read it carefully.**
- (2) You are advised to consult a solicitor or legal representative as soon as possible. You have a right to ask the Court to vary or discharge this Order.**
- (3) If you disobey this Order, you may be found guilty of Contempt of Court and may be sent to prison or fined or your assets may be seized.**

A claim for possession and injunctive relief was issued on 24 January 2023 on behalf of Buckinghamshire Council.

Before Deputy District Judge Taskis KC sitting in the County Court at High Wycombe on this 7 day of March

UPON the Court reading the claim form and witness evidence on behalf of the Claimant

AND UPON the Court being satisfied that the Defendants have been served with the claim, witness evidence and notice of the hearing, per the witness statement of Mr John Power dated 2 March 2023 and the First and Second witness statement of Mr Safian Rasheed dated 3 and 6 March 2023 respectively.

AND UPON hearing Counsel for the Claimants and the First and Fourth Defendants in person.

AND UPON the Court accepting from the Claimants the undertaking set out in Schedule 2 to this Order.

AND UPON the Claimant undertaking to pay the Court fee for the application for an interim injunction within 7 days of the hearing on 7 March 2023 and the Court dispensing with the need to serve a copy of Form N244.

AND UPON the Court noting that service that took effect on 2 March 2022 upon 'Persons Unknown' was retrospectively validated by the order of Deputy District Judge Child dated 6 March 2023 and that the Fourth Defendant accepted that she had been served with the claim.

AND UPON the Court being informed that under *Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13, the Court has jurisdiction to make a final order in such terms that they would have an effect against newcomers, but that such case was heard on appeal at the Supreme Court 8 and 9 February 2023, with judgment to follow within nine months of the conclusion of the appeal hearing.

IT IS ORDERED THAT:

THE INJUNCTION:

(1) The Defendants (whether by themselves or by instructing, encouraging or permission of any other person) must not, without permission of the Claimants:

(a) Enter, access, or remain on any part of the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of occupying, residing, remaining or otherwise sleeping at Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park.

(b) Access, enter or remain on any part of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of possessing, supplying, producing or using controlled drugs or alcohol.

(c) Access, enter or remain on any part of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of creating or causing harm, nuisance or obstructing the Claimant (or public) in the exercise or enjoyment of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park.

(2) Any person who breaches paragraphs (1) of this Order knowing of the existence of the Order will automatically become a Defendant to these proceedings.

(3) Unless otherwise varied, discharged or renewed at some earlier time and date:

(a) Paragraph (1) of this Order shall be reconsidered by this Court on the first available date after 7 December 2023.

(b) Paragraph (1) of this Order shall continue in force until midnight on 5 January 2024 unless discharged or varied before that date.

(4) The Claimant's solicitors shall write to the Court not less than 14 days before 7 December 2023 to inform the Court if there has been any delay in the Supreme Court handing down judgment in the case of *Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13.

DURATION, VARIATION OR DISCHARGE OF THIS ORDER:

(5) Any person may apply to vary or discharge this Order upon giving 48 hours' notice in writing to the Claimants' solicitors at:

Address: Walton Street, Offices, Walton Street, Aylesbury, HP20 1UA

Email: legallitigation@buckinghamshire.gov.uk

INTERPRETATION OF THIS ORDER:

(6) Appended to this order is Schedule 1, which makes provision for the definitions of "Persons Unknown" and the land and buildings owned by the Claimants. For ease of reference, those definitions are enclosed hereinbelow:

(a) Swan Theatre Car Park means the land and buildings owned by the Claimant within Title Number BM384826, which includes the 12 floors of a multi-storey commercial car park, for identification purposes edged green on the attached registry plan. The Claimant is the registered freehold proprietor of the Swan Theatre Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(b) Town Hall Car Park means the land and buildings owned by the Claimant within title Number BM384826, which includes the ground floor under the first-floor land coloured pink on the attached registry plan. This is also edged green. The Claimant is the registered freehold proprietor of the Town Hall Car Park.

(c) Queen Victoria Car Park means the land and buildings owned by the Claimant within Title Number BM343738, which includes a multi-storey commercial car park comprising of 2 floors, which for identification purposes, includes the land edged green on the plan appended hereto. The Claimant is the registered freehold proprietor of the Queen Victoria Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(d) Easton Street Car Park means the land and buildings owned by the Claimant within Title Number BM413614, which includes a multi-storey car park comprising 12 floors, which for identification purposes includes the land edged green on the plan appended hereto.

NAME AND ADDRESSES OF CLAIMANTS' SOLICITORS:

Address: Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

Email: legalitigation@buckinghamshire.gov.uk

THE EFFECT OF THIS ORDER:

A Defendant who is an individual who is ordered not to do something must not do it himself or herself or in any other way. The Defendant must not do it through others acting on the Defendant's behalf or on the Defendant's instructions or with the defendant's encouragement.

SERVICE OF THIS ORDER:

(7) In relation to the categories of the Defendants included and named as the Fifth to Tenth Defendant, service of this Claim and all documents in the proceedings shall be effected in the manner set out in paragraphs (9)(b) and (10) below which, pursuant to CPR 6.15 and 6.27, shall stand as good service in relation to any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.

(8) Save as set out above, service of the Claim Form, Particulars of Claim, Response Pack, Application Notice and Witness Statements in support of the Claimant's application are dispensed with in respect of any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.

(9) In relation to each of the named Defendants, the Claimant shall:

(a) Personally serve them with a copy of this Order within 24 hours of receipt of the sealed Order; and,

(b) Post notice of the existence of this Order within 24 hours of receipt of the sealed Order:-

(i) At all main entrances to the buildings within the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 5 above and 1 of Schedule 1);

(ii) At not less than 10 other prominent locations in or around the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 5 above and 1 of Schedule 1); and,

(10) The Claimant shall maintain on a website:

<https://www.buckinghamshire.gov.uk/injunctions> ("the Service Website") downloadable copies of the following documents:

(i) This Order;

(ii) The Claim Form;

(iii) The Application Notice;

(iv) The Particulars of Claim;

(v) The witness statements submitted to the Court in support of the Claimant's application for this order; and

(vi) A brief record of the hearing at which this Order was made.

(11) The Claimant shall post notice of the existence of this Order and of this Claimant ("the Notice") within 24 hours of receipt of this Order. The Notice shall include a statement that copies of this Order, the Claim Form, the Particulars of Claim, and the witness statements in support of the Claim, may be viewed:

(i) At the Service Website: <https://www.buckinghamshire.gov.uk/injunctions>; and,

(ii) At the physical locations referred to in paragraphs (9)(a)(i) to (ii) of this order.

And that copies may also be obtained from the Claimant's solicitor, whose contact details shall be included.

(12) The Claimant shall, through their solicitors, provide a copy of all the documents listed in paragraph (10) of this order free of charge to any individual who requests one.

IT IS FURTHER ORDERED THAT:

(13) The Defendants give the Claimant vacant possession of the land and buildings, forthwith, defined as:

(a) Swan Theatre Car Park means the land and buildings owned by the Claimant within Title Number BM384826, which includes the 12 floors of a multi-storey commercial car park, for identification purposes edged green on the attached registry plan. The Claimant is the registered freehold proprietor of the Swan Theatre Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(b) Town Hall Car Park means the land and buildings owned by the Claimant within title Number BM384826, which includes the ground floor under the first-floor land coloured pink on the attached registry plan. This is also edged green. The Claimant is the registered freehold proprietor of the Town Hall Car Park.

(c) Queen Victoria Car Park means the land and buildings owned by the Claimant within Title Number BM343738, which includes a multi-storey commercial car park comprising of 2 floors, which for identification purposes, includes the land edged green on the plan appended hereto. The Claimant is the registered freehold proprietor of the Queen Victoria Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(d) Easton Street Car Park means the land and buildings owned by the Claimant within Title Number BM413614, which includes a multi-storey car park comprising 12 floors, which for identification purposes, includes the land edged green on the plan appended hereto

(14) The Claimant shall serve a copy of this order on the First to Fourth Defendants per paragraph (8) above.

(15) The Claimant shall serve a copy of this order on the Fifth to Tenth Defendants per paragraphs (6) to (10) above.

(16) No order as to costs.

Dated this 8 day of March 2023

Service of the order

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

Address: Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

Email: legalitigation@buckinghamshire.gov.uk

Ref:

SCHEDULE 1
[Witness Statements]

(1) The Claimant relied on the following witness statements:

(a) Witness Statement of Nick Adkins amended date of 27 February 2023

(b) Witness Statement of Daniel Sexton amended date 27 February 2023

- (c) Witness Statement of Julie Rushton amended date 27 February 2023
- (d) Witness Statement of Ruben Nunes amended dated of 27 February 2023
- (e) Witness Statement of John Power dated 2 March 2023
- (f) First Witness Statement Safian Rasheed dated 3 March 2023
- (g) Second Witness Statement of Sagian Rasheed dated 3 March 2023

SCHEDULE 2

Undertakings given to the Court by the Claimant

- (1) To pay any damages which the Defendant (or any other party served with or notified of this Order) shall sustain which the Court considers the Claimant should pay.
- (2) To serve on the Defendant the application notice and evidence in support of this Order as soon as practicable.

General Form of Judgment or Order

In the County Court at
Reading

Claim Number K00RG167

Date 22 March 2023



BUCKINGHAMSHIRE COUNCIL	1st Claimant Ref IKEN 7286
GEOFFREY RACKSTRAW	1st Defendant Ref
LEE DAVIS	2nd Defendant Ref
CARRIE HEARNE	3rd Defendant Ref
SARAH-JAYNE SMITH	4th Defendant Ref
PERSONS UNKNOWN	5th Defendant Ref

BETWEEN:

BUCKINGHAMSHIRE COUNCIL

Claimant

- and -

- (1) GEOFFREY RACKSTRAW**
- (2) LEE DAVIS**
- (3) CARRIE HEARN**
- (4) SARAH-JAYNE SMITH**
- (5) PERSONS UNKNOWN OCCUPYING OR REMAINING AT SWAN THEATRE CAR PARK (AS DEFINED IN PARAGRAPH (1)(a) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED**
- (6) PERSONS UNKNOWN ENTERING OR REMAINING AT SWAN THEATRE CAR PARK AS DEFINED IN PARAGRAPH (1)(a) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED**
- (7) PERSONS UNKNOWN OCCUPYING OR REMAINING AT QUEEN VICTORIA CAR PARK AS DEFINED IN PARAGRAPH (1)(b) OF THE SCHEDULE APPENDED)**

The court office at the County Court at Reading, 160-163 Friar Street, Reading, Berkshire, RG1 1HE. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: 0870 3240329. **Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.**

Sarah-jayne Smith

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WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED (8) PERSONS UNKNOWN ENTERING OR REMAINING AT QUEEN VICTORIA CAR PARK AS DEFINED IN PARAGRAPH (1)(b) OF THE SCHEDULE APPENDED WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED (9) PERSONS UNKNOWN OCCUPYING OR REMAINING AT EASTON STREET CAR PARK (AS DEFINED IN PARAGRAPH (1)(c) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH(2) OF THE SCHEDULE APPENDED (10) PERSONS UNKNOWN ENTERING OR REMAINING AT EASTON STREET CAR PARK AS DEFINED IN PARAGRAPH (1)(c) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED

Defendant(s)

MINUTE OF ORDER

PENAL NOTICE:

IF YOU DO NOT COMPLY WITH THIS ORDER, YOU MAY BE HELD 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 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(S):

- (1) This Order prohibits you from doing the acts set out in the Order. You should read it carefully.**
- (2) You are advised to consult a solicitor or legal representative as soon as possible. You have a right to ask the Court to vary or discharge this Order.**
- (3) If you disobey this Order, you may be found guilty of Contempt of Court and may be sent to prison or fined or your assets may be seized.**

A claim for possession and injunctive relief was issued on 24 January 2023 on behalf of Buckinghamshire Council.

Before Deputy District Judge Taskis KC sitting in the County Court at High Wycombe on this 7 day of March

UPON the Court reading the claim form and witness evidence on behalf of the Claimant

AND UPON the Court being satisfied that the Defendants have been served with the claim, witness evidence and notice of the hearing, per the witness statement of Mr John Power dated 2 March 2023 and the First and Second witness statement of Mr Safian Rasheed dated 3 and 6 March 2023 respectively.

AND UPON hearing Counsel for the Claimants and the First and Fourth Defendants in person.

AND UPON the Court accepting from the Claimants the undertaking set out in Schedule 2 to this Order.

AND UPON the Claimant undertaking to pay the Court fee for the application for an interim injunction within 7 days of the hearing on 7 March 2023 and the Court dispensing with the need to serve a copy of Form N244.

AND UPON the Court noting that service that took effect on 2 March 2022 upon 'Persons Unknown' was retrospectively validated by the order of Deputy District Judge Child dated 6 March 2023 and that the Fourth Defendant accepted that she had been served with the claim.

AND UPON the Court being informed that under *Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13, the Court has jurisdiction to make a final order in such terms that they would have an effect against newcomers, but that such case was heard on appeal at the Supreme Court 8 and 9 February 2023, with judgment to follow within nine months of the conclusion of the appeal hearing.

IT IS ORDERED THAT:

THE INJUNCTION:

(1) The Defendants (whether by themselves or by instructing, encouraging or permission of any other person) must not, without permission of the Claimants:

(a) Enter, access, or remain on any part of the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of occupying, residing, remaining or otherwise sleeping at Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park.

(b) Access, enter or remain on any part of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of possessing, supplying, producing or using controlled drugs or alcohol.

(c) Access, enter or remain on any part of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of creating or causing harm, nuisance or obstructing the Claimant (or public) in the exercise or enjoyment of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park.

(2) Any person who breaches paragraphs (1) of this Order knowing of the existence of the Order will automatically become a Defendant to these proceedings.

(3) Unless otherwise varied, discharged or renewed at some earlier time and date:

(a) Paragraph (1) of this Order shall be reconsidered by this Court on the first available date after 7 December 2023.

(b) Paragraph (1) of this Order shall continue in force until midnight on 5 January 2024 unless discharged or varied before that date.

(4) The Claimant's solicitors shall write to the Court not less than 14 days before 7 December 2023 to inform the Court if there has been any delay in the Supreme Court handing down judgment in the case of *Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13.

DURATION, VARIATION OR DISCHARGE OF THIS ORDER:

(5) Any person may apply to vary or discharge this Order upon giving 48 hours' notice in writing to the Claimants' solicitors at:

Address: Walton Street, Offices, Walton Street, Aylesbury, HP20 1UA

Email: legallitigation@buckinghamshire.gov.uk

INTERPRETATION OF THIS ORDER:

(6) Appended to this order is Schedule 1, which makes provision for the definitions of "Persons Unknown" and the land and buildings owned by the Claimants. For ease of reference, those definitions are enclosed hereinbelow:

(a) Swan Theatre Car Park means the land and buildings owned by the Claimant within Title Number BM384826, which includes the 12 floors of a multi-storey commercial car park, for identification purposes edged green on the attached registry plan. The Claimant is the registered freehold proprietor of the Swan Theatre Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(b) Town Hall Car Park means the land and buildings owned by the Claimant within title Number BM384826, which includes the ground floor under the first-floor land coloured pink on the attached registry plan. This is also edged green. The Claimant is the registered freehold proprietor of the Town Hall Car Park.

(c) Queen Victoria Car Park means the land and buildings owned by the Claimant within Title Number BM343738, which includes a multi-storey commercial car park comprising of 2 floors, which for identification purposes, includes the land edged green on the plan appended hereto. The Claimant is the registered freehold proprietor of the Queen Victoria Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(d) Easton Street Car Park means the land and buildings owned by the Claimant within Title Number BM413614, which includes a multi-storey car park comprising 12 floors, which for identification purposes includes the land edged green on the plan appended hereto.

NAME AND ADDRESSES OF CLAIMANTS' SOLICITORS:

Address: Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

Email: legalitigation@buckinghamshire.gov.uk

THE EFFECT OF THIS ORDER:

A Defendant who is an individual who is ordered not to do something must not do it himself or herself or in any other way. The Defendant must not do it through others acting on the Defendant's behalf or on the Defendant's instructions or with the defendant's encouragement.

SERVICE OF THIS ORDER:

(7) In relation to the categories of the Defendants included and named as the Fifth to Tenth Defendant, service of this Claim and all documents in the proceedings shall be effected in the manner set out in paragraphs (9)(b) and (10) below which, pursuant to CPR 6.15 and 6.27, shall stand as good service in relation to any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.

(8) Save as set out above, service of the Claim Form, Particulars of Claim, Response Pack, Application Notice and Witness Statements in support of the Claimant's application are dispensed with in respect of any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.

(9) In relation to each of the named Defendants, the Claimant shall:

(a) Personally serve them with a copy of this Order within 24 hours of receipt of the sealed Order; and,

(b) Post notice of the existence of this Order within 24 hours of receipt of the sealed Order:-

(i) At all main entrances to the buildings within the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 5 above and 1 of Schedule 1);

(ii) At not less than 10 other prominent locations in or around the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 5 above and 1 of Schedule 1); and,

(10) The Claimant shall maintain on a website:

<https://www.buckinghamshire.gov.uk/injunctions> ("the Service Website") downloadable copies of the following documents:

(i) This Order;

(ii) The Claim Form;

(iii) The Application Notice;

(iv) The Particulars of Claim;

(v) The witness statements submitted to the Court in support of the Claimant's application for this order; and

(vi) A brief record of the hearing at which this Order was made.

(11) The Claimant shall post notice of the existence of this Order and of this Claimant ("the Notice") within 24 hours of receipt of this Order. The Notice shall include a statement that copies of this Order, the Claim Form, the Particulars of Claim, and the witness statements in support of the Claim, may be viewed:

(i) At the Service Website: <https://www.buckinghamshire.gov.uk/injunctions>; and,

(ii) At the physical locations referred to in paragraphs (9)(a)(i) to (ii) of this order.

And that copies may also be obtained from the Claimant's solicitor, whose contact details shall be included.

(12) The Claimant shall, through their solicitors, provide a copy of all the documents listed in paragraph (10) of this order free of charge to any individual who requests one.

IT IS FURTHER ORDERED THAT:

(13) The Defendants give the Claimant vacant possession of the land and buildings, forthwith, defined as:

(a) Swan Theatre Car Park means the land and buildings owned by the Claimant within Title Number BM384826, which includes the 12 floors of a multi-storey commercial car park, for identification purposes edged green on the attached registry plan. The Claimant is the registered freehold proprietor of the Swan Theatre Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(b) Town Hall Car Park means the land and buildings owned by the Claimant within title Number BM384826, which includes the ground floor under the first-floor land coloured pink on the attached registry plan. This is also edged green. The Claimant is the registered freehold proprietor of the Town Hall Car Park.

(c) Queen Victoria Car Park means the land and buildings owned by the Claimant within Title Number BM343738, which includes a multi-storey commercial car park comprising of 2 floors, which for identification purposes, includes the land edged green on the plan appended hereto. The Claimant is the registered freehold proprietor of the Queen Victoria Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(d) Easton Street Car Park means the land and buildings owned by the Claimant within Title Number BM413614, which includes a multi-storey car park comprising 12 floors, which for identification purposes, includes the land edged green on the plan appended hereto

(14) The Claimant shall serve a copy of this order on the First to Fourth Defendants per paragraph (8) above.

(15) The Claimant shall serve a copy of this order on the Fifth to Tenth Defendants per paragraphs (6) to (10) above.

(16) No order as to costs.

Dated this 8 day of March 2023

Service of the order

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

Address: Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

Email: legalitigation@buckinghamshire.gov.uk

Ref:

SCHEDULE 1
[Witness Statements]

(1) The Claimant relied on the following witness statements:

(a) Witness Statement of Nick Adkins amended date of 27 February 2023

(b) Witness Statement of Daniel Sexton amended date 27 February 2023

- (c) Witness Statement of Julie Rushton amended date 27 February 2023
- (d) Witness Statement of Ruben Nunes amended dated of 27 February 2023
- (e) Witness Statement of John Power dated 2 March 2023
- (f) First Witness Statement Safian Rasheed dated 3 March 2023
- (g) Second Witness Statement of Sagian Rasheed dated 3 March 2023

SCHEDULE 2

Undertakings given to the Court by the Claimant

- (1) To pay any damages which the Defendant (or any other party served with or notified of this Order) shall sustain which the Court considers the Claimant should pay.
- (2) To serve on the Defendant the application notice and evidence in support of this Order as soon as practicable.

General Form of Judgment or Order

In the County Court at
Reading

Claim Number K00RG167

Date 22 March 2023



BUCKINGHAMSHIRE COUNCIL	1st Claimant Ref IKEN 7286
GEOFFREY RACKSTRAW	1st Defendant Ref
LEE DAVIS	2nd Defendant Ref
CARRIE HEARNE	3rd Defendant Ref
SARAH-JAYNE SMITH	4th Defendant Ref
PERSONS UNKNOWN	5th Defendant Ref

BETWEEN:

BUCKINGHAMSHIRE COUNCIL

Claimant

- and -

- (1) GEOFFREY RACKSTRAW**
- (2) LEE DAVIS**
- (3) CARRIE HEARN**
- (4) SARAH-JAYNE SMITH**
- (5) PERSONS UNKNOWN OCCUPYING OR REMAINING AT SWAN THEATRE CAR PARK (AS DEFINED IN PARAGRAPH (1)(a) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED**
- (6) PERSONS UNKNOWN ENTERING OR REMAINING AT SWAN THEATRE CAR PARK AS DEFINED IN PARAGRAPH (1)(a) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED**
- (7) PERSONS UNKNOWN OCCUPYING OR REMAINING AT QUEEN VICTORIA CAR PARK AS DEFINED IN PARAGRAPH (1)(b) OF THE SCHEDULE APPENDED)**

The court office at the County Court at Reading, 160-163 Friar Street, Reading, Berkshire, RG1 1HE. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0300 123 5577 Fax: 0870 3240329. **Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.**

Persons Unknown

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WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED (8) PERSONS UNKNOWN ENTERING OR REMAINING AT QUEEN VICTORIA CAR PARK AS DEFINED IN PARAGRAPH (1)(b) OF THE SCHEDULE APPENDED WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED (9) PERSONS UNKNOWN OCCUPYING OR REMAINING AT EASTON STREET CAR PARK (AS DEFINED IN PARAGRAPH (1)(c) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH(2) OF THE SCHEDULE APPENDED (10) PERSONS UNKNOWN ENTERING OR REMAINING AT EASTON STREET CAR PARK AS DEFINED IN PARAGRAPH (1)(c) OF THE SCHEDULE APPENDED) WITHOUT THE CLAIMANT'S PERMISSION TO ENGAGE IN CONDUCT AS DESCRIBED IN PARAGRAPH (2) OF THE SCHEDULE APPENDED

Defendant(s)

MINUTE OF ORDER

PENAL NOTICE:

IF YOU DO NOT COMPLY WITH THIS ORDER, YOU MAY BE HELD 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 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(S):

- (1) This Order prohibits you from doing the acts set out in the Order. You should read it carefully.**
- (2) You are advised to consult a solicitor or legal representative as soon as possible. You have a right to ask the Court to vary or discharge this Order.**
- (3) If you disobey this Order, you may be found guilty of Contempt of Court and may be sent to prison or fined or your assets may be seized.**

A claim for possession and injunctive relief was issued on 24 January 2023 on behalf of Buckinghamshire Council.

Before Deputy District Judge Taskis KC sitting in the County Court at High Wycombe on this 7 day of March

UPON the Court reading the claim form and witness evidence on behalf of the Claimant

AND UPON the Court being satisfied that the Defendants have been served with the claim, witness evidence and notice of the hearing, per the witness statement of Mr John Power dated 2 March 2023 and the First and Second witness statement of Mr Safian Rasheed dated 3 and 6 March 2023 respectively.

AND UPON hearing Counsel for the Claimants and the First and Fourth Defendants in person.

AND UPON the Court accepting from the Claimants the undertaking set out in Schedule 2 to this Order.

AND UPON the Claimant undertaking to pay the Court fee for the application for an interim injunction within 7 days of the hearing on 7 March 2023 and the Court dispensing with the need to serve a copy of Form N244.

AND UPON the Court noting that service that took effect on 2 March 2022 upon 'Persons Unknown' was retrospectively validated by the order of Deputy District Judge Child dated 6 March 2023 and that the Fourth Defendant accepted that she had been served with the claim.

AND UPON the Court being informed that under *Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13, the Court has jurisdiction to make a final order in such terms that they would have an effect against newcomers, but that such case was heard on appeal at the Supreme Court 8 and 9 February 2023, with judgment to follow within nine months of the conclusion of the appeal hearing.

IT IS ORDERED THAT:

THE INJUNCTION:

(1) The Defendants (whether by themselves or by instructing, encouraging or permission of any other person) must not, without permission of the Claimants:

(a) Enter, access, or remain on any part of the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of occupying, residing, remaining or otherwise sleeping at Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park.

(b) Access, enter or remain on any part of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of possessing, supplying, producing or using controlled drugs or alcohol.

(c) Access, enter or remain on any part of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 1 of the appended schedule) with the intention of creating or causing harm, nuisance or obstructing the Claimant (or public) in the exercise or enjoyment of Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park.

(2) Any person who breaches paragraphs (1) of this Order knowing of the existence of the Order will automatically become a Defendant to these proceedings.

(3) Unless otherwise varied, discharged or renewed at some earlier time and date:

(a) Paragraph (1) of this Order shall be reconsidered by this Court on the first available date after 7 December 2023.

(b) Paragraph (1) of this Order shall continue in force until midnight on 5 January 2024 unless discharged or varied before that date.

(4) The Claimant's solicitors shall write to the Court not less than 14 days before 7 December 2023 to inform the Court if there has been any delay in the Supreme Court handing down judgment in the case of *Barking and Dagenham v Persons Unknown* [2022] EWCA Civ 13.

DURATION, VARIATION OR DISCHARGE OF THIS ORDER:

(5) Any person may apply to vary or discharge this Order upon giving 48 hours' notice in writing to the Claimants' solicitors at:

Address: Walton Street, Offices, Walton Street, Aylesbury, HP20 1UA

Email: legallitigation@buckinghamshire.gov.uk

INTERPRETATION OF THIS ORDER:

(6) Appended to this order is Schedule 1, which makes provision for the definitions of "Persons Unknown" and the land and buildings owned by the Claimants. For ease of reference, those definitions are enclosed hereinbelow:

(a) Swan Theatre Car Park means the land and buildings owned by the Claimant within Title Number BM384826, which includes the 12 floors of a multi-storey commercial car park, for identification purposes edged green on the attached registry plan. The Claimant is the registered freehold proprietor of the Swan Theatre Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(b) Town Hall Car Park means the land and buildings owned by the Claimant within title Number BM384826, which includes the ground floor under the first-floor land coloured pink on the attached registry plan. This is also edged green. The Claimant is the registered freehold proprietor of the Town Hall Car Park.

(c) Queen Victoria Car Park means the land and buildings owned by the Claimant within Title Number BM343738, which includes a multi-storey commercial car park comprising of 2 floors, which for identification purposes, includes the land edged green on the plan appended hereto. The Claimant is the registered freehold proprietor of the Queen Victoria Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(d) Easton Street Car Park means the land and buildings owned by the Claimant within Title Number BM413614, which includes a multi-storey car park comprising 12 floors, which for identification purposes includes the land edged green on the plan appended hereto.

NAME AND ADDRESSES OF CLAIMANTS' SOLICITORS:

Address: Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

Email: legalitigation@buckinghamshire.gov.uk

THE EFFECT OF THIS ORDER:

A Defendant who is an individual who is ordered not to do something must not do it himself or herself or in any other way. The Defendant must not do it through others acting on the Defendant's behalf or on the Defendant's instructions or with the defendant's encouragement.

SERVICE OF THIS ORDER:

(7) In relation to the categories of the Defendants included and named as the Fifth to Tenth Defendant, service of this Claim and all documents in the proceedings shall be effected in the manner set out in paragraphs (9)(b) and (10) below which, pursuant to CPR 6.15 and 6.27, shall stand as good service in relation to any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.

(8) Save as set out above, service of the Claim Form, Particulars of Claim, Response Pack, Application Notice and Witness Statements in support of the Claimant's application are dispensed with in respect of any person who shall become a Defendant to this Claim in the manner described in paragraph (2) of this Order.

(9) In relation to each of the named Defendants, the Claimant shall:

(a) Personally serve them with a copy of this Order within 24 hours of receipt of the sealed Order; and,

(b) Post notice of the existence of this Order within 24 hours of receipt of the sealed Order:-

(i) At all main entrances to the buildings within the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 5 above and 1 of Schedule 1);

(ii) At not less than 10 other prominent locations in or around the Swan Theatre Car Park, Queen Victoria Car Park and Easton Street Car Park (as defined in paragraph 5 above and 1 of Schedule 1); and,

(10) The Claimant shall maintain on a website:

<https://www.buckinghamshire.gov.uk/injunctions> ("the Service Website") downloadable copies of the following documents:

(i) This Order;

(ii) The Claim Form;

(iii) The Application Notice;

(iv) The Particulars of Claim;

(v) The witness statements submitted to the Court in support of the Claimant's application for this order; and

(vi) A brief record of the hearing at which this Order was made.

(11) The Claimant shall post notice of the existence of this Order and of this Claimant ("the Notice") within 24 hours of receipt of this Order. The Notice shall include a statement that copies of this Order, the Claim Form, the Particulars of Claim, and the witness statements in support of the Claim, may be viewed:

(i) At the Service Website: <https://www.buckinghamshire.gov.uk/injunctions>; and,

(ii) At the physical locations referred to in paragraphs (9)(a)(i) to (ii) of this order.

And that copies may also be obtained from the Claimant's solicitor, whose contact details shall be included.

(12) The Claimant shall, through their solicitors, provide a copy of all the documents listed in paragraph (10) of this order free of charge to any individual who requests one.

IT IS FURTHER ORDERED THAT:

(13) The Defendants give the Claimant vacant possession of the land and buildings, forthwith, defined as:

(a) Swan Theatre Car Park means the land and buildings owned by the Claimant within Title Number BM384826, which includes the 12 floors of a multi-storey commercial car park, for identification purposes edged green on the attached registry plan. The Claimant is the registered freehold proprietor of the Swan Theatre Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(b) Town Hall Car Park means the land and buildings owned by the Claimant within title Number BM384826, which includes the ground floor under the first-floor land coloured pink on the attached registry plan. This is also edged green. The Claimant is the registered freehold proprietor of the Town Hall Car Park.

(c) Queen Victoria Car Park means the land and buildings owned by the Claimant within Title Number BM343738, which includes a multi-storey commercial car park comprising of 2 floors, which for identification purposes, includes the land edged green on the plan appended hereto. The Claimant is the registered freehold proprietor of the Queen Victoria Car Park and is not encumbered by the leases identified within the schedule of notices of leases.

(d) Easton Street Car Park means the land and buildings owned by the Claimant within Title Number BM413614, which includes a multi-storey car park comprising 12 floors, which for identification purposes, includes the land edged green on the plan appended hereto

(14) The Claimant shall serve a copy of this order on the First to Fourth Defendants per paragraph (8) above.

(15) The Claimant shall serve a copy of this order on the Fifth to Tenth Defendants per paragraphs (6) to (10) above.

(16) No order as to costs.

Dated this 8 day of March 2023

Service of the order

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

Address: Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

Email: legalitigation@buckinghamshire.gov.uk

Ref:

SCHEDULE 1
[Witness Statements]

(1) The Claimant relied on the following witness statements:

(a) Witness Statement of Nick Adkins amended date of 27 February 2023

(b) Witness Statement of Daniel Sexton amended date 27 February 2023

- (c) Witness Statement of Julie Rushton amended date 27 February 2023
- (d) Witness Statement of Ruben Nunes amended dated of 27 February 2023
- (e) Witness Statement of John Power dated 2 March 2023
- (f) First Witness Statement Safian Rasheed dated 3 March 2023
- (g) Second Witness Statement of Sagian Rasheed dated 3 March 2023

SCHEDULE 2

Undertakings given to the Court by the Claimant

- (1) To pay any damages which the Defendant (or any other party served with or notified of this Order) shall sustain which the Court considers the Claimant should pay.
- (2) To serve on the Defendant the application notice and evidence in support of this Order as soon as practicable.