

IN THE HIGH COURT OF JUSTICE

Claim Number:HQ17X03732

QUEENS BENCH DIVISION

Before: Mrs Justice Elisabeth Laing

On the 6th day of November 2017

BETWEEN

(1) BASILDON BOROUGH COUNCIL

(2) ESSEX COUNTY COUNCIL



Claimant

-and-

(1) MARTIN McGINLEY & THE 23
OTHER NAMED DEFENDANTS LISTED IN
ANNEX 1 OF THIS DRAFT ORDER

(25) PERSONS UNKNOWN

Defendants

ORDER

IF YOU, ANY OF THE ABOVE NAMED FIRST TO TWENTY-THIRD DEFENDANTS OR PERSONS UNKNOWN DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

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

UPON HEARING Counsel for the Claimants Miss Caroline Bolton and a Solicitor from RCJ Advice Bureau Miss Rayla Javaid for the Twenty-First Defendant Mr Connelly, and the First to Twentieth Defendant and Twenty-Second to Twenty-Fifth Defendant not attending

AND UPON READING the papers and hearing the application for an interim injunction pending the final injunction hearing pursuant to section 222 Local Government Act 1972 and 187B Town and Country Planning Act 1990

IT IS ORDERED THAT UNTIL FURTHER ORDER:

The Defendants are forbidden from:

1. Setting-up an encampment on any land within the Borough of Basildon marked in red on the attached map in Schedule 1 without written permission from the local planning authority, or, planning permission granted by a planning inspector.
2. Entering and/or occupying any part of the Land within the area marked in red on the attached map in Schedule 1 for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia.
3. Bringing on to the Land marked within the red boundary on the map attached at Schedule 1, or, stationing on the Land marked within the red boundary on the map attached at Schedule 1 any caravans/mobile homes other than when driving through Borough of Basildon.
4. Depositing or causing to be deposited, controlled waste in or on the Land marked within the red boundary on the map attached at Schedule 1, unless a waste management license or environmental permit is in force and the deposit is in accordance with the license or permit.

The Land in this order means:

5. All land within Basildon as appears within the marked red outline on the attached map at Schedule 1 of this Order.
6. Service of this Order against persons unknown shall be by affixing 50 copies (as opposed to originals) of this Order in a transparent envelope, or laminated copy, in a prominent position approximately equidistant to each other around the perimeter of the area marked in red on the map attached to Schedule 1 of this Order, with a notice to Persons Unknown that a copy of the supporting evidence can be obtained from Basildon Borough Council, The Basildon Centre, St Martin's Square, Basildon, Essex, SS14 1DL.
7. The Defendants may each of them (or anyone notified of this Order) apply to the Court on 72 hours' written notice to the Court and the Claimant to vary or discharge this Order (or so much as if it affects that person)
8. The costs of this matter be reserved.

GUIDANCE NOTES

EFFECT OF THIS ORDER

9. A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or his instructions or with his encouragement.
10. A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

EFFECT OF THIS ORDER

11. It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined, or have their assets seized.

INTERPRETATION OF THIS ORDER

12. In this Order, where there is more than one Defendant, unless otherwise stated, references to “the Defendants” means each or all of them.
13. A requirement to serve on “the Defendants” means on each of them, unless an Order of the Court specifies otherwise. The Order is, however, effective against any Defendant on whom it is served.
14. An Order requiring the Defendants to do or not to do anything applies to all Defendants.
15. “controlled waste” has the same meaning as within s.75(4) of the Environmental Protection Act 1990

COMMUNICATIONS WITH THE COURT

16. All communication to the Court about this order should be sent to Room WG08 Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010).

