

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS IN LEEDS
PROPERTY TRUSTS AND PROBATE LIST (CHD)

CLAIM NO: PT-2024-LDS-000022

Before HHJ Siobhan Kelly
On 23 February 2024



BETWEEN:-

- (1) MOTOR FUEL LIMITED
- (2) PEREGRINE RETAIL LIMITED

Claimants

-and-

(1) PERSONS UNKNOWN WHO FOR RESIDENTIAL PURPOSES (TEMPORARY OR OTHERWISE) ENTER OCCUPY OR SET UP ENCAMPMENT ON THE SITE OF THIRSK SERVICES, YORK ROAD, THIRSK, YO7 3AA, AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED PLAN, WITHOUT THE CONSENT OF THE CLAIMANTS

(2) PERSONS UNKNOWN WHO ENTER THE SITE OF THIRSK SERVICES, YORK ROAD, THIRSK, YO7 3AA, AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED PLAN, WITH THE INTENTION OF SYPHONING FUEL FROM THE CLAIMANTS' FILLING PUMPS AND/OR A VEHICLE OR RECEPTACLE THAT DOES NOT BELONG TO THAT INDIVIDUAL AND WITHOUT THE CONSENT OF THE OWNER OF THAT VEHICLE OR RECEPTACLE

Defendants

ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE 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.

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.

UPON the Claimants' claim by Claim Form, dated 12 February 2024

AND UPON an Order having been granted on 15 February 2024 by HHJ Kelly (the "Kelly Order") permitting the Claim Form, Particulars of Claim, the Witness Statement of Richard Linton, the Witness Statements of David Ablott, the Witness Statement of Andrew Caddick, the Response Pack, the Application Notice for an interim injunction, the Application Notice for alternative service and the Kelly Order itself (the "Documents") to be served by alternative methods and places, pursuant to CPR 6.15 and 6.27

AND UPON the Documents having been deemed served on 19 February 2024 as evidenced by a certificate of service, dated 21 February 2024, and the Witness Statement of Mick Cain, dated 22 February 2024

AND UPON hearing the Claimants' application for an interim injunction, dated 12 February 2024, and supporting evidence

AND UPON the case having been called out on the Court tannoy system at 11am on 23 February 2024 before the start of the hearing in order to inform anyone in the building at Leeds Combined Court Centre, the Courthouse, 1 Oxford Row Leeds LS1 3BG of the hearing of the application

AND UPON hearing Counsel for the Claimants and the Defendants not being present

AND UPON the Court being notified that the Claimants' solicitors had been telephoned on 20 February 2024 by a member of one of the traveller groups mentioned in Schedule 3 to this Order informing the Claimants' solicitors that: sending them the Documents by email was discriminatory; and, the Judge would be informed of this discriminatory treatment by email

AND UPON the Judge not having received any email from any traveller group mentioned in Schedule 3 to this Order but noting that the Court would check to see if any such correspondence had been received

AND UPON the Claimants giving and the Court accepting the undertakings set out in Schedule 2 to this Order

IT IS ORDERED THAT:

INJUNCTION

1. Until 21 February 2025 or final determination of the claim or further order in the meantime, whichever shall be the earlier, the Defendants must not, for residential purposes (temporary or otherwise), enter, occupy or set up encampment on, with a caravan or other vehicle, any part of that land, known as Thirsk Services, York Road, Thirsk, YO7 3AA, which is edged red on the Plan annexed to Schedule 1 of this Order but excluding the area hatched green (containing the Costa coffee shop and associated parking) (the “**Land**”), without the consent of the Claimants.
2. Until 21 February 2025 or final determination of the claim or further order in the meantime, whichever shall be the earlier, the Defendants must not enter onto any part of that land, known as Thirsk Services, York Road, Thirsk, YO7 3AA, which is edged red on the Plan annexed to Schedule 1 of this Order but excluding the area hatched green (containing the Costa coffee shop and associated parking), with the intention of syphoning fuel from the Claimants’ filling pumps and/or a vehicle or receptacle (which is located on the Land) that does not belong to that individual and without the consent of the owner of that vehicle or receptacle.
3. A Defendant who is ordered not to do something must not: (a) do it himself/herself/themselves or in any other way; (b) do it by means of another person acting on his/her/their behalf, or acting on his/her/their instructions.

VARIATION

4. Anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this Order or so much of it as affects that person but they must first give the Claimants' solicitors 72 hours’ notice of such application. If any

evidence is to be relied upon in support of the application the substance of it must be communicated in writing to the Claimants' solicitors at least 48 hours in advance of any hearing.

5. Any person applying to vary or discharge this Order must provide their full name, address and address for service.
6. The Claimants have permission to apply to vary this Order.

SERVICE

7. Pursuant to CPR r6.15, 6.27 and 81.4(2)(c), service of this Order shall be effected on the Defendants by the Claimants carrying out each of the following steps:
 - a. Fixing a copy of the Order in a clear plastic envelope at the following locations around the Land:
 - i. The entrance ramp electrical cabinet at the entrance to the HGV Park;
 - ii. The exit ramp electrical cabinet at the exit to the HGV Park;
 - iii. The left and right hand lampposts in the staff parking area;
 - iv. The left and right hand lampposts in the customer parking area;
 - v. Each of the 4 sets of petrol pumps;
 - vi. Two of the EV charging units;
 - vii. The left and right hand side of the 2 bay parking area adjacent to the EV charging area;
 - viii. Entrance door to Budgens/Greggs; and
 - ix. The entrance to the HGV Park toilet and shower block.

- b. Positioning a warning notice of approximately A1 size advertising the existence of the Order:
 - i. On the access road owned by the First Claimant (having exited from the A19/ A170) on the approach to, but before one reaches, the Land.
 - ii. On the edge of the Land (whether within or outside) adjacent to the Costa coffee shop and associated parking.
 - c. Uploading it to the following website:
<https://www.motorfuelgroup.com>.
 - d. Sending a link to the above website by email to the email addresses listed in Schedule 3 to this Order.
8. Pursuant to CPR r6.15 and 6.27, service of any further applications shall be effected on the Defendants by the Claimants carrying out each of the following steps:
- a. Fixing a copy of the application notice, witness statements (but not the documents exhibited to the witness statements) and draft order in a clear plastic envelope at the following locations around the Land:
 - i. The entrance ramp electrical cabinet at the entrance to the HGV Park;
 - ii. The exit ramp electrical cabinet at the exit to the HGV Park;
 - iii. The left and right hand lampposts in the staff parking area;
 - iv. The left and right hand lampposts in the customer parking area;
 - v. Each of the 4 sets of petrol pumps;
 - vi. Two of the EV charging units;

- vii. The left and right hand side of the 2 bay parking area adjacent to the EV charging area;
 - viii. Entrance door to Budgens/Greggs; and
 - ix. The entrance to the HGV Park toilet and shower block.
 - b. Uploading the application to the following website: <https://www.motorfuelgroup.com>.
 - c. Sending a link to the above website by email to the email addresses listed in Schedule 3 to this Order.
- 9. Pursuant to CPR r6.15 and 6.27, service of any other documents may be served by carrying out the steps set out in paragraph 8(b) and 8(c) only.
- 10. In relation to paragraphs 7-9 above, the steps identified shall stand as good and sufficient service on the Defendants.
- 11. In relation to paragraphs 7-9 above, service shall be deemed effective on the latest date on which all of the said steps shall have been completed (as confirmed by the filing of a certificate of service with the Court) or, if sooner, the date of actual notice of the document in question.
- 12. Without in any way affecting the good and proper service of the Documents effected on 19 February 2024, pursuant to the Kelly Order, the Claimants be permitted to remove the Documents from those locations referred to in paragraph 2(a) of the Kelly Order and, instead, affix:
 - a. One set of the Documents at the side of the Greggs shop, opposite the EV charging area; and,
 - b. One set of the Documents by the Calor Gas cage, next to the "AIR SCR/WASH" bay.

FURTHER DIRECTIONS

13. Liberty to apply.

14. No order as to costs.

COMMUNICATIONS WITH THE CLAIMANT

15. The Claimants' solicitors and their contact details are:

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Dated: 26 February 2024



Map scale 1:2500

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Data last updated 10:00pm 19 FEBRUARY, 2024

SCHEDULE 2 - UNDERTAKING GIVEN BY THE CLAIMANTS

The Claimants will comply with any order for compensation which the Court might make in the event that the Court later finds that the injunction in paragraphs 1-2 of this Order has caused loss to a Defendant and the Court finds that the Defendant ought to be compensated for that loss.

SCHEDULE 3 - EMAIL ADDRESSES

| Group / Individual | Email contact (where available) | Social Media account |
|---|--|---|
| Leeds Gate Gypsy and Traveller Exchange | contact@leedsgate.co.uk | https://www.facebook.com/LeedsGATE |
| York Travellers Trust | info@ytt.org.uk | https://www.facebook.com/YorkTravellers / |
| The Traveller Movement | (General Enquiry) info@travellermovement.org.uk (Media Enquiries) policymanager@travellermovement.org.uk | https://www.facebook.com/travellermovement/ |
| Friends, Families and Travellers | fft@gypsy-traveller.org (Press Enquiries): sami@gypsy-traveller.org | https://www.facebook.com/FriendsFamiliesandTravellers |
| The North Yorkshire Council | infogov@northyorks.gov.uk and contactus@northyorks.gov.uk | |