

IN THE HIGH COURT OF JUSTICE

CLAIM NO:

QUEEN'S BENCH DIVISION

BETWEEN

SHELL U.K. OIL PRODUCTS LIMITED

Claimant

- and -

PERSONS UNKNOWN DAMAGING,
AND/OR BLOCKING THE USE OF OR
ACCESS TO ANY SHELL PETROL
STATION IN ENGLAND AND WALES, OR
TO ANY EQUIPMENT OR
INFRASTRUCTURE UPON IT, BY
EXPRESS OR IMPLIED AGREEMENT
WITH OTHERS, IN CONNECTION WITH
ENVIRONMENTAL PROTEST
CAMPAIGNS WITH THE INTENTION OF
DISRUPTING THE SALE OR SUPPLY OF
FUEL TO OR FROM THE SAID STATION

Defendants

PARTICULARS OF CLAIM

1. THE CLAIMANT

- 1.1 The Claimant forms part of the group of companies ultimately owned and controlled by Shell plc, a company incorporated in the United Kingdom. Shell plc and its subsidiaries are referred to in this statement of case collectively as the Shell Group.
- 1.2 The Shell Group markets and sells fuels to the retail market through a global network of Shell-branded service stations. The Claimant sells fuel to the retail market in England and Wales via a network of petrol filling stations the “**Shell Petrol Stations**”. In respect of some (only) of the Shell Petrol Stations the Claimant or another Shell Group Company holds the freehold or leasehold interest in that site, and/or owns some of the equipment used for the dispensing of fuel at the site. The

Claimant controls the use of its branding upon the Shell Petrol Stations. However, the Shell Petrol Stations are all operated by third party operators, and their servants or agents. A number of them also include other retail businesses (such as convenience stores) operated under the Shell brand or otherwise.

1.3 In total there are 1,062 Shell Petrol Stations in England and Wales.

1.4 For the reasons hereinafter set out, the Claimant reasonably apprehends that, unless restrained by this court, persons unknown will carry out unlawful acts upon the Shell Petrol Stations, by agreement with others, with the intention to injure the Claimant, by reason of which the Claimant will suffer injury. By these proceedings the Claimant therefore seeks an injunction to restrain such actions.

2. FUEL FILLING STATION, COBHAM MOTORWAY SERVICE AREA

2.1 On 28 April 2022 groups of protestors associated with the Just Stop Oil environmental protest campaign targeted two petrol stations on the M25 motorway. One of those was a Shell Petrol Station at the motorway services known as Cobham service station (the “**Cobham Services**”).

2.2 The actions of the protestors on 28 April 2022, variously included the following:

2.2.1 Smashing the screens of petrol pumps by hitting them with hammers;

2.2.2 Spraying or writing graffiti on the petrol pump screens;

2.2.3 Blocking access to incoming and outgoing cars;

2.2.4 Gluing themselves to pumps and/or parts of the forecourt;

2.2.5 Climbing onto a tanker, and gluing themselves to its cab.

2.3 Each of the said activities set out in paragraph 2.2 (the “**Unlawful Acts**”) above constituted an unlawful act, and each was carried out by persons acting in express or implied agreement with the intention of harming the Claimant.

PARTICULARS

2.3.1 The Unlawful Acts involved coordinated action by a group of persons. They were also carried out as a part of the wider Just Stop Oil Movement, with

some of those protesting carrying or displaying banners referring to the said movement. According to the movement's website:

“Just Stop Oil is a coalition of groups working together to ensure the Government commits to halting new fossil fuel licensing and production”.

2.3.2 The self-evident aim of those engaging in the Unlawful Acts was to disrupt the supply of fuel from the Shell Petrol Station at Cobham Services, harming the Claimant and Shell Group.

2.4 One reason why the Unlawful Acts, or acts of a similar nature, are particularly disruptive is because of the significant threat to health and safety of workers at the Shell Petrol Stations, and the wider public, which the activities of the protesters constitute in relation to a site which handles liquids which are highly flammable and (upon escape) environmentally hazardous, and upon which highly flammable vapours may also be present.

2.5 The protestors arrived at around 7am and were on site until they were removed by the Surrey Police Force. The said acts significantly prevented or impeded the sale of the Claimant's fuels from the Shell Petrol Station for a significant period, causing it loss and damage.

3. THE CLAIMANT'S REASONABLE ANTICIPATION OF FURTHER UNLAWFUL ACTS DIRECTED AGAINST IT BY THOSE ACTING IN COMBINATION WITH THE INTENTION OF HARMING THE CLAIMANT

3.1 The Claimant reasonably anticipates that, unless prevented by this Honourable Court, persons unknown will in the future combine to engage in further acts of a similar nature or effect to the Unlawful Acts with the intention of disrupting the sale of fuel by the Claimant through other Shell Petrol Stations.

PARTICULARS

3.1.1 The home page of Just Stop Oil states that its campaign *“will mobilise 1000+ people from all walks of life to oppose the plans for new UK Oil fields during 2022”* (emphasis added)

3.1.2 The Claimant has repeatedly been the subject of protests in which protesters have attacked its properties, including:

- (i) On 1 April trespassers entered an oil terminal at Kingsbury, Warwickshire which is operated as a joint venture by the Shell Group and others, in relation to which very detailed safety protocols operate to limit ignition risk. They locked themselves to pipework within the terminal. Other protesters sought to disrupt access to the terminal by undermining the roadway which provides access to both fuel lorries and (as necessary) emergency vehicles.
- (ii) On 6 April 2022 and 13 April 2022, protesters caused damage to the Shell Centre in London.
- (iii) On or around 14 April 2022, as widely reported in the media, approximately five protesters carrying Just Stop Oil banners disabled the breaks of an Eddie Stobart fuel transporter lorry in Chiswick, and glued themselves to its roof.
- (iv) On 16 April 2022 six protesters acting under the banner of the Extinction Rebellion movement, climbed onto a Shell-branded petrol tanker on Bayswater Road, preventing it from moving.

3.1.3 In a press release issued on 28 April 2022 in the name of Just Stop Oil by a person or persons using the title “JSO Press”, the actions on 28 April 2022 were described as a “*significant escalation*” taken in response to enforcement action carried out by authorities in response to protest activities at other oil installations. The press release states:

“The supporters of Just Stop Oil will continue the disruption until the government makes a statement that it will end new oil and gas projects in the UK”

3.2 Any further conspiracy by persons to injure the Claimant by further unlawful acts of the kind which the Claimant seeks to restrain is very likely to cause further harm to the Claimant (and others) and risks causing very serious harm to the Claimant (and others), none of which is reasonably capable of being compensated in damages:

3.2.1 The activities of the protesters are positively designed to prevent the sale of the Claimant’s fuels from the Shell Petrol Stations, to the financial detriment of the Claimant.

- 3.2.2 The level of disruption caused by such activities is heightened by the fact that they have involved damage to equipment for the distribution of highly flammable fuels and have taken place in areas in which highly flammable fuel vapours may be present.
 - 3.2.3 Those engaging in the protests have shown themselves willing to hit petrol pumps with hammers. In the premises, they self-evidently have no, or no sufficient, regard for the risks which such activity may pose to the safety of themselves or others.
 - 3.2.4 Any activity which risks the integrity of the installations on the Shell Petrol Stations, or the safety of any workers or customers in the vicinity of a Shell Petrol Station, is a matter of the utmost gravity to the Shell Group generally, and to the Claimant in particular.
- 3.3 In the premises, the Claimant is entitled to, and seeks an order that each of the Defendants be prevented / forbidden from, in express or implied agreement with any other person, and with the intention of disrupting the sale or supply of fuel to or from a Shell Petrol Station, any of the following acts:
- 3.3.1 blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station or to a building within the Shell Petrol Station;
 - 3.3.2 causing damage to any part of a Shell Petrol Station or to any equipment or infrastructure (including but not limited to fuel pumps) upon it;
 - 3.3.3 operating or disabling any switch or other device in or on a Shell Petrol Station so as to interrupt the supply of fuel from that Shell Petrol Station or from one of its fuel pumps, or so as to prevent the emergency interruption of the supply of fuel to the Shell Petrol Station;
 - 3.3.4 affixing themselves, or any object or person, to any part of a Shell Petrol Station, or to any other person or object on or in a Shell Petrol Station;
 - 3.3.5 erecting any structure in, on or against any part of a Shell Petrol Station;
 - 3.3.6 spraying, painting, pouring or writing any substance on any part of a Shell Petrol Station;

3.3.7 encouraging or assisting any other person do any of the acts referred to in this sub-paragraph.


AND the Claimant claims:

1. An injunction in the terms set out in paragraph 3.3 or such other terms as the Court considers appropriate to prevent the actions complained of occurring at the Shell Petrol Stations and the obstruction of vehicular access to and from them;
2. Further or other relief.

Statement of Truth

The Claimant believes that the facts stated in these particulars of claim are true. The Claimant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I am duly authorised by the Claimant to sign this statement of truth.

Signed:.....

Emma Margaretha Florence Pinkerton

Dated: 3 May 2022.....

CMS Cameron McKenna Nabarro Olswang LLP

Claimant's solicitor

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STATION**

Defendants

PARTICULARS OF CLAIM

**Cannon Place
78 Cannon Street
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Ref: O10051.00007

Solicitors for the Claimant