

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
BETWEEN**

**SHELL INTERNATIONAL PETROLEUM COMPANY LIMITED**

**Claimant (QB-2022-001259)**

**SHELL U.K. OIL PRODUCTS LIMITED**

**Claimant (QB-2022-001420)**

**SHELL U.K. LIMITED**

**Claimant: (QB-2022-001241)**

**- and -**

**PERSONS UNKNOWN ENTERING OR REMAINING IN OR ON THE BUILDING  
KNOWN AS SHELL CENTRE TOWER, BELVEDERE ROAD, LONDON ("SHELL  
CENTRE TOWER") WITHOUT THE CONSENT OF THE CLAIMANT, OR DAMAGING  
THE BUILDING OR DAMAGING OR BLOCKING THE ENTRANCES TO THE SAID  
BUILDING**

**Defendant (QB-2022-001259)**

**PERSONS UNKNOWN ENTERING OR REMAINING AT THE CLAIMANT'S SITE  
KNOWN AS SHELL HAVEN, STANFORD-LE-HOPE (AND AS FURTHER DEFINED IN  
THE PARTICULARS OF CLAIM) WITHOUT THE CONSENT OF THE CLAIMANT, OR  
BLOCKING**

**THE ENTRANCES TO THAT SITE**

**Defendant (QB-2022-001241)**

**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 PROTEST CAMPAIGNS WITH  
THE INTENTION OF**

**DISRUPTING THE SALE OR SUPPLY OF FUEL TO OR FROM THE SAID STATION  
AND 14 OTHERS**

**Defendant (QB-2022-001420)**

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**SUPPLEMENTAL BUNDLE INDEX FOR FINAL HEARING 21-22 OCTOBER 2024**

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No	Document	Date	Comment / description	Page number
<b>SUPPLEMENTAL BUNDLE</b>				
1.	Claimant's Skeleton Argument	16 October 2024	Claimant's skeleton for Final Hearing in October 2024	7769-7799
2.	Sealed Application	10 October 2024	Permission to remove Third Defendant from the Petrol Stations Proceedings and to amend Claim Form and Particulars of Claim	7800-7804
3.	Draft Final Injunction Order (Haven)		Accompanying Sealed Application dated 10 October 2024	7805-7814
4.	Draft Final Injunction Order (Tower)		Accompanying Sealed Application dated 10 October 2024	7815-7824
5.	Draft Final Injunction Order (Petrol Stations)		Accompanying Sealed Application dated 10 October 2024	7825-7838
6.	Re-re-amended Claim Form		Accompanying Sealed Application dated 10 October 2024	7839-7846
7.	Re-re-amended Particulars of Claim		Accompanying Sealed Application dated 10 October 2024	7847-7862
8.	First Witness Statement of Rachel Lindberg	9 October 2024	Relating to criminal proceedings as against named defendants in Petrol Stations Proceedings	7863-7865
9.	Exhibit to First Witness Statement of Rachel Lindberg	9 October 2024		7866-7878
10.	Signed Undertaking of Louise Harris	26 September 2024	Third Defendant's undertaking that she will not breach the terms of the injunction	7879-7880
11.	Table of Witness Evidence		Directory of witness evidence with bundle reference	7881-7882
12.	First Witness Statement of Charles Philip Laurie	16 October 2024		7883-7886
13.	Skeleton Argument for Charles Philip Laurie			7887-7895
14.	First Witness Statement of Emma Louise Ireland	17 October 2024		7896-7898
15.	Skeleton Argument for Emma Louise Ireland			7899-7910

**Claim No: QB-2022-001241 (“Haven Claim”)**

**Claim No: QB-2022-001259 (“Tower Claim”)**

**Claim No: QB-2022-001420 (“Petrol Stations Claim”)**

**IN THE HIGH COURT OF JUSTICE**

**KINGS BENCH DIVISION**

**B E T W E E N :**

**(1) SHELL U.K. LIMITED**

**Claimant: (QB-2022-001241)**

**(2) SHELL INTERNATIONAL PETROLEUM COMPANY LIMITED**

**Claimant (QB-2022-001259)**

**(3) SHELL U.K. OIL PRODUCTS LIMITED**

**Claimant (QB-2022-001420)**

**- and -**

**PERSONS UNKNOWN AND ORS**

**[more fully described in the Relevant Claim Form]**

**Defendants**

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**CLAIMANTS’ SKELETON ARGUMENT**

**Hearing: 21-23 April 2024 (1.5 days)**

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*References in this Skeleton Argument:*

- E.g. “[C/1/2]” are references to tabs/page numbers in the Core Bundle.
- E.g. “[PSB/1/2]” are references to tabs/page numbers in the Previous Service Bundle.
- E.g. “[PRB1/1/2]” are references to tabs/page numbers in the Previous Renewal Bundle Part 1.
- E.g. “[MB/A/2]” are references to the tabs/page numbers in the Miscellaneous Bundle.
- E.g. “[SB/1]” are references to the are references to the tab in the Supplemental Bundle.
- E.g. “[AB/1/2]” are references to the tabs/ page numbers of the Authorities Bundle.

**Suggested Pre-Reading: (Time Estimate: 4 hours) -**

- Judgment of Cotter J in *Shell v PU* [2024] EWHC 1546 (KB) (the “Cotter Judgment”) [AB/3]
- Judgment of Hill J in *Shell UK v PU* [2023] EWHC 1229 (the “Hill Judgment”) [AB/2]
- Re-Amended Petrol Stations Claim Form [MB/149/7641-7648]

- Re-Amended Petrol Stations Particulars of Claim [MB/150/7649-7664]
- Amended Haven Claim Form [MB/153/7676-7677]
- Amended Haven Particulars of Claim [MB/155/7680-7685]
- Amended Tower Claim Form [MB/154/7678-7679]
- Amended Tower Particulars of Claim [MB/157/7741-7744]
- Defence of Emma Ireland (D7) (“**Ireland Defence**”) [C/3a/352(a-c)]
- Defence of Charles Philip Laurie (“**Laurie Defence**”) (D8) [C/3c/352(e-g)]
- Order of Cotter J dated 24 April 2024 (Petrol Stations Claim) [C/4/353-364]<sup>1</sup>
- Future Service Order of Cotter J dated 17 April 2024 (Petrol Stations Claim) [C/7/385-393]<sup>2</sup>
- Shell Petrol Stations Claim Draft Order [SB/6]
- Table of Witness Evidence [SB/12]
- First Witness Statement of Paul Eilering (“**Eilering 1**”) [C/3/18-39]
- Chronology of protestor activity since 11 March 2024 [C/3/42-58]
- Tenth Witness Statement of Alison Oldfield (“**Oldfield 10**”) [PSB/11/414-431]
- Second Witness Statement of Christopher Prichard-Gamble (“**Prichard-Gamble 2**”) [PRB/46/3207-3233]
- Application Notice dated 10 October 2024 [SB/3]
- First Witness Statement of Rachel Lindberg (“**Lindberg 1**”) [SB/9].

## A. INTRODUCTION

1. In Autumn 2021, major UK roads, including the M25, were brought to a standstill by environmental protest groups (“**the Protest Groups**”), whose protests involved individuals gluing themselves to roads, immovable objects, or each other. This led to the first of a number of injunctions in this context being granted to National Highways. Many breaches followed. As did committals. In Spring 2022, similar protests started again but this time directed at the fossil fuel industry, including assets owned by Shell and its wider group of companies. In April/May 2022, individuals connected with those Protest Groups took part in a number of activities with the goal of maximising disruption to Shell’s lawful activities and thereby generating publicity for their movement. As recently as June 2024, one of the Protest Groups – Just Stop Oil (“**JSO**”) – has made its intentions clear and the evidence demonstrates that its campaign shows no sign of stopping and that activists are still willing to carry out unlawful activity to advance the campaign.
2. This is the Claimants’ skeleton argument in the final hearing of the three claims (“**the Claims**”), which have been managed together (though not consolidated), in which Shell has sought interim and final injunctions to restrain unlawful protest activity at Shell

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<sup>1</sup> Injunctions in much the same terms were granted in the Haven Claim [C/5/365-374] and the Tower Claim [C/6/375-384].

<sup>2</sup> *Ibid*: Haven Claim [C/8/394-397] and the Tower Claim [C/9/398-401].

Haven (“**Haven**”) , Shell Centre Tower (“**Tower**”) and the Shell Petrol Stations (“**Petrol Stations**”) (together “**the Sites**”). References to “**Shell**” in this skeleton argument should be read as a reference to the relevant Claimant(s). Shell now seeks final orders for a period of 5 years from the expiry of the Cotter Orders (with provision for annual review).

3. There have been a number of interim injunctions granted in these proceedings:
  - a. interim injunctions were granted against Persons Unknown (“**PU**”) restraining unlawful protests at Haven and Tower on 5 May 2022 (Bennathan J).
  - b. an interim injunction was granted on 5 May 2022 (McGowan J) and a further interim injunction was granted on 20 May 2022 in the Petrol Stations Claim against PU restraining unlawful protests by PU at Shell petrol stations (Johnson J) (“**the Original Orders**”).
  - c. the Original Orders were then continued by order of Hill J dated 23 May 2023 (“**the Hill Orders**”).
4. On 15 March 2024, Soole J ordered the joinder of 14 Named Defendants to the Petrol Stations Claim and gave directions for a further review hearing (the “**Soole J Order**”).
5. That review took place before Cotter J, who continued the Hill Orders on 24 April 2024 with a new longstop date of 12 November 2024 (or the date that corresponds with four weeks after the final hearing) (“**the Cotter Orders**”) [C/4-6/353-384].
6. In this hearing, Shell seeks (the “**Orders**”):
  - a. final injunctions in materially identical terms as the Cotter Orders to last for 5 years (with a backstop of 12 November 2029) with provision for an annual review, consistent with the approach adopted by this Court in similar cases;
  - b. orders for alternative service in materially identical terms as the alternative service provisions which have been previously endorsed by the Court and which are currently in force pursuant to the orders made by Cotter J on 17 April 2024 relating to the service of future documents in respect of the Claims (“**the Cotter Service Orders**”) [C/6-9/385-401];
  - c. the removal of the Third Defendant in the Petrol Stations Claim, following her providing an undertaking [SB/11] and amendment of the Re-Amended Claim

Form and Re-Amended Particulars of Claim in the Petrol Stations Claim to strike out her name.

7. As with the previous interim injunctions, the Orders do not stop protestors from undertaking peaceful protests, whether near the Sites or otherwise. There is no intention by Shell to prohibit any lawful protest and the Orders have not stopped subsequent lawful protests outside Shell's premises [C/2/25, §4.2; C/2/27, §5.3-5.6]. Shell explains in its evidence that its concern has been to enforce its property rights and mitigate health and safety and other risks posed by unlawful activities which prompted the injunctive relief. The evidence and arguments in this case were fully considered before the original interim orders were made. There was no appeal.
8. The Original Orders were then reviewed in April 2023 at a contested hearing, which was dealt with as a rehearing with Leading and Junior Counsel on both sides, and the injunctive relief and its terms were found to be appropriate for the reasons set out in Hill J's comprehensive judgment.
9. Cotter J reviewed those orders again in April 2024 and considered there was no material change, was satisfied that the terms were appropriate for the reasons set out in Hill J's judgment and that there was a real and continuing risk of imminent and unlawful activities if the orders were to be discharged.
10. The Court is now being asked to grant final orders in materially identical terms to the Hill and Cotter Orders, which were carefully drawn and aimed at solely prohibiting activity which is clearly unlawful:
  - a. in relation to Haven and Tower, the Orders solely prohibit acts which would constitute trespass, private nuisance and damage to private land.
  - b. in relation to the Petrol Stations Claim, the structure of the Order makes it clear that it is only actionable where the conduct fulfils the ingredients of the tort of conspiracy to injure. The Persons Unknown as described as those who are "*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, with the intention of disrupting the sale or supply of fuel to or from the said station.*" Further, the Order provides that the Defendants must not do any of the acts listed in paragraph 3 where that conduct is undertaken "*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.*” : see paragraphs 43 - 47 below.

11. As well as the evidence relied upon to date, Shell relies on Eilering 1 [C/2/18-39], Oldfield 10 [PSB/11/414-431] and Lindberg 1 [SB/9].
12. The Soole J Orders made provision for the Defendants to file evidence on which they wished to rely and to file and serve an Acknowledgement of Service by 12 April 2024 if they wished to defend the Claims [CB/10/406-407]. The Cotter Orders made further directions allowing a further period of time by requiring the Named Defendants and any other person falling within the definition of the First Defendant to file and serve an Acknowledgment of Service by 30 April 2024 and any defendants wishing to defend the claims, to file and serve their defence by no later than 15 May 2024: see, for example, Petrol Stations Order at §§9-10 [C/4/356]. Those dates have long since passed. The Claimants are in receipt of two defences from Emma Ireland (D7) [C/3a/352(a-c)] and Charles Philip Laurie (D8) [C/3c/352(e-g)] received on 16 May 2024 and 7 May 2024 respectively.
13. None of the remaining Named Defendants have engaged with or been involved in the proceedings save for the Third Defendant, who has signed the undertaking suggested by the Claimant, which all Named Defendants were invited to offer to the Court (discussed further below). As such, they are not entitled to defend the claims, be heard at this hearing or take any further role in these proceedings without further order of the Court: see, for example, the Petrol Stations Order at §11 [C/4/356].
14. In light of all the circumstances, including the continued threat posed by the Defendants, Shell’s position is that it is entitled to the final relief sought.

**B. SERVICE**

15. Section 12(1) – (2) of the HRA 1998 provides as follows:

“(1) This section applies if a court is considering whether to grant any relief which, if granted, might affect the exercise of the Convention right to freedom of expression.

(2) If the person against whom the application for relief is made (“the respondent”) is neither present nor represented, no such relief is to be granted unless the court is satisfied— (a) that the applicant has taken all practicable steps to notify the respondent; or (b) that there are compelling reasons why the respondent should not be notified” [emphasis added].

16. The Court is directed to the Cotter Service Orders. All documents in these proceedings (including the evidence and relevant orders) have been served on the relevant parties

(including PU and non-parties) as provided for in these Orders: see Oldfield 10 [PSB/11/414-431]. For the purpose of clarity, these provisions have been replicated in the draft Orders and the Court is invited to sanction the same.

17. The same process has been adopted to serve relevant parties with notification of this hearing, the draft order and this skeleton argument.
18. Consequently, the notice requirements in s.12(2)(a) of the Human Rights Act 1998<sup>3</sup> (“HRA 1998”) have been satisfied.

### **C. BACKGROUND**

19. The background is set out in the judgment of Johnson J in *Shell UK v PU* [2022] EWHC 1215 (the “*Johnson Judgment*”) at [10] – [19] [AB/1/6-8], the *Hill Judgement* at [10] – [21] [AB/2/29-31] and the *Cotter Judgment* at [8] – [13] [AB/3/62-64].

#### **(i) The Claimants**

20. The First and Second Claimants are, respectively, the freehold owners of (i) the Shell Haven Oil Refinery, a substantial fuel storage and distribution installation; and (ii) the Shell Centre Tower, a large office building. The Third Claimant is Shell UK Oil Products Limited. It markets and sells fuels to retail customers in England and Wales through a network of Shell-branded petrol stations, and in some cases has an interest in the land where the Shell petrol station is located.

#### **(ii) The Sites**

21. The titles to Haven and Tower and Shell’s interests in these sites are explained in the First Witness Statement of Alison Oldfield (“*Oldfield 1*”): [PS/37/2586-7]. The Haven and Tower sites can be seen in the Plans appended to the Cotter Orders (Haven Claim: [C/5/372-373]; Tower Claim: [C/6/382-383]).

22. The nature of the Sites is set out in Eilering 1 §§3.2 – 3.9 [C/1/23-24]. Additional detail in respect of the Shell Petrol Stations is set out in the Fourth Witness Statement of Benjamin Austin, dated 14 March 2024 (“*Austin 4*”) §2.1 [PRB1/46/3029 -3039] (and

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<sup>3</sup> This provision, where it applies, requires the Court to be satisfied that “*the applicant has taken all practicable steps to notify the respondent*” if the respondent is neither present nor represented.



more fully set out in his first (3 May 2022), second (10 May 2022) and third (30 March 2023) witness statements).

23. There has never been any dispute as to Shell's entitlement to the relief sought in respect of the Sites: see, most recently, the Cotter Judgment at [2]. Therefore, this is not dealt with further here.

**(iii) The Undertaking Offers**

24. On 16 October 2023, Shell's solicitors wrote to 29 of the 30 (one individual is deceased) individuals who were identified as having been arrested in connection with protest incidents at Acton Vale, Action Park and Cobham Services and invited the individuals with an opportunity to provide an undertaking to the Court in the form annexed to the letter: AJO4 §3.2.9 [PS4/29/1609]. The form of the undertaking is the same as that which was considered and endorsed by Cotter J in *National Highways v Persons Unknown* [2023] EHC 1073 and appended at Annex B of that judgment.

25. Shell's solicitors then sent a further letter on 16 November 2023 to those individuals that had not provided an undertaking. In total, 14 individuals provided undertakings, leaving 15 named individuals that Shell sought to join to the proceedings: AJO4 §3.2.11 [PS4/29/1610]. Subsequently, on 5 March 2024 (ahead of the renewal hearing), another defendant subsequently provided an undertaking: AJO5 §4 [PS3/27/1461]. 14 individuals were then joined to the proceedings.

26. Most recently, when serving the exhibit to Eilering 1, Shell's solicitors simultaneously offered a further opportunity to the Named Defendants, on 2 July 2024, to provide an undertaking: AJO10 [PSB/12/468-9].

27. Only one of the Named Defendants - Louise Harris (D3) - has offered such an undertaking (on 26 September 2024) [SB/11]. The acceptance of such an undertaking is ultimately a matter for the Court (see Cotter J at [113] of *National Highways*) but the undertakings have been offered on the basis that Shell suggests that the Third Defendant may be released from being a Defendant on the basis that the undertaking can be accepted. On that basis, Shell invites the Court to remove the Third Defendant as a party to the Petrol Stations Claim pursuant to CPR r.19(1) or (11) and to permit it to make the necessary amendment to the Re-Amended Claim Form and Re-Amended Particulars of Claim. This offer remains open to all remaining Named Defendants.

**(iv) The Defendants**

28. Haven and Tower Claims – D1 are PU.

29. Petrol Stations Claim:

- a. D1 are PU.
- b. The Named Defendants are those individuals who were joined by the Soole J Order having been arrested for alleged or on suspicion of criminal damage and/or aggravated trespass and/or conspiracy to destroy or damage property and/or wilful obstruction of the highway and/or causing a public nuisance and/or being in possession of an offensive weapon at the Petrol Station Sites in connection with certain environmental protest groups. The nature of the direct action is pleaded in the Re-Amended Particulars of Claim [MB/L/7650-7661] and is considered further below.
- c. Shell seeks a final injunction against the remaining Named Defendants who have been invited to provide undertakings but have failed or refused to do so. The effect is that there remain 13 Named Defendants against whom the injunction is sought.

**(v) The Original Threat**

30. The threat which provoked the Claims in April / May 2022 and the applications for the interim injunctions was disruptive protest under the banners of JSO, Youth Climate Swarm Movement, Extinction Rebellion and Scientist Rebellion, which are associated with, and have grown out of, other climate protest movements. Johnson J described the groups at [9]) [AB/4/138]:

“Insulate Britain, Just Stop Oil and Extinction Rebellion are environmental protest groups that seek to influence government policy in respect of the fossil fuel industry, so as to mitigate climate change. These groups say that they are not violent. I was not shown any evidence to suggest that they have resorted to physical violence against others. They are, however, committed to protesting in ways that are unlawful, short of physical violence to the person. Their public websites demonstrate this, with references to “civil disobedience”, “direct action”, and a willingness to risk “arrest” and “jail time”.

31. The background, factual allegations and the basis on which the original Petrol Stations Claim order was sought, as they stood on 13 May 2022, are fully set out in the *Johnson Judgment* at [10] – [17] [AB/1/6-8].

32. The background to the original Tower Claim order and Haven Claim order was sought is set out in the *Hill Judgment* at [12] – [17]. The basis of Shell’s view that there was

a real and imminent risk of unlawful activity directed at these three Shell entities and the wider Shell group of companies is fully set out in:

- a. Brown 1 [PRB9/78/6504-6518] and Brown 2 [PRB7/64/5887-5892] made in respect of the Haven Claim; and
- b. Garwood 1 [PRB8/76/6411-6418] and Garwood 2 [PRB7/67/5931-6001] made in respect of the Tower Claim.

33. Essentially:

- a. Autumn 2021 - a number of direct action protests took place, which involved the blocking of major roads in the UK, including the M25, including by activists gluing themselves to roads, immovable objects, or each other. This resulted in National Highways being granted a number of injunctions, which were breached many times and committal proceedings followed.
- b. Spring 2022 – direct action protests involving similar tactics re-commenced, but directed at the fossil fuel industry rather than the road network, including at assets owned by the Shell group of companies with the apparent aim of causing maximum disruption to Shell’s lawful activities and thereby generate publicity for their protest movement. In August 2022, JSO promised that such activities would continue “*until the government makes a statement that it will end new oil and gas projects in the UK*”<sup>4</sup> Unsurprisingly, that statement was not forthcoming.

**(v) Review hearing before Hill J**

34. The factual basis for the continuation of the injunctions pursuant to the Hill Orders is fully set out in the *Hill Judgment* [AB/3]:

- a. in respect of Haven, the evidence showed a significant number of incidents in relation to oil refinery sites between August 2022 and February 2023: at [30];
- b. in respect of Tower, the evidence suggested that Bennathan J’s injunction had had a deterrent effect. However, it continued to be a prime location for protests and corporate buildings more broadly, had been the target of unlawful activity since the injunction was made: at [31];

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<sup>4</sup> <https://www.independent.co.uk/climate-change/news/just-stop-oil-m25-petrol-station-cobham-b2151462.html>

c. in respect of Petrol Stations:

- i. there had been two incidents affecting ten petrol stations during the relevant period in which fuel pumps were vandalised, customers' access to the forecourt was blocked and on the first of these dates protestors super glued themselves to the forecourt; and
- ii. the evidence described a significant number of incidents of direct-action protest against the wider Shell business and the wider oil and gas industry and operators within it: at [32] – [34].

35. Even though, at the time of the hearing, there did not appear to have been any direct unlawful action at Haven or Tower, Hill J was satisfied that that the well-documented background of past direct-action protest targeted at sites owned or operated by those involved in or connected with the oil industry and past statements of intention by protest campaign groups to engage in confrontational direct-action activities were sufficient evidence of a continued threat that justified the continuation of the injunctions and that they continued to have a deterrent effect.

**(vi) Review hearing before Cotter J**

36. In April 2024, Cotter J was satisfied that there was “a *real and continuing risk of imminent and unlawful activities if the orders were discharged*” (the *Cotter Judgment* at [46]).

37. When considering the risk of further activities, it was said to be significant that:

- a. first, “*the named defendants and those within the groups identified as likely unless restrained to engage in conduct likely to be unlawful have in no sense gone away or changed their views*”: at [40];
- b. second, there had been no material reduction in risk since the Hill Orders and there had been ongoing protestor activity. More specifically (at [41]):

“There have been 63 separate protests at Shell Tower since the April renewal hearing. Apart from three incidents in June 2023 when protesters accessed the entrance to the Tower, these appear, I say no more, to have been lawful protests. I pause to observe that this is also of significance as it gives credence to the claimants' repeated assertion that it does not seek to prevent protesters from undertaking lawful peaceful protests, whether or not such protests arise near to its premises. It also highlights how it is possible to protest against the use of fossil fuels without infringing the rights of the claimants or others.”

- c. third, the Protest Groups had made comments reiterating that this is “*an indefinite campaign of civil resistance*” and (in March 2024) that “*non violent civil resistant to a harmful state will continue with coordinated radical actions*”: at [43];
- d. fourth, that the Named Defendants could have but had failed or refused to give undertakings despite having been repeatedly invited to do so, which provided an insight into their mindset (noting the observations of Linden J in the *Esso Petroleum* case (at [45])):

“it would have been easy for Defendants to give assurances or evidence to the court that there was no intention to carry out direct action at the various sites, but a decision was taken not to do so. As I have indicated in other cases, this provides an insight into the mindset of those who would, unless restrained, engage in unlawful activities with the aim of halting the Claimants’ business in fossil fuels.”

See also *Esso Petroleum* at [67], per Linden J [AB/16].

**(vii) Other injunctions granted against environmental protestors**

- 38. There have been a number of interim and final injunctions granted in relation to direct action threatened by environmental protestors. These include but are not limited to, most recently<sup>5</sup>:
  - a. 9 July 2024: an interim injunction was granted by Julian Knowles J in *Heathrow Airport Limited v Persons Unknown* (Claim No: KB-2024-002210).
  - b. 5 July 2024: an injunction was granted by HHJ Coe K.C. in *Manchester Airport Plc and ors v Persons Unknown* (Claim No: KB-2024-002132)
  - c. 20 June 2024: an interim injunction was granted by Julian Knowles J in *London City Airport Ltd and ors v Persons Unknown* (Claim No: KB-2024-001765).
  - d. 15 May 2024: an interim injunction was granted by Ritchie J in *High Speed Two (HS2) Ltd v Persons Unknown [2024] EWHC 1277 (KB)*.
  - e. 26 January 2024: a final injunction was granted by Ritchie J in *Valero Energy Ltd v PU [2024] EWHC 134 (KB)*.
  - f. 6 October 2023: a final injunction was granted by Mr Simon Gleeson in *UK Oil Pipelines Ltd v PU (unreported)*.

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<sup>5</sup> These are not included in the authorities bundles.

- g. 31 August 2023: a final injunction was granted by Linden J in *Esso Petroleum Company Ltd v PU* [2023] EWHC 1837 (KB).
- h. 14 July 2023: an interim injunction was granted by Sweeting J in *North Warwickshire BC v PU* [2023] EWHC 1719 (KB). The Judge found that the claimant was “likely” to obtain an injunction at trial pursuant to s.12(3) HRA 1998.
- i. 23 May 2023: a final injunction was granted against JSO in *Transport for London v Lee* [2023] EWHC 1201 (KB) (Eyre J).
- j. 3 May 2023: a final injunction granted against Insulate Britain in *Transport for London v PU* [2023] EWHC 1038 (KB) (Morris J).

see also Prichard-Gamble 2 at §7.4 [C/48/3228].

#### **D. CONTINUED THREAT**

##### **(i) The Threat**

39. It is Shell’s position that there exists a continued threat of the torts complained of occurring at the Sites and a real risk that without the protection of the injunctions, unlawful activity would resume. This is on the basis of:
- a. The past direct action that occurred in and around the Sites which led to the Claims and the grant of the Original Orders.
  - b. The content of witness evidence of Eilering 1 §§8.3-8.8 [C/236-38] (see also Prichard-Gamble 2 at §§2.4-2.5 [PRB1&2/48/3210]), namely that since the grant of the Original Orders, these three Shell entities, the wider Shell business and the wider oil and gas industry and operators have continued to be key targets for direct action, some of which is unlawful.
  - c. The Defendants’ failure to give an undertaking despite having been offered the opportunity to do so on numerous occasions or to provide any assurances that they will no longer target Shell by engaging in direct-action protest.
  - d. The clear indications that the Protest Groups plan to continue their campaigns and direct action for the foreseeable future. As recently as June 2024, one of the groups - JSO - has repeated its statements that supporters will continue to take action to “demand necessary change” [C/3/349] that this UK government “end

*the extraction and burning of oil, gas and coal by 2030” [C/3/319] and continue “the resistance” if the Government fails to “sign up to a legally binding treaty to phase out fossil fuels by 2030” [C/3/329]: see also [C/2/22]; [C/3/319].*

- e. This is in addition to recent incidents of direct action at UK airports (see above) involving alleged criminal damage and aggravated trespass, arrests and civil injunctions [C/3/322, 330] and other direct action (summarised at [C/2/27-35]) including at universities and statements by student members of JSO that “[t]his November, hundreds of students are coming to London – this is going to be the biggest episode of civil disobedience this country has ever since. Be there, November 12<sup>th</sup>” [C/3/252; 351-352].

40. Shell has prepared a chronology detailing the incidents which they have been able to identify since the Cotter Orders were granted of direct-action protest against these three Shell entities, the wider Shell business and the wider oil/gas industry and operators within it (including organisations connection to the use of (and funding towards the use of) fossil fuels generally). As Eilering 1 sets out at §4.2 [C/2/25, this chronology shows:

- a. there have not been any incidents of unlawful breach of the Orders at any of the locations covered by the current injunctions;
- b. protests have regularly occurred outside Shell’s premises, most often Tower and occasionally with significant numbers of protestors being present;
- c. protestors continue to target Shell senior executives as part of a more recent tactic employed by activists and such actions can be extreme (for example, senior executives have previously received death threats via social media<sup>6</sup>, and doorstepped outside of Shell premises); and
- d. protest activity – unlawful and lawful - targeting the wider oil and gas industry and the use of fossil fuels generally continues unabated and is far from reaching a conclusion.

41. In addition, over the course of 2023, protestors also turned some of their attention to large-scale sporting and other high-profile events: Eilering 1 §6 [C/2/33]. The nature of the incidents and the extremity (in some cases) of the lengths protestors are willing to go to is further evidence that some individuals remain willing to carry out unlawful

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<sup>6</sup> Albeit such threats are rarely credible.

activity to advance their campaign. These campaigns show no sign of stopping: Eilering 1 §§4.7-8 [C/2/26].

42. As Linden J put it in *Esso Petroleum* at [67]:

“it appears that the effect of the various injunctions which have been granted in this case and others has been to prevent or deter them from taking the steps prohibited by the orders of the court although, of course, not invariably so. If, therefore, an injunction is refused in the present case the overwhelming likelihood is that protests of the sort which were seen in 2021/2022 will resume.”

**(ii) The Harm**

43. The gravity of the potential harm and some of the anticipated consequences of unlawful protest activity and the broader impact of such activity at the Sites is further addressed in the *Johnson Judgment* at [18] – [19] [AB/1/7-8].

44. In summary:

- a. Haven and the Shell Petrol Stations store significant quantities of highly flammable petroleum products. If the injunctions were not in place, there is a real risk of a potentially very serious or fatal incident which would cause grave and irremediable harm to the protestors, Shell’s staff and/or the public which would be incapable of *ex post facto* remedy: Prichard-Gamble 1 at §6.10 [PRB/x]; see also Prichard-Gamble 2 at §3.10 [PRB1&2/48/3212] and Eilering 1 at §7 [C/2/35-6]; [51] of the *Cotter Judgment* (“*the health and safety risks, if triggered, could cause serious or fatal injuries*”).
- b. Further unlawful activity at Shell Centre Tower presents an unacceptable risk of continuing and significant danger to the health and safety of staff, contractors, the general public and others: Prichard-Gamble 2 at §§3.3-3.5 [PRB1&2/48/3211]; *Hill Judgment* at [17] [AB/3/17].
- c. The direct action which is to be prohibited would cause Shell and others to suffer loss and damage which could not be adequately compensated for: Eilering 1 at §§7.1-7.5 [C/2/36].

45. It is clear from the evidence that unlawful protest at the Sites remains a continuing and real threat and that the consequences of such activity remain just as serious as before: Prichard-Gamble 2 at §§6.1-6.3 [PRB1&2/48/3226]; see also *Johnson Judgment* at [34] [AB/5/145] and *Hill Judgment* at [134] – [136] [AB/3/46].



46. The risk of future harm was carefully considered by Hill J who accepted Shell's evidence that:

“(i) the incidents described demonstrate a clear nationwide targeting of members of the wider Shell group of companies and its business operations since April/May 2022; (ii) such demonstrations will continue for the foreseeable future; and (iii) the injunctions need to be extended as they provide a strong deterrent effect and mitigate against the risk of harm which unlawful activities at the sites would otherwise give rise to. Unlawful activity at the sites presents an unacceptable risk of continuing and significant danger to the health and safety of staff, contractors, the general public and other persons visiting them.”

See *Hill Judgment* at [39] [AB/3/34].

47. In April 2024, Cotter J was satisfied that nothing had changed since then and the evidence of events that have taken place since the granting of the Cotter Orders provides clear grounds for the continuation of the Original Orders by the grant of final anticipatory injunctions.

## **E. GENERAL PRINCIPLES**

### **(i) Final Injunctions**

48. The jurisdiction to grant both interim and final injunctions is founded in s.37 of the Senior Courts Act 1981, which confers power on the High Court to grant such injunctions “*in all cases in which it appears to the court to be just and convenient to do so*” and “*on such terms and conditions as the court thinks fit*”.

49. In law, a landowner whose title is not disputed is *prima facie* entitled to an injunction to restrain a threatened or apprehended trespass on his land: see **Snell's Equity (34th ed)** at para 18-012. As the claims are for anticipatory injunctions, based on the fear of an actionable wrong, Shell must prove that there is a real and imminent risk of the defendant causing the torts feared, not that the torts have already been committed, per Longmore LJ in *Ineos Upstream v Boyd* [2019] 4 WLR 100 at [34(1)]; Sir Julian Flaux in *National Highways v PUs* [2023] 1 WLR 2088.

### **(ii) Substantive and procedural requirements in PU Cases**

50. The test to be applied when granting a final injunction in the context of protests against PU (including newcomers) is not materially altered by the decision of the Supreme

Court in *Wolverhampton CC v London Gypsies and Travellers* [2024] 2 WLR 45 [AB/x]<sup>7</sup>.

51. The Supreme Court confirmed that injunctions can be granted against PU, including “newcomers”: at [167] [AB/13/466] and expressly stated (at [235]) [AB/13/481] that:

“nothing we have said should be taken as prescriptive in relation to newcomer injunctions in other cases, such as those directed at protestors who engage in direct action by, for example, blocking motorways, occupying motorway gantries or occupying HS2’s land with the intention of disrupting construction”.

52. The following seven *Canada Goose* guidelines (at [82]) [AB/7/211] remain good law<sup>8</sup>, must still be satisfied in claims for protest injunctions against PU and have been applied in all subsequent protest injunction cases<sup>9</sup>:

“(1) The “persons unknown” defendants in the claim form are, by definition, people who have not been identified at the time of the commencement of the proceedings. If they are known and have been identified, they must be joined as individual defendants to the proceedings. The “persons unknown” defendants must be people who have not been identified but are capable of being identified and served with the proceedings, if necessary by alternative service such as can reasonably be expected to bring the proceedings to their attention. In principle, such persons include both anonymous defendants who are identifiable at the time the proceedings commence but whose names are unknown and also Newcomers, that is to say people who in the future will join the protest and fall within the description of the “persons unknown”.

(2) The “persons unknown” must be defined in the originating process by reference to their conduct which is alleged to be unlawful.

(3) Interim injunctive relief may only be granted if there is a sufficiently real and imminent risk of a tort being committed to justify quia timet relief.

(4) As in the case of the originating process itself, the defendants subject to the interim injunction must be individually named if known and identified or, if not and described as “persons unknown”, must be capable of being identified and served with the order, if necessary by alternative service, the method of which must be set out in the order.

(5) The prohibited acts must correspond to the threatened tort. They may include lawful conduct if, and only to the extent that, there is no other proportionate means of protecting the claimant's rights.

(6) The terms of the injunction must be sufficiently clear and precise as to enable persons potentially affected to know what they must not do. The prohibited acts must not, therefore, be described in terms of a legal cause of action, such as trespass or harassment or nuisance. They may be defined by reference to the defendant's intention if that is strictly necessary to correspond to the threatened tort and done in nontechnical language which a defendant is capable of understanding and the intention is capable of proof without undue complexity. It is better practice, however, to formulate the

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<sup>7</sup> See in particular at [167], and then expanded upon at [188]-[189] and [218]-[232]. The case involved traveller injunctions which are different to protestor cases because local authorities have duties in relation to travellers.

<sup>8</sup> See e.g. Ritchie J in *Valero* at [57].

<sup>9</sup> *Canada Goose v PU* [2020] 1 WLR 2802. Although it was an interim injunction case, there is no relevant jurisdictional difference between interim and final injunctions: *Wolverhampton* at [139], [151], [167] and [178].

injunction without reference to intention if the prohibited tortious act can be described in ordinary language without doing so.

(7) The interim injunction should have clear geographical and temporal limits. It must be time limited because it is an interim and not a final injunction. We shall elaborate this point when addressing Canada Goose's application for a final injunction on its summary judgment application.”

53. The Supreme Court identified a number of other factors (at [167], [187] – [188], [218] – [236]), but those are materially the same as those developed in *Canada Goose* at [82]. The position is conveniently summarised by Ritchie J in *Valero* (at [58]) [AB/14/513] and those additional factors are addressed below.

54. The Supreme Court made it clear that (at [236]) [AB/13/482]:

“Often the circumstances of these cases vary significantly one from another in terms of the range and number of people who may be affected by the making or refusal of the injunction sought; the legal right to be protected; the illegality to be prevented; and the rights of the respondents to the application. The duration and geographical scope of the injunction necessary to protect the applicant’s rights in any particular case are ultimately matters for the judge having regard to the general principles we have explained” [emphasis added].

#### **F. THE FINAL INJUNCTION – SUBMISSIONS**

55. The relief sought by Shell in the grant of final injunctions is materially identical to the relief obtained in the Hill and Cotter Orders, save for duration. For ease of reference, the Claims are addressed together below, on the basis that the issues and legal principles applicable to each Order are identical and the evidential foundation for the continuation is materially similar. Where there are specific issues relating to individual Orders, those are identified below.

56. In summary, Shell submits that:

- a. in respect of the Haven and Tower claims, they have established a relevant cause of action, namely trespass to land and private nuisance; and
- b. in respect of the Petrol Stations Claim, they have established a relevant cause of action, namely the tort of conspiracy to injure.
- c. the criteria in *Canada Goose* and *Wolverhampton* are satisfied;
- d. the defences advanced must fail, even by reference to Articles 9, 10 and 11 ECHR.
- e. the requirements of an anticipatory injunction are satisfied.

#### **(i) Substantive requirements**

## (1) Cause of Action

57. Shell has clearly identified civil causes of action in the claim form and particulars of claim.
58. In respect of the Haven and Tower Claims, Shell relies on trespass to land and private nuisance (for a description of tort of private nuisance, see *HS2 Ltd v Persons Unknown* [2022] EWHC 2360 (KB) at [85], per Knowles J) [AB/10/303].
59. In respect of the Petrol Stations Claim, the Claimant relies on the tort of conspiracy by unlawful means<sup>10</sup>. The Claimant relies on this tort in circumstances where the Shell Petrol Stations have attracted a coordinated campaign of protest intended to harm the claimant economically and impede its ability to carry out its lawful business: see analysis in *Esso Petroleum* at [23], [38], [67] – [68]; see also *Johnson Judgment* at [26]. The ingredients of that tort are identified in *Cuadrilla Bowland Ltd v Persons Unknown* [2020] EWCA Civ 9; [2020] 4 WLR 29 per Leggatt LJ at [18]: (a) an unlawful act by the defendant, (b) with the intention of injuring the claimant, (c) pursuant to an agreement with others, (d) which injures the claimant.
60. As to (a), the torts which form the subject of the Order involve interference with rights in land and goods where those rights are being exercised for the benefit of the claimant. To establish the tort of conspiracy to injure, it is not necessary to show that the underlying unlawful conduct is actionable by the claimant: see *Johnson Judgment* at [29]. As to (b), as Johnson J pointed out at [30], the intention of the Defendants' unlawful activities is plain from their conduct and from the published statements on the websites of the protest groups: it is to disrupt the sale of fuel in order to draw attention to the contribution that fossil fuels make to climate change. They are not solitary activities but are protests involving numbers of activists acting in concert. They therefore apparently undertake their protest activities in agreement with one another, as required by (c), and (d) is satisfied on the basis that loss is occasioned because, amongst other things, the petrol stations are unable to sell the Claimant's fuel.

## (2) Full and Frank Disclosure (*Wolverhampton* at [219])

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<sup>10</sup> The Claimant does not have a sufficient degree of control or possession of the whole of the land where unlawful activity is anticipated to enable it to plead trespass to land or nuisance against the individuals concerned. Neither does it have necessary ownership of all of the items targeted and damaged to allege trespass to goods.

61. As demonstrated by their evidence, Shell and its legal team have evidenced full and frank disclosure.

(3) Sufficient evidence to prove the claim / Is there a sufficiently real and imminent risk of damage so as to justify the grant of what is a precautionary injunction?

62. It is only appropriate to grant the injunction<sup>11</sup> if there is a sufficiently “real” and “imminent” risk of a tort being committed to justify precautionary relief (see above and, for example, *Canada Goose* at [82(3)]).

63. The evidence before the Court shows the position remains the same as that assessed by Hill J in April 2023 (at [147]) (and adopted by Cotter J in April 2024 at [40] – [46]), namely that:

“unless restrained by injunctions the Defendants will continue to act in breach of the Claimants’ rights; that there continues to be a real and imminent risk of future harm; and that the harm which might eventuate is sufficiently “grave and irreparable” that damages would not be an adequate remedy: see *Vastint Leeds BV v PU* [2018] EWHC 2456 (Ch) at [31(4)(d)], per Marcus Smith J at [31(3)((d)].”

64. It is relevant that on each of the occasions that the Claims have come before the Court in these proceedings, the judges have found that Shell was “likely to succeed at trial”.

65. It is also relevant that in recent cases (see paragraph 38 above) brought by those in the energy sector, the Courts have been satisfied that there continues to be a sufficiently real and imminent risk of direct action to justify maintaining the injunctive relief.

66. Any reduction in activity as a result of the interim injunctions do not undermine Shell’s entitlement to a final injunction. Shell remains a prominent target for protest activity and invites the Court to adopt the assessment of Ritchie J in *Valero* (at [64]) [AB/14/516]:

“I find that the reduction or abolition of direct tortious activity against the Claimants’ 8 Sites was probably a consequence of the interim injunctions which were restraining the PUs connected with the 4 Organisations and that it is probable that without the injunctions direct tortious activity would quickly have recommenced and in future would quickly recommence”.

67. The observation of Cotter J (paragraph 37(d) above) is also relevant here, namely that it would have been very easy for the Protest Groups to give assurances or evidence to the Court that there was no intention to carry out direct action at the Sites but that they did not do so: at [45].

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<sup>11</sup> See fn10 above.

68. Further, in relation to the Petrol Stations Claim, the Court is invited to draw an inference that a person refusing to provide the undertaking which had been suggested by the Claimant is someone who continues to pose a risk of the direct action protests currently prohibited by the injunction.

#### (4) Defences

69. Two defences have been filed in respect of the Petrol Stations Claim by D7 and D8) – these are dealt with in accordance with paragraph 55 above.

70. In so far as those defences are understood, it is maintained that:

- a. the Order amounts to an unlawful interference with their Article 9, 10 and 11 ECHR rights;
- b. the actual loss and disruption are entirely proportional to the acts committed by Shell in pursuit of its business; and
- c. the Aarhus Convention protects environmental protests from excessive use of the law and these defendants are effectively being tried twice for the same acts of protest.

#### ECHR Rights

71. As to Article 9, the Claimant submits there is no interference with the Defendants' rights to manifest their beliefs. Even if that were not the case, then it can be assumed the analysis below applies equally to any interference with Article 9.

72. As to Articles 10 and 11, this is a re-run of the argument made by Leading Counsel on behalf of an interested party at the contested hearing before Hill J. The Court has previously found that there is no unjustifiable interference with the Claimant's rights under Articles 10 and 11 and the position is unchanged.

73. The Petrol Stations Order has been carefully circumscribed so as to prohibit only unlawful activity and (as expressly stated in the recitals to each of the Orders) its purpose is not to prohibit any lawful protest. Johnson J was satisfied (as was Hill J) that it interferes with rights of expression and assembly, but it does not impact on the core of those rights and that the Defendants are not prevented from congregating and expressing their opposition to Shell's conduct (including in a loud or disruptive fashion, in a location close to Shell sites), so long as it is not done in a way which involves

unlawful conduct: [36] of the *Johnson Judgment*; see also at [176] of the *Hill Judgment*.

74. The Court is invited to adopt Hill J's reasoning and conclusions at [179] – [180] (as Cotter J did at [59]):

- a. *“the injunctions strike a fair balance between the Defendants’ rights to assembly and expression and the Claimants’ rights: they protect the Claimants’ rights insofar as is necessary to do so but not further;*
- b. *“the interferences with the Defendants’ rights of free assembly and expression caused by the injunctions are necessary for and proportionate to the need to protect the Claimants’ rights.”*

75. It is also relevant that the injunctions sought by Shell relate solely to private land. The ECHR rights do not confer a right to enter onto private land: **DPP v Cuciurean [2022] EWHC 736 (Admin)**, [45] and [76]-[77]; **Ineos** at [36] (Longmore LJ).

76. As such, this defence should be dismissed.

*Proportionality of loss to acts being committed by Shell*

77. The crux of the defence here is that the Court should not grant the final injunctions because the actual loss and disruption flowing from the prohibited activities is *“entirely proportional to the acts being committed by the claimant[s] in pursuit of their business.”*

78. Similar arguments have been considered and rejected before. The Petrol Stations Order protect the Claimant’s AIP1 rights and the right to engage in a lawful business without tortious interference. As Johnson J put it (at [57] of the *Johnson Judgment*):

“The defendants might say that there is an overwhelming global scientific consensus that the business in which the claimant is engaged is contributing to the climate crisis and is thereby putting the world at risk, and that the claimant’s interests pale into insignificance by comparison. This is not, however, “a particularly weighty factor: otherwise judges would find themselves according greater protection to views which they think important” – *City of London v Samede* [2012] EWCA Civ 160 [2012] 2 All ER 1039 per Lord Neuberger at [41]. It is not for the court, on this application, to adjudicate on the important underlying political and policy issues raised by these protests. It is for Parliament to determine whether legal restrictions should be imposed on the trade in fossil fuels. That is why the defendants’ actions are directed at securing a change in Government policy. The claimant is entitled to ask the court to uphold and enforce its legal rights, including its right to engage in a lawful business without

tortious interference. Those rights are prescribed by law and their enforcement is necessary in a democratic society. The aim of the injunction is therefore sufficiently important to justify interferences with the defendants' rights of assembly and expression: cf *Ineos Upstream v Persons Unknown* [2017] EWHC 2945 per Morgan J at [105] and § per Leggatt LJ at [45] and [50]" [emphasis added].

See also *Hill Judgment* at [174].

79. Shell's rights are prescribed by law and their enforcement is necessary in a democratic society. Conversely, the Defendants' interference with these rights is not prescribed by law. There is no relevant legal proportionality assessment to be conducted by the Court here.

80. As such, this defence should also be dismissed.

#### Existence of criminal offences and the Aarhus Convention

81. This defence was signposted by D8 (orally) at the Cotter J hearing and can be broken down into two parts (see Ireland and Laurie Defences §2 :

- a. First, "*fear of prosecution will prevent the unlawful activity which is prohibited by their terms. Where the criminal law provides that conduct will be an offence, with the potential for significant penalties, including imprisonment, the civil law does not need to provide additional protection*": *Cotter Judgment* at [25].
- b. Second, the Aarhus Convention protects environmental protests from excessive use of the law and this is a case where the Defendants are being tried twice (i.e. in both the civil and criminal jurisdictions) for the same act of protest.

82. In response to the first, the relevant context is the Public Order Act 2023 ("**the 2023 Act**"), which came into force on 3 May 2023 (after the Hill J Orders). The Court is referred to Cotter J's consideration of authority at [25]-[34] of the *Cotter Judgment* and his analysis at [35] – [38]:

- a. there has been some reluctance on the part of the courts to order civil injunctions when parallel statutory or criminal processes are available;
- b. civil orders differ from criminal proceedings in that they address *prospective* behaviour so that damage or harm is avoided. Criminal proceedings (if brought,



this being a matter out of the control of the party<sup>12</sup> potentially subject to harm or damage) ordinarily deal with matters once the damage or harm has occurred, save for inchoate offences. They are also likely to be more protracted;

- c. however, where there are no statutory alternatives preventing *future* conduct and the position is the reliance upon subsequent criminal action as a deterrent, the argument in favour of the ability to use a civil injunction is stronger;
- d. the evidence shows that some of the unlawful activity to date has clearly been “criminal”, such as criminal damage, but the existence of these offences was clearly not a sufficient deterrent: see also Eilering 1 at §8.5 [C/2/37-8]. As such, it cannot be safely assumed that the introduction of new offences will guarantee continued compliance with the Orders;
- e. this is the case in which the Claimants are able to rely on their right to possession/to control access to their property (save that in respect of some of the Petrol Stations, they do not hold the leasehold / freehold interest but control the use of its branding and own equipment used for dispensing fuel at the site). In such circumstances, such a claimant has the right to seek an injunction and the existence of criminal proceedings cannot displace that: see Lord Neuberger MR in the *Mayor of London v Hall* [2011] 1 WLR 504 at [52] – [57].
- f. as to the scope of the 2023 Act, it does not cover all of the unlawful acts which form the subject of the Orders in any event and cannot be said to provide sufficient protection:
  - i. the unlawful activity has included activity beyond locking-on, and section 7 only covers the key national infrastructure and not all of the property covered by the Orders;
  - ii. the maximum sentence for the offences under sections 1, 2 or 7 is no more than 12 months (in some cases just a fine), whereas the maximum penalty for contempt for breach of an order is much greater at two years, so a much greater deterrent.

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<sup>12</sup> A point made in the hearing before Cotter J was that bringing criminal proceedings is often reliant on police resources. In Shell’s experience, the Shell injunctions were actually obtained initially because the police asked Shell to provide assistance to them in view of the onerous burden they were facing. That situation is exacerbated given current additional demands on police resources.

83. The Court is invited to adopt the same reasoning and analysis as Cotter J (at [38]), namely that the existence of criminal offences that could prevent criminal activity *may* be a matter relevant to the exercise of the Court’s discretion at the final hearing. However, it cannot be put any higher than that. It is certainly not a “*knockout punch*” as regards the grant of the final orders. Indeed, final orders within the same context have been granted by the Court since the coming into force of the 2023 Act: see, for example, *Valero, HS2 (2024)* and the airport cases (see above).
84. For completeness, a materially identical argument was also recently considered and did not justify the refusal of an injunction in *HS2 (2024)* above. The context was a review hearing of a route-wide interim injunction granted to prohibit unlawful interference by known defendants and PUs with the claimants' work on building the HS2 railway. One of the defendants submitted that the 2023 Act had created new criminal offences such that there was no need for the continuation of the civil injunction, as the claimants had an alternative remedy through the criminal statute: at [38]. The Court approached the review of an interim injunction by considering, on the evidence, whether anything material has changed: at [32].
85. As part of that exercise, Ritchie J considered that new criminal offences, which had come into force since the grant of the previous injunction to deter and punish protesters taking direct action, with penalties including imprisonment, constituted clear and obvious changes which are material to the interim injunction: at [39]. He took the matter into account in determining the question as to whether the claimant had provided sufficient evidence to prove the claim/likely to succeed at trial and compelling justification to continue the injunction: at [44]. The judge nevertheless extended the *interim* injunction for 12 months, although limited it to a particular phase of the works and land: at [45]; [63]. This “defence” was not the reason for that limitation<sup>13</sup>.
86. As to the reliance on the Aarhus Convention (Full title: The United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters), the defence is unclear, which leaves the Claimant having to anticipate what might be said.
87. To the extent the complaint is related to the existence of both civil and criminal liability for the same acts, this is dealt with above.

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<sup>13</sup> See [27], [55].

88. To the extent that the defence goes further than that, and it is contended that the Aarhus Convention protects environmental protestors from excessive use of the law, that is misconceived. This is an unincorporated treaty<sup>14</sup> such that two principles of “constitutional orthodoxy” reign supreme:

- a. domestic courts have no jurisdiction to construe or apply treaties which have not been incorporated into national law; they are effectively non-justiciable;
- b. such treaties, unless incorporated into domestic law, are not part of that law and therefore cannot be given direct effect to create rights and obligations under national or municipal law.

See *R (SG) v Secretary of State for Work and Pensions* [2015] 1 WLR 1449 at [90].

89. As such, this defence should also be dismissed.

(5) Is there a compelling justification (*Wolverhampton* at [188]) / Does the balance of convenience otherwise lie in favour of the grant of the order?

90. As damages are not an adequate remedy and the cross-undertaking is adequate protection for the Defendants, it is not necessary separately to consider the balance of convenience: see *Johnson Judgment* at [38] [AB/1/15]. In any event, the Court is invited to adopt Hill J (at [141] – [144]) and Cotter J’s (at [52]) reasoning and conclusion - the balance of convenience is in favour of continuing the relief. There is a “compelling justification” for the injunction against PUs to restrain unlawful activity at the Sites and protect Shell’s AIP1 rights.

(6) Are the interferences with the Defendants’ rights of free assembly and expression necessary for and proportionate to the need to protect the Claimants’ rights: Articles 10(2) and 11(2), read with the HRA, section 6(1)?

91. As set out above, all three injunctions interfere with the Defendants’ rights under Articles 10(1) and 11(1): see *Hill Judgment* at [172]. However, such interferences can be justified where they are necessary and proportionate to the need to protect Shell’s rights. As Lord Sales JSC explained in *DPP v Ziegler* [2022] AC 408 at [125] [AB/9/274] the test is as follows:

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<sup>14</sup> It should be noted that part of the Aarhus Convention has been implemented via the provisions relating to the legal cost of environmental challenges: see CPR Part 46.

“...the interference must be “necessary in a democratic society” in pursuance of a specified legitimate aim, and this means that it must be proportionate to that aim. The four-stage test of proportionality applies: (i) Is the aim sufficiently important to justify interference with a fundamental right? (ii) Is there a rational connection between the means chosen and the aim in view? (iii) Was there a less intrusive measure which could have been used without compromising the achievement of that aim? (iv) Has a fair balance been struck between the rights of the individual and the general interest of the community, including the rights of others?”.

92. Shell invites the judge to adopt the analysis of Hill J (at paragraph 74 above) (as followed by Cotter J at [59]) - interference with the Defendants’ rights in the form of the final injunctions is necessary for and proportionate to the need to protect Shell’s rights.

(7) Damages not an adequate remedy: would damages be an inadequate remedy for the Claimants and would a cross-undertaking in damages adequately protect the Defendants?

93. The Court is invited to adopt, as Cotter J did (at [51]), Hill J’s reasoning and conclusions: [137] - [140] of the *Hill Judgment*. Given the sorts of sums involved and the practicality of obtaining damages, the latter would not be an adequate remedy. There remains no evidence that the Defendants have the financial means to satisfy an award of damages. More importantly, the health and safety risks, if triggered, could cause serious and/or fatal injuries for which damages would not be adequate. The Petrol Stations Claim involves economic torts and no evidence has been put forward of the Defendants’ finances or ability to satisfy any damages. Conversely, Shell has offered a cross-undertaking in damages (see e.g. First Schedule to Petrol Stations Claim draft Order [SB/6]) in case this becomes necessary and has the means to satisfy any such order, which would be an adequate remedy for the Defendants (see *Wolverhampton* at [234]).

**(ii) Procedural requirements**

(8)(a) Are the Defendants identified in the claim forms and the injunctions by reference to their conduct: *Canada Goose* at [82(2)]; *Wolverhampton* at [221]?

94. The Court is invited to adopt the reasoning and conclusions of Hill J at [170] (adopted by Cotter J at [58]) that the descriptions of the PU are sufficiently precise to identify the relevant Defendants in circumstances where the descriptions target their conduct. Where possible, the descriptions also refer to clearly defined geographical boundaries.

(8)(b) The Defendants having not been identified, are they in principle, capable of being identified and served with the orders: *Canada Goose* at [82(1)] and [82(4)]; *Wolverhampton* at [221]?

95. Shell has taken active steps to identify persons falling within the PU description and indeed there are now 14 Named Defendants<sup>15</sup> who have been joined to the Petrol Stations Claim.

96. In line with its duty to the Court, in the event that final Orders are made, Shell will continue to undertake to join any other persons identified as falling within the PU description to the relevant order as soon as reasonably practicable, following the provision of their names and addresses by the police. The position remains as found by Hill J at [169]:

“when people take part in protests at the relevant sites, they are, in principle, capable of being identified and that there is a process in place focussed on achieving that. Such persons can then be personally served with court documents. In the meantime, effective alternative service on the Persons Unknown Defendants can take place in a manner that can reasonably be expected to bring the proceedings to their attention.”

(9)(a) Are the terms of the injunctions sufficiently clear and precise: *Canada Goose* at [82(6)]; and *Wolverhampton* at [222]?

97. The Claimant seeks final Orders on materially identical terms to the previous orders which have been carefully considered on a number of occasions. The original terms were varied in some relatively minor respects by Hill J and she accepted that the terms of the Orders were sufficiently clear and precise (at [154] – [156]). The terms were reconsidered and approved by Cotter J in April 2024 at [55].

9(b) Do the terms of the Orders only include lawful conduct if there is no other proportionate means of protecting the Claimant’s rights: *Canada Goose* at [78] and [82(5)]; and *Wolverhampton* at [223]?

98. Hill J found [at 153]):

“Each injunction contains an order making clear that it is not intended to prohibit behaviour which is otherwise lawful. To the extent that it does, the same is a proportionate means of protecting the Claimant’s rights for the reasons given under sub-issue (10) below.”

99. The relevant reasons are those set out under sub-issue (5) above: see also *Hill Judgment* at [171]—[180] and paragraph 10 above.

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<sup>15</sup> Shell now invites the court to remove D3 following the provision of an undertaking, as set out above.

(10) Scope of the Order: do the prohibited acts correspond to the threatened tort: *Canada Goose* at [82(5)]; *Wolverhampton* at [222]?

100. The prohibitions in the final injunctions mirror the anticipated torts identified in the Claims in the same way as previous orders. The Court is invited to adopt the reasoning and conclusions of Hill J at [150] – [153] (as adopted by Cotter J at [54]).

101. The question of whether the terms of the Order properly reflects the elements of the tort of conspiracy to injure (the Petrol Stations Claim) was considered and dealt with at the contested 2023 Review Hearing<sup>16</sup>. Hill J found the acts prohibited in the Petrol Stations Order correspond to the torts underlying the overarching tort of conspiracy to injure and necessarily amount to conduct that constitutes the tort of conspiracy to injure, when the injunction is read as a whole (at [151]). She determined the language in the Petrol Stations Order was appropriate: at [152] [AB/3/48]. The language in the present draft is the same.

(11)-(12) Do the injunctions have clear geographical and temporal limits: *Canada Goose* at [82(7)]; *Wolverhampton* at [167(iv)] and [225]?

102. As to the geographical limits (see Cotter J at [56]),
- a. the extent of the Haven and Tower injunctions is made clear by the plans appended to them;
  - b. in respect of the Petrol Stations injunction, the geographical area was revised by Hill J to more clearly delineate where the scope of the injunction ends and the public highway over which the injunction does not apply begins. The Court is being asked to continue the Order on the same terms and is invited to adopt the reasoning and conclusion of Hill J at [159]. The injunction applies to those “*directly blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station forecourt to a building within the Shell petrol station*” and Hill J found that that wording renders the Petrol Stations Order sufficiently geographically specific as it makes it clear that the area of focus is the petrol station forecourts.

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<sup>16</sup> The Claim Form and Particulars of Claim have been amended to mention the torts of trespass to land, trespass to goods and nuisance and clarify the pleaded case in response to [124] of the Hill Judgment [MB/L/7627].

103. As to temporal limits, Shell seeks a final injunction for a period of five years<sup>17</sup> with a backstop of 23:59 on 12 November 2029, subject to annual review: see draft Order at [SB/6]

(13) Service / Have all practical steps been taken to notify the Defendants: HRA1998, s.12(2) / Compliance with requirement to ‘advertise’ the application in advance and give effective notice: *Wolverhampton* at [226]-[227]?

104. The proceedings, the evidence and the draft order have been served on PUs by alternative means which have been considered and sanctioned by the Court: see section B above.

105. The evidence shows that Shell has complied with the service requirements and with s.12(2) HRA 1998 in respect of all Defendants.

(14) The right to set aside or vary: *Wolverhampton* at [167(ii)]

106. The Orders provides the PUs with the right to set aside or vary the injunction on 48 hours’ notice.

(15) Review

107. The Orders provide for an annual review, which is consistent with other orders granted in similar contexts.

**(iii) Conclusion**

108. For the reasons set out above, it is submitted that it is appropriate to extend the injunctions in the manner sought by Shell.

**G. ALTERNATIVE SERVICE PROVISIONS AND PROPOSED VARIATIONS**

109. The alternative methods of service which have already been endorsed by the Court in relation to the Defendants remain applicable and the Court is invited to expressly continue such methods.

**H. CONCLUSION**

110. For the reasons set out above, it is submitted the continuation of the injunctions is necessary to protect against the unlawful protest action being resumed. The

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<sup>17</sup> This is consistent with comments made by a number of environmental groups demanding the UK government end the extraction and burning of oil, gas and coal by 2030: See paragraph 39 above and [C/3/16; 319]; [PRB/49/4016].

continuation of the injunctions also provides the police and Shell with the ability to take swifter and substantive action if and when such unlawful activity does resume.

111. In the circumstances, Shell invites the Court to grant the final Orders sought, or such other orders as the Court thinks fit.

**MYRIAM STACEY K.C.**

**JOEL SEMAKULA**

**LANDMARK CHAMBERS**

**16 October 2024**



Claim No: QB-2022-001241 (“Haven Claim”)

Claim No: QB-2022-001259 (“Tower Claim”)

Claim No: QB-2022-001420 (“Petrol Stations Claim”)

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

B E T W E E N :

(1) SHELL U.K. LIMITED

Claimant: (QB-2022-001241)

(2) SHELL INTERNATIONAL PETROLEUM COMPANY LIMITED

Claimant (QB-2022-001259)

(3) SHELL U.K. OIL PRODUCTS LIMITED

Claimant (QB-2022-001420)

- and -

PU AND ORS

[more fully described in the Relevant Claim Form]

Defendants

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CLAIMANTS’ SKELETON ARGUMENT

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N244

# Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

<b>Name of court</b> High Court Of Justice  King's Bench Division		<b>Claim no.</b> QB-2022-001241/ 001259/001420
<b>Fee account no.</b> (if applicable)	<b>Help with Fees – Ref. no.</b> (if applicable) <b>H W F</b> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>	
<b>Warrant no.</b> (if applicable)		
<b>Claimant's name</b> (including ref.) (1) Shell U.K. Limited (2) Shell International Petroleum Company Limited (3) Shell U.K. Oil Products Limited 356009.000001/Oldfield		
<b>Defendant's name</b> (including ref.) Persons Unknown (as more fully described in the relevant claim form)		
<b>Date</b>	10 October 2024 QB-2022-001420	



Sub Event ID: 116

1. What is your name or, if you are a legal representative, the name of your firm?

Eversheds Sutherland (International) LLP

2. Are you a  Claimant  Defendant  Legal Representative  
 Other (please specify)

If you are a legal representative whom do you represent?

Claimants

3. What order are you asking the court to make and why?

1. The Claimants to continue to have permission to serve documents by alternative means pursuant to CPR6.15, CPR 6.27 and CPR 81.4(c) in accordance with the terms of previous orders granted in each of these proceedings  
2. To grant the Claimant in QB-2022-001420 permission to remove the Third Defendant (Harris) from proceedings pursuant to CPR r.19(4)(1),(11) and upon the Third Defendant having provided an undertaking that she will not breach the terms of the injunction.  
3. The Claimant in QB-2022-001420 be granted permission to amend the Re-Amended Claim Form and Re-Amended Particulars of Claim to strike out Ms Harris as the Third Defendant.

4. Have you attached a draft of the order you are applying for?  Yes  No

5. How do you want to have this application dealt with?  
 at a hearing  without a hearing  
 at a remote hearing

6. How long do you think the hearing will last?  
 Hours  Minutes  
Is this time estimate agreed by all parties?  Yes  No

7. Give details of any fixed trial date or period

To be considered at the final hearing currently listed to take place for 1.5 days on 21/22 October 2024

8. What level of Judge does your hearing need?

Judge

9. Who should be served with this application?

Defendants in each claim

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

Please see Schedule of email addresses in draft order provided with this application

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

1. The Claimants have been given permission to serve documents in these proceedings by alternative means. The Claimants apply for continued permission to serve documents by those alternative means (including any final injunction order) and in a manner that is consistent with previous orders of the Court.

2. On 26 September 2026 the Third Defendant (Harris) in the claim QB-2022-001420 provided a signed undertaking confirming that she will not engage in conduct that will breach the terms of the injunction. A copy of the signed undertaking is at Annex 1 to this application. The Claimant accordingly seeks to remove the Third Defendant from the claim.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

No

## Statement of Truth

**I understand that proceedings for contempt of court may be brought against a person 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 believe** that the facts stated in section 10 (and any continuation sheets) are true.

**The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

### Signature

*Alison Oldfield*

Applicant

Litigation friend (where applicant is a child or a Protected Party)

Applicant's legal representative (as defined by CPR 2.3(1))

### Date

Day

10

Month

10

Year

2024

### Full name

Alison Oldfield

### Name of applicant's legal representative's firm

Eversheds Sutherland (Intl) LLP

### If signing on behalf of firm or company give position or office held

Partner

Applicant's address to which documents should be sent.

**Building and street**

Bridgewater Place, Water Lane

**Second line of address**

**Town or city**

Leeds

**County (optional)**

**Postcode**

L S 1 1 5 D R

**If applicable**

**Phone number**

020 7497 9797

**Fax phone number**

020 7919 4919

**DX number**

DX 12027 Leeds - 27

**Your Ref.**

356009.000001/Oldfield

**Email**

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION

Claim No. QB-2022-001241

Before:

On:

BETWEEN

SHELL U.K. LIMITED

Claimant

- and -

PERSONS UNKNOWN ENTERING OR REMAINING AT THE CLAIMANT'S SITE KNOWN AS  
SHELL HAVEN, STANFORD-LE-HOPE (AND AS FURTHER DEFINED IN THE PARTICULARS  
OF CLAIM) WITHOUT THE CONSENT OF THE CLAIMANT, OR BLOCKING  
THE ENTRANCES TO THAT SITE

Defendant

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DRAFT ORDER

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PENAL NOTICE

IF YOU, THE DEFENDANTS, DISOBEY THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

IMPORTANT NOTICE TO 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.

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 to be in contempt of Court and may be imprisoned, fined or have their assets seized.

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 on his instructions or with his encouragement.

You have the right to ask the Court to vary or discharge this Order (which is explained below)

RECITALS

**UPON** the final hearing pursuant to paragraph 15 of the Order of Cotter J dated 24 April 2024

**AND UPON** hearing from Leading Counsel for the Claimant [and hearing submissions from Ms Ireland and Mr Laurie who are unrepresented and no other defendant appearing or being represented]

**AND UPON** the Claimant giving the undertaking set out in the First Schedule to this Order

**IT IS ORDERED:**

**DEFINITIONS:**

1. the "**Shell Haven Injunction Order**" means the Order of Cotter J dated 24 April 2024 in these proceedings
2. "**Shell Haven**" means the parts of the Claimant's land known as Shell Haven, Stanford-Le-Hope, Essex which are enclosed or bounded by fences, gates, gateways and parts of the River Thames. The general location of the said boundaries are shown in red and/or blue on the plan appended to this Order in the Third Schedule and marked "Plan of Shell Haven Site"
3. "**Warning Notice**" means a notice substantially in the form as set out in the Fourth Schedule to this Order (warning of the existence and general nature of this Order, the consequences of breaching it, identifying a point of contact and contact details from which copies of the Order may be requested and identifying the website address (<https://www.noticespublic.com/>) at which copies of this Order may be viewed and downloaded)

**INJUNCTION**

4. Subject to the annual review referred to in paragraph 14, with immediate effect until 23:59 on [12 November 2029], unless varied, discharged or extended by further order, the Defendants and each of them must not do any of the acts listed in paragraphs 5 and 6 of this Order in express or implied agreement with any other person.
5. The acts referred to above are:
  - a. entering or remaining upon any part of Shell Haven without the consent of the Claimant;
  - b. blocking access to any of the gateways to Shell Haven the locations of which are identified and marked blue on "Plan 1" and "Plan 2" which are appended to this Order in the Third Schedule;
  - c. causing damage to any part of Shell Haven whether by:
    - i. affixing themselves, or any object, or thing, to any part of Shell Haven, or to any other person or object or thing on or at Shell Haven;
    - ii. erecting any structure in, on or against Shell Haven;
    - iii. spraying, painting, pouring, sticking or writing with any substance on or inside any part of Shell Haven; or
    - iv. otherwise.
6. A Defendant who is ordered not to do something must not do it himself/herself/themselves or in any other way. He/she/they must not do it by means of another person acting on his/her/their behalf, or acting on his/her/their instructions, or by another person acting with his/her/their encouragement.



## **SERVICE OF THIS ORDER**

7. Pursuant to CPR 6.15 and 6.27 and CPR 81.4(c) and (d), service of this Order shall be validly effected upon the Defendants as follows:
  - a. replacing each of the warning notices which are currently affixed at the entrances around the perimeter of Shell Haven with a Warning Notice;
  - b. procuring that a Warning Notice is uploaded to [www.shell.co.uk](http://www.shell.co.uk);
  - c. Sending an email to each of the addresses set out in the Second Schedule of this Order providing a link to and, specifically notifying them that a copy of the Warning Notice and this Order is available at, <https://www.noticespublic.com/>;
  - d. uploading a copy of this Order to <https://www.noticespublic.com/>;
  - e. sending a link to [www.noticespublic.com](http://www.noticespublic.com) data site where this Order has been uploaded to any person or their solicitor who has previously requested a copy of documents in these proceedings from the Claimant or its solicitors, either by post or email (as was requested by that person).
8. Pursuant to CPR 6.15 and 6.27, service of this Order shall:
  - a. be verified by the completion of a certificate of service to be filed by the Claimant with the Court or a witness statement verified by a statement of truth in accordance with CPR r.22(1)(b);
  - b. be deemed to be served on the latest date on which all the methods of service referred to in paragraph 7 above have been completed (such date shall be specified by the certificate of service).
9. The taking of such steps as are set out in paragraph 7 shall be good and sufficient service of this Order upon the Defendants and each of them.
10. The Court will provide sealed copies of this Order to the Claimant's solicitors for service (whose details are set out below).

## **SERVICE OF FUTURE DOCUMENTS**

11. Pursuant to CPR 6.15 and 6.27 and CPR 81.4(c) and (d), service of any further document in these proceedings upon the Defendants (other than any Defendant who is subsequently named in these proceedings), shall be validly effected by:
  - a. Sending an email to each of the email addresses listed in the Second Schedule to this Order and providing a link to and notifying them that copies of such documents are available at, <https://www.noticespublic.com/>
  - b. Uploading it to <https://www.noticespublic.com/>
  - c. Sending a link to the documents on the <https://www.noticespublic.com/> datasite to any person (or their solicitor) who has previously requested a copy of documents in these proceedings from the Claimant or its solicitors, either by post or email (as was requested by that person)
12. Such service shall be deemed effective on the latest date on which all of the steps in paragraph 11 have been completed.

## **LIBERTY TO APPLY AND FURTHER DIRECTIONS**

13. Any person affected by this Order may apply to the Court at any time to vary or discharge it or any part (including in relation to the methods of alternative service) but if they wish to do so they must inform the Claimant's solicitors by email to the address specified below [48 hours] before making such application of the nature of such application and the basis for it. Such person must provide their full name and address, and address for service to the Claimant's solicitors on the details below and to the Court and must, if appropriate, also apply to be joined as a Defendant to these proceedings at the same time.

14. There shall be, subject to Court availability, for so long as this Order is in force, a hearing to annually review this final injunction Order to determine whether any material change has arisen since the granting of this Order that provides grounds for declining to continue the injunction as set out in paragraphs 4- 6 above. Such annual reviews shall take place at a hearing to be listed no later than 1 month before the anniversary of this Order. The Claimant shall liaise with the Court to list any such hearing and provide a suggested time estimate and provide the Defendants with the notice of hearing as soon as practicable in accordance with paragraph 11 above.
15. The Claimant shall have permission to file and serve any further evidence not less than 14 days before the review hearing.
16. The Claimant shall file (by hard copy and electronic means) and serve (by electronic means only) two copies of the hearing bundle in a form compliant with the Kings Bench Division Guide 2023 by no later than 7 days before the review hearing.
17. Skeleton arguments shall be filed at Court, with a bundle of authorities, not less than 3 days before the review hearing.
18. The Parties have liberty to apply to extend this Order or to seek further directions.

#### **[COSTS**

19. ]

#### **COMMUNICATION WITH THE CLAIMANT**

The Claimant's solicitors and their contact details are as follows:

Eversheds Sutherland (International) LLP  
Bridgewater Place, Water Lane, Leeds LS11 5DR  
Reference: OLDFIEA/SHELL  
[shell.service@eversheds-sutherland.com](mailto:shell.service@eversheds-sutherland.com)

### **First Schedule**

The Claimant gave the following undertaking to the Court:

1. To pay any damages which the Defendants (or any other party served with or notified of this Order) shall sustain as a result of the making of this Order, and which the Court considers ought to be paid.

**Second Schedule**  
**(list of email addresses)**

1. **EXTINCTION REBELLION UK**
- 1.1 <mailto:enquiries@extinctionrebellion.uk>
- 1.2 [press@extinctionrebellion.uk](mailto:press@extinctionrebellion.uk)
- 1.3 [xrvideo@protonmail.com](mailto:xrvideo@protonmail.com)
- 1.4 [xr-action@protonmail.com](mailto:xr-action@protonmail.com)
- 1.5 [xraffinitysupport@protonmail.com](mailto:xraffinitysupport@protonmail.com)
- 1.6 [xr-arrestwelfare@protonmail.com](mailto:xr-arrestwelfare@protonmail.com)
- 1.7 [artsxr@gmail.com](mailto:artsxr@gmail.com)
- 1.8 [xr-CitizensAssembly@protonmail.com](mailto:xr-CitizensAssembly@protonmail.com)
- 1.9 [xr.connectingcommunities@gmail.com](mailto:xr.connectingcommunities@gmail.com)
- 1.10 [xrdemocracy@protonmail.com](mailto:xrdemocracy@protonmail.com)
- 1.11 [xrnotables@gmail.com](mailto:xrnotables@gmail.com)
- 1.12 [integration@rebellion.earth](mailto:integration@rebellion.earth)
- 1.13 [xr-legal@riseup.net](mailto:xr-legal@riseup.net)
- 1.14 [press@extinctionrebellion.uk](mailto:press@extinctionrebellion.uk)
- 1.15 [xr-newsletter@protonmail.com](mailto:xr-newsletter@protonmail.com)
- 1.16 [xr-peoplesassembly@protonmail.com](mailto:xr-peoplesassembly@protonmail.com)
- 1.17 [xrpoliceliaison@protonmail.com](mailto:xrpoliceliaison@protonmail.com)
- 1.18 [rebelringers@rebellion.earth](mailto:rebelringers@rebellion.earth)
- 1.19 [xr.regenerativeculture@gmail.com](mailto:xr.regenerativeculture@gmail.com)
- 1.20 [xr-regionaldevelopment@protonmail.com](mailto:xr-regionaldevelopment@protonmail.com)
- 1.21 [RelationshipsXRUK@protonmail.com](mailto:RelationshipsXRUK@protonmail.com)
- 1.22 [xr.mandates@gmail.com](mailto:xr.mandates@gmail.com)
- 1.23 [socialmedia@extinctionrebellion.uk](mailto:socialmedia@extinctionrebellion.uk)
- 1.24 [xrsocialmediaevents@gmail.com](mailto:xrsocialmediaevents@gmail.com)
- 1.25 [eventsxr@gmail.com](mailto:eventsxr@gmail.com)
- 1.26 [xrbristol.regional@protonmail.com](mailto:xrbristol.regional@protonmail.com)
- 1.27 [xrcymru@protonmail.com](mailto:xrcymru@protonmail.com)
- 1.28 [xr.eastengland@protonmail.com](mailto:xr.eastengland@protonmail.com)

- 1.29 [xrlondoncoord@gmail.com](mailto:xrlondoncoord@gmail.com)
- 1.30 [XRMidlands@protonmail.com](mailto:XRMidlands@protonmail.com)
- 1.31 [xrne@protonmail.com](mailto:xrne@protonmail.com)
- 1.32 [support@xrnorth.org](mailto:support@xrnorth.org)
- 1.33 [xrni@rebellion.earth](mailto:xrni@rebellion.earth)
- 1.34 [xrscotland@gmail.com](mailto:xrscotland@gmail.com)
- 1.35 [XR-SouthEastRegionalTeam@protonmail.com](mailto:XR-SouthEastRegionalTeam@protonmail.com)
- 1.36 [xr.regional.sw@protonmail.com](mailto:xr.regional.sw@protonmail.com)
- 1.37 [talksandtraining.xrbristol@protonmail.com](mailto:talksandtraining.xrbristol@protonmail.com)
- 1.38 [xrcymrutalksandtraining@gmail.com](mailto:xrcymrutalksandtraining@gmail.com)
- 1.39 [eoexrtnt@protonmail.com](mailto:eoexrtnt@protonmail.com)
- 1.40 [xrlondoncommunityevents@gmail.com](mailto:xrlondoncommunityevents@gmail.com)
- 1.41 [xrmidlandstraining@protonmail.com](mailto:xrmidlandstraining@protonmail.com)
- 1.42 [XRNE.training@protonmail.com](mailto:XRNE.training@protonmail.com)
- 1.43 [xrnw.training@gmail.com](mailto:xrnw.training@gmail.com)
- 1.44 [xryorkshire.training@gmail.com](mailto:xryorkshire.training@gmail.com)
- 1.45 [xrni.tt@rebellion.earth](mailto:xrni.tt@rebellion.earth)
- 1.46 [talksandtrainings.scotland@extinctionrebellion.uk](mailto:talksandtrainings.scotland@extinctionrebellion.uk)
- 1.47 [xrttse@gmail.com](mailto:xrttse@gmail.com)
- 1.48 [xrsw.trainings@gmail.com](mailto:xrsw.trainings@gmail.com)
- 2. **JUST STOP OIL**
- 2.1 [Ring2021@protonmail.com](mailto:Ring2021@protonmail.com)
- 2.2 [juststopoil@protonmail.com](mailto:juststopoil@protonmail.com)
- 2.3 [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)
- 3. **YOUTH CLIMATE SWARM**
- 3.1 [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)

**Third Schedule  
Plans of Shell Haven Site**





**Fourth Schedule**  
**Form of Warning Notice**  
**SHELL U.K. LIMITED**

**Important**  
**Notice**

**High Court of Justice - Claim No QB-2022-  
001241**

On                    2024 and following a final hearing held on [21/22] October 2024, a final injunction was made by the High Court of Justice prohibiting anyone from entering on or remaining at any part of Shell Haven, Stanford-Le-Hope, Essex (the "**Site**") without the owners' permission (the "**Order**").

The Order prohibits:

1. Entering or remaining upon any part of the Site without the consent of Shell U.K. Limited
2. Blocking access to any of the gateways to the Site;
3. Causing damage to any part of the Site whether by:
  - a. Affixing themselves, or any object, or thing, to any part of the Site or to any other person or object or thing on or at the Site
  - b. Erecting any structure in, on or against the Site
  - c. Spraying, painting, pouring, sticking or writing with any substance on or inside any part of the Site; or
  - d. otherwise.

You must not do any of the above acts either yourself or by means of another person acting on your behalf, instructions or encouragement.

**Anyone in breach of the Order will be in contempt of court and may be imprisoned, fined or have their assets seized. The persons affected by the Order are Persons Unknown undertaking any of the prohibited actions listed.**

**This means that you must not do any of these things, or go  
beyond this notice and enter this Site without permission.**

**If you do, you may be sent to prison or have your assets  
seized.**

Any person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform Shell U.K. Limited's solicitors by email to the address specified below 48 hours before making such application of the nature of such application and the basis for it.

Copies of the relevant court documents relating to the Order, including a copy of the Order, may be viewed:-

- (i) at <http://www.noticespublic.com/>
- (ii) by contacting Alison Oldfield at Eversheds Sutherland (International) LLP on 020 7919 4500 or by email at [shell.service@eversheds-sutherland.com](mailto:shell.service@eversheds-sutherland.com).



IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION

Claim No. QB-2022-001259

**Before:**

**On:**

**BETWEEN**

**SHELL INTERNATIONAL PETROLEUM COMPANY LIMITED**

**Claimant**

**- and -**

**PERSONS UNKNOWN ENTERING OR REMAINING IN OR ON THE BUILDING KNOWN AS SHELL CENTRE TOWER, BELVEDERE ROAD, LONDON ("SHELL CENTRE TOWER") WITHOUT THE CONSENT OF THE CLAIMANT, OR DAMAGING THE BUILDING OR DAMAGING OR BLOCKING THE ENTRANCES TO THE SAID BUILDING**

**Defendant**

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**DRAFT ORDER**

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**PENAL NOTICE**

**IF YOU, THE DEFENDANTS, DISOBEY THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.**

**IMPORTANT NOTICE TO 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.**

**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 to be in contempt of Court and may be imprisoned, fined or have their assets seized.**

**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 on his instructions or with his encouragement.**

**You have the right to ask the Court to vary or discharge this Order (which is explained below)**

**RECITALS**

**UPON** the final hearing pursuant to paragraph 15 of the Order of Cotter J dated 24 April 2024

**AND UPON** hearing from Leading Counsel for the Claimant [and hearing submissions from Ms Ireland and Mr Laurie who are unrepresented and no other defendant appearing or being represented]

**AND UPON** the Claimant giving the undertaking set out in the First Schedule to this Order

**IT IS ORDERED:**

**DEFINITIONS:**

1. the "**Shell Centre Tower Injunction Order**" means the Order of Cotter J dated 24 April 2024 in these proceedings
2. "**Shell Centre Tower**" means the building outlined in red and/or blue on the plan which is attached to this Order (but including any canopy) marked "BUILDING PLAN" known as and situated at Shell Centre Tower, Shell Centre, Belvedere Road, London.
3. "**Warning Notice**" means a notice substantially in the form as set out in the Fourth Schedule to this Order (warning of the existence and general nature of this Order, the consequences of breaching it, identifying a point of contact and contact details from which copies of the Order may be requested and identifying the website address (<https://www.noticespublic.com/>) at which copies of this Order may be viewed and downloaded)

**INJUNCTION**

4. Subject to the annual review referred to in paragraph 14, with immediate effect until 23:59 on [12 November 2029], unless varied, discharged or extended by further order, the Defendants and each of them must not do any of the acts listed in paragraphs 5 and 6 of this Order in express or implied agreement with any other person.
5. The acts referred to above are:
  - a. entering or remaining upon any part of the Shell Centre Tower without the consent of the Claimant;
  - b. blocking access to any of the doors which provide access and egress to and from the Shell Centre Tower;
  - c. causing damage to any part of the Shell Centre Tower whether by:
    - i. affixing themselves, or any object, or thing, to any part of the Shell Centre Tower, or to any other person or object or thing on or in Shell Centre Tower;
    - ii. erecting any structure in, on or against Shell Centre Tower;
    - iii. spraying, painting, pouring, sticking or writing with any substance on or inside any part of Shell Centre Tower; or
    - iv. otherwise.
6. A Defendant who is ordered not to do something must not do it himself/herself/themselves or in any other way. He/she/they must not do it by means of another person acting on his/her/their behalf, or acting on his/her/their instructions, or by another person acting with his/her/their encouragement.

**SERVICE OF THIS ORDER**

7. Pursuant to CPR 6.15 and 6.27 and CPR 81.4(c) and (d), service of this Order shall be validly effected upon the Defendants as follows:
  - a. replacing each of the warning notices which are currently affixed at the entrances around the perimeter of Shell Centre with a Warning Notice;
  - b. procuring that a Warning Notice is uploaded to [www.shell.co.uk](http://www.shell.co.uk);
  - c. Sending an email to each of the addresses set out in the Second Schedule of this Order providing a link to and, specifically notifying them that a copy of the Warning Notice and this Order is available at, <https://www.noticespublic.com/>
  - d. uploading a copy of this Order to <https://www.noticespublic.com/>
  - e. sending a link to the [www.noticespublic.com](http://www.noticespublic.com) data site where this Order has been uploaded to any person (or their solicitor) who has previously requested a copy of documents in these proceedings from the Claimant or its solicitors, either by post or email (as was requested by that person).
8. Pursuant to CPR 6.15 and 6.27, service of this Order shall:
  - a. be verified by the completion of a certificate of service to be filed by the Claimant with the Court or a witness statement verified by a statement of truth in accordance with CPR r.22(1)(b); and
  - b. be deemed to be served on the latest date on which all the methods of service referred to in paragraph 7 above have been completed (such date shall be specified by the certificate of service).
9. The taking of such steps as are set out in paragraph 7 shall be good and sufficient service of this Order upon the Defendants and each of them.
10. The Court will provide sealed copies of this Order to the Claimant's solicitors for service (whose details are set out below).

#### **SERVICE OF FUTURE DOCUMENTS**

11. Pursuant to CPR 6.15 and 6.27 and CPR 81.4(c) and (d), service of any further document in these proceedings upon the Defendants (other than any Defendant who is subsequently named in these proceedings) shall be validly effected by:
  - a. Sending an email to each of the email addresses listed in the Second Schedule to this Order and providing a link to and notifying them that copies of such documents are available at, <https://www.noticespublic.com/>
  - b. Uploading it to <https://www.noticespublic.com/>
  - c. Sending a link to the documents on <https://www.noticespublic.com/> to any person (or their solicitor) who has previously requested a copy of documents in these proceedings from the Claimant or its solicitors, either by post or email (as was requested by that person)
12. Such service shall be deemed effective on the latest date on which all of the steps in paragraph 11 have been completed.

#### **LIBERTY TO APPLY AND FURTHER DIRECTIONS**

13. Any person affected by this Order may apply to the Court at any time to vary or discharge it or any part (including in relation to the methods of alternative service) but if they wish to do so they must inform the Claimant's solicitors by email to the address specified below [48 hours] before making such application of the nature of such application and the basis for it. Such person must provide their full name and address, and address for service to the

Claimant's solicitors on the details below and to the Court and must, if appropriate, also apply to be joined as a Defendant to these proceedings at the same time

14. There shall be, subject to Court availability, for so long as this Order is in force, a hearing to annually review this final injunction Order to determine whether any material change has arisen since the granting of this Order that provides grounds for declining to continue the injunction as set out in paragraphs 4-6 above. Such annual reviews shall take place at a hearing to be listed no later than 1 month before the anniversary of this Order. The Claimant shall liaise with the Court to list any such hearing and provide a suggested time estimate and provide the Defendants with the notice of hearing as soon as practicable in accordance with paragraph 11 above.
15. The Claimant shall have permission to file and serve any further evidence not less than 14 days before the review hearing.
16. The Claimant shall file (by hard copy and electronic means) and serve (by electronic means only) two copies of the hearing bundle in a form compliant with the Kings Bench Division Guide 2023 by no later than 7 days before the review hearing.
17. Skeleton arguments shall be filed at Court, with a bundle of authorities, not less than 3 days before the review hearing.
18. The Parties have liberty to apply to extend this Order or to seek further directions.

**[COSTS**

19. ]

**COMMUNICATION WITH THE CLAIMANT**

The Claimant's solicitors and their contact details are as follows:

Eversheds Sutherland (International) LLP  
Bridgewater Place, Water Lane, Leeds LS11 5DR  
Reference: OLDFIEA/SHELL  
[shell.service@eversheds-sutherland.com](mailto:shell.service@eversheds-sutherland.com)

### **First Schedule**

The Claimant gave the following undertaking to the Court:

1. To pay any damages which the Defendants (or any other party served with or notified of this Order) shall sustain as a result of the making of this Order, and which the Court considers ought to be paid.

**Second Schedule**  
**(list of email addresses)**

1. **EXTINCTION REBELLION UK**
- 1.1 [enquiries@extinctionrebellion.uk](mailto:enquiries@extinctionrebellion.uk)
- 1.2 [press@extinctionrebellion.uk](mailto:press@extinctionrebellion.uk)
- 1.3 [xrvideo@protonmail.com](mailto:xrvideo@protonmail.com)
- 1.4 [xr-action@protonmail.com](mailto:xr-action@protonmail.com)
- 1.5 [xraffinitysupport@protonmail.com](mailto:xraffinitysupport@protonmail.com)
- 1.6 [xr-arrestwelfare@protonmail.com](mailto:xr-arrestwelfare@protonmail.com)
- 1.7 [artsxr@gmail.com](mailto:artsxr@gmail.com)
- 1.8 [xr-CitizensAssembly@protonmail.com](mailto:xr-CitizensAssembly@protonmail.com)
- 1.9 [xr.connectingcommunities@gmail.com](mailto:xr.connectingcommunities@gmail.com)
- 1.10 [xrdemocracy@protonmail.com](mailto:xrdemocracy@protonmail.com)
- 1.11 [xrnotables@gmail.com](mailto:xrnotables@gmail.com)
- 1.12 [integration@rebellion.earth](mailto:integration@rebellion.earth)
- 1.13 [xr-legal@riseup.net](mailto:xr-legal@riseup.net)
- 1.14 [press@extinctionrebellion.uk](mailto:press@extinctionrebellion.uk)
- 1.15 [xr-newsletter@protonmail.com](mailto:xr-newsletter@protonmail.com)
- 1.16 [xr-peoplesassembly@protonmail.com](mailto:xr-peoplesassembly@protonmail.com)
- 1.17 [xrpoliceliaison@protonmail.com](mailto:xrpoliceliaison@protonmail.com)
- 1.18 [rebelringers@rebellion.earth](mailto:rebelringers@rebellion.earth)
- 1.19 [xr.regenerativeculture@gmail.com](mailto:xr.regenerativeculture@gmail.com)
- 1.20 [xr-regionaldevelopment@protonmail.com](mailto:xr-regionaldevelopment@protonmail.com)
- 1.21 [RelationshipsXRUK@protonmail.com](mailto:RelationshipsXRUK@protonmail.com)
- 1.22 [xr.mandates@gmail.com](mailto:xr.mandates@gmail.com)
- 1.23 [socialmedia@extinctionrebellion.uk](mailto:socialmedia@extinctionrebellion.uk)
- 1.24 [xrsocialmediaevents@gmail.com](mailto:xrsocialmediaevents@gmail.com)
- 1.25 [eventsxr@gmail.com](mailto:eventsxr@gmail.com)
- 1.26 [xrbristol.regional@protonmail.com](mailto:xrbristol.regional@protonmail.com)
- 1.27 [xrcymru@protonmail.com](mailto:xrcymru@protonmail.com)
- 1.28 [xr.eastengland@protonmail.com](mailto:xr.eastengland@protonmail.com)

- 1.29 [xrlondoncoord@gmail.com](mailto:xrlondoncoord@gmail.com)
- 1.30 [XRMidlands@protonmail.com](mailto:XRMidlands@protonmail.com)
- 1.31 [xrne@protonmail.com](mailto:xrne@protonmail.com)
- 1.32 [support@xrnorth.org](mailto:support@xrnorth.org)
- 1.33 [xrni@rebellion.earth](mailto:xrni@rebellion.earth)
- 1.34 [xrscotland@gmail.com](mailto:xrscotland@gmail.com)
- 1.35 [XR-SouthEastRegionalTeam@protonmail.com](mailto:XR-SouthEastRegionalTeam@protonmail.com)
- 1.36 [xr.regional.sw@protonmail.com](mailto:xr.regional.sw@protonmail.com)
- 1.37 [talksandtraining.xrbristol@protonmail.com](mailto:talksandtraining.xrbristol@protonmail.com)
- 1.38 [xrcymrutalksandtraining@gmail.com](mailto:xrcymrutalksandtraining@gmail.com)
- 1.39 [eoexrtnt@protonmail.com](mailto:eoexrtnt@protonmail.com)
- 1.40 [xrlondoncommunityevents@gmail.com](mailto:xrlondoncommunityevents@gmail.com)
- 1.41 [xrmidlandstraining@protonmail.com](mailto:xrmidlandstraining@protonmail.com)
- 1.42 [XRNE.training@protonmail.com](mailto:XRNE.training@protonmail.com)
- 1.43 [xrnw.training@gmail.com](mailto:xrnw.training@gmail.com)
- 1.44 [xryorkshire.training@gmail.com](mailto:xryorkshire.training@gmail.com)
- 1.45 [xrni.tt@rebellion.earth](mailto:xrni.tt@rebellion.earth)
- 1.46 [talksandtrainings.scotland@extinctionrebellion.uk](mailto:talksandtrainings.scotland@extinctionrebellion.uk)
- 1.47 [xrttse@gmail.com](mailto:xrttse@gmail.com)
- 1.48 [xrsw.trainings@gmail.com](mailto:xrsw.trainings@gmail.com)

2. **JUST STOP OIL**

- 2.1 [Ring2021@protonmail.com](mailto:Ring2021@protonmail.com)
- 2.2 [juststopoil@protonmail.com](mailto:juststopoil@protonmail.com)
- 2.3 [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)

3. **YOUTH CLIMATE SWARM**

- 3.1 [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)

# Third Schedule Plans





— Tower Reception



**Fourth Schedule  
Form of Warning Notice**

**SHELL INTERNATIONAL PETROLEUM COMPANY LIMITED**

**Important Notice**

**High Court of Justice - Claim No QB-2022-  
001259**

On 2024 and following a final hearing held on [21/22] October 2024, a final injunction was made by the High Court of Justice prohibiting anyone from entering on or remaining at any part of the Shell Centre Tower, Shell Centre, Belvedere Road, London (the "**Shell Centre Tower**") without the owners' permission (the "**Order**").

The Order prohibits:

1. Entering or remaining upon any part of the Shell Centre Tower without the consent of Shell International Petroleum Company Limited
2. Blocking access to any of the doors which provide access and egress to and from the Shell Centre Tower
3. Causing damage to any part of the Shell Centre Tower whether by:
  - a. Affixing yourself, or any object, or thing, to any part of the Shell Centre Tower, or to any other person or object or thing on or in Shell Centre Tower
  - b. Erecting any structure in, on or against Shell Centre Tower
  - c. Spraying, painting, pouring, sticking or writing with any substance on or inside any part of Shell Centre Tower; or
  - d. otherwise.

You must not do any of the above acts either yourself or by means of another person acting on your behalf, instructions or encouragement.

**Anyone in breach of the Order will be in contempt of court and may be imprisoned, fined or have their assets seized. The persons affected by the Order are Persons Unknown undertaking any of the prohibited actions listed.**

**This means that you must not do any of these things, or go beyond this notice and enter Shell Centre Tower without permission.**

**If you do, you may be sent to prison or have your assets seized.**

Any person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform Shell International Petroleum Company Limited's solicitors by email to the address specified below 48 hours before making such application of the nature of such application and the basis for it.

Copies of the relevant court documents relating to the Order, including a copy of the Order, may be viewed:-

- (i) at <http://www.noticespublic.com/>
- (ii) by contacting Alison Oldfield at Eversheds Sutherland (International) LLP on 020 7919 4500 or by email at [shell.service@eversheds-sutherland.com](mailto:shell.service@eversheds-sutherland.com)

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION**

**Claim No. QB-2022-001420**

**Before:**

**On:**

**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 PROTEST CAMPAIGNS WITH THE INTENTION OF  
DISRUPTING THE SALE OR SUPPLY OF FUEL TO OR FROM THE SAID STATION**

**First Defendant**

**Louis McKechnie**

**Second Defendant**

**Louise Harris**

**Third Defendant**

**Callum Goode**

**Fourth Defendant**

**Christopher Ford**

**Fifth Defendant**

**Sean Jordan**

**(also known as Sean Irish, John Jordan, John Michael Jordan and Sean O'Rourke)**

**Sixth Defendant**

**Emma Ireland**

**Seventh Defendant**

**Charles Philip Laurie**

**Eighth Defendant**

**Michael Edward Davies also previously known as Michael Edward Jones**

**Ninth Defendant**

**Tessa-Marie Burns (also known as Tez Burns)**

**Tenth Defendant**

**Simon Reding**

**Eleventh Defendant**

**Kate Bramfit**

**Twelfth Defendant**

**Margaret Reid**

**Thirteenth Defendant**

**David Nixon**

**Fourteenth Defendant**

**Samuel Holland**

**Fifteenth Defendant**

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**DRAFT ORDER**

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**PENAL NOTICE**

**IF YOU, THE DEFENDANTS, DISOBEY THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.**

**IMPORTANT NOTICE TO 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.**

**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 to be in contempt of Court and may be imprisoned, fined, or have their assets seized.**

**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 on his instructions or with his encouragement.**

**You have the right to ask the Court to vary or discharge this Order (which is explained below)**

**RECITALS**

**UPON** the final hearing taking place on [21/22 October 2024] and pursuant to paragraph 16 of the Order of Cotter J dated 24 April 2024 (as amended on 25 April 2024 under the slip rule)

**AND UPON** hearing from Leading Counsel for the Claimant [and hearing submissions from Ms Ireland (the Seventh Defendant) and Mr Laurie (the Eighth Defendant) who are unrepresented and no other Defendant appearing]

**AND UPON** the Third Defendant giving the Claimant an undertaking in the form set out in the Fifth Schedule to this Order

**AND UPON** the Claimant giving the undertaking set out in the First Schedule to this Order

## **IT IS ORDERED:**

### **DEFINITIONS:**

1. the “**Named Defendants**” means the Second Defendant to the Fifteenth Defendant
2. the “**Shell Petrol Stations Injunction Order**” means the Order of Cotter J dated 24 April 2024 (as amended on 25 April 2024 under the slip rule) in these proceedings
3. “**Shell Petrol Station**” means all petrol stations in England and Wales displaying Shell branding (including any retail unit forming a part of such a petrol station, whatever the branding of the retail unit)
4. “**Warning Notice**” means a notice substantially in the form as set out in the Fourth Schedule to this Order (warning of the existence and general nature of this Order, the consequences of breaching it, identifying a point of contact and contact details from which copies of the Order may be requested and identifying the website address (<https://www.noticespublic.com/>) at which copies of this Order may be viewed and downloaded)

### **INJUNCTION**

5. Following the provision of an undertaking (in the form set out in the Fifth Schedule to this Order) the Third Defendant (Harris) shall be removed as a party to the claim pursuant to CPR r.19(4)(1),(11) and the Re-Amended Claim Form and the Re-Amended Particulars of Claim shall strike out Ms Harris as the Third Defendant.
6. Subject to the annual review referred to in paragraph 17, with immediate effect until 23:59 on [12 November 2029], unless varied, discharged or extended by further order, the Defendants and each of them must not do any of the acts listed in paragraphs 7 and 8 of this Order 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.
7. The acts referred to above are:
  - a. directly blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station forecourt or to a building within the Shell Petrol Station;
  - b. 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;
  - c. 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 at the Shell Petrol Station; and
  - d. causing damage to any part of a Shell Petrol Station, whether by:
    - i. affixing or locking 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;
    - ii. erecting any structure in, on or against any part of a Shell Petrol Station;
    - iii. spraying, painting, pouring, depositing or writing in any substance on to any part of a Shell Petrol Station.
8. 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, or by another person acting with his/her/their encouragement or assistance.

### **SERVICE OF THIS ORDER ON THE FIRST DEFENDANT AND NON-PARTIES**

9. Pursuant to CPR 6.15 and 6.27 and CPR 81.4(c) and (d), service of this Order (with the addresses in the Third Schedule and the social media addresses redacted) shall be validly effected on the First Defendant and any other non-parties as follows:

- a. the Claimant shall use all reasonable endeavours to arrange to affix and retain Warning Notices at each Shell Petrol Station by either Method A or Method B, as set out below:

Method A

*Warning notices, no smaller than A4 in size, shall be affixed:*

*(a) at each entrance onto each Shell Petrol Station*

*(b) on every upright steel structure forming part of the canopy infrastructure under which the fuel pumps are located within each Shell Petrol Station forecourt*

*(c) at the entry door to every retail establishment within any Shell Petrol Station*

Method B

*Warning notices no smaller than A4 in size shall be affixed:*

*(a) at each entrance onto the forecourt of each Shell Petrol Station*

*(b) at a prominent location on at least one stanchion (forming part of the steel canopy infrastructure) per set/row of fuel pumps (also known as an island) located within the forecourt of each Shell Petrol Station*

- b. Procuring that a Warning Notice is uploaded to [www.shell.co.uk](http://www.shell.co.uk);
- c. Sending an email to each of the addresses set out in the Second Schedule of this Order providing a link to and, specifically notifying them that a copy of this Order is available at, <https://www.noticespublic.com/>
- d. Uploading a copy of this Order to <https://www.noticespublic.com/>
- e. Sending a link to [www.noticespublic.com](http://www.noticespublic.com) data site where this Order is uploaded to any person or their solicitor who has previously requested a copy of documents in these proceedings from the Claimant or its solicitors, either by post or email (as was requested by that person).

10. Pursuant to CPR 6.15 and 6.27, service of this Order shall:

- a. be verified by the completion of a certificate of service to be filed by the Claimant with the Court or a witness statement verified by a statement of truth in accordance with CPR r.22(1)(b)
- b. be deemed serve on the First Defendant and any other non-parties on the latest date on which compliance with the methods of service referred to in paragraph 9a have been completed at not less than half of the Shell Petrol Stations and also paragraphs 9b to e (such date shall be specified by the certificate of service).

**SERVICE OF FUTURE DOCUMENTS ON THE FIRST DEFENDANT AND NON-PARTIES**

11. Pursuant to CPR 6.15 and 6.27 and CPR 81.4(c) and (d) service of any further document in these proceedings shall be validly effected on the First Defendant and any other non-parties by:

- a. Uploading a copy of the document to <https://www.noticespublic.com/>
- b. Sending an email to each of the addresses set out in the Second Schedule of this Order providing a link to and, specifically notifying them that a copy of the document is available at, <https://www.noticespublic.com/>

- c. Sending a link to [www.noticespublic.com/](http://www.noticespublic.com/) data site where the document is uploaded to any person or their solicitor who has previously requested a copy of documents in these proceedings from the Claimant or its solicitors, either by post or email (as was requested by that person).
12. The taking of such steps as set out in paragraph 11 above shall be good and sufficient service and deemed to be served on the First Defendant and non-parties on the latest date on which all methods of service referred to in paragraph 11 above have been completed, such date to be verified by the completion of a certificate of service or witness statement.

### **SERVICE OF THIS ORDER AND FUTURE DOCUMENTS ON NAMED DEFENDANTS**

13. Pursuant to CPR 6.15 and 6.27 and CPR 81.4(c) and (d), service of this Order (with the addresses in the Third Schedule and the social media addresses redacted) and any further document in these proceedings shall be validly effected on the Named Defendants (as the case may be and as applicable to the relevant Defendant) as follows:
  - a. In respect of the Fifth to Ninth and the Eleventh to Fourteenth Defendants, by posting of copies of this Order / the document to the last known address which was supplied to the Claimant by the relevant police authority (as set out in the Third Schedule to this Order), by first class post, special delivery and/or by hand delivery to such address (or by sending an email and providing a link to the Claimant's website (<https://www.noticespublic.com/>) and specifically noting in the message that a copy of the Order / document is available via that website to the email address which has been previously supplied to the Claimant by any Defendant for the purposes of electronic service and at which the Defendant has notified the Claimant in writing that they wish to be served pursuant to CPR Practice Direction 6A paragraph 4.1)
  - b. To the extent that it is possible to do so in practice, in respect of the Second Defendant's (McKechnie) social media account (as set out below) by providing a link to the Claimant's website (<https://www.noticespublic.com/>) and specifically noting in the message that a copy of the Order / document is available via that website:
  - c. To the extent that it is possible to do so in practice, in respect of the Third Defendant's (Harris) social media account (as set out below) by providing a link to the Claimant's website (<https://www.noticespublic.com/>) and specifically noting in the message that a copy of the Order, the Re-Re-Amended Claim Form and Re-Re-Amended Particulars of Claim only are available via that website:
  - d. To the extent that it is possible to do so in practice, in respect of the Fourth Defendant's (Goode) social media account (as set out below) by providing a link to the Claimant's website (<https://www.noticespublic.com/>) and specifically noting in the message that a copy of this Order / document is available via that website:
  - e. To the extent that it is possible to do so in practice, in respect of the Tenth Defendant's (Burns) social media account (as set out below) by providing a link to the Claimant's website (<https://www.noticespublic.com/>) and specifically noting in the message that a copy of the Order / document is available via that website:
  - f. In respect of the Fifteenth Defendant (Holland):
    - i. service of this Order shall be validly effected by carrying out the steps in accordance with paragraphs 9c and 9d;
    - ii. service of any further documents in these proceedings shall be validly effected by carrying out the steps in paragraphs 11a and 11b;

- iii. service of this Order and any further document in these proceedings shall be validly effected by carrying out the steps in 13g, from the date on which the Claimant is notified of such address.
  - g. If and to the extent the Claimant is notified by a relevant Defendant of any specific address which the relevant Defendant may be served with further documents relating to these proceedings, by posting a copy of this Order / the document to such address by first class post, special delivery and/or by hand to the address so supplied (or is supplied with an email address by the relevant Defendant for the purposes of electronic service and at which the Defendant has notified the Claimant in writing that they wish to be served pursuant to CPR Practice Direction 6A paragraph 4.1, by sending an email and providing a link to the Claimant's website (<https://www.noticespublic.com/>) and specifically noting in the message that a copy of the Order / document is available via that website).
14. The taking of such steps as set out in paragraph 13 shall be good and sufficient service on the Named Defendants and each of them and shall be deemed to be served on the Named Defendant on the latest date on which all methods of service referred to in paragraph 13 above have been completed (as applicable to them individually), such date to be verified by the completion of a certificate of service or witness statement.
15. The Court will provide sealed copies of this Order to the Claimant's solicitors for service (whose details are set out below).

#### **LIBERTY TO APPLY AND FURTHER DIRECTIONS**

16. Any person affected by this Order may apply to the Court at any time to vary or discharge it or any part (including in relation to the methods of alternative service) but if they wish to do so they must inform the Claimant's solicitors by email to the address specified below [48 hours] before making such application of the nature of such application and the basis for it. Any such person who is not a Named Defendant must provide their full name and address, and address for service to the Claimant's solicitors on the details below and to the Court and must, if appropriate, also apply to be joined as a Defendant to these proceedings at the same time.
17. There shall be, subject to Court availability, for as long as this Order is in force, a hearing to annually review this final injunction Order to determine whether any material change has arisen since the granting of this Order that provides grounds for declining to continue the injunction as set out in paragraphs 6-8 above. Such annual reviews shall take place at a hearing to be listed no later than 1 month before the anniversary of this Order. The Claimant shall liaise with the Court to list any such hearings and provide a suggested time estimate and provide the Defendants with the notice of hearing as soon as practicable in accordance with paragraphs 11 and 13 above (as applicable).
18. The Claimant shall have permission to file and serve any further evidence not less than 14 days before the review hearing.
19. The Claimant shall file (by hard copy and electronic means) and serve (by electronic means only) two copies of the hearing bundle in a form compliant with the Kings Bench Division Guide 2023 by no later than 7 days before the review hearing.
20. Skeleton arguments shall be filed at Court, with a bundle of authorities, not less than 3 days before the review hearing.
21. The Parties have liberty to apply to extend this Order or to seek further directions.

#### **[COSTS**

22. ]

#### **COMMUNICATION WITH THE CLAIMANT**

The Claimant's solicitors contact details are as follows:



Eversheds Sutherland (International) LLP  
Bridgewater Place, Water Lane, Leeds LS11 5DR  
Reference: OLDFIEA/SHELL  
[shell.service@eversheds-sutherland.com](mailto:shell.service@eversheds-sutherland.com)

### **First Schedule**

The Claimant gave the following undertaking to the Court:

1. To pay any damages which the Defendants (or any other party served with or notified of this Order) shall sustain as a result of the making of this Order, and which the Court considers ought to be paid.

**Second Schedule**  
**(list of email addresses)**

1. **EXTINCTION REBELLION UK**
  - a. [enquiries@extinctionrebellion.uk](mailto:enquiries@extinctionrebellion.uk)
  - b. [press@extinctionrebellion.uk](mailto:press@extinctionrebellion.uk)
  - c. [xrvideo@protonmail.com](mailto:xrvideo@protonmail.com)
  - d. [xr-action@protonmail.com](mailto:xr-action@protonmail.com)
  - e. [xraffinitysupport@protonmail.com](mailto:xraffinitysupport@protonmail.com)
  - f. [xr-arrestwelfare@protonmail.com](mailto:xr-arrestwelfare@protonmail.com)
  - g. [artsxr@gmail.com](mailto:artsxr@gmail.com)
  - h. [xr-CitizensAssembly@protonmail.com](mailto:xr-CitizensAssembly@protonmail.com)
  - i. [xr.connectingcommunities@gmail.com](mailto:xr.connectingcommunities@gmail.com)
  - j. [xrdemocracy@protonmail.com](mailto:xrdemocracy@protonmail.com)
  - k. [xrnotables@gmail.com](mailto:xrnotables@gmail.com)
  - l. [integration@rebellion.earth](mailto:integration@rebellion.earth)
  - m. [xr-legal@riseup.net](mailto:xr-legal@riseup.net)
  - n. [press@extinctionrebellion.uk](mailto:press@extinctionrebellion.uk)
  - o. [xr-newsletter@protonmail.com](mailto:xr-newsletter@protonmail.com)
  - p. [xr-peoplesassembly@protonmail.com](mailto:xr-peoplesassembly@protonmail.com)
  - q. [xrpoliceliason@protonmail.com](mailto:xrpoliceliason@protonmail.com)
  - r. [rebelringers@rebellion.earth](mailto:rebelringers@rebellion.earth)
  - s. [xr.regenerativeculture@gmail.com](mailto:xr.regenerativeculture@gmail.com)
  - t. [xr-regionaldevelopment@protonmail.com](mailto:xr-regionaldevelopment@protonmail.com)
  - u. [RelationshipsXRUK@protonmail.com](mailto:RelationshipsXRUK@protonmail.com)
  - v. [xr.mandates@gmail.com](mailto:xr.mandates@gmail.com)
  - w. [socialmedia@extinctionrebellion.uk](mailto:socialmedia@extinctionrebellion.uk)
  - x. [xrsocialmediaevents@gmail.com](mailto:xrsocialmediaevents@gmail.com)
  - y. [eventsxr@gmail.com](mailto:eventsxr@gmail.com)
  - z. [xrbristol.regional@protonmail.com](mailto:xrbristol.regional@protonmail.com)
  - aa. [xrcymru@protonmail.com](mailto:xrcymru@protonmail.com)
  - bb. [xr.eastengland@protonmail.com](mailto:xr.eastengland@protonmail.com)

cc. [xrlondoncoord@gmail.com](mailto:xrlondoncoord@gmail.com)  
dd. [XRMidlands@protonmail.com](mailto:XRMidlands@protonmail.com)  
ee. [xrne@protonmail.com](mailto:xrne@protonmail.com)  
ff. [support@xrnorth.org](mailto:support@xrnorth.org)  
gg. [xrni@rebellion.earth](mailto:xrni@rebellion.earth)  
hh. [xrscotland@gmail.com](mailto:xrscotland@gmail.com)  
ii. [XR-SouthEastRegionalTeam@protonmail.com](mailto:XR-SouthEastRegionalTeam@protonmail.com)  
jj. [xr.regional.sw@protonmail.com](mailto:xr.regional.sw@protonmail.com)  
kk. [talksandtraining.xrbristol@protonmail.com](mailto:talksandtraining.xrbristol@protonmail.com)  
ll. [xrcymrutalksandtraining@gmail.com](mailto:xrcymrutalksandtraining@gmail.com)  
mm. [eoexrtnt@protonmail.com](mailto:eoexrtnt@protonmail.com)  
nn. [xrlondoncommunityevents@gmail.com](mailto:xrlondoncommunityevents@gmail.com)  
oo. [xrmidlandstraining@protonmail.com](mailto:xrmidlandstraining@protonmail.com)  
pp. [XRNE.training@protonmail.com](mailto:XRNE.training@protonmail.com)  
qq. [xrnw.training@gmail.com](mailto:xrnw.training@gmail.com)  
rr. [xryorkshire.training@gmail.com](mailto:xryorkshire.training@gmail.com)  
ss. [xrni.tt@rebellion.earth](mailto:xrni.tt@rebellion.earth)  
tt. [talksandtrainings.scotland@extinctionrebellion.uk](mailto:talksandtrainings.scotland@extinctionrebellion.uk)  
uu. [xrttse@gmail.com](mailto:xrttse@gmail.com)  
vv. [xrsw.trainings@gmail.com](mailto:xrsw.trainings@gmail.com)

2. **JUST STOP OIL**

ww. [Ring2021@protonmail.com](mailto:Ring2021@protonmail.com)  
xx. [juststopoil@protonmail.com](mailto:juststopoil@protonmail.com)  
yy. [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)

3. **YOUTH CLIMATE SWARM**

zz. [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)



### Third Schedule

Name	Address
Christopher Ford	
Sean Jordan (also known as Sean Irish, John Jordan, John Michael Jordan and Sean O'Rourke)	
Emma Ireland	
Charles Philip Laurie	
Michael Edward Davies also previously known as Michael Edward Jones	
Simon Reding	
Kate Bramfit	
Margaret Reid	
David Nixon	

**Fourth Schedule**  
Form of Warning Notice  
**Shell U.K. Oil Products Limited**

**Important Notice**  
**HIGH COURT INJUNCTION**

**(claim no QB-2022-001420)**

On 2024 and following a final hearing held on [21/22] October 2024, a final injunction (the "**Order**") was made by the High Court of Justice prohibiting anyone acting by express or implied agreement with others, in connection with protest campaigns, from disrupting the sale or supply of fuel to or from any Shell branded petrol station in England and Wales (the '**Shell Petrol Station**').

**The Order prohibits:**

1. Directly blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station forecourt or to a building within the Shell Petrol Station;
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. 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 at the Shell Petrol Station.
4. Causing damage to any part of a Shell Petrol Station, whether by:
  - a. affixing or locking 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;
  - b. erecting any structure in, on or against any part of a Shell Petrol Station;
  - c. spraying, painting, pouring, depositing or writing in any substance on to any part of a Shell Petrol Station.

You must not do any of the above acts either yourself or by means of another person acting on your behalf, instructions, encouragement or assistance.

**Anyone in breach of the Order will be in contempt of court and may be imprisoned, fined or have their assets seized. The persons affected by the Order are Persons Unknown acting in connection with, and associated to, environmental campaigns and protests with the intention of disrupting the sale or supply of fuel to or from Shell Petrol Stations.**

**This means that you must not do any of these things on this Shell Petrol Station.**

**If you do, you may be sent to prison or have your assets seized.**

Any person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform Shell UK Oil Products Limited's solicitors by email to the address specified below 48 hours before making such application of the nature of such application and the basis for it.

Copies of the relevant court documents relating to the Order, including a copy of the Order, may be viewed:-

- (i) at <http://www.noticespublic.com/>
- (ii) by contacting Alison Oldfield at Eversheds Sutherland (International) LLP on 020 7919 4500 or by email at [shell.service@eversheds-sutherland.com](mailto:shell.service@eversheds-sutherland.com).

**Fifth Schedule**  
Form of Undertaking

**Shell U.K. Oil Products Limited V Persons Unknown (etc) and others with the claim number: QB-2022-001420 (the "Petrol Stations Injunction")**

I promise to the Court that, whilst the Petrol Stations Injunction remains in force (including for the avoidance of doubt where it is continued at a renewal hearing or final hearing and in each case as amended by further order of the Court), I will not engage in the following conduct:

- a) Directly blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station forecourt or to a building within the Shell Petrol Station;
- b) 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;
- c) 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 at the Shell Petrol Station; and
- d) Causing damage to any part of a Shell Petrol Station, whether by:
  - i. Affixing or locking myself, 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.
  - ii. Erecting any structure in, on or against any part of a Shell Petrol Station.
  - iii. spraying, painting, pouring, depositing or writing in any substance on to any part of a Shell Petrol Station.
- e) I confirm I will not carry out such activities myself, by means of another person doing so on my behalf, or on my instructions with my encouragement or assistance.

I confirm that I understand what is covered by the promises which I have given and also that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of Court.

Signed .....

Name .....

Dated .....



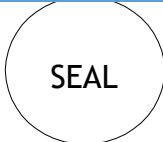


AMENDED  
PURSUANT TO ORDER OF MRS JUSTICE HILL  
DATED 12 OCTOBER 2023  
RE-AMENDED  
PURSUANT TO ORDER OF  
SOOLE J DATED MADE 15 MARCH 2024  
**Claim Form**  
RE-RE-AMENDED CLAIM FORM

In the	High Court of Justice, King's Bench Division	
Fee Account no.		
Help with Fees - Ref no. (if applicable)	H W F - [ ] [ ] - [ ] [ ]	
For court use only		
Claim no.	QB-2022-001420	
Issue date	4 May 2022	

You may be able to issue your claim online which may save time and money. Go to [www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk) to find out more.

Claimant(s) name(s) and address(es) including postcode



SHELL U.K. OIL PRODUCTS LIMITED of  
Shell Centre  
London  
SE1 7NA

Defendant(s) name and address(es) including postcode

(1) 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;  
(2) LOUIS MCKECHNIE AND 13 12 OTHERS AS SET OUT IN THE ATTACHED ANNEX 1

Brief details of claim

The Claimant seeks an injunction to restrain the Defendants from obstructing access to or damaging petrol stations using its brand, by any of the following unlawful means:

breaches of the criminal law;  
trespass upon the Petrol Stations;  
trespass to goods; and/or  
private nuisance in relation to unlawful interference with the Claimant's right of access to its land via the highway and/or a private right of way,  
and in combination with others.

Value

The Claim is not for monetary relief

Defendant's name and address for service including postcode

Those email addresses at Annex 1-2

Amount claimed	
Court fee	569.00
Legal representative's costs	
<b>Total amount</b>	

For further details of the courts [www.gov.uk/find-court-tribunal](http://www.gov.uk/find-court-tribunal).

When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

You must indicate your preferred County Court Hearing Centre for hearings here  
(see notes for guidance)

High Court, King's Bench Division, the Royal Courts of Justice, Strand, London WC2A 2LL

Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

No

Does, or will, your claim include any issues under the Human Rights Act 1998?

Yes

No

Particulars of Claim

attached

to follow

# Statement of truth

**Note:** you are reminded that a copy of this claim form must be served on all other parties.

I understand that proceedings for contempt of court may be brought against a person 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 believe that the facts stated in this claim form and any attached sheets are true.

**The claimant** believes that the facts stated in this claim form and any attached sheets are true. I am authorised by the claimant to sign this statement.

## Signature

- Claimant
- Litigation friend (where claimant is a child or protected party)
- Claimant's legal representative (as defined by CPR 2.3(1))

~~4 May 2022~~

~~19 October 2023~~

18 March 2024

## Date

Day

Month

Year

October

2024

## Full name

~~Emma Margaretha Florence Pinkerton~~

Alison Oldfield

## Name of claimant's legal representative's firm

~~CMS Cameron McKenna Nabarro Olswang LLP~~

Eversheds Sutherland International LLP

If signing on behalf of firm or company give position or office held

Partner

Claimant's or claimant's legal representative's address to which documents should be sent.

Building and street

Bridgewater Place, Water Lane      ~~Cannon Place, 78 Cannon Street~~

Second line of address

Town or city

Leeds      ~~London~~

County (optional)

Postcode

L | S | 1 | 1 | 5 | D | R      ~~EC4N6AF~~

If applicable

Phone number

+44 20 7919 4500      ~~02073673000~~

DX number

DX: 12027 Leeds-27      ~~DX 135316 London Cannon Place~~

Your Ref.

OLDFIEA/SHELL      010051.00007

Email

shellrel@eversheds-sutherland.com

**Annex 1 to the Claim Form  
Named Defendants**

<b>No</b>	<b>Defendant</b>	<b>Name of Defendant</b>
<b>2.</b>	<b>Second Defendant</b>	<b>Louis McKechnie</b>
<b>3.</b>	<del><b>Third Defendant</b></del>	<del><b>Louise Harris [Removed]</b></del>
<b>4.</b>	<b>Fourth Defendant</b>	<b>Callum Goode</b>
<b>5.</b>	<b>Fifth Defendant</b>	<b>Christopher Ford</b>
<b>6.</b>	<b>Sixth Defendant</b>	<b>Sean Jordan (also known as Sean Irish, John Jordan, John Michael Jordan and Sean O'Rourke)</b>
<b>7.</b>	<b>Seventh Defendant</b>	<b>Emma Ireland</b>
<b>8.</b>	<b>Eighth Defendant</b>	<b>Charles Philip Laurie</b>
<b>9.</b>	<b>Ninth Defendant</b>	<b>Michael Edward Davies (also previously known as Michael Edward Jones)</b>
<b>10.</b>	<b>Tenth Defendant</b>	<b>Tessa-Marie Burns (also known as Tez Burns)</b>
<b>11.</b>	<b>Eleventh Defendant</b>	<b>Simon Reding</b>
<b>12.</b>	<b>Twelfth Defendant</b>	<b>Kate Bramfit</b>
<b>13.</b>	<b>Thirteenth Defendant</b>	<b>Margaret Reid</b>
<b>14.</b>	<b>Fourteenth Defendant</b>	<b>David Nixon</b>
<b>15.</b>	<b>Fifteenth Defendant</b>	<b>Samuel Holland</b>

## Annex 2

### (list of email addresses)

1. **EXTINCTION REBELLION UK**
  - a. [enquiries@extinctionrebellion.uk](mailto:enquiries@extinctionrebellion.uk)
  - b. [press@extinctionrebellion.uk](mailto:press@extinctionrebellion.uk)
  - c. [xrvideo@protonmail.com](mailto:xrvideo@protonmail.com)
  - d. [xr-action@protonmail.com](mailto:xr-action@protonmail.com)
  - e. [xraffinitysupport@protonmail.com](mailto:xraffinitysupport@protonmail.com)
  - f. [xr-arrestwelfare@protonmail.com](mailto:xr-arrestwelfare@protonmail.com)
  - g. [artsxr@gmail.com](mailto:artsxr@gmail.com)
  - h. [xr-CitizensAssembly@protonmail.com](mailto:xr-CitizensAssembly@protonmail.com)
  - i. [xr.connectingcommunities@gmail.com](mailto:xr.connectingcommunities@gmail.com)
  - j. [xrdemocracy@protonmail.com](mailto:xrdemocracy@protonmail.com)
  - k. [xrnotables@gmail.com](mailto:xrnotables@gmail.com)
  - l. [integration@rebellion.earth](mailto:integration@rebellion.earth)
  - m. [xr-legal@riseup.net](mailto:xr-legal@riseup.net)
  - n. [press@extinctionrebellion.uk](mailto:press@extinctionrebellion.uk)
  - o. [xr-newsletter@protonmail.com](mailto:xr-newsletter@protonmail.com)
  - p. [xr-peoplesassembly@protonmail.com](mailto:xr-peoplesassembly@protonmail.com)
  - q. [xrpoliceliason@protonmail.com](mailto:xrpoliceliason@protonmail.com)
  - r. [rebelringers@rebellion.earth](mailto:rebelringers@rebellion.earth)
  - s. [xr.regenerativeculture@gmail.com](mailto:xr.regenerativeculture@gmail.com)
  - t. [xr-regionaldevelopment@protonmail.com](mailto:xr-regionaldevelopment@protonmail.com)
  - u. [RelationshipsXRUK@protonmail.com](mailto:RelationshipsXRUK@protonmail.com)
  - v. [xr.mandates@gmail.com](mailto:xr.mandates@gmail.com)
  - w. [socialmedia@extinctionrebellion.uk](mailto:socialmedia@extinctionrebellion.uk)
  - x. [xrsocialmediaevents@gmail.com](mailto:xrsocialmediaevents@gmail.com)
  - y. [eventsxr@gmail.com](mailto:eventsxr@gmail.com)
  - z. [xrbristol.regional@protonmail.com](mailto:xrbristol.regional@protonmail.com)
  - aa. [xrcymru@protonmail.com](mailto:xrcymru@protonmail.com)
  - bb. [xr.eastengland@protonmail.com](mailto:xr.eastengland@protonmail.com)

cc. [xrlondoncoord@gmail.com](mailto:xrlondoncoord@gmail.com)  
dd. [XRMidlands@protonmail.com](mailto:XRMidlands@protonmail.com)  
ee. [xrne@protonmail.com](mailto:xrne@protonmail.com)  
ff. [support@xrnorth.org](mailto:support@xrnorth.org)  
gg. [xrni@rebellion.earth](mailto:xrni@rebellion.earth)  
hh. [xrscotland@gmail.com](mailto:xrscotland@gmail.com)  
ii. [XR-SouthEastRegionalTeam@protonmail.com](mailto:XR-SouthEastRegionalTeam@protonmail.com)  
jj. [xr.regional.sw@protonmail.com](mailto:xr.regional.sw@protonmail.com)  
kk. [talksandtraining.xrbristol@protonmail.com](mailto:talksandtraining.xrbristol@protonmail.com)  
ll. [xrcymrutalksandtraining@gmail.com](mailto:xrcymrutalksandtraining@gmail.com)  
mm. [eoexrtnt@protonmail.com](mailto:eoexrtnt@protonmail.com)  
nn. [xrlondoncommunityevents@gmail.com](mailto:xrlondoncommunityevents@gmail.com)  
oo. [xrmidlandstraining@protonmail.com](mailto:xrmidlandstraining@protonmail.com)  
pp. [XRNE.training@protonmail.com](mailto:XRNE.training@protonmail.com)  
qq. [xrnw.training@gmail.com](mailto:xrnw.training@gmail.com)  
rr. [xryorkshire.training@gmail.com](mailto:xryorkshire.training@gmail.com)  
ss. [xrni.tt@rebellion.earth](mailto:xrni.tt@rebellion.earth)  
tt. [talksandtrainings.scotland@extinctionrebellion.uk](mailto:talksandtrainings.scotland@extinctionrebellion.uk)  
uu. [xrttse@gmail.com](mailto:xrttse@gmail.com)  
vv. [xrsw.trainings@gmail.com](mailto:xrsw.trainings@gmail.com)

2. **JUST STOP OIL**

ww. [Ring2021@protonmail.com](mailto:Ring2021@protonmail.com)  
xx. [juststopoil@protonmail.com](mailto:juststopoil@protonmail.com)  
yy. [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)

3. **YOUTH CLIMATE SWARM**

zz. [youthclimateswarm@protonmail.com](mailto:youthclimateswarm@protonmail.com)



IN THE HIGH COURT OF JUSTICE

CLAIM NO: **QB-2022-001420**

**QUEEN'S-KING'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**

**First Defendant**

**Louis McKechnie**

**Second Defendant**

~~**Louise Harris**~~

~~**Third Defendant [Removed]**~~

**Callum Goode**

**Fourth Defendant**

**Christopher Ford**

**Fifth Defendant**

**Sean Jordan (also known as Sean Irish, John Jordan, John Michael Jordan and Sean O'Rourke)**

**Sixth Defendant**

**Emma Ireland**

**Seventh Defendant**

**Charles Philip Laurie**

**Eighth Defendant**

**Michael Edward Davies also previously known as Michael Edward Jones**

**Ninth Defendant**

**Tessa-Marie Burns (also known as Tez Burns)**

**Tenth Defendant**

**Simon Reding**

**Eleventh Defendant**

**Kate Bramfit**

**Twelfth Defendant**

**Margaret Reid**

**Thirteenth Defendant**

**David Nixon**

**Fourteenth Defendant**

**Samuel Holland**

**Fifteenth Defendant**

---

**AMENDED  
PARTICULARS OF CLAIM BY ORDER OF MRS JUSTICE HILL  
DATED 12 OCTOBER 2023**

**RE-AMENDED PARTICULARS OF CLAIM BY ORDER OF MR JUSTICE SOOLE MADE 15  
MARCH 2024**

**RE-RE-AMENDED PARTICULARS OF CLAIM**

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## 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 ~~It~~ **As at 3 May 2022, 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, ~~the Defendants persons unknown~~ will carry out unlawful acts (**which are specifically defined in paragraph 2.2 below**) upon the Shell Petrol Stations, by agreement with others, **which involve the interference with rights to the site, goods and/or equipment used for the dispensing of the Claimant’s fuel**, 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 **which included the Second to Sixth Defendants**, associated with the Just Stop Oil environmental protest campaign **and acting collectively in a coordinated 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 **First to Sixth Defendants 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 Wilful blocking access of the highway to persons engaged in lawful activities and incoming and outgoing cars and causing a public nuisance;
  - 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 The First Defendants and the Second to Sixth Defendants ~~protesters~~ 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.
- 2.4 According to information provided by Surrey Police, the Second to Sixth Defendants were arrested for their actions in the course of protests at Shell's Petrol Station at Cobham Services as follows:
- 2.4.1 the Second Defendant was arrested for alleged aggravated trespass by gluing himself to the forecourt and causing criminal damage by smashing the screens of a number of petrol pumps. He pleaded guilty to both charges, attended Lewes Crown Court on 27 October 2023 for sentencing and was sentenced to a term of 17 months imprisonment, which was suspended for 18 months, and 200 hours of unpaid work.
  - 2.4.2 the Third Defendant was arrested for alleged aggravated trespass by gluing herself to the forecourt and causing criminal damage by smashing the screen of a petrol pump. She pleaded guilty to both charges, attended Lewes Crown Court on 27 October 2023 for sentencing and was sentenced to a term of 8 and a half months imprisonment, which was suspended for 18 months, and 200 hours of unpaid work.
  - 2.4.3 The Fourth Defendant was arrested for alleged aggravated trespass by gluing himself to the forecourt, and causing criminal damage. He received a 12 month conditional discharge and was ordered to pay £226 in costs to the Court.

- 2.4.4 The Fifth Defendant was arrested for alleged aggravated trespass by gluing himself to the forecourt and causing criminal damage. He received a £100 fine and ordered to pay £119 in costs to the Court.
- 2.4.5 The Sixth Defendant was arrested for alleged aggravated trespass by gluing himself to part of the site and for causing criminal damage by smashing the screen of a petrol pump. He pleaded guilty to both counts, attended Lewes Crown Court on 27 October 2023 for sentencing and was sentenced to a term of 8 and a half months imprisonment, which was suspended for 18 months, and 200 hours of unpaid work.
- 2.5 On 24 August 2022, Shell's Petrol Station at Cobham Services was targeted again (along with two other non-Shell petrol stations on the M25 Motorway) with protestors, including the Seventh, Eighth, Ninth and Tenth Defendants, executing near identical attacks and carrying out the activities described at paragraphs 2.2.1 to 2.2.4 above and which resulted in two pump screens (which are an integral part of the fuel pump structure) being damaged. The First Defendants and the Seventh to Tenth Defendants arrived at approximately 5:15am and were on site until they were removed by Surrey Police Force. The said acts again 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.
- 2.6 According to information provided by Surrey Police, the Seventh, Eighth, Ninth and Tenth Defendants were arrested for their actions in the course of protests at Shell's Petrol Station at Cobham Services as follows:
- 2.6.1 The Seventh Defendant was arrested for alleged conspiracy to destroy or damage property, wilful obstruction of the highway, aggravated trespass and causing a public nuisance by blocking the entrance to the forecourt.
- 2.6.2 The Eighth Defendant was arrested for alleged criminal damage, aggravated trespass and public nuisance and wilful obstruction of the highway for gluing himself to part of the site and blocking the entrance (although he was not charged with wilful obstruction of a highway).
- 2.6.3 The Ninth Defendant was arrested for alleged conspiracy to destroy or damage property, aggravated trespass and public nuisance and wilful obstruction of the

highway for gluing himself to part of the site and blocking the entrance (although he was not charged with wilful obstruction of a highway).

- 2.6.4 The Tenth Defendant was arrested for allegedly being in possession of an offensive weapon in a public place, aggravated trespass, criminal damage and causing a public nuisance and for using a hammer to damage the screens of petrol pumps and possessing a spray can with a view to causing criminal damage.
- 2.7 As far as the Claimant is aware from the information provided to it by Surrey Police Force, those persons who were arrested in connection with the protest incident referred to at paragraphs 2.5 and 2.6 above (including the Seventh, Eighth, Ninth and Tenth Defendants) were granted conditional bail pending further investigation and, on 23 February 2023, were released under investigation (i.e. bail conditions were no longer imposed). The Claimant further understands that a trial date of 12 August 2024 has been set (however the Claimant has not received confirmation as to whether that trial date is in respect of each of the Seventh, Eighth, Ninth and Tenth Defendants). The Claimant will, as appropriate, update the Court in its witness evidence as to the investigation status as and when it receives any updates from Surrey Police Force.
- 2.8 On 26 August 2022, Shell's Petrol Stations at Acton Park and Acton Vale were subjected to action by protestors, including by the Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Defendants, that went well beyond peaceful protest. As part of what Just Stop Oil described as a week-long "*series of actions disrupting oil terminals and petrol stations in support of [Just Stop Oil's] demand that the UK government end new oil and gas projects in the UK*", individuals once again blocked the entrance to the petrol station and caused damage to 10 fuel pumps in total across the two Shell Petrol Stations. The First Defendant and the Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Defendants arrived at approximately 07:15am and were on site until they were removed by the Metropolitan Police Force. The said acts again significantly prevented or impeded the sale of the Claimant's fuels from the Shell Petrol Stations for a significant period, causing it loss and damage.
- 2.9 According to information provided by the relevant police authority, the Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Defendants were arrested for their actions in the course of protests at Shell's Petrol Stations at Acton Park and Acton Vale as set out below (although no further action was taken by the police in relation to those arrests in circumstances where the operators of the sites failed to supply details of the cost of damage caused):

- 2.9.1 The Eleventh Defendant was arrested on suspicion of criminal damage and public nuisance.
- 2.9.2 The Twelfth Defendant was arrested on suspicion of criminal damage and public nuisance.
- 2.9.3 The Thirteenth Defendant was arrested on suspicion of criminal damage and public nuisance.
- 2.9.4 The Fourteenth Defendant was arrested on suspicion of criminal damage and public nuisance and for possession of an article with intent to cause criminal damage and an offensive weapon.
- 2.9.5 The Fifteenth Defendant was arrested on suspicion of criminal damage and public nuisance.
- 2.10 Each of the said activities set out in paragraph 2.2, 2.4, 2.6, and 2.9 (the “**Unlawful Acts**”) above constituted an unlawful act (i.e. breaches of the criminal law; trespass upon the Petrol Stations; trespass to goods; and/or private nuisance in relation to unlawful interference with the Claimant’s right of access to its land via the highway and/or a private right of way), and each was carried out by as part of a coordinated action by a group of people which included the Second to Fifteenth Defendants ~~persons~~ acting in express or implied agreement with the intention of harming the Claimant, by obstructing, impeding or interfering with the sale of the Claimant’s fuel and lawful activities being exercised at the Shell Petrol Station operated under the Shell brand.

#### PARTICULARS

- 2.10.1 The Unlawful Acts involved coordinated action by a group of persons comprising the Defendants. 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”.*

- 2.10.2 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.
- 2.11 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, ~~the First Defendants 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 As at 3 May 2022, the 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)~~

- 3.1.1 The Claimant has repeatedly been the subject of protests in which protesters have ~~combined to engage in protests involving~~ attacks on ~~ed~~ its properties, including:
- (i) On 1 April 2022 ~~trespassers~~ protesters 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.

3.2 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 (see further paragraphs 2.1 – 2.3 above) 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”*

3.3 Further, as at 3 May 2022, the ~~The~~ home page of Just Stop Oil stated 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).

3.4 More recently, protestors have combined to unlawfully target other property ~~of~~ owned or used by the Claimant:

3.4.1 In August and September 2022, protestors targeted the Kingsbury Site in Warwickshire (a site whereby [Shell UK Limited] operates a terminal). Specifically, on 22 August 2022, a main access road to the Kingsbury Site was closed due to protestors digging tunnels underneath the road that could have potentially prejudiced the integrity of the road.

- 3.4.2 On 31 January 2023, four protestors representing Greenpeace occupied a Shell Platform that was heading for the North Sea.
- 3.5 On 14 February 2023, Just Stop Oil issued an “ultimatum letter” to 10 Downing Street in which it threatened to escalate its activities. In particular, the letter stated that:
- “Just Stop Oil is demanding that: The UK government makes a statement that it will immediately halt all future licensing and consents for the exploration, development and production of fossil fuels in the UK.*
- If you do not provide such assurance by 10 April 2023, we will be forced to escalate our campaign – to prevent the ultimate crime against our country, humanity and life on earth... We will not be bystanders”.*
- 3.6 In respect of the Second to Fifteenth Defendants, the Claimant also reasonably anticipates that they will in the future continue to engage in further acts of a similar nature or effect to the Unlawful Acts as part of their protest campaign with the intention of disrupting the sale of fuel by the Claimant through other Shell Petrol Stations, unless prevented by this Honourable Court:
- 3.6.1 The Second to Fifteenth Defendants were amongst a group of 30 individuals who were arrested for carrying out the Unlawful Acts as described above in the course of the aforementioned protests at Shell sites as part of a coordinated action with the intention of harming the Claimant, by obstructing, impeding or interfering with the sale of the Claimant’s fuel and the lawful operation of activities at the site under the Shell brand.
- 3.6.2 On 16 October 2023 the Claimant’s solicitors wrote to each of those 30 individuals (including the Second to Fifteenth Defendants) at the addresses provided by the relevant police authority and giving them 28 days within which to provide an undertaking in the form annexed at Appendix 1 to these Re-Amended Particulars of Claim promising not to engage in further acts of a similar nature or effect to the Unlawful Acts. On 16 November 2023 the Claimant’s solicitors sent a further letter to those individuals who had not provided the requested undertaking within 28 days, including the Second to Fifteenth Defendants, to the addresses provided by

the relevant police authority and providing them with a further opportunity to give the requested undertaking within 7 days.

- 3.6.3 The Claimant received a total of 15 signed undertakings from individuals who had been identified but the offer of an undertaking was not taken up by any of the Second to Fifteenth Defendants and the Seventh Defendant by email dated 23 November 2023 expressly refused to provide a signed undertaking.
- 3.6.4 In the premises, the Court is invited to draw an inference that the Second to Fifteenth Defendants (who have not given undertakings) are persons who continue to pose a real and imminent risk of engaging in further acts of a similar nature or effect to the Unlawful Acts at Shell Petrol Stations in connection with their protest campaign.
- 3.7 The protest campaign that forms the subject of these proceedings is not over and there continues to be a real and imminent risk that, unless prevented by this Honourable Court, the Defendants will act to infringe the rights which the Claimant seeks to protect in this action. The Claimant will refer to evidence regarding the conduct and association of the Defendants at trial in support of that contention.
- 3.8 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:
- 3.8.1 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.
- 3.8.2 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.
- 3.8.3 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.

3.8.4 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.

3.9 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, **carrying out** any of the following acts:

3.9.1 **directly** blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station **forecourt** or to a building within the Shell Petrol Station;

3.9.2 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;

3.9.3 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;

3.9.4 **causing damage to any part of a Shell Petrol Station, whether by:**

(i) 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;

(ii) erecting any structure in, on or against any part of a Shell Petrol Station;

(iii) spraying, painting, pouring or writing any substance on any part of a Shell Petrol Station;

3.10 **A Defendant must not carry out the acts referred to in ~~paragraph [3.7.4]~~ himself/herself/themselves or in any other way or do it by means of another person acting**

on his/her/their behalf, or acting on his/her/their instructions, or by another person acting with his/her/their encouragement or assistance.

~~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 3.9 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 **Re-Re-Amended** 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:

Position: Partner, Eversheds Sutherland (International) LLP

Dated: October 2024

CLAIM NO: **QB-2022-001420**

IN THE HIGH COURT OF JUSTICE

**QUEEN'S KING'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

First Defendant

Louis McKechnie

Second Defendant

Louise Harris

~~Third Defendant [Removed]~~

Callum Goode

Fourth Defendant

Christopher Ford

Fifth Defendant

Sean Jordan (also known as Sean Irish, John Jordan, John  
Michael Jordan and Sean O'Rourke)

Sixth Defendant

Emma Ireland

Seventh Defendant

Charles Philip Laurie

Eighth Defendant

Michael Edward Davies also previously known as Michael  
Edward Jones

Ninth Defendant

Tessa-Marie Burns (also known as Tez Burns)

Tenth Defendant

Simon Reding

Eleventh Defendant

Kate Bramfit

Twelfth Defendant

Margaret Reid

**David Nixon** Thirteenth Defendant  
**Samuel Holland** Fourteenth Defendant  
Fifteenth Defendant

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**RE-RE-AMENDED PARTICULARS OF CLAIM**

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~~Cannon Place  
78 Cannon Street  
London EC4N 6AF~~

**Eversheds Sutherland (Intl) LLP  
Bridgewater Place, Water Lane  
Leeds LS11 5DR**

**Ref: ~~010051.00007~~ OLDFIEA/SHELL**

**Solicitors for the Claimant**

### Annex 3 Undertaking

I promise to the Court that during the period of months up to 12 May 2024 (or until trial or further order), I will not engage in the following conduct:

- a) Directly blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station forecourt or to a building within the Shell Petrol Station.
- b) 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;
- c) 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 at the Shell Petrol Station.
- d) Causing damage to any part of a Shell Petrol Station, whether by:
  - i. Affixing or locking myself, 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.
  - ii. Erecting any structure in, on or against any part of a Shell Petrol Station.
  - iii. spraying, painting, pouring, depositing or writing in any substance on to any part of a Shell Petrol Station.
- e) I confirm I will not carry out such activities myself, by means of another person doing so on my behalf, or on my instructions with my encouragement or assistance.

I confirm that I understand what is covered by the promises which I have given and also that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of Court.

Signed .....

Name .....

Dated .....



**First Witness Statement**  
**Party: Claimant**  
**Exhibit: RL1**  
**Date: 9 October 2024**  
**Claim No: QB-2022-001420**

**IN THE HIGH COURT OF JUSTICE**  
**KING'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 PROTEST CAMPAIGNS WITH THE INTENTION OF DISRUPTING THE SALE OR SUPPLY OF FUEL TO OR FROM THE SAID STATION**

**First Defendant**

**Louis McKechnie**

**Second Defendant**

**Louise Harris**

**Third Defendant**

**Callum Goode**

**Fourth Defendant**

**Christopher Ford**

**Fifth Defendant**

**Sean Jordan**

**(also known as Sean Irish, John Jordan, John Michael Jordan and Sean O'Rourke)**

**Sixth Defendant**

**Emma Ireland**

**Seventh Defendant**

**Charles Philip Laurie**

**Eighth Defendant**

**Michael Edward Davies also previously known as Michael Edward Jones**

**Ninth Defendant**

**Tessa-Marie Burns (also known as Tez Burns)**

**Tenth Defendant**

**Simon Reding**

**Eleventh Defendant**

**Kate Bramfit**

**Twelfth Defendant**

**Margaret Reid**

**Thirteenth Defendant**

**David Nixon**

**Fourteenth Defendant**

**Samuel Holland**

**Fifteenth Defendant**

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**First Witness Statement of Rachel Lindberg**

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I, **Rachel Lindberg** of Eversheds Sutherland (International) LLP ("**Eversheds Sutherland**") of Water Lane, Leeds LS11 5DR **WILL SAY AS FOLLOWS**:

**1. INTRODUCTION**

- 1.1 I am a senior associate at Eversheds Sutherland and have conduct of this matter on behalf of the Claimant in the subject proceedings under the supervision of Alison Judith Oldfield (partner at Eversheds Sutherland).
- 1.2 Unless I state otherwise, the facts in this statement are within my knowledge and true. Where the facts are not within my knowledge, they are true to the best of my knowledge and belief, and I identify the source of my knowledge.
- 1.3 References to page numbers in this statement are to page numbers in **Exhibit RL1**.
- 1.4 The purpose of this short witness statement is to update the Court as to the status of investigations carried out by Surrey Police Force in respect of the Seventh, Eighth, Ninth and Tenth Defendants.
- 1.5 As set out in paragraph 2.7 of the Claimant's Re-Amended Particulars of Claim, Surrey Police Force has previously confirmed that the Seventh, Eighth, Ninth and Tenth Defendants were arrested in connection with the protest incident that occurred on 24 August 2022 (further details of which are set out in paragraph 2.5 of the Claimant's Re-Amended Particulars of Claim) and were subsequently granted conditional bail before being released under investigation in February 2023.
- 1.6 I wrote to Weightmans LLP ("**Weightmans**") who are the solicitors acting on behalf of Surrey Police Force on 12 March 2024 to (amongst other things) obtain an update on the investigation status of the Seventh to Tenth Defendants, including whether or not a trial date had been set. **[1-2/RL1]**

- 1.7 On 14 March 2024, Weightmans responded by email to confirm that there was a trial date of 12 August 2024 set down, but was not able to confirm whether it related to the Seventh to Tenth Defendants. **[3-5/RL1]**
- 1.8 On 19 September 2024, I wrote to Weightmans to obtain an update as to the outcome of the 12 August 2024 trial. **[6/RL1]**
- 1.9 On 1 October 2024, Weightmans confirmed by email that the trial (which included the Seventh to Tenth Defendants) had been vacated and relisted for 11 – 22 August 2025. No further information was provided. **[7/RL1]**
- 1.10 I responded to Weightmans by email on 3 October 2024, querying whether Surrey Police Force had any further information as to why the trial date was moved. **[9/RL1]**.
- 1.11 On 7 October 2024, Weightmans confirmed that Surrey Police do not have any further information setting out why the trial was vacated and relisted. **[10/RL1]**

**Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

*R. Lindberg*  
.....

**Rachel Lindberg**

**Dated: 9 October 2024**

**First Witness Statement**  
**Party: Claimant**  
**Exhibit: RL1**  
**Date: 9 October 2024**  
**Claim No: QB-2022-001420**

**IN THE HIGH COURT OF JUSTICE**  
**KING'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 PROTEST CAMPAIGNS WITH THE INTENTION OF DISRUPTING THE SALE OR SUPPLY OF FUEL TO OR FROM THE SAID STATION**

**First Defendant**

**Louis McKechnie**

**Second Defendant**

**Louise Harris**

**Third Defendant**

**Callum Goode**

**Fourth Defendant**

**Christopher Ford**

**Fifth Defendant**

**Sean Jordan**

**(also known as Sean Irish, John Jordan, John Michael Jordan and Sean O'Rourke)**

**Sixth Defendant**

**Emma Ireland**

**Seventh Defendant**

**Charles Philip Laurie**

**Eighth Defendant**

**Michael Edward Davies also previously known as Michael Edward Jones**

**Ninth Defendant**

**Tessa-Marie Burns (also known as Tez Burns)**

**Tenth Defendant**

**Simon Reding**

**Eleventh Defendant**

**Kate Bramfit**

**Twelfth Defendant**

**Margaret Reid**

**Thirteenth Defendant**

**David Nixon**

**Fourteenth Defendant**

**Samuel Holland**

**Fifteenth Defendant**

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**Exhibit RL1 to the First Witness Statement of Rachel Lindberg**

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This is Exhibit **RL1** referred to in the first witness statement of **Rachel Lindberg** on behalf of the Claimant.

Signed: *R. Lindberg* .....

Name: Rachel Lindberg

Dated: 9 October 2024

Weightmans LLP  
100 Old Hall Street  
Liverpool  
L3 9QJ

**Date:** 12 March 2024  
**Our Ref:** 356009-000001  
**Email:** shell.service@eversheds-sutherland.com

**BY EMAIL ONLY TO [joanna.carty@weightmans.com](mailto:joanna.carty@weightmans.com)**

Dear Weightmans LLP

**Shell U.K Oil Products Limited v Persons Unknown (Claim No: QB-2022-0001420)**

As you are aware, we act for the Claimant in the above proceedings. You act on behalf of the Chief Constable of Surrey Police and we refer to our previous correspondence in relation to these proceedings and, specifically your letters dated 6 July 2023 and 14 July 2023 (copies of which we have enclosed for ease of reference).

Our client has now made its application to join certain individuals to proceedings and that application was part-heard at a hearing before Soole J yesterday (11 March 2024). The hearing has been adjourned until Friday at 3pm and the Judge has asked our client to provide updated particulars of claim in anticipation of joining certain individuals to the proceedings.

Our client is therefore in the process of updating its particulars of claim. In order to assist with that process, it would greatly assist if you/your client is able to provide an update / clarification as to the following matters:

**1. April 2022 – Cobham**

- 1.1 In your letter 14 July 2023, you confirmed that Mr Goode and Mr Ford (amongst others) were convicted. Please could you confirm:
- 1.1.1 the offence(s) that Mr Goode and Mr Ford were convicted of (we suspect the offence is aggravated trespass based on the custody records already provided but would be grateful for your / your client's specific confirmation on this point);
  - 1.1.2 whether they pleaded guilty; and
  - 1.1.3 details of the sentences handed down.

**2. August 2022 – Cobham**

- 2.1 Your letter dated 6 July 2023 helpfully provided an update as to the investigation status of those individuals connected with the incident at Cobham on 24 August 2022.
- 2.2 Accordingly, we should be grateful for any update in respect of the investigation status (i.e. whether a trial date has been set) in respect of each of the following individuals:
- 2.2.1 Emma Ireland

cloud\_uk\225350054\1\lindber

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7868

[EXHIBIT RL1- 1]

- 2.2.2 Charles Philip Laurie
- 2.2.3 Michael Davies
- 2.2.4 Tessa-Marie Burns

With apologies for the urgency, but our client has been asked by the Judge to submit its proposed amended particulars of claim by 4pm Thursday 14 March 2024. It would be very much appreciated if the above could be provided by close of play tomorrow (**13 March 2024**) if at all possible.

Yours faithfully

*Eversheds Sutherland (International) LLP*

**Eversheds Sutherland (International) LLP**

## Lindberg, Rachel

---

**From:** Lindberg, Rachel <RachellLindberg@eversheds-sutherland.com>  
**Sent:** 19 September 2024 12:24  
**To:** Joanna Carty  
**Cc:** Oldfield, Alison; Lindberg, Rachel  
**Subject:** FW: Shell U.K. Oil Products Limited v Persons Unknown (QB-2022-0001420) [ES-CLOUD\_UK.FID11570719]  
**Attachments:** Letter to Weightmans 19 September 2024 - update on criminal trials.pdf; Letter to Weightmans 12 March 2024 requesting update for Amending PoC.pdf

This message originated from outside our organisation and was sent to Joanna Carty. The sender name was Lindberg, Rachel and the sender's email address was [rachellindberg@eversheds-sutherland.com](mailto:rachellindberg@eversheds-sutherland.com)

---

Dear Jo

Please see attached correspondence.

Kind regards

Rachel Lindberg | Associate | Real Estate Dispute Resolution | Eversheds Sutherland

E: [RachellLindberg@eversheds-sutherland.com](mailto:RachellLindberg@eversheds-sutherland.com)

T: +44 113 200 4093

[Rachel Lindberg | LinkedIn](#)

[www.eversheds-sutherland.com](http://www.eversheds-sutherland.com)

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**From:** Joanna Carty <[Joanna.Carty@Weightmans.com](mailto:Joanna.Carty@Weightmans.com)>  
**Sent:** Thursday, March 14, 2024 8:09 AM  
**To:** Lindberg, Rachel <[RachellLindberg@eversheds-sutherland.com](mailto:RachellLindberg@eversheds-sutherland.com)>  
**Subject:** RE: Shell U.K. Oil Products Limited v Persons Unknown (QB-2022-0001420)

Dear Rachel,

Further to our email correspondence, my client has reviewed and can confirm the following:

#### April 2022 –Cobham

GOODE– ‘Obstruct / disrupt person engaged in a lawful activity’

12 month Conditional Discharge

Costs to the Court £226

FORD– ‘Obstruct / disrupt person engaged in a lawful activity’

Fine – £100

Costs to the court– £119

They cannot see from their systems whether the two individuals pleaded guilty or not.



## August 2022 – Cobham

There is a trial date of the 12th August 2024 but they can't confirm whether it relates to the four individuals as the system just details the trial rather than the individuals who are being dealt with. This more detailed information is likely to be with the CPS and as such we won't be able to clarify the information requested within the current timescales.

Kind regards

Jo

Joanna Carty  
Principal Associate  
Weightmans LLP

My pronouns are: She/her



Tel: 0116 253 9747 /ext 128908

DDI: 0116 242 8908

[joanna.carty@weightmans.com](mailto:joanna.carty@weightmans.com)

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Weightmans LLP  
100 Old Hall Street  
Liverpool  
L3 9QJ

**Date:** 19 September 2024  
**Our Ref:** 356009-000001  
**Email:** shell.service@eversheds-sutherland.com

**BY EMAIL ONLY TO [joanna.carty@weightmans.com](mailto:joanna.carty@weightmans.com)**

Dear Weightmans LLP

**Shell U.K Oil Products Limited v Persons Unknown (Claim No: QB-2022-0001420)**

As you are aware, we act for the Claimant in the above proceedings. You act on behalf of the Chief Constable of Surrey Police and we refer to previous correspondence in relation to these proceedings and, specifically our letter of 12 March 2024 and your email of 14 March 2024 timed at 8:09am (copies of which we have enclosed for ease of reference).

The above proceedings are listed for final hearing in a two-day window from 21 October 2024. In order to prepare for the final hearing, our client is considering whether it needs to submit further witness evidence to update the Court on the outcome of the investigation status of the following individuals:

- 1.1.1 Emma Ireland
- 1.1.2 Charles Philip Laurie
- 1.1.3 Michael Davies
- 1.1.4 Tessa-Marie Burns

You will recall that a trial date of 12 August 2024 was set (albeit we appreciate that your client's system did not detail which individuals the trial related to). Given that date has now passed, is your client able to confirm the outcome of the trials / provide any further update as to the status of the investigation for each of the above individuals?

We should be grateful if this information could be provided within 14 days of this letter (i.e. by no later than 3 October 2024), if at all possible.

Yours faithfully

*Eversheds Sutherland (International) LLP*

**Eversheds Sutherland (International) LLP**

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[EXHIBIT RL1- 6]

## Lindberg, Rachel

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**From:** Joanna Carty <Joanna.Carty@Weightmans.com>  
**Sent:** 01 October 2024 16:38  
**To:** Lindberg, Rachel  
**Cc:** Oldfield, Alison  
**Subject:** RE: Shell U.K. Oil Products Limited v Persons Unknown (QB-2022-0001420) [ES-CLOUD\_UK.FID11570719]  
**Attachments:** FW Shell U.K. Oil Products Limited v Persons Unknown (QB-2022-0001420) [ES-CLOUD\_UK.FID11570719]

Dear Rachel,

Further to your attached correspondence my client has confirmed that the trial on 12 August 2024 (which included Emma Ireland, Charles Philip Laurie, Michael Davies and Tessa – Marie Burns) was vacated and relisted for 11 –22 August 2025.

Kind regards

Jo

Joanna Carty  
Principal Associate  
Weightmans LLP

My pronouns are: She/her



Tel: 0116 253 9747 /ext 128908

DDI: 0116 242 8908

[joanna.carty@weightmans.com](mailto:joanna.carty@weightmans.com)

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## Lindberg, Rachel

---

**From:** Lindberg, Rachel  
**Sent:** 03 October 2024 09:26  
**To:** Joanna Carty  
**Cc:** Oldfield, Alison; Lindberg, Rachel  
**Subject:** RE: Shell U.K. Oil Products Limited v Persons Unknown (QB-2022-0001420) [ES-CLOUD\_UK.FID11570719]

Dear Jo

Many thanks indeed for the below. Does your client have any further information as to why the trial was vacated and relisted?

Thanks

Kind regards

Rachel Lindberg | Senior Associate | Real Estate Dispute Resolution | Eversheds Sutherland

E: [RachelLindberg@eversheds-sutherland.com](mailto:RachelLindberg@eversheds-sutherland.com)

T: +44 113 200 4093

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## Lindberg, Rachel

---

**From:** Joanna Carty <Joanna.Carty@Weightmans.com>  
**Sent:** 07 October 2024 16:33  
**To:** Lindberg, Rachel  
**Subject:** RE: Shell U.K. Oil Products Limited v Persons Unknown (QB-2022-0001420) [ES-CLOUD\_UK.FID11570719]  
**Attachments:** RE Shell U.K. Oil Products Limited v Persons Unknown (QB-2022-0001420) [ES-CLOUD\_UK.FID11570719]

Hi Rachel,

I have received a response from my client and there isn't anything they can see from their systems setting out why the trial was vacated and relisted. I can only assume therefore that the reason is on the CPS file which my client wouldn't have access to.

Kind regards

Jo

Joanna Carty  
Principal Associate  
Weightmans LLP

My pronouns are: She/her



Tel: 0116 253 9747 /ext 128908

DDI: 0116 242 8908

[joanna.carty@weightmans.com](mailto:joanna.carty@weightmans.com)

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For Addressee Only**

Louise Harris  
7 Manor Road  
Wheathampsted  
St Albans  
AL4 8JG

**Date:** 24 September 2024  
**Our Ref:** RylattAZ\356009.000001  
**Email:** shell.service@eversheds-sutherland.com

**By First Class Post and Special Delivery****Also by email to: louise.ed.harris@outlook.com**

Dear Louise Harris

**Shell U.K Oil Products Limited v Persons Unknown (Claim No: QB-2022-0001420)  
("the Proceedings")**

We refer to previous correspondence, specifically your email dated 20 August 2024, our email in response on 22 August 2024 and your subsequent telephone conversation with Alison Oldfield of this firm on 19 September 2024 in which you expressed an interest in signing an undertaking.

If you are willing to give the Court an undertaking in the terms set out in Annex 1 and provided such undertaking is received within **14 days of this letter**, the Claimant agrees it will discontinue proceedings against you on the basis that both parties agree to bear their own legal costs. In other words, the Claimant will remove you as a defendant from the proceedings.

In the event we do not hear from you by **8 October 2024**, we continue to reserve the Claimant's position in relation to the recovery of its costs.

If you are willing to give the Court an undertaking in the form set out at Annex 1 to this letter, (and on the basis that the parties will bear their own legal costs associated with the Proceedings), please return the signed undertaking at Annex 1 to the details at the top of this letter either electronically or using the business reply envelope enclosed.

Yours faithfully

**Eversheds Sutherland (International) LLP**

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**Annex 1  
Undertaking****Shell U.K. Oil Products Limited V Persons Unknown (etc) and others with  
the claim number: QB-2022-001420 (the "Petrol Stations Injunction")**

I promise to the Court that, whilst the Petrol Stations Injunction remains in force (including for the avoidance of doubt where it is continued at a renewal hearing or final hearing and in each case as amended by further order of the Court), I will not engage in the following conduct:

- a) Directly blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station forecourt or to a building within the Shell Petrol Station;
- b) 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;
- c) 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 at the Shell Petrol Station; and
- d) Causing damage to any part of a Shell Petrol Station, whether by:
  - i. Affixing or locking myself, 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.
  - ii. Erecting any structure in, on or against any part of a Shell Petrol Station.
  - iii. spraying, painting, pouring, depositing or writing in any substance on to any part of a Shell Petrol Station.
- e) I confirm I will not carry out such activities myself, by means of another person doing so on my behalf, or on my instructions with my encouragement or assistance.

I confirm that I understand what is covered by the promises which I have given and also that if I break any of my promises to the Court I may be fined, my assets may be seized or I may be sent to prison for contempt of Court.

Signed .....

Name LOUISE  
HARRIS .....Dated ..... 26/09/2  
4 .....

<b>Statement</b>	<b>Purpose</b>	
Eilering 1	General overview of protest activity re all three sites	CB/2/18
Pritchard Gamble 2 (PG2)	General overview of protest activity re all three sites x-ref PG1	PRB/48/3207
<b>October 2024 Final Hearing</b>		
Lindberg 1	Update on criminal trial status	SB/8/7863
<b>April 2023 Renewal</b>		
PG1	In support of renewal – all 3 sites	PRB/50/4020
Fay Lashbrook 1 (FL)	Haven – renewal April 2023 hearing	PRB/52/5001
Keith Garwood 3	Tower – renewal April 2023 hearing	PRB/54/5296
Ben Austin 3	PS – renewal April 2023 hearing	PRB/56/5414
<b>May 2022 Renewal</b>		
Ian Brown 2	Haven renewal 2022	PRB/64/5887
Pinkerton 2	Haven renewal 2022	PRB/68/6002
Garwood 2	Tower renewal 2022	PRB/66/5924
Pinkerton 2	Tower renewal 2022	PRB/70/6043
Austin 2	PS – updating protestor activity since May 2022	PRB/60/5836
<b>April 2022 Initial Injunction</b>		
Austin 1	PS – initial injunction	PRB/58/5742
Pinkerton 1 (all)	Initial injunction	PRB/62/5876
Pinkerton 1 (Haven)	Initial Injunction	PRB/72/6083
Pinkerton 1 (Tower)	Initial injunction	PRB/74/6274
Garwood 1 (Tower)	Initial injunction Tower	PRB/76/6411
Brown 1 (Haven)	Initial injunction Haven	PRB/78/6504
<b>Service</b>		
Oldfield 10	Service of April 2024 orders and warning notices	PSB/11/414
Oldfield 9	Service of Oldfield 8, application to vary service provisions, notice of hearing and hearing / supplemental bundle	PSB/19/656
Oldfield 8	In support of application to vary service of future documents	PSB/21/830
Oldfield 7	Service of Soole J Order 13/3/24	PSB/23/1049
Oldfield 6	Service of April 2023 Orders	PSB/25/1114

Oldfield 5	Chronology of steps for joinder and directions to trial	PSB/27/1454
Oldfield 4	In support of joinder and directions for trial	PSB/29/1605
Oldfield 3	Dealing with 50% threshold of notices for deemed service at Petrol Stations (Oct 2023)	PSB/31/1724
Oldfield 3	In support of police disclosure (April 2023)	PSB/33/1983
Oldfield 2	In support of renewal application April 2023 hearing	PSB/35/2233
Oldfield 1	Deals with ownership of sites (March 2023)	PSB/37/2582
<b>Other</b>		
Pinkerton 3	Police disclosure	PSB/40/2928
Pinkerton 2	Service of application docs, CF, POC	PSB/42/2982

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Witness statement of Charles Philip Laurie

---

I, Charles Philip Laurie, of \_\_\_\_\_, say as follows:

### **Background**

2. I was born on 7 January 1963. I have three adult children; a daughter and two sons. I am a retired Civil Engineer.
3. I am a Quaker. I integrate my faith in everything I do in my life but particularly through my activism. We live by four testimonies: truth, peace, equality and justice. The aim is to live within those testimonies. This is central to why I feel called to be an activist and why my faith is core to my commitment to the abolition of arms in particular.
4. Quakerism calls for Quakers to live by our values and actively participate in the upholding of these values where we see it is necessary. Activism is the practical side of my faith. It is interconnected. Quakerism is not about heaven or an afterlife, it is about the world we are in now. That's why so many Quakers are involved in activism about climate change.
5. I have a HND in Civil Engineering from Hampfield Polytechnic (now Hertfordshire University) and a BSc (Hons) in Environmental Science from the Open University. I graduated from the HND in 1987 and the BSc in 2015.
6. It was at the Open University that I became interested in climate change. I was doing an initial access course between 2008-2009 and then decided to do the Environmental Science course. My degree became focused on climate change. I know and understand the science and that's why I'm deeply concerned.
7. Prior to retirement, I was a Senior Engineering Leader at Transport for London. I retired on 13 April 2023.

### **My views on climate change**

8. Human induced climate change is real. It is happening now. My Environmental Science degree tells me that there is cause and effect in the laws of physics. If you increase CO<sub>2</sub> in the atmosphere the temperature has to increase. Actions have consequences, it is scientific fact and can't be otherwise. CO<sub>2</sub> levels have doubled and the results are inevitable.

9. There is a limit to the amount of carbon that we can use without tipping into irreversible catastrophe. It is clear that we have almost reached this limit, yet more and more carbon reserves are being tapped into. This can only end in disaster.
10. We are already in a position where 1.5 degrees of climate change is now irreversible and probably 2 degrees as well. This is a complete disaster for the global South, who are the primary victims, without being the primary beneficiaries of the fossil fuel economies. There is a very good peer reviewed paper called 'the future of the human climate niche'<sup>1</sup> which predicts that there will be about a billion refugees and 100 million deaths by the 2040s. Of course, those in the global North will also suffer, particularly vulnerable people and those unable to afford to protect themselves.
11. We are almost certainly in a position where hundreds of millions of people are dying, or will be killed by climate change, the battle is here and now about saving lives. It is a life and death situation.
12. The products sold by fossil fuel companies such as Shell are one of the major causes of climate change. These companies know the risks their products pose. Their role is totally malign. They deny the impact, delay action, destroy lives and environments. They take no responsibility for the output of their products, at all times seeking to maximise their sales which is a death sentence to many people and the planet.
13. In general, business is unable to see past profit. Generally, if they think taking action to reduce their impact on climate change will undermine their profits they prefer to continue with business as usual and where necessary green wash past any issues.
14. Fossil Fuel businesses are deflecting responsibility by promoting Individual Carbon Footprints, which means that they can continue with business as usual and concentrate on any minor gain rather than systemic change.
15. The Government and big business try to convince us that it's the demand side of carbon usage, the Individual Carbon Footprints, that is important. Obviously demand is important but the supply side is more important. The oil companies produce cheap subsidised fossil fuels and refuse to cooperate with the renewable sector. That is why I take action to point up the role of fossil Fuel Companies such as Shell in the ongoing disaster which is climate change.
16. There is information available to the public about climate change but it is just not being reported in a way that conveys the necessary urgency of the situation. The Government makes bold statements that the situation is urgent, but its actions do not match its promises. Very few businesses act in a positive way to help people understand the gravity of the situation. Greenwashing is normal and is intended, as far as possible, to allow a business as usual approach without any real change.
17. This is why it is important to me to protest; my faith requires me to take action to alert people to the dangers of climate change and put pressure on the Government and fossil fuel companies to change their ways, while the Government and big business are failing to do so.

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<sup>1</sup> "Future of the human climate niche" by Timothy A Kohler, Timothy M Lenton and Martin Scheffer dated 4 May 2020, published by the Proceedings of the National Academy of Sciences (PNA): <https://www.pnas.org/doi/full/10.1073/pnas.1910114117>

## Events of 24 Aug 2022

1. On 24<sup>th</sup> August 2022 – Cobham Service Station – I was arrested for public nuisance and possession of articles with the intent to cause or damage property. On that day, I attended Cobham Service Station with other protestors from JSO group. Initially my plan was to cause damage to the petrol pumps of the service station with two other protestors, whilst other five protestors blocked the entrance to the station forecourt and glued themselves to the ground. Upon arrival at the petrol station however, a number of police officers were already in attendance. I started walking towards the petrol pumps, however, I was intercepted by police officers who walked with me. The officers asked me what I was doing and told me that they would arrest him if he took anything out of my rucksack. Whilst I was walking towards the petrol pumps, I changed my mind about causing damage to the petrol points and I changed course to join the other protestors at the entrance to the forecourt. I sat down with them and glued myself to the ground. I was arrested and I pleaded not guilty at the First Appearance Hearing at Guildford Crown Court. I have been released on unconditional bail for this matter and the trial is currently listed for 12 August 2024.
  
18. Since that day I have been arrested a further six times, each time for offences related to participating in protests, I have no convictions.
  - a) On 10 April 2022 I was arrested for blocking the entrance to a fuel depot; no charges resulted
  - b) On 26 August 2022 I was arrested for protesting at BP Petrol Station in Acton, no charges resulted.
  - c) On 14 September 2022 I was arrested for protesting at Kingsbury fuel depot in North Warwickshire
  - d) On 15 May 2023 I was arrested for holding up a placard outside court with words that were innocuous and ridiculous; and the charges have since been dropped
  - e) On 14<sup>th</sup> sept I was arrested for breach of a section 14 Order at the DSEI Arms fair in London. I was found not guilty of the offence at Stratford Magistrates in May 2024.
  - f) On 12 Nov 2023 arrested for slow marching. I am awaiting trial for that offence in Aug 2025.
  
19. I have never used or threatened violence against any person and would never do so, in view of my faith. Nor have I ever been arrested or charged for violence against a person.

## My objections to the injunction

The following aspects of the injunction are in my view a disproportionate interference with my right to protest:

- (a) There are about 8400 petrol stations in the UK, 1000 are owned by Shell. The majority of these are not enjoined, somewhat less than 1200 are enjoined in total. Why should Shell need or deserve more protection from proportionate protest than any other organisation.
- (b) My actions undertaken on 24<sup>th</sup> August did not break the law, until I am found guilty the presumption should be that I am innocent, many people have been found not guilty of such offences. By facing this hearing I am being punished twice for the same offence.

(c) all protests that gave rise to this injunction where at locations directly connected with the harm being caused by the ongoing operations of Shell.

(d) the fact that the operations were disrupted but for a limited duration

(e) The action was of a very limited duration which meant that the property was returned to its owner as soon as practical, after its use for protest

(f) the fact that the our actions were carefully targeted to cause disruption to the operation of Shell premises but that this was limited by the nature of the action

(g) the fact that the protest related to a 'matter of general concern' i.e. climate change

(h) the absence of any complaint about the defendants' conduct;

(i) the defendants' longstanding commitment to opposing the role of companies such as Shell in Climate Change and the human suffering they cause through refusal to act positively.

(j) There is no justification why protestors ought not be permitted to protest in such a way as to disrupt users entering petrol stations, so long as they don't endanger anyone in the process. Such disruption in the form of blocking or slowing down vehicular traffic is a legitimate means of drawing attention to the consequences of people using vehicles powered by fossil-fuels, and is not linked to any serious interference with critical infrastructure.

(k) 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. Again Shell are seeking protection from a form of protest which has through history been used within society by those such as the

(l) There is no evidence that I or others will act in a way that will seriously threaten the operations

of such a large organisation as Shell. Further isf Shell continue to act in a way that threatens the future of our planet they must be subject to the right of protest that all citizens of this country have, they are only special in that they are part of the root cause of the problems we face.

These all curtail my right to peacefully protest, including outside facilities which are directly implicated in the harm that is caused by the petrochemical industry. My interest is in peaceful and proportionate protest.

I believe that the facts stated in this witness statement are true. I understand 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.

Signed .....

Date...16/10/2024.....



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## **SKELETON ARGUMENT FOR CHARLES PHILIP LAURIE**

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### **INTRODUCTION**

We do not agree that this injunction is necessary. We believe that Shell should not be protected from lawful protest. We have been not faced criminal prosecution for the acts that led to our inclusion on this injunction, we believe our actions have to date been entirely within the law as it stood on 24.08.22. Since then the Government has after much lobbying from Fossil Fuel Companies passed even stronger laws protecting companies such as Shell.

Please read this document in conjunction with my witness statement,

### **MR LAURIE'S CASE**

1. The 8<sup>th</sup> Defendant, Mr Charles Philip Laurie, seeks permission to defend the claim against him and in any event participate in the hearing by way of submissions in relation to the injunction sought.
  
2. My statement on the events that led to my inclusion on the injunction is as follows.

On 24<sup>th</sup> August 2022 – Cobham Service Station – I was arrested for public nuisance and possession of articles with the intent to cause or damage property. On that day, I attended Cobham Service Station with other protestors from JSO group. Initially my plan was to cause damage to the petrol pumps of the service station with two other protestors, whilst other five protestors blocked the entrance to the station forecourt and glued themselves to the ground. Upon arrival at the petrol station however, a number of police officers were already in attendance. I started walking towards the petrol pumps, however, I was intercepted by police officers who walked with me. The officers

asked me what I was doing and told me that they would arrest him if he took anything out of my rucksack. Whilst I was walking towards the petrol pumps, I changed my mind about causing damage to the petrol pumps and I changed course to join the other protestors at the entrance to the forecourt. I sat down with them and glued myself to the ground. I was arrested. I pleaded not guilty at the First Appearance Hearing at Guildford Crown Court. I have been released on unconditional bail for this matter and the trial is currently listed for 11 August 2025.

3. My faith, beliefs and views regarding climate change are set out in my witness statement. These views are sincerely held, reflecting those of many citizens who are concerned about climate change and the role of fossil fuel producers in the promulgation of further man-made global warming.
4. I deny that my actions on 24 August 2022 constituted a public nuisance. In the circumstances, my actions were a lawful exercise of his ECHR Article 10 and 11 rights.
5. My objections to the injunction are set out in below:

“The following aspects of the injunction are in my view a disproportionate interference with my right to protest:

- a) The injunction prohibits my right to protest under articles 9,10 and 11 the Human rights act.
- b) This case means I am being tried twice for the same act of protest. The Aarhus Convention Protects Environmental Defenders from excessive use of the law.
- c) Since the injunction was made the law relating to protest has changed significantly, offering greater protection to the fossil fuel industry. For instance, s.7 Public Order Act 2023 means that people can be arrested almost immediately after the protest begins and they will face up to a year in prison. I do not understand why there is any need for the injunction to continue to exist in addition to these draconian laws; and
- d) The actual loss and disruption caused is entirely proportional to the loss and damage being committed every hour of every day by the claimant, in pursuit of their business. Which is within the setting of the current climate emergency. They are even curtailing their investment in Green Energy.

This is immensely troubling for me because it curtails my right to peacefully protest outside petrochemical facilities, offices and retail facilities which are which are owned and operated by Shell.

## **THE PROCEEDINGS**

The terms of the injunction currently in force,

The Order prohibits:

1. Directly blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station forecourt or to a building within the Shell Petrol Station;
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. 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 at the Shell Petrol Station.
4. Causing damage to any part of a Shell Petrol Station, whether by:
  - a. affixing or locking 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;
  - b. erecting any structure in, on or against any part of a Shell Petrol Station;
  - c. spraying, painting, pouring, depositing or writing in any substance on to any part of a Shell Petrol Station.

You must not do any of the above acts either yourself or by means of another person acting on your behalf, instructions, encouragement or assistance. Anyone in breach of the Order will be in contempt of court and may be imprisoned, fined or have their assets seized. The persons affected by the Order are Persons Unknown acting in connection

with, and associated to, environmental campaigns and protests with the intention of disrupting the sale or supply of fuel to or from Shell Petrol Stations.

### **FACTS GIVING RISE TO THE CLAIM AND THE INTERIM INJUNCTIONS**

On 28 April and 24 August 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 actions of the protestors on 28 April and 24 August 2022, variously included the following:

- Smashing the screens of petrol pumps by hitting them with hammers;
- Spraying or writing graffiti on the petrol pump screens;
- Blocking access to incoming and outgoing cars;
- Gluing themselves to pumps and/or parts of the forecourt;
- Climbing onto a tanker, and gluing themselves to its cab.

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. On 24 August 2022, Shell's Petrol Station at Cobham Services was targeted again (along with two other non-Shell petrol stations on the M25 Motorway) with protestors executing near identical attacks and carrying out the activities described

above and which resulted in two pump screens (which are an integral part of the fuel pump structure) being damaged.

On 26 August 2022, Shell's Petrol Stations at Acton Park and Acton Vale were subjected to action by protestors that went well beyond peaceful protest. As part of what Just Stop Oil described as a week-long "series of actions disrupting oil terminals and petrol stations in support of [Just Stop Oil's] demand that the UK government end new oil and gas projects in the UK", individuals once again blocked the entrance to the petrol station and caused damage to 10 fuel pumps in total across the two Shell Petrol Stations.

### Impact evidence

The impact of our actions is not a simple matter. I am sure that that Shell will point to the cost of protest actions and potential risk of the actions to describe the risk.

I would ask that you consider if the cost is actually a big or small number. I am sure that the numbers are big for those Shell trading businesses actually impacted but at the highest level in terms of a business making 19.5 billion dollars profit in the past year, it is very, very small. Whether you want to regard it as being large or small is down to you. For me it is very small, and fits exactly for the requirement protest to be proportional.

Most importantly though risk to staff, customers, passers by and protestors.

All the major climate and environmental protest groups in the UK insist on non-violent protest. No XR or JSO protestor has been arrested on a charge of violence. So violence cannot realistically be said to be a risk for staff customers or police.

There are no cases that we are aware of public or staff being injured on a Shell or other premises. it is hard to find anyone who has been injured in a protest. So whilst I am sure there are risks, there are being managed by all parties including by protestors this is true because if it was not there would be many cases of people being injured. If we are to say that only protest that carries not risk is acceptable or legal then no protest will be legal.

### Relevance of previous order and judgments in these proceedings

Plainly, there have been significant changes in the law since the 2022 interim injunction was granted the court should approach the matter afresh and/or with those changes well in mind

## European Convention of Human Rights

The following quote is presented in isolation.

All forms of peaceful (i.e. non-violent) assembly fall within the ambit of Articles 10 and 11. As underscored by Laws LJ in *Tabernacle v Secretary of State for Defence* [2009] EWCA Civ 23, §43: “Rights worth having are unruly things. Demonstrations and protests are liable to be a nuisance. They are liable to be inconvenient and tiresome, or at least perceived as such by others...”.

When determining whether a restriction on any Articles 10 or 11 right is justified, “it is not enough to assert that the decision was taken was a reasonable one” and “a close and penetrating examination of the factual justification for the restriction is needed.” (Lord Neuberger of Abbotsbury MR in *R (Gaunt) v Office of Communications (Liberty Intervening)* [2011] EWCA Civ 692 at para. 33 referring to the Opinion of Lord Hope in *R v Shayler* [2003] AC 247, at [59]-[61]

We would like to use the Zeiler case, not being experts in legal matters we simply quote the following.

In *Ziegler* the Supreme Court considered the interaction of section 137(1) with Articles 10 and 11. The Court held that section 137 has to be read and given effect, in accordance with section 3 of the HRA, on the basis that the availability of the defence of lawful excuse, in a case raising issues under Articles 10 or 11, depends on a proportionality assessment.

Their Lordships in *Ziegler* adopted at the non-exhaustive list of factors to consider when evaluating proportionality. Paraphrasing that content here, those factors are:

- a) the extent to which the continuation of the protest would breach domestic law;
- b) the importance of the precise location to the protestors;
- c) the duration of the protest;
- d) the degree to which the protestors occupy the land;
- e) the extent of the actual interference the protest causes to the rights of others, including the property rights of the owners of the land, and the rights of any members of the public;
- f) whether the views giving rise to the protest relate to 'very important issues' and whether they are 'views which many would see as being of considerable breadth, depth and relevance'; and

- g) whether the protestors 'believed in the views that they were expressing'.

### **MR LAURIE'S SUBMISSIONS**

I deny that my actions on 24 August 2022 constituted the offence and that using the check list in Ziegler quoted above my reasons are:

(a) I hold that the actions undertaken on 24<sup>th</sup> August did not break the law, until I am found guilty the presumption should be that they were legal, many people have been found not guilty of such offences.

(b) all protests that gave rise to this injunction where at locations directly connected with the harm being caused by the ongoing operations of Shell.

(c) the fact that the operations were disrupted but for a limited duration

(d) The action was of a very limited duration which meant that the property was returned to its owner as soon as practical, after its use for protest

(e) the fact that the defendants' actions were carefully targeted to cause disruption to the operation of Shell premises but that this was limited by the nature of the action

(f) the fact that the protest related to a 'matter of general concern' i.e. climate change

(g) the absence of any complaint about the defendants' conduct;

(h) the defendants' longstanding commitment to opposing the role of companies such as Shell in Climate Change and the human suffering they cause through refusal to act positively.

6. There is no evidence that the I will act in breach of the Claimant's rights in the future such that "imminent and real risk of harm test" for an anticipatory injunction is met and insofar as it is maintained that holding peaceful protests that result in a slowing or reasonable obstruction of the traffic, by holding placards or slow marching for example, would breach the Claimant's rights, that is denied: such acts would be lawful having regard to Article 10/11 ECHR.

7. Without prejudice to my submissions above regarding his actions on 24 August 2022, I maintain that the claim for an injunction should be dismissed insofar as to prohibits lawful protest. In particular, he submits that the following parts of the current injunction should not be made final as they are disproportionate:

1. Directly blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station forecourt or to a building within the Shell Petrol Station is in effect preventing legal protests from taking place. Shell should not in effect be granted immunity especially as these protests are safe peaceful and proportionate.

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. Again Shell are seeking protection from a form of protest which has through history been used within society by those such as the

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 at the Shell Petrol Station. This has never to our knowledge been an intent of protest at a Petrol Station.

4. Causing damage to any part of a Shell Petrol Station, whether by affixing or locking themselves, or any object or person, to any part of. Again this is Shell seeking to protect themselves from what is often legal protest. As is clear from *Ziegler*, not all locking-on is unlawful. Therefore, it is submitted that the terms of the injunction are too broad in that they prohibit all forms of locking-on on all the Roads.



5. There is no evidence that the recently increased sentences for protest won't act as a deterrent to unreasonable obstruction by protestors. Notably, the new offences in the Public Order Act 2023 ("POA") include an offence of locking on (s.1) and being equipped for locking on (s.2). There is no evidence that these new offenses, which have been enacted since the activity in this case precisely to deter unreasonable protest, won't adequately achieve their purpose and deter unreasonable locking-on.

There is no justification why protestors ought not be permitted to protest in such a way as to disrupt users entering petrol stations, so long as they don't endanger anyone in the process. Such disruption in the form of blocking or slowing down vehicular traffic is a legitimate means of drawing attention to the consequences of people using vehicles powered by fossil-fuels, and is not linked to any serious interference with critical infrastructure. The prohibitions are overly broad in any event, as they prohibit activity in station forecourts and access roads, well away from the pumps themselves.

### Conclusion

Ultimately, the terms of the current injunction extent significantly beyond the limits of proportionate interference with Articles 10 and 11. The extremely broad injunction constitutes a disproportionate interference with my right to protest in a peaceful if intentionally disruptive manner, such that my legitimate and sincerely held beliefs about the climate emergency can be expressed in a proportionate manner.

Another way to look at this might be that this injunction shields Shell from the consequences of public discontent at the decisions made at senior levels within the company.

Witness Statement of Emma Louise Ireland

*For Final Hearing of Shell Injunction - Petrol stations - due to be heard on 21st October 2024*

I, Emma Louise Ireland, of

say as follows:

1. I make this statement in relation to the injunction order that is due a final hearing of the Claimants claim on 21st October 2024.

**BACKGROUND**

2. I was born on 19 June 1984. I started working in social care when I was 18 and trained as a social worker from 2009-2011. Since 2012 I have worked in mental health, some times as a support worker and other times at more senior levels, as a care co-ordinator. I am currently job free. I have recently been volunteering with food cycle, cooking 3 course community meals with waste food. I have a work contract starting on 1st November working in a mental health setting, with people who have been street homeless for a long time.

3. I care deeply for others and look for ways to support fellow human beings and the earth, be it in my paid work, with family and friends, neighbours, or volunteering. For 3 months of this year I have volunteered on organic farms in the UK. I have been learning how to tend to the land, learning what it is to live more sustainably. I have felt what it is like to exchange my time working on the land, for food and accommodation. On one site I learned what it feels like to use only the energy that can be made on the land via wind or solar.

4. I have never owned a car, always taking public transport and I no longer fly. Since 2nd June 2024 I have been travelling solely by foot or bicycle, where ever I have gone. For example I cycled over the course of 2 days from Bristol to London to take part in this trial. For me I value feeling in my body that connection to the use of fewer fossil fuels.

5. During the pandemic, I worked on the front line within an NHS funded mental service. It was during the first few months of lock down that I had a spiritual awakening. My heart was cracked open - opening me up to massive feelings of both love and suffering. The spiritual journey that I have been on ever since, has deepened my connection to everything. I feel how connected we all are to every one and every thing. I now lead more from a heart space than a head space. I can feel the suffering of others, and the suffering of his beautiful earth more strongly. I have done a lot of personal work on my internal landscape since 2020, as I feel that the more peaceful I am inside, the more peace I have to share with the world. It is from this peaceful loving space that I act, to try to relieve suffering.

**MY VIEWS ON CLIMATE CHANGE**

6. I have changed many of my individual behaviours and practices to limit my impact on the climate. I am human, so I will continue to have to reflect on what more I can do as an individual and make changes accordingly.

7. In 2021 the IPCC report stated that no new fossil fuel sources can be opened, if the world is serious about living up to its commitments and avoiding a significantly worsening climate crisis.

8. The scientific consensus on the climate emergency could not be clearer. We are in a climate crisis, driven by rising temperatures and extreme weather. An average of over 1.5'C warming would be catastrophic for humanity. The International Panel for Climate Change (IPCC) reports state that we are already overshooting the targets of liveability. We cannot keep burning fossil fuels if we are to have any chance of a liveable future.

9. The global south are far more deeply affected by climate change than we are in the global north.

10. I feel that it is my calling to do all I can to reduce the negative impact of climate change at this time. I feel that part of this is to invite others to question what they can do, within their sphere of influence. I understand that for each of us this may be different. In 2022 I became a supporter of Just Stop Oil in order to demand that the government stop issuing licences for the exploration, discovery and development of new oil and gas projects in the UK. For me, this demand felt necessary, clear and reasonable.

11. In 2024 Labour announced that they will no longer be issuing licenses for new oil and gas in the UK.

### **EVENTS OF AUGUST 24<sup>th</sup> 2022**

12. On that day, I attended Cobham Service Station with other supporters of the Just Stop Oil campaign. Upon arrival at the petrol station a number of police officers were already in attendance. I walked towards the entrance of the forecourt and sat down on the ground. There were 5 others who sat down too. There was a banner that read Just Stop Oil. The entrance to the forecourt was blocked. Cars continued to leave the petrol station via the exit road. When asked to move I continued to stay seated on the ground. I had my back to the petrol pumps. I am aware that there was damage caused to 2 petrol pump screens by one or two other people.

13. I sat in the entrance of the Shell Petrol station, as an act of protest, to demand that the government stop issuing new licences for the discovery, development and production of new oil and gas in the UK.

14. I also took this action to get this message out to Shell and to the public, who were there on the day, and others members of the public and the government via the media. To raise the alarm that we are in a climate emergency and we have to act like it. I put my body on the line and 2 petrol pump screens were decommissioned, to temporarily pause the flow of new petrol into some cars for a limited time. By jolting the status quo, I hoped that this more embodied message, would get through to some more people. Because we all need to be doing more, every day, at all times, to reduce our harmful impact on the climate and to encourage others to do so as well.

15. I was arrested for causing a public nuisance, and was taken to Staines police station. I pleaded not guilty at the first appearance at Guildford Crown Court. I have been released on unconditional bail for this matter and the trial is currently listed for 11 August 2025.

16. I feel so privileged to be saying this from a place where I have a home, enough food and I am well. The reality for many today, especially in the global south, is that their lives are being ripped apart due to fires, floods, famine caused by climate change. It is us in the global north who have played the biggest part in climate change. I feel it is our responsibility to do all we can as individuals, and to ask those, with different spheres of influence, to do what they can too.

17. This is why I protested on that day, and why I am defending myself at this trial.

18. I am defending my actions regarding this civil injunction, and I will also be defending myself in a criminal court in August 2025. This injunction existing means that the same act of protest amounts to 2 trials, which could lead to 2 punishments - I understand the punishment for being named on this injunction could be to pay Shell's legal costs for bringing about this injunction.

19. Since that day I have been arrested a further five times, each time for participating in protests as a supporter of Just Stop Oil. The demand to the government, on each of these occasions was to stop issuing new oil and gas licences:

a) On August 26 2022 I was arrested for blocking the entrance to a petrol station forecourt in London.

b) On 8 the October 2022 I was arrested for sitting in a road in London , causing a disruption to traffic. For this I was charged, pleaded not guilty to wilful obstruction of the highway, and later the case was dropped.

c) On 21 October 2022, I was arrested for sitting in a road in London, causing a disruption to traffic. For this I was found guilty of Wilful Obstruction of the Highway. I was sentenced to £200 court costs £26 surcharge and conditional discharge of 12 months.

d) On 10 July 2023, I was arrested for continuing to walk slowly down a road in London, causing traffic to move more slowly. I was arrested for breaching s.12. I was later found guilty for breaching s.12. I was sentenced to £120 court costs and £120 fine. I was also given £120 fine for the above action, due to the conditional discharge.

e) On 10 November 2023 I was arrested for walking slowly down a London road. I was later found guilty of Wilful Obstruction of the Highway and sentenced to £348 costs, £200 fine, £80 surcharge.

20. I have completed non-violent direct action training. I practice non-violence. I am a calm and peaceful person. I have taken these above actions as they have felt like the right thing to do at the time.

**MY OBJECTIONS TO THE INJUNCTION:**

21.

- a) The injunction prohibits my right to protest under articles 9,10 and 11 the Human Rights Act.
- b) This case means I am being tried twice for the same act of protest. The Aarhus Convention Protects Environmental Defenders from excessive use of the law.
- c) Since the injunction was made the law relating to protest has changed significantly, offering greater protection to the fossil fuel industry. For instance, s.7 Public Order Act 2023 means that people can be arrested almost immediately after the protest begins.
- d) The actual loss and disruption caused is entirely proportional to the loss and damage being committed every hour of every day by the claimant, in pursuit of their business. This is within the setting of the current climate emergency that we are in.

22. I find the increased use of civil injunctions for prohibiting peaceful protest very worrying.

23. I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt 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.

**Shell Injunction - Petrol Stations**

**For trial on October 21st 2024**

**Final Hearing**

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**SKELETON ARGUMENT FOR EMMA IRELAND**

**INTRODUCTION**

We do not agree that this injunction is necessary. We believe that Shell should not be protected from lawful protest. We have not yet faced criminal trial for the acts that led to our inclusion on this injunction, so it remains to be seen whether the protest will be judged as lawful. We believe our actions have to date, been entirely within the law as it stood on 24.08.22. Since then the Government has, after much lobbying from Fossil Fuel Companies, passed even stronger laws protecting companies such as Shell.

For clarity, I am asking for the Shell Petrol Station injunction to be discontinued.

Please read this document in conjunction with Emma Ireland Witness Statement.

**MISS IRELAND'S CASE**

1. I, the 7th Defendant, Miss Emma Ireland, seek permission to defend the claim against me and participate in the hearing by way of submissions in relation to the injunction sought.
2. My statement on the events that led to my inclusion on the injunction is as follows (from witness statement):

Events of August 24<sup>th</sup> 2022

On that day, I attended Cobham Service Station with other supporters of the Just Stop Oil campaign. Upon arrival at the petrol station a number of police officers were already in attendance. I walked towards the entrance of the forecourt and sat down on the ground. There were 5 others who sat down too. There was a banner that read Just Stop Oil. The entrance to the forecourt was blocked. Cars continued to leave the petrol station via the exit road. When asked to move I continued to stay seated on the ground. I had my back to the

petrol pumps. I am aware that there was damage caused to 2 petrol pump screens by one or two other people.

13. I sat in the entrance of the Shell Petrol station, as an act of protest, to demand that the government stop issuing new licences for the discovery, development and production of new oil and gas in the UK.

14. I also took this action to get this message out to Shell and to the public, who were there on the day, and others members of the public and the government via the media. To raise the alarm that we are in a climate emergency and we have to act like it. I put my body on the line and 2 petrol pump screens were decommissioned, to temporarily pause the flow of new petrol into some cars for a limited time. By jolting the status quo, I hoped that this more embodied message, would get through to some more people. Because we all need to be doing more, every day, at all times, to reduce our harmful impact on the climate and to encourage others to do so as well.

15. I was arrested for causing a public nuisance, and was taken to Staines police station. I pleaded not guilty at the first appearance at Guildford Crown Court. I have been released on unconditional bail for this matter and the trial is currently listed for 11 August 2025.

3. My spiritual faith, beliefs and views regarding climate change are set out in my witness statement. These views are sincerely held, reflecting those of many citizens who are concerned about climate change and the role of fossil fuels in perpetuating further man-made global warming.
4. I deny that my actions on 24 August 2022 constituted a public nuisance. In the circumstances, my actions were a lawful exercise of the European Convention on Human Rights Articles 10 (freedom of expression) and 11 (freedom of assembly) rights.

## **5. THE TERMS OF THE INJUNCTION CURRENTLY IN FORCE:**

The Order prohibits:

1. Directly blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station forecourt or to a building within the Shell Petrol Station;
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. 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 at the Shell Petrol Station.
4. Causing damage to any part of a Shell Petrol Station, whether by:

a. affixing or locking 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;

b. erecting any structure in, on or against any part of a Shell Petrol Station;

c. spraying, painting, pouring, depositing or writing in any substance on to any part of a Shell Petrol Station.

You must not do any of the above acts either yourself or by means of another person acting on your behalf, instructions, encouragement or assistance. Anyone in breach of the Order will be in contempt of court and may be imprisoned, fined or have their assets seized. The persons affected by the Order are Persons Unknown acting in connection with, and associated to, environmental campaigns and protests with the intention of disrupting the sale or supply of fuel to or from Shell Petrol Stations.

## **6. FACTS GIVING RISE TO THE CLAIM AND THE INTERIM PETROL STATION INJUNCTION**

On 28 April and 24 August 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 actions of the protestors on 28 April and 24 August 2022, variously included the following:

- Smashing the screens of petrol pumps by hitting them with hammers;
- Spraying or writing graffiti on the petrol pump screens;
- Blocking access to incoming and outgoing cars;
- Gluing themselves to pumps and/or parts of the forecourt;
- Climbing onto a tanker, and gluing themselves to its cab.

On 28th April 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.

On 24 August 2022, Shell's Petrol Station at Cobham Services was targeted again (along with two other non-Shell petrol stations on the M25 Motorway) with protestors executing near identical attacks and carrying out the activities described above and which resulted in two pump screens (which are an integral part of the fuel pump structure) being damaged.

On 26 August 2022, Shell's Petrol Stations at Acton Park and Acton Vale, protestors blocked the entrance to the petrol station and caused damage to 10 fuel pumps in total across the two Shell Petrol Stations. This was s part of what Just Stop Oil described as a week-long "series of actions disrupting oil terminals and petrol stations in support of [Just Stop Oil's] demand that the UK government end new oil and gas projects in the UK".

## 7. Impact evidence

The health and safety concerns of potential future actions at Shell petrol stations has been discussed in evidence. I too take this point very seriously. I agree that a protest should not be allowed that causes physical harm to staff, customers, passers by and protestors.

All the major climate and environmental protest groups in the UK insist on non-violent protest. An action is taken with keen consideration as to the safety of all people involved. Training is given on how to be non-violent and only those who have completed the training and are deemed to be able to adhere to this practice, are able to take action with the campaigns. There is nothing in evidence of the public or staff being injured on a Shell or any other branded petrol station premises. I can understand the fear of what could happen, if protestors were to carry out more elaborate activity at petrol stations in the future. However, this evidential submission is a fear being expressed. There is nothing in evidence to show that this is likely to happen. In fact, there is no evidence of any actions on any branded petrol station, be it those injuncted or those without that protection, since August 2022.

I acknowledge that there has been a monetary cost of the repair of the petrol pump screens that were damaged. I understand that if found guilty at criminal trial, that these repair costs may be recuperated from me and others at this point. I hold the belief that if those that run Shell fully understood the part that they were playing in the climate crisis, in the deepest part of their heart and sole, they would have consented to the damage having been caused the the pumps and the disruption to the sale of their fuel.

## **MISS IRELAND'S SUBMISSIONS**

8. My objections to the injunction are set out below:

- a) The injunction prohibits my right to protest under articles 10 and 11 the Human rights act.

### European Convention of Human Rights

The following quote is presented in isolation.

All forms of peaceful (i.e. non-violent) assembly fall within the ambit of Articles 10 and 11. As underscored by Laws LJ in *Tabernacle v Secretary of State for Defence* [2009] EWCA Civ 23, §43: "Rights worth having are unruly things. Demonstrations



and protests are liable to be a nuisance. They are liable to be inconvenient and tiresome, or at least perceived as such by others...”.

When determining whether a restriction on any Articles 10 or 11 right is justified, “it is not enough to assert that the decision was taken was a reasonable one” and “a close and penetrating examination of the factual justification for the restriction is needed.” (Lord Neuberger of Abbotsbury MR in *R (Gaunt) v Office of Communications (Liberty Intervening)* [2011] EWCA Civ 692 at para. 33 referring to the Opinion of Lord Hope in *R v Shayler* [2003] AC 247, at [59]-[61])

I understand that these rights are sometimes trumped by other’s rights, like that of a business like Shell to sell it’s products. My ask is that this injunction not be extended, so that each individual’s human rights be weighed up on a case by case basis against those of Shell’s. This is already being done proficiently in the criminal courts. Some cases for protests at petrol stations have found the defendants guilty and some have been found not guilty. This injunction would cause a full prohibition on certain acts of protest, which could be an infringement of a person’s human rights.

b) This case means I am being tried twice for the same act of protest. The Aarhus Convention Protects Environmental Defenders from excessive use of the law.

On 23 January 2024 Michel Forst, Special Rapporteur for Environmental Defenders under the Aarhus Convention, issued a mission statement. After visiting the UK from 10-12 January 2024, he stated:

“In addition to the new criminal offences, I am deeply troubled at the use of civil injunctions to ban protest in certain areas, including on public roadways”.

He said, regarding environmental defenders facing criminal and civil proceedings for the same action “...and in sense are being tried twice for the same action, is also of grave concern”.

(See Michel Forst’s full mission statement - send with Skeleton Argument)

My understanding of the injunction is that it effectively takes the judge and jury out of the person’s human right to protest in certain ways, against Shell Oil. From my understanding if any of the behaviours on the injunction are exhibited, then the person is found guilty in the high court, being told there is no defence, and is punished with near unlimited boundaries. This injunction is therefore saying that no matter what the person’s defence, no matter what the company may have done/may be doing, the company has the power, and is sided by by the legal system. The legal system is on Shell’s side, not just because of the terms of the injunction, but also due to the legal fees being so high for defending injunctions, that few can afford professional solicitors/barristers to support them. This is why myself and Mr Laurie are representing ourselves. This feels like excessive use of the law.

c) Since the injunction was made the law relating to protest has changed significantly, offering greater protection to the fossil fuel industry. For instance, s.7 Public Order Act 2023 means that people can be arrested

almost immediately after the protest begins and they will face up to a year in prison. I do not understand why there is any need for the injunction to continue to exist in addition to these draconian laws;

Shell requested the interim injunction when these new laws were not yet in force. I propose that the criminal laws of this country are protection enough for Shell to be able to continue to effectively and safely sell petrol to the public. Who can say whether it is the injunction, or the criminal laws, or something else that has meant that there have been no more actions by environmental groups on any petrol station of any brand in England and Wales since August 2022. The evidence since August 2022 given by the claimant talks about other types of actions on other sites in the UK, that are not petrol stations.

d) The actual loss and disruption caused is entirely proportional to the loss and damage being committed every hour of every day by the claimant, in pursuit of their business. Which is within the setting of the current climate emergency.

The evidence from the claimant said that as of May 2022 Shell had 1,062 petrol stations in England and Wales. The petrol stations affected by the peaceful yet disruptive protests were at 3 of these sites and on 4 different occasions. These all fall on or within the M25, as opposed to UK wide. The protests were time limited and were an act of protest with a reasonable demand.

Conversely, analysis from Carbon Majors Database, has proposed that just 57 oil, gas and cement producers are directly linked to 80% of the world's global fossil fuel CO2 emissions since the 2016 Paris Agreement. Shell has been named as one of these.

(See press release PDF of the report - sent with Skeleton Argument)

## 9. **CONCLUSION**

Environmental defenders have not made any further protests on any petrol stations of any brand in the England or Wales since August 2022, whether injunctioned or not.

There are other legal frameworks, under criminal law, to deter protest in the UK.

Were an act of protest at a Shell petrol station to occur in the future, the criminal laws in the UK can be used to prosecute protestors. This offers protection to Shell's business - on the same terms as any other petrol station business. At trial the individual case would be fully scrutinised and a judgement made.

We are in a climate emergency. Let us not be a country that continues to use injunctions to create new laws that are overly harsh for environmental defenders and protect big oil companies.

I ask that this injunction be discontinued.



Convention on Access to Information,  
Public Participation in Decision-making and  
Access to Justice in Environmental Matters  
(Aarhus Convention)

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**Michel Forst**  
**UN Special Rapporteur on Environmental Defenders under the Aarhus Convention\***

**Visit to London, United Kingdom of Great Britain and Northern Ireland, 10-12 January 2024**  
**End of mission statement**

On 10 – 12 January 2024, I made my first visit to the United Kingdom since I was elected as UN Special Rapporteur on Environmental Defenders under the Aarhus Convention in June 2022. During my visit I met with government officials and with environmental defenders, including NGOs, climate activists and lawyers. I am issuing this statement in the light of the extremely worrying information I received in the course of these meetings regarding the increasingly severe crackdowns on environmental defenders in the United Kingdom, including in relation to the exercise of the right to peaceful protest.

These developments are a matter of concern for any member of the public in the UK who may wish to take action for the climate or environmental protection. The right to peaceful protest is a basic human right. It is also an essential part of a healthy democracy. Protests, which aim to express dissent and to draw attention to a particular issue, are by their nature disruptive. The fact that they cause disruption or involve civil disobedience do not mean they are not peaceful. As the UN Human Rights Committee has made clear, States have a duty to facilitate the right to protest, and private entities and broader society may be expected to accept some level of disruption as a result of the exercise of this right.

During my visit, however, I learned that, in the UK, peaceful protesters are being prosecuted and convicted under the Police, Crime, Sentencing and Courts Act 2022, for the criminal offence of “public nuisance”, which is punishable by up to 10 years imprisonment. I was also informed that the Public Order Act 2023 is being used to further criminalize peaceful protest. In December 2023, a peaceful climate protester who took part for approximately 30 minutes in a slow march on a public road was sentenced to six months imprisonment under the 2023 law.

That case is currently on appeal, but it is important to highlight that, prior to these legislative developments, it had been almost unheard of since the 1930s for members of the public to be imprisoned for peaceful protest in the UK. I am therefore seriously concerned by these regressive new laws.

I was also alarmed to learn that, in some recent cases, presiding judges have forbidden environmental defenders from explaining to the jury their motivation for participating in a given protest or from mentioning climate change at all. It is very difficult to understand what could justify denying the jury the opportunity to hear the reason for the defendant’s action, and how a jury could reach a properly informed decision without hearing it, in particular at the time of environmental defenders’ peaceful but ever more urgent calls for the government to take pressing action for the climate.

I also received highly concerning information regarding the harsh bail conditions being imposed on peaceful environmental defenders while awaiting their criminal trial. These have included prohibitions on engaging in any protest, from having contact with others involved in their environmental movement or from going to particular areas. Some environmental defenders have also been required to wear electronic ankle tags, some including a 10pm-7am curfew, and others, GPS tracking. Under the current timeframes of the criminal justice system, environmental defenders may be on bail for up to 2 years from the date of arrest to their eventual criminal trial. Such severe bail conditions have significant impacts on the environmental defenders’ personal lives and mental health and I seriously question the necessity and proportionality of such conditions for persons engaging in peaceful protest.

In addition to the new criminal offences, I am deeply troubled at the use of civil injunctions to ban protest in certain areas, including on public roadways. Anyone who breaches these injunctions is liable for up to 2 years imprisonment and an unlimited fine. Even persons who have been named on one of these injunctions without first

being informed about it – which, to date, has largely been the case – can be held liable for the legal costs incurred to obtain the injunction and face an unlimited fine and imprisonment for breaching it. The fact that a significant number of environmental defenders are currently facing both a criminal trial and civil injunction proceedings for their involvement in a climate protest on a UK public road or motorway, and hence are being punished twice for the same action, is also a matter of grave concern to me.

I am also distressed to see how environmental defenders are derided by some of the mainstream UK media and in the political sphere. By deriding environmental defenders, the media and political figures put them at risk of threats, abuse and even physical attacks from unscrupulous persons who rely on the toxic discourse to justify their own aggression. The toxic discourse may also be used by the State as justification for adopting increasingly severe and draconian measures against environmental defenders. In the course of my visit, I witnessed firsthand that this is precisely what is taking place in the UK right now. This has a significant chilling effect on civil society and the exercise of fundamental freedoms.

As a final note, during my visit, UK environmental defenders told me that, despite the personal risks they face, they will continue to protest for urgent and effective action to address climate change. For them, the threat of climate change and its devastating impacts are far too serious and significant not to continue raising their voice, even when faced with imprisonment.

We are in the midst of a triple planetary crisis of climate change, biodiversity loss and pollution. Environmental defenders are acting for the benefit of us all. It is therefore imperative that we ensure that they are protected.

While the gravity of the information I received during my visit leads me to issue the present statement to express my concerns without delay, I will continue to look more deeply into each of the issues raised during my visit and in the formal complaints submitted to my mandate. In this regard, I also look forward to engaging in a constructive dialogue with the Government of the United Kingdom in order to ensure that members of the public in the UK seeking to protect the environment are not subject to persecution, penalization or harassment for doing so.

23 January 2024

**\*About the UN Special Rapporteur on Environmental Defenders  
under the Aarhus Convention**

The mandate of [Special Rapporteur on Environmental Defenders](#) was established under the Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters ([Aarhus Convention](#)).

In October 2021, the Meeting of the Parties to the Aarhus Convention adopted, by consensus, [Decision VII/9 establishing a rapid response mechanism for the protection of environmental defenders](#) in the form of a Special Rapporteur on Environmental Defenders, to deal with cases related to article 3 (8) of the Convention. Article 3 (8) requires that: *“Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement.”*

The role of the Special Rapporteur on Environmental Defenders is to take measures to protect any person experiencing, or at imminent threat of experiencing, penalization, persecution, or harassment for seeking to exercise their rights under the Aarhus Convention.

The Special Rapporteur on Environmental Defenders is the first mechanism specifically safeguarding environmental defenders to be established within a legally binding framework either under the United Nations system or other intergovernmental structure.

Mr. Michel Forst was elected by consensus as the first Special Rapporteur on Environmental Defenders at the [third extraordinary session](#) of the Meeting of the Parties to the Aarhus Convention, on 24 June 2022.

The Aarhus Convention is an international instrument open for accession to any UN Member State. There are currently [47 Parties](#) to the Aarhus Convention (the list is available [here](#)). The United Kingdom has been a Party to the Aarhus Convention since 2005.

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Special Rapporteur's [Website](#) – [X \(formerly Twitter\)](#) - [LinkedIn](#) - [Instagram](#) – [Facebook](#)  
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## Carbon Majors: 57 fossil fuel and cement producers linked to 80% of global fossil CO<sub>2</sub> emissions since the Paris Agreement

- 88% of global CO<sub>2</sub> emissions from fossil fuels and cement from 2016 through 2022 can be linked to 117 producers.
- Most fossil fuel companies produced more fossil fuels in the seven years after the Paris Agreement than in the seven years before the Agreement's adoption.
- Over 72% of fossil fuel and cement CO<sub>2</sub> emissions since the Industrial Revolution can be traced to the 122 entities in the Carbon Majors database.

A new report by [InfluenceMap](#) using the Carbon Majors database quantifies the contribution of the world's largest oil, gas, coal, and cement producers to global carbon emissions, which are the primary driver of climate change. This report shows that the majority of global CO<sub>2</sub> emissions produced since the Paris Agreement can be traced to a small group of high emitters who are failing to slow production. These 57 corporate and state entities can be linked to 80% of fossil fuel and cement CO<sub>2</sub> emissions from 2016 through 2022. Nation-state producers account for 38% of emissions in the database since the Paris Agreement, while state-owned entities account for 37%, and investor-owned companies for 25%.

The Carbon Majors dataset contains emissions data from 1854 through 2022. New analysis of the whole dataset reveals that over 70% of global fossil fuel and cement CO<sub>2</sub> emissions since the Industrial Revolution can be traced to 78 corporate and state producing entities. Over the same period, just 19 entities contributed 50% of these CO<sub>2</sub> emissions.

Top 10 entities historically (1854–2022)

Top 10 companies since Paris Agreement (2016–2022)<sup>1</sup>

Entity	Total emissions (MtCO <sub>2</sub> e)	Percentage of global CO <sub>2</sub> emissions	Company	Total emissions (MtCO <sub>2</sub> e)	Percentage of global CO <sub>2</sub> emissions
China (Coal)	276,458	14.0%	Saudi Aramco	13,256	4.8%
Former Soviet Union	135,113	6.8%	Gazprom	10,127	3.3%
Saudi Aramco	68,832	3.6%	Coal India	8,509	3.0%
Chevron	57,898	3.0%	National Iranian Oil Co.	8,176	2.8%
ExxonMobil	55,105	2.8%	Rosneft	5,734	2.1%
Gazprom	50,687	2.3%	CNPC	4,966	1.7%
National Iranian Oil Co.	43,112	2.2%	Abu Dhabi National Oil Co.	4,746	1.7%
BP	42,530	2.2%	ExxonMobil	4,086	1.4%
Shell	40,674	2.1%	Iraq National Oil Co.	3,695	1.4%
Coal India	29,391	1.5%	Shell	3,621	1.2%

Carbon Majors holds global significance as the first and only provider of this comprehensive view of corporate fossil fuel producers' contributions to greenhouse gas emissions. The Carbon Majors dataset was first established in 2013 by Richard Heede of the Climate Accountability Institute<sup>2</sup> and will now be hosted by InfluenceMap on the Carbon Majors website: [carbonmajors.org](https://carbonmajors.org).

<sup>1</sup> Excluding nation-state actors.

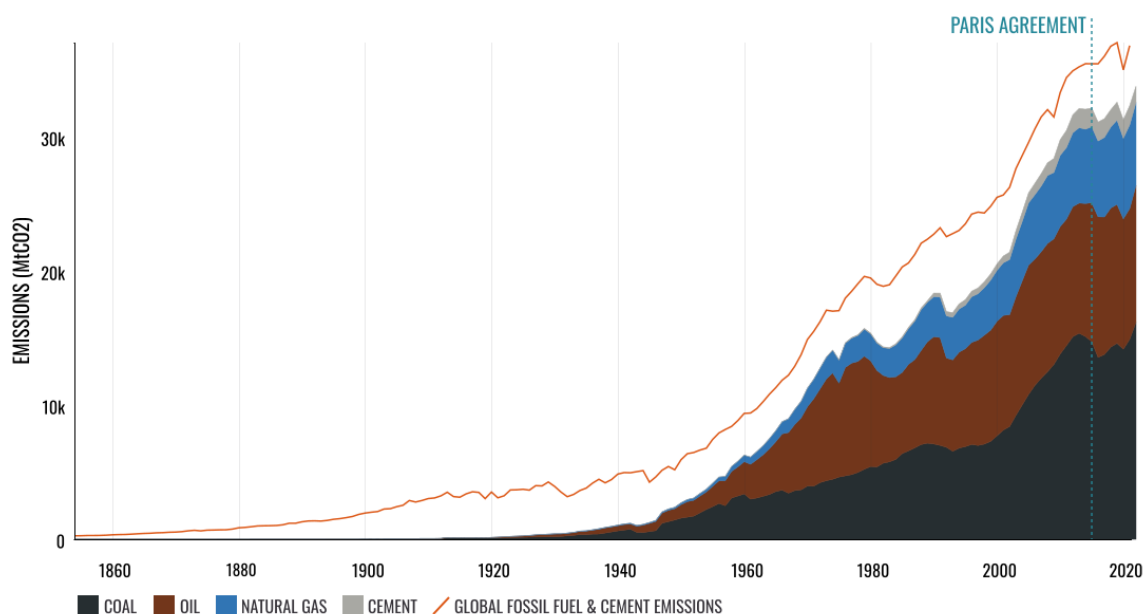
<sup>2</sup> Heede, R. [Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010](#). *Climatic Change* 122, 229–241 (2014).

Daan Van Acker, Program Manager at InfluenceMap said:

*“The Carbon Majors database is a key tool in attributing responsibility for climate change to the fossil fuel producers with the most significant role in driving global CO<sub>2</sub> emissions. InfluenceMap’s new analysis shows that this group is not slowing down production, with most entities increasing production after the Paris Agreement. This research provides a crucial link in holding these energy giants to account on the consequences of their activities.”*

The Carbon Majors dataset has proved crucial in holding fossil fuel producers to account for their climate-related impacts in academic, regulatory, and legal contexts. Examples include quantifying the contribution these entities have made to global surface temperature, sea level, and atmospheric CO<sub>2</sub> rise<sup>3</sup>; and establishing corporate accountability for climate-related human rights violations in the Commission on Human Rights of the Philippines’ 2022 [National Inquiry on Climate Change](#).

### Carbon Majors & Global CO<sub>2</sub> Emissions (1854–2022)



*“Richard Heede’s landmark Carbon Majors research transformed the landscape of climate accountability by using the fossil fuel industry’s own reported production and operation figures to calculate and expose the true scale of its role in the climate crisis. By updating and extending that research—and making it more widely accessible and usable for researchers, decisionmakers, and litigators alike—InfluenceMap’s new Carbon Majors database will transform that landscape yet again. The Carbon Majors database makes it dramatically easier to document, calculate, and visually demonstrate the growing chasm between the urgent demands of climate reality and the continued reckless and intentional growth of oil and gas production. Critically, it enables us to track changes in corporate behavior and production across discrete and clearly defined timescales that will be relevant to investors, investigators, and litigators alike. It is a vital and powerful new tool in the work toward climate action and climate accountability.”*

Carroll Muffett, President and CEO of the Center for International Environmental Law (CIEL)

Other key findings from this new analysis include:

- The top 5 investor-owned companies, Chevron, ExxonMobil, BP, Shell, and ConocoPhillips, are responsible for 11.1% of historical fossil fuel and cement CO<sub>2</sub> emissions (196 GtCO<sub>2</sub>).
- The top 5 state-owned companies, Saudi Aramco, Gazprom, the National Iranian Oil Company, Coal India, and Pemex, are responsible for 10.9% of historical fossil fuel and cement CO<sub>2</sub> emissions (194 GtCO<sub>2</sub>).
- Coal supply since 2015 has shifted from investor-owned to state-owned entities. Investor-owned coal production emissions dropped by 939 MtCO<sub>2</sub>e, a decrease of 27.9%, from 2015 to 2022. However, emissions

<sup>3</sup> Ekwurzel, Boneham, Dalton, et al. [The rise in global atmospheric CO<sub>2</sub>, surface temperature, and sea level from emissions traced to major carbon producers](#). Climatic Change 144, 579–590 (2017).

from nation-state and state-owned producers grew by 2,208 MtCO<sub>2</sub>e and 343 MtCO<sub>2</sub>e between 2015 and 2022, increases of 19% and 29%, respectively.

- The majority of fossil fuel companies totaled higher production in the seven years after the Paris Agreement compared to the seven-year period before. 65% of state-owned companies and 55% of investor-owned companies showed higher production in 2016–2022 than in 2009–2015.
- The increase in production by state- and investor-owned companies after the Paris Agreement compared to before is most prevalent in Asia. All 5 Asian investor-owned companies and 8 out of the 10 Asian state-owned entities are linked to higher emissions in 2016–2022 compared to 2009–2015. This is primarily shaped by rising emissions from Asian coal production.

*"The Carbon Majors research shows us exactly who is responsible for the lethal heat, extreme weather, and air pollution that is threatening lives and wreaking havoc on our oceans and forests. These companies have made billions of dollars in profits while denying the problem and delaying and obstructing climate policy. They are spending millions on advertising campaigns about being part of a sustainable solution, all the while continuing to invest in more fossil fuel extraction. These findings emphasize that, more than ever, we need our governments to stand up to these companies, and we need new international cooperation through a Fossil Fuel Treaty to end the expansion of fossil fuels and ensure a truly just transition."*

Tzeporah Berman, International Program Director at Stand.earth and Chair at Fossil Fuel Non-Proliferation Treaty

**[Full report, graphics, and quotes on this landing page.](#)**

**For further information or to arrange interviews, please contact:**

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## About the methodology

Carbon Majors selects the largest fossil fuel and cement producing entities that meet a  $\geq 8\text{MtC/yr}$  threshold. The assessed entities are divided into three entity types: investor-owned companies, state-owned companies, and nation-state producers. Nation-state producers are used primarily in the coal sector and are included only when investor-owned or state-owned companies haven't been established or played a minor role in the relevant country. For oil, gas, and coal producers, the earliest production records are found. The data is standardized to a common commodity (Oil & Natural Gas Liquids, Natural Gas, and Coal) and multiplied by emissions factors that estimate the carbon content of each fuel type. This results in the emissions from marketed products (Scope 3) that constitute about 90% of the database's total. Direct scope 1 emissions from the production are then also estimated using additional emission factors. This results in the total annual CO<sub>2</sub> equivalent emissions produced by each entity.

Cement production emissions differ, estimated as a proportion of gross emissions reported by major cement companies to the Cement Sustainability Initiative. This proportion represents process emissions from limestone calcination, excluding fuel and electricity inputs to prevent double counting of fossil fuel emissions already considered in Carbon Majors.

This research compares the emissions tracked by the Carbon Majors database to total global fossil fuel and cement CO<sub>2</sub> emissions since the beginning of the Industrial Revolution in 1751. Data from the Carbon Dioxide Information Analysis Center (CDIAC), and more recently the [Global Carbon Project](#), provides this total.

For a more detailed look at the methodology please refer to Rick Heede's 2014 paper "Carbon Majors: Methods & Results Report" available [here](#).

## About InfluenceMap

InfluenceMap is a London-based think tank providing data driven analysis to investors, corporations and the media on issues related to energy and climate change. Our metrics for measuring corporate influence over climate policy are used by investors, including the global Climate Action 100+ investor engagement process.