

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

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 ~~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~~ ~~protestors~~ 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**

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QUEEN'S KING'S BENCH DIVISION

BETWEEN

SHELL U.K. OIL PRODUCTS LIMITED

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Charles Philip Laurie

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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

RE-RE-AMENDED PARTICULARS OF CLAIM

~~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