IN THE HIGH COURT OF JUSTICE **Claim No. PT-2022-000303**

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

BUSINESS AND PROPERTY DIVISION

B E T W E E N

(1) UNITED KINGDOM OIL PIPELINES LIMITED

(2) WEST LONDON PIPELINE AND STORAGE LIMITED

Claimants / Applicants

and

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT CONSENT, AND IN CONNECTION WITH OR AFFILIATED TO THE EXTINCTION REBELLION CAMPAIGN OR THE JUST STOP OIL CAMPAIGN, OR OTHER ENVIRONMENTAL CAMPAIGN, ON LAND AND BUILDINGS AT AND COMPRISING PART OF (A) THE BUNCEFIELD OIL TERMINAL, HEMEL HEMPSTEAD, HERTFORDSHIRE (SHOWN FOR IDENTIFICATION SHADED RED ON THE ATTACHED SITE 1 PLAN) (B) THE KINGSBURY OIL TERMINAL, KINGSBURY, WARWICKSHIRE (SHOWN FOR IDENTIFICATION SHADED RED ON THE ATTACHED SITE 2 PLAN) Defendants

First Defendant / Respondent

(2) PERSONS UNKNOWN WITHOUT CONSENT, AND IN CONNECTION WITH OR AFFILIATED TO THE EXTINCTION REBELLION CAMPAIGN OR THE JUST STOP OIL CAMPAIGN, OR OTHER ENVIRONMENTAL CAMPAIGN, OBSTRUCTING OR INTERFERING WITH THE FIRST CLAIMANT'S ACCESS OVER PRIVATE ACCESS ROADS ADJACENT TO (A) THE BUNCEFIELD OIL TERMINAL, HEMEL HEMPSTEAD, HERTFORDSHIRE (SHOWN FOR IDENTIFICATION SHADED BLUE ON THE ATTACHED SITE 1 PLAN) (B) THE KINGSBURY OIL TERMINAL, KINGSBURY, WARWICKSHIRE (SHOWN FOR IDENTIFICATION SHADED BLUE ON THE ATTACHED SITE 2 PLAN)

Second Defendant / Respondent

NOTE OF JUDGMENT OF MASTER KAYE ON 13 NOVEMBER 2025

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1. Judgment of Master Kaye at 11:26

1.1 Master Kaye confirmed that this was the second review haring of the injunction of Mr S Gleeson siting as a judge of the Chancery Division on 6 October 2023 and that the hearing was also to consider the Claimants' application dated 24 October 2025 to amend the claim to expand the description of the Defendants to encompass other environmental campaigns.

1.2 Master Kaye confirmed that the "Gleeson Order" provided for annual reviews, with this injunction first reviewed by Miles J in 2024. Interim injunctions made by Knox QC in April 2022, as reviewed by Mr J Rajah in April 2023.

1.3 Master Kaye confirmed that the Court have had the benefit of considering the skeleton argument of Mr Vanderman on behalf of the Claimants and considering the seventh witness statement of Mr Armstrong who is the director and general manager of BPA (British Pipeline Agency Limited).

1.4 Master Kaye also confirmed that the Court had the fifth witness statement of Antony Phillips, who is partner at Fieldfisher, addressing the various service requirements.

1.5 Master Kaye confirmed the following points:

(a) The original evidence in support of the injunction in 2022 and 2023 was primarily included in the first, second and third witness statement of Mr John Armstrong Mr Armstrong provided an updated sixth witness statement in 2024 for purpose of Miles J review;

(b) Mr Phillips has provided several witness statements prior his fifth witness statement, primarily focused on questions of service ;

(c) The requirements of service are set out in Gleeson Order and amended by Miles J when he considered changes arising from the Public Order Act 2023 but that the Court did not need to revise those, as explained in Miles J's judgment

1.6 Master Kaye confirmed that she was satisfied that Mr Phillips had served all the documents and the 2024 Order in accordance with the Gleeson Order as amended by the Miles J Order last year.

1.7 In keeping with the position since 2022, nobody has acknowledged these proceedings and no submission on the part of the Defendant had been made at this hearing or at all.

1.8 From personal experience, the injunction website is functional and working, and an issue in accessing the bundles in Court left Master Kaye to fall back on the use of the website, with direct experience that the website is running and effective. Master Kaye confirmed that there was no doubt that if first or second Defendant wishes to access documents or evidence, it is a simple method of doing do and an effective method.

1.9 *As Wolverhampton City Council and others v London Gypsies and Travellers and others* in 2023 has made clear, it is not service that is taking place, rather it is service, dealt with by Miles J for present purposes, which is used as a colloquial term for notification that has taken place.

1.10 In 2022 a large number of injunctions obtained such as for the Claimants in this case and subsequently by airports and in the last two years, and recently there have been a series of hearings that are either first or second reviews of those injunctions. As a consequence, the legal principles to be considered when considering the review have bene reestablished by a series of Judges.

1.11 Master Kaye confirmed that she intended to refer primarily to a second review similar to this in which Sweeting J encapsulated the matters, confirming that it this was far from the only case to consider these issues but it is not necessary to look at all of the authorities.

1.12 Sweeting J encapsulates the jurisdiction of a review hearing and in particular refers to paragraph 225 of *Wolverhampton City Council and others v London Gypsies and Travellers and others* where he sets out the Court's observations on the continued purpose of the hearing.

1.13 Master Kaye confirmed that those paragraphs referred to by Sweating J encapsulated the jurisdiction for considering this matter today.

1.14 Mr Vanderman in his skeleton rightly refers to the fact that in *Exolum Pipelines* the Court made it clear that a review hearing is not a rubber-stamping exercise but goes on to explain that by refence

to decision of HHJ Emma Kelly in the *North Warwickshire BC* review hearing, the proper focus of the review was to consider whether there has been any material change. She explained that material change are factual developments since the date the order was granted.

1.15 Factual background to this claim and this injunction review hearing has been set out in the earlier decision, and Master Kaye did not intend to repeat the wealth of evidence placed before the Court. In summary, the claim concerns two sites. Site 1 is said to be one of largest oil product storage depots in UK. Explained in detail in earlier evidence.

1.16 Master Kaye summarised that there was widespread direction action against energy companies in April 2022, included specially a targeting of Site 1 and a belief at the time that there was a real risk of action at Site 2, as set out in earlier evidence. Evidence of direction action across the UK and statements of Extinction Rebellion as one group are also set out in the evidence.

1.17 Mr Armstrong gave detailed evidence about those ongoing campaigns his sixth witness statement last year and explained an updated position for the purposes of review. As a consequence of that direction action in 2022, there were numerous judgements against actions of environmental campaigns including those in this case.

1.18 Mr Vanderman had not able to find any case where injunction had had not continued. Mr Armstrong set out a number of injunctions, how long they last and when the most recent review took place.

1.19 The majority of injunctions obtained in/abut 2022/23 were made for period of 5 years to 2028/29, each subject to one or two reviews and none of yet having not been continued. Following all of injunctions in relation to Shell, Esso, pipelines, a targeting of airports and that resulted in injunctions being made in similar terms in relation to similar groups for all major UK airports. Those injunctions also granted until 2029 but some others year by year basis. None of those have been removed on review.

1.20 As a consequence, ongoing activity of those groups, such as JSO, have decreased in intensity and the sites to which these injunctions relate have not since been directly targeted. The Claimants submit that this most likely due to the existence of the injunction granted by the Courts and there is some evidence to support that as explained in Mr Armstrong's seventh witness statement.

1.21 In particular, he explains that there appears to have been a change in approach, JSO issued a statement in or about March 2025 when it announced plans to end and re-strategise. A number of Judges have been referred to that statement and the same evidence as Master Kaye was taken to. Even when making that statement on JSO's own website, they did at the same time hint at further protest and disruption and that they were not finished yet.

1.22 In addition, the front page of the JSO website talks about "nothing short of…mess…just getting started" and includes talk about continuing action and applying nonviolent pressure until they force change and at the website's FAQ page, they talk about mass protest and disruption and explain to readers of website that they might be arrested but they have a moral duty to act. All of this is against a background to say that they were ending some of their disruptive behaviours. It is therefore difficult to accept at face value that they intend to do so.

1.23 Mr Armstrong refers to a blog post by Mel Carrington, spokesperson for JSO, shortly after a statement that they were going to wind down and end disruptive protest, which states that JSO have shown that resistance works, ordinary people can bring about change by putting body on line and risk arrest.

1.24 Master Kaye confirmed that it seemed to be that, on the evidence, JSO are regrouping rather than stopping. Mr Armstrong set out the further activity of JSO where they have made similar comments, and of particular importance of this case is the police's view and the GB news report.

1.25 The report by GB News in May 2025, a couple of months after the original announcement, in which they produced a transcript of the meeting in which JSO had meetings which make it very clear that there was a consensus that the group should continue with civil disobedience as it was the most effective thing to do. In May 2025, JSO circulated a link to the GB News story which says GB News are right for once that we (JSO) are plotting a very big comeback, again inconsistent with earlier statement that they were winding down.

1.26 Further evidence which is said to support the continuing need or these injunctions was the police's response to these issues. Sussex Police acknowledged that JSO and environmental protests regarding anti-aviation had returned to dormant. However, it was recognised that the injunctions were having some effect. In particular, the Met police said on 1 May 2025, in relation to Heathrow airport's injunction, *"I know it is mentioned…yesterday and builds on…open up to further protests…cannot be ruled out so maintain git would be very much recommended."*

1.27 Evidence in Mr Armstrong's seventh witness statement in relation to JSO suggests that a real risk remains but his evidence goes further. Master Kaye dealt with that at this point, even though it affects the Claimants' application.

1.28 Mr Armstrong's evidence includes evidence of JSO working with other groups rather than just itself, these are new emerging groups and/or groups with which JSO seem to be working. Four particular ones identified by Mr Armstrong are Shut the System (who in January 2025, severed fibre option cables).

1.29 Particular concern is that there seems to have engaged with various activities including summer camp to train Youth Demand members run jointly with JSO seemly in how they can in non-violent protest activities. Article in Times in June 2025 referred to Youth Demand as latest campaign taking up mantle of disruption form JSO. Referred to fact that whereas JSO supposedly disbanded playing central role in recruiting members to Youth Demand and events for Youth Demand advertised using JSO logo. Article refers to quote, “This is the inhale before we breathe out…”

1.30 The above activity was referred to whilst JSO was supposedly disbanded, despite playing a central role in recruiting new members to Youth Demand and events to Youth Demand had bene advertised to the JSO logo – there appear to be a series of training camp in June 2025 and a training camp in august 2025 to training and according to the article civil camp fires.

1.31 Master Kaye noted that the work to build a generation of revolutionary organisers does not suggest that nothing more than a pause and if not for the injunction, there would likely be more activity.

1.32 Master Kaye confirmed that she was satisfied that there had been response to continued threat of direct action such that if injunction discharged serious risk of trespass and nuisance taking place. Even JSO recognise that injunctions stopping it form taking action.

1.33 The Claimants' evidence is that harm that would occur – trespass and nuisance at these Sites would be catastrophic, both to those trespassing, those on the Site and the wider public. These are oil pipeline sites dealing with flammable and dangerous oil without training. Disruption to these sites would cause disruption to major airports and the disruption to the wider public very significant need.

1.34 As this is a review, the next question is whether there has been a material change since Gleeson Order and Miles J Order. There remains a real risk and whilst direct risk has diminished, it appeared to Master Kaye that no material change since the Gleeson Order or the Miles J Order and continues to be a real threat of direct action at the sites for those reasons.

1.35 Linden J identified earlier in the original *Esso* decision that a significant fact to be taken into account is whether there had been any disclamation to cease activity in relation to those sites. There is no

evidence to suggest that in respect of the Sites and no assurances had been offered, with the evidence pointing in a different direction.

1.36 Mr Vanderman identified that he had an obligation to raise any matters of full and frank disclosure. In doing so, he pointed to the fact that the Sussex Police had referred to the fact that JSO were dormant but countered that by the Met Police view that injunctions remained useful.

1.37 In terms of changes in law, Mr Vanderman identified Nicklin J decision in *MBR Acres.* Judge suggested no longer necessary or appropriate to constrain categories of D and similar approach adopted in *Cambridge University*. Those decisions were since considered by other Judges who do not take the same view. Master Kaye confirmed it was sufficient for these purposes to refer to Sweeting J judgment in relation to review hearing in *Esso* where at paragraph 28 he said "I find no compelling reason to amend description of Defendants on review". Master Kaye noted that she was in exactly the same position in this case and the description of Defendants in this case is sufficient and sensible. Master Kaye did not agree with Nicklin J that broader category of Defendant is helpful.

1.38 Master Kaye was persuaded that Nicklin J's decision requires any change in this stage to description of Defendants.

2. Claimants' Application

2.1 Turning to the Claimants' application, it clear from the evidence of Mr Armstrong there are other groups such as Shut the System, Youth Demand, Citizens Arrest Network, Fossil Free London all of whom are undertaking activities in the same area as JSO and XR. The Claimants are therefore concerned that JSO is either involved with these groups and / or merging with these groups or that these groups are emerging in their own right to undertake similar actives to JSO and XR.

2.2 The Claimants' therefore seek an order than the description of Defendants be expanded to include other environmental campaign groups.

2.3 The amendment on its face is small, to include in the definition of "or other environmental campaign". As Master Kaye have alluded to, this not the first time this application has been made and it has been allowed by other Judges and on review. Sweeting J considered that the same organisations, supporters and protesters demonstrated on the evidence and required an amendment as sought in this case not to thwart the purpose of the injunction. A similar application was granted in *Esso* and any concern with the widening of the injunction is tempered by the fact that the conduct is unlawful and convention rights are qualified so that the balancing exercise is in favour of restraint.

2.4 The Claimants here urge the same course to be taken. They say on the evidence that there is evidence of a real risk that JSO membership is evolving into different organisations tending to carry out similar direct action. They point to various articles and comments in the press, some of which Master Kaye was been referred to. It seemed, to Master Kaye, that the Court should be cautious to amend, especially to such broad description as any other environmental campaign but recognise the risk of other groups taking on the mantel of JSO and Youth Demand are being trained up to take on the tasks of JSO.

2.5 Master Kaye suggested that something was afoot but what that was is unclear. There is always risk that too broad definition risks weakening carefully crafted injunction itself and expanding too wide to cover too many intentions behind it. However, like Sweeting J, it seems that description of other environmental campaigns whilst preferable to have something with more clarity aimed at groups intended to conduct unlawful activity and where ECHR rights are qualified, there is a difficulty with being more prescriptive is that more groups may grow.

2.6 On balance this is the case where the permission sought should be granted given the clear evidence that JSO is evolving and other groups are volving to undertake same work. However, that is certainly a matter that should be kept under review given the residual concerns about such a broad category. One way of dealing with that is to deal with how notice should be given.

2.7 At present, the draft order will have all the provisions of Gleeson Order in terms of service. Those include having very large version of various notices at site and copies of order as well as by the website. Email addresses are those relating to JSO identified in 2022 and 2023.

2.8 However, a balancing exercise is to be carried out and it is not immediately obvious whether any of four identified groups have email addresses or ways of notifying them. As against that, there is a danger that notifying them will put them on notice that there is a site they should go and see. On balance, further steps should be taken ensure notification is given to at least four campaigns that the Claimants are aware of.

2.9 At the review hearing next year, consideration will given as to whether any further refinement should be made to Order or notification provisions either to address scope of the expanded order to other campaigns or to notification provisions to try to ensure that anyone who is planning activity of type injunction intended to stop notified they would be in difficulties in doing so.

2.10 Master Kaye therefore continued the injunction but also granted the amendments sought by the Claimants subject to some change to notification provisions if appropriate emails could be found.