

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Case No: HQ07X02500

Before: The Hon Mrs Justice Swift

BETWEEN:

- (1) HEATHROW AIRPORT LIMITED
- (2) MARK WILLIAM BULLOCK (for and on behalf of the employees
of the First Claimant, the Airport Users and the Lessees and
the Protected Persons)

Claimants



- and -

- (1) JOSS GARMAN
- (2) LEO MURRAY
- (3) JOSS GARMAN and LEO MURRAY (for and on behalf of the unincorporated association
known as PLANE STUPID)

- (4) JOHN STEWART

Defendants

- and -

- (5) TRANSPORT FOR LONDON
- (6) LONDON UNDERGROUND LIMITED

Interveners

ORDER

PENAL NOTICE

IF you the within named Defendants and/or Protestors disobey this Order you may be held to be in contempt of Court and may be imprisoned or fined or have your assets seized

Any other person who knows of this Order and does anything which helps or permits any of the Defendants and/or Protestors 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

An application notice was made on 20 July 2007 to the Court by the Solicitor for the Claimants. The Court heard the application and read the witness statements listed in Schedule 1 and accepted the undertakings set out in Schedule 2.

Definitions

This Order shall be construed in accordance with the following:

1. Heathrow Airport is defined as and includes:-

1.1 The First Claimant's Land and

1.2 Land over which the Heathrow Airport - London Byelaws 1996 apply

all of which land is together, for the purposes of identification, edged red on the attached plan

1.3 SAVE for the land or the premises within the control of Transport for London ("TfL") or London Underground Limited ("LUL") being the three underground stations of the Piccadilly line (namely Terminals 1, 2 and 3, Hatton Cross and Terminal 4), the tunnels and ventilation shafts used in connection with the same and the office in the Central Terminal Bus station operated by LUL.

2. Protestor or Protestors shall mean:

2.1 the above-named Defendants, Joss Garman, Leo Murray and John Stewart;

2.2 all persons who are, and/or are acting as, officers, activists and/or supporters of, and/or acting in the name of, the unincorporated association known as PLANE STUPID; and

2.3 all persons acting in concert with any of the above persons with the purpose of disrupting the operation of Heathrow Airport.

UPON HEARING the Solicitor for the Claimants, Leading Counsel for the Defendants and Counsel for the Interveners

AND UPON the First, Second and Fourth Defendants giving the undertakings set out in Schedule 2 to this Order

IT IS ORDERED that:

3. The Claimants shall cease to represent TfL and LUL.
4. TfL and LUL shall be joined in this claim as Interveners for the purpose only of making submissions at the hearing of this application for injunctive relief.
5. The First and Second Defendants shall represent, pursuant to CPR 19.6, all persons who are and/or are acting as officers, activists and/or supporters of, and/or in the name of, the unincorporated association known as PLANE STUPID.
6. The Orders made by Underhill J on 20 July 2007, whereby he joined HACAN, AirportWatch and NoTRAG as Defendants to this action by way of representative orders shall be discharged and all claims against them shall be struck out.

7. There shall be no Order against Geraldine Nicholson and all claims against her shall be struck out.
8. There shall be no Order under the Protection from Harassment Act 1997.

IT IS FURTHER ORDERED THAT:

9. With effect from midnight on 7 August 2007 until midnight on 31 August 2007, the Protestors (save for the First, Second and Fourth Defendants, who have given undertakings in the said terms) shall not:

- (a) Enter Heathrow Airport without the prior consent of the Claimant;
- (b) Impede or prevent access to or egress from Heathrow Airport, or otherwise obstruct or interfere with the operation of Heathrow Airport or with any person acting in the execution of his/her duty in relation thereto; and/or
- (c) Incite, aid and/or abet any person to enter the area of land specified in sub-paragraph (a) above for the purpose of disrupting the operation of Heathrow Airport and/or to act in any of the respects referred to in sub-paragraph (b) above.

AND IT IS FURTHER ORDERED THAT

10. There shall be substituted service of this Order by exhibiting the same on posts around Heathrow Airport.
11. There shall be substituted service of this Order by posting copies of the same on the website www.planestupid.com.
12. Any party or person affected by this Order shall have liberty to apply to the Court on 48 hours' notice to vary or discharge the terms of this Order.

13. There shall be no Order for costs as between the Claimants and the First, Second and Third Defendants and the Fourth Defendant on his own behalf.
14. The Claimants shall pay the costs of these proceedings of HACAN, AirportWatch, NoTRAG, Geraldine Nicholson, TfL and LUL on the standard basis, to be assessed if not agreed.

GUIDANCE NOTES

THE EFFECTS OF THIS ORDER

- I A Defendant or a Protestor 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.
- II A Defendant or a Protestor which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

INTERPRETATION OF THIS ORDER

- III In this Order, where there is more than one Defendant, (unless otherwise stated) references to “the Defendant” means both or all of them.
- IV A requirement to serve on “the Defendant” means on each of them. However, the Order is effective against any Defendant on whom it is served.
- V An Order requiring “the Defendant” to do or not to do anything applies to all Defendants.

COMMUNICATIONS WITH THE COURT

All communications to this Court about this Order should be sent to Room WG08, Royal Courts of Justice, Strand, London WC2A 2LL quoting the case number. The Telephone number is 020 79476010. The offices are open between 10am and 4.30 pm Monday to Friday.

SCHEDULE 1

Evidence

The Court read the following Witness Statements before making this Order:

1. Witness Statement of Mark William Bullock;
2. Witness Statement of Robert Broadhurst;
3. Witness Statements 1-4 of Lacie Cara Ann Kerner;
4. Witness Statement of Joss Garman;
5. Witness Statement of Leo Murray;
6. Witness Statement of John Stewart;
7. Witness Statement of Geraldine Nicholson;
8. Witness Statement of Christine Shilling;
9. Witness Statement of Christine Taylor;
10. Witness Statement of Raymond Puddifoot;
11. Witness Statement of Dr Mark Avery;
12. Witness Statement of Benedict Southworth;
13. Witness Statement of Michael Childs;
14. Witness Statement of Sue Holden;
15. Witness Statement of Howard Ernest Carter;
16. Witness Statement of Kate Harrison.

SCHEDULE 2

Undertakings given to the Court by the First, Second and Fourth Defendants

The First, Second and Fourth Defendants gave undertakings to the Court that they shall not carry out any of the actions prohibited by paragraph 9 of this Order.

Undertakings given to the Court by the First and Second Defendants

The First and Second Defendants gave undertakings to the Court that they will, on or before midnight on 7 August 2007, place the terms of this Order on the website www.planestupid.com.

Undertaking given to the Court by the Fourth Defendant

The Fourth Defendant gave an undertaking to the Court that he will, on or before midnight on 7 August 2007, place the terms of this Order on the websites www.hacan.org.uk and www.airportwatch.org.uk

Made by the Royal Courts of Justice:

Dated this 7th day of August 2007

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- (2) MARK WILLIAM BULLOCK (for and on behalf
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- and -

- (1) JOSS GARMAN
- (2) LEO MURRAY
- (3) JOSS GARMAN and LEO MURRAY for and on
behalf of the unincorporated association
known as PLANE STUPID

(4) JOHN STEWART Defendants

- and -

- (5) Transport for London
- (6) London Underground Limited Interveners

ORDER

By the Royal Courts of Justice
Strand
LONDON