

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

The Honourable Mr Justice Nicklin
12 November 2020

B E T W E E N:

**BUCKINGHAMSHIRE COUNCIL
(FORMERLY WYCOMBE DISTRICT COUNCIL)**



Claimant
QB-2019-002783

-and-

**(1) PERSONS UNKNOWN OCCUPYING LAND
(2) PERSONS UNKNOWN DEPOSITING WASTE OR FLY-TIPPING ON LAND**
Defendants

ORDER

UPON APPLICATION BY THE CLAIMANT by Application Notice dated 10 November 2020 seeking orders that (1) the Final Hearing of this claim listed for 17 November 2020 be vacated; (2) the claim be dismissed; (3) the interim injunction order of 7 August 2019 ("the Interim Injunction") be discharged; (4) paragraph 4 of the order of 16 October 2020 and paragraph 1 of the Order of 2 November 2020 be stayed; and (5) service of the Order made on the application be dispensed with save that a copy of the Order should be placed on the Claimant's website and a copy sent to the Community Legal Partnership

AND UPON READING the Witness Statement of Kiran Kumari Khana dated 10 November 2020 together with exhibit

AND UPON NOTING that, by Paragraph 1 the Order of 15 April 2020, Buckinghamshire Council has been substituted as the Claimant in the place of Wycombe District Council

WITHOUT A HEARING IT IS ORDERED that:

1. The hearing listed for 17 November 2020 is vacated.
2. The Interim Injunction is discharged.

3. The Claimant's claim is dismissed.
4. By 4.30pm on 20 November 2020, the Claimant is to:
 - 4.1 remove each and every copy of the Interim Injunction from every site at which it displayed; and
 - 4.2 ensure that it makes clear on its website that the Court has discharged the Interim Injunction and it is no longer in force.
5. By 4.30pm on 25 November 2020, the Claimant is to file a witness statement confirming that it has fully complied with Paragraph 4
6. If the Claimant issues a further Claim Form claiming the same or similar relief against "Persons Unknown", the claim is reserved to Mr Justice Nicklin and the Claimant must notify the Judge's clerk immediately following the issue of the new claim, providing the new Claim Number.
7. Notwithstanding Paragraphs 2 and 3 of this Order, the Claimant is required to comply with the Order of 16 October 2020 and Paragraph 1 of the Order of 2 November 2020.
8. Service of this Order is dispensed with, save that as soon as practicable the Claimant must place a copy of this Order on the Claimant's website.

REASONS

- (A) In relation to sealing the Application Notice dated 2 August 2019, the Claimant must take this up with the Court Office. The party is responsible for ensuring that a sealed copy of the Application Notice is properly issued and filed.
- (B) I am not prepared to release the Claimant from compliance with the Order of 16 October 2020. The Court wishes to obtain uniform historical information from the cohort of cases sought in the Questionnaire and ascertain each claimant's intention in respect of any future claim (see Q8(b)). The purpose of managing the claims – as a group – is to identify common issues. If the Claimant intends to issue a fresh claim, seeking an in injunction in the same or similar terms to that which has now been discharged, then it may fall to be managed as part of the cohort of cases.
- (C) I am not prepared to release the Claimant from compliance with Paragraph 1 of the Order of 2 November 2020. The Court wishes to establish the extent to which there was any non-compliance with procedural rules when the application was made for the Interim Injunction and what steps the Claimant took to address the impact of **LB Bromley** and **Canada Goose** upon the injunction granted in this claim. The Court will carry out investigation into these matters notwithstanding the discharge of the injunction order and the dismissal of the claim.

- (D) I will dispense with service of the Order on the Defendants. A copy will be placed on the Claimant's website. The Court will send a copy of the Order to the Community Legal Partnership, acting for Interested Parties in this and related litigation.

12 November 2020