

Name: Kiran Kumari Khanna
Date: 9th April 2020
Statement No.: 1
Exhibits:

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No: QB 2019-002783

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972 AND
SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990

B E T W E E N

BUCKINGHAMSHIRE COUNCIL

Claimant

-and-

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

Defendants

WITNESS STATEMENT OF KIRAN KUMARI KHANNA

I, Kiran Kumari Khanna, of Buckinghamshire Council, Legal Services, Council Offices, Queen Victoria Road, High Wycombe, Bucks, HP11 1BB WILL SAY as follows:

1. I am a Principal Solicitor and have worked for the original Claimant, Wycombe District Council for over 25 years. My duties included managing a team of lawyers dealing with Contracts, Property and Litigation work. For the last nine months I was also the Monitoring Officer for Wycombe District Council. With the creation of the new unitary authority my role has been transferred across along with other staff members under the

Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) and my role remains the same but I am no longer the Monitoring Officer.

2. I am duly authorised to make this statement on behalf of the Claimant in these proceedings. The contents of this statement in so far as they are within my actual knowledge are true and where they are not within my actual knowledge I have ascertained them in the course of my work and from the records held by Buckinghamshire Council and I verily believe the same to be 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.
3. I make this witness statement in support of the Application before this Honourable Court brought by Buckinghamshire Council for an Order that the hearing that is due to take place on 22nd April 2020, be adjourned to the first open date after 30th September 2020. I do so because I am very conscious that under the Government's present guidelines to address the National Public Health Emergency, all but the most essential travel and activities should be curtailed and because these Defendants are Persons Unknown, there would be a risk, if the matter proceeded by a Telephone Hearing or Skype, that not everyone who might wish to attend the hearing will be contactable and able to participate.
4. The Buckinghamshire Council (Structural Changes) Order 2019 provides that Buckinghamshire Council is a non-metropolitan district and became the sole principal authority for the non-metropolitan district of Buckinghamshire on 1st April 2020. The Buckinghamshire Council is responsible for all district and county functions as a single tier authority. The four district councils (Aylesbury Vale, South Buckinghamshire, Chilterns and Wycombe District Council) and Buckinghamshire County Council have ceased to exist.
5. Any proceedings whether issued or completed by the five councils before 1st April 2020 in the exercise of, or in connection with their functions have effect as if done by or in relation to Buckinghamshire Council. This means that Buckinghamshire Council has the same powers and obligations as the former councils and effectively stands in their place since 1st April 2020. Buckinghamshire Council therefore replaced Wycombe District Council as the Claimant in these proceedings and the Buckinghamshire Council is treated as having instituted this application for an Injunction Order.

6. The Local Government (Structural Changes)(Transition of Functions, Properties, Rights and Liabilities) Regulations 2008 provides at Regulation 7 that,

“all property, rights and liabilities of the predecessor councils shall on the reorganization date vest in, and transfer to the successor council”

The properties which are detailed on the original Maps and Schedule which were attached to the Interim Order and was produced by my colleague, Andrew Sherwood, Contracts Manager, as his exhibit AS/3 all vested in Buckinghamshire Council as of 1st April 2020 and it will therefore have the benefit of the current extension to the Interim Injunction Order, if granted by the Court.

7. 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.



KIRAN KUMARI KHANNA

Dated 9th April 2020.

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