

Forward Plan reference number: Not Applicable

Report title: Injunction relating to Unauthorised Encampments in Harlow	
Report to: Councillor Susan Barker, Cabinet Member for Customer, Communities, Culture and Corporate	
Report author: Mark Carroll Executive Director Place and Public Health	
Date: 6 July 2020	For: Decision
Enquiries to: Adrian Coggins – Head of Wellbeing and Public Health adrian.coggins2@essex.gov.uk	
County Divisions affected: All divisions in the Harlow District	

1. Purpose of Report

- 1.1 This report asks the Cabinet Member to determine Essex County Council's (ECC's) position regarding an application made by Harlow District Council (HDC) in joint names with ECC in order to extend the injunction restraining unlawful encampments in the District of Harlow. The original injunction was obtained in 2015 to deal with a specific local problem and was extended in June 2017 for three years. HDC have now asked us to support a revised application on different sites.

2. Recommendations

- 2.1 That ECC agrees to make an application to the High Court to be a party to the extension of a revised injunction as set out in appendix 1 for a period of two years, subject to HDC agreeing to indemnify ECC in full for its legal costs relating to this matter.
- 2.2 That unless there is a compelling case in 2022 and evidence of a problem relating to unauthorised encampments in the District of Harlow at that time, no further Harlow injunction would be supported by ECC.
- 2.2. That ECC asks HDC to instigate a review of the injunction in May 2021 with a view to deciding whether or not an application should be made to discharge the injunction after one year.
- 2.3 That ECC formally requests HDC to join the Essex County Traveller Unit immediately in order to improve the fair and consistent treatment of the Gypsy and Roma Traveller community across Essex, as a mitigating factor which balances injunction enforcement, with addressing welfare requirements for unauthorised encampments (UEs) using a process consistent with the rest of Essex, and using known Gypsy, Romany and Traveller expertise.
- 2.4 Authorise the Director, Legal and Assurance to change the Council's position with respect to the application if further representations are received with respect to this matter after consulting the Director, Public Health, Wellbeing and Communities.

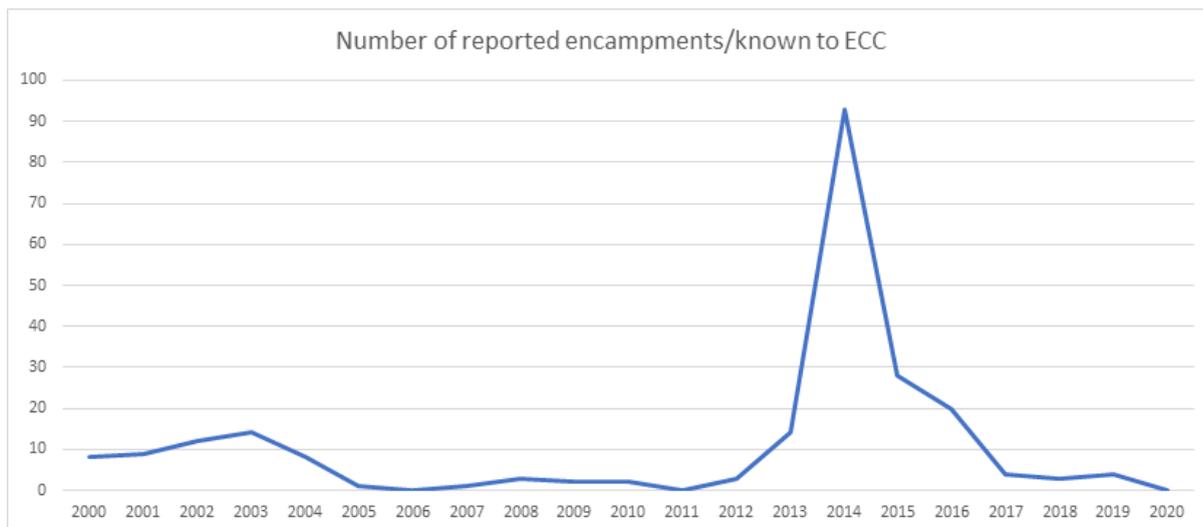
3.1 Summary of issue

Background to the Injunction

- 3.1.1 Between the period October 2013 and March 2015 over 110 different UEs occurred within the Harlow District, with reported damage to public places, fly-tipping, human waste, antisocial behaviour and general disruption. A further 16 UEs occurred following the granting of an interim injunction in March 2015. All encampments occurred on both Harlow and ECC land in the district. Most of these were linked to a particular group of people.
- 3.1.2 As a result of this problem ECC and HDC jointly applied to the High Court. An interim injunction order was made in March 2015. The injunction is for public land only. This injunction protected 320 vulnerable sites that included parks, playgrounds, previously occupied sites, highways verges, cycle tracks and schools all from being used for future unauthorised encampments. The injunction applied to a number of named individuals and well as 'persons unknown', meaning that it could be enforced against any person on public land. In addition, the named individuals were prevented from setting up an encampment on any land within the district of Harlow, unless authorised to do so.
- 3.1.3 The interim injunction was made final in December 2015 but was time limited to June 2017. In June 2017 ECC again decided to agree to jointly apply for an extension, this time until June 2020. That injunction was granted.
- 3.1.4 Unbeknown to ECC, in June 2020, solicitors acting for HDC issued a further application to extend the injunction on revised terms. ECC was named as a party to the application despite it never having been asked to be a party. A lay officer of ECC was told that HDC would be applying to extend the injunction but was not aware of ECC's previous involvement and did not consent to the application being made. That question of consent is being pursued with the solicitors involved as a governance issue but this is separate to the question of whether ECC should now support the application.

Unauthorised encampments in the Harlow District

- 3.1.5 The injunction has been successful in significantly reducing UEs within the District which are now at very low levels. However, it is important to note that prior to 2013 the number of UE's within the Harlow District was also relatively low – see graph below. It is clear that there was a significant spike in 2014 which reduced in 2015 and had returned to its historical low levels by 2017.



The June 2020 application to extend the injunction

3.1.6 An application and draft order has been prepared that applies to 40 named individuals and persons unknown. The draft order has varied the number of areas of which the injunction applies; whilst some areas are added, many are removed with a net reduction in the areas covered by the proposed injunction. The vulnerable sites that the injunction shall apply to are given below. An application to vary the injunction in the future can be made to protect additional sites should this be required.

Site	Reason for inclusion
Enterprise Zones	Risk of disruption to local businesses and Harlow's economy. There is significant development proposed in these areas and we wish to encourage businesses and employers to locate in these areas.
Industrial Estates	Risk of Disruption to local businesses and Harlow's economy.
The entire cycle track network	The use of cycle tracks are more likely to be disrupted by an illegal encampment since they are narrower and tend to be quieter. Cycling is expected to be an important part of the recovery strategy from covid 19 and it is important that they are not disrupted.
Harlow Town Football Club	The football stadium is currently being used as a COVID-19 testing site which clearly we cannot allow to be disrupted. This may be thought to be unlikely to be a target for unauthorised encampments but Harlow DC appear to believe that it may be and we should support this in the interests of partnership working.
Harlow Common and Latton Common	Harlow consider that this site is an important recreational facility for socially distanced recreation and will have an impact on the welfare of horses if it is used for horses.

3.1.7 The current application is therefore for a much more restricted area than the previous injunctions. This is partly because of a reduction in the number of UEs but also because of the decision of the Court of Appeal in March 2020 where the Court decided not to give Bromley LBC a similar injunction, albeit the facts in Bromley were very different to the situation in Harlow in 2020. Nonetheless the judgment makes it clear that the courts will expect to see evidence of a significant threat. Therefore the application now only seeks protection for sites considered to be vulnerable.

3.1.8 The application seeks to demonstrate that it is proportionate to the level of risk because:

- The variation is not to maintain a 'district-wide' order but one which protects vulnerable areas where there is no justification for any unauthorised encampment to occur.
- The injunction is proposed to be in place for a period of 2 years with a review by HDC after 1 year.
- Evidence has been provided of named individuals who were prolific in establishing previous UE's.

3.1.9 Harlow District Council has adopted a Negotiated Stopping Policy (updated for COVID-19) which seeks to set out circumstances when Harlow DC may be prepared to permit the stopping or regulate the stopping of Travellers in the district. This seeks to demonstrate to the Court that this is not a 'blanket' ban on all Travellers attempting to encamp within the Harlow district, and that mitigating and proportionate arrangements are in place

3.1.10 The evidence of illegal encampments principally relied upon for the extension is that of the spike in 2014 and 2015. Since 2015 the injunction has been in place and the number of encampments has returned to historic levels. This means that most of the evidence is effectively based on 6-year-old events and data. Certain named defendants have been noted to have returned during the early period of the injunction to establish UE's but were presented with terms of the injunction and thus no UE's were established. We are unaware of any new evidence in support of the named individuals having returned to or expressing a wish to return to Harlow. It is likely that the pattern of encampments would have continued in 2015 had the injunction not been obtained but it is not knowable what will happen if the injunction ends.

3.1.11 Prior to these 2013-15 encampments, Harlow District had very low numbers of encampments, and post the injunction they have been even lower. There is no substantive evidence, to support that there is a high risk of Travellers returning in numbers to Harlow should the injunction be lifted, but equally it is possible that an influx could occur. The risk of withdrawing the current injunction presents an unknown level of risk of future UEs which could adversely impact upon HDC's and ECC's investment in, and plans for, regeneration and economic growth.

3.1.12 In 2017 ECC provided evidence for the continuation of the injunction confirming the status of those displaced by the interim/original injunction, and impact on the

remainder of Essex. It was stated that of the three main families cited, two of them left the county following the interim injunction and had not been recorded in Essex from March 2015 until March 2017. In March 2017 they returned to Essex following an interim injunction awarded to the London Borough of Barking and Dagenham, which appears to have encouraged them to return to Essex, although the precise reason they have returned was never confirmed.

- 3.1.13 One of the other family groups who were named in the HDC injunction, moved on to forming encampments on industrial estates in Basildon and Chelmsford from April 2015 to October 2016. In total these two local authorities suffered 101 encampments within a 24-month period. From ECTU's perspective, this incurred increased demands on legal costs and officer time. Also due to the chosen locations, there has been significant increase in tensions around the local businesses on the estates, and in some cases concern over negative impact on businesses. The impact of these UE's resulted in Basildon obtaining their own interim injunction for these industrial areas.
- 3.1.14 It is evident that the injunction did displace families, who were prolific in establishing UE's in the Harlow District. However, the UE's undertaken by this group were unique in their travelling pattern from that normally undertaken by other family groups as they were persistent in establishing multiple encampments, within a specific locality, remaining in the County over a prolonged period. The reasoning of the attraction to Essex is unknown. Having an injunction in place may restrict the distribution of UE's across the County, increasing the risk of UE's occurring elsewhere, but will not necessary increase UE's as a whole.
- 3.1.15 The UE's that occurred between 2013 and 2015 were established by a specific group of families (mainly the named defendants). The prolific nature of the establishment of the UE's that subsequently occurred (eviction from one area and moving on in close proximity to establish another UE) is not necessarily representative of the travelling patterns of the wider traveller community who tend to move further afield or out of the County once evicted. It is therefore considered that if future UE's were to occur, similar in nature then existing local authorities powers would not be effective in managing UE's and mitigating impact.
- 3.1.16 The injunction will assist with addressing concerns within HDC and ECC regarding recovery from COVID-19-related economic impacts – the timescale and severity of which is not clear. The Enterprise Zones and industrial areas are key to HDC's current / future jobs growth and economic prosperity. These sites are currently protected by an injunction. Lifting the injunction in these locations would create a risk of UEs there. Although the likelihood of such encampment without a risk cannot be known, maintaining an injunction in these sensitive locations would protect against this risk which could have an adverse impact upon HDC's and ECC's investment in and plans as a target area in Essex for regeneration and economic growth.
- 3.1.17 ECC has various interests and involvement in the town and its future, with investment being made in the Harlow District, a summary of which is given below:

- Since 2017 the Harlow and Gilston Garden Town (HGGT), which is a focus for growth for west Essex districts, has been recognised and awarded significant central (and some local) Government funding
- Some 16,500 homes are planned to 2033 and a further 7,000 homes beyond that
- ECC is a partner in the HGGT initiative, with the 3 district councils and Hertfordshire County Council, and has invested resources including funding two full time dedicated officer posts - as part of ECC's wider involvement in and support for new Garden Communities across Essex
- M11 J7A as an ECC led project is now under development with delivery underway, with a series of other related transport route measures being delivered to support this and the wider transport network
- With sustainable travel as a key priority, ECC has invested considerable sums in exploring and progressing 2 major sustainable travel corridor routes; these are likely to use existing road / footway & cycle track routes across the town.
- This transport infrastructure investment may include further current funding through the Government's programme to support sustainable / safe travel locally, including traffic management and cycleway / footway improvements – a £300,000 bid has been made to invest in Harlow's local non car transport infrastructure accordingly
- ECC, as lead local flood authority (LLFA), has also designated a number of non-statutory Critical Drainage Areas for the town, with Surface Water Management Plans developed to manage these, and drainage / flood risk assets present in the town, as part of ECC's LLFA duties
- ECC is also investing in significant schools expansion and new schools to cater for the town's population growth
- ECC also has a stake in and plays an active role in Harlow town centre regeneration

3.1.18 Supporting the injunction seeks to safeguard ECC's interests in economic regeneration, recognising the potential direct impact of UEs based on previous experience in Harlow in 2014.

3.1.19 In not having the injunction in place UE's that occur, shall need to be managed on public land by the relevant Local Authority. With the granting of the varied, limited injunction, UE's may still occur across the wider Harlow District on unprotected public sites. HDC are currently not a member of the ECTU. In having multiple authorities undertaking the management of UE's there is the potential to introduce an inconsistency in process. For example, continuity in dealing with multiple encampments by the same persons, application of legal remedies, reduced duplication of process (welfare assessments). One of the principles of the ECTU is to have a consistent and equitable approach to the management of UE's across tier 2 Local Authority member areas. ECC therefore has formally requested that HDC join the ECTU.

4. Options

4.1 Essex County Council does not support the extended varied injunction

The risk of withdrawing support for the extended, varied injunction presents an unknown level of risk of future UEs which could adversely impact upon HDC and ECC investment in and plans for regeneration and economic growth. There is also significant potential damage to the relationship between ECC and HDC in a shared vision and investment for the regeneration of Harlow if a shared position cannot be found.

4.2. Essex County Council supports the extended varied injunction by way of joint applicant. (Recommended)

In having the injunction in place, the disruption and community impact associated with future UE's is mitigated. The requirement of resources to manage UE's between HDC, ECC and Police is therefore greatly reduced. Any adverse impacts arising from UE's in areas targeted for investment for regeneration and economic growth are also mitigated.

5. Issues for consideration

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5.1 Financial implications

5.1.1 The current position is that ECC are not being asked by HDC to fund/part fund this injunction so financial risk is minimal. This is an extension of an existing injunction that has been in place since 2015. To date, no costs have been incurred since the initial outlay to support the original injunction. It is anticipated that this will remain the case. HDC have confirmed that any future costs associated with this injunction will be met in full by HDC, since any enforcement of the injunction would be undertaken by HDC and not ECC, even though ECC are named co-applicants.

5.1.2 If the application is not successful and adverse costs are awarded to the Defendants, HDC have confirmed that they will be liable for the totality of these costs.

5.2 Legal implications

5.2.1 Harlow District Council is asking ECC to support an extension to the current injunction but on different terms. The revised injunction would not be 'district wide' but would seek continued protection for sites regarded by HDC as vulnerable.

5.2.2 ECC is the landowner and/or highway authority for some of the sites and we are thus required to be a party.

5.2.3 Since the original injunction was granted there has been a significant decision made by the Court of Appeal in *London Borough of Bromley v Persons Unknown* [2020] EWCA Civ 12. This emphasises that an injunction is always a discretionary remedy and that in deciding whether to make (or extend) an injunction the Court will wish to consider:

1. Any substantial evidence of past criminality;
2. Any transit or alternative sites

3. The cumulative effect of other injunctions
4. Compliance with the public sector equality duty making the equality impact assessment appended to this document a key document;
5. The length of the injunction sought;
6. Whether the relevant government guidance has been followed;
7. Whether there has been a breach of Article 8 especially with regard to the vulnerability and protected status of the Gypsy and Traveller community as well as the integral role that the nomadic way of life plays as part of their ethnic identities and including the enshrined right to travel.

5.2.3 Taking these in turn:

1. It appears that the fundamental basis of HDC's application has been criminality/anti-social behaviour, and risks to Health and Safety (human faeces). This has been referenced in *Bromley*. HDC have previously demonstrated a pattern (2013/14/15) of fly-tipping/littering/etc. This evidence, however, is now 5/6 years old and, save for a few encampments during the life of the injunction, we are not aware that there is any new evidence supporting this. It may be arguable that this is only because the injunction has been effective.
2. There are two ECC-owned sites in Harlow and others in surrounding boroughs/districts. There are no transit sites in Essex, however. We understand that HDC have offered bricks and mortar housing to some families, although this is unlikely to be acceptable to many GRT families.
3. Basildon and Thurrock have injunctions, to which ECC are not party, though given the relatively small areas covered by the application, these injunctions should not have a significant impact.
4. Please see attached equality impact assessment.
5. In *Bromley* the Court of Appeal was critical of the duration sought by Bromley (5 years). The Court praised the approach in *Wolverhampton City Council v Persons Unknown [2018] EWHC 3777 QB*, where the injunction was limited to a period of one year after which there was a review. The application is for two years (with a review after one year) and now covers only specific sites. Further, HDC have drafted a 'Negotiated Stopping Policy' to enable authorised encampments in approved areas of Harlow. Travellers will be required to complete and file a form with HDC, to be approved. This appears to be a reasonable step in demonstrating to the Court that this is not a 'blanket' ban on all Travellers attempting to encamp within Harlow.
6. In *Bromley*, the Court of Appeal stated that the issue of permitted development rights had not been satisfactorily addressed by the appellant. HDC's position as regards this point is not clear.
7. HDC's EIA quotes government guidance being considered.

8. The scope of this injunction is greatly reduced from the 2017 injunction. It covers only areas which are deemed by HDC as vulnerable sites. There remains land within the District of Harlow on which encampments may occur (using the Negotiated Stopping Policy).

5.2.4 The decision in *Bromley* highlights the importance of proportionality. This is a pervasive theme in the *Bromley* Judgment, and we must ensure that any application supported by ECC, is considered proportionate. Based on the considerations above it is arguable that this *is* a proportionate application. We understand that the level of UE's suffered by HDC in 2013/14 was unprecedented, and there is no evidence to suggest that the numbers will significantly increase if an injunction was now lifted. On balance, we are equally unable to say that there will not be a great influx of UE's if the injunction *is* lifted. ECC should be satisfied that an injunction is merited as opposed to strategic management of any UE's using existing legislation.

5.2.5 ECC will likely face adverse publicity if the application is not successful.

5.2.6 It is reasonable for ECC to support this application in the interests of partnership working. However, if the injunction is granted then by the time it expires it will be seven years since the first injunction and absent a compelling case based on current evidence it would not be appropriate to seek any further extension.

5.2.7 ECC should be mindful of potential displacement caused by the injunction. There was initial displacement but given that the numbers in Harlow have historically been so low it is difficult to show that the injunction has caused long term displacement.

5.2.8 It is important to be mindful that there is always inherent risk with any litigation and ECC only support the application on the basis that HDC have agreed to pay all costs incurred by ECC in connection with this matter.

5.2.9 On 11 June 2020 HDC received a letter from the Community Law Partnership ("CLP") on behalf of Friends, Families and Travellers ("FFT") which states that 'they [FFT] are not seeking to formally intervene in this case nor have they funding to do so.' Further there are no particularised objections from CLP/FFT, though these may be forthcoming. ECC may need to review its position if a more formal challenge is mounted and ECC will need to reconsider its support of the application in light of the challenge.

6. Equality and Diversity implications

6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

6.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic; namely the Gypsy, Roma and Traveller community. The granting of this injunction is proportionate by the limitation of areas covered and the 2-year period of the injunction. A negotiated stopping policy provides a framework for formal stopping on HDC’s unprotected areas, subject to prior agreement.

7 List of Appendices

1. Draft order
2. Equality impact Assessment

8. List of background papers

8.1 Court bundle filed by Harlow DC in June 2020.

<p>I approve the above recommendations set out above for the reasons set out in the report.</p> <p>Councillor Susan Barker, Cabinet Member for Customer, Communities, Culture and Corporate</p>	<p>Date</p> <p>6 July 2020</p>
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In consultation with:

Role	Date
<p>Mark Carroll, Executive Director, Place and Public Health</p>	<p>6 July 2020</p>
<p>Executive Director for Finance and Technology (S151 Officer)</p> <p>Nicole Wood</p>	<p>6 July 2020</p>
<p>Director, Legal and Assurance (Monitoring Officer)</p> <p>Paul Turner</p>	<p>6 July 2020</p>

APPENDIX 1 – THE ORDER

On behalf of: The First Claimant

Witness

Julie Galvin

No of Statement First

Dated

Exhibit JG2

IN THE HIGH COURT OF JUSTICE Claim no:

In the matter of the Local Government Act 1972 s222

BETWEEN

**(1) HARLOW DISTRICT COUNCIL (2) ESSEX
COUNTY COUNCIL**

**Claimant
s**

-and-

**1) WILLIAM MCGINLEY & 39 OTHER NAMED DEFENDANTS (LISTED IN
SCHEDULE 1 ATTACHED TO THIS ORDER)**

**(41) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS WITHIN
THE DISTRICT OF HARLOW**

Defendants

EXHIBIT JG2 TO WITNESS STATEMENT OF Julie Galvin

Draft Order

IN THE HIGH COURT OF JUSTICE

Claim No: HQ

QUEENS BENCH DIVISION

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

Before

On the day of 2020

BETWEEN:

(1) HARLOW DISTRICT COUNCIL (2) ESSEX
COUNTY COUNCIL

Claimants

-and-

(1) WILLIAM MCGINLEY & 39 OTHER NAMED DEFENDANTS (LISTED IN
SCHEDULE 1 ATTACHED TO THIS ORDER)

(41) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE DISTRICT OF HARLOW

Defendants

INJUNCTION ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED FIRST TO FORTIETH DEFENDANTS AND/OR PERSONS UNKNOWN DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

UPON HEARING COUNSEL MISS CAROLINE BOLTON FOR THE CLAIMANTS AND THE DEFENDANTS NOT ATTENDING

AND UPON READING THE PAPERS AND HEARING THE APPLICATION FOR THE VARIATION OF THE INJUNCTION

IT IS ORDERED THAT:

Until 14 June 2022, The First to Forty-First Defendants are forbidden from:

- 1. Setting-up an encampment on any land identified on the attached map and list of sites without written permission from the local planning authority, or, planning permission granted by the Secretary of State**
- 2. From entering and/or occupying any part of the land identified on the attached map and list of sites for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia**
- 3. From bringing onto the Land or stationing on the Land any caravans/mobile homes other than when driving through the administrative boundaries of Harlow District Council or in compliance with the parking orders regulating the use of car parks or with express permission from the owners of the land.**
- 4. Deposit or cause to be deposited, controlled waste in or on the Land unless a waste management license or environmental permit is in force and the deposit is in accordance with the license or permit.**
- 5. There be a power of arrest attached to prohibitions 1-4 of this order**

The Land in this order means:

- 6. All the land marked on the map at Schedule 2 of this further details of which are contained on the list at Schedule 3 of this Order.**
- 7. Service of this Order shall be by affixing a copy of this Order in a transparent envelope, or laminated copy, in a prominent position on the land.**
- 8. The Defendants may each of them, or anyone notified of this Order, apply to the Court on 72 hours written notice to the Court and the Claimant to vary or discharge this order (or so much of it as affects that person)**
- 9. Costs to be assessed in the sum of £20,000**

Service

10. Pursuant to CPR part 6.28, and further to the undertaking given by the Claimant as set out in Schedule A below, service of this Order on the First to Fortieth Defendants in the above named proceedings is dispensed with.

11. In the case of the Forty-First Defendant the Order shall be deemed served pursuant to CPR part 6.27 by serving a copy of the Order opposed to an original on the Land by affixing a copy of the Order in a prominent place on each parcel of Land.

12 This Order shall remain in force until midnight on the 14 June 2022, with a review of the order to be fixed by the Court on the first available date after the 14 June 2021

13 The Defendants may each of them (or anyone notified of this Order) apply to the Court on 72 hours written notice to the Court and the Claimants to vary or discharge this Order (or so much as it affects that person).

14 The Defendants shall pay the Claimants costs assessed at £20,000

UNDERTAKINGS

15 The Claimants will use reasonable endeavours to locate and serve the First to Fortieth Defendants.

16 A copy of this Order will be posted on the First Claimants website and Facebook page.

GUIDANCE NOTES Effect of this Order

17 A Defendant 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 hid instructions or with his encouragement.

18 A Defendant 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.

PARTIES OTHER THAN THE CLAIMANTS AND DEFENDANTS Effect of this Order

19 It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his assets seized.

INTERPRETATION OF THIS ORDER

20. In this Order, where there is more than one Defendant (unless otherwise stated) references to "the Defendants" means each or all of them.

21. A requirement to serve on "the Defendants" means on each of them, (unless an Order of the Court specifies otherwise). The Order is, however, effective against any Defendant on whom it is served.

22. An Order requiring "the Defendants" to do or not to do anything applies to all Defendants.

COMMUNICATIONS WITH THE COURT

23. All communications to the Court about this Order should be sent to Room WG08 Royal Courts of Justice, Strand, London, WC2A 2 LL (020 7947 6010).

Schedule 1

- (1) JOSIE MCGINLEY (2) BRIDIE MCGINLEY (3) WILLIE MCGINLEY**
- (4) BRIDGET MCGINLEY (5) BRIDGET MCGINLEY (6) LISA MCGINLEY**
- (7) NULA MCGINLEY (8) SIMON MCGINLEY**
- (9) MICHAEL MCGINLEY (10) PATRICK DONOVAN (11) CAROLINE DONOVAN**
- (12) DANIEL DONOVAN**
- (13) ALISHA DONOVAN (O'BRIEN)**
- (14) LUCY MALONEY**
- (15) PHILOMENA ROCHFORD (16) KATIE TORREN**
- (17) MADONNA O'DRISCOL (18) MICHAEL DOHERTY (19) MARK DOHERTY**
- (20) SIMON DOHERTY (21) BEN WALKER**
- (22) HARRY McDONAGH (23) WILLIE TORRENCE (24) MIRANDA TORRENCE**
- (25) MARTIN TORRENCE**
- (26) SEAN MALONE**
- (27) BARBARA STOKES (28) MARGRET MCGINLEY (29) BEN MCGINLEY**
- (30) CHRISTOPHER MCGINLEY**
- (31) ANNE MCGINLEY**
- (32) PATRICK MCGINLEY (33) JOHN MAUGH**
- (34) MICHAEL MCDONAGH (35) ROSE SMITH**
- (36) MARY KEEANE**
- (37) MICHAEL KENNAN (38) MARTIN MONGAN**
- (39) CHRISTOPHER MONGAN**
- (40) PERSONS UNKNOWN**