



IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Case No: HQ08X01209

Before The Hon Mr Justice Treacy

BETWEEN:-

- (1) Bayer CropScience Limited (for and on behalf of its employees and the protected persons pursuant to S.3A Protection from Harassment Act 1997)
- (2) MARTIN DAWKINS (for and on behalf of the employees of the First Claimant pursuant to CPR 19.6 and S.3A Protection from Harassment Act 1997)

Claimants

-and-

- (1) STOP HUNTINGDON ANIMAL CRUELTY ("SHAC") (by its representative Dr. Max Gastone acting for and on behalf of the members of SHAC and all protestors conducting activities against the Claimants pursuant to CPR 19.6)
- (2) Greg Avery
- (3) Natasha Avery
- (4) Heather Nicholson

Defendants

ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED DEFENDANTS DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED OR FINED OR YOU MAY BE FOUND TO BE GUILTY OF A CRIMINAL OFFENCE FOR WHICH YOU MAY BE IMPRISONED OR FINED OR BOTH

An application notice was made on 31st March 2008 by the solicitor for the Claimants to the Court. The Court heard the application and read the Witness Statements listed in Schedule 1 and accepted the undertakings in Schedule 2 at the end of this Order

DEFINITIONS

This Order shall be construed in accordance with the following Orders and/or Definitions:-

1. The Second Claimant, MARTIN DAWKINS (who is a Director of the First Claimant), shall represent the First Claimants' employees and the Protected Persons (as defined below) pursuant to the Civil Procedure Rules 1998 (CPR) 19.6.
2. Dr Max Gastone shall represent the members of the unincorporated association Stop Huntingdon Animal Cruelty ("SHAC") and all protestors conducting activities against the Claimants pursuant to CPR 19.6.
3. In this Order harass has the same meaning as in the Protection from Harassment Act 1997 and references to "he", "him" or "his" shall be taken as meaning "she", "her" or "hers" where appropriate.
4. In this Order "exclusion zone" or "exclusion zones" shall mean any areas in which Protesting activities are prohibited or curtailed by this Order or otherwise.
5. In this Order Protestor or Protestors shall mean:
 - 5.1. the Defendants whether by themselves, their servants, agents or otherwise;
 - 5.2. any other person who is acting in concert with any of the named Defendants to do any act prohibited by this Order and who has notice of the terms of this Order whether by himself, his servants, agents, or otherwise; and
 - 5.3. any other person who has been given notice of the terms of this Order whether by himself, his servants, agents, or otherwise
6. In this Order the Protected Persons shall mean:
 - 6.1. the Second Claimant;
 - 6.2. the employees and former employees of the First Claimant ("the employees"),
 - 6.3. the families (being immediate family members), servants or agents of the employees;

- 6.4 any person who is seeking to visit any premises referred to in this Order, or any premises or home belonging to or occupied by any of the Protected Persons.

THE ORDER

UPON HEARING the Solicitor for the Claimants and Dr Gastone

IT IS ORDERED until trial or further order that:

7. The Protestors be restrained from pursuing a course of conduct which amounts to harassment of the Protected Persons contrary to the Protection from Harassment Act 1997.
8. **AND** in particular the Protestors be restrained, under the terms of the Protection from Harassment Act 1997, from:
 - 8.1 assaulting, molesting, harassing, threatening or otherwise interfering with the Protected Persons (as defined above) by doing acts which cause harassment, intimidation or harm whether directly or indirectly to the Protected Persons by any means whatsoever.
 - 8.2 photographing or videoing the Protected Persons or their vehicles which activities are prohibited in their entirety (save that, for avoidance of doubt, protestors may photograph each other and non Protected Persons including Police Officers);
 - 8.3 making any threatening communication whether orally, by telephone, in writing, by facsimile, by electronic transfers (e-mail), or otherwise howsoever to any Protected Person, which shall include repetitive telephone calls, facsimiles or e-mails;
 - 8.4 publishing by any means whatsoever names, addresses, telephone numbers, fax numbers, electronic-mail addresses, photographs, vehicle registration numbers or any other material serving to identify a Protected Person or to publish his personal details.

PROVIDED THAT as and when a Protected Person is identified as such for the purposes of a newspaper article or a radio or television programme there shall be no restraint upon the terms of any media response by a protestor nor upon any repetition of that which featured in the media.

8.5 compelling any Protected Person:-

8.5.1 not to do something that he is entitled or required to do; or

8.5.2 to do something that he is not under any obligation to do

8.6 knowingly picketing, demonstrating or loitering within 100 yards of the houses of any of the Protected Persons (being exclusion zones)

8.7 (subject to clause 8.8 below) coming to, remaining on, trespassing or conducting any demonstrations or protesting or other related activities within the following areas of land identified on the plans annexed hereto and coloured in pink, blue and yellow, being exclusion zones and being land situated in the immediate vicinity of the First Claimant's premises:-

8.7.1 Unit 230, Cambridge Science Park, Milton Road, Cambridge CB4 0WB; ("the Science Park")

8.7.2 Little Shelford Farm, Whittlesford Road, Little Shelford, Cambridge CB22 5EU; ("the Little Shelford premises")

8.7.3 Chishill Orchard Farm, Heydon Road, Great Chishill, Royston, Hertfordshire SG8 8SS; ("the Great Chishill premises")

8.7.4 Gorsey Lane, Widnes, Cheshire WA8 ORN; ("the Widnes premises")

8.7.5 Sweetbriar Road, Norwich NR6 5AP ("the Norwich premises")

SAVE that nothing in these provisions shall prevent Protestors from passing and re-passing in ordinary course in vehicles along the roads coloured blue

8.8 conducting any demonstrations or protesting or other animal rights related activities within the exclusion zones referred to in sub-paragraph

8.7 above save that demonstrations may be conducted once every 7 days in each of the aforesaid exclusion zones on the following terms namely:-

8.8.1 that the number of Protestors present at such demonstrations shall not exceed 20 individuals;

8.8.2 that the maximum duration for such demonstrations shall not exceed 2 hours;

8.8.3 demonstrations may only occur between 8 am and 6pm;

8.8.4 demonstrations may only occur in the designated protest areas ("DPAs") marked and coloured green on the plans annexed hereto being one DPA for each of the respective sites referred to above';

8.8.5 the Protestors may enter the exclusion zones for the sole purpose of gaining access to the DPAs and the said Protestors shall not park their vehicles within the boundaries of the exclusion zones except in cases of emergency other than in marked car parking spaces specifically allocated to members of the public;

8.8.6 the Protestors may not bring in, carry or use any instruments whatsoever which may or may not be designed for the making of artificial or musical noise or to amplify sound (including loud hailers), save that at the Science Park, Little Shelford premises, Widnes and Norwich premises only, one single protestor only may carry and use one loud hailer only for oral communication, for not longer than two periods of fifteen minutes, separated by a gap of at least one hour, set at medium level or below, directed away from the Protected Persons as they enter and leave the above premises;

8.8.7 It is a condition precedent to the terms of this sub-paragraph that not less than 24 hours before the proposed demonstration, the Protestors shall have first notified the police by telephone at the following telephone number **0845-456 -4564**.

IT IS FURTHER ORDERED THAT:

9. This Order is binding on all Defendants and Protestors pursuant to CPR 19.6(4)(a).
10. In respect of the Claimants to this action only, this Order supersedes the Order dated 19 April 2004 in the action entitled Bayer Plc and Others -v- Elizabeth Claire Snook & Others case number HQ03X03859 insofar as it provides relief against SHAC.
11. There be substituted service of this Order herein on the Defendants by sending the same by pre-paid ordinary first class post in sealed envelopes addressed to the said Defendants at Stop Huntingdon Animal Cruelty ("SHAC") 89 Bush Road, East Peckham, Tonbridge, Kent TN12 5LJ
12. There be substituted service of this Order by exhibited the same on posts around the Claimants' boundaries within the exclusion zones.
13. There be substituted service of this Order by posting a copy of the same on the First Defendant's Website: www.shac.net on terms that all the above Defendants are ordered, within 5 working days of receiving a copy of this Order in electronic form from the Claimants' solicitors, to place and maintain copies of this Order on the above website or any further websites created or controlled by them and to take all steps necessary to bring the same to the attention of their members or subscribers and to the attention of the Protestors referred to in this Order. In particular the Second, Third and Fourth Defendants are ordered to use their best endeavours to ensure that copies of this Order are placed on the websites referred to above.
14. Liberty to the Claimants to apply on notice to extend the exclusion zones referred to in this Order.
15. The Defendants and any party affected by this Order may apply to the Court at any time to vary or discharge this Order but if they wish to do so, they must first inform the Claimants' solicitors in writing at least 7 days beforehand.

16. Within 28 days after the conclusion of any trial in the action entitled Oxford University & Others -v- Mel Broughton & Others case no: HQ04X02793, the parties herein shall endeavour to agree directions and/or list this action for case management on terms that it shall be tried on the first available date after the beginning of term in January 2009 along with the other cases referred to in the Schedule to the Order of Mr Justice Irwin dated 6 November 2007 in the action entitled PDP Courier Services Limited & Others -v- SHAC & Others case no: HQ06X01377
17. Costs be reserved.

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 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 the Court about this Order should be sent to Room WG 08, Royal Courts of Justice, Strand, London WC2A 2LL quoting the case number. The telephone number is 0207 947 6010. The offices are open between 10 am and 4.30pm Monday to Friday.

SCHEDULE 1

Evidence: The Court read the following witness statements before making this Order:

- (A) The First Witness Statement of Martin Scott Dawkins dated 31 March 2008;
- (B) The First Witness Statement of Superintendent Stephen Pearl dated 10 April 2008;
- (C) The Letter from Jeremy Tuck of Bidwells dated 16 April 2008
- (D) The Letter from Jack Fordham dated 18 March 2008
- (E) The First Witness Statement of Dr Max Gastone dated 17 April 2008.

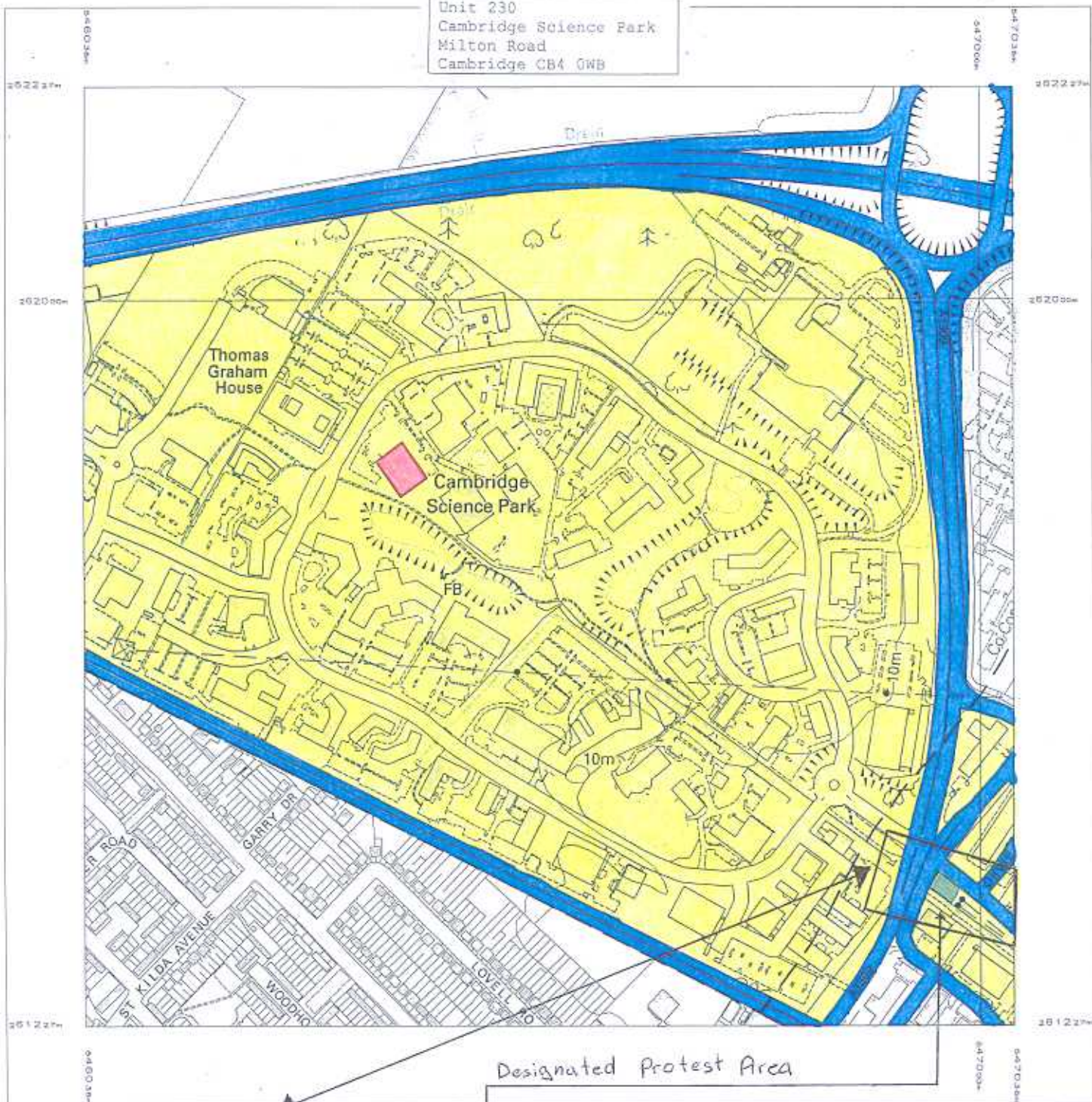
SCHEDULE 2

Undertakings given to the Court by the Claimants:-

If the Court later finds that this Order has caused loss to the Defendants, and decides that the Defendants should be compensated for that loss, the Claimants will comply with any Order the Court may make.

Dated this 23rd day of APRIL 2008

Unit 230
Cambridge Science Park
Milton Road
Cambridge CB4 0WB



Designated Protest Area



0 100 200
Metres

Scale 1:5000

	Claimant's Premises
	Private Land/Roads
	Public Land/Roads
	Designated Protest Area

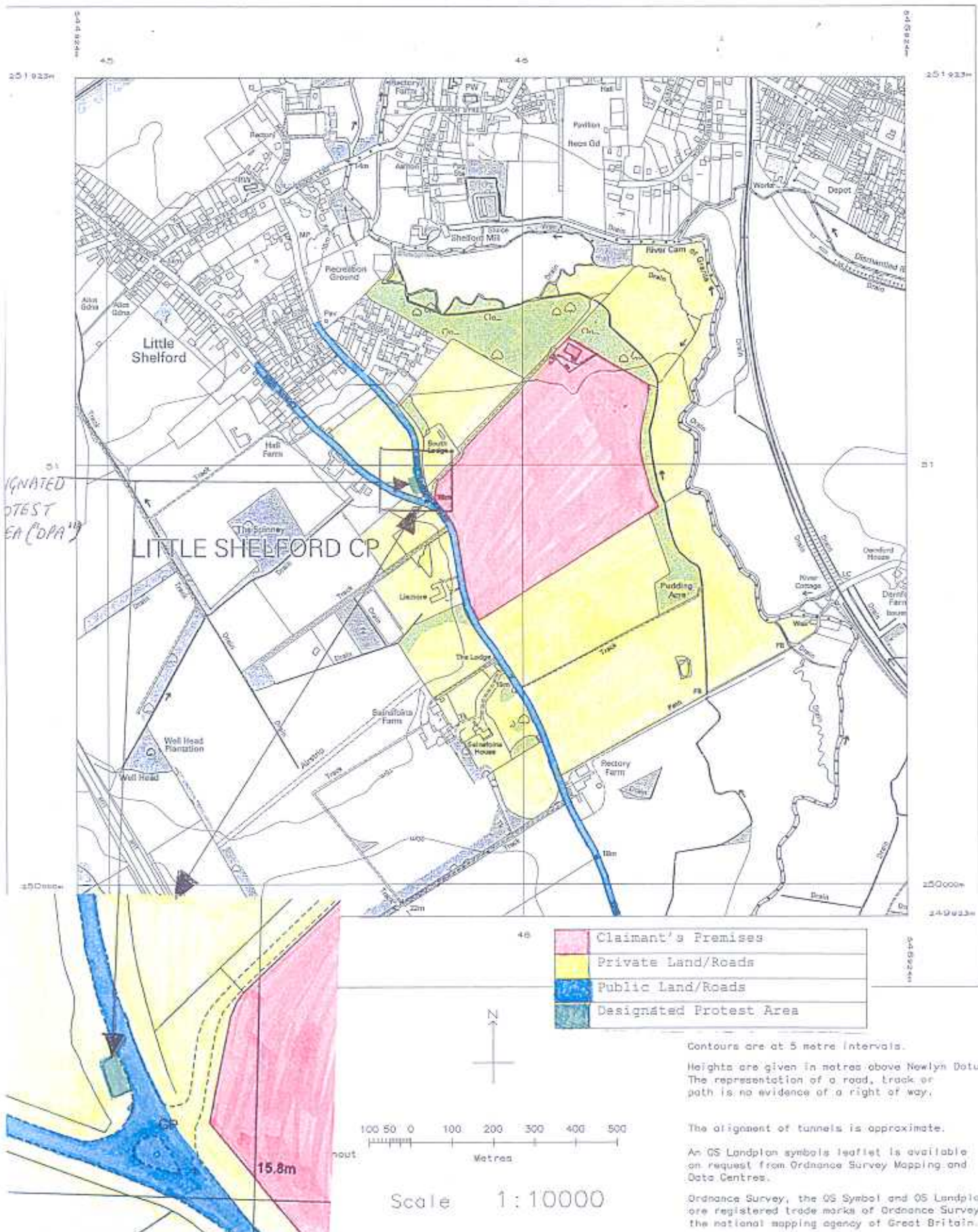
Data Centres.

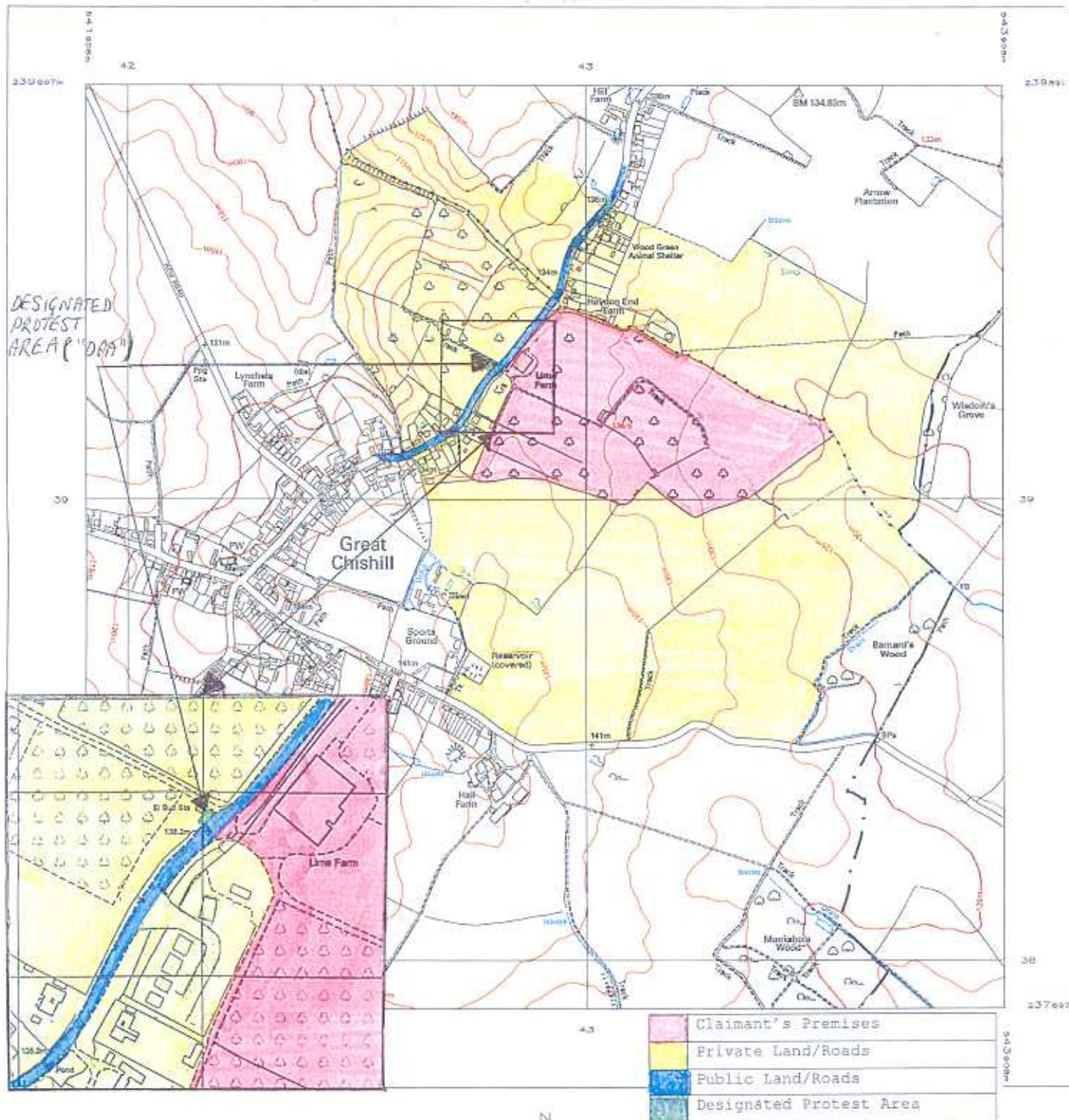
Ordnance Survey, the OS Symbol and OS Landplan are registered trade marks of Ordnance Survey, the national mapping agency of Great Britain.

Plot centre coordinates: 546536 251727

Supplied by: Stenforde

Plot serial number: 00330500





Plotted 09 Oct 2007 from Ordnance Survey digitally derived data.

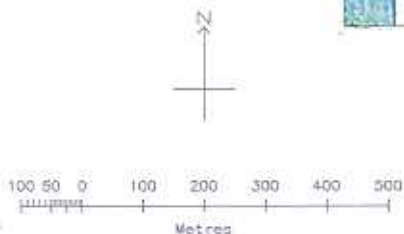
Produced using significant survey information from Ordnance Survey large scale digital data, and incorporated into OS Landplan Apr 2005.

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Administrative boundaries revised to Oct 2004.

Additional boundaries information:



Scale 1:10000

Contours are at 5 metre intervals.

Heights are given in metres above Newlyn Da. The representation of a road, track or path is no evidence of a right of way.

The alignment of tunnels is approximate.

An OS Landplan symbols leaflet is available on request from Ordnance Survey Mapping and Data Centres.

Ordnance Survey, the OS Symbol and OS Landplan are registered trade marks of Ordnance Survey, the national mapping agency of Great Britain.

Plot centre coordinates: 542908 236897

Supplied by: Stanfords

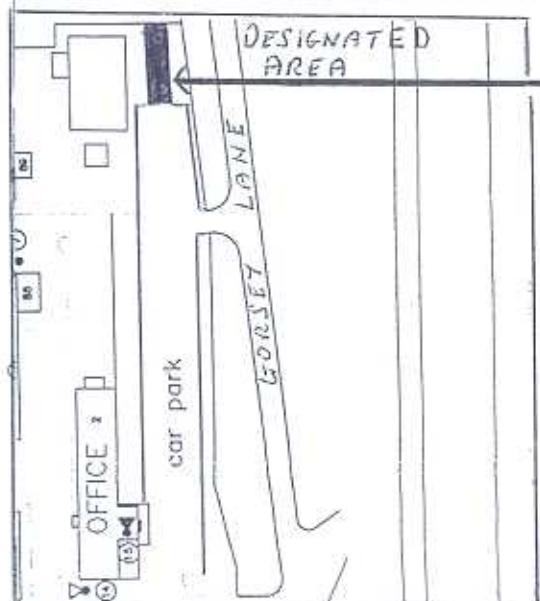
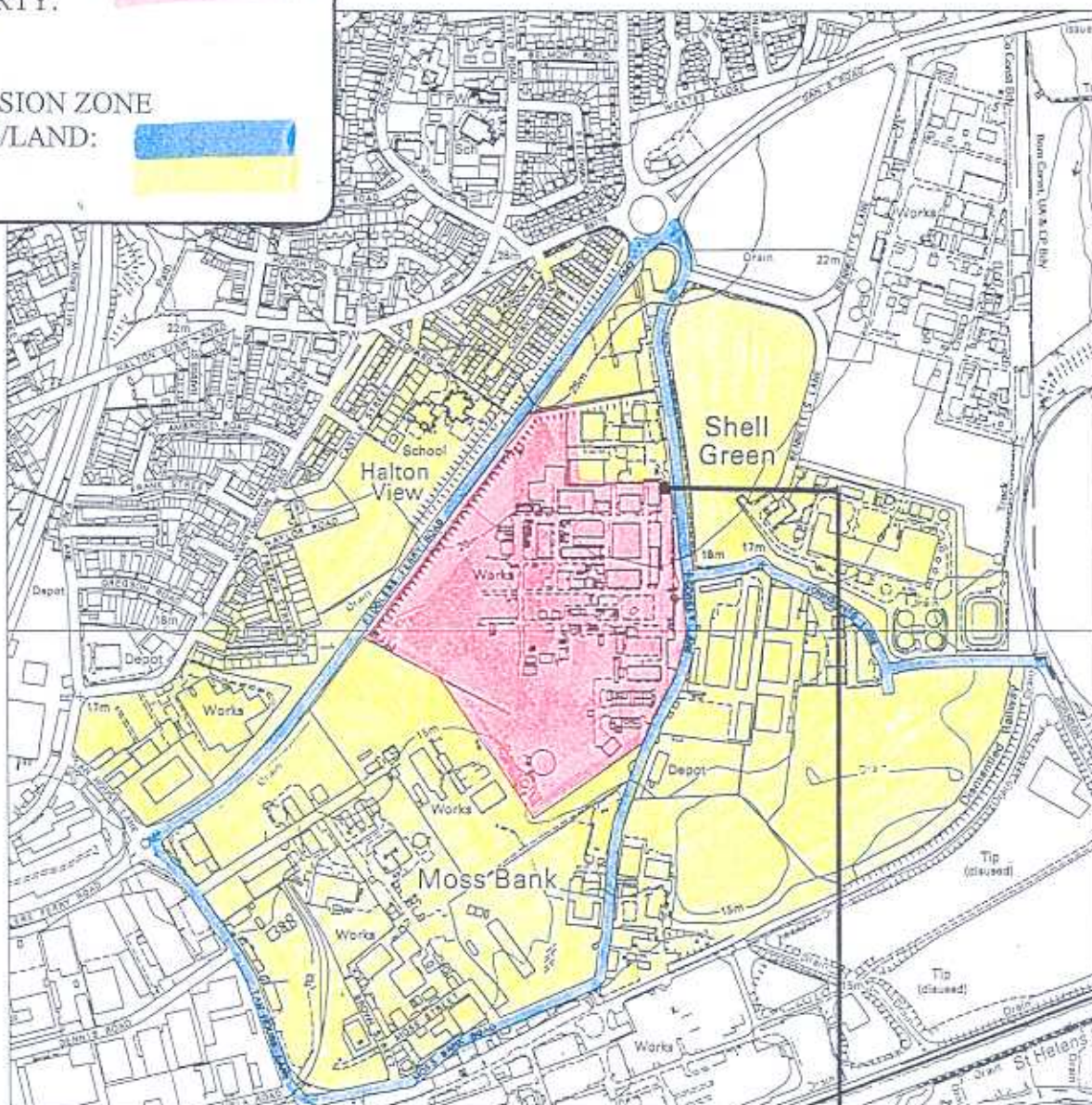
Plot serial number: 00202200

Bayer CropScience
Gorsey Lane
Widnes
Cheshire
WA8 0RN

A4 Plot

PROPERTY:

EXCLUSION ZONE
ROADS/LAND:



Contours are at 5 metre intervals.

Heights are given in metres above Newlyn D
The representation of a road, track or path is no evidence of a right of way.

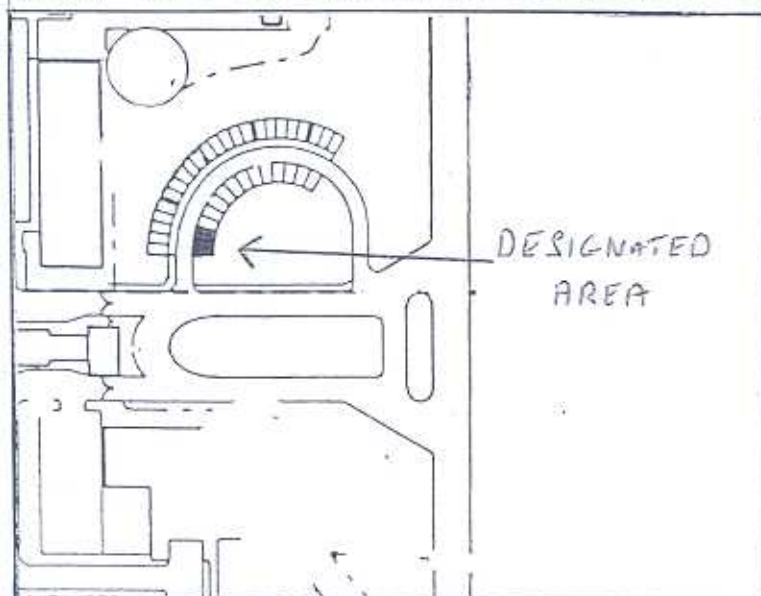
The alignment of tunnels is approximate.

A Landplan symbols leaflet is available from Ordnance Survey Superplan Agents.

Ordnance Survey, the OS Symbol, Landplan a Superplan are registered trade marks of Ordnance Survey, the national mapping agency of Great Britain.

Plot centre coordinates: 352996 386103
Supplied by: Blackwells

Scale 1: 10000



Plot serial number:00002531

Scale 1: 10000

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QUEEN'S BENCH DIVISION

Before The Hon Mr Justice *May*

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- (2) Greg Avery
- (3) Natasha Avery
- (4) Heather James

Defendants

ORDER

BY: The Royal Courts of Justice
Strand

Dated the *23* Day of *April* 2008