

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)

Claim No: PT-2018-000812



Before: The Honourable Mr Justice Nugee
On: 24th October 2018

B E T W E E N:

JOCKEY CLUB RACECOURSES LIMITED

PT-2018-000812

Claimant

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING AND ENGAGING IN SELLING OR ATTEMPTING TO SELL TICKETS AND/OR BADGES WITHOUT THE PRIOR WRITTEN CONSENT OF THE CLAIMANT ON LAND AT CHELTENHAM RACECOURSE AND EDGED IN RED ON THE PLAN ANNEXED TO THIS ORDER

(2) PERSONS UNKNOWN ENTERING OR REMAINING AND ENGAGING IN BUYING OR ATTEMPTING TO BUY TICKETS AND/OR BADGES FOR THE PURPOSES OF TRADE OR COMMERCIAL ACTIVITY WITHOUT THE PRIOR WRITTEN CONSENT OF THE CLAIMANT ON LAND AT CHELTENHAM RACECOURSE AND EDGED IN RED ON THE PLAN ANNEXED TO THIS ORDER

(3) PERSONS UNKNOWN ENTERING OR REMAINING AND ASSISTING IN THE SELLING OF TICKETS AND/OR BADGES OR ATTEMPTED SELLING OF TICKETS AND/OR BADGES WITHOUT THE PRIOR WRITTEN CONSENT OF THE CLAIMANTS ON LAND AT CHELTENHAM RACECOURSE AND EDGED IN RED ON THE PLAN ANNEXED TO THIS ORDER

(4) PERSONS UNKNOWN ENTERING OR REMAINING AND ASSISTING IN THE BUYING OF TICKETS AND/OR BADGES OR ATTEMPTED BUYING OF TICKETS AND/OR BADGES FOR THE PURPOSES OF TRADE OR COMMERCIAL ACTIVITY WITHOUT THE PRIOR WRITTEN CONSENT OF THE CLAIMANT ON LAND AT CHELTENHAM RACECOURSE AND EDGED RED IN THE PLAN ANNEXED TO THIS ORDER

Defendants

ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED

IMPORTANT NOTICE TO DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.

Any other person who knows of this order and does anything which helps or permits the Respondents 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.

A Defendant who is an individual and 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.

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.

UPON the Claimant's application by Application Notice dated 24th October 2018 ('the Application')

AND UPON hearing John Steel Q.C. and Victoria Hutton of Counsel for the Claimant

AND UPON Defendants not appearing or being represented

AND UPON the Court accepting the Claimant's undertaking that the Claimants will comply with any order for compensation which the Court might make in the event that the Court later finds that this Order has caused loss to a Defendant and the Court finds that the Defendant ought to be compensated for that loss

IT IS ORDERED THAT:

1. Pursuant to CPR r.6.16 and 6.28 the Court dispenses with the need for the service of the claim form and this application notice. Provision for the filing of acknowledgements of service to the Claim is set out at paragraphs 9-12 below.

Injunctions

2. With immediate effect, the Defendants and each of them are forbidden from entering or remaining on 'Land at Cheltenham Racecourse' being the land outlined in red on the Plan annexed hereto ('the Racecourse Land') and engaging in or attempting to engage in selling tickets or badges of any kind without the prior written consent of the Claimant.
3. With immediate effect, the Defendants and each of them are forbidden from entering or remaining on 'Land at Cheltenham Racecourse' being the land outlined in red on the Plan annexed hereto ('the Racecourse Land') and engaging in buying or attempting to buy tickets and/or badges for the purposes of trade or commercial activity without the prior written consent of the Claimant.
4. With immediate effect, the Defendants and each of them are forbidden from entering or remaining on 'Land at Cheltenham Racecourse' being the land outlined in red on the Plan annexed hereto ('the Racecourse Land') and assisting in the selling of tickets or badges or attempted selling of tickets or badges for the purposes of trade or commercial activity without the prior written consent of the Claimant.
5. With immediate effect, the Defendants and each of them are forbidden from entering or remaining on 'Land at Cheltenham Racecourse' being the land outlined in red on the Plan annexed hereto ('the Racecourse Land') and assisting in the buying of tickets or badges or attempted buying of tickets or badges for the purposes of trade or commercial activity without the prior written consent of the Claimant.

Duration and effect of the order

6. The orders at paragraphs 2 to 5 above shall:
 - a. remain in effect until 1 June 2019 unless there be any further Order prior to that date;
 - b. apply to the Defendants and each of them.

Service of the Order

7. Pursuant to CPR r. 6.27 and 81.8 service of this Order on the First and Second Defendants shall be dealt with as follows:
 - a. The Claimant shall affix sealed copies of the 'Take Note' notice annexed to this Order in transparent envelopes to posts, gates, fences and hedges at conspicuous locations on the Racecourse Land including at entrances to the Racecourse Land and as more particularly shown in yellow on the attached Plan.
 - b. The Claimant shall post an electronic copy of this Order on the Cheltenham Racecourse website www.cheltenham.co.uk with an electronic link to it in a prominent location on the Home page of such website.
 - c. The Claimant shall leave a sealed copy of this Order and cause a copy to be available for inspection during normal office opening hours of the administrative offices of Cheltenham Racecourse GL50 4SH (Mon-Fri 0830-1730 excluding Bank Holidays and closed days advertised on the Cheltenham Racecourse website).
8. The taking of the steps in paragraph 7 above shall be good and sufficient service of this Order on the Defendants.
9. This Order shall be deemed served on the Defendants on the date that the last of the steps in paragraph 7 above is taken, and shall be verified by a certificate of service to be filed with the Court.
10. On the day before the first raceday of each month the Claimant shall check that copies of the notice referred to at paragraph 7 above remain in place and if any become illegible, defaced or removed then shall replace them as soon as reasonably practical.
11. The Court is to provide sealed copies of this Order to the Claimant's solicitors for service (whose details are set out below).

Further directions

12. In the case of any individual who seeks to be a Defendant:
 - a. Any individual who does or may by their future acts or conduct fall within the definition of a Defendant who wishes to contest the claim shall file and serve on the Claimant's solicitor an acknowledgement of service on the Claimant's solicitors (whose details are set out below) with a witness statement outlining their interest in this matter and the nature of or grounds for such contest by 4pm on 22nd November 2018 (28 days from the date of this Order).

- b. In the case of any individual who seeks to be a Defendant, that person must provide their full name and address, an address for service, and must also apply to the Court at the same time to be joined as a named Defendant to the proceedings. at the same time.
13. Any person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimant's solicitors immediately in writing (and in any event not less than 24 hours before the hearing of any such application).
14. Any person applying to vary or discharge this Order must provide their full name and address, an address for service, and must also apply to be joined as a named Defendant to the proceedings at the same time.
15. In the event that any acknowledgements of service or applications are filed or served pursuant to paragraph 12 above, the Claimant shall notify the Court in writing and seek the listing of a directions hearing.
16. The Claimant has liberty to apply to extend or vary this Order or for further directions.
17. Save as provided for above, the Claim be stayed generally with liberty to restore.

Annex to this Order

- (1) Plan of the Racecourse Land outlined in red to which this Order applies.
(2) Copy of 'Take Note' Notice

Costs

18. The question of costs of the Application shall be adjourned to the next hearing in these proceedings.

Communications with the Court

19. All communications to the Court about this Order (which should quote the case number) should be sent to:
High Court of Justice, Business and Property Courts
Rolls Building
7 Rolls Building
Fetter Lane
London
EC4A 1NL
20. The Claimant's solicitors and their contact details are:
Pinsent Masons LLP
3 Hardman Street
Manchester
M3 3AU
Ref: 645003.07111

Dated: 24th October 2018