

IN THE HIGH COURT OF JUSTICE
THE BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
CHANCERY DIVISION

Case No. [BL-2023-000713]



Sir Anthony Mann, sitting as a Judge of the
High Court
26 May 2023

BETWEEN:

JOCKEY CLUB RACECOURSES LIMITED

Claimant/Applicant

and

- (1) DANIEL FRANK PETER KIDBY
- (2) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE "RACE TRACK" ON THE DAY OF A "RACING FIXTURE", EXCEPT AT "CROSSING POINTS" WITH "AUTHORISATION", AS DESCRIBED BELOW
- (3) PERSONS UNKNOWN ENTERING AND/OR REMAINING ON ANY "CROSSING POINTS" WITHOUT "AUTHORISATION" ON THE DAY OF A "RACING FIXTURE", AS DESCRIBED BELOW
- (4) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE "PARADE RING" WITHOUT "AUTHORISATION" ON THE DAY OF A "RACING FIXTURE", AS DESCRIBED BELOW
- (5) PERSONS UNKNOWN ENTERING AND/OR REMAINING ON ANY PART OF THE AREAS DESCRIBED BELOW AS THE "HORSES' ROUTE TO THE PARADE RING" AND/OR THE "HORSES' ROUTE TO THE RACE TRACK" WITHOUT "AUTHORISATION" ON THE DAY OF A "RACING FIXTURE", AS DESCRIBED BELOW
- (6) PERSONS UNKNOWN INTENTIONALLY OBSTRUCTING THE "HORSE RACES", AS DESCRIBED BELOW
- (7) PERSONS UNKNOWN INTENTIONALLY CAUSING ANY OBJECT TO ENTER ONTO AND/OR REMAIN ON THE "RACE TRACK" WITHOUT "AUTHORISATION" ON THE DAY OF A "RACING FIXTURE", AS DESCRIBED BELOW
- (8) PERSONS UNKNOWN INTENTIONALLY ENDANGERING ANY PERSON AT THE LOCATION DESCRIBED BELOW AS THE "EPSOM RACECOURSE" ON THE DAY OF A "RACING FIXTURE", AS DESCRIBED BELOW

Defendants/Respondents

ORDER FOR AN INJUNCTION

PENAL NOTICE

IF YOU THE WITHIN NAMED DEFENDANTS OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED, 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

IMPORTANT NOTICE TO THE 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.

UPON the Claimant's application by application notice dated 22 May 2023 for an interim injunction ("**the Application**").

AND UPON the court reading the Application and the Witness Statements listed in Schedule 1 to this Order.

AND UPON the Court hearing Leading Counsel for the Claimant.

IT IS ORDERED that:

1. For the purpose of this Order:

- (1) The "**Act**" means the Epsom and Walton Downs Regulation Act 1984.
- (2) The "**Byelaws**" means the Byelaws made by The Epsom & Walton Downs Conservators on 18 October 2005, by virtue of s. 11 of the Act.

- (3) The “**Plan**” means the the aerial photographs of the Epsom Racecourse and the markings thereupon, appended to this [draft] Order.
- (4) The “**Epsom Racecourse**” means the area where the Claimant holds Racing Fixtures, within the red line marked on the Plan.
- (5) “**Racing Fixture**” means an Authorised Meeting within the meaning of s. 14 of the Act, being a race meeting held on up to 16 days in any one year at the Epsom Racecourse, including Oaks Day and Derby Day.
- (6) “**Horse Races**” means any and all horse races taking place on the day of a Racing Fixture.
- (7) The “**Race Track**” means the area between the crowd barriers on either side of the stretch of land marked with a yellow dotted line, starting at point (C) and ending at point (D) on the Plan.
- (8) The “**Crossing Points**” mean the 10 points at which members of the public may cross from one side of the Race Track to another with Authorisation, marked in blue on the Plan.
- (9) “**Authorisation**” means authorisation given to any member of the public to be in a particular area at the Epsom Racecourse at a particular time, whether by a steward, police officer, and/or any agent of Jockey Club Racecourses Limited.
- (10) The “**Stables**” means the buildings and area where the horses are accommodated before the races, marked at point (A) on the Plan.
- (11) The “**Parade Ring**” means the area where horses parade ahead of the races, marked at point (B) on the Plan.
- (12) The “**Horse & Jockey Entrance**” means the point at which horses and jockeys enter the Race Track, marked at point (C) on the Plan.
- (13) The “**Horses’ Route to the Parade Ring**” means the pathway by which the horses are led from the Stables to the Parade Ring, marked with a yellow dotted line, starting at point (A) and ending at point (B) on the Plan.
- (14) The “**Horses’ Route to the Race Track**” means the route which the horses take from the Parade Ring to the Race Track, marked with a yellow dotted line, starting at point (B) and ending at point (C) on the Plan.

- (15) The “**Claim Documents**” means the Application Notice, the Witness Statements listed at Schedule 1 to this Order, and the Claim Form.

Injunction in force

2. Until judgment or further order, on the day of any Racing Fixture at the Epsom Racecourse (which, for the avoidance of doubt, includes Oaks Day on 2 June 2023 and Derby Day on 3 June 2023), the Respondents must not:
- (1) Enter the Race Track, except at authorised Crossing Points;
 - (2) Enter and/or remain on any Crossing Points without Authorisation;
 - (3) Enter the Parade Ring without Authorisation;
 - (4) Enter and/or remain on any part of the Horses’ Route to the Parade Ring, without Authorisation;
 - (5) Enter and/or remain on any part of the Horses’ Route to the Race Track, without Authorisation;
 - (6) Intentionally obstruct the Horse Races;
 - (7) Intentionally cause any object to enter onto and/or remain on the Race Track without Authorisation;
 - (8) Intentionally endanger any person at the Epsom Racecourse.

Service

3. Pursuant to CPR r.6.15, r.6.27 and r.81.4(2)(c) and (d) (being an order to dispense with personal service), and having regard to the steps already taken by the Claimant to bring the Claim Documents to the attention of the Second to Eighth Defendants by alternative means, service of the Claim Documents on the Second to Eighth Defendants shall be effected by the Claimant by:
- (1) posting digital copies of the Claim Documents on its website and Facebook page;
 - (2) affixing sealed copies of the Claim Documents in transparent containers in at least 2 conspicuous locations at public entrances to the Epsom Racecourse;
 - (3) providing digital copies to the organisation Animal Rising by email.

4. The Claimant shall effect personal service of the Order on the First Defendant.
5. The Claimant shall attach a copy of the Order by way of the steps set out below, thereby effecting good and sufficient service of this Order on the Second to Eighth Defendants, including for the purposes of CPR 81.4.
 - (1) posting the Order at 50-metre intervals along that part of the perimeter of the Race Track marked with an orange line on the Plan;
 - (2) posting a digital copy of the Order on its website and Facebook page;
 - (3) providing digital copies to the organisation Animal Rising by email.

Directions

6. The Defendants and/or any other 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 give the Claimant's solicitors notice in writing at least 48 hours beforehand.
7. Any person applying to vary or discharge this Order must provide his or her full name and address, and an address for service.
8. The Claimants have liberty to apply to extend or vary this Order, or for further directions.
9. Costs reserved.

Name and Address of Claimants' Solicitors

10. The Applicant's solicitors are Pinsent Masons LLP, of 30 Crown Place, Earl Street, London, EC2A 4ES; +44 (0) 20 7418 7000.

Interpretation of this Order

11. In this Order the words "he" "him" or "his" include "she" or "her" and "it" or "its".
12. Where there are two or more Defendants then (unless the contrary appears)
 - (1) References to "the Defendant" mean both or all of them;
 - (2) An Order requiring "the Defendant" to do or not to do anything requires each Defendant to do or not to do it.

The Effect of this Order

13. 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 his instructions or with his encouragement.

26 May 2023

SCHEDULE 1

Witness statements

The Judge read the Witness Statements of the following individuals before making this Order:

- (1) Nevin Truesdale, Group Chief Executive of the Claimant;
- (2) Dickon White, Aintree and North-West Regional Director of the Claimant;
- (3) Amy Starkey, Managing Director of the Claimant;
- (4) Simon Knapp, Senior Veterinary Officer for London Region Races for the Claimant;
- (5) Julian Diaz-Rainey, Partner of Pinsent Masons.

SCHEDULE 2

Undertaking given to the Court by the Claimant

If the Court later finds that this Order has caused loss to the Defendants or any other Party served with or notified of this Order and decides that the Defendants or other Party should be compensated for that loss, the Claimant will comply with any Order the Court may make.

SCHEDULE 3

Witness statement: service

The Claimant will provide a witness statement confirming personal service of the Order on the First Defendant.

Access to
Parade Ring
from Stables

- a** Stables
- b** Parade Ring



Access from
Parade Ring to
race track

b Parade Ring

c Horse & Jockey
entrance to
race track



Access from
Parade Ring to
race track

- a** Stables
- b** Parade Ring
- c** Horse & Jockey entrance to race track
- d** Derby start
- e** Race finish line

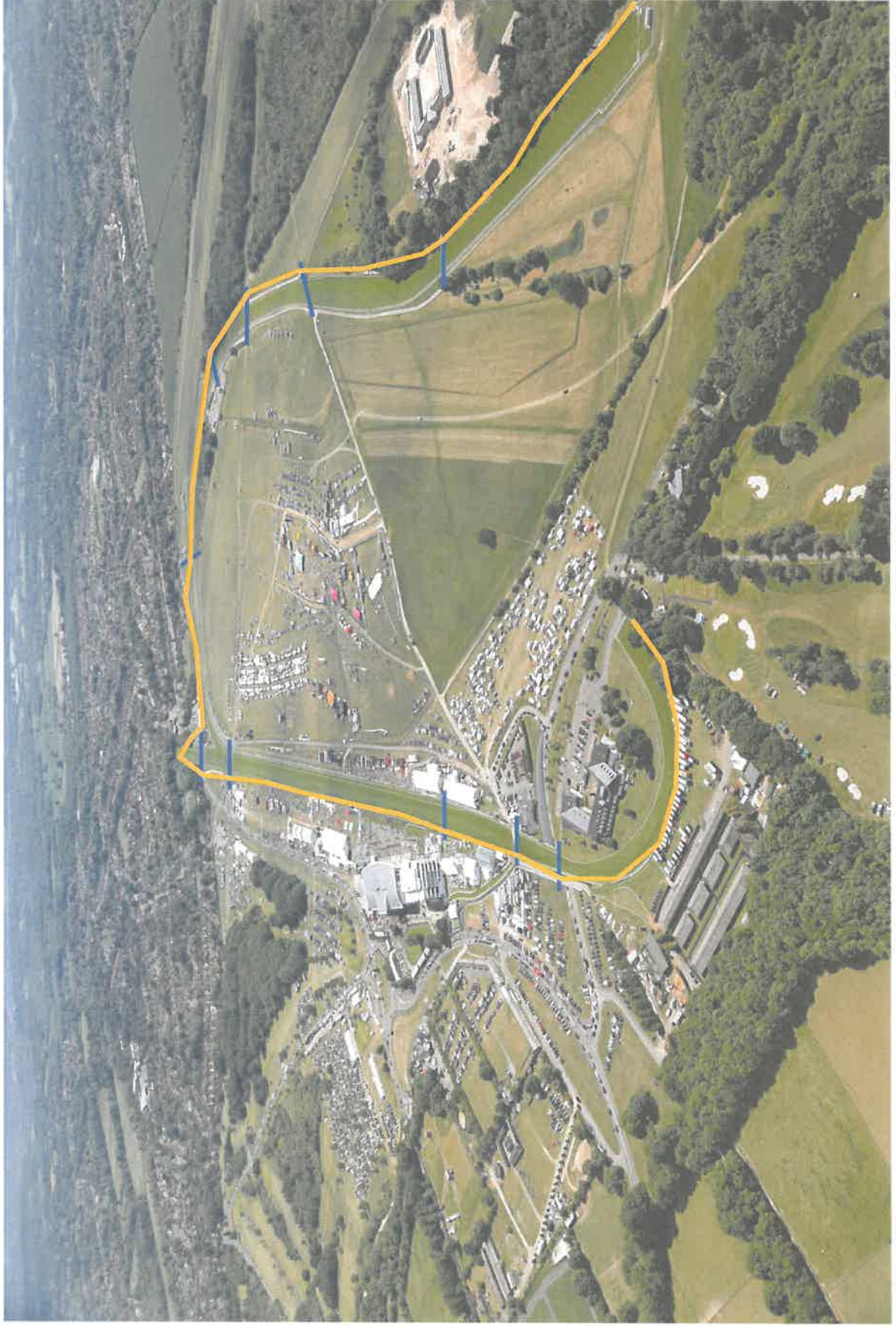


Horses will leave the stables (a) and make their way to the Parade Ring (b).

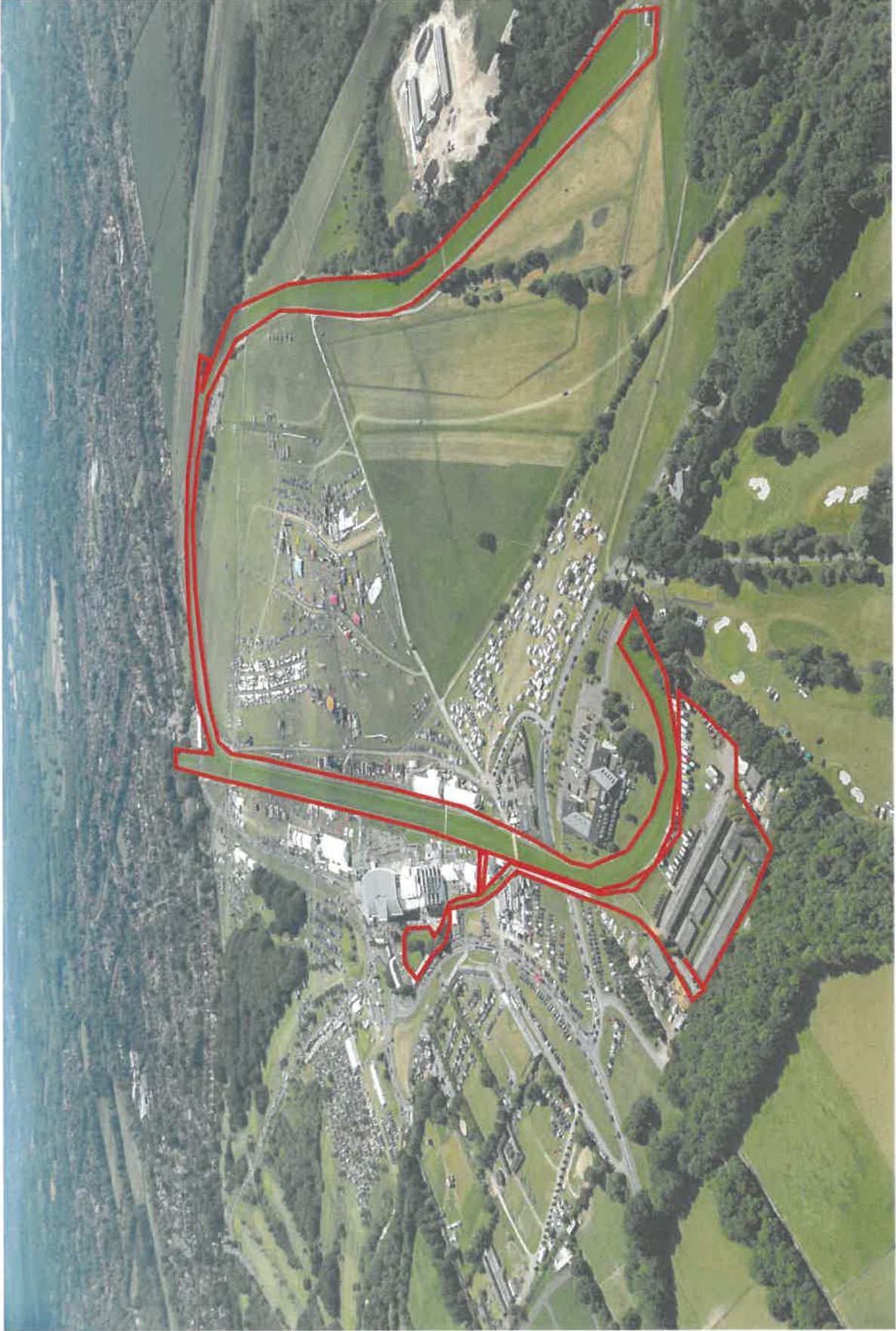
Jockeys will mount their horse in the Parade Ring (b) and walk their horse to the race track (c).

Jockeys will center their horse to the Derby start (d) where they will enter starting stalls and the race will commence.

Orange line
showing
perimeter of the
racetrack where
the order will be
posted



Protected Areas



a Stables

b Parade Ring

c Horse & Jockey
entrance to
racecourse

d Derby start

e Hotel



a Temporary rope in position to separate horses from spectators



a Temporary rope in position to separate horses from spectators



Access from
Parade Ring to
race track

b Parade Ring

c Horse & Jockey
entrance to
race track

