

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
BIRMINGHAM DISTRICT REGISTRY

Claim No. KB-2022-BHM-000188



**Julian Knowles J: 27 February 2024**

**KB-2022-BHM-000188**

In the matter of an application for an injunction under s.222 Local Government  
Act 1972 and s.130 of the Highways Act 1980

B E T W E E N:-

1. WOLVERHAMPTON CITY COUNCIL
2. DUDLEY METROPOLITAN BOROUGH COUNCIL
3. SANDWELL METROPOLITAN BOROUGH COUNCIL
4. WALSALL METROPOLITAN  
BOROUGH COUNCIL

Claimants

-and-

1. PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF  
3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS  
WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A  
(ATTACHED) AT WHICH SOME OF THOSE PRESENT ENGAGE IN  
MOTOR RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR  
OBSTRUCTIVE DRIVING
- 2 PERSONS UNKNOWN WHO PARTICIPATE BETWEEN THE HOURS OF  
3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS  
WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A  
(ATTACHED) WITH THE INTENTION OR EXPECTATION THAT SOME  
OF THOSE PRESENT WILL ENGAGE IN MOTOR RACING OR MOTOR  
STUNTS OR OTHER DANGEROUS OR OBSTRUCTIVE DRIVING
3. PERSONS UNKNOWN PROMOTING ORGANISING PUBLICISING (BY  
ANY MEANS WHATSOEVER) ANY GATHERING BETWEEN THE HOURS  
OF 3:00PM AND 7:00AM OF 2 OR MORE PERSONS WITH THE  
INTENTION OR EXPECTATION THAT SOME OF THOSE PRESENT WILL  
ENGAGE IN MOTOR RACING OR MOTOR STUNTS OR OTHER  
DANGEROUS OR OBSTRUCTIVE DRIVING  
WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A  
(ATTACHED)
4. PERSONS UNKNOWN BEING DRIVERS, RIDERS OR PASSENGERS IN  
OR ON MOTOR VEHICLE(S) WHO PARTICIPATE BETWEEN THE HOURS  
OF 3:00PM AND 7:00AM IN A GATHERING OF 2 OR MORE PERSONS  
WITHIN THE BLACK COUNTRY AREA SHOWN ON PLAN A  
(ATTACHED) AT WHICH SUCH DEFENDANTS ENGAGE IN MOTOR  
RACING OR MOTOR STUNTS OR OTHER DANGEROUS OR  
OBSTRUCTIVE DRIVING

5. Mr ANTHONY PAUL GALE

6. Miss WIKTORIA SZCUBLINSKA

7. Mr ISA IQBAL

8. Mr MASON PHELPS

9. Ms REBECCA RICHOLD

Defendants

**Fourth Defendants added as parties pursuant to the Order of the Honourable Mr Justice Ritchie, made on 19 May 2023**

**Fifth and Sixth Defendants added as parties pursuant to the Order of HHJ Kelly made on 4 October 2023**

**Seventh Defendant added as a party pursuant to the Order of HHJ Kelly made on 1 November 2023**

**Eighth Defendant added as a party pursuant to the Order of HHJ Kelly made on 29 January 2024**

**Ninth Defendant added as a party pursuant to the order of the Honourable Mr Justice Julian Knowles made on 27 February 2024**

To:

1. the First, Second and Third Defendants being Persons Unknown:
  - a. who participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country area shown on plan A (attached) at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving (First Defendants);
  - b. who participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country area shown on plan A (attached) with the intention or expectation that some of those present will engage in motor racing or motor stunts or other dangerous or obstructive driving (Second Defendants); and
  - c. promoting organising publicising (by any means whatsoever) any gathering between the hours of 3:00pm and 7:00am of 2 or more persons with the intention or expectation that some of those present will engage in motor racing or motor stunts or other dangerous or obstructive driving within the Black Country Area shown on plan A (attached) (Third Defendants)
2. the Fourth Defendants being Persons Unknown being drivers, riders or passengers in or on motor vehicle(s) who participate between the hours of

3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country Area shown on Plan A (attached) at which such Defendants engage in motor racing or motor stunts or other dangerous or obstructive driving

**And to: the Fifth, Sixth, Seventh Eighth and Ninth Defendants (“the Named Defendants”) being persons who have been found to be in breach of the Interim Injunction and who thereby became parties to the claim by subsequent orders of the court**

### **PENAL NOTICE**

**IF YOU THE WITHIN NAMED PERSONS UNKNOWN AND THE NAMED DEFENDANTS , DO NOT COMPLY WITH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND IMPRISONED OR FINED, OR YOUR ASSETS MAY BE SEIZED.**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS ANY OF 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 but you must obey the order unless it is varied or discharged by the Court.

A Defendant who is an individual who is ordered not to do something must not do it himself/herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.

This Order was made when the Defendants were not present at court but notice of the Claimants application had been given

**Before the Honourable Mr Justice Julian Knowles** sitting at the High Court of Justice, Birmingham District Registry, Priory Courts, 33 Bull Street, Birmingham, B4 6DS on 27 February 2024

**Upon** hearing Mr Singleton of counsel for the Claimants and there being no appearance by any other person and neither the Court nor the Claimants having received any notification that any other person wished to be joined as a party or heard

**And Upon** the Claimants’ application, by an Application Notice dated 7 October 2022 for an injunction pursuant to section 222 Local Government Act 1972 and section 130 Highways Act 1980

**And Upon** the Court having granted an Interim Injunction and Power of Arrest, by Order of the Honourable Mrs Justice Hill sealed on 22 December 2022

**And Upon** the court exercising its discretion to grant injunctive relief pursuant to section 37(1) Senior Courts Act 1981;

**And Upon** the Court being satisfied for the purposes of s.27(3), Police and Justice Act 2006, that there is a significant risk of harm to a person or persons from the conduct prohibited by the Injunction Order and that a Power of Arrest should therefore be granted.

**And Upon** the Court noting the order of the Her Honour Judge Kelly sealed on 21 December 2023 giving directions and approving service by alternative means pursuant to CPR r.6.27 and CPR r.81.4 of: that order; and further evidence.

**And Upon** it appearing to the court that there is good reason to authorise service by a method or place not otherwise permitted by CPR Parts 6 & 81

**And Upon** the Claimants reconfirming that this Order is not intended to prohibit lawful motorsport taking place on private land where planning permission has been granted (or is not required) and such activities take place under an approved code or licence from a recognised regulatory body.

**And further upon** the Claimant undertaking, and being given permission, to file a further Amended Claim Form and further Amended Particulars of Claim to reflect the addition to the proceedings of the Ninth Defendant referred to above. Such amendments to be filed by 4.00pm, 12 March 2024 and served by the same date by adopting like measures to those set out at paragraph 9 of the Directions Order

**IT IS ORDERED THAT:**

**Injunction in force**

- 1      **IT IS FORBIDDEN** for any of the First Defendants or any of the Named Defendants to participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country area shown on plan A (attached) at which some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.
- 2      **IT IS ALSO FORBIDDEN** for any of the Second Defendants or any of the Named Defendants to participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country area shown on plan A (attached) with the intention or expectation that some of those present will engage in motor racing or motor stunts or other dangerous or obstructive driving.
- 3      **IT IS ALSO FORBIDDEN** for any of the Third Defendants or any of the Named Defendants to promote organise publicise (by any means whatsoever) any gathering between the hours of 3:00pm and 7:00am of 2 or more persons with the intention or expectation that some of those present will engage in motor racing or motor stunts or other dangerous or obstructive driving within the Black Country Area shown on plan A (attached)
- 4      **IT IS ALSO FORBIDDEN** for any of the Fourth Defendants or any of the Named Defendants being a driver, rider or passenger in or on a motor

vehicle to participate between the hours of 3:00pm and 7:00am in a gathering of 2 or more persons within the Black Country Area shown on Plan A (attached) at which such Defendants engage in motor racing or motor stunts or other dangerous or obstructive driving.

Stunts are driving manoeuvres often undertaken at such gatherings including but not limited to:

- (1) “Burnouts” Causing a vehicle to damage or destroy its tyres by applying power to the drive wheels while braking so as to remain in place while the wheels revolve at speed.
- (2) “Donuts/Donutting” Causing a vehicle to rotate around a fixed point (normally the front axle) while not moving off causing noise, smoke and tyre marks to be created.
- (3) “Drifting” Turning by placing the vehicle in a skid so that most sideways motion is due to the skid not any significant steering input.
- (4) “Undertaking” passing a vehicle on its nearside so as to overtake in circumstances not permitted by the Highway Code

5 A Power of Arrest, pursuant to 27(3), Police and Justice Act 2006, is attached, to paragraph 4 of this Order and shall remain in force until 23.59 on 1 March 2027 unless extended, varied or discharged by further Order of the Court

## **Definitions**

6 In this Order the following definitions have been applied:

- (1) “the Final Injunction” this Order

- (2) “the Final Power of Arrest” means the Power of Arrest, made on 28 February 2024
- (3) the “Interim Injunction” means the Order of the Honourable Mrs Justice Hill J sealed on 23 December 2022 as amended by Order of the Honourable Mr Justice Ritchie made on 19 May 2023
- (4) “the Interim Power of Arrest” means the Power of Arrest, sealed on 23 December 2022
- (5) “the Interim Relief Application” - the Application Notice of 13 December 2022, including the draft Injunction Order referred to therein.
- (6) “the Alternative Service Application” – the Application Notice of 7 October 2022, seeking permission for alternative service of Claim Form.
- (7) “the Applications” – the Interim Relief Application, the Alternative Service Application and the application for a final injunction issued on 13 October 2022.
- (8) “the Documents”
  - (a) Notice of Hearing and a sealed copy of this Order
  - (b) Part 8 Claim Form;
  - (c) Particulars of Claim
  - (d) N16A application for an Injunction;
  - (e) Draft Injunction Order
  - (f) Draft Power of Arrest
  - (g) The Interim Relief Application;
  - (h) The Alternative Service Application.
- (9) “the Evidence” materials set out at Schedule A below
- (10) “the Directions Order” the Directions order made on 28 February 2024 in this claim.

## **1 Commencement, Term and Duration**

7 This Final Injunction Order shall come into force immediately and be deemed served on the Defendants at 11.59 on the date upon which the final step in paragraphs 5 and 6 of the Directions Order have been complied with.

8 The Interim Injunction and Interim Power of Arrest dated 22 December 2022 made by the Honourable Mrs Justice Hill as amended by the Honourable Mr Justice Ritchie on 16 May 2023 shall stand discharged once paragraph 7 has been complied with

9 This Order & Power of Arrest shall, expire at 11.59 pm on 1 March 2027 unless it is extended, varied or discharged by further order of the court.

## **2 Further Case Management**

10 A review hearing will take place in open court (elk 30 minutes) before a Judge of the High Court (section 9 if practicable) after this order has been in force for 12 months and for no longer than 14 months. The Claimants shall file with the court a succinct report to inform the court of their experience with the publication, operation and enforcement of the extended order, including for example, breaches, warnings or problems, if any arising out the extended order (including the Power of Arrest).

## **Further Matters**

11 Without prejudice to the foregoing, any person affected by this Final Injunction or Power of Arrest may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimants'



solicitors immediately (and in any event not less than 48 hours before the hearing of any such application).

- 12 Further information on how to make such application and useful sources of information are set out in the Directions Order.
- 13 There be no order as to costs.

## **SCHEDULE A**

Please see:

- (1) Material contained in the six Bundles of Evidence in support of this Application for an Injunction (the Indices of which are appended hereto)