

**IN THE HIGH COURT OF JUSTICE
000812
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

Claim No: PT-2018-000812



**Before: Miss Penelope Reed Q.C. (sitting as a High Court Judge)
On: 2 April 2019**

PT-2018-000812

B E T W E E N:

JOCKEY CLUB RACECOURSES LIMITED

Claimant

-and-

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

(2) PERSONS UNKNOWN ENTERING OR REMAINING AND ENGAGING IN BUYING TICKETS AND BADGES WITHOUT THE PRIOR WRITTEN CONSENT OF THE CLAIMANT ON LAND AT CHELTENHAM RACECOURSE AND EDGED IN RED ON THE PLAN ANNEXED TO THE ORDER

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

(4) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE PRIOR WRITTEN CONSENT OF THE CLAIMANT OR ANY OTHER LAWFUL AUTHORITY ON LAND AT CHELTENHAM RACECOURSE AND EDGED IN RED ON THE PLAN ANNEXED TO THE ORDER

Defendants/Respondents

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 or 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.

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 trial of the Claimant's claim ('the Claim')

AND UPON hearing John Steel Q.C. for the Claimant

AND UPON Defendants not appearing or being represented

IT IS ORDERED THAT:

Injunctions

1. 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.
2. The Defendants and each of them are forbidden from entering or remaining on 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.
3. The Defendants and each of them are forbidden from entering or remaining on 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.

4. The Defendants and each of them are forbidden from entering or remaining on the Racecourse Land without the prior written consent of the Claimant or any other lawful authority.

Service of the Order

5. Pursuant to CPR r. 6.27 and 81.8 service of this Order on the 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).
6. The taking of such steps shall be good and sufficient service of this Order on the Defendants.
7. This Order shall be deemed served on those Defendants the date that the last of the above steps is taken, and shall be verified by a certificate of service to be filed with the Court.
8. 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.
9. The Court will provide sealed copies of this Order to the Claimant's solicitors for service (whose details are set out below).

Annex to this Order

Plan of the Racecourse Land outlined in red to which this Order applies.

Communications with the Court

10. 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

11. The Claimant's solicitors and their contact details are:

Pinsent Masons LLP
3 Hardman Street
Manchester
M3 3AU
Ref: 645003.07111

Dated 4 April 2019