

IN THE HIGH COURT OF JUSTICE  
THE BUSINESS AND PROPERTY  
COURTS OF ENGLAND AND WALES  
BUSINESS LIST (ChD)

Case No. [BL-2023-000713]

BETWEEN:

JOCKEY CLUB RACECOURSES LIMITED

Claimant/Applicant

and

- (1) MR 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
- (9) MR BEN NEWMAN

Defendants/Respondents

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**[draft] ORDER FOR AN INJUNCTION**

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**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, which was granted on 26 May 2023

**AND UPON** the listing of a disposal hearing to determine whether a final injunction should be granted

**AND UPON** the Claimant submitting an application on 1 July 2024 for permission to rely on additional witness evidence ("**the Evidence Application**")

**AND UPON** the Court reading the Evidence Application

**AND UPON** the Court hearing Leading Counsel for the Claimant.

**IT IS ORDERED that:**

**Evidence**

1. The Claimant has permission to rely on the second witness statement of Mr Julian Diaz-Rainey, pursuant to CPR 8.6(1)(b);
2. The Claimant having provided copies of the second witness statement of Mr Julian Diaz-Rainey by the methods set out below, it shall be deemed served on all Defendants as at the date of this Order:
  - (1) to the First and Ninth (named) Defendants in accordance with CPR 6; and
  - (2) to the Second to Eighth (Persons Unknown) Defendants, pursuant to CPR 6.15 and 6.27, by posting digital copies on its website and Facebook page; (ii) affixing sealed copies in transparent containers at public entrances to the Epsom Racecourse; and (iii) providing digital copies by email to the co-founder of the organisation Animal Rising, Mr Daniel Kidby (“**the Alternative Service Methods**”).

**Definitions for the purpose of the final injunction**

3. For the purpose of this Order:
  - (1) The “**Act**” means the Epsom and Walton Downs Regulation Act 1984.
  - (2) The “**Plan**” means the the aerial photographs of the Epsom Racecourse and the markings thereupon, appended to this [draft] Order.
  - (3) The “**Epsom Racecourse**” means the area where the Claimant holds Racing Fixtures, within the red line marked on the Plan.
  - (4) “**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.

- (5) **“Horse Races”** means any and all horse races taking place on the day of a Racing Fixture.
- (6) 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.
- (7) 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.
- (8) **“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.
- (9) The **“Stables”** means the buildings and area where the horses are accommodated before the races, marked at point (A) on the Plan.
- (10) The **“Parade Ring”** means the area where horses parade ahead of the races, marked at point (B) on the Plan.
- (11) The **“Horse & Jockey Entrance”** means the point at which horses and jockeys enter the Race Track, marked at point (C) on the Plan.
- (12) 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.
- (13) 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.

### **Injunction in force**

4. During a period of five years from the date of this Order, subject to annual review, on the day of any Racing Fixture at the Epsom Racecourse, the Second to Eighth Defendants 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**

5. 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 relevant documents to the attention of the Second to Eighth Defendants by alternative means, service of all relevant documents in these proceedings shall be deemed effectively served on the Second to Eighth Defendants by the Alternative Service Methods.
6. The Claimant shall effect personal service of this Order on the First and Ninth Defendant.
7. The Claimant shall effect service of this Order on the Second to Eighth Defendants, including for the purposes of CPR 81.4, by the Alternative Service Methods.

### **Directions**

8. Any person affected by the terms of this Order may at any time apply to vary or discharge the whole or any part of the Order. If they wish to do so, such persons must give the Claimant's solicitors notice in writing at least 48 hours before applying.
9. Any person applying to vary or discharge this Order must provide his or her full name and address, and an address for service.
10. The Claimants have liberty to apply to extend or vary this Order, or for further directions.
11. Costs reserved.

### **Name and Address of Claimants' Solicitors**

12. 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**

13. In this Order the words "he" "him" or "his" include "she" or "her" and "it" or "its".
14. 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**

15. 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.

**[date]**

### **SCHEDULE 1**

### **Witness statements**

The Judge has seen the evidence provided by the following individuals before making this Order:

- (1) Nevin Truesdale, Group Chief Executive of the Claimant (first and second witness statements and affidavit);
- (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 [(first and second witness statements)].

### **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.