

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

B E T W E E N:

- (1) UK OIL & GAS INVESTMENTS PLC**
- (2) KIMMERIDGE OIL & GAS LIMITED**
- (3) MAGELLAN PETROLEUM (UK) LIMITED**
- (4) HORSE HILL DEVELOPMENTS LTD**
- (5) UKOG (GB) LIMITED**

Claimants

- and -

PERSONS UNKNOWN WHO ARE PROTESTORS AGAINST THE EXPLORATION AND/OR EXTRACTOR OF MINERAL OIL OR RELATIVE HYDROCARBON OR NATURAL GAS BY THE CLAIMANT(S) AND WHO ARE INVOLVED IN THE FOLLOWING ACTS OR ANY OF THEM:

- (1) ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AND BUILDINGS SHOWN EDGED RED ON THE PLANS ANNEXED TO THE CLAIM FORM (“THE LAND”);**
- (2) OBSTRUCTING OR INTERFERING WITH THE RIGHTS OF WAY ENJOYED BY THE CLAIMANT(S) AND EACH OF ITS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, & LICENCEES (“THE PROTECTED PERSONS”), OVER THE PUBLIC HIGHWAY AND/OR THEIR ACCESS TO AND FROM THE LAND.**
- (3) COMBINING TOGETHER TO COMMIT THE OFFENCES AS DEFINED IN THE ORDER ANNEXED TO THE CLAIM FORM (“THE ORDER”) WITH THE INTENTION SET OUT THEREIN.**
- (4) INTERFERING WITH THE CLAIMANT(S) ECONOMIC INTERESTS BY THE COMMISSION OF THE UNLAWFUL ACTS AS DEFINED IN THE ORDER;**
- (5) COMBINING TOGETHER USING LAWFUL MEANS WHERE THE PREDOMINANT INTENTION IS TO INJURE THE CLAIMANT’S ECONOMIC INTERESTS;**
- (6) WATCHING, BESETTING, INTIMIDATING OR ASSAULTING THE CLAIMANT(S) AND EACH OF THE PROTECTED PERSONS.**

Defendants

PARTICULARS OF CLAIM

Claimants

- 1 The First to Fifth Claimants (“**the Claimants**”) are all companies incorporated in England carrying on in the business of on-shore mineral oil or hydrocarbon or natural gas exploration and/or extraction (“**the Industry**”).

- 2 The First Claimant is an oil and gas investment company listed on the London Stock Exchange. The First Claimant's registered office is at The Broadgate Tower, Primrose Street, London, EC2A 2EW, but its operational office is at Crossweys House, 28-30 High Street, Guildford, Surrey GU1 3EL ("**Head Office**").
- 3 The Second Claimant is a wholly owned subsidiary of the First Claimant. The Second Claimant was known as Celtique Energie Weald Limited prior to changing its name on 23 August 2013.
- 4 The Third Claimant is a wholly owned subsidiary of Tellurian Inc, a company incorporated in the United States of America and whose stock is traded on the NASDAQ Capital Market.
- 5 The First Claimant holds a 42% shareholding in the Fourth Claimant. The Chairman of the First Claimant and Fourth Claimant is Mr. Stephen Sanderson.
- 6 The Fifth Claimant was known as Northern Petroleum (GB) Limited, prior to changing its name on 28 October 2014.

The Sites

- 7 The Petroleum Act 1998 vests all rights to the nation's petroleum resources in the Crown, but the government can grant PEDLs that confer exclusive rights to 'search and bore for and get' petroleum. Each of these confers such rights over a limited area and for a limited period. The Secretary of State has discretion in the granting of licences, which is exercised to ensure maximum exploitation of national resource. The First Claimant is the most active oil and gas exploration company in the Industry, and holds the largest number of Petroleum Exploration and Development Licences ("**PEDL**") for sites in the south of England.

Leith Hill

- 8 The First Claimant holds a 40% interest in PEDL 143 which licences it to lawfully search and bore for and get petroleum at a site known as Land at Bury Hill Woodlands, Dorking, Surrey ("**the Leith Hill Site**") being part of the land now comprised in title number SY703730.
- 9 The Leith Hill Site is operated by Europa Oil and Gas (Holdings) Plc ("**Europa**").
- 10 Europa obtained a possession and injunction order on 23 January 2017 against persons unknown who were concerned in a protest against the use of the Leith Hill Site for petroleum exploration and extraction. The judgment of the High Court in that claim is at [2017] EWHC 403 (Ch).

Broadford Bridge

- 11 The Second Claimant is entitled to the exclusive possession of land that forms part of Woodbarn Farm, Broadford Bridge, Billingshurst, West Sussex, ("**Broadford Bridge Site**") more particularly shown edged red on the plan attached the Claim Form and marked "BB" ("**the Broadford Bridge Site Plan**") and being part of the land now comprised in title number WSX267507.
- 12 The Second Claimant occupies and uses the Broadford Bridge Site pursuant to a licence agreement dated 4 May 2012 made between the freehold owners and the Second Claimant.

- 13 The Second Claimant holds PEDL 234 which licences it to lawfully search and bore for and get petroleum at the Broadford Bridge Site.
- 14 Planning permission was granted by West Sussex County Council in 2013 (later extended) for the lawful development of a bore hole, well site compound and access road, including ancillary infrastructure, at the Broadford Bridge Site.
- 15 Further, permission was granted by the Environment Agency to operate a mining waste operation at the Broadford Bridge Site in 2014, and again in 2017.

Horse Hill – “the Gatwick Gusher”

- 16 The Third Claimant is the registered proprietor of the leasehold interest in land on the West side of Horse Hill, Horley (“**Horse Hill Site**”) more particularly shown edged red on the plan attached hereto marked “HH” (“**the Horse Hill Site Plan**”) and being the land now comprised in title number SY800371. The Horse Hill Site is also known as “the Gatwick Gusher”.
- 17 The Third Claimant and Fourth Claimant jointly hold PEDL 137 and PEDL 246, which licence them to lawfully search and bore for and get petroleum at the Horse Hill Site.
- 18 Planning permission was granted by Surrey County Council in 2012 for the lawful construction of an exploratory well site, the use of the well site for the drilling of one exploratory bore hold, and subsequent testing, together with access way and erection of fencing at the Horse Hill Site.
- 19 Further planning permission was granted on 18 October 2017 for, inter alia, further drilling and flow testing at the Horse Hill Site.
- 20 The Fourth Claimant operates the Horse Hill Site.

Markwells Wood

- 21 The Fifth Claimant is entitled to the exclusive possession of land that forms part of Markwells Wood in the South Downs National Park (“**Markwells Wood Site**”) more particularly shown edged red on the plan (“**the Markwells Wood Site Plan**”) attached hereto marked “MW”.
- 22 The Fifth Claimant occupies and uses the Markwells Wood Site pursuant to licence agreements dated 9 February 2006 and 9 February 2007 made between freehold owners and the Fifth Claimant.
- 23 The Fifth Claimant holds PEDL 126 which licences it to lawfully search and bore for and get petroleum at the Markwells Wood Site.
- 24 Planning permission for the drilling and testing for oil was granted and implemented. However, planning permission for the use of the Markwells Wood Site for exploratory purposes expired in September 2016.
- 25 The Broadford Bridge Site, Horse Hill Site and Markwells Wood Site are collectively referred to herein as “**the Sites**”. The Broadford Bridge Site Plan, Horse Hill Site Plan and Markwells Wood Site Plan are collectively referred to herein as “**the Site Plans**”. The entrances to the Sites from the public highway are marked on the Site Plans (“**the Entrances**”). The area of public highway and land in the close vicinity of the Entrances is shaded in purple on the Plans (“**the Exclusion Zone**”).

- 26 Reference herein to “**the Protected Persons**” shall mean the Claimants’ agents, servants, contractors, sub-contractors, licencees and group companies.

The Defendants

- 27 The Defendants are environmental protestors (“**the Protestors**”) demonstrating against the Claimants’ lawful business activity and lawful use of the Sites for hydrocarbon or natural gas exploration and/or extraction and all ancillary purposes connected therewith (“**the Campaign**”).
- 28 In furtherance of the Campaign the Protestors or some of them have taken part in and/or counselled, induced and procured various acts of unlawful trespass on the Sites and Head Office and/or nuisance and/or those other unlawful acts detailed herein, against the Claimants and/or the Protected Persons or some of them.

The Legal Basis of each claim

- 29 The Claimants claim injunctions pursuant to the common law torts of:
- 29.1 trespass,
 - 29.2 watching & besetting,
 - 29.3 intimidation,
 - 29.4 interference with private rights of way,
 - 29.5 interference with the Claimants’ right to access the highway from their land which front upon the highway;
 - 29.6 public nuisance caused by interference with the Claimants’ right to pass and repass on the highway where they have suffered particular damage over and above the ordinary damage suffered by the public at large;
 - 29.7 interference with the Claimants’ economic and other interests by unlawful means;
 - 29.8 conspiracy to injure using lawful means, where the predominant intent is to injure the Claimants; and
 - 29.9 conspiracy to injure the Claimants by unlawful means, namely by various criminal offences (“**the Offences**”) which are:
 - 29.10 intimidation by annoyance or violence contrary to section 241(1) of the Trade Union and Labour Relations (Consolidation) Act 1992;
 - 29.11 criminal damage contrary to section 1 of the Criminal Damage Act 1971;
 - 29.12 theft contrary to section 1 of the Theft Act 1968;
 - 29.13 obstruction of the highway contrary to section 137 of the Highways Act 1980; and
 - 29.14 causing danger to road-users contrary to section 22A of the Road Traffic Act 1988.

Past Events - Claimants

- 30 Particulars of the matters previously experienced and complained of are set out in the **Chronology of Incidents** annexed hereto, and include unlawful acts (the “**Unlawful Acts**”) such as:
- 30.1 trespass on some of the Sites and Head Office;
 - 30.2 substantial interference with the private rights of way enjoyed by some of the Claimants, their agents, employees and contractors;
 - 30.3 action to prevent some of the Claimants, their agents employees and contractors, leaving or entering the Sites and passing and repassing on the public highway;
 - 30.4 intimidation and assault of the Claimants’ employees, servants or agents; and
 - 30.5 action including intimidation and coercion and threat of economic injury directed at third parties to prevent the third parties dealing with the Claimants or some of them.
- 31 As part of the Campaign and Unlawful Acts, Protestors have undertaken specific acts (“**Direct Action**”) including but not limited to:
- 31.1 erecting protest camps on some of the Sites by way of tents and erection of wooden structures which Protestors then sit atop to impede their eviction;
 - 31.2 slow walking on the public highway in front of vehicles supplying or removing goods and services to or from a Sites or some of them;
 - 31.3 climbing onto vehicles supplying or removing goods and services to or from the Sites or some of them. A practice known as “lorry surfing”;
 - 31.4 locking themselves onto vehicles supplying or removing goods and services to or from the Sites or some of them;
 - 31.5 parking vehicles across the Entrances or some of them;
 - 31.6 locking themselves onto gates at the Entrances or some of them;
 - 31.7 locking themselves to one another in front the Entrances or some to them; and
 - 31.8 targeting secondary and tertiary supply companies, who provide goods and services to some of the Claimants and some of the Sites (“**the Contractors**”), by diverse means including leaving negative reviews on a company’s social media profile and organising and participating in ad hoc protests known as “pop up protests” directed at a company, with the predominant intention of causing a company to cease providing goods and services to the Claimants or some of them.
- 32 On those occasions when the Protestors or some of them have entered onto the Sites or any one of them, it has been without the Claimants’ consent and licence, and the Protestors have remained on the Sites or any one of them notwithstanding requests from the relevant Claimant, their servants or agents, that they vacate.

- 33 Further, the Protestors' previous interference with the Claimants' right to access the highway, and the Protestors' obstruction of the highway has been wilful and without lawful authority or excuse, and unreasonable. The particular acts of public nuisance pleaded have been intended by the Protestors to cause the Claimants to suffer particular damage over and above the ordinary damage suffered by the public at large, and have had such desired effect.
- 34 Further, the Protestors or some of them in undertaking the Unlawful Acts and Direct Action intended by those wrongful acts to cause loss to the Claimants or some of them and/or to damage the business of the Claimants or some of them, and by reason of those acts and as a foreseeable result thereof the Claimants or some of them have been caused such loss and damage.
- 35 Further, the Protestors or some of them have previously conspired by combination of two or more persons to undertake the aforesaid Unlawful Acts and Direct Action and/or commit the Offences and/or to do a lawful act by unlawful means, with the real or predominant purpose and/or foreseeable result being to cause damage and injure the Claimants or some of them and cause them to cease their lawful use of the Sites or some of them, and by reason of those conspiracies they have caused loss and damage to the Claimants or some of them.
- 36 The alleged intentions and purpose of the Protestors are explicit and/or to be inferred from the intention embodied in the Protestors deliberately carrying out the acts alleged and/or the benefits to the Campaign by the commission of the said acts, and/or the inherent nature of the Protest and the stated aims and ambitions of the Protestors and/or the rival position of the Campaign and the Claimants' business.

Past Events - The Industry

- 37 Further, previous campaigns against other parties concerning the lawful use of land for hydrocarbon or natural gas exploration and extraction, and the range of tactics that are employed by protestors in such campaigns ("**the Tactics**"), are addressed in the judgment of the High Court in **Ineos Upstream Ltd & Oths v Persons Unknown & Oths** at [2017] EWHC 2945 (Ch). The Tactics include that Direct Action experienced by the Claimants, and in addition include protestors:
- 37.1 placing things such as bicycles and cars and other objects in the path of vehicles;
- 37.2 placing placards in front of drivers' windscreens; and
- 37.3 stealing or tampering with equipment on drilling sites.
- 38 Further, the campaign concerning the Leith Hill Site included a number of the Tactics, and additional tactics including:
- 38.1 the use of treehouse structures and underground tunnelling, intended to frustrate eviction of protestors from that site; and
- 38.2 orchestrating a "communication blockade" against a third party business supplying the Industry. That practice concerns protestors organising a collective bombardment of a businesses' means of contact by sending multiple emails and faxes and making multiple telephone calls, with the intention of preventing or hindering that business being contactable by its genuine customers.

- 39 The Court further accepted that the protestors were willing to break the criminal law and commit common law assaults and intimidation as part of the campaign.
- 40 There is a real and imminent risk that the Defendants will commit the Unlawful Acts and/or Offences and undertake further Direct Action and/or employ the Tactics, including those used in respect of the Leith Hill Site and as previously experienced by the Claimants, their Contractors and other third parties concerned in the Industry, such that the wrongful conduct set out herein will reoccur unless restrained.

The Relief Sought

- 41 The Claimants seek injunctive relief restricting the activities of the Defendants as set out in the Prayer and below and more particularly defined in the Draft Order annexed hereto or alternatively in such terms as the Court deems appropriate.

The Human Rights Act 1998

- 42 For the avoidance of doubt the Claimants accept that the Protestors are entitled to rights of freedom of expression and of assembly under Articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("**the Convention**") but provided the same are not carried out in an unlawful manner and/or in a manner that constitutes a criminal offence.
- 43 Further whilst it is admitted that the Protestors have a right to freedom of expression and of association and a right to demonstrate against the Industry, it is averred that certain of the conduct complained of (and likely to reoccur) is not permitted and/or necessary for the pursuance of such rights.
- 44 The Claimants are similarly entitled to the rights set out in the Convention in particular Article 5 (right to security) and Article 8 (right to the home which includes place of business) and Article 1 of the First Protocol (right to peaceful enjoyment of possessions which includes business interests).
- 45 In such circumstances it is incumbent on the Court to seek to give effect to each party's rights so far as possible and it is averred that an injunction order in the terms sought achieves such result and is proportionate and appropriate in the circumstances.
- 46 By reason of the matters aforesaid the Claimants have incurred loss and damage. This includes, but is not limited to:
- 46.1 costs in recovering possession of Horse Hill from Protestors on 2 December 2017; and
- 46.2 costs associated with delay occasioned by the obstruction of the public highway by Protestors on numerous occasions.
- 47 In the event that individuals are joined as named Defendants the Claimants reserve the right to amend the Claim to include a claim for damages and interest.

AND THE CLAIMANTS CLAIM:

- 1 An Order that the Defendants and each of them whether by themselves or by anyone else acting at their request or otherwise on their behalf or otherwise howsoever be are forbidden from:
- 1.1 entering or remaining on the Sites;

- 1.2 causing damage to or removing equipment from the Sites;
 - 1.3 assaulting, molesting, or threatening the Protected Persons;
 - 1.4 behaving in a threatening and/or intimidating and/or abusive and/or insulting manner directly at any individual or group of individuals within the definition of Protected Persons;
 - 1.5 intentionally photographing or filming the Protected Persons with the purpose of identifying them and/or targeting them in connection with the Campaign;
 - 1.6 making in any way whatsoever any abusive or threatening electronic communication to the Claimants or Protected Persons;
 - 1.7 making contact with Contractors or otherwise publishing negative comments regarding Contractors with the predominant intention of damaging the Claimants' and/or Contractors business or otherwise causing the Protected Person to cease trading with the Claimants.
 - 1.8 demonstrating in furtherance of the Campaign at the Sites or in the vicinity of the Sites within the Exclusion Zone, save that no more than 6 Protestors may at any one time demonstrate within the Exclusion Zone provided that no obstruction or other act occurs as prohibited in this Order;
 - 1.9 blocking the public highway with persons or things when done with a view to slowing down or stopping the traffic, and with the intention of causing inconvenience and delay to the Claimants and/or the Protected Persons;
 - 1.10 slow walking in front of vehicles with the object of slowing them down, and with the intention of causing inconvenience and delay to the Claimant and/or the Protected Persons;
 - 1.11 climbing on vehicles;
 - 1.12 unreasonably and/or without lawful authority or excuse preventing the Claimants and/or the Protected Persons from having access to or egress from any of the Sites; and
 - 1.13 unreasonably and/or without lawful authority or excuse, obstructing the highway with the intention of causing inconvenience and delay to the Claimants and/or their visitors.
- 2 An Order that the Defendants and each of them be restrained from combining together to commit any of the Offences, namely:
- 2.1 pursuing any course of conduct with a view to compelling another person to abstain from doing or to do any act which that person has a legal right to do or abstain from doing, wrongfully and without legal authority, such as amount to an offence under section 241(1) of the Trade Union and Labour Relations (Consolidation) Act 1992;
 - 2.2 pursuing any course of conduct that amounts to criminal damage pursuant to section 1 of the Criminal Damage Act 1971, or theft pursuant to section 1 of the Theft Act 1968;

- 2.3 obstructing the free passage along a public highway, or the access to or from a public highway, by:
- 2.3.1 blocking the highway with persons or things when done with a view to slowing down or stopping the traffic, and with the intention of causing inconvenience and delay;
 - 2.3.2 slow walking in front of vehicles with the object of slowing them down, and with the intention of causing inconvenience and delay;
 - 2.3.3 climbing onto vehicles; or
 - 2.3.4 otherwise, unreasonably and/or without lawful authority or excuse, obstructing the highway, with the intention of causing inconvenience and delay.
- 2.4 causing anything to be done on or over a road, or that which interferes with a motor vehicle, trailer or cycle, or interferes (directly or indirectly) with traffic equipment, in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous.

In each case with the intention of damaging the Claimants by obstructing, impeding or interfering with the lawful activities undertaken by the Claimants(s) or the Protected Persons in respect of the Sites and the lawful use thereof.

- 3 Further or other relief;
- 4 Costs.

STATEMENT OF TRUTH

The Claimant believes that the facts stated in these Particulars of Claim are true. I am duly authorised by the Claimant to sign this Statement.

Kevin Lee
Kevin Lee

Position held: Partner

Dated this 28th of February 2018

Hill Dickinson LLP, The Broadgate Tower, Primrose Street, London, EC2A 2EW

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Defendants

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