

Neutral Citation Number: [2025] EWHC 531 (KB)

Case No: KB-2025-000136

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand
London
WC2A 2LL

Thursday, 16 January 2025

BEFORE:

MRS JUSTICE COLLINS RICE

BETWEEN:

(1) WM MORRISON SUPERMARKETS LIMITED
(2) SAFEWAY STORES LIMITED
(3) WM MORRISON PRODUCE LIMITED

Claimants

- and -

PERSONS UNKNOWN

Defendants

MS M STACEY KC with MS E BARDEN (instructed by Eversheds-Sutherland
(International) LLP) appeared on behalf of the Claimants
The Defendants did not appear and were not represented

JUDGMENT
(Approved)

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MRS JUSTICE COLLINS RICE:

1. The supermarket chain Morrison seeks urgent injunctive relief to restrain unlawful protest activities at eight of its regional distribution centres (RDCs). Its application comes before me sitting in the Immediate Applications court on the afternoon of Thursday 16th January 2025.
2. The application is put on the basis that Morrison has reason to apprehend a real and imminent risk of the occupation and blockading or obstruction of the RDCs this weekend, by protesters under the banner of, or sympathetic to, a group called Farmers to Action (FTA). FTA is said to have a number of political objectives relating to fair food pricing, national food security and the taxation of agricultural property (with specific reference to recent IHT reforms). It operates nationally, including on social media.
3. Short notice of the application was given on 15th January by uploading the documents to Morrison's website and by emailing FTA at its published address. No-one attended the hearing as a result. I directed myself to section 12(1)-(2) of the Human Rights Act 1998 and was satisfied that all practicable steps had been taken to notify respondents.
4. The evidence put before me in support of Morrison's apprehension included witness statements and documentary evidence as to the following.
5. First, FTA appears committed to a rapidly evolving campaign of *disruptive* protest in furtherance of its objectives. Disruptive protest by FTA took place last week on 10th January at one of the RDCs (and at other RDCs belonging to other supermarkets). The effect of that was to block all planned deliveries from that Morrison RDC, estimated to have affected deliveries to approximately 76 supermarkets, including rural stores, and 132 wholesale deliveries. Incoming deliveries of stock from suppliers were also prevented from accessing the RDC. This was a major disruption to the supply chain and critical national infrastructure. It resulted in empty supermarket shelves.
6. Second, a substantial number of social media posts in the following days, including in response to posts made by Morrison in support of farmers on 12th January, indicate that

the 10th January protests galvanised FTA and its sympathisers to plan repeat and escalating actions targeting RDCs, with the specific aim of occupying or blockading them, so disrupting supply chains and emptying supermarket shelves, with active plans for the coming weekend, starting tomorrow (Friday). These include specific plans to target Morrison, naming individual sites.

7. This threatens supply chains and food infrastructure in an acute manner. It also creates immediate risks to the safety of both the protesters (which on past occasions have included children) and employees at the RDCs; a particular vulnerability relates to the presence of fuelling stations at the RDCs. It also causes the waste of perishable products and substantial financial loss.
8. I interrogated this evidence with the assistance of Counsel at the hearing. I accept it. I conclude that Morrison's apprehensions are well-founded. There is a real and imminent risk of disruptive protest and a strong probability that Morrison's civil rights will be infringed by it.
9. I was taken to the authorities on precautionary *quia timet* injunctions of the nature sought, including Wolverhampton CC v London Gypsies & Travellers [2024] 2 WLR 45, Canada Goose v Persons Unknown [2020] 1 WLR 2802, and Valero Energy Ltd v Persons Unknown [2024] EWHC 1277 (KB). I was satisfied that Morrison had set out relevant apprehended civil causes of action in the case: trespass, damage to property, nuisance, interference with trade contracts, and conspiracy with consequential damage. I was satisfied there was sufficient and detailed evidence to justify finding a compelling need for the protection of these rights. Damages would not be an adequate remedy; the interests of consumers, including of access to grocery essentials and particularly in rural locations, were acutely threatened. I was taken to possible defences which might be available to the protesters, including any potentially founded on Art.10 ECHR. I was satisfied they would be unlikely to succeed, and would be defeated on the grounds of the lawfulness, necessity and proportionality of the restraint sought. I directed myself to section 12 of the Human Rights Act 1998 and to Cream Holdings Ltd v Banerjee [2004] UKHL 44. I was satisfied that Morrison would be likely to establish at trial that the forms of protest sought to be restrained on an interim basis would not be allowed.

10. Looking at the proposed form of order, I discussed with Counsel and was satisfied as to the following. It was clearly and simply expressed. It identified the relevant ‘persons unknown’ and the prohibited acts as precisely and narrowly as possible. It identified the applicable geographical boundaries at each site with specificity, limiting each boundary to property owned by Morrison, private access roads, and essential immediate access on public roads. It did not otherwise prevent lawful peaceful protest on the public highway at or near the sites. It did not prevent the targeting of supermarkets, or of premises other than the specified RDCs. It provides for liberty to apply and joinder on an unconstrained basis.

11. The evidence before me related specifically to the coming weekend. I do not understand there to be any special significance to this particular weekend from the point of view of the protestors, or that restraining unlawful protest by penal injunction this weekend will have any longer term consequences beyond the short-term protection of Morrison’s civil rights and thus of its supply chain. I will make the injunction on the basis of a return date immediately after the weekend, so that the continuing necessity for injunctive relief, if any, can be considered then with the benefit of evidence of events over the weekend, and potentially with the assistance of anyone else affected by the injunction in practice.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

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This transcript has been approved by the Judge