



Neutral Citation Number: [2025] EWHC 83 (KB)

Case No: KB-2025-000136

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
COURT 37

Tuesday, 21st January 2025

Before:
FORDHAM J

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

Claimants

- v -

**(1) PERSONS UNKNOWN WHO ENTER AND REMAIN UPON DEFINED
DISTRIBUTION SITES WITHOUT THE CONSENT OF THE CLAIMANTS IN
CONNECTION WITH AGRICULTURAL PROTESTS**

**(2) PERSONS UNKNOWN WHO CREATE OR CAUSE BLOCKADES AND
OTHER OBSTRUCTIONS TO THE ACCESS ROADS TO THE DEFINED
DISTRIBUTION SITES, WITH OR WITHOUT VEHICLES, IN CONNECTION
WITH AGRICULTURAL PROTESTS**

Defendants

Myriam Stacey KC and Evie Barden
(instructed by Eversheds Sutherland (International) LLP) for the Claimants

Hearing date: 20.1.25

Approved Judgment

FORDHAM J

Note. This Judgment was handed down virtually by uploading to National Archives. The Judge authorised the use of voice-recognition software by the Court for the purposes of its production.

FORDHAM J:

Introduction

1. At a return date hearing on 20 January 2025 I continued, for a further week, injunctions in favour of the Claimants (Morrisons), ordered for an initial week by Collins Rice J after a hearing 16 January 2025. I said I intended to give my reasons in some fuller details in a written judgment which will be available in the next day or so; but that for today I was explaining the Order that I was making today and what would happen in this case in the coming days. The contents of §§3-13 below are what I said in my ruling in open court (20.1.25). The contents of §§14-20 below provide some fuller details, as promised, to assist in understanding what the Court has done and why. In all the circumstances, I did not consider it necessary or appropriate to include a draft judgment stage.
2. The injunction entails, in relation to a defined list of 8 regional distribution centres, the following. (1) A prohibition on entering, occupying or remaining upon any part of “the Sites” without the consent of Morrisons in connection with agricultural protests. (2) A prohibition on creating or causing blockades, obstructions of traffic and/or otherwise impeding, preventing or interfering with the passage by the Claimants its agents, servants, employees, licensees, invitees to, from, with or without vehicles, including tractors or other agricultural vehicles and equipment, over and across “Access Roads” in connection with agricultural protests. The Order needs to be read in full and as a whole.

Publicly-Accessible Documents

3. The injunction and all of the Court documents relating to this case are publicly accessible through a designated webpage address. That accessibility has been promoted by Orders of the Court, embodying undertakings to the Court given by Morrisons. The website address is www.morrisons-corporate.com/injunction, which also appears by Googling “Morrisons injunction”. The documents which can be viewed there include all witness statements and exhibits, and skeleton arguments. See too §6 below.

The contents of §§3-13 below are what I said in my ruling in open court (20.1.25):

Decision

4. First, I am ordering the continuation today of the injunction order made in these proceedings by Collins Rice J on 16 January 2025 and subsequently sealed by the Court on 17 January 2025 (“the Order”). The effect of what I have just announced is that that injunction, which would otherwise have expired this afternoon pursuant to §5 of the Order, continues until variation or discharge. Secondly, I am varying the return date from today (20.1.25) and will order a replacement return date for a further hearing of Tuesday 28 January 2025. Having been addressed on the practical implications, I am persuaded to say 12 o’clock as a start-time with the intention that will give the court the time and it will need. Thirdly, the detailed terms of the injunction are going to be revisited overnight and finalised by me in revised terms tomorrow. That is because of some changes which I will be making in the detailed design of the Order. I therefore further order that there will be a replacement order made by me tomorrow, then sealed by the Court, to replace the injunction order which I have just continued. I take that course for the pragmatic reason that it is practical to produce today a short order continuing, and then tomorrow

the full replacement for, the existing order. I will revisit if necessary at the end of this brief oral ruling the practicalities of all of that.

Context

5. I am taking this course in a context where Morrisons have asked the Court today to continue the injunction in the Order for 12 months. They emphasise the “liberty to apply” which is built into the Order, which the organisation known as FTA – which stands for farmerstoaction.org – or any other person affected by the Order would be able to invoke. By that route, the Court could be asked at a hearing on notice to vary or discharge the order or any of its terms.
6. I am mindful of communications this morning (09:00) sent to Morrisons’ solicitors and the Court by an unnamed person at FTA’s email address, the address set out in Schedule 4 to the Order. That person, signed “FTA”, asked for “some time” to consider “extensive documentation”, so as “to determine if we need to seek counsel”. An open response from Morrisons’ solicitors to that email (10:20) sensibly communicated that the Claimants, for their part, would not oppose continuation with the return date adjourned for 7 days. Despite all endeavours this afternoon it has proved impossible to elicit from the author of this morning’s FTA email what was meant by more “time” and what FTA’s position is in relation to that open suggestion on behalf of Morrisons.

Securing Open Justice

7. In terms of “open justice” I emphasise today that, by virtue of the terms of the Order made by Collins Rice J and the steps taken by Morrisons’ solicitors, there is a designated publicly-available webpage at “Morrisons corporate” describing the injunction, with links to all of the relevant court documents, uploaded there, including witness statements and skeleton arguments. Any person wanting further information about the nature of the claim being made and the nature of the evidence relied can find those resources readily, simply by making an internet search. One of the changes which will be made in the revised replacement order, and which is sensibly not opposed by Morrisons and their representatives, is to secure that by way of obligation – through an undertaking given to the Court – that all documents filed with the Court will be uploaded to that publicly-accessible website.

Distribution Centres, not Supermarkets

8. Following discussion with Leading Counsel for Morrisons at today’s hearing, and also creditably accepted by Morrisons, I propose to make revisions in tomorrow’s replacement order, to spell out in very clear and headline terms – from the first page onwards – that the injunction is concerned only with “distribution centres”. The distribution centres and access roads are clearly defined in Schedule 1 to the Order. It is not concerned with supermarkets or supermarket car parks. The materials before the Court (for example, exhibit AJT4 page 167) include photographs of tractors in supermarket car parks, in what appear to be (a) peaceful protests which (b) do not block or impede access. Activities of that kind are unaffected by the terms of the injunction.

Non-Obstruction

9. Also unaffected by the injunction are peaceful protest activities on public highways included within the defined sites as access roads to regional distribution centres, provided that those protests do not involve blockades or obstructions of traffic or otherwise impeding preventing or interfering with passage by Morrisons' employees etc (seen in the Order at §7(b)).

Criteria Satisfied

10. I have considered the same points as are covered in the recitals to the Order and the Order itself, with updating evidence. I record that, in continuing the injunction for a week, I have been satisfied on the evidence and submissions that Morrisons have taken all practicable steps for the purposes of s.12 of the Human Rights Act 1998. I am also satisfied that Morrisons – to today – have complied with their undertaking regarding steps to identify persons falling within the categories of defendants consideration of whether joinder as a party is appropriate (see Schedule 3 §2 to the Order). I record that no applications for redactions of names of witnesses were made for the purposes of Schedule 3 §3 to the Order. I record that I was for my part satisfied (as per the recital in the Order) as to cause of action, likelihood of success at trial, compliance with full and Frank disclosure duties, sufficiency of evidence of real and imminent risk of tortious activity and real harm, to the absence of a realistic defence, compelling justification for the injunction sought and the inadequacy of damages. I am satisfied (as per the further recital) that the relevant procedural requirements been established and that there is appropriate clarity in the Order, though there will be some revision in the replacement order. I am accepting the undertakings and am satisfied that it is just and convenient to continue, through to next week's return date, these injunctions.

Lawful Protest

11. I repeat the recital recorded in the Order, that Morrisons have confirmed that the injunction is not intended to prohibit any lawful protest outside the distribution centres insofar as that process does not obstruct any of the pedestrian and vehicular entrances or exits to the distribution centres.
12. I repeat what I have said above, that the injunction does not affect, and is not intended to affect, supermarkets or supermarket car-parks.

Return Date

13. Having discussed the matter in open court, I prefer a return date of next Tuesday rather than Monday. I am satisfied that this period is justified as necessary and appropriate. It strikes a fair balance. It will enable the Court to have the assistance it means when it comes to consider, in the light in the light of updating evidence and any response that by then has been put forward by FTA or anyone else, the invitation to the Court by Morrisons to continue the injunction for the 12 months sought or some lesser period.

Next Steps

14. I intend to add to these brief reasons some further matters in the approved written judgment which I will provide. I do not require attendance at a further hearing for the

purpose of giving those further reasons I will finalise the replacement order as soon as possible – hopefully during tomorrow, Tuesday – and in doing so will be open to considering the question of any procedural directions. But that concludes the ruling I give in open court today.

The contents of §§14-20 below provide some fuller details:

Further Matters

15. Here are the further matters about which I want to say a little more. To give an illustration as to why I have emphasised the scope of the injunction, the Court has been shown social media posts which indicate a misunderstanding of the order, for example that Morrisons has “just put out a court injunction on farmers protesting at their supermarkets”.
16. Morrisons have confirmed that there was no disruption to the distribution centres named in the injunction, or to any regional distribution centres, on 17-19 January 2024. Ms Stacey KC says that evidences, if anything, the effectiveness of the injunction rather than any lack of necessity or appropriateness.
17. FTA (Farmers to Action) have been described to the Court as a lobby group with social media profiles and online platforms. It is FTA’s website which has been identified as a way of giving notice of these proceedings and – as I have explained – there was a communication with the Court from FTA which indicated an interest in these proceedings. The Court has been shown a message from Morrisons supporting the farmers; and a posting from FTA (20.1.25) thanking Morrisons for supporting the farmers. The Court does not currently know what FTA’s position is regarding the injunction and the activities which fall within its scope, if FTA has a position.
18. There is a BBC news post (17.1.25) which says “campaigners have called on farmers to peacefully protect at supermarkets”. The Farming Forum was described to the Court as an online open chat group. It is said to have been founded by Clive Bailye. I have seen a post from Clive Bailye giving a thumbs-up to “non[[]]-disruptive 5-10 tractors in 500 supermarket car parks all over the UK today”. There is a Farming Day of Unity next Saturday 25 January 2025, as to which the NFT has said online: “don’t block roads or access points”. There are reports of protests at Morrisons supermarket sites on 17.1.25, “protesting peacefully outside” the supermarket with tractors in the car parks.
19. On the other hand, the first witness statement of Andrew Todd references some user posts on the Farming Forum referring to concerted efforts to “have supermarket shelves empty”; referring to action which “blockaded” one of the supermarket “depots”; and referring to action to “target supermarket supply chains”. The second witness statement of Andrew Todd references some user posts on the Farming Forum referring to a “fragile supply chain” and “maybe their distribution centre could be next”; and saying “better to blockade distribution centres”. Ms Stacey KC emphasised – against the backcloth of the previous evidence – evidence from individuals favouring disruption at regional distribution centres, targeting the food supply chain, including targeting Morrisons.
20. Morrisons’ skeleton argument (16.1.25) for the hearing in front of me is uploaded at the injunction website. It is sufficient if I record here that the substantive and procedural requirements are there discussed. It is accepted by Morrisons that HRA s.12(1)-(2) apply to the question of notice; and it is accepted for the purposes of deciding the application

that the HRA s.12(3) test (likely to succeed at trial) should be applied. So far as duration is concerned, I record that Morrisons have accepted that the duration of the order should be only such as is “proven to be reasonably necessary to protect [their] legal rights in light of the evidence of past tortious activity and future feared activity”.

21. For the reasons I have given, the injunction continues for a further week. The question of whether longer term application can be justified will then be for full consideration on the deferred return date, on the then information, including anything which FTA or any other interested person wants to say to the Court.

21.1.25

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

Lower Ground, 46 Chancery Lane, London WC2A 1JE

Email: civil@epiqglobal.co.uk

This transcript has been approved by the Judge