

IN THE HIGH COURT OF JUSTICE

Claim No. QB-2022-001952

KING'S BENCH DIVISION

BETWEEN:

**(1) ALMACANTAR CENTRE POINT NOMINEE NO.1 LIMITED
(2) ALMACANTAR CENTRE POINT NOMINEE NO.2 LIMITED**

Claimants

– and –

**(1) ALEXANDER FARRELL
(2) [DISCONTINUED]
(3) OWEN REECE (AKA "TRIKKSTAR")
(4) HARRY DAVIES
(5) PERSONS UNKNOWN ENTERING OR REMAINING ON THE ROOFS OR
EXTERNAL STRUCTURES (EXCLUDING BALCONIES) OF CENTRE POINT (AS
DESCRIBED IN PARAGRAPHS 2-4 OF THE PARTICULARS OF CLAIM)
WITHOUT THE CLAIMANTS' PERMISSION
(6) PERSONS UNKNOWN ENTERING OR REMAINING AT CENTRE POINT (AS
DESCRIBED IN PARAGRAPHS 2-4 OF THE PARTICULARS OF CLAIM) WITH THE
INTENTION OF GAINING ACCESS TO THE ROOFS OR EXTERNAL STRUCTURES
(EXCLUDING BALCONIES) AT CENTRE POINT WITHOUT THE CLAIMANTS'
PERMISSION**

Defendants

NOTE OF HEARING

ROYAL COURTS OF JUSTICE, COURT 17, ~10:30 – 11.30, 19 OCTOBER 2022

BL – Brooke Lyne (Counsel for Claimants)

J – Mrs Justice Yip

BL and J – Discussion over which documents J had and which needed to be handed up.

J – Her understanding is that there has been an issue with the court fee preventing the sealing of documents.

BL – Referred to para 18(g) in particular of the third witness statement of Philip Spencer and the history of filing (not just on 21 June, but also 6 June) and authorisations to take necessary fees. This is one of the things we wish to try and conclude today, rather than vacate the hearing – what more the Claimants must do to get the sealed documents.

J – For whatever reason this claim has still not been issued. J then asked her clerks to arrange someone from the Court Office to attend and resolve this as it is no longer possible to visit the Court Office in the way it was before CE-Filing.

BL – An invidious position of not knowing what to do next, and the process has so far cost the Claimants a lot of money.

J – Noted that, whilst she has made enquiries, it is not her job to sort issues like this out and, if appropriate, Instructing Solicitors may need to make a formal complaint to the Court Office. She then returned to the issues at hand and what could be achieved at today's hearing.

BL – Notice has been given to persons unknown, Claimants did what was required albeit not within 24 hours of the order as it provided due to the continued issue with sealed documents. Consider we need an order tweaking the time frames to say compliance was sufficient. Also noted no responses received from any of the named Defendants from attempts to contact them, nor have any turned up.

J – Continued concern about making an order for alternative service for named Defendants without knowing what attempts have been made to effect personal service in the normal way. Service is vitally important with a penal order. Court has to think carefully before granting alternative service. A lot of authority from recent protests cases – courts reluctant to grant alternative service.

BL – Agreed and not seeking to get an order asking for alternative service today. Though noted the Persons Unknown order would catch the named Defendants at the building so service may be otiose. Probably the only way to deal with service on named Defendants would be further hearing once we have sealed documents and further attempts are made.

J – Certain things now need to happen. Claim needs to be issued. Do you have authority to pay the required fee?

BL – Yes.

J – Do we have a claim form and particulars of claim that are ready at this moment to be issued?

BL – Yes. Directs J to tab 20 of the bundle containing the claim form and the particulars of claim.

J – What do you think the court fee is – is it the circa £200 amount or is it the circa £500 amount.

BL – The £500 for the claim form not the £200 for an application. Claimants are ready to pay the right fee whatever that is though.

J – You would like the claim form and particulars of claim issued now that you have enclosed in the bundle and you have the Claimants' authority to pay the required fee?

BL – Yes.

J – Assuming we get these issued today let us now have a look at the order. Para 10 – you did not post within 24 hours?

BL – No, whilst trying to obtain sealed papers. We propose to vary the order to say by 4pm on 14 October.

J – Yes.

BL – Para 12 – include some wording about unsealed copies being sufficient for the steps so far.

J – What would you like to do moving forwards – better to revise the order or to issue fresh order?

BL – Conscious not wanting to have more documents for Defendants. Do not want people to have numerous orders. An order today would tweak para 10. What was done was sufficient. Perhaps para 12 should say something along the lines of the steps taken by the claimant were sufficient.

J – Suggestion BL draft an order to deal with the requests needed and rather than extend/vary time, compliance be deemed.

KB Enquires team arrived and J spoke with him. After some brief discussion, J rose for a brief break so that the team member could consult with Instructing Solicitors to address filing issues and BL could propose terms of a draft order to be emailed to J's clerk for J to consider.

BL – We will hopefully get the sealed documents today. Think all is in hand.

J – Terms of the order are probably alright, subject to recital re-wording. Why a further hearing date of 16 November? Convenient?

BL – Yes, plus I am conscious it is Wednesday again and it should give sufficient time to try to serve on named Defendants.

J – Happy with this. Asks for the tweaked order to be sent to her clerk – should be able to look at it today. If there are concerns about how these proceedings were handled, the Claimants should make a complaint to the Court Manager.