

ENGLAND AND WALES / JUDGMENT

Transport for London v Persons Unknown & Ors

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Neutral Citation Number: [2025] EWHC 3005 (KB) IN THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION Cases Nos: QB-2021-003841 QB-2021-004122 KB-2022-003542 Royal Courts of Justice Strand, London, WC2A 2LL Date: 17 November 2025 Before : THE HONOURABLE MR JUSTICE MORRIS

- ----- Between : TRANSPORT FOR LONDON Claimant

- and -

(1) PERSONS UNKNOWN

(2) MR ALEXANDER RODGER AND 137 OTHERS Defendants (The “TfL IB Claims”) And
between : TRANSPORT FOR LONDON Claimant

- and -

(1) PERSONS UNKNOWN

(2) MS ALYSON LEE AND 167 OTHERS (The “TfL JSO Claim”)

- -----

- ----- Defendants Andrew Fraser-Urquhart KC and Charles Forrest
(instructed by TfL) for the Claimant Peter Lockley (instructed by Good Law Project Limited,
Solicitors) for 37 Named Defendants in the TfL IB Claims (“the Represented Defendants”) Matthew Parry (Named Defendant 143 in the TfL JSO Claim) attended and made
representations Five Named Defendants in the TfL IB Claims made written representations.
Other Named Defendants appeared remotely as set out in Annex 2 No attendance or
representation for the other Defendants Hearing dates: 12 May 2025

- ----- Approved Judgment This judgment was handed down remotely at
10.30am on 17th November 2025 by circulation to the parties or their representatives by e-
mail and by release to the National Archives. Approved Judgment Mr
Justice Morris :

Introduction

TfL v Rodger and others; TfL v Lee and others 1. 2. 3. 4. On 12 May 2025 the second annual review hearing took place in relation to two final injunctions made on 3 May 2023 and 8 June 2023 respectively (“the Final Injunctions”) in two sets of proceedings brought by Transport for London (“TfL”) against Persons Unknown and certain named defendants (“the Named Defendants”). Those injunctions prevent road blocking, for the purpose of protests, principally under the banners “Insulate Britain” (“IB”) and Just Stop Oil (“JSO”), of certain roads or locations of strategic importance in and around London. These roads and locations form part of the TfL Strategic Network (referred to as the GLA Roads) and for which TfL is the highway and traffic authority. In both sets of proceedings a substantial number of Named Defendants have now given undertakings in lieu of, and to the same effect, as the Injunctions. At the close of the hearing, I decided not to discharge the Final Injunctions, that a further, and earlier, review hearing should take place in the second week of November this year and that in the meantime the Final Injunctions were to remain in place. An order to this effect was made on 12 May 2025 and sealed on 21 May 2025 (“the 12 May 2025 Order”). These are my reasons for that decision. The first review hearing took place on 13 and 20 May 2024 and judgment following that hearing was given in January 2025 [2025] EWHC 55 (KB) (“the Review Judgment”). I refer to the Review Judgment at §§3 to 42 for the background to the Claims and the history of the proceedings up to and including the first review hearing. The reasons for my decision to continue the Injunctions at the first review hearing are at §§54 to 68 and 97 of the Review Judgment. I use the same terminology as used in that Judgment, which in turn also refers to the two earlier judgments dated 3 May 2023 and 26 May 2023 respectively – the IB Judgment and the JSO Judgment respectively. In addition, the principal material before this Court for the second review hearing is set out in a third witness statement of Carl Eddleston, director of Network Management and Resilience at TfL dated 6 May 2025 filed on behalf of TfL. The Issues 5. Initially two issues arose for determination. First, on this review, should the Final Injunction Orders continue or should they be discharged? This question arose in the light of the recent announcement on 27 March 2025 by JSO that it will no longer be engaging in deliberately disruptive protests, such as blocking roads. Secondly, TfL applied for an order that the costs order made in its favour in the IB Judgment Order dated 3 May 2023 should be amended under the slip rule. The background to this application is at §94 of the Review Judgment. This application was opposed by the Represented Defendants, who contended that in any event, even if the costs order was amended, certain limits should be placed on its enforceability. In the event, terms were reached between TfL and the Represented Defendants. I was satisfied that it was appropriate to amend the costs order under the slip rule pursuant to my discretion under CPR 40.12, subject to certain agreed terms. Those terms are recorded in a Approved Judgment TfL v Rodger and others; TfL v Lee and others recital to the 12 May 2025 Order and the IB Judgment Order itself was formally amended. I say nothing further about the second issue. Representation and appearances 6. 7. 8. 9. As previously, TfL were represented by Mr Fraser-Urquhart KC and Mr Forrest. The Named Defendants are those who have engaged in protests under the banner of IB and/or JSO. TfL gave notices of this review hearing to all current Named Defendants by post and email between 4 and 7 March 2025. In April 2025 TfL notified all

Named Defendants and IB and JSO of its intention to seek the continuation of the Final Injunctions at the second review hearing. In the TfL IB Claims, 37 Named Defendants were represented by Mr Peter Lockley instructed by solicitors Good Law Project, specifically in relation to the second issue concerning the slip rule application. He also made limited representations on the review issue. I refer to these Named Defendants as “the Represented Defendants”. They are listed in Annex 1 hereto. In addition, there were witness statements from four of the Represented Defendants setting out their concerns in relation to costs arising from the slip rule application. Some of the Represented Defendants attended the court hearing in person, and others attended remotely by CVP. None wished to make any oral representations, other than those made by Mr Lockley. Moreover of the other Named Defendants, none attended the court hearing in person and a further 8 attended remotely by CVP. Written representations/ observations were submitted by five Named Defendants: Jonathan Mark Coleman (46); Ana Heyatawin (4); Biff Whipster (12); Jerrard Mark Latimer (14) and Judith Bruce (49) (who is also a Represented Defendant and Named Defendant 26 in the TfL JSO Claim). In the TfL JSO Claim, Mr Matthew Parry, Named Defendant 143 (who gave an undertaking before Eyre J) appeared before me in person and addressed the Court. 8 Named Defendants attended remotely via CVP (three of who were also Represented Defendants in the TfL IB Claims). Those Named Defendants (who were not Represented Defendants) who attended remotely are listed at Annex 2 hereto. In considering the first issue, I have taken into account all these written and oral representations in so far as they addressed this issue. The factual background and procedural history 10. 11. The background is a history of road blocking protests on GLA Roads under the IB and/or JSO banners in the period from September 2021 to about December 2022. Thereafter and, at least up to the end of 2023, protest of varying kinds, principally under the JSO banner, continued. In the TfL IB Claims, interim injunctions were granted in October and November

2021. The Final Injunction was granted on 3 May 2023, prohibiting blocking protests on GLA Roads for a maximum period of 5 years, and providing for annual review. The Final Injunction was granted against 129 Named Defendants and Persons Unknown. Following the first review hearing, the Court accepted undertakings in lieu of the injunction from all but 15 Named Defendants. On 4 February 2025 the Final Injunction was continued as against those remaining 15 Named Defendants, and discharged in respect of those who had given undertakings. Approved Judgment TfL v Rodger and others; TfL v Lee and others 12. 13. 14. In the TfL JSO Claim interim injunctions were granted on 18 October 2022, 4 November 2022 and 27 February 2023. The Final Injunction was granted on 8 June 2023, prohibiting protests on certain GLA Roads for a period of 5 years and providing for annual review. 9 Named Defendants were subject to the Final Injunction itself and a further 157 Named Defendants gave an undertaking in lieu of an injunction. The JSO Final Injunction and undertakings were continued following the first review hearing. In the Review Judgment, I held that at that stage there had been no material change of circumstances and no other grounds for the discharge of the Final Injunctions and that there remained a proper justification for the Injunctions to continue. There remained a real risk that, absent the Final Injunctions, protest in the form of blocking the roads would promptly resume (in

place of, or alongside, permitted “slow marches”). Each of the two Final Injunctions was essentially directed against road block protests on GLA Roads under the banners, respectively, of IB and of JSO. In the case of Persons Unknown, the prohibition of protest applies only where the protest is under the banner or IB or JSO, as the case may be. However, strictly under the terms of each Injunction (or undertaking where given in lieu), each Named Defendant was prohibited from engaging in road blocking protests at the specified locations, regardless of whether the protest was under a particular, or indeed any, banner of any particular organisation. Thus, were a Named Defendant to participate in a road blocking protest on the GLA Roads under the banner of a different organisation or group (such as, “Youth Demand”), then strictly that would be caught by one or both of the existing Injunctions. Despite this, Mr Fraser-Urquhart expressly stated that, in such a case, TfL would not seek to rely on the IB or JSO Injunctions to prevent (or seek to commit for contempt in respect) a protest under a different banner; but rather, in such a case, it would seek a fresh injunction to deal with such a protest under a different banner. Events since the first review hearing 15. In his witness statement for this second review hearing, Mr Eddleston gave evidence relating to matters since the first review hearing in May 2024. This included details concerning a variety of protest actions that have taken place in that period, and, most significantly, both the most recent statements made by or on behalf of JSO and other evidence as to its likely future intentions. The JSO March statement 16. On 27 March 2025 JSO made a statement on its own website (“the 27 March Statement”) which suggested that they would no longer be engaging in the kind of disruptive protests which have given rise to the Final Injunctions. There was, to be a final ‘action’ in London on 26 April 2025. The 27 March Statement was as follows: “Just Stop Oil is hanging up the hi vis Press / March 27, 2025 Three years after bursting on the scene in blaze of orange, at the end of April we will be hanging up the hi vis. Approved Judgment TfL v Rodger and others; TfL v Lee and others Just Stop Oil’s initial demand to end new oil and gas is now government policy, making us one of the most successful civil resistance campaigns in recent history. We’ve kept over 4.4 billion barrels of oil in the ground and the courts have ruled new oil and gas licences unlawful. So it is the end of soup on Van Goghs, cornstarch on Stonehenge and slow marching in the streets. But it is not the end of trials, of tagging and surveillance, of fines, probation and years in prison. We have exposed the corruption at the heart of our legal system, which protects those causing death and destruction while prosecuting those seeking to minimize harm. Just Stop Oil will continue to tell the truth in the courts, speak out for our political prisoners and call out the UK’s oppressive anti-protest laws. We continue to rely on small donations from the public to make this happen. This is not the end of civil resistance. Governments everywhere are retreating from doing what is needed to protect us from the consequences of unchecked fossil fuel burning. As we head towards 2°C of global heating by the 2030s, the science is clear: billions of people will have to move or die and the global economy is going to collapse. This is unavoidable. We have been betrayed by a morally bankrupt political class. As corporations and billionaires corrupt political systems across the world, we need a different approach. We are creating a new strategy, to face this reality and to carry our responsibilities at this time. Nothing short of a

revolution is going to protect us from the coming storms. We are calling on everyone who wants to be a part of building the new resistance to join us for the final Just Stop Oil action in Parliament Square on April 26th. Sign up here. See you on the streets. ENDS Press contact: 07762 987334 Press email: juststopoilpress@protonmail.com High quality images & video here: <https://juststopoil.org/press-media> Website: <https://juststopoil.org/> Facebook: <https://www.facebook.com/JustStopOil/> Instagram: <https://www.instagram.com/just.stopoil/> Twitter: https://twitter.com/JustStop_Oil Youtube: <https://juststopoil.org/youtube> TikTok: <https://www.tiktok.com/@juststopoil> Notes to Editors Approved Judgment TfL v Rodger and others; TfL v Lee and others

- [1] Just Stop Oil is committed to nonviolent direct action to resist the destruction of our communities as a result of climate breakdown. We do not consent to plans that will result in 3C of warming and mass death. We demand an emergency plan to Just Stop Oil by 2030. Our government must work with other governments to end the extraction and burning of all oil, gas and coal by 2030. Just Stop Oil is a member of the A22 Network of civil resistance projects. Just Stop Oil 'Blue Lights' policy: our policy is, and has always been, to move out of the way for emergency vehicles with siren sounding and 'blue lights' on. We take all possible steps to ensure that no-one's safety is compromised by our actions.
- [2] During our 3 year history Just Stop Oil supporters have been arrested 3,300 times and imprisoned 180 times, for having broken laws that were drafted by the fossil fuel industry. 7 people are now in prison serving sentences of up to 4 years and 8 are on remand. 16 Just Stop Oil supporters are due to be sentenced in the next few months." (emphasis added) Other evidence 17. 18. In his third witness statement, Mr Eddleston set out a summary of JSO's own published statements and actions since the first review hearing and other relevant information including online reports from well-established media outlets since the 27 March Statement, some of which addressed possible reasons behind the 27 March Statement. He explained what then happened on the final day of action on 26 April. He went on to address the possible future of JSO and climate protesting more generally, suggesting that JSO would continue to exist, and would join with other protest groups. The evidence suggested that some within JSO did not agree with the decision announced in the 27 March Statement. One particular group, expressly linked with JSO, is Youth Demand, which was engaging in deliberately disruptive protests bearing a striking similarity to those previously engaged in by JSO, including blocking roads. Importantly, Mr Eddleston then set out what action JSO itself had taken between the first review hearing and the 27 March Statement. That included a campaign of action at airports in the summer of 2024 and a variety of other protest actions between June 2024 and 12 March 2025, including spraying orange paint in a number of prominent locations. In the same period, JSO made a number of statements, indicating its intention to continue with actions of non-violent civil resistance. The review of the Final Injunctions The relevant principles on review 19. On a review, I must consider whether any reasons or grounds for discharge of the Final Injunctions have emerged and whether there is a proper justification for the continuation of the Final Injunctions. Since the Court had on three previous occasions Approved Judgment TfL v Rodger and others; TfL

v Lee and others made a determination of the issue of risk and the balance of interests, there needed to be some material change in the circumstances in order to justify a conclusion that the Final Injunctions should not continue. See Review Judgment, §§54 and 55 and also Valero Energy Limited v Persons Unknown [2025] EWHC 207 (KB) at §§23, 28, 33 and 38. The parties' submissions 20. 21. TfL submitted that the 27 March Statement does represent a material change of circumstances, and recognised that, as a result, the Court had a discretion to discontinue the Final Injunctions and discharge those Named Defendants from their undertakings. However TfL sought continuation of the Final Injunctions and undertakings until the next annual review i.e for another 12 months, on the grounds that, as at 12 May 2025, it was too early to tell whether the road blocking protests had really come to an end. It was too soon after the 27 March Statement. Secondly, there was other evidence and materials which suggested that there remained a risk of further action, including road blocking protests. There were reports by journalists and other evidence which suggested that some within the JSO and/or IB organisations and/or others who support, or have supported, or operate or have operated under, the JSO banner /IB banner have distanced themselves from the 27 March Statement or have not disavowed the taking of further action. Very fairly, TfL drew to the Court's attention counter-arguments which might support discharge of the Injunctions. It speculated that the introduction of new offences might have affected JSO's ability to retain and recruit supporters who are willing and able to engage in disruptive protests and that that would mean that JSO would keep to its intention stated in the 27 March Statement. TfL also drew to the Court's attention the fact that National Highways Limited ("NHL") had indicated that it would not be applying to renew the injunctions which it had obtained against IB and JSO made at its review hearing last year. (The history of the NHL litigation is set out in the Review Judgment §25.)

22. Mr Parry opposed the Final Injunctions as a matter of principle. There have been two significant material changes of circumstance which the Court should consider. He maintained that 2024 was the hottest year on record and in the same year more oil and gas than ever before was used. Protest, and effective protest, is needed and the Injunctions impact on protest at the very time when it is needed most. He did not suggest that road blocking protests would cease, or had ceased, but rather should continue if the Injunctions were lifted. Ms Judy Bruce (who was also a Represented Defendant) in her written representations, submitted that the Injunction should not be extended "now that JSO is wound down and disbanded". It was just running up costs. She suggested to TfL that it would be sensible to stop doing that. Ana Heyatawin asked to be removed from the Injunction proceedings, as she had not participated in the JSO campaign and had not taken any illegal action since early in 2022. (She is not a Named Defendant in the TfL JSO Claim). Jerrard Mark Latimer stated that he had decided not to appear because all it would do would run up costs. Biff Whipster complained that he had only protested between September and November 2021 and only under the IB banner. 23. No other Named Defendant, either amongst those who appeared and/or made representations or amongst the remaining Named Defendants, contended that either or Approved Judgment TfL v Rodger and others;

TfL v Lee and others both Injunctions should be discharged now in the light of the 27 March Statement nor objected to TfL's contentions that there were good grounds for the Injunctions to continue, at least for a limited time to test whether the risk had truly dissipated.

Discussion 24. 25. 26. I address the position as at the date of the second review hearing, namely 12 May 2025. In my judgment, the 27 March Statement represented a material change of circumstances. Not only had there been no further road protests on the GLA Roads since May 2024, but there was also now an express statement by JSO of an intention to take no further disruptive protests of the kind covered by the Final Injunctions. This change of circumstances gave rise to arguments of substance in support of discharging the Injunctions then and there. I noted the fact the NHL had not sought to extend the injunctions which had been granted in its favour as against IB and JSO protests on other roads. (Although, as previously noted, those injunctions were time limited and required a positive decision granting injunctive relief afresh). I was not prepared to leave the Injunctions in place for another year, until the next review date in May 2026 as provided for in the Injunction Orders themselves. However on balance I concluded that it was not appropriate to discharge the Injunctions immediately, but rather to provide for a further, and earlier, review hearing in November 2025, thereby leaving the Injunctions in place for a period of 6 months at the most. My reasons were as follows. First, the period of 6 weeks between the 27 March Statement and the second review hearing was too short a time, in which to reach a conclusion that the risk of future road blocking protests had fully abated. Secondly, there was some evidence before the Court which suggested that protest and/or civil disobedience more generally was continuing and might continue. Parts of the 27 March Statement itself suggested continued civil resistance. Mr Parry's statement to the Court (set out in paragraph 22 above) rather undermined the suggestion that there was no further risk of road blocking protests. Thirdly, much of the protesting in the past had taken place in the summer months and so what might happen in the next few months following the second review hearing would provide the best test of JSO's intentions set out in the 27 March Statement. Fourthly, with the exception of Ms Bruce (paragraph 22 above) no Named Defendant formally opposed continuation of the Injunctions nor asked to be released from their terms or their undertaking. In particular, at the hearing, Mr Lockley on behalf of the Represented Defendants indicated that they were neutral as to the continuation of the IB Final Injunction and their undertakings. Fifthly, under the liberty to apply, it would be open to any Named Defendant to apply to the Court, before November 2025, for the Injunctions to be discharged or the undertaking released. 27. I did consider whether it was appropriate to discharge the IB Final Injunction (leaving in place the JSO Final Injunction), having raised this issue in the course of the hearing. IB had for some time ceased to be a distinct banner under which protests took place and appeared to have been inactive for a longer period. However IB had not expressly disavowed its demands and methods. No Named Defendant raised the position of IB as a distinct point; and Mr Lockley on behalf of the Represented Defendants (all Named Defendants in the TfL IB Claims) did not ask for their undertakings to be released. Mr Lockley suggested that the tactical equation in Approved Judgment TfL v Rodger and others; TfL v Lee and others relation to insulation had changed, but

nevertheless accepted that IB itself continued, had not disbanded, and had not made an equivalent statement to that made by JSO.

Conclusion

28. For these reasons, I decided that the Final Injunctions should remain in force for the time being, and that there would be an additional earlier review hearing in November 2025, at which stage further consideration could be given to the continuation of the Injunctions, in the light of events between May 2025 and that further hearing. Postscript 29. Finally, as a postscript, more recently and since the second review hearing, TfL has indicated to the Court that, in the light of events since that hearing, its intention not to seek the continuation of the Injunctions at the next review hearing, which has now been fixed for 24 November 2025. Approved Judgment TfL v Rodger and others; TfL v Lee and others Annex 1 “The Represented Defendants” Named Defendants represented by Good Law Project Limited in the TfL IB Claims Named Defendant No 7 21 24 27 39 47 50 61 64 69 86 76 99 113 117 121 125 129 Name Alyson Lee Anthony Whitehouse Daniel Shaw David Crawford David Jones David Squire Diana Hekt Diana Warner Donald Bell James Bradbury Janine Eagling Joseph Shepherd Judith Bruce Julia Mercer Mair Bain Maria Lee Martin Newell Matthew Lunnon Meredith Williams Michelle Charlesworth Richard Ramsden Rosemary Webster Nicholas Cooper Paul Cooper Peter Blencowe Sue Spencer-Longhurst Susan Hagley Bethany Mogie Adrian Temple-Brown Christopher Parish Rebecca Lockyer Simon Milner-Edwards Virginia Morris Alex Gough Giovanna Lewis Susan Lyle Molly Berry Approved Judgment TfL v Rodger and others; TfL v Lee and others Annex 2 Named Defendants (other than Represented Defendants) appearing by CVP Name Ana Heyatawin Daniel Sargison James Sargison Jonathan Mark Coleman Karen Matthews Phillipa Clarke Stephen Gower Darcy Mitchell Victoria Lindsell TfL IB Claims Defendant No 19 46 80 130 TfL JSO Claim Defendant No 98 57

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