Neutral Citation Number: [2025] EWHC 2330 (KB)

Case No: KB-2025-000497

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 12/09/2025

Before :

MR JUSTICE BUTCHER

- -

Between :

THE CHANCELLOR, MASTERS AND SCHOLARS OF THE UNIVERSITY OF CAMBRIDGE	**Claimant**
- and -	
PERSONS UNKNOWN	**Defendants**
-and-	
(1) EUROPEAN LEGAL SUPPORT CENTRE **(2) LIBERTY**	**Interveners**

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Kester Lees KC and Yaaser Vanderman (instructed by **Mills & Reeve LLP**) for the **Claimant**
The **Defendants** did not appear and were not represented
Grant Kynaston (written submissions) instructed by and for **European Legal Support Centre**
Hollie Higgins and Rosalind Comyn (written submissions) instructed by and for **Liberty**

Hearing date: 23 July 2025

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Approved Judgment

This judgment was handed down remotely at 10.00am on 12 September 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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MR JUSTICE BUTCHER

Mr Justice Butcher:

1. On 23 July 2025 I heard the application of the Claimant (the 'University') for summary judgment for final injunctive relief to restrain threatened acts of trespass and nuisance by the Defendants on three sites owned and/or occupied by the University. At the end of the hearing, I indicated that I would grant summary judgment and would make an order for final injunctive relief, and that I would give reasons in due course. These are those reasons. For convenience I annex to this judgment the Order which I made following the hearing on 23 July 2025.

2. As I will explain in more detail below, a short-term interim injunction in relation to Senate House and Senate House Yard was granted by Fordham J on 27 February 2025. After a further hearing on 19-21 March 2025 a wider interim injunction was granted by Soole J until 26 July 2025. Soole J's judgment is [2025] EWHC 724 (KB) ('the Soole Judgment'). The application before me on 23 July 2025 was for a final injunction in essentially the same terms, save as to duration and save as regards the third of the sites (described below), as that granted by Soole J.

3. The three sites in respect of which the injunction was sought before me were shown on three Plans shown to the court, and which are scheduled to the Order I made. The first comprises the Senate House and Senate House Yard, Trinity Street, Cambridge, and the Old Schools, Trinity Lane, Cambridge. The second comprises Greenwich House, Madingley Rise, Cambridge, an administrative office building accommodating some 500 of the University's employees. The third, which was not the subject of the order of Soole J, comprises Chestnut Tree Lawn, Trinity Street, Cambridge. This is a small area of grassland, accessible by the opening of double gates from Senate House Yard. In this judgment, where I refer to 'the Land' it is to these three sites together.

Background

4. The background to this application is a campaign of action by persons, largely unknown, in relation to the Palestine-Israel conflict. This campaign is spearheaded by a well-organised group of individuals with strong and committed views on the Palestine-Israel conflict, who are affiliated with the group known as Cambridge for Palestine (or C4P). The Cambridge for Palestine website states that it is 'a student-led coalition standing against Cambridge University's complicity in apartheid and genocide.' It appeared from the material before me that Cambridge for Palestine also has an X account, a Facebook account, and a TikTok account on which, for example, events are organised, views and demands published, and the actions being taken publicised.

5. This campaign has involved participants entering, occupying and remaining on the Land, blocking the access of individuals to the Land, and/or erecting tents and putting sleeping equipment on the Land (activities which have been described as 'Direct Action'). On Instagram, Cambridge for Palestine has set out the following:

> 'CAMBRIDGE ENCAMPMENT FOR PALESTINE: OUR DEMANDS
>
> We will not move until the University of Cambridge agrees to:

> 1 Disclose financial and professional ties with complicit organisations
>
> 2 Divest funds and collaboration away from such organisations
>
> 3 Reinvest in Palestinian students, academics and scholars
>
> 4 Protect students at risk and become a university of sanctuary.'

6. The evidence before me, in particular in the witness statements of Emma Rampton, reveals a series of incidents of Direct Action over the last year or so.

7. An encampment on the lawn in front of King's College Cambridge commenced on or about 6 May 2024, undertaken by Cambridge for Palestine. This encampment ended on or about 14 August 2024.

8. On 15 May 2024, 40-50 persons unknown entered Senate House Yard by climbing a ladder over the perimeter fence. They set up an encampment with approximately 13 tents on Senate House Yard, with the ostensible purpose of preventing graduation ceremonies from taking place at the Senate House on 17 and 18 May 2024. They departed at 10.20pm on 16 May 2024. Because of the occupation, the University had had to reorganise the degree ceremonies due to be held at the Senate House on 18 May and to hold them at various colleges.

9. On 22 November 2024, a group of persons unknown entered Greenwich House, activated the fire alarm and, once all staff had evacuated the building, blockaded the entrances and exits to prevent re-entry. During this time, they gained access to restricted areas of the building, opened locked cabinets and searched through them. Concerned about the confidential and commercially sensitive nature of the documents kept in Greenwich House, the University applied for and obtained an injunction on 16 December 2024 which, inter alia, prohibited the defendants from using, publishing or disclosing any documents or information obtained whilst at Greenwich House. The protesters departed Greenwich House on 6 December 2024.

10. On 27 November 2024 a group of persons unknown entered Senate House Yard by climbing over the perimeter fence. They set up an encampment of approximately 6 tents on Senate House Yard, with the ostensible purpose of preventing graduation ceremonies taking place at the Senate House on 30 November 2024. They departed on 30 November 2024. The consequence of this encampment was that the University again had to reorganise the degree ceremony scheduled for 30 November 2024, which was held instead in Great St Mary's Church.

11. On 27 November 2024, Cambridge for Palestine stated that 'our movement is left with no option other than principled escalation', and that 'The Cambridge Liberated Zone has expanded and will continue to do so.' In further posts on 29 November 2024, Cambridge for Palestine stated that 'Such unprecedented times require sustained escalation', and 'As long as there are no universities left in Gaza, Cambridge will not know normalcy.' On 30 November 2024, after the persons unknown had left Senate House Yard, Cambridge for Palestine posted, 'We will be back', under the tag line 'We Will Not Stop. We Will Not Rest.' It was further stated that:

> 'This end is a temporary one … Our encampment from last spring was only a beginning, and this one is not nearly an end. We will ensure that the University does not see normalcy until we see divestment and liberation.'

12. On 5 December 2024, Cambridge for Palestine posted a response to the University's statement, dated 3 December 2024, relating to the Direct Action at the Senate House. Cambridge for Palestine stated, 'As students of this institution, we refuse to sit idly by as our University proudly kills. "Disruption" of normalcy is the only ethical, moral choice.' On 8 December 2024, after ending the occupation of Greenwich House, Cambridge for Palestine stated that 'our movement will remain steadfast until justice is achieved.'

13. On 12 February 2025 the University issued a Claim Form seeking injunctive relief to prevent apprehended trespasses and nuisance, and on the same day issued an application for an injunction. As originally formulated, this application was for an injunction applicable to the Senate House and Senate House Yard, the Old Schools, and Greenwich House, and was for a period of five years. In advance of the hearing of this application, European Legal Support Centre ('ELSC') issued an application to be joined as an intervener party. That was not opposed by the University, and it was granted by Fordham J at the hearing of the University's application on 27 February 2025. Fordham J accordingly heard submissions from Mr Kynaston on behalf of ELSC as well as from Mr Vanderman for the University. Fordham J granted an interim injunction against 'Persons Unknown' in relation to the Senate House and Senate House Yard until 23.00 on 1 March 2025. The essential purpose of this order, and the reason for its duration, was to avoid disruption of a degree ceremony scheduled for 1 March 2025. Fordham J ordered that there should be a return date for further consideration of the case on the first available date after 17 March 2025.

14. After the grant of Fordham J's order, on 1 March 2025, Cambridge for Palestine organised a rally which took place outside Great St Mary's Church, opposite the Senate House. Approximately 100 people were at the rally, at its height. On 2 March 2025, Cambridge for Palestine uploaded a social media post, which stated:

> 'Cambridge University tried to silence us.
>
> We will NEVER be silent while they profit from Genocide. Our call remains the same Disclose, Divest, We Will NOT Stop, We Will NOT REST.'

15. On 4 March 2025, red paint was sprayed on the wooden door and archway masonry which forms the west entrance to the Old Schools building. Graffiti sprayed on the masonry and wooden door read, 'DIVEST' and 'ALWAYS RESIST … FREE PALESTINE'. The group called Palestine Action claimed responsibility for this, but Cambridge for Palestine republished Palestine Action's post which had claimed responsibility, saying 'Divest from Israeli arms or expect resistance. Full support to Palestine Action.'

16. The further hearing ordered by Fordham J came before Soole J on 19-21 March 2025. The University had reconsidered the relief which it was seeking on an interim basis. It sought from Soole J an interim injunction for a period expiring at 23.00 on 26 July

2025, rather than the original five-year period. The date of 26 July 2025 had been selected because it was the date of the final graduation ceremony in the academic year. The injunction was, however, sought not only in relation to the Senate House and Senate House Yard, but also in relation to Old Schools and to Greenwich House.

17. Prior to the hearing in front of Soole J, the National Council for Civil Liberties (Liberty) had applied to intervene, and this was permitted by Soole J. He accordingly had written and oral submissions on behalf of the University, but also on behalf of ELSC and on behalf of Liberty. ELSC opposed the grant of any relief. Liberty was neutral on that, but focused on the drafting of the order, and in particular on an initial proposal, inspired by observations of Nicklin J in MBR Acres Ltd v Curtin [2025] EWHC 331 (KB), that the defendants should be described in the order simply as 'Persons Unknown' with no further description. That proposal was not, in the event, pursued: see Soole Judgment, [7]. The application to Soole J proceeded on the basis that the Defendants should be described, as did the application before me.

The Soole Judgment

18. The Soole Judgment was delivered on 21 March 2025. For present purposes it may be summarised in this way:

(1) Soole J referred to the evidence which had been before him, including the evidence on behalf of the University, in particular from Ms Rampton, and 8 witness statements served on behalf of ELSC: Soole Judgment, [9]. All this material has also been before me and I have considered it.

(2) Soole J summarised previous incidents of Direct Action, as they emerged from the evidence: Soole Judgment, [14]-[28]. I have given my own summary of this, above. Soole J's summary sets out a number of further features of the evidence.

(3) Soole J summarised the applicable law, noting that there were three principal sources of instruction and guidance: first the general principles applicable to the grant of interim precautionary (or *quia timet*) injunctions; second the adaptations to those principles necessary if and when ECHR rights and/or s. 12 Human Rights Act 1998 were engaged; and thirdly the principles and guidance identified in respect of 'newcomer' cases by the Supreme Court in Wolverhampton City Council v London Gypsies and Travellers [2023] UKSC 47, [2024] AC 983 ('Wolverhampton').

(4) Soole J summarised the submissions made on behalf of the University: Soole Judgment, [49]-[59]. One particular matter to which he referred was that the University had relied on the provisions of its Rules of Behaviour and Code of Practice of Freedom of Speech, to whose provisions all students sign up when enrolling at the University. Those Rules of Behaviour include that a student must not 'damage, misappropriate or occupy without appropriate permission any University or College property or premises, or any property or premises accessed as a result of a College or University activity.' The Code of Practice includes that 'Permission is required for meetings and events to be held on University premises, whether indoors or outdoors': Soole Judgment, [49]. Another matter to which reference was made was to steps taken by University officials to engage with demonstrators, including members of Cambridge for Palestine. This had led to an agreement that the University would review its approach to investments in and

research funded by the defence industry; and that a working group would be established to make recommendations to the relevant University committees overseeing investments and research: Soole Judgment, [50].

(5) Soole J summarised the submissions made on behalf of ELSC: Soole Judgment, [60]-[79]. These included: that the proposed injunction was a disproportionate infringement of the Defendants' rights; that it was unnecessary, in that there was a framework under the criminal law which addresses such protests; that no sufficiently serious risk had been identified; that the proposed injunction affected the ability of the Defendants to exercise their Article 10 and 11 rights at the very heart of the University; that the proposed prohibition was not calibrated by the requirements of Articles 10 and 11; that the proposed condition to the effect that conduct was prohibited unless there was the consent of the University produced uncertainty for students and staff as to the nature of that consent; that there were less restrictive means of achieving the intended aim; that the injunction had not been the subject of appropriate scrutiny by the University's decision-making bodies; and that the effect of the proposed injunction was discriminatory in respect of both race and of political and philosophical beliefs.

(6) Soole J concluded that there was a compelling need for the grant of an injunction in the terms and for the period proposed: Soole Judgment, [80]-[101]. His reasoning included in particular the following: (1) he was satisfied that there was an imminent and real risk of the occurrence of the conduct which it was sought to restrain and consequent substantial harm; (2) he was satisfied that it was likely ('(indeed very likely)') that at a notional final trial or hearing the application would succeed, and specifically, assuming that the Defendants' Article 10, 11 and 14 rights were engaged, that (i) as to Articles 10 and 11, he was quite satisfied that any interference was in pursuit of the legitimate aim of the University to secure its buildings and spaces and the activities carried out thereon, that the interference was necessary to achieve that end, that there was a rational connexion between the means and the end, that there were no adequate alternative means available to the University, and that the proposed injunction provided a fair balance between the rights of the parties, and (ii) as to Article 14, he was doubtful that the proposed order had any discriminatory effect, but in any event was quite satisfied that the proposed restraint left ample opportunity for the protesters to campaign and express their opinions and beliefs in Cambridge and its city centre; (3) he did not accept that the application had not been subject to appropriate scrutiny by the University and its decision-making bodies; (4) he did not accept that there was a lack of clarity in the proposed reference in the terms of the injunction to the prohibited acts being carried out 'without consent'; (5) damages would not be an adequate remedy; and (6) that, even on the assumption that the Wolverhampton principles applied in full measure, each of the requirements was fully met.

Developments since the Order of Soole J

19. Since the order made by Soole J, there have been a number of developments of relevance. These are described, in particular, in the witness statement of Michael Glover of 2 July 2025. As Mr Glover makes clear, since the order of Soole J, there have been no incidents of Direct Action comparable to those before that order, as summarised above, either at the Senate House/Senate House Yard/Old Schools, or at Greenwich

House. There have, however, been protests at locations in Cambridge at or in close proximity to the Senate House/Senate House Yard/Old Schools.

20. Thus, on 3 May 2025, in the course of collecting their degree at the Senate House a graduand made a speech about the University's 'complicity' in 'genocide in Gaza' before sitting down and refusing to leave. The Senate House had to be evacuated until the individual was persuaded to leave. On 23 May 2025 a protester locked themselves to the railings of Senate House Yard for approximately 2 hours, during which time they covered themselves with red paint and shouted into a megaphone.

21. From 30 May to 2 June 2025 an encampment was set up on Trinity College lawn. The number of protesters fluctuated between 6 and about 100 people, some of whom were masked. Some tents were also erected. An interim injunction was obtained by Trinity College on 1 June 2025 to remove the encampment. The injunction was served at 08.00 on 2 June 2025, and immediately obeyed. The return date had been fixed for 5 June 2025, and judgment was delivered on 23 June 2025. I will return to this shortly, below.

22. On 2 June 2025, following service of the Trinity College injunction, the protesters moved from Trinity College to the lawn outside St John's College chapel. A Cambridge for Palestine social media post from about this time referred to the moving of the encampment, saying: 'Cambridge, we will not stop.' On 3 June 2025, St John's College obtained an interim injunction, and the protesters left the lawn after the injunction was served on the evening of 3 June 2025. Marcus Smith J, who had granted the St John's injunction, ordered that the return date should be 5 June 2025, so that it could be dealt with together with the Trinity College injunction.

The Twigger Judgment

23. The hearing on 5 June 2025 was before Mr Andrew Twigger KC, sitting as a Deputy High Court Judge. Mr Twigger KC received submissions from Mr Lees KC, on behalf of both Colleges, and from Mr Kynaston on behalf of ELSC, which had been permitted to intervene. Mr Twigger KC handed down his judgment on 23 June 2025: [2025] EWHC 1577 (Ch) ('the Twigger Judgment'). It may be summarised as follows:

    (1) The judge recounted the facts of the two lawn occupations, referring to the fact that the evidence relating to Trinity College had concentrated on the disruptive impact of loud noise on students taking examinations within the College or revising for examinations, while the evidence relating to St John's College, though focusing on the disruption caused to examinations by loud noise, had in addition mentioned an atmosphere of intimidation, and the disruption of Evensong which is held in St John's College chapel on six evenings a week.

    (2) The judge set out that each College sought two orders: first, each sought an order for possession on a summary basis pursuant to CPR r. 55.8(1)(a); and second each sought to make the existing injunctions final on their current terms until the end of June 2026. It is to be noted that, while no order for possession is sought in the action with which I am concerned, Mr Twigger KC's consideration of the claim for possession in the cases before him is of significance because he relies on part of his reasoning in relation to that claim in his consideration of the claims for injunctions.

(3) The judge set out the legal principles applicable to summary orders for possession: Twigger Judgment, [16]-[34]. He referred to the decision of Johnson J in University of Birmingham v Persons Unknown [2024] EWHC 1770 and its treatment of whether a decision by a land owner to terminate a licence or of the court to make an order for possession might be unlawful if breaching a person's rights to freedom of expression and freedom of assembly.

(4) The judge then stated his decision as to whether there should be possession orders. He found that the Colleges were the owners of the land in question; that the protesters had not had any right to occupy the land, and were trespassers, and that they had no private law defence to the claims for possession. The only question was whether there was an arguable defence on the grounds that the Colleges' decisions to terminate any licence and bring possession proceedings or the making of the order itself might be unlawful because of Articles 10 and/or 11 of ECHR. For these purposes he assumed without deciding that the Colleges were public authorities, and assumed that the Colleges' decisions or an order for possession would interfere with the protesters' Convention rights. He considered that orders for possession would not be unlawful. His reasoning was as follows: (i) the making of summary possession orders was prescribed by law; (ii) the interference with protesters' rights was in pursuit of a legitimate aim, namely the Colleges' private law rights to their property and their protection of the rights of those lawfully using their land; (iii) that the Colleges' decisions and the making of a possession order were proportionate, in that (a) the objective of the Colleges' decisions, and of the making of an order, namely the Colleges' possessing their own land, was sufficiently important to justify any interference with the protesters' Convention rights, (b) a possession order was directly and rationally connected to the objective of obtaining possession, (c) there was no measure less intrusive on the protesters' Convention rights that could achieve the legitimate aim of giving the Colleges possession of their land, and (d) the severity of the measure's effect on the protesters' rights did not outweigh the importance of the objective. As the judge said (at [48]):

> 'Taking all these matters into account, I have no doubt that the importance of the objective of the possession orders, both in returning the possession of the land to the Colleges, and in protecting the rights of the College communities, substantially outweighs the severity of the effect the order will have on the protestors' Convention rights. … I consider this to be a conclusion which can comfortably and confidently be reached on a summary application, so that any defence based on Convention rights has no real prospect of success.'

(5) The judge then referred to the legal principles applicable to the grant of precautionary injunctions against persons who cannot be identified in advance. He referred to [235] of the judgment in Wolverhampton, with its reference to the judge needing to be satisfied that there is 'a compelling need for the order'. He referred to a number of cases in which the principles discussed in Wolverhampton have been applied to protesters trespassing on private land including the decision of Ritchie J in Valero Energy Ltd v Persons Unknown [2024] EWHC 134 (KB), the decisions in MBR Acres v Curtin [2025] EWHC 331 (KB) and University of London v

Harvie-Clark [2024] EWHC 2895 (Ch), and the decisions of Fordham J and of Soole J in the present action.

(6) Considering the fifteen guidelines mentioned by Ritchie J in Valero Energy the judge was satisfied that there was a compelling need for the grant of injunctions and that it was just and convenient to make such orders, to run until the end of June 2026: Twigger Judgment, [62]-[131]. In particular: (i) the judge found that there was an 'imminent and real risk' that, without injunctions in place, the protesters would continue to trespass on the Colleges' land and set up another encampment, which would cause real harm; (ii) there was no realistic defence, either a private law defence, or based on Articles 10 and 11 of the ECHR; (iii) damages were not an adequate remedy; and (iv) an injunction was necessary 'whilst there remains an imminent and real risk of further disruptive protests, and I have seen nothing which encourages me to think that this risk will recede in the course of the next year.'

Events since the hearing of the Trinity and St John's Applications

24. After the hearing in front of Mr Twigger KC of the Trinity and St John's injunction applications, but shortly before judgment was handed down, namely on 21 June 2025, an encampment was set up by Cambridge for Palestine on Magdalene College Lawn, demanding that that college disclose its investments. Social media posts stated: 'The Encampment Returns. New Liberated Zone Established. Magdalene – What are you Hiding?' Magdalene College obtained an injunction which was served on the morning of 24 June 2025, after which the encampment ended. My understanding is that that injunction has subsequently been made final, but I have not seen either the order made, nor any judgment relating to it.

25. On the evening of 24 June 2025, during a rally outside Great St Mary's Church, an encampment was set up by Cambridge for Palestine on Chestnut Tree Lawn. A report prepared by University Security records that at 22.42 on 24 June 2025 there were about 6 tents and 20 people at the site. A Cambridge for Palestine social media post from about this time states:

> 'To Cambridge University: we will target each institution with ties to the occupation and genocide in Palestine. If you are complicit, expect us.'

26. On 25 June 2025, an Honorary Degree Ceremony took place at the Senate House. The encampment on Chestnut Tree Lawn was continuing during the ceremony, and the occupiers of the land used megaphones to project chants across Senate House Yard. There was also a protester outside Senate House Yard who covered themselves in red paint and threw objects into the yard. The occupiers were reported to have left Chestnut Tree Lawn at 18.50 on 25 June 2025.

The Present Application

27. The University's application which was before me on 23 July 2025 was issued on 2 July 2025. That application sought (1) summary judgment, pursuant to CPR Part 24, granting the University final injunctive relief until 25 July 2026, and permission to obtain summary judgment without an Acknowledgement of Service or Defence having been served; and (2) permission to re-amend the Amended Claim Form and Amended

Particulars of Claim. The amendments to which the second part of the orders sought related were changes to add Chestnut Tree Lawn to the areas to which the injunctions were to apply.

28. The University served the application on the Interveners in the usual way. As to the Defendants, given that they are persons unknown, service in the usual way was not possible. Soole J's order provided, by paragraph 7, that notification to persons unknown of any further applications in the action should be effected by the University carrying out each of the following steps: (a) uploading a copy of the Order onto the website www.cam.ac.uk/notices; (b) sending an email to the addresses listed in Schedule 3 to the Order, namely Cambridge4palestine@proton.me, encampmentnegotiations@proton.me and bloodonyourhands@systemli.org, stating that an application had been made and that the application documents could be found at the website referred to in (a); and (c) affixing a notice at those locations marked with an 'x' on Plan 1 and Plan 2 in Schedule 1 to the Order, stating that an application had been made and where it could be accessed in hard copy and online.

29. The evidence in the fourth witness statement of Samuel Maw shows that these steps were taken by 7 July 2025 and, in addition, by the same date, a notice had been placed on a stake in Chestnut Tree Lawn. An updated version of the notice, stating where hard copies of the application could be obtained was affixed at the locations marked on Plans 1 and 2 in Schedule 1 to Soole J's Order, and on Chestnut Tree Lawn, on 15 July 2025. The notices stated that the hearing would take place on 23 July 2025.

30. Soole J's Order provided, by paragraph 8, that notification of further documents (ie other than of the Soole J Order itself, and further applications) might be effected by carrying out only steps (a) and (b) as I have set them out above. Mr Maw's witness statement states that this was done in relation to the hearing bundle and the University's Skeleton Argument by 21 July 2025.

31. No representations were received from any Defendant, and the Defendants, themselves, did not appear and were not represented at the hearing. Liberty indicated that it would not appear or be represented, but relied on the written submissions it had submitted at the hearing before Soole J. I took those submissions into account. ELSC submitted helpful written submissions drafted by Mr Kynaston, together with a witness statement of Ms Anna Ost and one from Professor Clément Mouhot. Ms Ost's witness statement, amongst other things, explained that ELSC was not in a position to appear at the hearing on 23 July 2025, as it has only a small UK-based legal team, and was stretched because of ELSC's need to work on the proscription of Palestine Action.

32. It is helpful to note, at this stage, that Mr Kynaston's written submissions on behalf of ELSC took three principal points, each of which I will consider in the course of this judgment. They were:

(1) That the University was not entitled to any relief in respect of the Senate House or Senate House Yard, because there was no adequate evidence of a real or imminent risk to justify an injunction before graduations resumed in mid-October 2025;

(2) In any event, the University's application for summary judgment should fail, because the Defendants have a realistic human rights defence; and

(3) The University's application for summary judgment in respect of Chestnut Tree Lawn was unsustainable, in circumstances where, it was submitted, the Court cannot be satisfied to the appropriate standard that the University either possesses or has an easement over the land.

The Merits of the Application

33. In relation to the application to re-amend the Amended Claim Form and Amended Particulars of Claim, I considered that this should clearly be permitted. I will deal with the merits of the claim in respect of Chestnut Tree Lawn below, but I could see no valid objection to the University being permitted to plead such a claim.

34. In relation to the application for summary judgment, there are a number of principles and sources of guidance which are germane. I was referred to the identification of issues by Ritchie J in Valero, which was itself a case involving an application for summary judgment in relation to injunctive relief against persons unknown, and to the fact that Mr Twigger KC adopted the same order of examination of the points arising. For my part, I agree that the 15 'guidelines' identified by Ritchie J in Valero at [58] are, as Mr Twigger KC put it at [54] of the Twigger Judgment, a 'helpful checklist', but, given the different legal nature and consequences of the different points, I prefer to consider them in a rather different order, and grouped somewhat differently.

Notice

35. I start with a preliminary point, which is as to whether notice has been given of the hearing, and a related point as to its nature.

36. I was satisfied, on the basis of the evidence before me and to which I have already made reference, that there was proper service, in accordance with the Order of Soole J, of the application for summary judgment, of the evidence in support of it and of the order which was sought. Had I not been satisfied of this, I would not have proceeded with the hearing. As it was, I considered that it was appropriate to proceed to consider the University's applications on 23 July 2025.

37. On that basis it might be argued that this hearing was not one without notice, in that steps have been taken to give notice of the hearing to those who were most likely to be affected by it and any resulting order. Nevertheless, given that what is sought is an injunction which can affect 'newcomers', ie persons who have not hitherto carried out any protests on any of the relevant sites but who might do so in the future, it is unrealistic to say that all those persons had notice of this hearing. For this reason, the hearing had to be treated as one made 'without notice' (or *ex parte*), such that the applicant had an obligation to make full and frank disclosure, including of all matters which might tell against the grant of the injunctions sought.

38. In the present case, it was not in dispute that this should be the basis on which the hearing was to be conducted; and in any event Mr Lees KC said that the University considered that it had made full and frank disclosure. I proceed on the basis that this is the case.

The requirements for summary judgment

39. The second preliminary matter which requires explicit reference is that the application is for summary judgment pursuant to Part 24.

40. In the ordinary way, a claimant may not seek summary judgment until the defendant has served an Acknowledgment of Service or a Defence, but the court may give permission for such an application (CPR r. 24.4(1)(a)). The basic purpose of that rule is to ensure that no application for summary judgment is made before a defendant has had an opportunity to participate in the proceedings. In the present type of case, where the Defendants are persons unknown, no Acknowledgement of Service or Defence can be expected to be served, and none has been. I considered that it was appropriate for the application for summary judgment nevertheless to be made, given that I was satisfied that notice had been given of the application in conformity with Soole J's Order.

41. The test for summary judgment is familiar: the first task of the court is to consider whether the defendant has a realistic prospect of defending the claim. Ritchie J helpfully summarised the test to be applied in Valero at [48]. As mentioned in that paragraph, it has been emphasised by the Court of Appeal in National Highways Ltd v Persons Unknown [2023] EWCA Civ 182 that the test to be applied when a final anticipatory injunction is sought through a summary judgment application is the same as in all other cases.

42. As Ritchie J says in Valero at [51], where the Defendants are persons unknown and the hearing is proceeding as one which is 'without notice' (or *ex parte*), the course which the court should adopt is to consider what defences the Defendants could run, and whether those defences have a realistic prospect of success.

Has the University shown an entitlement to the relief sought?

43. The first question is whether the University has shown, prior to consideration of possible defences, that it has an entitlement to the relief sought.

44. There are a number of aspects which need to be considered here. In the first place, would the University have a good cause of action were the conduct which is feared to take place? I will deal first with the sites other than Chestnut Tree Lawn, and then will deal with Chestnut Tree Lawn separately.

45. In my judgment, if the conduct which it is sought to prevent occurred at the Senate House/Senate House Yard/Old Schools or Greenwich House, the University would have a cause of action in trespass. There is in my view no doubt that the University is the owner of those sites. While Senate House/Senate House Yard/Old Schools are currently unregistered land, the statutory declaration of Richard Griffin shows the University's long-standing ownership and possession of these sites. The University is the registered freehold proprietor of Greenwich House under title number CB337595. No member of the public has been granted a licence to be on any part of those sites. In respect of students, the Senate House, the Old Schools and Greenwich House are not open to them, and they have no general licence to be there. Senate House Yard is generally open to them, but only when the gates are open and no event is taking place there. In any event, students have no general licence to carry out protests on or occupy Senate House Yard, and to do so without obtaining consent under the University's Rules of Behaviour and Code of Practice of Freedom of Speech amounts to a breach of

the Rules of Behaviour. Those are rules which students sign up to when enrolling at the University; and any student entering the land for the purposes of carrying out Direct Action would have no licence to do so and would be a trespasser.

46. Equally, I consider that the University would have a cause of action in private nuisance. Private nuisance is any continuous activity or state of affairs causing a substantial and unreasonable interference with a claimant's land or his use or enjoyment of that land: High Speed Two (HS2) Ltd v Persons Unknown [2022] EWHC 2360 (KB) ('HS2'), [85]. Further, an unlawful interference with the claimant's right of access to its land via the public highway, where a claimant's land adjoins a public highway, can be a private nuisance: HS2, [86]-[87]. A repetition of the types of protests which have occurred at the relevant sites, which is the type of conduct which, broadly, the University fears would happen in the future without an injunction, would in my judgment constitute a private nuisance.

47. I have left Chestnut Tree Lawn for separate consideration. Here there is a question as to the University's rights in respect of this land. The present registered freehold proprietor of this area of grassland is King's College Cambridge. The evidence is that the University considers this to be a mistake; and Mr Griffin's statutory declaration of 1 July 2025 confirms the University's belief that it owns the land. Mr Griffin says, inter alia, that to the best of his knowledge, information and belief the University has been 'for the past seventy-five years and upwards in the free and uninterrupted possession and enjoyment of or in receipt of the rent and profits of' Chestnut Tree Lawn.

48. I cannot resolve any issue as to who owns the freehold title to Chestnut Tree Lawn, and do not seek to do so. What does seem to me to be clear, however, is that the University at least has either, vis-à-vis any protesters, a possessory title to Chestnut Tree Lawn, or has an easement to make use of it. If the first, that would found a cause of action in trespass or private nuisance; if it is only the second, then the University would still have an action in private nuisance in the event of a substantial and unreasonable interference, though not, as I understand the law, in trespass.

49. On the basis of the foregoing, the next question to be considered is whether the University is entitled to obtain a precautionary (or *quia timet*) injunction on the grounds that the threat of the torts which the conduct apprehended would constitute is *imminent* and *real*: see HS2, [99]. In this context, 'imminent' means that the circumstances must be such that the remedy sought is not premature: HS2, [100], citing Hooper v Rogers [1975] Ch 43, 49-50, where Russell LJ stated that 'the degree of probability of future injury is not an absolute standard: what is to be aimed at is justice between the parties, having regard to all the relevant circumstances.'

50. In my judgment, given the history of protests which I have outlined above, the repeated statements by Cambridge for Palestine to the effect that they will be back and will not stop, and the fact that there has been no disavowal by Cambridge for Palestine since the Order of Soole J of an intention to organise or facilitate future protests of like kind, I am satisfied that the risk of future torts is both real and imminent.

51. As to the latter, one of the points made in ELSC in its written submissions was that there was no real or imminent risk in relation to the Senate House or Senate House Yard at least before graduation ceremonies resume in the new academic term. I do not accept that. Those areas are both a prominent feature of the Cambridge townscape and

symbolise the University. They present clear opportunities for conspicuous protest whether or not a graduation ceremony is to take place. The fact that Trinity, St John's and Magdalene have obtained injunctions in respect of their land makes it more likely that, if there were no injunction in respect of the Senate House, Senate House Yard and Old Schools, they would be targeted: there has been a persistent pattern of re-siting protests depending on where injunctions are in place. It cannot be said that there is no risk of protests during the academic vacation. While the protests that there have been seem to have been student-led, it is not clear that all participants have been students, and still less that all students of the University who are involved in Cambridge for Palestine will not be present in Cambridge during the vacation. There have been protests which have continued during the vacation in the past, as evidenced by the encampment on the lawn of King's College in the summer of 2024. The material put in by ELSC itself, and in particular paragraphs 13-21 of Ms Ost's second Witness Statement, tends to suggest that the present phase of the Israel-Palestine situation is one which is particularly likely to occasion protests.

52. More generally, I do not consider that it can be said that the University's application is premature. In judging this I have to aim at justice between the parties. Here, if the Defendant Persons Unknown would not, in the absence of an injunction, protest at any of the sites in question until a degree day was imminent, then they will not be adversely affected by an injunction; but on the other hand, if they might, then, assuming that the other requirements for an injunction are met (considered below) it would be unjust to the University not to grant an injunction now. Moreover, it appears to me that it is more convenient, and just to all persons involved or affected, that the issue of whether there should be a final injunction should be determined at a hearing such as that on 23 July 2025, which took place on proper notice, than, as appears to be the logic of paragraph 19 of ELSC's submissions, at a hearing convened urgently shortly before a degree day.

53. Further, and in any event, the issue of whether the threat to Greenwich House is imminent clearly does not depend on when degree days are scheduled (and the contrary was not suggested by ELSC). It was in my view clearly appropriate that the position in relation to Greenwich House should have been resolved at the hearing on 23 July 2025; and also that it was convenient that the position in relation to the other sites should be resolved at the same time. This is an additional reason why I reject the suggestion that the University's application is premature.

Are there defences available to the Defendants?

54. The next issue for consideration is whether there would be any defence available to the Defendants which would mean that an injunction should not be granted. Under this heading I intend to consider not only matters which are strictly defences at law to the causes of action relied on by the University, but also equitable considerations which would bar the grant of equitable relief.

55. As to this, other than in relation to Chestnut Tree Lawn, which I have already dealt with, there has been no suggestion of any private law defences which might be available to the Defendants to claims in trespass or private nuisance should the conduct proposed to be enjoined occur.

56. What has however been contended by ELSC, and which requires careful consideration, is that the grant of an injunction would involve an infringement of the Defendants'

ECHR Article 10 and/or 11 and/or 14 rights. Article 10 provides that everyone has the right to freedom of expression; Article 11 provides that everyone has a right to freedom of assembly and association with others; Article 14 provides that the enjoyment of Convention rights and freedoms shall be secured without discrimination on any ground such as (inter alia) race, religion and political or other opinion. Each of the Article 10 and 11 rights is qualified: conduct of a public authority which interferes with the right may be justified if it is 'prescribed by law and [is] necessary in a democratic society in the interests of' (amongst other things) protection of the rights of others.

57. For the purposes of its application, the University was content to proceed on the basis that it is a public authority. I will proceed on that basis. In any event, the court is a public authority and must act compatibly with Convention rights when deciding whether to make an order. I also accept that Article 10 and 11 rights are potentially engaged even in the context of a trespass. As was noted by the Court of Appeal (Criminal Division) in R v Hallam [2025] EWCA Crim 199; [2025] WLR 33, at [34], there had been no citation of any case in which the ECtHR had 'decided that a protester who commits an act of trespass thereby automatically loses their rights under Article 10 or 11 altogether.'

58. There might be a debate as to whether, in considering whether it is entitled to an injunction, the University would be entitled to rely on its own rights under Article 1 of the first Protocol to the ECHR ('A1P1'). Like Soole J (Soole Judgment, [86]), I consider that it is entitled to do so. This is consistent with HS2, [125]-[129]. In any event, and like Soole J (Soole Judgment, [86]), I am of the view that whether the University can rely on its A1P1 rights does not make any material difference, because, in any balancing exercise required for the purposes of assessing the lawfulness of any restriction on freedom of expression or assembly/association, it can rely on its common law rights not to be subjected to trespass and/or nuisance. Furthermore the court can take the University's common law rights not to be subjected to torts into account when deciding whether to make an order.

59. I therefore turn to whether the order sought by the University would infringe the Defendants' Convention rights. The first issue to be considered here is whether, as submitted by ELSC, it would do so and would not be 'prescribed by law' because it is not sufficiently clear or formulated with sufficient precision to enable persons concerned to foresee its legal consequences (see Karastelev v Russia (App. No. 16435/10, 6 October 2020) at [78]). ELSC submits that the injunction would not be sufficiently clear, and be ambiguous, in particular because of its incorporation of the proviso that actions are prohibited if they are done 'for the purpose of protest', and 'without Consent'.

60. Like Soole J (Soole Judgment, [96]) I do not accept that the provisions of the order which I decided should be made are unclear or ambiguous. Like him, I consider that the definition of 'Consent', as 'permission given by [the University] under the Code or other express permission given by [the University]' to be sufficient. I also consider that the facts that the Soole J Order itself has been substantially effective and does not appear to have given rise in practice to any significant debate or doubt as to its ambit or application (and no evidence of such debate or doubt is given in the material submitted by ELSC) indicate that the criticisms of lack of clarity and ambiguity are overblown.

61. ELSC further contends that, even if the injunction can be said to be 'prescribed by law' as being sufficiently precise and clear, the injunction interferes unjustifiably with the effective exercise of the Defendants' rights under Articles 10 and 11. This involves a consideration of the factors identified in DPP v Ziegler [2021] UKSC 23; [2022] AC 408, which are summarised in HS2, [136]. At this point of the argument, the salient questions are (d) and (e) of that summary, namely whether the interference is in pursuit of a legitimate aim as set out in paragraph (2) of Articles 10 and 11, and whether the interference is necessary in a democratic society to achieve that aim. As to the second of those questions, any restriction on Article 10 or 11 rights must be proportionate, which itself requires four conditions to be satisfied: (a) whether the aim is sufficiently important to justify interference with a fundamental right? (b) is there a rational connexion between the means chosen and the aim in view? (c) are there less restrictive alternative means available to achieve that aim? (d) is there a fair balance between the rights of the individual and the general interest of the community, including the rights of others? (See HS2, [137]).

62. As to these, I am in no doubt that any interference is in pursuit of the legitimate aim of the University to secure its buildings and spaces and the activities carried out on them. Soole J reached the same conclusion in relation to the order which was sought from him: Soole Judgment, [87].

63. I am also satisfied that this aim is sufficiently important to justify an interference, and that there is a rational connexion between the means and the end. I am of the same view as was Soole J: Soole Judgment, [88], and I adopt what he said in that paragraph.

64. Like Soole J I have given consideration to whether there are less restrictive measures available to achieve the aim. One particular matter which requires consideration is whether existing police powers constitute less restrictive measures which would be similarly effective. In my judgment they are not. As a preliminary matter, I note that the University wishes, to the extent possible, to avoid the involvement of the police or the application of the criminal law. That appears to me to be entirely understandable, and I agree with Mr Lees KC that it is surprising that it should be contended on behalf of the persons unknown that there should be greater reliance on such application.

65. In any event, I have considered the nature of police powers under the Anti-social Behaviour Crime and Policing Act 2014, and in particular the dispersal powers thereunder, and under the Public Order Act 1986, and the nature of the offence under s. 68 Criminal Justice and Public Order Act 1994. I am satisfied that none of those constitutes a measure which would be nearly as effective and efficient at securing the University's legitimate aims of protecting its ownership/possessory rights to the land, the activities being conducted thereon, and the people who work and/or are permitted to be there. In particular, all the powers to which attention has been drawn are essentially focused on dealing with disruptive events as and after they happen. Just as with the Colleges in the Twigger Judgment, [84], however, the fully justified concern of the University is to prevent protesters from returning to its land in the first place. The injunctions granted by Fordham J and Soole J have been effective, just as, it appears, the Trinity, St John's and Madgalene injunctions have been. I therefore reach the same conclusion as Mr Twigger KC (Twigger Judgment, [84]), which is itself in line with the conclusion reached by Soole J (Soole Judgment, [89]), that '[i]t is unrealistic to suppose that any of the other suggested courses of action will be anything like as effective [as an injunction].'

66. Turning therefore to the question of whether, if the injunction is granted, a fair balance will have been struck between the rights of all parties, I am of the clear view that it will. In this regard, I regard the following as significant:

(1) As discussed above, the University has a legitimate interest in protecting its ownership rights in respect of the sites, and the activities conducted thereon and the people who work or are allowed to be there, and an injunction appears to be the most, and probably the only, effective means of protecting those rights.

(2) The injunction relates only to three relatively confined sites, which have already been the subject of Direct Action.

(3) Of the four separate occasions of Direct Action at the sites, three caused cost and disruption to the University and its staff and/or to graduating students and their guests.

(4) The prohibitions in the injunction are not absolute. They bite only where consent has not been sought from and obtained from the University, pursuant to the University's Code of Practice of Freedom of Speech.

(5) Insofar as the Persons Unknown are students of the University, the prohibitions will only apply to actions which themselves amount to breaches of those persons' contracts with the University and of the Code.

(6) I accept that the views giving rise to the protests relate to 'very important issues' and that they are 'views which many would see as being of considerable breadth, depth and relevance', to use the language of Lord Neuberger MR in City of London Corp v Samede [2012] EWCA Civ 160, cited in Ziegler at [72], and also that the protesters believe in the views they express. I also recognise that some weight has to be given to the protesters' desires as to where they wish to protest and the manner in which they wish to do so. But Articles 10 and 11 do not bestow a 'freedom of forum' on protesters, in the sense of giving them an unqualified right to choose where to protest and how they protest at that place: see Twigger Judgment, [98]. Here, the injunction will leave the Defendants able to protest at other locations and through other methods which do not cause significant disruption to the University, its staff and students. There are many examples of such protests, involving both types of assembly and also online and other communications. Specifically, the injunction does not prevent all physical demonstrations in the centre of Cambridge. By way of example, after the grant of Fordham J's order which prevented occupation of the Senate House/Senate House Yard, there was a rally outside Great St Mary's Church, on the other side of the street.

(7) While the maximum penalty for contempt of court, which a breach of the injunction could constitute, is two years, that is a maximum: the sentence actually imposed would be one which corresponded to the seriousness of the contempt, taking into account all the circumstances of the offending and the offender. Moreover, it is accepted by the University that the order should provide, as it does, that contempt proceedings may only be brought with the permission of the Court.

67. As to the suggestion that Article 14 is of relevance, it is to be noted that the injunction granted is not confined to persons of any particular sex, colour, language, religion,

political or other opinion, national or social origin, association with a national minority, birth or other status. Specifically, it is neutral as to what the cause protested might be. More generally, I agree with what Soole J said at [93] of the Soole Judgment, namely:

> 'As to Article 14, in circumstances where the campaigners and protesters are evidently not confined to those of Palestinian heritage, I am very doubtful if the proposed order has any discriminatory effect in that respect. I am also doubtful in respect of the arguments based on discrimination on the grounds of opinions and beliefs. But, in any event, even if there is a discriminatory effect on either or both bases, I am again quite satisfied that the proposed restraint leaves ample opportunity for the protesters to campaign and express their opinions and beliefs elsewhere in Cambridge and its city centre and that Article 14 provides no basis for refusal of the proposed relief.'

68. For those reasons I consider that I can comfortably and confidently reach the conclusion, on a summary judgment application, that a defence based on Convention rights has no real prospect of success.

69. I have considered whether there are other defences to, or equitable considerations which tell decisively against, the grant of an injunction. I do not consider that there are. Damages will not be an adequate remedy. The type of disruption which might occur in the absence of an injunction is not easily compensated by an award of money, and in any event it would be difficult to recover compensation from the Defendant Persons Unknown.

70. There does not appear to be any cogent argument that the University is not entitled to an injunction by reason of unclean hands, laches, delay or acquiescence.

71. For the purposes of completeness I should also refer to two other matters which might be argued to constitute defences or reasons why an injunction should not be granted, which were drawn to my attention by the University.

72. The first is that the petition for a Grace initiated by Professor Scott-Warren might have affected the University's ability to bring the present proceedings. On the material before me, I am satisfied that this is not the case. In the first place, this is because, at the date of the hearing before me, the Grace had not passed the Regent House. Secondly, and in any event, a Grace does not of itself affect the University's ability to conduct the proceedings because, by Chapter 1 of the University's Ordinances:

> 'The Council shall have authority to take legal advice, retain solicitors, and bring, defend, or conduct legal proceedings on behalf of the University as they may think fit necessary or desirable in the interests of the University.'

73. Thus, it is the Council that has the power to conduct legal proceedings on behalf of the University rather than the Regent House. The evidence in the Fourth Witness Statement of Emma Rampton, dated 16 March 2025 is that the Council has delegated its authority to conduct legal proceedings to the Registrary, and the Registrary has authorised the bringing and pursuit of these proceedings. The evidence is further that the views of the

members of the Council have been sought to ensure alignment in relation to the continued conduct of the proceedings by the Registrary, and such alignment was confirmed at the Council meeting on 2 June 2025.

74. The second matter is that it might be argued that the recently published guidance from the Office for Students, 'Regulatory advice 24: Guidance related to freedom of speech', and in particular example 13 impacts the ability of the University to obtain the present injunction. In my judgment it does not do so. This is guidance for universities. It is for the court to decide what is the appropriate remedy in a particular case. In this case, taking into account the particular features of the sites in question, taking further into account that, as I have found, the grant of the injunction leaves protesters with ample opportunities of expressing their views in the centre of Cambridge as well as elsewhere, that the injunction is not an outright prohibition on protests but allows for protests with consent, and that the terms of the injunction are not directed at any particular viewpoint, I consider the Order to be justified.

The Wolverhampton Principles

75. Given that the injunction is being sought against Persons Unknown, and can extend to 'newcomers', it is in my view necessary for the court to give consideration to the principles in Wolverhampton, summarised in [167] thereof, and ensure, insofar as they are relevant to the present case, that they are met.

76. The first is that there must be a compelling need for the protection of civil rights. I am satisfied that there is. As I have set out above, the University would have a good cause of action in trespass and/or private nuisance if the conduct sought to be prohibited were to occur; there is a real and imminent risk that it will occur; there would be no defences available which stand any real prospect of success; and an injunction is the only realistic way in which the University can achieve its legitimate objectives.

77. Second, there must be procedural protection for the rights of affected newcomers. There are such protections in the Order, which clearly identifies the Persons Unknown by reference to the tortious conduct to be prohibited (which mirrors the torts pleaded in the Claim Form); provides for the giving of notice to Persons Unknown by the steps specified in paragraph 6 of the Order; and, in paragraph 3, provides for liberty to anyone served with or notified of the Order to apply to vary or discharge it at any time.

78. Third, there should have been full and frank disclosure by the University. As I have said, it was accepted by the University that it bore that obligation, and I have proceeded on the basis that it has been complied with.

79. Fourth, the injunction should be constrained by both territorial and temporal limitations so as to ensure, as far as practicable, that it neither outflanks nor outlasts the compelling circumstances relied upon. Here, there are clear and precisely defined, and restricted, geographical limits to the injunction, specified in the Order.

80. As to the temporal limitation, I accept that the duration of the injunction should only be such as is reasonably necessary to protect the University's legal rights in the light of the evidence of past tortious activity and the future feared tortious activity. It appears to me that an injunction for a period of a year is necessary. In Wolverhampton, the Supreme Court said (at [225]) that injunctions against newcomers must be reviewed

periodically and ought to expire by effluxion of time in all cases after no more than a year unless an application is made for their renewal. In the Twigger Judgment, an injunction was granted for a year. At [122] Mr Twigger KC said (emphasis in original): '… I consider that an injunction is necessary whilst there remains an imminent and real risk of further disruptive protests, and I have seen nothing which encourages me to think that this risk will recede in the course of the next year.' That sentence is criticised by ELSC as involving an error of law on the basis, so it is said, that the judge 'reversed the burden under the Convention' and that it is for the University 'to demonstrate that there is a risk throughout the period of the injunction, not for any Defendant … to explain why a given risk is only temporary.' I do not accept that Mr Twigger KC's judgment involves any such error of law. In my judgment what he was saying, and what in any event I consider to be the case here, is that there are good reasons for believing that the risk of further demonstrations will continue for the next year, and that there is no good reason for believing that the risk will end within the year. To put this another way, in my judgment, it is likely that the risk will subsist for the coming year. In making that assessment, I have had regard to the history of the Israel-Palestine situation, the length of the present phase of the conflict, the seriousness of the situation in Gaza at present and strength of feeling about it which is demonstrated, inter alia, by the material put in by ELSC itself, and the fact that, on the evidence of Mr Glover, there may not have been final decisions on any recommendations of the Working Group on the University's investments until the later part of the academic year 2025/26. I further consider, like Mr Twigger KC, that it is necessary for the injunction to remain in place whilst such a real risk of further disruptive protests remains in being, subject to the limitation of a year to conform with the caution enjoined by Wolverhampton.

81. The fifth is that the injunction should, in all the circumstances, be just and convenient. For reasons already canvassed above, I am clearly of the view that the grant of the injunction is just and convenient.

82. I should also note that the Order is, in my view, expressed in clear, and not in technical terms; and it does not prohibit any conduct which would be lawful on its own.

Conclusion

83. For these reasons I was satisfied that the University was entitled to summary judgment on its claim for a final injunction in the terms of the Order which I made.

IN THE HIGH COURT OF JUSTICE **CLAIM NO: KB-2025-000497**
KING'S BENCH DIVISION
Before Mr Justice Butcher
On 23 July 2025

BETWEEN:-

THE CHANCELLOR, MASTERS, AND SCHOLARS OF THE UNIVERSITY OF CAMBRIDGE

Claimant

- v -

PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTEST (i) ENTER, OCCUPY OR REMAIN UPON (ii) BLOCK ACCESS TO; OR (iii) ERECT ANY STRUCTURE (INCLUDING TENTS) ON, THE FOLLOWING SITES (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED PLANS 1, 2 AND 3):

(A) GREENWICH HOUSE, MADINGLEY RISE, CAMBRIDGE, CB3 0TX

(B) SENATE HOUSE, SENATE HOUSE YARD AND CHESTNUT TREE LAWN, TRINITY STREET, CAMBRIDGE, CB2 1TA

(C) THE OLD SCHOOLS, TRINITY LANE, CAMBRIDGE, CB2 1TN, WITHOUT THE CONSENT OF THE CLAIMANT

Defendants

- and –

(1) THE EUROPEAN LEGAL SUPPORT CENTER

(2) NATIONAL COUNCIL FOR CIVIL LIBERTIES

Interveners

ORDER

PENAL NOTICE

IF YOU THE WITHIN DEFENDANTS OR PERSONS UNKNOWN OR ANY OF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH

THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS OR PERSONS UNKNOWN TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT NOTICE TO THE DEFENDANTS AND PERSONS UNKNOWN

This Order prohibits you from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible. You have the right to ask the Court to vary or discharge this Order.

UPON the Claimant's claim by Claim Form, dated 12 February 2025, and its application for an injunction, dated 12 February 2025 (the "**Interim Application**")

AND UPON Mr Justice Soole hearing the Claimant's Interim Application on 19-21 March 2025

AND UPON the Order of Mr Justice Soole, dated 21 March 2025, granting the Claimant interim injunctive relief until 23:00 on 26 July 2025

AND UPON the Claimant's application, dated 2 July 2025: (1) to re-amend the Amended Claim Form and Amended Particulars of Claim to change the description of Persons Unknown and relief sought so as to include the area of land known as Chestnut Tree Lawn, adjacent to Senate House Yard; and, (2) for summary judgment, pursuant to CPR Part 24, to obtain final injunctive relief

AND UPON hearing Counsel for the Claimant, Mr Kester Lees KC and Mr Yaaser Vanderman, on 23 July 2025 and the Interveners submitting written representations only, and the Defendants not attending

AND UPON paragraphs 6 - 8 of this Order being pursuant to the guidance in *Wolverhampton CC v London Gypsies & Travellers* [2023] UKSC 47

AND UPON the Court having read the Claimant's evidence set out in Schedule 3 to this Order

AND UPON reasons for the judgment being provided in due course

AND UPON the following terms having the following meanings in this Order:

(1) "Land" being defined as (a) Senate House, Senate House Yard and Chestnut Tree Lawn, Trinity Street, Cambridge, CB2 1TA; (b) The Old Schools, Trinity Lane, Cambridge, CB2 1TN; and, (c) Greenwich House, Madingley Rise, Cambridge, CB3 0TX, as shown for identification edged red on the attached Plan 1, Plan 2 and Plan 3 in Schedule 1, and any reference to "Land" in this Order means any part of it;

(2) "the Code" meaning the Claimant's Code of Practice on Freedom of Speech (including the Annex within that document titled "Processes for meetings and events on University premises"), a copy of which can be found online here: https://www.governanceandcompliance.admin.cam.ac.uk/governance-and-strategy/university-code-practice-freedom-speech, and the Claimant's guidance for booking University meetings and events which is referred to in that document, a copy of which can be found online here: https://www.em.admin.cam.ac.uk/files/uoc_event_booking_guidance_0.pdf

(3) "Consent" meaning permission given by the Claimant under the Code or other express permission given by the Claimant

(4) "University" meaning the Claimant (the University of Cambridge)

IT IS ORDERED THAT:

INJUNCTION

1. Until 23:00 on 25 July 2026 or further order in the meantime, whichever shall be the earlier, the Defendants must not for the purpose of protest:

    a. enter, occupy or remain upon the Land.

    b. directly block the access of any individual to the Land with the intention and effect of stopping that individual accessing the Land.

    c. erect or place any structure (including, for example, tents or other sleeping equipment) on the Land,

without Consent.

2. In respect of paragraphs 1a-c, the Defendants must not: (a) do it himself/herself/themselves or in any other way; (b) do it by means of another person acting on his/her/their behalf, or acting on his/her/their instructions.

VARIATION

3. Anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this Order or so much of it as affects that person.

4. Any person applying to vary or discharge this Order must provide their full name, address and address for service.

5. The Claimant has liberty to apply to vary this Order.

SERVICE AND NOTIFICATION

6. This Order shall be notified to Persons Unknown by the Claimant carrying out each of the following steps:

    a. Uploading a copy of the Order onto the following website: www.cam.ac.uk/notices.

    b. Sending an email to the email addresses listed in Schedule 2 to this Order attaching a copy of this Order.

    c. Affixing a copy of the Order in A4 size in a clear plastic envelope at those locations marked with an "x" on Plan 1, Plan 2 and Plan 3 in Schedule 1.

    d. Affixing warning notices of A4 size at those locations marked with an "x" on Plan 1, Plan 2 and Plan 3 in Schedule 1.

7. Notification to Persons Unknown of any further applications shall be effected by the Claimant carrying out each of the following steps:

    a. Uploading a copy of the Order onto the following website: www.cam.ac.uk/notices.

b. Sending an email to the email addresses listed in Schedule 2 to this Order stating that an application has been made and that the application documents can be found at the website referred to above.

c. Affixing a notice at those locations marked with an "x" on Plan 1, Plan 2 and Plan 3 in Schedule 1 stating that the application has been made and where it can be accessed in hard copy and online.

8. Notification of any further documents to Persons Unknown may be effected by carrying out the steps set out in paragraph 7(a)-(b) only.

9. In respect of paragraphs 6-8 above, effective notification will be deemed to have taken place on the date on which all of the relevant steps have been carried out.

10. For the avoidance of doubt, in respect of the steps referred to at paragraphs 6(c)-(d) and 7(c), effective notification will be deemed to have taken place when those documents are first affixed regardless of whether they are subsequently removed.

PERMISSION TO RE-AMEND AMENDED CLAIM FORM AND PARTICULARS OF CLAIM

11. Permission is granted to re-amend the Amended Claim Form and Amended Particulars of Claim in the form set out in Schedule 4.

12. Service and notification of the Re-Amended Claim Form and Re-Amended Particulars of Claim is dispensed with, pursuant to CPR r.6.16 and r.81.4(2)(c).

FURTHER DIRECTIONS

13. Any contempt application against any Person Unknown may only be brought with the permission of the Court.

14. Liberty to apply.

15. Costs are reserved.

COMMUNICATIONS WITH THE CLAIMANT

16. The Claimant's solicitors and their contact details are:

Mills & Reeve LLP, Botanic House, 100 Hills Rd, Cambridge, CB2 1PH

Ref: 0001200-1698

Email address: millsreeve100@mills-reeve.com

Dated: 23 July 2025