
SKELETON ARGUMENT FOR CHARLES PHILIP LAURIE

INTRODUCTION

We do not agree that this injunction is necessary. We believe that Shell should not be protected from lawful protest. We have been not faced criminal prosecution for the acts that led to our inclusion on this injunction, we believe our actions have to date been entirely within the law as it stood on 24.08.22. Since then the Government has after much lobbying from Fossil Fuel Companies passed even stronger laws protecting companies such as Shell.

Please read this document in conjunction with my witness statement,

MR LAURIE'S CASE

1. The 8th Defendant, Mr Charles Philip Laurie, seeks permission to defend the claim against him and in any event participate in the hearing by way of submissions in relation to the injunction sought.

2. My statement on the events that led to my inclusion on the injunction is as follows.

On 24th August 2022 – Cobham Service Station – I was arrested for public nuisance and possession of articles with the intent to cause or damage property. On that day, I attended Cobham Service Station with other protestors from JSO group. Initially my plan was to cause damage to the petrol pumps of the service station with two other protestors, whilst other five protestors blocked the entrance to the station forecourt and glued themselves to the ground. Upon arrival at the petrol station however, a number of police officers were already in attendance. I started walking towards the petrol pumps, however, I was intercepted by police officers who walked with me. The officers

asked me what I was doing and told me that they would arrest him if he took anything out of my rucksack. Whilst I was walking towards the petrol pumps, I changed my mind about causing damage to the petrol pumps and I changed course to join the other protestors at the entrance to the forecourt. I sat down with them and glued myself to the ground. I was arrested. I pleaded not guilty at the First Appearance Hearing at Guildford Crown Court. I have been released on unconditional bail for this matter and the trial is currently listed for 11 August 2025.

3. My faith, beliefs and views regarding climate change are set out in my witness statement. These views are sincerely held, reflecting those of many citizens who are concerned about climate change and the role of fossil fuel producers in the promulgation of further man-made global warming.
4. I deny that my actions on 24 August 2022 constituted a public nuisance. In the circumstances, my actions were a lawful exercise of his ECHR Article 10 and 11 rights.
5. My objections to the injunction are set out in below:

“The following aspects of the injunction are in my view a disproportionate interference with my right to protest:

- a) The injunction prohibits my right to protest under articles 9,10 and 11 the Human rights act.
- b) This case means I am being tried twice for the same act of protest. The Aarhus Convention Protects Environmental Defenders from excessive use of the law.
- c) Since the injunction was made the law relating to protest has changed significantly, offering greater protection to the fossil fuel industry. For instance, s.7 Public Order Act 2023 means that people can be arrested almost immediately after the protest begins and they will face up to a year in prison. I do not understand why there is any need for the injunction to continue to exist in addition to these draconian laws; and
- d) The actual loss and disruption caused is entirely proportional to the loss and damage being committed every hour of every day by the claimant, in pursuit of their business. Which is within the setting of the current climate emergency. They are even curtailing their investment in Green Energy.

This is immensely troubling for me because it curtails my right to peacefully protest outside petrochemical facilities, offices and retail facilities which are which are owned and operated by Shell.

THE PROCEEDINGS

The terms of the injunction currently in force,

The Order prohibits:

1. Directly blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station forecourt or to a building within the Shell Petrol Station;
2. Causing damage to any part of a Shell Petrol Station or to any equipment or infrastructure (including but not limited to fuel pumps) upon it;
3. Operating or disabling any switch or other device in or on a Shell Petrol Station so as to interrupt the supply of fuel from that Shell Petrol Station, or from one of its fuel pumps, or so as to prevent the emergency interruption of the supply of fuel at the Shell Petrol Station.
4. Causing damage to any part of a Shell Petrol Station, whether by:
 - a. affixing or locking themselves, or any object or person, to any part of a Shell Petrol Station, or to any other person or object on or in a Shell Petrol Station;
 - b. erecting any structure in, on or against any part of a Shell Petrol Station;
 - c. spraying, painting, pouring, depositing or writing in any substance on to any part of a Shell Petrol Station.

You must not do any of the above acts either yourself or by means of another person acting on your behalf, instructions, encouragement or assistance. Anyone in breach of the Order will be in contempt of court and may be imprisoned, fined or have their assets seized. The persons affected by the Order are Persons Unknown acting in connection

with, and associated to, environmental campaigns and protests with the intention of disrupting the sale or supply of fuel to or from Shell Petrol Stations.

FACTS GIVING RISE TO THE CLAIM AND THE INTERIM INJUNCTIONS

On 28 April and 24 August 2022 groups of protestors associated with the Just Stop Oil environmental protest campaign targeted two petrol stations on the M25 motorway. One of those was a Shell Petrol Station at the motorway services known as Cobham Service Station.

The actions of the protestors on 28 April and 24 August 2022, variously included the following:

- Smashing the screens of petrol pumps by hitting them with hammers;
- Spraying or writing graffiti on the petrol pump screens;
- Blocking access to incoming and outgoing cars;
- Gluing themselves to pumps and/or parts of the forecourt;
- Climbing onto a tanker, and gluing themselves to its cab.

The protestors arrived at around 7am and were on site until they were removed by the Surrey Police Force. The said acts significantly prevented or impeded the sale of the Claimant's fuels from the Shell Petrol Station for a significant period, causing it loss and damage. On 24 August 2022, Shell's Petrol Station at Cobham Services was targeted again (along with two other non-Shell petrol stations on the M25 Motorway) with protestors executing near identical attacks and carrying out the activities described

above and which resulted in two pump screens (which are an integral part of the fuel pump structure) being damaged.

On 26 August 2022, Shell's Petrol Stations at Acton Park and Acton Vale were subjected to action by protestors that went well beyond peaceful protest. As part of what Just Stop Oil described as a week-long "series of actions disrupting oil terminals and petrol stations in support of [Just Stop Oil's] demand that the UK government end new oil and gas projects in the UK", individuals once again blocked the entrance to the petrol station and caused damage to 10 fuel pumps in total across the two Shell Petrol Stations.

Impact evidence

The impact of our actions is not a simple matter. I am sure that that Shell will point to the cost of protest actions and potential risk of the actions to describe the risk.

I would ask that you consider if the cost is actually a big or small number. I am sure that the numbers are big for those Shell trading businesses actually impacted but at the highest level in terms of a business making 19.5 billion dollars profit in the past year, it is very, very small. Whether you want to regard it as being large or small is down to you. For me it is very small, and fits exactly for the requirement protest to be proportional.

Most importantly though risk to staff, customers, passers by and protestors.

All the major climate and environmental protest groups in the UK insist on non-violent protest. No XR or JSO protestor has been arrested on a charge of violence. So violence cannot realistically be said to be a risk for staff customers or police.

There are no cases that we are aware of public or staff being injured on a Shell or other premises. it is hard to find anyone who has been injured in a protest. So whilst I am sure there are risks, there are being managed by all parties including by protestors this is true because if it was not there would be many cases of people being injured. If we are to say that only protest that carries not risk is acceptable or legal then no protest will be legal.

Relevance of previous order and judgments in these proceedings

Plainly, there have been significant changes in the law since the 2022 interim injunction was granted the court should approach the matter afresh and/or with those changes well in mind

European Convention of Human Rights

The following quote is presented in isolation.

All forms of peaceful (i.e. non-violent) assembly fall within the ambit of Articles 10 and 11. As underscored by Laws LJ in *Tabernacle v Secretary of State for Defence* [2009] EWCA Civ 23, §43: “Rights worth having are unruly things. Demonstrations and protests are liable to be a nuisance. They are liable to be inconvenient and tiresome, or at least perceived as such by others...”.

When determining whether a restriction on any Articles 10 or 11 right is justified, “it is not enough to assert that the decision was taken was a reasonable one” and “a close and penetrating examination of the factual justification for the restriction is needed.” (Lord Neuberger of Abbotsbury MR in *R (Gaunt) v Office of Communications (Liberty Intervening)* [2011] EWCA Civ 692 at para. 33 referring to the Opinion of Lord Hope in *R v Shayler* [2003] AC 247, at [59]-[61]

We would like to use the Zeiler case, not being experts in legal matters we simply quote the following.

In *Ziegler* the Supreme Court considered the interaction of section 137(1) with Articles 10 and 11. The Court held that section 137 has to be read and given effect, in accordance with section 3 of the HRA, on the basis that the availability of the defence of lawful excuse, in a case raising issues under Articles 10 or 11, depends on a proportionality assessment.

Their Lordships in *Ziegler* adopted at the non-exhaustive list of factors to consider when evaluating proportionality. Paraphrasing that content here, those factors are:

- a) the extent to which the continuation of the protest would breach domestic law;
- b) the importance of the precise location to the protestors;
- c) the duration of the protest;
- d) the degree to which the protestors occupy the land;
- e) the extent of the actual interference the protest causes to the rights of others, including the property rights of the owners of the land, and the rights of any members of the public;
- f) whether the views giving rise to the protest relate to 'very important issues' and whether they are 'views which many would see as being of considerable breadth, depth and relevance'; and

- g) whether the protestors 'believed in the views that they were expressing'.

MR LAURIE'S SUBMISSIONS

I deny that my actions on 24 August 2022 constituted the offence and that using the check list in Ziegler quoted above my reasons are:

(a) I hold that the actions undertaken on 24th August did not break the law, until I am found guilty the presumption should be that they were legal, many people have been found not guilty of such offences.

(b) all protests that gave rise to this injunction where at locations directly connected with the harm being caused by the ongoing operations of Shell.

(c) the fact that the operations were disrupted but for a limited duration

(d) The action was of a very limited duration which meant that the property was returned to its owner as soon as practical, after its use for protest

(e) the fact that the defendants' actions were carefully targeted to cause disruption to the operation of Shell premises but that this was limited by the nature of the action

(f) the fact that the protest related to a 'matter of general concern' i.e. climate change

(g) the absence of any complaint about the defendants' conduct;

(h) the defendants' longstanding commitment to opposing the role of companies such as Shell in Climate Change and the human suffering they cause through refusal to act positively.

6. There is no evidence that the I will act in breach of the Claimant's rights in the future such that "imminent and real risk of harm test" for an anticipatory injunction is met and insofar as it is maintained that holding peaceful protests that result in a slowing or reasonable obstruction of the traffic, by holding placards or slow marching for example, would breach the Claimant's rights, that is denied: such acts would be lawful having regard to Article 10/11 ECHR.

7. Without prejudice to my submissions above regarding his actions on 24 August 2022, I maintain that the claim for an injunction should be dismissed insofar as to prohibits lawful protest. In particular, he submits that the following parts of the current injunction should not be made final as they are disproportionate:

1. Directly blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station forecourt or to a building within the Shell Petrol Station is in effect preventing legal protests from taking place. Shell should not in effect be granted immunity especially as these protests are safe peaceful and proportionate.

2. Causing damage to any part of a Shell Petrol Station or to any equipment or infrastructure (including but not limited to fuel pumps) upon it. Again Shell are seeking protection from a form of protest which has through history been used within society by those such as the

3. Operating or disabling any switch or other device in or on a Shell Petrol Station so as to interrupt the supply of fuel from that Shell Petrol Station, or from one of its fuel pumps, or so as to prevent the emergency interruption of the supply of fuel at the Shell Petrol Station. This has never to our knowledge been an intent of protest at a Petrol Station.

4. Causing damage to any part of a Shell Petrol Station, whether by affixing or locking themselves, or any object or person, to any part of. Again this is Shell seeking to protect themselves from what is often legal protest. As is clear from *Ziegler*, not all locking-on is unlawful. Therefore, it is submitted that the terms of the injunction are too broad in that they prohibit all forms of locking-on on all the Roads.

5. There is no evidence that the recently increased sentences for protest won't act as a deterrent to unreasonable obstruction by protestors. Notably, the new offences in the Public Order Act 2023 ("POA") include an offence of locking on (s.1) and being equipped for locking on (s.2). There is no evidence that these new offenses, which have been enacted since the activity in this case precisely to deter unreasonable protest, won't adequately achieve their purpose and deter unreasonable locking-on.

There is no justification why protestors ought not be permitted to protest in such a way as to disrupt users entering petrol stations, so long as they don't endanger anyone in the process. Such disruption in the form of blocking or slowing down vehicular traffic is a legitimate means of drawing attention to the consequences of people using vehicles powered by fossil-fuels, and is not linked to any serious interference with critical infrastructure. The prohibitions are overly broad in any event, as they prohibit activity in station forecourts and access roads, well away from the pumps themselves.

Conclusion

Ultimately, the terms of the current injunction extent significantly beyond the limits of proportionate interference with Articles 10 and 11. The extremely broad injunction constitutes a disproportionate interference with my right to protest in a peaceful if intentionally disruptive manner, such that my legitimate and sincerely held beliefs about the climate emergency can be expressed in a proportionate manner.

Another way to look at this might be that this injunction shields Shell from the consequences of public discontent at the decisions made at senior levels within the company.

