

Claimant: Shell UK Ltd, Shell International
Petroleum Company Ltd, Shell UK Oil Products
Ltd
Name of Witness : Jessica Branch
Statement No : 1
Exhibits :
Date : 24 April 2023

Claim No: QB-2022-001241 (“Shell Haven Proceedings”)

Claim No: QB-2022-001259 (“Shell Centre Tower Proceedings”)

Claim No: QB-2022-001420 (“Shell Petrol Stations Proceedings”)

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

B E T W E E N :

(1) SHELL U.K. LIMITED

Claimant: (QB-2022-001241)

(2) SHELL INTERNATIONAL PETROLEUM COMPANY LIMITED

Claimant (QB-2022-001259)

(3) SHELL U.K. OIL PRODUCTS LIMITED

Claimant (QB-2022-001420)

-and-

PERSONS UNKNOWN

Defendants

STATEMENT OF JESSICA BRANCH

I, **Jessica Branch** of 13 Buckhorn Road, London SE4 2DG **WILL SAY AS FOLLOWS:-**

1. I make this statement in support of my challenge to the Claimants' applications to extend three injunctions.
2. The statements I make are from my own knowledge or belief unless otherwise stated. If not from my own knowledge I will identify the source. My solicitor drafted this statement having spoken to me on the phone and then emailed it to me for signature.

3. I am a 39 year old mother of two young children who has been a member of Extinction Rebellion (XR) since April 2019 when I encountered a group of people of all ages and backgrounds protesting in the road while I was taking my daughter to a doctor's appointment. I am not a member of or associated with Insulate Britain or Just Stop Oil, nor have I attended any of their protests.
4. I grew up in the US on Cape Cod, a small peninsula and islands just south of Boston Massachusetts. It's an area that is extremely vulnerable to climate change. On Cape Cod we have seen an increase in major storms, and just a few weeks ago we had a storm that killed two people, left thousands without power, felled trees, and caused an increase in beach erosion. Ocean levels are rising and my family home could be partially underwater by the end of the century; our salt marshes are already losing some of the robust ecology they had when I visited as a child. Our leaders have failed us in making any meaningful advances towards slowing down climate change; we are currently looking at a temperature rise of 2.4 degrees, which the UN says will spell disaster for humanity. Like any parent, my daughters and their future are the most important things to me. To protect their future I feel that we need to act, and act quickly to mitigate the climate and ecological emergency (CEE).
5. I became aware of the various injunctions issued by Shell last year. In particular I was aware of the injunction issued in relation to Shell Petrol Stations in April 2022. A fellow protestor associated with XR, Nancy Friel, attended the return hearing before Mr Justice Johnson on 13 May 2022. She explained that she was an environmental activist concerned by the order and sought an adjournment to enable her or another activist from her group to obtain legal representation to challenge it. Mr Justice Johnson declined to adjourn the hearing on the grounds that the order was made on an emergency basis and it was appropriate for it to be ventilated in open court at the earliest opportunity. Accordingly judgment was given and the order was granted without the benefit of any representations on behalf of Ms Friel or indeed anyone.
6. Each of the three Orders that Shell is seeking to extend on this occasion contain provisions requiring that any person applying to vary or discharge them must provide their full name and address and must also apply to be joined as named defendant to the proceedings at the same time.
7. I have previously challenged injunctions that cause me concern in relation to the restrictions they impose on my ability to peacefully protest. In particular, Mr Justice Chamberlain granted an interim injunction order to National Highways Limited (NHL) on 17 March 2022 which concerned me because of its wide ranging geographical scope

among other issues. The Order contained the same provision as the Shell Orders, requiring that any person applying to vary or discharge it must provide their full name and address and must also apply to be joined as named defendant to the proceedings. I instructed counsel to challenge NHL's application for final Order but I did not apply to be joined as a named defendant because I was worried about the personal and financial risks that I would incur in doing so. The application was heard before Mr Justice Bennathan on 4-5 May 2022. At the start of the hearing Mr Justice Bennathan heard submissions on my status to make representations as to the proposed final Order, given that I was not a named defendant and had not applied to be so. He found that I was directly affected by the proposed Order for the purposes of CPR 40.9 and granted me permission to seek to vary it without requiring me to apply to be a defendant, as he considered that the provision of Mr Justice Chamberlain's Order requiring an application to be named as a defendant conflicted with CPR 40.9.

8. I consider that I am directly affected by the Orders, for the reasons set out below. Accordingly, I wish to challenge them as an interested person pursuant to CPR 40.9.

Shell Petrol Stations Order

9. I understand that Shell is seeking to continue the Order of Johnson J dated 17 May 2022, known as the Shell Petrol Injunction Order, until April 2024.
10. The Shell Petrol Injunction Order applies to Persons Unknown who are "*damaging and/or blocking the use of or access to any Shell Petrol Station in England and Wales or to any equipment of infrastructure upon it, by express or implied agreement with others, in connection with environmental protest campaigns with the intention of disrupting the sale or supply of fuel to or from the said station*".
11. I wish to participate in protests that make people aware of the damage caused by fossil fuels and, in particular, their contribution to the CCE. Petrol stations are an obvious and symbolically important place to hold demonstrations, because that will gain the attention of people who drive cars and encourage them to think about their choices. I do not wish to directly cause financial harm to Shell. However, I am concerned by the use and sale of fossil fuels and I would be happy if a protest that I participated in did persuade people using the petrol station to use their cars less. Indeed I would be happy if petrol sales were to drastically reduce; we need to find sustainable ways to travel and to live or there will be no future for life on this planet. Therefore I am concerned that simply by

participating in a protest in a Shell Petrol Station I could be understood to be doing so “with the intention of disrupting the sale or supply of fuel to or from the said station”.

12. The Shell Petrol Injunction Order defines Shell Petrol Stations as “*all Petrol Stations in England and Wales displaying Shell branding (including any retail unit forming a part of such a petrol station, whatever the branding of the retail unit)*”. I understand that there are 1,065 of them in England and Wales. This concerns me. It is not clear to me precisely what area of land is included in this definition and in particular if it includes areas of the public highway or other areas, not necessarily owned by the Shell branded petrol station, where there is public access. For example, I am not sure what the position is where there is a Shell branded petrol station or retail unit as part of a service station. I would be nervous about participating in any protest at a service station where there was a Shell branded petrol station or retail unit, even if my protest was confined to areas that were not Shell branded.
13. While I do not intend to block access to any petrol stations, nor to cause damage to them, It seems to me that I would fall within the definition of Persons Unknown if a protest that I was participating in on the public highway, or on public land not owned by Shell but with public access, such as a service station, with the intention or reducing the general public’s use of fossil fuels, and that protest was to impede access to a petrol station entrance, or to cause a blockage that restricted access to a petrol pump, even for a very short while.
14. The Order prohibits certain acts done with the intention of disrupting the sale or supply of fuel to or from a Shell Petrol Station. Given that is my general purpose in attending a protest at a petrol station – to encourage people to reconsider their use of fossil fuels and take the decision to use them less or not at all – I am concerned that any of the prohibited acts would apply to me. Those include:
 - a) Blocking or impeding access to any pedestrian or vehicular entrance to a Shell Petrol Station or to a building within the Shell Petrol Station. This means that, subject to service, I would be in breach for participating in the type of protest referred to above, on the public highway or in a service station and impeding access even for a short while.
 - b) 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. This means that if I wanted to attach a leaflet or flyer to a petrol pump or a vehicle in a Shell Petrol Station I would be in breach of the Order (subject to service). This would include leafleting in a public area not owned by Shell but within a service station

area with a Shell-branded petrol station or retail unit, or on the public highway in the vicinity, given the broad definition of a Shell Petrol Station.

- c) Encouraging or assisting another person to do the prohibited acts. I do not know what types of things would be considered to be “*encouraging*”. If I was to be present and chanting while someone else was blocking an entrance, even briefly, or placing leaflets on cars, it seems to me that that would be encouraging and therefore a prohibited act.
15. It seems to me that if I was to wave banners and hand out leaflets on the public highway, or enter the forecourt of a petrol station in order to carry out a protest, carrying a banner and handing out leaflets that were intended to make people aware of the damage caused by the use of fossil fuels, blocking the pedestrian entrance for a short while and/or placing leaflets on cars, I would be in clear danger of breaching the Order, which concerns me.
16. Further, I understand that Shell are seeking to amend the Order so that any protesters are caught by it, not just environmental protesters. That seems to me to significantly increase the number of people who could be caught by it.

Shell Centre Tower Order

17. I understand that Shell is seeking to continue the Order of Mr Justice Bennathan dated 3 May 2022, known as the Shell Centre Tower Injunction Order, until April 2024.
18. The Shell Centre Tower is an essential site of protest for our movement. It is the headquarters of a major oil company, which is continuing to make millions extracting fossil fuels across the world. It is knowingly and recklessly causing or creating carbon emissions which are fuelling the ECC.
19. Shell is engaged in an active and cynical greenwashing campaign and it is profiting obscenely from the surge in energy prices caused by Russia’s invasion of Ukraine. It made profits of £32bn in 2022, the biggest profits in its 115 year history. Out of that it paid just \$134m in British windfall taxes.
20. Shell is still committed to exploring for new sources of oil and gas. It plans to grow its fossil gas business by 20% in the coming years.
21. By protesting outside Shell’s UK headquarters we want to make the public aware of Shell’s ecocidal practices. The fossil fuel industry has got to stop if we are to have any

chance of survival as a species. XR and many other protest groups see the Shell Centre Tower as a key site from which to make that point.

22. We often gather outside the building, holding banners and signs and chanting slogans, to make the reason for our protest clear. Our protests do cause some disruption, but we allow traffic to pass on the road, and we do not prevent pedestrians from passing through. In fact we welcome interaction with the public and make the most of those opportunities to speak to people about our protest.
23. The Shell Centre Tower Order applies to persons unknown damaging the Shell Centre Tower or blocking the entrance. It prohibits blocking the entrance or sticking anything to the building. I often join protests run by XR with my children. I would be nervous to join a protest outside the Shell Centre Tower because of this injunction. Were we to block an entrance, even inadvertently for a few minutes, during the course of such a protest we would, as I understand it, fall within the definition of Persons Unknown. Subject to service, we would also be in breach of the Order just for blocking the entrance inadvertently or fixing a flyer to the outside wall.
24. This Order would make me feel unsafe participating in these protests, particularly with my children, as we could unintentionally end up bound by the order and at risk of breaching it. This is very distressing to me. I consider it a moral imperative that we voice our objections to the CEE and the need to avert this catastrophe. This Order restricts my ability to do that.

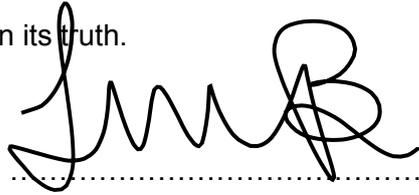
Shell Haven Injunction Order

25. I understand that Shell is seeking to continue the Order of Mr Justice Bennathan dated 3 May 2022, known as the Shell Haven Injunction Order, until April 2024.
26. The Order captures anyone who enters or “remains” at the Shell Haven site without consent, or blocks any of its entrances. The wording suggests that Shell staff could request me to leave an area outside the site, and if I chose to remain I would be caught by the Order, even though I had not entered the site, blocked any of its entrances, or sought to do so.
27. I could then, subject to service, be in breach for placing a poster or flyer on the external walls of the site.
28. Each of the Orders state that they are not intended to prohibit lawful protests. That does not reassure me. The fact that they are not intended to have that effect does not mean

that they won't, in practice, have that effect. If the Orders state on their face that a certain act is prohibited then the police are likely to arrest people who are doing that act, even if it was in fact lawful and not intended to be caught by the Order. If I was arrested it would be frightening for me and even more so for my children if they were with me. If I was added to the Order that would be catastrophic for me, regardless of whether the action for which I was arrested was in fact a proportionate act of protest. I do not have the resources to defend a civil action. I understand that judgment would likely be entered against me if I did not enter a Defence. That would result in damages and costs being awarded against me. It may cause numerous difficulties for me, such as obtaining credit and in the job market. These things make me very worried about attending protests against Shell, which I find unacceptable.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

SIGNED



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JESSICA BRANCH

DATED

...24 April 2023.....