

First Witness Statement

Party: Claimants

Exhibit: AJO1

Date: 29 March 2023

Claim No: QB-2022-001420

Claim No: QB-2022-001241

Claim No: QB-2022-001259

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BETWEEN**

SHELL INTERNATIONAL PETROLEUM COMPANY LIMITED

Claimant (QB-2022-001259)

SHELL U.K. OIL PRODUCTS LIMITED

Claimant (QB-2022-001420)

SHELL U.K. LIMITED

Claimant: (QB-2022-001241)

- and -

PERSONS UNKNOWN ENTERING OR REMAINING IN OR ON THE BUILDING KNOWN AS SHELL CENTRE TOWER, BELVEDERE ROAD, LONDON ("SHELL CENTRE TOWER") WITHOUT THE CONSENT OF THE CLAIMANT, OR DAMAGING THE BUILDING OR DAMAGING OR BLOCKING THE ENTRANCES TO THE SAID BUILDING

Defendant (QB-2022-001259)

PERSONS UNKNOWN DAMAGING, AND/OR BLOCKING THE USE OF OR ACCESS TO ANY SHELL PETROL STATION IN ENGLAND AND WALES, OR TO ANY EQUIPMENT OR 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

Defendant (QB-2022-001420)

PERSONS UNKNOWN ENTERING OR REMAINING AT THE CLAIMANT'S SITE KNOWN AS SHELL HAVEN, STANFORD-LE-HOPE (AND AS FURTHER DEFINED IN THE PARTICULARS OF CLAIM) WITHOUT THE CONSENT OF THE CLAIMANT, OR BLOCKING THE ENTRANCES TO THAT SITE

Defendant (QB-2022-001241)

First Witness Statement of Alison Judith Oldfield

I, **Alison Judith Oldfield** of Eversheds Sutherland (International) LLP ("**Eversheds Sutherland**") of Water Lane, Leeds LS11 5DR **WILL SAY AS FOLLOWS:**

1. **INTRODUCTION**

1.1 I am a partner at Eversheds Sutherland and have conducted this matter on behalf of each of the Claimants in the subject proceedings.

1.2 Unless I state otherwise, the facts in this statement are within my knowledge and true. Where the facts are not within my knowledge, they are true to the best of my knowledge and belief, and I identify the source of my knowledge.

1.3 References to page numbers in this statement are to page numbers in **Exhibit AJO1**.

1.4 This witness statement is made in respect of the subject proceedings, being:

1.4.1 the proceedings with Claim Number QB-2022-001259 - which relate to Shell Centre Tower, Belvedere Road, London ("**the Shell Centre Tower Proceedings**") - in which Shell International Petroleum Company Limited ("**SIPC**") is the Claimant;

1.4.2 the proceedings with Claim Number QB-2022-001420 - which relate to Shell petrol stations in England and Wales ("**the Shell Petrol Stations Proceedings**") - in which Shell U.K. Oil Products Limited is the Claimant ("**SUKOP**"); and

1.4.3 the proceedings with Claim Number QB-2022-001241 which relate to the oil refinery known as Shell Haven, Stanford Le-Hope the Manorway, Stanford Le-Hope ("**the Shell Haven Proceedings**") - in which Shell U.K. Limited is the Claimant ("**Shell UK**").

(SIPC, SUKOP and Shell UK together being "**the Claimants**" and the Shell Centre Tower Proceedings, the Shell Petrol Stations Proceedings and the Shell Haven Proceedings together being "**the Proceedings**").

1.5 This witness statement is made in support of:

1.5.1 SIPC's application that the Order granted in the Shell Centre Tower Proceedings on 3 May 2022 - which granted injunctive relief in respect of Shell Centre Tower, Belvedere Road ("**Shell Centre Tower**") - be extended so that it continues in operation after 3 May 2023;

1.5.2 SUKOP's application that the Order granted in the Shell Petrol Stations Proceedings on 17 May 2022 (as amended under the Slip Rule (CPR 40.12) on 20 May 2022) - which granted injunctive relief in respect of the SUKOP's petrol

stations located in England and Wales ("**Shell Petrol Stations**") - be extended so that it continues in operation after 4pm on 12 May 2023; and

1.5.3 Shell UK's application that the Order granted in the Shell Haven Proceedings on 3 May 2022 - which granted injunctive relief in respect of Shell Haven, Stanford-Le-Hope, Essex ("**Shell Haven**") - be extended so that it continues in operation after 3 May 2023.

1.6 In this statement I will address the following issues:

1.6.1 Ownership of Shell Centre Tower and Shell Haven.

1.6.2 The efforts made to identify any individuals who ought properly to be named as Defendants in each of the Proceedings.

1.6.3 Service of:

1.6.3.1 the Order dated 3 May 2022 in the Shell Centre Tower Proceedings ("**the 3 May 2022 Shell Centre Tower Order**");

1.6.3.2 the Order dated 17 May 2022 (as amended under the Slip Rule (CPR 40.12) on 20 May 2022) in the Shell Petrol Station Proceedings ("**the 17 May 2022 Shell Petrol Station Order**");

1.6.3.3 the Order dated 3 May 2022 in the Shell Haven Proceedings ("**the 3 May 2022 Shell Haven Order**"); and

1.6.3.4 documents in relation to this application and any further orders granted in the Proceedings.

2. **BACKGROUND**

2.1 The Shell Centre Tower Proceedings

2.1.1 An initial injunction was granted by Mr Justice Sweeting following a hearing on 15 April 2022 in respect of Shell Centre Tower. The claim form and initial documents were served in accordance with the initial order following the first hearing. The Second witness statement, dated 22 April 2022, of Emma Pinkerton of SIPC's previous solicitors (CMS Cameron McKenna Nabarro Olswang LLP ("**CMS**")) in these proceedings details the steps taken by CMS and SIPC to serve such documents in accordance with the terms of the initial order. A Certificate of Service (dated 22 April 2022) in relation to the service of such documents was filed with the Court by CMS.

2.1.2 Following the return hearing of SIPC's application on 28 April 2022, SIPC was granted a continuation of the injunction by way of the 3 May 2022 Shell Centre Tower Order until 2 May 2023.

2.1.3 Paragraph 11 of the 3 May 2022 Shell Centre Tower Order also made provision for the Commissioner of the Metropolitan Police Service to give disclosure pursuant to CPR Rule 31.17 of documents which (to paraphrase) would enable SIPC to identify the names and addresses of any individual who breached the injunction granted by the 3 May 2022 Shell Centre Tower Order and to obtain documentation relating to evidence of that breach.

2.1.4 The Third witness statement, dated 11 May 2022, of Emma Pinkerton of SIPC's previous solicitors (CMS) in these proceedings details the steps taken by CMS and SIPC (which are referred to below) to serve the further documents relating to the Shell Centre Tower Proceedings and the 3 May 2022 Shell Centre Tower Order on behalf of SIPC in accordance with the terms of that Order.

2.2 The Shell Petrol Station Proceedings

2.2.1 Following the hearing of SUKOP's initial application on 5 May 2022 in respect of the Shell Petrol Stations, SUKOP was granted an injunction by way of an order of Mrs Justice McGowan dated 5 May 2022 ("**the 5 May 2022 Shell Petrol Station Order**"). The claim form and initial documents were served in accordance with the initial order following the first hearing. The Second witness statement, dated 10 May 2022, of Emma Pinkerton of SUKOP's previous solicitors (CMS) in these proceedings details the steps taken by CMS and SUKOP to serve such documents on behalf of SUKOP in accordance with the terms of the 5 May 2022 Shell Petrol Station Order. A Certificate of Service (dated 10 May 2022) in relation to the service of such documents was filed with the Court by CMS

2.2.2 The Second witness statement, dated 10 May 2022, of Emma Pinkerton of SUKOP's previous solicitors (CMS) in these proceedings details the steps taken by CMS and SUKOP to serve the claim form and initial documents relating to the Shell Petrol Station Proceedings and the 5 May 2022 Shell Petrol Station Order on behalf of SUKOP in accordance with the terms of that Order.

2.2.3 Following the hearing of a further Application by SUKOP (dated 10 May 2022), Mr Justice Johnson granted an order that SUKOP's injunction be continued by way of the 17 May 2022 Shell Petrol Station Order until 4pm on 12 May 2023.

2.2.4 The Third witness statement, dated 21 June 2022, of Emma Pinkerton of SUKOP's previous solicitors (CMS) in these proceedings details the steps taken by CMS and SUKOP (which are referred to below) to serve the documents

relating to the Shell Petrol Station Proceedings and the 17 May 2022 Shell Petrol Station Order on behalf of SUKOP in accordance with the terms of that Order.

2.3 The Shell Haven Proceedings

2.3.1 An initial injunction in respect of Shell Haven was granted by Mr Justice Sweeting following a hearing on 15 April 2022. The Second witness statement, dated 22 April 2022, of Emma Pinkerton of Shell UK's previous solicitors (CMS) in these proceedings details the steps taken by CMS and Shell UK to serve such documents in accordance with the terms of the order dated 15 April 2022. A Certificate of Service (dated 22 April 2022) in relation to the service of such documents was filed with the Court by CMS.

2.3.2 Following the return hearing of Shell UK's application on 28 April 2022, Shell UK was granted a continuation of the injunction by way of the 3 May 2022 Shell Haven Order until 2 May 2023.

2.3.3 Paragraph 11 of the 3 May 2022 Shell Haven Order also made provision for the Chief Constable of Essex to give disclosure pursuant to CPR Rule 31.17 of documents which (to paraphrase) would enable Shell UK to identify the names and addresses of any individual who breached the injunction granted in the Shell Haven Proceedings and to obtain documentation relating to evidence of that breach.

2.3.4 The Third witness statement of Emma Pinkerton of Shell UK's previous solicitors (CMS) dated 11 May 2022 in these proceedings details the steps taken by CMS and Shell UK (which are referred to below) to serve the further documents relating to the Shell Haven Proceedings and the 3 May 2022 Shell Haven Order on behalf of Shell UK in accordance with the terms of that Order.

2.4 The Claimants now seek an order that the terms of the injunctions ordered by the 3 May 2022 Shell Centre Tower Order, the 17 May 2022 Shell Petrol Station Order and the 3 May 2022 Shell Haven Order be extended beyond their current, respective, expiry dates on the basis that the threat which justified the grant of the injunctive relief remains present and the injunctive relief on the terms originally granted remains necessary in order to prohibit and deter such activities in the future.

3. **OWNERSHIP OF SHELL CENTRE TOWER AND SHELL HAVEN**

3.1 In paragraph 3 of her First witness statement dated 14 April 2022 filed in the Shell Centre Tower Proceedings Ms Pinkerton sets out details of SIPC's ownership of Shell Centre Tower. As she explains, SIPC is the registered freehold owner of the land in respect of which the injunction has now been granted TGL8482.

3.2 I confirm that I have undertaken an up to date search of the Land Registry and the position remains as set out in Ms Pinkerton's First witness statement in the Shell Centre Tower Proceedings. Up to date office copy entries for SIPC's freehold title number TGL8482 is shown at **pages 1-9** of **Exhibit AJO1**.

3.3 In paragraph 3 of her First witness statement dated 14 April 2022 filed in the Shell Haven Proceedings Ms Pinkerton sets out details of Shell UK's ownership of Shell Haven. As she explains, the area of land in respect of which the injunction was granted on 3 May 2022 comprises two titles. First an area comprising the "Terminal Complex" in respect of which Shell UK is the registered freehold owner under title number EX633637. Second, an area comprising a Jetty in respect of which Shell UK is the registered leasehold owner at the land registry under title number EX871948.

3.4 I confirm that I have undertaken an up to date search of the Land Registry and the position remains as set out in Ms Pinkerton's first witness statement in the Shell Haven Proceedings. Up to date office copy entries for Shell UK's freehold title number EX663637 and leasehold title number EX871948 are shown at **pages 10-39** and **40-44** respectively of **Exhibit AJO1**.

4. **IDENTIFYING PERSONS WHO SHOULD BE NAMED DEFENDANTS IN THE PROCEEDINGS**

4.1 I am asked to explain the efforts taken by the Claimants to identify any persons who ought properly to be named as defendants in each of the Proceedings.

4.2 The Shell Centre Tower Proceedings

4.2.1 The category of "Persons Unknown" in these proceedings is defined by reference to the prohibited acts covered by the injunctive relief and refers to "*persons entering or remaining in or on [Shell Centre Tower] without the consent of the Claimant, or damaging the building or damaging or blocking the entrances to the said building*".

4.2.2 Paragraph 4 of the First witness statement of Ms Pinkerton of CMS in these proceedings dated 14 April 2022 sets out the position as it stood at the date of the injunction applications in April 2022 as regards the identification of named individuals who might be identified as falling within that category of Persons Unknown and therefore need to be joined as defendants to these proceedings. Ms Pinkerton's statement confirms that SIPC and their staff have had very limited dealings with any of the protestors who have engaged in disruption at the site and so had been unable to identify the names of any individuals involved.

4.2.3 I also refer to the witness statements of Keith Garwood and Christopher Pritchard-Gamble filed in support of the application for a continuation of the injunction beyond 3 May 2023 which explain the incidents and activity which

have been carried out by individuals protesting against SIPC's activities since the injunction was ordered in May 2022. It can be seen from these statements that, during the period since the injunctions were ordered there have been 22 incidents during which Shell Centre Tower has been targeted by protestors but no significant evidence of the injunction having been breached in the course of those activities. The injunctive relief has been effective in terms of having a deterrent effect and Mr Garwood's statement also explains that if continued injunctive relief were not granted, then there is a real risk that the building would be likely to be targeted by protestors who would likely resume the types of unlawful activities previously experienced at Shell Centre Tower, with a resulting risk of damage and potentially significant disruption to SIPC and the occupants of and visitors to that building.

4.2.4 Messrs Pritchard-Gamble's and Garwood's statements also refer to the incidents carried out by a group of more extreme protestors who are prepared to continue putting themselves, those employed by SIPC and others at risk with their unlawful protestor action against the wider Shell business - including other terminals where the Shell group of companies operate - together with those connected with the broader oil and gas industry. It is on the basis of that evidence that SIPC believes there remains a real and imminent threat of this site being targeted and of resulting unlawful activity which would cause irreparable harm and which warrants the continuation of the injunction.

4.2.5 As far as identifying specific individuals is concerned, the effectiveness of the injunction to date and the consequent lack of further activity in breach of the injunction since it was granted has meant that there are no specific individuals in respect of whom it has been necessary to seek documentation from the Commissioner of the Metropolitan Police Service under paragraph 11 of the 3 May 2022 Shell Centre Tower Order. However, SIPC is mindful of its ongoing duty to identify and apply to join any specific individuals who become identifiable as falling within the definition of Persons Unknown and fully intends to keep its duty under review and to comply with it so as to ensure that any such individuals are identified and would be joined to the proceedings to enable them to be heard and served.

4.3 The Shell Petrol Station Proceedings

4.3.1 Paragraph 2 of the First witness statement of Ms Pinkerton of CMS in the Shell Petrol Station Proceedings dated 3 May 2022 sets out the position as it stood at the date of the injunction applications in May 2022 as regards the identification of named individuals who might be joined as defendants to these proceedings.

4.3.2 Ms Pinkerton's Third witness statement dated 6 October 2022 in these proceedings updated the position. That Third witness statement was signed in

support of SUKOP's application dated 7 October 2022 for an order that the Chief Constable of Surrey Police ("**Surrey Police**") give disclosure in these proceedings pursuant to CPR 31.17 ("**the Disclosure Application**").

- 4.3.3 As Ms Pinkerton explains in her Third witness statement in these proceedings, the Disclosure Application was made in an effort to obtain the names and addresses of any specific individuals falling within the description of Persons Unknown (including some individuals who had already been involved in protests at the Petrol Stations) that may have breached the terms of the 5 May 2022 Shell Petrol Station Order and/or the 13 May 2022 Shell Petrol Station Order so that they can be added as named Defendants to these proceedings.
- 4.3.4 The Disclosure Application was adjourned pursuant to the terms of the Order of Kerr J dated 14 October 2022 (the "**14 October 2022 Shell Petrol Station Order**"). A copy of the 14 October 2022 Shell Petrol Station Order is exhibited at **pages 45-46 of Exhibit AJO1**.
- 4.3.5 The 14 October 2022 Shell Petrol Station Order also provided for SUKOP to serve copies of the Disclosure Application bundle, Skeleton Arguments of Shell Petrol Station and Surrey Police and a copy of the 14 October 2022 Order upon certain "Potentially Interested Parties" ("**PIPs**") in order to provide the PIPs with the opportunity to make submissions in respect of the Disclosure Application.
- 4.3.6 The PIPs were identified in the 14 October 2022 Shell Petrol Station Order as the Attorney General, the Press Association and the Equality and Human Rights Commission.
- 4.3.7 On 18 October 2022, SUKOP duly served the relevant papers on the PIPs (copy correspondence is exhibited at **pages 47-55 of Exhibit AJO1**). The Attorney General confirmed on 28 October 2022 it did not wish to make submissions (copy correspondence is exhibited at **pages 56-58 of Exhibit AJO1**). The Press Association acknowledged receipt but did not make any submissions by the deadline prescribed by the court of 1 November 2022 (copy correspondence is exhibited at **page 59 of Exhibit AJO1**). The EHRC provided submissions on 1 November 2022 (copy correspondence is exhibited at **pages 60-69 of Exhibit AJO1**).
- 4.3.8 The Disclosure Application Hearing was listed for a further hearing on 8 March 2022.
- 4.3.9 Following that hearing the court made an order on 13 March 2023 providing for Surrey Police to provide disclosure of documents of the scope set out in that order ("**the 13 March 2023 Order**") which is exhibited at **pages 70-72 of Exhibit AJO1**.

- 4.3.10 Prior to the 13 March 2023 Order, SUKOP was not able to obtain the details of the persons who had been involved in past breaches (the police having refused to provide voluntary disclosure without a court order).
- 4.3.11 Following the grant of the 13 March 2023 Order, on 23 March 2023, this firm wrote to Weightmans solicitors on behalf of Surrey Police serving a copy of the 13 March 2023 Order and requesting details of the names and addresses of persons with the categories set out in that Order. A copy of this letter is exhibited at **pages 73-77 of Exhibit AJO1**.
- 4.3.12 On the same date this firm also wrote to the Commissioner of the Metropolitan Police service requesting voluntary disclosure of the same details as are set out in the 13 March 2023 Order in respect of incidents which took place at two sites in Acton on 26 August 2023. A copy of this letter is exhibited at **pages 78-88 of Exhibit AJO1**.
- 4.3.13 In the absence of disclosure from Surrey Police, SUKOP has been unable to date to identify any individual defendants with sufficient certainty so as to enable it to apply to have them added as named Defendants to these proceedings.
- 4.3.14 On the morning of 29 March 2023 (being the date of this witness statement), Surrey Police (via their solicitors Weightmans LLP) provided this firm with disclosure of details of the persons who had been involved in past breaches. This firm and SUKOP will review the information and details provided and will take appropriate and necessary steps to comply with SUKOP's duty to join named individuals who should properly be joined as named defendants in these proceedings.
- 4.3.15 Once it has received a response from Metropolitan Police, SUKOP will further review the position and comply with its duty to join named individuals who should properly be joined as named defendants in these proceedings.

4.4 The Shell Haven Proceedings

- 4.4.1 The category of "Persons Unknown" is defined by reference to the limited category of prohibited acts covered by the injunctive relief and refers to "*persons entering or remaining at [Shell Haven] without the consent of the Claimant or blocking entrances to that Site*".
- 4.4.2 Paragraph 4 of the First witness statement of Ms Pinkerton of CMS dated 14 April 2022 in these proceedings sets out the position as it stood at the date of the injunction applications in April 2022 as regards the identification of named individuals who might be identified as falling within that category of Persons Unknown and therefore need to be joined as defendants to the proceedings. Ms Pinkerton's statement confirms that Shell UK and its staff have had very limited

dealings with any of the protestors who have engaged in disruption at the site and so had been unable to identify the names of any individuals involved.

4.4.3 I also refer to the witness statement of Fay Lashbrook filed in relation to the application to extend the injunction beyond 3 May 2023 which explains the incidents and activity which have been carried out by individuals protesting against Shell UK's activities since the injunction was ordered in May 2022. It can be seen from that statement that, during the period since the injunctions were ordered Shell UK is not aware of any further incidents at Shell Haven which would have constituted a breach of the injunction. Although the injunctive relief has had the desired deterrent effect, Ms Lashbrook's statement also explains the incidents carried out by a minority of more extreme protestors who are prepared to continue putting themselves, those employed by Shell UK and others at risk with their unlawful protestor action against the wider Shell business - including other terminals where the Shell group of companies operate - together with those connected with the broader oil and gas industry. It is on the basis of that evidence that Shell UK believes there remains a real and imminent threat of this site being targeted and of resulting unlawful activity which would cause irreparable harm and which warrants the continuation of the injunction in relation to Shell Haven.

4.4.4 As far as identifying specific individuals is concerned, the effectiveness of the injunction to date, and the consequent lack of specific protestor activity in breach of the injunction since it was granted, has meant that there are no specific individuals in respect of whom it has been necessary to seek documentation from the Chief Constable of Essex under paragraph 11 of the 3 May 2022 Shell Haven Order. However, Shell UK is mindful of its ongoing duty to identify and apply to join any specific individuals who become identifiable as falling within the definition of Persons Unknown and fully intends to keep that duty under review and to comply with it so as to ensure that any such individuals are identified and would be joined to the proceedings so as to enable them to be heard and to be served.

5. **SERVICE OF THE 3 MAY 2022 SHELL CENTRE TOWER ORDER, THE 17 MAY 2022 SHELL PETROL STATION ORDER AND THE 3 MAY 2022 SHELL HAVEN ORDER**

5.1 The 3 May 2022 Shell Centre Tower Order

5.1.1 Paragraph 7 of the 3 May 2022 Shell Centre Tower Order provides that:

"7. Pursuant to CPR 6.15 and 6.27 service of this Order and the Claim documents shall be effected upon the Defendants as follows:

7.1 The Claimant shall affix at each entrance of the Shell Centre Tower, and around the perimeters at no fewer than 2 other locations (but so there shall be at least one on each aspect of the Shell Centre Tower), warning notices, no smaller than A4 in size. The said warning notices shall:

- i. warn of the existence and general nature of this Order, and of the consequences of breaching it;
- ii. identify a point of contact and contact details from which copies of the Order and Claim Documents may be requested
- iii. identify the website address (the "Claim Documents URL") at which copies of the Order may be viewed and downloaded.

7.2 The Claimant shall upload to the Claim Documents URL copies of the Order and the Claim Documents and a note of the hearing at which this Order was granted.

7.3 The Claimant shall send by email a copy of the Order and a link to the Claim Documents URL to each of the email addresses listed in the Third Schedule to this Order.

8. Pursuant to CPR 6.12(3) and 6.27, this Order shall be deemed to be served on the latest date on which all of the methods of service referred to in paragraph 7 have been completed, such date to be verified by the completion of a certificate of service or witness statement."

5.1.2 I refer to the Third witness statement of Ms Pinkerton which was filed in these proceedings on 11 May 2022 and which confirms the steps taken by that firm to effect service of the Orders in accordance with those provisions.

5.1.3 It can be seen from Ms Pinkerton's statement that the 3 May 2022 Shell Centre Tower Order was served by CMS:

5.1.3.1 by email to the various email addresses prescribed in the 3 May 2022 Shell Centre Tower Order; and

5.1.3.2 by uploading onto the website which CMS have created for the purposes of making relevant documents in these proceedings publicly available (<https://shellservices.cmno.tech/>).

5.1.4 Aside from service by electronic means, the 3 May 2022 Shell Centre Tower Order did of course also make provision for service by use of conspicuous warning notices at Shell Centre Tower which warned of the existence of the injunction, broadly what they prohibited, identified the website from which documents could be downloaded and gave contact details for SIPC's solicitors.

5.1.5 Paragraph 7(i) of the 3 May 2022 Shell Centre Tower Order provided that SIPC was to arrange to affix such notices in prescribed locations at the Shell Centre Tower. Paragraph 8 of the 3 May 2022 Shell Centre Tower Order provides that the Order will be deemed served once all of the methods of service referred to in paragraph 7 have been completed, such date to be verified by the completion of a certificate of service or witness statement. Paragraph 3 of the Third witness statement of Emma Pinkerton dated 11 May 2022 in these proceedings confirms that all necessary steps as set out in paragraph 7 of the 3 May 2022 Shell Centre Tower Order had been undertaken.

5.1.6 The Fourth witness statement of Ms Pinkerton dated 12 May 2022 in these proceedings confirms that appropriate steps were also taken by her firm to serve the Commissioner of the Metropolitan Police with the court documents in the light of the provisions of paragraph 11 of the 3 May 2022 Shell Centre Tower Order.

5.2 The 17 May 2022 Shell Petrol Station Order

5.2.1 Paragraph 10 of the 17 May 2022 Shell Petrol Station Order provides that:

“10. In accordance with paragraph 11 of the Order of the Hon Mrs Justice McGowan dated 5 May 2022 this Order shall be served by:

- (i) sending it by email to each of the email addresses listed in the Third Schedule to the Order;*
- (ii) uploading it to <https://shellservices.cmno.tech/>; and*
- (iii) sending a copy to any person who has previously requested a copy of the Claim Documents from the Claimant or its solicitors, either by post or email (as was requested by that person).*

Service of the Order shall be deemed effective on the latest date on which all of the said steps set out in sub-paragraphs (i), (ii) and (iii) (sic) shall have been completed”.

5.2.2 I refer to the Third witness statement of Ms Pinkerton which was filed in these proceedings on 21 June 2022 and which confirms the steps taken by that firm to effect service of the 17 May 2022 Shell Petrol Station Order in accordance with those provisions.

5.2.3 It can be seen from Ms Pinkerton’s statement that the 17 May 2022 Shell Petrol Station Order was served by CMS:

5.2.3.1 by email to the various email addresses prescribed in the 5 May 2022 Order;

5.2.3.2 by uploading onto the website which CMS have created for the purposes of making relevant documents in these Proceedings publicly available (<https://shellservices.cmno.tech/>); and

5.2.3.3 by serving on those individuals who had, at that date, requested copies of documents relating to the Proceedings. Namely Mr Michael Gibson (the firm of Hodge Jones & Allen having been directed to the documentation available via the <https://shellservices.cmno.tech> website).

5.3 The 3 May 2022 Shell Haven Order

5.3.1 Paragraph 7 of the 3 May 2022 Shell Haven Order provides that:

"7. Pursuant to CPR 6.15 and 6.27 and 81.4 (2)(c) and (d), service of this Order shall be effected upon the Defendants as follows:

7.1 The Claimant shall affix at each entrance to Shell Haven, and around the perimeters of Shell Haven at no fewer than 10 locations, warning notices, no smaller than A3 in size. The said warning notices shall:

- iv. warn of the existence and general nature of this Order, and of the consequences of breaching it;*
- v. identify a point of contact and contact details from which copies of the Order may be requested*
- vi. identify the website address (<https://shellservices.cmno.tech/>) at which copies of the Order may be viewed and downloaded.*

7.2 The Claimant shall upload to <https://shellservices.cmno.tech/> a copy of the Order and a note of the hearing at which this Order was granted.

7.3 The Claimant shall send by email a copy of the Order and a link to <https://shellservices.cmno.tech/> to each of the email addresses listed in the Third Schedule to this Order.

8. Pursuant to CPR 6.12(3) and 6.27, this Order shall be deemed to be served on the latest date on which all of the methods of service referred to in paragraph 7 have been completed, such date to be verified by the completion of a certificate of service or witness statement."

5.3.2 I refer to the Third witness statement of Ms Pinkerton which was filed in these proceedings on 11 May 2022 and which confirms the steps taken by that firm to effect service of the Orders in accordance with those provisions.

5.3.3 It can be seen from Ms Pinkerton's statement that the 3 May 2022 Shell Haven Order was served by CMS:

5.3.3.1 by email to the various email addresses prescribed in the 3 May 2022 Shell Haven Order; and

5.3.3.2 by uploading onto the website which CMS have created for the purposes of making relevant documents in these Proceedings publicly available ([https://shellservices.cmno.tech/.](https://shellservices.cmno.tech/))

5.3.4 Aside from service by electronic means, the 3 May 2022 Shell Haven Order did of course also make provision for service by use of conspicuous warning notices at Shell Haven which warned of the existence of the injunction, broadly what they prohibited, identified the website from which documents could be downloaded and gave contact details for Shell UK's solicitors.

5.3.5 Paragraph 7.1 of the 3 May 2022 Shell Haven Order provided that Shell UK was to arrange to affix such notices in prescribed locations at Shell Haven. Paragraph 8 of the 3 May 2022 Shell Haven Order provides that the Order will be deemed served once all of the methods of service referred to in paragraph 7 have been completed, such date to be verified by the completion of a certificate of service or witness statement. The Third witness statement of Emma Pinkerton dated 11 May 2022 in these proceedings confirms that all necessary steps as set out in paragraph 7 of the 3 May 2022 Shell Haven Order had been undertaken.

5.3.6 The Fourth witness statement of Ms Pinkerton dated 12 May 2022 in these proceedings confirms that appropriate steps were also taken by her firm to serve the Chief Constable of Essex Police with the court documents in the light of the provisions of paragraph 11 of the 3 May 2022 Shell Haven Order.

6. SERVICE OF THE DOCUMENTS RELATING TO THIS APPLICATION AND ANY FURTHER ORDER GRANTED IN THESE PROCEEDINGS.

Notice of Acting in the Proceedings

6.1 As I have explained, my firm has now been instructed to act on behalf of the Claimants in these Proceedings. On 15 February 2023 this firm filed a Notice of Acting in each of the Proceedings.

6.2 The Notice of Acting was served in respect of each of the proceedings as follows:

6.2.1 In accordance with the provisions of paragraph 9(i) of the 3 May 2022 Shell Centre Tower Order, the Notice of Acting in respect of the Shell Centre Tower Proceedings was served by email to each of the email addresses listed in the Third Schedule of the 3 May 2022 Shell Centre Tower Order as set out in the

table below – from an email address, shell.service@eversheds-sutherland.com, which Eversheds Sutherland have created from which to serve the various documents in this matter. My colleague, Alex Wright (Principal Associate), and I have access to and control of this dedicated email address.

6.2.2 In accordance with the provisions of paragraph 11(i) of the 5 May 2022 Shell Petrol Stations Order the Notice of Acting in respect of the Shell Petrol Stations Proceedings was served by sending an email to each of the email addresses listed in the Third Schedule of the 5 May 2022 Shell Petrol Stations Order as set out in the table below –from the same email address referred to at paragraph 6.2.1 above.

6.2.3 In accordance with the provisions of paragraph 9(i) of the 3 May 2022 Shell Haven Order the Notice of Acting in respect of the Shell Haven Proceedings was served by email to each of the email addresses listed in the Third Schedule of the 3 May 2022 Shell Haven Order as set out in the table below – from the same email address referred to at paragraph 6.2.1 above.

Proceedings	Document Served	Subject	Email date/time
Shell Centre Tower Proceedings	Notice of Acting	Shell International Petroleum Company Limited v Persons Unknown (Claim No: QB-2022-001259) - Notice of Acting	14 February 2023 at 15:08
Shell Petrol Stations Proceedings	Notice of Acting	Shell U.K. Oil Products Limited v Persons Unknown (Claim No: QB-2022-001420) - Notice of Acting	14 February 2023 at 15:08
Shell Haven Proceedings	Notice of Acting	Shell U.K. Limited v Persons Unknown (Claim No: QB-2022-001241) - Notice of Acting	14 February 2023 at 15:07

A copy of the relevant emails are exhibited at **pages 89-91 of Exhibit AJ01** respectively.

6.3 I should note that 24 automatic responses were received in response to the above emails:

- 6.3.1 three emails were received from each of xr-peoplesassembly@protonmail.com, xrmidlandstraining@protonmail.com, RelationshipsXRUK@protonmail.com and xrdemocracy@protonmail.com (presumably one in respect of each the emails sent to them) which advised that the emails could not be delivered as the recipient's mailbox is full. A copy of the relevant emails are exhibited at **pages 92-103 of Exhibit AJO1**. I understand from this firm's IT team that these emails were properly sent but will not have been delivered to / received by the recipient mailbox as the mailboxes were full;
- 6.3.2 three emails were received from xr-international@protonmail.com (presumably one in respect of each the emails sent to them) which advised that the emails could not be delivered as the recipient's email address is possibly incorrect. A copy of the relevant emails are exhibited at **pages 104-106 of Exhibit AJO1**; and
- 6.3.3 from press@extinctionrebellion.uk (three), xr.connectingcommunities@gmail.com (one), xrsocialmediaevents@gmail.com (one), artsxr@gmail.com (one), xrsw.trainings@gmail.com (one), xr-legal@riseup.net (one) and xrlondoncoord@gmail.com (one) which appear to be tailored automatic responses to any emails received. A copy of the relevant emails are exhibited at **pages 107-115 of Exhibit AJO1**.
- 6.4 The automatic responses referred to at paragraphs 6.3.1 and 6.3.2 above, derive from 5 email addresses out of the total 49 email addresses linked to Extinction Rebellion to which the abovementioned emails were sent. No responses from any of the other 44 addresses was received. I have no reason to believe that the emails sent to the other 44 email addresses (or the emails sent to the email addresses linked to Just Stop Oil or Youth Climate Swarm) to which the abovementioned emails were sent were not delivered or received, and no 'bounce back' or delivery failure notifications in this regard were received. I therefore consider that the 44 emails sent to the email addresses linked to Extinction Rebellion were sufficient for effecting service of the Notice of Acting on this group.
- 6.5 The steps taken in relation to service of documents upon the email addresses referred to at paragraphs 6.3.1 and 6.3.2 complied with the requirement upon the Claimants to send emails to the addresses listed in the relevant court Order.
- 6.6 I am informed by Ms Pinkerton and believe that a copy of the Notice of Acting in respect of each of the Proceedings was also uploaded to <https://shellservices.cmno.tech> on 15 February 2023, in compliance with paragraph 9(ii) of the 3 May 2022 Shell Centre Tower Order, paragraph 11(ii) of the 5 May 2022 Shell Petrol Station Order and paragraph 9(ii) of the 3 May 2022 Shell Haven Order. A screenshot of the webpage at <https://shellservices.cmno.tech> taken on 29 March 2023 showing that these documents continue to be uploaded to it is exhibited at **pages 116-118 of Exhibit AJO1**.

6.7 In addition, copies of the Notice of Acting were served (albeit perhaps not strictly required in all instances):

6.7.1 In compliance with paragraph 9(iii) of the Shell Centre Tower Order, upon the Metropolitan Police both by Special Delivery and by email to julia.bartholomew@met.police.uk on 14 February 2023. Copies of the letter (together with proof of delivery) and the email are exhibited at **pages 119-122** and **123** respectively of **Exhibit AJO1**.

6.7.2 under the service provisions of paragraph 11(iii) of the 5 May Shell Petrol Station 2022 on:

6.7.2.1 Mr Michael Gibson by Special Delivery on 17 February 2023. Copies of the letter (together with proof of delivery) are exhibited at **pages 124-126** of **Exhibit AJO1**;

6.7.2.2 Weightmans LLP (being solicitors for the Chief Constable of Surrey Police) by Special Delivery on 14 February 2023. Copies of the letter (together with proof of delivery) are exhibited at **pages 127-130** of **Exhibit AJO1**;

6.7.2.3 Hodge Jones and Allen (being solicitors for Jessica Branch, Andrew Daniel Smith and Nancy Friel) by Special Delivery on 14 February 2023. Copies of the letter (together with proof of delivery) are exhibited at **pages 131-134** of **Exhibit AJO1**; and

6.7.2.4 Michaela Marc by email on 17 February 2023. A copy of the email is exhibited at **page 135** of **Exhibit AJO1**.

6.7.3 in compliance with paragraph 9(iii) of the 3 May 2022 Shell Haven Order, upon the Chief Constable of Essex both by Special Delivery and by email to adam.hunt@essex.police.uk on 14 February 2023. A copy of the letter (together with proof of delivery) and email are exhibited respectively at **pages 136-139** and **140** of **Exhibit AJO1**.

6.8 In the circumstances I believe that service of the Notice of Acting has been effected by the manner prescribed by the 3 May 2022 Shell Centre Tower Order, the 5 May 2022 Shell Petrol Station Order and the 3 May 2022 Shell Haven Order. Certificates of Service in relation to the Notices of Acting have been filed with this application. Copies of the Certificates are exhibited at **pages 141-155** of **Exhibit AJO1**.

Application to extend the deadline in the Shell Petrol Station Proceedings

6.9 Paragraph 8 of the 17 May 2022 Shell Petrol Station Order provided that SUKOP must make any application to extend the injunction granted in the Shell Petrol Station Proceedings by

28 February 2023. SUKOP applied for an extension of that deadline by application dated 14 February 2023 until 31 March 2023, to facilitate the proposal to have the three sets of proceedings heard together (see paragraph 6.18 below), avoid unnecessary duplication and ensure that the evidence on review was as contemporaneous as possible. On 16 February 2023 the court issued SUKOP's application dated 14 February 2023 ("**14 February 2023 Application**") and on 21 February 2023 the court granted an order in the terms sought by the 14 February 2023 Application ("**the 21 February 2023 Order**").

6.10 In accordance with the provisions of paragraph 11(i) of the 5 May 2022 Shell Petrol Station Order these documents (the 14 February 2023 Application and accompanying draft order and the 21 February 2023 Order) were served by email to each of the email addresses listed in the Third Schedule of the 5 May 2022 Shell Petrol Station Order as set out in the table below (on the same basis as outlined at paragraph 6.2.1 above).

Document Served	Subject	Email date/time
14 February 2023 Application and accompanying draft order	Shell U.K. Oil Products Limited v Persons Unknown (Claim No: QB-2022-001420) - Claimant's Application dated 14 February 2023	16 February 2023 at 12:25
21 February 2023 Order	Shell U.K. Oil Products Limited v Persons Unknown (Claim No: QB-2022-001420) - Claimant's Application dated 14 February 2023 - Sealed Order	21 February 2023 at 11:32

A copy of the relevant emails are exhibited at **pages 156-159** of **Exhibit AJO1** respectively.

6.11 I should note that 6 automatic responses were received in response to the email sent on 16 February 2023:

6.11.1 an email was received from each of xr-peoplesassembly@protonmail.com, xrmidlandstraining@protonmail.com, RelationshipsXRUK@protonmail.com and xrdemocracy@protonmail.com which advised that the emails could not be delivered as the recipient's mailbox is full. A copy of the relevant emails are exhibited at **pages 160-163** of **Exhibit AJO1**. As explained above, I

understand from this firm's IT team that these emails were sent but will not have been delivered to / received by the recipient mailbox as the mailboxes were full;

- 6.11.2 an email was received from xr-international@protonmail.com which advised that the email could not be delivered as the recipient's email address is possibly incorrect. A copy of the relevant email is exhibited at **page 164** of **Exhibit AJ01**; and
- 6.11.3 an email from press@extinctionrebellion.uk which appears to be a tailored automatic responses to any emails received. A copy of the relevant email is exhibited at **page 165** of **Exhibit AJ01**.
- 6.12 I should further note that 11 automatic responses were received in response to the email sent on 21 February 2023:
- 6.12.1 an email was received from each of xr-peoplesassembly@protonmail.com, xrmidlandstraining@protonmail.com and xrdemocracy@protonmail.com which advised that the emails could not be delivered as the recipient's mailbox is full. A copy of the relevant emails are exhibited at **pages 166-168** of **Exhibit AJ01**;
- 6.12.2 an email was received from xr-international@protonmail.com which advised that the email could not be delivered as the recipient's email address is possibly incorrect. A copy of the relevant email is exhibited at **page 169** of **Exhibit AJ01**; and
- 6.12.3 an email was received press@extinctionrebellion.uk (one), xr.connectingcommunities@gmail.com (one), xrsocialmediaevents@gmail.com (one), artsxr@gmail.com (one), xrsw.trainings@gmail.com (one), xr-legal@riseup.net (one) and xrlondoncoord@gmail.com (one) which appears to be a tailored automatic response to any emails received. A copy of the relevant email is exhibited at **pages 170-176** of **Exhibit AJ01**.
- 6.13 In relation to the automatic responses referred to at paragraphs 6.11.1, 6.11.2, 6.12.1 and 6.12.2 above, these derive from 4/5 email addresses out of a total 49 email addresses linked to Extinction Rebellion to which the abovementioned emails were sent. No responses from any of the other 44/45 addresses was received. I have no reason to believe that the emails sent to the other 44/45 email addresses (or the emails sent to the email addresses linked to Just Stop Oil or Youth Climate Swarm) to which the abovementioned emails were sent were not delivered or received, and no 'bounce back' or delivery failure notifications in this regard were received. I therefore consider that the 44/45 emails sent to the email addresses linked to Extinction Rebellion were sufficient for effecting service of the 14 February 2023 Application and accompanying draft order and the 21 February 2023 Order on this group.

- 6.14 I am informed by Ms Pinkerton and believe that in compliance with paragraph 11(ii) of the 5 May 2022 Shell Petrol Station Order, a copy of the 14 February 2023 Application and accompanying draft order and the 21 February 2023 Order were also uploaded to <https://shellservices.cmno.tech> on 16 February 2023 and 21 February 2023 respectively. A screenshot of the webpage at <https://shellservices.cmno.tech> taken on 29 March 2023 showing that these documents continue to be uploaded to it is exhibited at **page 118** of **Exhibit AJO1**;
- 6.15 In addition, copies of the 14 February 2023 Application and accompanying draft order were served (albeit perhaps not strictly required in all instances under the service provisions of paragraph 11(iii) of the 5 May 2022 Shell Petrol Station Order) on:
- 6.15.1 Mr Michael Gibson by Special Delivery on 17 February 2023. Copies of the letter (together with proof of delivery) are exhibited at **pages 177-179** of **Exhibit AJO1**;
- 6.15.2 Weightmans LLP (being solicitors for the Chief Constable of Surrey Police) by Special Delivery on 16 February 2023. Copies of the letter (together with proof of delivery) are exhibited at **pages 179-181** of **Exhibit AJO1**;
- 6.15.3 Hodge Jones and Allen (being solicitors for Jessica Branch, Andrew Daniel Smith and Nancy Friel) by Special Delivery on 16 February 2023. Copies of the letter (together with proof of delivery) are exhibited at **pages 182-184** of **Exhibit AJO1**; and
- 6.15.4 Michaela Marc by email on 17 February 2023. A copy of the email is exhibited at **page 135** of **Exhibit AJO1**.
- 6.16 In addition, copies of the 21 February 2023 Order were served (albeit perhaps not strictly required in all instances under the service provisions of paragraph 11(iii) of the 5 May 2022 Shell Petrol Station Order) on:
- 6.16.1 Mr Michael Gibson by Special Delivery on 22 February 2023 - albeit that this letter was returned to this firm subsequently on 15 March 2023 as Mr Gibson had not called to collect it from Royal Mail. Copies of the letter and the returned envelope are exhibited at **pages 185-186** of **Exhibit AJO1**;
- 6.16.2 Weightmans LLP (being solicitors for the Chief Constable of Surrey Police) by Special Delivery on 22 February 2023. Copies of the letter (together with proof of delivery) are exhibited at **pages 187-189** of **Exhibit AJO1**;
- 6.16.3 Hodge Jones and Allen (being solicitors for Jessica Branch, Andrew Daniel Smith and Nancy Friel) by Special Delivery on 22 February 2023. Copies of the letter (together with proof of delivery) are exhibited at **pages 190-192** of **Exhibit AJO1**; and

6.16.4 Michaela Marc by email on 22 February 2023. A copy of the email is exhibited at **page 193 of Exhibit AJO1.**

6.17 In the circumstances I believe that service of the 14 February 2023 Application and accompanying draft order and the 21 February 2023 Order have been effected by the manner prescribed by the 5 May 2022 Shell Petrol Station Order. Certificates of Service in relation to the 14 February 2023 Application and accompanying draft order and the 21 February 2023 Order have been filed with this application. Copies of the Certificates are exhibited at **pages 194-203 of Exhibit AJO1.**

Application for Joint Listing of the review hearing the Proceedings

6.18 Further, this firm made an Application (dated 27 February 2023) for the review hearings in each of the Proceedings to be listed and heard at the same time. The Application was sealed on 27 February 2023 ("**the Sealed Application**") and the resulting Order made by the Court was sealed on 28 February 2023 ("**the Sealed Order**").

6.19 The Sealed Application and accompanying draft order and Sealed Order were served in accordance with the provisions of:

6.19.1 paragraph 9(i) of the 3 May 2022 Shell Centre Tower Order, by sending an email to each of the email addresses listed in the Third Schedule of the 3 May 2022 Shell Centre Tower Order as set out below – from the same email address referred to at paragraph 6.2.1 above.

6.19.2 paragraph 11(i) of the 5 May 2022 Shell Petrol Stations Order, by sending an email to each of the email addresses listed in the Third Schedule of the 5 May 2022 Shell Petrol Stations Order as set out below - from the same email address referred to at paragraph 6.2.1 above.

6.19.3 paragraph 9(i) of the 3 May 2022 Shell Haven Order, by sending an email to each of the email addresses listed in the Third Schedule of the 3 May 2022 Shell Haven Order as set out in the table below – from the same email address referred to at paragraph 6.2.1 above.

Proceedings	Document Served	Subject	Email date/time
Shell Centre Tower Proceedings	Sealed Application and Draft Order	Shell International Petroleum Company Limited v Persons Unknown (Claim No: QB-2022-001259) - Sealed Application (28.02.23)	28 February 2023 at 10:38

Shell Centre Tower Proceedings	Sealed Order	Shell International Petroleum Company Limited v Persons Unknown (Claim No: QB-2022-001259) - Sealed Order (28.02.23)	28 February 2023 at 13:25
Shell Petrol Stations Proceedings	Sealed Application and Draft Order	Shell U.K. Oil Products Limited v Persons Unknown (Claim No: QB-2022-001420) - Sealed Application (28.02.23)	28 February 2023 at 10:38
Shell Petrol Stations Proceedings	Sealed Order	Shell U.K. Oil Products Limited v Persons Unknown (Claim No: QB-2022-001420) - Sealed Order (28.02.23)	28 February 2023 at 13:25
Shell Haven Proceedings	Sealed Application and Draft Order	Shell U.K. Limited v Persons Unknown (Claim No: QB-2022-001241) - Sealed Application (28.02.23)	28 February 2023 at 10:38
Shell Haven Proceedings	Sealed Order	Shell U.K. Limited v Persons Unknown (Claim No: QB-2022-001241) - Sealed Order (28.02.23)	28 February 2023 at 13:24

A copy of the relevant emails are exhibited at **pages 204-215** of **Exhibit AJ01**.

6.20 I should note that 36 automatic responses were received in response to the above emails:

- 6.20.1 six emails were received from each of xr-peoplesassembly@protonmail.com, xrmidlandstraining@protonmail.com and xrdemocracy@protonmail.com (presumably one in respect of each the emails sent to them) which advised that the emails could not be delivered as the recipient's mailbox is full. A copy of the relevant emails are exhibited at **pages 216-233** of **Exhibit AJO1**. As explained above, I understand from this firm's IT team that these emails were sent but will not have been delivered to / received by the recipient mailbox as the mailboxes were full;
- 6.20.2 six emails were received from xr-international@protonmail.com (presumably one in respect of each the emails sent to them) which advised that the emails could not be delivered as the recipient's email address is possibly incorrect. A copy of the relevant emails are exhibited at **pages 234-239** of **Exhibit AJO1**; and
- 6.20.3 from press@extinctionrebellion.uk (six), xr.connectingcommunities@gmail.com (one), xrsocialmediaevents@gmail.com (one), artsxr@gmail.com (one), xrsw.trainings@gmail.com (one), xr-legal@riseup.net (one) and xrlondoncoord@gmail.com (one) which appear to be tailored automatic responses to any emails received. A copy of the relevant emails are exhibited at **pages 240-251** of **Exhibit AJO1**.
- 6.21 In relation to the automatic responses referred to at 6.20.1 and 6.20.2 above, these derive from 4 email addresses out of a total 49 email addresses linked to Extinction Rebellion to which the abovementioned emails were sent. No responses from any of the other 45 addresses was received. I have no reason to believe that the emails sent to the other 45 email addresses (or the emails sent to the email addresses linked to Just Stop Oil or Youth Climate Swarm) to which the abovementioned emails were sent were not delivered or received, and no 'bounce back' or delivery failure notifications in this regard were received. I therefore consider that the 45 emails sent to the email addresses linked to Extinction Rebellion were sufficient for effecting service of the Notice of Acting on this group.
- 6.22 I am informed by Ms Pinkerton and believe that in compliance with paragraph 9(ii) of the 3 May 2022 Shell Centre Tower Order, paragraph 11(ii) of the 5 May 2022 Shell Petrol Station Order and paragraph 9(ii) of the 3 May 2022 Shell Haven Order, a copy of the Sealed Application and accompanying draft order and the Sealed Order in respect of each of the Proceedings were also uploaded to <https://shellservices.cmno.tech> on 28 February 2023. A screenshot of the webpage at <https://shellservices.cmno.tech> taken on 29 March 2023 showing that these documents continues to be uploaded to it is exhibited at **pages 116-118** of **Exhibit AJO1**.
- 6.23 In addition, copies of the Sealed Application and accompanying draft order and the Sealed Order were served (albeit perhaps not strictly required in all instances):

- 6.23.1 in compliance with paragraph 9(iii) of the Shell Centre Tower Order, upon the Metropolitan Police both by Special Delivery and by email to julia.bartholomew@met.police.uk on 1 March 2023. A copy of the letters (together with proof of delivery) and emails are exhibited at **pages 252-259** of **Exhibit AJO1**.
- 6.23.2 under the service provisions of paragraph 11(iii) of the 5 May Shell Petrol Station 2022 on:
- 6.23.2.1 Mr Michael Gibson by Special Delivery on 1 March 2023. Copies of the letters (together with proof of delivery) are exhibited at **pages 260-265** of **Exhibit AJO1**;
- 6.23.2.2 Weightmans LLP (being solicitors for the Chief Constable of Surrey Police) by Special Delivery on 1 March 2023. Copies of the letters (together with proof of delivery) are exhibited at **pages 266-272** of **Exhibit AJO1**;
- 6.23.2.3 Hodge Jones and Allen (being solicitors for Jessica Branch, Andrew Daniel Smith and Nancy Friel) by Special Delivery on 1 March 2023. Copies of the letters (together with proof of delivery) are exhibited at **pages 273-277** of **Exhibit AJO1**; and
- 6.23.2.4 Michaela Marc by email on 28 February 2023. Copies of the emails are exhibited at **pages 278-279** of **Exhibit AJO1**.
- 6.23.3 in compliance with paragraph 9(iii) of the 3 May 2022 Shell Haven Order, upon the Chief Constable of Essex both by Special Delivery and by email to adam.hunt@essex.police.uk on 1 March 2023. Copies of the letters (together with proof of delivery) and emails are exhibited respectively at **pages 280-287** of **Exhibit AJO1**.
- 6.24 In the circumstances I believe that service of the Sealed Application and accompanying draft order and Sealed Order have been effected by the manner prescribed by the 3 May 2022 Shell Centre Tower Order, the 5 May 2022 Shell Petrol Station Order and the 3 May 2022 Shell Haven Order. Certificates of Service in relation to the Sealed Application and accompanying draft order and Sealed Order have been filed with this application. Copies of the Certificates are exhibited at **pages 288-317** of **Exhibit AJO1**.

Service of documents relating to any further order in these proceedings

- 6.25 As I have explained, this firm has now been appointed by the Claimants to represent it in the Proceedings. One specific point in relation to the arrangements for service arises from that change in legal representation. Up until now, CMS have controlled the dedicated website (<https://shellservices.cmno.tech>) upon which members of the public may view

documents relating to the Proceedings so I have made arrangements for this firm to establish a dedicated website which is accessible by any member of the public (who has access to the internet) and upon which documents relating to the Proceedings (including those already in existence) should be publicly available.

- 6.26 I propose that the arrangements put in place should replicate those of CMS. The website will be controlled by my firm and can be accessed at <http://www.noticespublic.com/> and only my firm's IT team, at instruction from me or a member of my team, can control what is available to view or download from the website but any member of the public can view and download any such document.
- 6.27 All documents currently posted on the CMS website will be transferred across to the new website so that a complete suite of documents of relevance to the Proceedings will be available in one location.
- 6.28 In the light of these proposed arrangements an application is made in each of the Proceedings to vary the arrangements for service of documents so that service by effected by uploading onto <http://www.noticespublic.com/> in place of <https://shellservices.cmno.tech>.
- 6.29 As for the other methods of alternative service provided for in the Orders, aside from service by electronic means:

Shell Centre Tower Proceedings

- 6.29.1 In respect of the Shell Centre Tower Proceedings, SIPC believes that, in principle, the arrangements for service by electronic means set out in paragraph 9 of the 3 May 2022 Shell Centre Tower Order remain an appropriate and effective means by which Orders of the court and other relevant documents in the Shell Centre Tower Proceedings may be brought to the attention of anyone who might reasonably become a Defendant to these proceedings or who might be expected to be affected by its existence.

Shell Petrol Station Proceedings

- 6.29.2 In respect of the Shell Petrol Station Proceedings, the 5 May 2022 Shell Petrol Station Order did of course also make provision for service by use of conspicuous warning notices at the Petrol Stations which warned of the existence of the injunction, broadly what they prohibited, identified the website from which documents could be downloaded and gave contact details for SUKOP's solicitors.
- 6.29.3 Paragraph 9.1 of the 5 May 2022 Shell Petrol Stations Order provided that SUKOP was to use reasonable endeavours to arrange to affix such notices in prescribed locations at the Petrol Stations. Paragraph 10 of the 5 May 2022 Order provides that Order will be deemed served on the latest date on which

SUKOP had complied with the provisions of Paragraph 9.1 by affixing warning notices at not less than half the Petrol Stations.

- 6.29.4 The Order of 17 May 2022 varied the terms of the 5 May 2022 Order as they related to the arrangements for service of the injunction at the Petrol Stations. Pursuant to the provisions of Paragraph 9 of the 17 May 2022 Shell Petrol Stations Order, SUKOP is permitted to effect service by affixing warning notices in alternative locations at petrol stations, depending on the physical layout and configuration of the site in question.
- 6.29.5 I refer to the Third witness statement of Benjamin Austin in the Shell Petrol Station Proceedings which explains the steps taken to affix the warning notices and the maintenance of the notices.
- 6.29.6 I confirm that SUKOP is content for these provisions to continue to remain in effect in respect of any further order granted in the Petrol Station Proceedings.

Shell Haven Proceedings

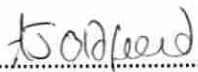
- 6.29.7 In respect of the Shell Haven Proceedings, Shell UK believes that, in principle, the arrangements for service by electronic means set out in paragraph 9 of the 3 May 2022 Shell Haven Order remain an appropriate and effective means by which Orders of the court and other relevant documents in the Shell Haven Proceedings may be brought to the attention of anyone who might reasonably become a Defendant to these proceedings or who might be expected to be affected by its existence.

7. **Cross Undertakings**

- 7.1 Each of the Claimants gave, in each of the Proceedings (as applicable), an undertaking to the Court to meet any further payment which the Court concludes that they should pay to anyone adversely affected by the initially proposed orders if the Court ultimately concludes that the order should not have been made.
- 7.2 I am duly authorised by the Claimants and hereby confirm that they each remain willing in each of the Proceedings (as applicable) to continue to give such undertakings in respect of any further orders which may be granted by the Court at the review hearings.

Statement of Truth

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.


.....
ANSON JUDITH OUDLEY
29 MARCH 2023