

B E T W E E N :

**(1) THE OFFICE GROUP PROPERTIES LIMITED
(2) FORA OPERATIONS LIMITED**

Claimants

-and-

**PERSONS UNKNOWN WHO WITHOUT THE CONSENT OF THE CLAIMANTS
ENTER OR REMAIN ON THE PREMISES KNOWN AS TINTAGEL HOUSE, 92
ALBERT EMBANKMENT, LONDON SE1 7TY**

Defendants

CLAIMANTS' SKELETON ARGUMENT

References to the Application Bundle are in the format **[page number]**

Suggested pre-reading (25 mins):

- First witness statement of Zarah Driver dated 29 May 2025 **[14]-[26]**;
- First witness statement of Jack Thiede dated 29 May 2025 **[148]-[153]**;
- Second witness statement of Zarah Driver (filed on 2 June 2025);
- Claim form **[3]-[5]**;
- Application notice **[6]-[11]**;
- Draft injunction order **[167]-[174]**.

INTRODUCTION

1. The Claimants seek injunctive relief to restrain further and imminent apprehended acts of trespass at the premises known as Tintagel House, 92 Albert Embankment, London SE17 7TY (the '**Premises**').
2. The Claimants no longer seek an order for possession of the Premises. Subsequent to issuing the claim, the protest encampment that had been occupying the Premises since 26 May 2025 vacated the Premises (on the afternoon of 30 May 2025).

Background

3. The Claimants hold the leasehold title to the Premises (with the First Claimant having transferred the relevant lease to the Second Claimant in September 2024, but the Second Claimant not yet having been registered as the proprietor of the lease at HM Land Registry). The leasehold title is registered at HM Land Registry under title no. TGL588640.
4. The Premises is a commercial premises, occupied by various licensees of the Claimants. One of those licensees is the Equality and Human Rights Commission (the ‘EHRC’), which holds a licence until 31 January 2026 to occupy 629 square feet of office space (16 desks).
5. On 26 May 2025, persons associated with the group known as ‘Trans Kids Deserve Better’ (‘TKDB’) set up a protest encampment on the Premises, and specifically outside and at the front of the Tintagel House building, which is land within the Claimants’ leasehold title. Those occupying the encampment do not have the Claimants’ permission to be on the Premises, and are trespassing. The protest encampment vacated the Premises at approximately 1.15pm on 30 May 2025.
6. The Claimants, for reasons that shall be explained later in this skeleton argument, have not been able to identify (and therefore name) any defendants to the proceedings at this time. In the interests of full and frank disclosure, the Claimants alert the court to the likelihood that many of those occupying the protest encampment are under the age of 18.
7. Those occupying the encampment are protesting against the EHRC’s interim update to its guidance following the Supreme Court’s decision in *For Women Scotland Ltd v The Scottish Ministers* [2025] UKSC 16, pending a full review of its code of practice services, public functions and associations. The protestors object to the content of that interim update, which incorporates the Supreme Court’s judgment. The EHRC is currently consulting on the guidance, which consultation is open until 30 June 2025, following which a final report is expected.

NOTIFICATION/SERVICE OF THE CLAIM AND APPLICATION

8. The Claimants attempted to personally serve those persons present at the protest encampment with the unsealed¹ claim form, N244, draft orders and all evidence in support of the claim and application. Process servers engaged by the Claimants attended the Premises on 30 May 2025 to effect personal service of the claim and application documents on the occupants of the encampment. For the most part, protestors the protestors refused to accept personal service.
9. The first witness statement of Grayson McRae details the efforts made to personally serve the protestors at the Premises.

Newcomer Persons Unknown

10. As to notification of the claim and application for injunctive relief, the Claimants accept that the relief is technically always sought on a without notice basis as against newcomer Persons Unknown: *Wolverhampton City Council & Ors v London Gypsies and Travellers & Ors* [2023] UKSC 47; [2024] 2 WLR 45 (*‘Wolverhampton’*) at [139], [142] and [143(ii)].
11. That said, there remains an obligation to take all reasonable steps to draw the application to the attention of Persons Unknown (*Wolverhampton* at [167(ii)] and [226]-[229]).
12. Ordinarily, where relief is sought on a without notice basis and article 10 rights are engaged, the **Human Rights Act 1998, s12(2)** is also engaged, which provides:

If the person against whom the application for relief is made (“the respondent”) is neither present nor represented, no such relief is to be granted unless the court is satisfied –

(a) that the applicant has taken all practicable steps to notify the respondent; or

¹ Two attempts at service were made. First, upon learning that the protest encampment was packing up to leave, service of unsealed copies was attempted, as sealed copies had not yet been received from the court. A second attempt of sealed copies was then made, but the protestors had already vacated the Premises.

(b) that there are compelling reasons why the respondent should not be notified.

13. However, in the circumstances of this claim and application:

- i. no article 10 rights are engaged. This is a claim in trespass, and article 10 rights do not include a right to trespass on private land (see paragraphs 21 and 22 below) (and per Julian Knowles J in *London City Airport Limited & Anr v Persons Unknown* [2024] EWHC 2557 (KB) at [8].) If article 10 is not engaged, s12(2) is also not engaged (as per s12(1)); and
- ii. it is submitted that s12(2) does not apply as against newcomer Persons Unknown in any event, there being no ‘respondent’ to the claim and application: *Wolverhampton* [140]-[143].

14. In any event, it is submitted that the attempts at personal service, combined with the uploading of all documents to the designated injunction website (www.tintagelhouseinjunction.com), the emailing of all documents to the two publicly available email addresses for TKDB, the affixation of notices at the Premises and the soon to be erected warning signs at the Premises meet the notice requirements set out in *Wolverhampton*.

PERSONS UNKNOWN

15. This claim and application are brought against a defined category of Persons Unknown only (the definition being in accordance with [221] of *Wolverhampton*).

16. As mentioned above, the Claimants have not been able to identify any person to enable them to be joined to the proceedings as a named defendant. In particular, as explained by Ms Driver at paragraphs 38 to 42 [22] of her first witness statement:

- i. the protestors occupying the encampment have refused to give their names voluntarily;

- ii. many protestors occupying the encampment have elected to use face coverings to conceal their appearance and identities (Ms Driver's second witness statement further notes that more recent Instagram posts by TKDB also show the protestors' use of face coverings and, where face coverings were not used, TKDB has redacted the faces of the protestors present in the images posted);
- iii. it is likely that other trans-rights groups will protest at the Premises given the occupation of the EHRC, such that it is impossible for the Claimants to know who may attend the Premises to protest;
- iv. the Claimants have been especially cautious when seeking to identify the protestors currently occupying the encampment given their likely young age. Mistakenly identifying and naming a young person to join them to the proceedings could cause particular distress to that person.

17. Further, Mr Thiede explains at paragraphs 29 to 31 [152] of his witness statement that:

- i. he asked the protestors for their names on 27 May 2025, which they refused to give;
- ii. around half of the protestors at the encampment are wearing face masks that conceal their identities. Mr Thiede has not taken photographs of those who are not covering their faces, given the likely age of the protestors.

18. The Claimants are mindful of the obligation for as long as any injunctive relief remains in place to keep the position under review, and of the need for them to apply to join any persons who may become clearly identifiable in due course.

CAUSE OF ACTION: TRESPASS

19. Trespass to land is the interference with possession or the right to possession, and includes instances in which a person intrudes upon the land of another without legal justification. The key and well-established features of trespass are:

- i. it is a strict liability tort, such that the defendant need not know that they are committing a trespass to be liable for the same; and
 - ii. the tort is actionable per se, such that the claimant does not have to prove damage to establish liability for the tort.
20. A person does not commit a trespass where they enter onto the land of another pursuant to a licence, whether express or implied. However, where a person enters onto land pursuant to a licence, and proceeds to act in a way that exceeds the scope of that licence, or remains on the land after the expiration of the licence, a trespass is committed (*Hillen v ICI (Alkali) Ltd* [1936] AC 65 at 69 per Lord Atkin).
21. There is no balancing of the Claimants' rights as landowner and the Defendants' Convention rights under articles 10 and 11. For the purposes of the Human Rights Act 1998, the Claimants are not a public authority or exercising public functions when seeking to use their own private land. Articles 10 and 11 include no right to trespass, and do not override the rights of private landowners when exercising those rights: *Boyd v Ineos Upstream Ltd* [2019] 4 WLR 100 at [36]-[37] per Longmore LJ and *HS2 Ltd v Persons Unknown* [2022] EWHC 2360 (KB) at [81] per Julian Knowles J; *London City Airport v Persons Unknown* [2024] EWHC 2557 (KB) at [8] per Julian Knowles J; *DPP v Cuciurean* [2022] 3 WLR 446 (DC), at [40]-[50].
22. Further, trespass is a blatant and significant interference with the Claimants' rights under article 1 of the First Protocol. The exercising of rights under articles 10 and 11 cannot normally justify a trespass *Cuciurean v The Secretary of State for Transport and High Speed Two (HS2) Limited* [2021] EWCA Civ 357 at [9(1)] to [9(2)], per Warby LJ.

TEST FOR THE GRANT OF INJUNCTIVE RELIEF

23. Injunctive relief may be granted wherever the court considers it 'just and convenient' to do so (**Senior Courts Act 1981, s37**).
24. Following *Wolverhampton*, any claim and application for injunctive relief against newcomer Persons Unknown is to be treated differently to those against named defendants.

Throughout the course of its judgment, the Supreme Court examined the distinguishing features of such injunctions and, of particular importance, the principles that govern when such relief can and should be granted (ie. when it would be just and convenient to grant such relief). The court's attention is specifically directed to [167] and [188]-[237] of ***Wolverhampton***.

25. In this context, there is no meaningful difference between interim and final injunctive relief: ***Wolverhampton*** at [139], [143(vii)], [178] and [234] and, more recently in the protest context, ***Drax Power Ltd v Persons Unknown*** [2024] EWHC 2224 (KB) at [18] per Ritchie J.

26. The overarching consideration post-***Wolverhampton*** is that the claimant must show a 'compelling need' for the order sought (***Wolverhampton*** at [167(i)] and [188]). The key substantive test is set out in [218] as:

any [claimant] applying for an injunction against persons unknown, including newcomers ... must satisfy the court by full and detailed evidence that there is a compelling justification for the order sought ... There must be a strong probability that a tort ... is to be committed and that this will cause real harm. Further the threat must be real and imminent.

27. The requirements and guidance from ***Wolverhampton*** were interpreted and distilled in several protestor injunction cases throughout 2024, most notably by Ritchie J in ***Valero Energy Ltd v Persons Unknown*** [2024] EWHC 134 (KB) ('***Valero***') who, at [58], sets out a series of substantive and procedural requirements that must be met for the grant of injunctive relief against a newcomer person unknown (albeit in the context of an application for summary judgment), and also by Sir Anthony Mann in ***Jockey Club Racecourses Ltd v Kidby & Others*** [2024] EWHC 1786 (Ch) ('***Jockey Club***') who, at [18], sets out a series of 14 questions that must be considered when the grant of a newcomer persons unknown injunction is sought.

28. In effect, the substance of the law and the matters that must be considered are now well-settled, even if presented differently between ***Valero*** and ***Jockey Club***. For the purposes of this skeleton argument, the structure of the [58] ***Valero*** requirements will be adopted.

29. In summary, the *Valero* substantive requirements are:

- i. there must be a cause of action;
- ii. there must be full and frank disclosure by the claimant;
- iii. there must be sufficient evidence to prove the claim (although this requirement appears to be crafted with the summary judgment application in mind);
- iv. there must be no realistic defence;
- v. there must be a compelling justification for the remedy sought, and the court must take into account any balancing exercised that may be required if article 10 and 11 rights are engaged;
- vi. damages must not be an adequate remedy.

30. In summary, the *Valero* procedural requirements are:

- i. Persons Unknown must be clearly and plainly identified by reference to the tortious conduct to be prohibited, and clearly defined geographical boundaries (if possible);
- ii. the prohibitions in the injunction must be set out in clear words and avoid legal terminology. Further, if any lawful conduct is sought to be prohibited, that must be made clear, and the Court must be satisfied that there is no other more proportionate way of protecting the claimant's rights;
- iii. the prohibitions must match the torts claimed;
- iv. the prohibitions must be defined by clear geographic boundaries (if possible);
- v. the injunction should be temporally limited to that which is reasonably necessary to protect the claimant's rights;
- vi. the proceedings and any order made must be served by alternative means (referred to as 'notification' and not service in *Wolverhampton*). The court should have regard to the Human Rights Act 1998, s12(2);
- vii. there must be a right to set aside or vary any order made;
- viii. provision should be made for the review of the injunction in the future.

31. The Claimants seeks precautionary relief (although the relief is not 'pure' precautionary relief, as the apprehended wrongs and resulting harms have already been suffered). Ordinarily, the Court should therefore have regard to the multi-factorial test set out by Marcus Smith J in *Vastint Leeds BV v Persons Unknown* [2019] 4 WLR 2 ('*Vastint*') at

[31], as approved by Vos MR in *London Borough of Barking and Dagenham & Ors v Persons Unknown & Ors* [2022] EWCA Civ 13; [2023] QB 295 at [83].

32. However, it is submitted that the *Vastint* test has now be subsumed into the *Wolverhampton* requirements (and therefore also the *Valero* distillation of the same). That submission was recently accepted by Garnham J in *Rochdale MBC v Persons Unknown* [2025] EWHC 1314 (KB) at [78], but nonetheless the *Vastint* test provides a useful ‘double check’.

33. Accordingly, in so far as it is relevant, the *Vastint* test requires two questions to be answered in the affirmative for injunctive relief to be granted:

- iii. First, is there a strong possibility that, unless restrained by an injunction, the defendant will act in breach of the claimant’s rights?; and
- iv. Secondly, if the defendant did act in contravention of the claimant’s rights, would the resulting harm be so grave and irreparable that, notwithstanding the grant of an immediate interlocutory injunction (at the time of the actual infringement of the claimant’s rights) to restrain further occurrence of the acts complained of, a remedy of damages would be inadequate.

34. Marcus Smith J, still at [31], proceeded to then set out multiple factors relevant to the assessment of each of those questions:

- i. in relation to the first question: if the infringement is purely anticipatory, what steps has the claimant taken to ensure that the infringement does not occur; the attitude of the defendants; where infringements have already been committed, it may be that the defendant’s intentions are less significant than the natural and probable consequences of his or her act; the time frame between the application for relief and the threatened infringement may be relevant (the courts often use the language of imminence, meaning that the remedy sought must not be premature);
- ii. in relation to question two: how easily can the harm of the infringement be undone by ex post rather than ex ante intervention; the gravity of the anticipated harm.

APPLICATION OF THE VALERO TEST

Substantive *Valero* requirements

35. First, there is a cause of action: trespass. Those occupying any protest encampment on the Premises do so without the permission of the Claimants. Further, there is a reasonable apprehension that the trespass may evolve to include aggravating features. As explained in the first witness statement of Zarah Driver (see paragraph 31 [19]-[20]), other acts of trespassory protest by supporters of TKDB have included features such as low-level property damage, the releasing of 6000 crickets in the relevant venue and climbing on buildings.
36. Second, it is submitted that the Claimants have complied with their duty of full and frank disclosure throughout their evidence and submissions. The court's attention is directed to paragraph 54 of this skeleton in that regard.
37. Third, there is sufficient evidence to prove the claim. The Claimants have presented sufficient and detailed evidence demonstrating the recent trespass in May 2025 (which was ongoing at the time the claim was issued), as well as the reasonable apprehension that further imminent acts of trespass will be committed by Persons Unknown.
38. Fourth, there is no realistic defence. The Defendants do not have the Claimants' permission to enter or remain on the Premises. As set out above, articles 10 and 11 do not include a right to trespass, and the trespass is itself an interference with the Claimants' rights under article 1 of the First Protocol.
39. Fifth, there is a compelling justification for the remedy sought. In particular, the Claimants apprehend further and imminent acts of trespass by both supporters of the TKDB group, and other trans-rights groups. That apprehension arises primarily from the EHRC's occupation of the Premises as licensee, and the EHRC being an established target for such protest action (as described in Ms Driver's witness statement, co-ordinated actions have taken place in Glasgow and Manchester) (see Ms Driver's first witness statement at paragraphs 43 and 44 [22]-[23]). The apprehension continues notwithstanding the

voluntary vacation of the Premises by the recent protest encampment on 30 May 2025. That vacation occurred only after the encampment was made aware that proceedings were imminent, and as long as the EHRC remain in occupation of the Premises and the underlying concerns motivating the protest remain unresolved, there remains a real risk of further future protests that justifies the grant of injunctive relief.

40. The number of protestors at the Premises increased across the week of 26 May 2025 (initially starting at six, and rising to 30 by the afternoon of 29 May 2025), showing an escalation of the protest (see Mr Thiede's witness statement at paragraphs 16 to 23 [150]-[151] for an explanation of the escalation). That escalation is unsurprising given the Instagram content described in Ms Driver's witness statement, in which TKDB encouraged other activists to join the protest (see paragraph 35 [20]-[21]).
41. Further, there is a compelling justification for the remedy sought as no other remedy available to the Claimants will be effective to protect the Claimants' rights. Specifically, security staff engaged by the Claimants should not forcibly remove, restrain or detain protestors (especially when the likely age of the protestors associated with TKDB is considered).
42. Sixth, damages are not an adequate remedy for the Claimants. Whilst any low-level damage to the Premises could be compensated for by an award of damages, other losses and harms cannot. Those losses and harms include disruption to the access at the Premises (including the obstruction of the wheelchair/disabled access ramp at the Premises, which was obstructed by the recent protest in May 2025 – see the witness statement of Mr Thiede at paragraph 28 [152]), and disruption to the business of the Claimants' licensees (such as the EHRC, the majority of whose staff were not attending the Premises by reason of the recent protest: Thiede paragraph 25 [152]).
43. Further, should the protests escalate further, and include actions such as the climbing of the building and the release of insects (as TKDB have done elsewhere in the past – see the witness statement of Ms Driver at paragraph 31 [19]-[20]), those actions carry with them extra inconvenience to the Claimants (and additional cost to remedy those actions). Further still, climbing of buildings imperils not only those who climb the building, but also those who have to retrieve them.

44. Lastly, Mr Thiede explains that the green tent situated at the front of the Premises during the recent protest was being used by the protestors as a toilet (Thiede paragraph 28 [152]). There was an absence of proper sanitation being practised on the Claimants' Premises, which harm cannot be compensated for by an award of damages.

Procedural Valero requirements

45. First, the category of Persons Unknown has been defined by reference to the tortious conduct complained of (trespass), and also by defined geographical boundaries (ie. the Premises). In relation to the former, the Claimant mentions, for completeness, that Nicklin J recently adopted a novel approach to injunctions against Persons Unknown in ***MBR Acres Ltd v Curtin* [2025] EWHC 331 (KB)** (19 February 2025), on the apparent authority of ***Wolverhampton***. On the basis that these were truly *contra mundum* orders, he found that Persons Unknown did not need to be, and ought not to be, defined in any way: see [356] and [362], and the Order granted in that case, which would appear to prohibit *anyone* from going onto the relevant land, whether or not they have consent to be on the land. This approach has not been adopted in this claim as: (a) this method has not been used in other High Court cases decided since ***Wolverhampton***² only one of which (***Valero***) appears to have been referred to in the judgment; and, (b) it would considerably expand the scope of the injunction to cover individuals who come onto the Premises, even lawfully.

46. Second and third, the draft injunction order uses clear non-legal language, and prohibits only unlawful conduct (to fall within the prohibition, one must first fall within the defined category of Persons Unknown, which requires the relevant person to enter or remain on the

² E.g. ***Valero Energy Ltd v PU*** [2024] EWHC 134 (KB) (Ritchie J) (26 Jan 2024); ***Exolum Pipeline Systems Ltd v PU*** [2024] EWHC 1015 (Farbey J) (20 Feb 2024); ***1 Leadenhall Group London v PU*** [2024] EWHC 854 (8 Mar 2024); ***HS2 v PU*** [2024] EWHC 1277 (Ritchie J) (24 May 2024); ***Jockey Club Racecourses Ltd v PU*** [2024] EWHC 1786 (Sir Anthony Mann) (9 Jul 2024); ***Leeds Bradford Airport Ltd v PU*** [2024] EWHC 2274 (Ritchie J) (18 Jul 2024); ***Manchester Airport v PU*** [2024] EWHC 2247 (HHJ Coe KC) (24 Jul 2024); ***Drax Power Ltd v PU*** [2024] EWHC 2224 (Ritchie J) (25 Jul 2024); ***Arla Foods v PU*** [2024] EWHC 1952 (Jonathan Hilliard KC) (26 Jul 2024); ***Tendring DC v PU*** [2024] EWHC 2237 (Ritchie J) (31 Jul 2024); ***N Warwickshire BC v PU*** [2024] EWHC 2254 (HHJ E Kelly) (6 Sep 2024); ***London City Airport Ltd v PU*** [2024] EWHC 2557 (Julian Knowles J) (11 Oct 2024); ***Thurrock Council v Adams*** [2024] EWHC 2576 (Julian Knowles J) (11 Oct 2024); ***Heathrow Airport Ltd v PU*** [2024] EWHC 2599 (Julian Knowles J) (14 Oct 2024); ***Shell UK Ltd v PU*** [2024] EWHC 3130 (Dexter Dias J) (5 Dec 2024); ***Teledyne UK Ltd v Gao*** [2024] EWHC 3538 (Bourne J) (20 Dec 2024); ***TfL v PU*** [2025] EWHC 55 (Morris J) (16 Jan 2025); ***Enfield LBC v PU*** [2025] EWHC 288 (Jason Beer KC) (12 Feb 2025).

Premises without the Claimants' permission). The prohibitions match the torts complained of.

47. Fourth and fifth, the proposed injunction is both geographically and temporally limited. The injunction applies only to the Premises, as defined, and is expressed to last for only as long as the current licence of the EHRC. The order will expire by the effluxion of time on 31 January 2026 (absent any application being made for the continuation of the order).

48. Sixth, the injunction makes provision for the notification of the order to newcomer Persons Unknown. As set out in the draft order, notification is to be by way of:

- i. email to the two publicly available email addresses for TKDB;
- ii. upload to the following website: www.tintagelhouseinjunction.com; and
- iii. signs erected at the Premises advising that a High Court injunction is in place, and providing both the URL and a QR code by which the documents may be accessed.

49. It is submitted that the methods proposed can be reasonably expected to bring those documents to the attention of the Defendants (*Cameron v Liverpool Victoria Insurance Co Ltd* [2019] UKSC 6; [2019] 1 WLR 1471 at [21] per Lord Sumption).

50. In any event, and for the reasons set out in paragraph 13 of this skeleton (above), in so far *Valero* requires the court to have express regard to **Human Rights Act 1998, s12(2)** it is submitted that that section does not in fact apply to newcomer Persons Unknown (but is in any event met by the proposed methods of notification).

51. Seventh, the proposed order contains the required liberty to apply.

52. Eighth, no provision is made for the review of the injunction, because the injunction is expressed to expire by the effluxion of time before the period of one-year. Given the current term of the licence of the EHRC, and the Premises being a target for protests by reason only of EHRC's occupation, it is submitted that a time limited order is more appropriate in these circumstances as compared to a longer order subject to annual review (as has become increasingly common in protestor cases). The term of the order proposed ensures that the

injunction will not outlast its need. The terms of the order proposed do not preclude the Claimants seeking a continuation of the order before its expiry, if so advised.

FULL AND FRANK DISCLOSURE

53. The Claimants should draw the court's attention to the following specific matter.

54. The Claimant believes that the protestors who were occupying the recent encampment were likely to be aged under 18 years. Mr Thiede explains that there appeared to be approximately two adults supervising the protestors at any given time; when approached by Mr Thiede, one of the adults identified themselves as an organiser of the protest (Thiede paragraph 30 [152]).

CONCLUSION

55. The Claimants respectfully ask the court to grant the injunctive relief set out in the draft injunction order to restrain further apprehended acts of trespass.

Myriam Stacey KC
Landmark Chambers

Natalie Pratt
Radcliffe Chambers

2 June 2025