Note of Hearing

Moog v Persons Unknown – PT-2025-000910

Date: 6 October 2025

Background

The hearing was the return hearing following interim injunctive relief granted on 5 September 2025 against Persons Unknown ("PUs"), restraining direct-action protest at various Moog sites. The application followed an incident at Moog's Wolverhampton facility on 26 August 2025 involving trespass and extensive property damage. The Claimants maintained that a continuing threat remained to their other sites.

No representatives of PUs were present at the hearing.

Claimant's Submissions

The Claimants submitted that the Court had jurisdiction to grant a "newcomer" injunction under the principles in *Wolverhampton CC v London Gypsies & Travellers* [2024]. Notices of the interim injunction had been displayed at the relevant sites. Although there had been no breach since the interim order, the Claimants relied on suspicious activity around the sites and other evidence as showing that the threat had not sufficiently abated.

Counsel for the Claimants confirmed that the Claimants did not seek to add the arrested individuals as named defendants, because they remained in custody and were not considered a present threat. The Claimants relied on material including a Palestine Action manual encouraging targeting of private-sector organisations and property damage, alongside evidence of action against other entities and online activity.

The Claimants accepted that the rights under Articles 10 and 11 of the ECHR were not necessarily disengaged merely because protest occurred on private land. Their position was nevertheless that those rights carried limited weight where protesters sought to enter private property and that the balance came down in favour of the Claimants' proprietary rights.

The Claimants also sought protection against obstruction of access to and egress from the sites. Counsel for the Claimants confirmed that the proposed order was not intended to prevent people assembling outside the factories but to prevent interference with employees and others entering or leaving. He relied on risks said to be associated with protests and evidence concerning targeting of other companies.

To address proportionality and notice concerns raised by the Judge, counsel for the Claimants indicated a preference for qualifying the prohibition on obstruction of access to and egress from the sites with "deliberately." . Counsel subsequently suggested adding "with knowledge of this order". Counsel for the Claimants also agreed with the Judge's suggestion that the definition of PUs could be amended to refer to persons acting for the purpose of "protest or sabotage", and that wording extending the definition of PUs to persons "encouraging" prohibited conduct should be removed due to the potential that this would interfere with Convention rights.

Judicial concerns and notice requirements

The Judge was minded to grant relief but raised a number of concerns as to the scope and practical operation of the injunction, addressed in the paragraph above.

The Judge also queried whether adequate notice would be given. At some sites, particularly Reading and Luton, a person might enter the injuncted area before encountering a notice and could therefore inadvertently breach the order. This led to discussion of additional notices at access points and the introduction of the "with knowledge of this order" qualification to the injunction scope.

The Judge directed enhanced notification arrangements, including notices at entrances and appropriate perimeter locations, QR codes linking to the relevant website, and checks that notices remained in place. Where practical difficulties arose concerning the right to place notices on particular land, the Claimants could return to Court for directions.

The Court considered the arrangements at each site individually:

- **Wolverhampton**: Having reviewed the existing notice positions, the Judge considered the arrangements adequate. No equivalent additional notice requirements were identified for this site.

- **Luton:** The Judge examined the plan and existing notice locations in detail. He identified a number of potential access points at which further notices should be displayed, including around the principal entrance, an apparent pedestrian entrance to the west and other points from which the relevant red or blue-hatched land could be accessed. The Judge's proposed approach was that notices should be placed at each point from which the relevant land could be accessed. Counsel raised uncertainty about whether the Claimants had sufficient rights or control over some of the car park or surrounding land to erect notices there. The Judge indicated that, if there were difficulties in complying because of land ownership or control, the Claimants could return to Court for directions. Existing notices were to remain in place and the additional notices were to supplement them.

- **Reading:** Existing notices for the Reading site were shown on the aerial photograph, but the Judge identified further locations where notice should be given, including an apparent entrance on the south-west side and the additional locations marked during the hearing. The Judge directed that additional notices should be installed and that, where this required the involvement of third parties, they should be informed that their placement had been directed by the Court.

- **Tewkesbury (Aircraft):** Having reviewed the existing notice positions, the Judge considered the arrangements adequate because there was only one entrance. No equivalent additional notice requirements were identified for this site.

- **Tewkesbury (Industrial):** Counsel noted that the notices appeared to have been placed on the building itself and suggested that notices should also be displayed on the perimeter fence. The Judge agreed that notices should be placed on the

perimeter fence, suggesting they could be interspersed approximately every 200 yards, with two notices either side of each entrance.

Judgment

The Judge said the following:

- The Claimants are involved in manufacturing of aeronautical equipment. By means of a Claim Form dated 4 September 2025 and amended Particulars of Claim dated 5 September 2025, the Claimants are seeking an order to restrain certain actions including entering, egressing or damaging or remaining on the land of various sites in ownership of the Claimants as specified in the draft order. This was first sought in original application, but not awarded in Meade J's order.

- The relevant danger is highlighted by the fact there has already been one very serious incident at one of the sites at which the Claimants' group operates, involving trespass and some damage to property. PUs have been given notice by means of various forms of alternative service provided for in the order.

- The Claimants are seeking this order in response to groups sympathetic to the Palestinian cause against companies allegedly supplying equipment to the Israeli defence force. The application is brought against PUs and the court's jurisdiction to give newcomer injunctions has been recently stated in *Wolverhampton CC*. Here, the Supreme Court recognised there is no moveable obstacle as to jurisdiction that would prevent ordering an injunction against newcomers which is on a without notice basis. However, care is needed in applying the principles in that case to a different sort of case, a protest case, like the one before the judge as noted that that case dealt with travellers.

- In *Vellero Energy limited v PU* [2024], Justice Ritchie dealing with an application for a final injunction with summary judgment provided that the guidance in *Canada Goose v PU* [2021] remains good law, albeit some further guiding principles have been added. *Vellero Energy* helpfully distilled guidance into a mixture of substantive and procedural requirements.

- In *Multiplex Construction Europe Limited v PU* [2024], Justice Ritchie considered similar grounds for granting a final prohibitionary injunction, and in *HS2 v PU*, precautionary injunctions against PU related to private land possessed by claimants are "*different beasts compared to old fashioned injunctions against known defendants that need to be taken to trial*". These cases may never lead to service of defences by PU, whether or not they become crystalised as defendants.

The Judge then explained a number of principles and requirements in granting an injunction:

- **Substantive requirements**

  (a) The claimant must have a cause of action: This is trespass here as protestors have no right to occupy land. The new element here not dealt with by Meade J - blocking access to the land - is not dealt with by trespass, but clearly involves tortious action;

  (b) Full and frank disclosure: This is important even where there has been clear notice as there has been in this case, as PUs may not have had opportunity to speak at the hearing. I am satisfied that the Claimants have satisfied this requirement and in this case that there may be defences available to PUs;

  (c) No realistic defence: There is no suggestion that the Claimants are not entitled to control occupation of their land and no defence is likely to arise on property rights. But defences on human rights grounds could be considered here, especially on access roads not in ownership of the Claimants in extending the existing injunction to cover access and egress. The same was considered by Johnson LJ in the *Birmingham University* and *University of Nottingham* cases; as regards the Claimants' own property I consider those facts and analysis to be relevant in this case. However, the access road is slightly different. Peaceful protest falls within Articles 10 and 11 of the ECHR, but these are not absolute and are qualified. Interference with freedom of speech and assembly can be limited if required by law and in a democratic society. The Claimants have right to peaceful enjoyment of

their private property as enshrined in Article 1. An important point of analysis of the Articles is that they do not bestow any freedom of forum on defendants (*Appleby*). I accept the Claimants' submission that any injunctive relief sought would constitute a breach of the PUs rights under Articles 10 and 11 and would be bound to fail in regard to its own property. As regards the extension of the injunction to deal with the highway, the question is more nuanced, but I am persuaded that the position is similar to that of the *HS2* case; it is proportionate to include an injunction as to the adjoining public land as this will not prevent protest, but will prevent the obstruction of access and egress to the Claimants' property as to lawful visitors and this is only where deliberately made and with knowledge of injunction;

(d) Sufficient evidence to prove the claim: The Claimants submit there is a serious issue to be tried and that they have a realistic prospect of success. I consider that the Claimants are correct, as there are serious risks on social media which show the intention of pro-Palestinian groups against alleged suppliers of the IDF. There is no evidence as to whether the Claimants are such suppliers, but that there are some groups that do consider they are which may put the Claimants in the firing line. In my view, there is ample evidence that the Claimants are justified in their fears of future unlawful trespass and damage to their land, and there is no evidence that has abated. To the contrary there is evidence that is capable of being read that some groups are continuing surveillance of at least some sites.

(e) Damages are not an adequate remedy: I consider this is clear. The Claimants' lawful business should be allowed to continue, and this would be disrupted in a way not remedied by damages; and

(f) Any other remedy the Claimants could pursue to make the injunction unnecessary: We did not discuss in the hearing, but to be clear I do not see any other remedy other than dramatically increasing private security which

would be costly, and security without the backing of the court would be likely to face resistance..

- **Procedural requirements**

  (a) PUs must be clearly and plainly identified. They are, in the form of order put forward;

  (b) Terms of prohibition should be set out clearly, not framed in legal technical terms. I consider this to be the case;

  (c) Prohibition must match pleaded claim. I find this to be straightforwardly met;

  (d) Should be defined geographic boundaries. This point is clearly met under the terms of the order;

  (e) Temporal boundaries. The duration of injunction should only be a long as is reasonably necessary to protect the Claimants' legal rights. The Claimants propose yearly reviews and an automatic lapse if purpose of injunction is not sustained. in my view this is appropriate in this case;

  (f) Service. Satisfied service of the claim has been undertaken in accordance with the Meade J order. This order should be undertaken in broadly the same way, but I have suggested some additional points in which service of the order should be given;

  (g) Provision for PUs to set aside order. The order provides for this.

  (h) Review. This is melded into the point already made that the order will only last a year and is subject to review then.

- The court must then ask itself where the balance of convenience lies. It is appropriate to consider the *TPP v Zeigler* case from 2021. The protests to date have involved extensive damage to property, weighing heavily on the court's mind in relation to balance of convenience. Rights and wrongs of the matter over what the protesters are protesting is a much bigger matter than the one before the court

and would not be appropriate for the court to comment on this. If the injunction is not granted there is real risk the Claimants will face the realistic threat of unplanned invasions and damage to property. Whereas if an injunction is granted, the interference to defendants is limited and they are not prevented from protesting but from trespassing and damage. The Claimants have offered the usual indemnity should the defendants show cost. If circumstances change any defendants have the ability to return to the court to challenge the order.

- Therefore, the order should be granted in form with small amendments as discussed during this hearing.

- The court granted the precautionary injunction in terms sought with minor amendments discussed in the hearing.

- Costs are reserved.

Counsel for the Claimants noted that the warning notice will make reference to sabotage, and asked the court it permission to amend warning notice to include sabotage is granted. The Judge confirmed this was granted.