


IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

Case Nos:  
HQ03X02624 & HQ03X02626

Before: Mr David Pittaway QC (sitting as a High Court Judge)  
**Amended by the Hon Mr Justice Field**

BETWEEN: -



(1) **DAIICHI SANKYO DEVELOPMENT LIMITED** (case no:HQ03X02624) (for and on behalf of its employees and the protected persons (as defined) pursuant to s.3A Protection from Harassment Act 1997) and **DAIICHI SANKYO UK LIMITED** (case no: HQ03X02626) for and on behalf of its employees and the protected persons (as defined) pursuant to s.3A Protection from Harassment Act 1997)

(2) **DR KAZUNORI HIROKAWA** (for and on behalf of the employees of the First Claimant pursuant to CPR 19.6 and s.3A Protection from Harassment Act 1997)

Claimants

- and -

- (1) **STOP HUNTINGDON ANIMAL CRUELTY ("SHAC")** by its representative Dr Max Gastone for and on behalf of its members, participants and Supporters and all Protestors (as defined) conducting criminal, tortious or unlawful activities against the Claimants pursuant to CPR 19.6
- (2) **GREG AVERY**
- (3) **NATASHA AVERY**
- (4) **HEATHER NICHOLSON**
- (5) **ANIMAL LIBERATION FRONT ("ALF")** by its representative Robin Webb for and on behalf of all persons acting as members of, participants in, supporters of, or in the name of the ALF pursuant to CPR 19.6
- (6) **PERSONS UNKNOWN** who are or may be engaged in protesting against the Claimants in contravention of paragraphs 6.4, 6.5, 6.7 and 6.9 of this Order.

Defendants

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**AMENDED ORDER**

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## PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED OR FINED OR YOU MAY BE FOUND TO BE GUILTY OF A CRIMINAL OFFENCE FOR WHICH YOU MAY BE IMPRISONED OR FINED OR BOTH**

## DEFINITIONS

**This Order shall be construed in accordance with the following Orders and/or Definitions:-**

1. The Second Claimant shall represent the First Claimants' employees, (being the employees of Daiich Sankyo Development Limited and Daiichi Sankyo UK Limited) and the Protected Persons (as defined below) pursuant to the Civil Procedure Rules 1998 (CPR) 19.6.
2. Dr Max Gastone shall represent the members of the unincorporated association Stop Huntingdon Animal Cruelty ("SHAC") and all protestors conducting activities against the Claimants pursuant to CPR 19.6.
3. Robin Webb shall represent all persons acting as members of, participants in, supporters of or in the name of the Animal Liberation Front ("ALF") pursuant to CPR 19.6.
4. In this Order:
  - 4.1 "Harass" has the same meaning as in the Protection from Harassment Act 1997 ("the Act").
  - 4.2 "References" to "he", "him" or "his" shall be taken as meaning "she", "her" or "hers" where appropriate.
  - 4.3 "Exclusion Zone" shall mean any areas in which Protesting Activities (as defined in paragraph 6.9) are prohibited or curtailed by this Order or otherwise.
  - 4.4 "Designated Protest Areas" ("DPAs") shall be those areas marked as such and delineated in green on the plans annexed hereto.

- 4.5 The Daiichi Sankyo Group shall include the companies who are listed in Schedule 1:
- 4.6 "Protestor" or "Protestors" shall mean:
- 4.6.1 the Defendants whether by themselves, their servants, agents or otherwise;
  - 4.6.2 any person who is acting in concert with any of the **named** Defendants to do any act prohibited by this Order and who has notice of the terms of this Order whether by himself, his servants, agents, or otherwise;
  - 4.6.3 any other person who is protesting against:
    - 4.6.3.1 the conduct of experimentation on live animals by Huntingdon Life Sciences ("HLS") or the Daiichi Sankyo Group;
    - 4.6.3.2 the business relationship between the Daiichi Sankyo Group and any animal research organisation (as defined by s.148 Serious Organised Crime & Police Act 2005);
- 4.7 Protected Persons shall mean:
- 4.7.1 the Second Claimant;
  - 4.7.2 the officers, employees and former employees of the Daiichi Sankyo Group;
  - 4.7.3 any person who is employed as or through a contractor, sub-contractor or supplier of the Daiichi Sankyo Group;
  - 4.7.4 the families (being immediate family members), servants or agents of the employees referred to above;
  - 4.7.5 any person other than a Protestor who is seeking to visit any premises referred to in this Order, or any premises or home belonging to or occupied by any Protected Person.

#### THE ORDER

**UPON HEARING the solicitor for the Claimants **without notice to the Defendants****

**IT IS ORDERED until further order that:**

5. The Protestors be restrained from pursuing a course of conduct which amounts to harassment of the Protected Persons within the meaning of the Protection from Harassment Act 1997.

**AND**

6. In particular the Protestors be restrained from doing, causing, permitting, encouraging or assisting any of the following:
  - 6.1 Assaulting, harassing, molesting, threatening or otherwise interfering with any Protected Person.
  - 6.2 Photographing or videoing any Protected Person, or his vehicle or any premises or house belonging to or occupied by any Protected Person or otherwise recording registration details of Protected Persons vehicles (save that, for the avoidance of doubt, Protestors may photograph or video each other and Police Officers);
  - 6.3 Making:
    - 6.3.1 any abusive or threatening communication whether orally, by telephone, in writing, by facsimile, by email or other electronic means to any Protected Person which shall include repetitive telephone calls, facsimiles, social network communications or emails;
    - 6.3.2 any communications whatsoever to any Protected Person at their homes, or on their private telephones, emails or social networking sites.
  - 6.4 Knowingly picketing, demonstrating or loitering within 100 yards of any premises or home belonging to or occupied by any Protected Person.
  - 6.5 Entering onto, remaining on or trespassing on any premises or home belonging to or occupied by any Protected Person.

6.6 Publishing or procuring publication by any means whatsoever whether directly or indirectly by a third party publisher acting as agent or otherwise names, addresses, telephone numbers, fax numbers, email addresses, car or other vehicle registration numbers or any other material serving to identify a Protected Person or to publish his personal details.

**PROVIDED THAT** as and when a Protected Person is identified as such for the purposes of a newspaper article or a radio or television programme there shall be no restraint upon the terms of any media response by a Protestor nor upon any repetition of that which featured in the media **SAVE THAT** any response must not contravene the terms of sub-paragraph 6.6.

6.7 Creating, forming or establishing "Protest Camps" within a radius of 5 miles of the premises set out in paragraph 6.9 or any of the homes of the Protected Persons.

6.8 Inciting, compelling or coercing any Protected Person against his will from doing something he is entitled or required to do or to do something that he is not under any obligation to do.

6.9 (Subject to clauses 6.10 and 6.11 below) coming to, remaining on, trespassing or conducting any demonstrations, processions or assemblies or protesting or other related activities ("Protesting Activities") within the immediate vicinity of Chiltern Place, Chiltern Business Park, Gerrard's Cross, Buckinghamshire, SL9 0BG which for the purposes of identification is the land identified on the plan annexed hereto and coloured in pink, blue and yellow.

**SAVE THAT** nothing in these provisions shall prevent Protestors from passing and re-passing in ordinary course in vehicles along the roads coloured [blue];

**AND SAVE THAT**

6.10 Demonstrations may be conducted once every 28 days in each of the aforesaid exclusion zones on the following terms namely:-

- 6.10.1 the number of Protestors present at such demonstrations shall not exceed 12 individuals ; and
- 6.10.2 the maximum duration shall not exceed 2 hours; and
- 6.10.3 demonstrations may only occur between 10 am and 3pm and must be within the specific times notified in accordance with subparagraphs 6.12 below; and
- 6.10.4 demonstrations may only occur within the DPAs marked and coloured green on the scale plans annexed hereto; and
- 6.10.5 the Protestors may enter the exclusion zones for the sole purpose of gaining access to the DPAs and the said Protestors shall place any banners, placards or signs which may be carried by them solely within the DPAs without obstructing pedestrians, or distracting or obstructing drivers; and
- 6.10.6 the Protestors shall not park their vehicles within the boundaries of the exclusion zones except in cases of emergency other than in marked car parking spaces specifically allocated to members of the public; and
- 6.10.7 the Protestors may not bring in, carry or use any instruments whatsoever which may or may not be designed for the making of artificial or musical noise or to amplify sound (including loud hailers); and
- 6.10.8 the Protestors may not wear balaclavas or face coverings (save for the purpose of adhering to genuinely held religious convictions or in prevailing cold weather), masks (whether skull, death, 'Scream', Halloween or otherwise) and/or blood splattered clothing or costumes; and
- 6.10.9 the Protestors must not at any time carry or ignite fireworks, operate pyrotechnics or set fire to or burn any material or substances including effigies;

- 6.11 It is a condition precedent that not less than 24 hours before any proposed demonstrations, the Protestors shall have first respectively notified the Claimants and the police by telephone on the following telephone numbers namely the Claimants on 01753-892-750 and the police on 0845-8505-505.
- 6.12 When notifying the police in accordance with sub-paragraph 6.11 above the Protestors must include the name of the group or groups, the registration number of any vehicles, the proposed number of Protestors, the site, the proposed start and end time of any protest, the identity of the organiser and a contact telephone number.
- 6.13 When notifying the Claimants in accordance with sub-paragraph 6.11 above the Protestors must include the name of the group or groups and the site, date and time of the demonstration.

**IT IS FURTHER ORDERED THAT:**

7. This Order is binding on all Defendants and Protestors pursuant to CPR 19.6(4)(a).
8. There be substituted service of this Order herein on the Defendants by sending the same by pre-paid ordinary first class post in sealed envelopes addressed to:
- 8.1 Dr. Max Gastone at 16 Sholebroke Avenue, Leeds, LS7 3HB;
- 8.2 **Gregg Avery, Natasha Avery, Heather Nicholson and Stop Huntingdon Animal Cruelty ("SHAC") respectively at ~~89 Bush Road, East Peckham, Tonbridge, Kent TN12 5LJ~~; BM Shac, London, WC1N 3XX**
- 8.3 Robin Webb at 25 Portland Terrace, Langwith, Mansfield, Nottinghamshire, NG20 9HA.
- 8.4 **Mr Timothy Greene of Messrs Birds Solicitors of 1 Garratt Lane, Wandsworth, London, SW18 2PT:**

on terms that, additionally, copies shall be emailed to Dr Max Gastone and SHAC at their respective email addresses which are max-legal@riseup.net and info@shac.net.

9. There be substituted service of this Order by exhibiting the same on posts within the exclusion zones.
10. There be substituted service of this Order by posting a copy of the same on the Website: [www.shac.net](http://www.shac.net) on terms that SHAC is ordered, within 5 working days of receiving a copy of this Order in electronic form from the Claimants' solicitors, to place and maintain copies of this Order on the above website or any further websites created or controlled by them and to take all steps necessary to bring the same to the attention of their members or subscribers and to the attention of the Protestors referred to in this Order. In particular the Second, Third and Fourth Defendants are ordered to use their best endeavours to ensure that copies of this Order are placed on the websites referred to above.
11. The Defendants and any party affected by ~~the amendments to this Order shall have liberty to apply to amend provided that they do so in writing on 2 days notice and within 28 days of service and in all other respects this Order~~ may apply to the Court at any time to vary or discharge this order but if they wish to do so they must inform the other party in writing at least 21 days beforehand except in case of emergency.
12. General liberty to apply.
13. No orders as to costs.
- ~~14. Leave to appeal refused.~~

Dated this 10th day of June 2010.

Amended this 24<sup>th</sup> day of January 2012

## **GUIDANCE NOTES**

### **THE EFFECTS OF THIS ORDER**

- I A Defendant or a Protestor who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- II A Defendant or a Protestor which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

### **INTERPRETATION OF THIS ORDER**

- III In this Order, where there is more than one Defendant, (unless otherwise stated) references to “the Defendant” means all of them.
- IV A requirement to serve on “the Defendant” means on each of them. However, the Order is effective against any Defendant on whom it is served.
- V An Order requiring “the Defendant” to do or not to do anything applies to all Defendants.




### **COMMUNICATIONS WITH THE COURT**

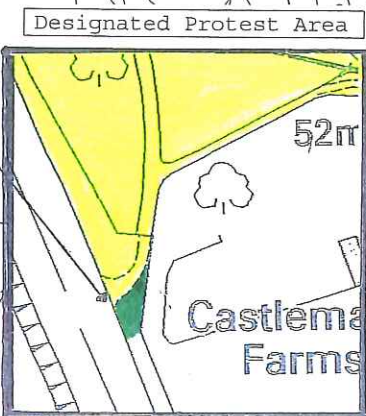
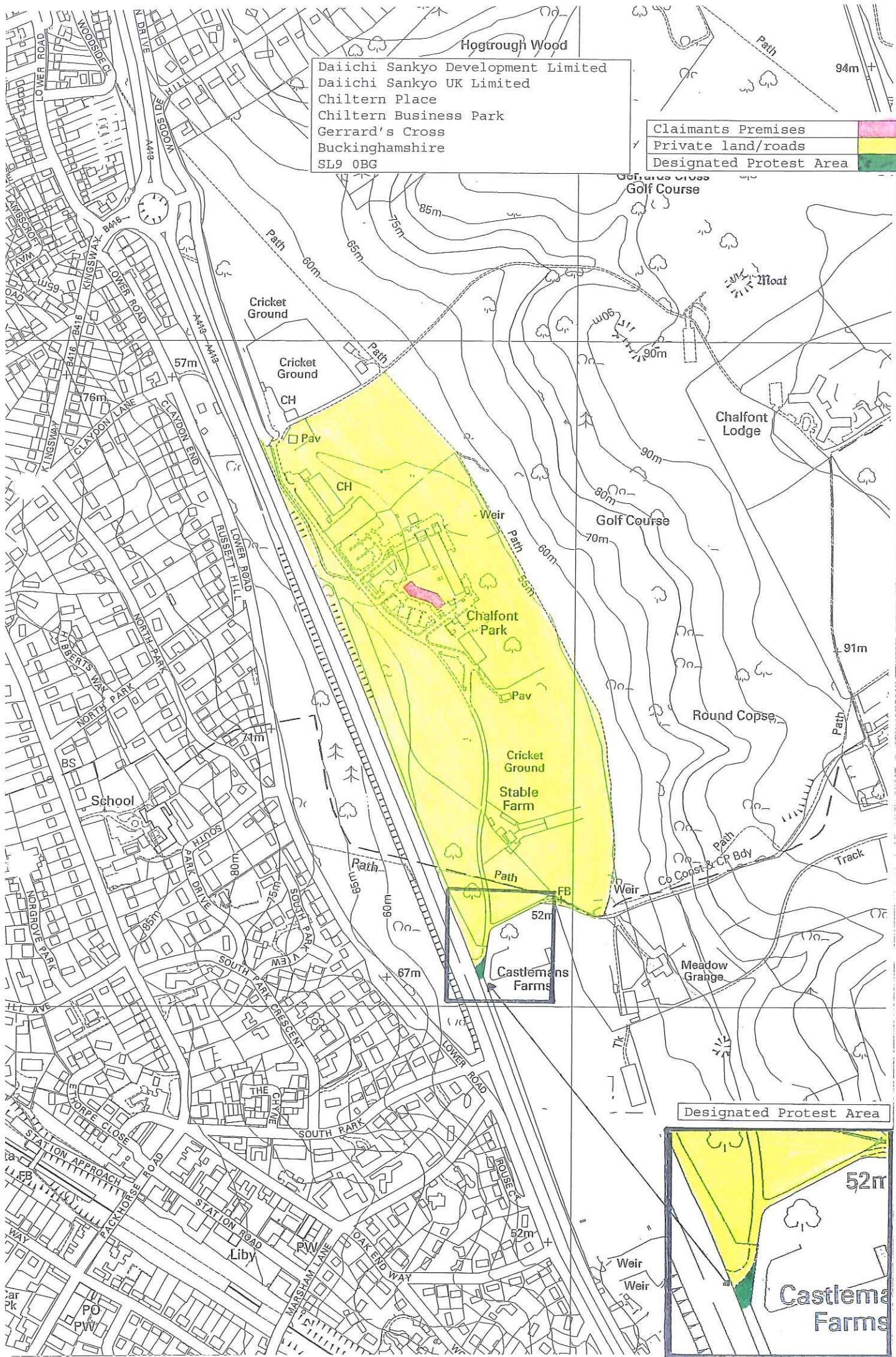
All communications to the Court about this Order should be sent to Room WG 08, Royal Courts of Justice, Strand, London WC2A 2LL quoting the case number. The telephone number is 0207 947 6010. The offices are open between 10 am and 4.30pm Monday to Friday.

### **SCHEDULE 1**

Daiichi Sankyo Co Ltd and its subsidiaries/affiliates worldwide  
Daiichi Sankyo Development Ltd  
Daiichi Sankyo UK Limited

Daiichi Sankyo Development Limited  
 Daiichi Sankyo UK Limited  
 Chiltern Place  
 Chiltern Business Park  
 Gerrard's Cross  
 Buckinghamshire  
 SL9 0BG

Claimants Premises	
Private land/roads	
Designated Protest Area	



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Defendants

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**AMENDED ORDER**

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Dated this 10<sup>th</sup> day of June 2010.

**Amended this 24<sup>th</sup> day of January 2012**

Order drawn out: The Royal Courts of Justice, The Strand, London.