

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim No. F90BM108

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972, SECTION
187B OF THE TOWN AND COUNTRY PLANNING ACT 1990 AND SECTION 130
OF THE HIGHWAYS ACT 1980

BETWEEN:

NORTH KESTIVEN DISTRICT COUNCIL

Claimant

-and-

PERSONS UNKNOWN OCCUPYING LAND AT "ONE NK"

Defendant

ORDER

PENAL NOTICE



IF YOU PERSONS UNKNOWN OCCUPYING LAND DISOBEY THIS ORDER OR
INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE
HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE
YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING
WHICH HELPS OR PERMITS PERSONS UNKNOWN OCCUPYING LAND TO
BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF
COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

POWER OF ARREST

This order contains a power of arrest for breach pursuant to section 27 of the Police
and Justice Act 2006. Any person caught breaching this order may be arrested and
brought before the Court.

NOTE TO ARRESTING OFFICER

Where a person unknown occupying land is arrested under the power given by section 27 of the 2006 Act that person shall be brought before the Court within a period of 24 hours beginning at the time of the arrest. In calculating this period, no account shall be taken of Christmas Day, Good Friday or any Sunday. Nothing in section 27 shall authorise the detention of a person unknown occupying the land after expiry of the period of 24 hours beginning at the time of arrest.

Before His Honour Judge McKenna sitting as a Judge of the High Court on 16 April 2019

UPON HEARING COUNSEL FOR THE CLAIMANT AND THERE BEING NO NOTICE TO THE DEFENDANT

UPON READING THE CLAIM FORM TOGETHER WITH THE EVIDENCE IN SUPPORT

UPON THE CLAIMANT TAKING A VERBATIM NOTE OF WHAT WAS SAID AT THE HEARING AND UNDERTAKING TO MAKE A TYPED COPY AVAILABLE TO ANYONE WHO REQUESTS IT

UPON THE CLAIMANT UNDERTAKING TO FILE AT COURT BY 23 MAY 2019 WRITTEN CONFIRMATION THAT THE OTHER LAND OWNERS SUPPORT THIS RESTRAINT

IT IS ORDERED:

1. Until 4pm on 16 May 2024, the Defendant as Persons Unknown Occupying Land are forbidden from doing the following on the Land without the grant of planning permission or the written permission of the Claimant's solicitor / the owner of the Land:
 - a) Setting-up an encampment or stationing any caravans / mobile homes.
 - b) Entering and / or occupying any part of the Land for residential purposes (temporary or otherwise) including siting caravans, mobile homes, vehicles and/or residential paraphernalia;
 - c) Blocking or stopping up any access road / car park area of the Land.
2. The Land referred to above is that at 'One NK' Leisure and Performing Arts Centre' at Moor Lane, North Hykeham, Lincoln LN6 9AX which includes the health centre and school as identified on the attached map.
3. To effect service of this order, the Claimant shall:

- a) Affix a copy of this Order contained in a transparent waterproof envelope in a prominent position at the entrances to the Land and the main lobby of the Leisure Centre so that it comes to the attention of visitors. In the alternative the Claimant may erect permanent signage to inform visitors of the Order.
 - b) Place a copy on its website and arrange for a copy to be placed on the website of the Leisure Centre.
- 4. Any person who claims to have been unaware of the terms of this order when they moved on to the Land, once informed, must immediately obey this order. Otherwise, they may be in contempt.
 - 5. Any person who is presently a Persons Unknown Occupying Land or anyone notified of this Order who wishes to identify him or herself to join as a named Defendant or make representations to the Court to vary or discharge this Order may apply to the Court on 72 hours written notice to the Claimant (or write to the Claimant to request that it do so).
 - 6. Adjourned generally with liberty to restore.
 - 7. No order as to costs.

INFORMATIVE

If any person affected by the terms of this order has any concerns about the meaning of this order or the extent to which their legal rights are constrained by it may make themselves known to the Claimant's solicitor who undertakes to provide timely advice if sought.

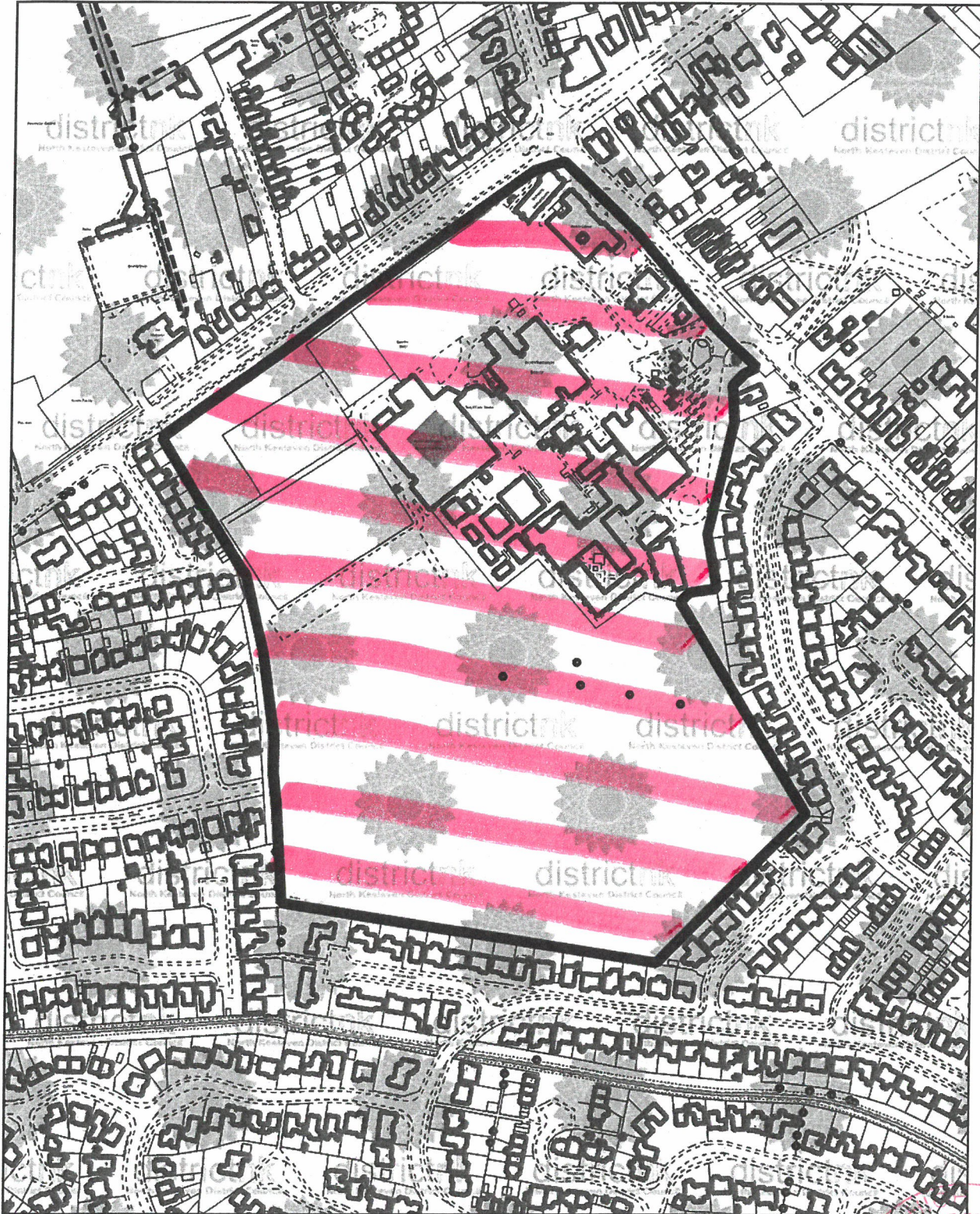
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North Kesteven
DISTRICT COUNCIL

One NK / North Kesteven
School, Moor Lane, North
Hykeham, Lincoln LN6 9AX

Scale 1:3500



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Ordnance Survey 100017926.

