Neutral Citation Number: [2025] EWHC 454 (KB)

Case No: KB-2025-000497

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Thursday 27th February 2025

Before:
FORDHAM J

- -

Between:

THE CHANCELLOR, MASTERS AND SCHOLARS OF THE UNIVERSITY OF CAMBRIDGE	**Claimant**
- and -	
PERSONS UNKNOWN	**Defendants**
- and -	
EUROPEAN LEGAL SUPPORT CENTRE	**Intervener**

- -
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Yaaser Vanderman (instructed by Mills & Reeve) for the **Claimant**
Grant Kynaston (instructed by ELSC) for the **Intervener**
The Defendants did not appear and were not represented

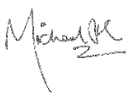
- -

Hearing date: 27.2.25

Judgment as delivered in open court at the hearing

- -

Approved Judgment



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FORDHAM J

Note: This judgment was produced and approved by the Judge,
after authorising the use by the Court of voice-recognition software during an ex tempore judgment.

FORDHAM J :

Introduction

1. I am going to give my reasons now, for a decision on the Claimant's ("the University") application for an injunction. In other circumstances the Court would have wanted, and preferred, to have the opportunity to reserve judgment and hand down the judgment at a future date. But I am satisfied that I must grasp the nettle now, to explain what I am going to do in this case and why, in particular in the light of points that have been made about the significance of the coming weekend. I am authorising the use by the Court of voice recognition software, in the hope that it will enable me to produce a prompt and approved written judgment. But I should make clear that I expect the University's lawyers to be taking a note of this judgment with a view to it being uploaded to their injunction webpage.

The Injunction Webpage

2. The injunction webpage can be located by Googling "Cambridge University notices injunction". The actual address is www.cam.ac.uk/notices. The webpage is, in my judgment, important. By locating it, any member of the public or press and any person with an interest in this case is able to access all of the court materials in their entirety. I will be expecting, and may need to direct, that the University continue to upload to that webpage all court materials. Anyone accessing those materials will have full information about the background to this case and the evidence and written submissions that were put forward to the Court. Because the materials are publicly accessible, I will give some bundle references.

Two Cases

3. Since the University's bundle of authorities for today's hearing is itself available on the injunction webpage, there is ready access for everyone to the voluminous caselaw that was put before the Court. I think it is sufficient, for now, if I identify two of the cases. The first is a working illustration case which lists and addresses "substantive requirements" (see §23) and "procedural requirements" (§40): see University of London v Harvie-Clark and Others [2024] EWHC 2895 (Ch). That is a judgment in which an interim injunction was granted by the High Court. It is right to record that the defendants were unrepresented in that case. I am told that there is a contested substantive hearing in those proceedings, waiting to be dealt with. My principal purpose in referencing that case at the outset is because it gathers together relevant "requirements". The second is Wolverhampton City Council v London Gypsies and Travellers [2023] UKSC 47 [2024] AC 983. Unlike the University of London case, and unlike the present case, Wolverhampton was not a protest case. But reliance has been placed on it in the submissions today. And, while bearing in mind the distinction with protest cases, it contains what is self-evidently important substantive and procedural guidance.

The University's Application

4. The Court has before it the University's claim for an injunction, brought by claim form supported by particulars of claim. Specifically for today, and filed to accompany the claim form, is the University's Form N244 application notice dated 12 February 2025.

By that application notice, the University is asking the Court to make an order, in the terms of a draft order, for an injunction. The basis – given in the Form N244 – is that:

> ***the Defendants have previously trespassed on part or all of the Land (as defined) and there is a substantial, real and imminent risk that those Defendants will trespass upon parts or all of the Land.***

Mr Vanderman for the University has clarified, through his written and oral submissions, that today's application is not, however, solely based on trespass. It is also based on private nuisance.

The ELSC's Application

5. The other application which is before the Court – and which I have already in part granted – is a Form N244 application by the European Legal Support Centre ("ELSC"). ELSC seeks two things. The first is an order pursuant to CPR 19.2 that it be added to these proceedings as an intervener party. Reliance has been placed by Mr Kynaston, in support of that part of the application, on passages in Wolverhampton (especially at §§176 and 226) recognising the appropriateness of hearing from persons who represent the interests of defendants. Reliance is also placed on the fact that there was such an intervener in the Wolverhampton case itself. That first part of the ELSC's application has not been opposed by the University and I granted it earlier during today's hearing. I was quite satisfied that it was appropriate and necessary in the interests of justice that ELSC be joined to these proceedings. I will need to return to the substance of the second part of ELSC's application, which asked the Court to adjourn the University's claim for an injunction, in its entirety.

University Rules, Codes and Guidance

6. I want next to draw attention to the fact that – as in the University of London case (see §§9, 15, 23) – so too in the present case there are terms of admission, rules of behaviour, codes of practice and guidance which expressly address the position of a University student so far as concerns matters relating to events on University property, and freedom of expression and protest. These are themselves in the public domain. But they are also within the bundle of materials, available on the injunction webpage. By way of an overview, a student at the University is required to comply with the rules of behaviour and in turn with relevant codes of practice. Under the rules, a student must not interfere with – or attempt to interfere with – the activities of the University or occupy any University property without appropriate permission. Permission is required for meetings and events on University property, whether indoors or outdoors. Students are not to occupy buildings; nor to disrupt University events. They are not to seek to disrupt events taking place on University premises or do anything designed to prevent an event successfully taking place. Within the interim injunction order that was made in the University of London case (see §15) was express recognition that UOL students were able to protest if they had the relevant authorisation pursuant to the conduct rules codes and guidance.

A Final Injunction

7. The University's primary position at today's hearing is that this Court should today grant a "final" injunction, subject only to there being liberty to apply to vary or discharge it.

Four Locations

8. The injunction sought by the University would relate to four locations. The Court has been shown the land ownership materials which support the University's position that it is the landowner. First, there is the Senate House. This is a formal building in the centre of Cambridge, at the heart of the University, where degree ceremonies and Senate meetings are held. Secondly, there is the Senate House Yard. This is a lawn in front of the Senate House. Thirdly, there is a building called the Old Schools. It is on the same enclosed site as the Senate House and Yard. But is described as "physically distinct". It contains University administrative departments. Finally, there is a building called Greenwich House. It is an administrative building two miles away from the others.

The Description of Persons Unknown

9. The injunction that is sought is directed against what are described as persons unknown, as follows:

> ***PERSONS UNKNOWN WHO, IN CONNECTION WITH CAMBRIDGE FOR PALESTINE OR OTHERWISE FOR A PURPOSE CONNECTED WITH THE PALESTINE-ISRAEL CONFLICT, WITHOUT THE CLAIMANT'S CONSENT (I) ENTER OCCUPY OR REMAIN UPON (II) BLOCK, PREVENT, SLOW DOWN, OBSTRUCT OR OTHERWISE INTERFERE WITH ACCESS TO (III) ERECT ANY STRUCTURE (INCLUDING TENTS) ON, THE FOLLOWING SITES (AS SHOWN FOR IDENTIFICATION EDGED RED ON THE ATTACHED PLANS 1 AND 2): (A) GREENWICH HOUSE, MADINGLEY RISE, CAMBRIDGE, CB3 0TX; (B) SENATE HOUSE AND SENATE HOUSE YARD, TRINITY STREET, CAMBRIDGE, CB2 1TA; (C) THE OLD SCHOOLS, TRINITY LANE, CAMBRIDGE, CB2 1TN.***

For the purposes of the Court dealing with the application today, the University through Mr Vanderman has accepted the appropriateness of narrowing down "block, prevent, slow down, obstruct or otherwise interfere with access", so that it would simply say "prevent access".

The Three Prohibitions

10. The substance of the order being sought against that identified group of Persons Unknown involves three things. They are reflected in the description of the group, quoted above. The first is a prohibition on entering, occupying or remaining upon the land without the University's "consent". The second is a prohibition on (what I just explained is for today) preventing access on the part of any other individual to the relevant land, again without the University's "consent". Pausing there, one of the significant points about that second prohibition is that it would bite on actions taken by an individual who was not on the specified University land itself, but was on the land outside it. The third is a prohibition on erecting or placing any structure on the land including tents or sleeping equipment, again without the University's "consent".

Protesting and Other Locations

11. The University's particulars of claim specifically include this as part of the University's pleaded case:

> ***The Defendants are able to protest at other locations without causing significant disruption to the University, its staff and students.***

That is a clear, pleaded reference to "protest". However, as Mr Kynaston for ELSC points out "protest" does not appear within the drafting of the University's draft injunction order.

Five Years

12. Completing my description of the order that I am being asked by the University to make today, the injunction sought – in relation to these four locations and with these three categories of prohibition – would be for a period of 5 years (to 12 February 2030), but subject to an annual review and a liberty to apply provision.

Three Incidents of Occupation

13. So far as the factual basis for the University's application is concerned, it really comes to this. The University has put forward evidence of three incidents each described in the materials as an "occupation". The University explains that its understanding is that these have been occupations, predominantly by its own students. Two of them (at Senate House Yard) relate to the location for a planned graduation ceremony (Senate House) and, on the evidence, the occupation led to those graduation ceremonies being relocated. I emphasise I am not making any finding of fact for the purposes of today's application. But I do need to consider and assess the evidential picture as it stands before the Court.

14. On 15 May 2024 – it is said – 40 to 50 people entered Senate House Yard by climbing over the fence. They made an "encampment" of 13 tents on the lawn. I understand 15 May 2024 to have been a Thursday. Graduation ceremonies were due to take place at Senate House during the course of the weekend (17 and 18 May 2024). There are social media postings which refer to the encampment, with photos. There is a reference to this as action "disrupting graduation" (University's bundle p.600). The occupiers left at 10:20pm on the Friday evening (16 May 2024), by which time the location of the graduations had been moved from Senate House, to take place instead within individual colleges. There were 1,158 students graduating and 2,773 guests.

15. The other occupation relating to a graduation started on 27 November 2024 when – it is said – a group entered Senate House Yard again by climbing over the fence and 6 tents were put on the lawn. Again there are social media communications which are before the Court with the description of a returning occupation ("Cambridge encampment is back"; "we are back") (pp.133, 401). I understand 27 November 2024 to have been a Wednesday. A graduation was due to take place at the Senate House that weekend, on Saturday 30 November 2024. That graduation was moved from Senate House across the road to Great St Mary's Church. There were some 500 students affected and their guests. Communications – linked to those in occupation – refer to having "forced" the move of the graduation ceremony (p.153). The occupants again left, this time on the evening of Saturday 30 November 2024. At 11am on that same day (30 November) there was a rally outside Great St Mary's Church (p.566). Great St Mary's Church – as I have already indicated – is across the road from Senate House and Senate House Yard. Mr Vanderman emphasises that, on the day that the occupants left (30 November 2024), there was a contemporaneous posted message that says: "We will be back" (p.153).

16. The third occupation is an incident of a very different nature, on the face of it. At Greenwich House (the administrative office building) on 22 November 2024 – it is said – a group entered the building; the fire alarms were activated and all the staff exited the

building; at which point the group then blocked re-entry. The University's evidence is that members of that group then accessed private offices and opened locked cabinets. That occupation continued until 6 December 2024. There were legal proceedings relating to that incident, specifically relating to what was said by the University to be confidential materials which the University was concerned had been accessed. Court orders were made relating to that.

17. That completes my summary of the background and context in which I have to decide what, if any, order it is appropriate for the Court to make today. I need next to record that I was particularly concerned during the hearing about two features of this case

A Concern About Timing

18. The first concern is that the University publicised these proceedings through its injunction webpage only on Wednesday 19 February 2025. Emails were sent on that morning to three identified email addresses. Notices were fixed by process servers at the four locations. The court documents were all published on the injunction webpage. That timing, is in my judgment, a matter of significant concern in the following context and for the following reasons:

    i) I have already identified the dates of the incidents which really underpin the application for an injunction. As I have already described, the latest of them (Greenwich House) had ended on 6 December 2024. It was well known and understood that the graduation ceremonies were scheduled to take place at Senate House on 1 March 2025, 29 March 2025 and 5 April 2025.

    ii) A published statement by the University on 3 February 2025 (p.261) referred to graduation ceremonies. It said the University was:

        > ***currently exploring legal options that would protect certain limited areas of the University, including Senate House and Senate House Yard, from future occupations so that we can hold the [graduation ceremonies] that our students and their families expect.***

        Two days later (5 February 2025) there was a meeting with representatives of Cambridge for Palestine. A final decision was then taken on the 7 February 2025 to issue these proceedings. But that was not announced publicly.

    iii) These proceedings were commenced on 12 February 2025 and an oral hearing was sought (in Form N244) at that stage, for the "week commencing 24 February 2025". The principal witness statement relied on (Rampton 1) is dated Friday 14 February 2025. It refers (§161) to proposed notification, by the means that were subsequently adopted. It was on that Friday 14 February 2025 (at 1736) that the Court confirmed to the University the listing of this hearing for today (27 February 2025).

19. In my judgment, it is regrettable that publication of the fact of these proceedings and the Court documents, including uploading to the webpage and sending of the three emails, did not take place until the morning of Wednesday 19 February 2025. That left just 5 working days before the hearing. It is no answer, in my judgment, that CPR 23.7(1)(b) refers to serving an application "at least 3 days" before the court is going to deal with it. That is because CPR 23.7(1)(a) has a freestanding requirement "as soon as practicable" after an application has been filed. The University was not waiting for an order from the

Court to direct or authorise any particular notification step. It had already waited a considerable period of time since the latest of the events most directly relied on.

20. All of this really matters, for reasons identified by the Supreme Court in the Wolverhampton case. At §226 the Supreme Court emphasised the importance of notification in sufficient time before an application is heard to allow affected persons – or those representing their interests – to make focused submissions as to whether it is appropriate for an injunction to be granted and if so as to terms and conditions (ie. including drafting). The Supreme Court also identified (at §226) why that was important, namely that it was "in the interests of procedural fairness". I am unable to accept that the University's delay is justifiable on the basis that (until it had a hearing date) it was "avoiding confusion"; or that it needed to "ready itself for press attention"; or that it needed to await the actions of a process server. In my judgment there ought to have been earlier and more prompt action, and therefore greater notice.

Reaction

21. In the event, ELSC became aware of the University's application only on Friday 21 February 2025. Others have also, belatedly, become aware of these proceedings. The Court has – and I will require to be uploaded to the injunction webpage – a communication written to the University by the United Nations Special Rapporteur on Freedom of Association and Peaceful Assembly (Gina Romero), dated today 27 February 2025. There is also a letter to the Court from the non-governmental organisation Liberty, dated 26 February 2025. In addition, among the materials filed by ELSC and by the University there are other responses to the University's application for the injunction. A series of concerns are raised in these materials.

The Other Graduation Events

22. The second point which caused me specific concern in dealing with the hearing today relates to the facts, so far as graduation ceremonies are concerned. The Court was told in the materials about the 17/18 May 2024 graduation weekend; and then about the 30 November 2024 graduation weekend. The Court was also told about the upcoming graduation events, beginning this Saturday 1 March 2025, then 29 March 2025 and then 5 April 2025. What the Court was not told in the materials was about these further ten graduation ceremonies which had taken place, unimpeded, at the Senate House and Senate House Yard. They were on 19 June 2024, 26 to 29 June 2024, 18 to 20 July 2024, and 25 and 26 October 2024. In my judgment, it was important that the Court was given a full factual picture, and not simply told about those graduation events that had been displaced. It was fortunate that, by specifically enquiring, I was able – through Mr Vanderman – to discover the fuller facts (also evidently unknown to him). This does mean that the picture before the Court is that it is three out of the last thirteen graduation events which have involved a need to relocate in the light of occupation action.

What I am Not Going to Do

23. I am not prepared today to make any "final" order for an injunction. I am not going to make any order with a duration of "five years". Nor am I prepared today to make an order relating to all four of the locations that have been identified in the Claimant application. So far as the Old Schools are concerned, this building does not feature in any of the evidenced prior incidents. It is true that they are at the same enclosed site as

the Senate House and Senate House Yard. But I am very clearly told that they are "physically distinct". So far as Greenwich House is concerned that, as I have said, is two miles away from graduation events. It has been the subject of one enduring incident which ended on 6 December last year. I am not satisfied that it could be appropriate, procedurally or substantively – still less necessary and justified – for this Court to be making any order today in relation to any of these features or locations.

24. Nor am I prepared today to make any order that would apply to the conduct of any individual who is outside of University land. In my judgment, that is a distinct feature. It relates to the second of the three prohibitions. It introduces distinct and important considerations. When I enquired about that, I was taken to footnoted references (authorities bundle p.543 fn.9) to a line of authorities that are not before the Court today. And I have not been satisfied, either from a procedural or a substantive point of view, that any injunction – even an interim injunction – should be made extending to what any individual does or does not do outside University land.

Saturday's Graduation Ceremony

25. In my judgment, the clear focus for the purposes of today – in the light of everything that I have so far said – has to be on this Saturday's graduation ceremony, scheduled as it is to take place at Senate House and Senate House Yard. Mr Kynaston for ELSC very fairly accepted that all of his points about timing and procedural unfairness were subject to the caveat that the Court would need to consider – as I do - the question of urgency. It is because the graduation ceremony is due to take place on Saturday – the day after tomorrow – that I am giving this judgment immediately at the end of the hearing. The supporting witness statement (Rampton 1 §74) describes as the "main issue" caused by the previous occupations, the disruption of degree graduation ceremonies at Senate House. The University's solicitors letter of response (26 February 2025) to ELSC's request for an adjournment today emphasises "urgency" by reference to Saturday's ceremony. I agree with Mr Kynaston that it is striking, in all the circumstances, that the University did not narrow down and tailor today's application and an injunction to Saturday's degree ceremony. I am quite satisfied that it is the appropriate focus for my consideration. It is, moreover, an event which – on the face of it – squarely engages the University rules, codes and guidance to which I have referred, especially about students not interfering with University events, as well as about not having protest events without having applied for authorisation.

What I Am Going to Do

26. I am going to make a very limited court order in this case. I do not accept Mr Kynaston's submission that there are "insurmountable drafting problems" in the University's draft order, which it is simply too late to resolve or which the Court ought not to be concerned to address. I will be seeking with Mr Vanderman's assistance and (if he is able to give it) Mr Kynaston's assistance, to achieve maximum focus and clarity. Far from being a "final" order, for "five years", my order will be a strictly time-limited order, covering the coming weekend only, and by way of "interim" injunction. It will relate only to conduct on the University land at Senate House Yard and within the Senate House building. It will relate only to persons being at those locations without the University's consent (the first prohibition) and the erecting or leaving at those locations of equipment (the third prohibition). It follows – there being no second prohibition – that the rally which is scheduled to take place on Saturday opposite Senate House and Senate House Yard will

not be and cannot be affected by this Court's order today. I am satisfied that my order is a very limited, but a necessary, intrusion into any legitimate interests. One of the key points raised on behalf of ELSC – in Ms Ost's witness statement (at §28) – is that there is no evidence that anyone threatens or intends to take any action to interfere with Saturday's ceremony. I will return to that point. But I say now that, if that were correct, the order which I am making is benign. I will require from the University the usual cross-undertaking in damages that has been put forward.

Description of Persons Unknown

27. I am minded, in line with the approach of Nicklin J in MBR Acres Ltd v Curtin [2025] EWHC 331 (KB) especially at §§356 and 390, to adopt a simplified description of the Defendant. I have well in mind the clear guidance in Wolverhampton at §221 about defining actual or intended respondents to injunction applications "as precisely as possible", "when it is possible to do so". That guidance describes the appropriateness of exploring that identification, if necessary by reference to intention, and adopting it "if possible". I am conscious that the order that I am making today is only, in any event, very limited and targeted, including for a very short period of what would be a couple of days. I will return with the parties' assistance to the drafting and finalisation of the order in this respect. One of the points that concerns me is as to the messaging that a court order may give, in the way in which it is expressed and targeted. In fact, in this case, even on the University's own drafting the order would not be limited to individuals or groups with any particular position or point of view in relation to "the Palestine-Israel conflict". That is because the University's suggested drafting includes any "purpose connected with" the conflict. That is notwithstanding, as Mr Vanderman rightly points out, the University has needed to justify its application by reference to evidence; and the evidence in question has related to the occupation incidents which I have summarised.

Observations from UOL

28. I record here the following observations made in the University of London case by Thompsell J at §50:

> ***whilst the rights and wrongs of the matters over which the protestors are protesting is a much bigger topic than the one before the court, and it would not be right for the court to express any opinion on them, I think I can observe that the motivations of the protestors spring from a deeply-held sense of injustice and it is a good thing that young people do take notice and seek to call out what they see as injustice. As noted in City of London Corp v Samede [2012] PTSR 1624 at §41 the court can take into account the general character of the view that Convention is being invoked to protect.***

Human Rights

29. The "Convention" referred to by Thompsell J is the European Convention on Human Rights. I would not have been prepared in this case to proceed for today on the basis that those human rights were irrelevant to an application of this kind. There is authority in the possession case of University of Birmingham v Persons Unknown [2024] EWHC 1770 (KB) at §§62 to 64, where this Court (Johnson J) was not prepared to proceed by treating them as irrelevant, going on to explain that in that case possession on behalf of the University was plainly not a violation of Convention rights (see §§72-75). Wisely, Mr Vanderman – for the purposes of today – was prepared to accept that the Court should assume that the Convention rights could apply. I am not reaching a finding as to the law.

I am simply avoiding making an adverse assumption (whether about the Convention rights directly, or about substantively equivalent standards). Apart from anything else, as it presently seems to me, the Convention rights would be engaged in relation to any injunction which took effect under the second prohibition, on conduct outside the University's premises; even if they arose only from the perspective of this Court itself acting as a public authority.

Contempt and Permission

30. I will want to include in my order, in the particular circumstances of the present case, the special provision that the court's permission is required before any contempt application can be instituted: see MBR §390. I am told by Mr Vanderman that that is an unusual provision to include, but I am undeterred by that observation. Given, in particular, the procedural concerns that I identified earlier – but in any event in the particular circumstances – I am satisfied that additional protection is appropriate in this case.

Justification

31. It is obvious from what I have said already that I have been satisfied, by reference to the evidential burden which is on the University, that there is the requisite justification for a court order but only the very narrow and limited order which I have identified. A helpful encapsulation of the key substantive test was identified for me by Mr Vanderman – and embraced by him for the purposes of my consideration today – from the local authority gypsy and traveller context in Wolverhampton at §218:

> ***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.***

Doubtless there is much that can be said about the word "imminent". I have, for the purposes of today, noted the observations of Julian Knowles J in London City Airport Ltd v Persons Unknown [2024] EWHC 2557 (KB) at §29, about "imminence" being the absence of prematurity. I interpose that no concept of "imminence" justifies the University's delay to which I earlier referred when expressing my first of two concerns.

32. On the evidence before the Court, there have on two occasions been incidents in which individuals have deliberately entered Senate House Yard in the days before a known scheduled graduation ceremony. They have erected tents on the lawn. They have remained until the University has been "forced" to transfer the graduation ceremony from Senate House to another location. At which point they have then left the site. There is no evidence of damage caused by them. They are expressly described as having occupied and left peaceably; and having left the site on each of the two occasions in "a tidy state". Nevertheless, on the contemporaneous social media communications, the identifiable purpose of the actions was "disrupting" graduation, so its move of location was "forced". I have anxiously considered the newly-disclosed fact that there are no fewer than 10 graduation events after May 2024 and before November 2024 when no such occupation took place. Nevertheless, the latest graduation event in time was the November 2024 graduation weekend, where the University was "forced" to move the event from its historic graduation venue to an alternative venue. Moreover, as I have mentioned, there is evidence of a communication from an individual involved in the November occupation – the most recent event – which said: "we will be back". All of this is the evidential

picture which, in my judgment, does satisfy the relevant legal tests of justification, for the purposes of today's interim injunction relating to the coming weekend, so far as occupation of the lawn at Senate House Yard is concerned.

33. Alongside that evidential picture, Mr Vanderman is in my judgment right to draw attention to the fact that there has been an opportunity – not taken by them – for those who were involved in communicating about the previous occupations to have disavowed any intention, so far as this Saturday is concerned. On that point, my attention was invited to the observations of Linden J in Esso Petroleum Co Ltd v Persons Unknown [2023] EWHC 1837 (KB) at §67. A principal point made in the helpful witness statement of Ms Ost of ELSC involved bringing to the Court's attention that Cambridge for Palestine has announced its intention to have a rally this Saturday at Great St Mary's, opposite Senate House. What she has taken from that information – which I respect and understand – is that this rally would be action "instead of" any protest or occupation at Senate House or Senate House Yard. On the evidence, however, there was a rally at 1pm on 30 November 2024 outside Great St Mary's, on the same day that the occupation at Senate House Yard was still taking place. I am not able, for the purposes of today, to take reassurance from the fact of the rally having been announced. Nor is there any reassurance in my judgment to be gained by the absence of prior communications of an intention to occupy ahead of this weekend. There is similarly no evidence that the previous occupations were preceded by visible communications which would have alerted anyone. Therefore the fact that there are no visible communications as at today is not something on which I am able to rely. As I have already mentioned – although it is really only a footnote – if and insofar as there is in fact no intention to occupy on this occasion, well then my Order is benign.

34. Alongside these points about the evidence of the risk there is the powerful evidence filed by the University, describing the impact for those for whom this is their graduation ceremony, and for their guests. That is the impact of a relocation to an alternative venue which, on the face of the evidence, would mean an event and location of a very different character. There is, in my judgment, powerful evidence – within the supporting witness evidence which can be viewed in the public domain on the injunction webpage – about these impacts and the impacts on the University itself and its staff. Against those impacts, I cannot see that there is any countervailing justification – still less compelling justification – which would extend to disrupting that graduation event by forcing it to again to be moved.

35. I have found a useful reference-point within the Statement from the UN Special Rapporteur on the Rights of Freedom of Peaceful Assembly and of Association, in her statement (2 October 2024) with recommendations for universities worldwide:

> ***In universities located on private property, gatherings and peaceful protests are still protected under the right to freedom of peaceful assembly. While certain restrictions may be applied to safeguard the rights and interests of others property stakeholders, these must be assessed on a case-by-case basis. This evaluation should consider "whether the space is routinely publicly accessible, the nature and extent of the potential interference caused, whether those holding rights in the property approve of such use, whether the ownership of the space is contested through the gathering and whether participants have other reasonable means to achieve the purpose of the assembly, in accordance with the sight and sound principle". This underscores the importance of refraining from imposing blanket restrictions. The use of "trespassing" offences for peaceful assemblies carried out on the private property of academic institutions should be assessed strictly against the necessity and proportionality principles…***

I am quite satisfied, that viewed through the lens of those considerations, there is no countervailing feature within them which militates against the grant of this order. On the contrary, that case-specific evaluation in the light of those considerations in my judgment supports the court making the narrow order which I am now going to make.

36. I have not in these reasons gone through the "substantive requirements" and "procedural requirements" described in the two authorities which I mentioned at the start of this judgment. I record that I am satisfied that there is a cause of action in trespass, which matches the particulars of claim; that – subject to the second concern which I raised which was cured at this hearing – there has been full and frank disclosure; that the evidence is sufficient to prove the claim for the purposes of an interim injunction; and that the balance of convenience and justice weighs in my judgment strongly in favour of the grant, as opposed to the refusal, of my narrow order for interim relief in all the circumstances. Damages would not be an adequate remedy for the harm on the part of the University and those affected . Nor is there an adequate alternative remedy for the University which would, with sufficient urgency, be able to address an occupation and ensure that this weekend's event did not again need to be relocated. I am satisfied that clarity can be achieved as to the "who", the "what", the "where" and the "when" of my order. I am satisfied that there has been sufficient notification, for the purposes of justly determining this application today, to the limited extent that I have. I am satisfied that my Order involves no procedural unfairness. I will make directions so that this case can return to this Court, at which point there can be full representation on the part of the Intervener and the court will be able to revisit the question of an injunction, including any question of another temporally-limited injunction relating to the next graduation ceremony scheduled for 29 March 2025. But I am not prepared, in the circumstances that I have described, to make any wider or further injunction order: I do not consider there to be a compelling justification or imminent risk justifying any further or other order; nor am I satisfied that it would be procedurally fair for this Court today to be making any wider or further order.

37. There is a final point which I should address explicitly. I was at one point minded to restrict today's Order so that it applied only to Senate House Yard. The reason being that that is the location where there has previously been occupation. I have seen no evidence of any previous entry into Senate House itself. However I was satisfied on reflection that it was appropriate to include Senate House within the Order. It is the location of the ceremony. It would be an odd thing for the Court to restrict the injunction to the Yard. It might also be misunderstood, if the Court were to communicate that it is only the Yard. Moreover, I have been influenced by the other events at Greenwich House. I can see the prospect that those intent on securing a relocation of Saturday's event, if feeling unable to locate themselves on the lawn at the Senate House Yard, could then see as open to them from the Court the alternative of securing entry – perhaps while preparations are underway for the ceremony – into the venue itself; and then being able to disrupt through occupation from within Senate House itself. And so it is, in my judgment, necessary, justified and appropriate in all the circumstances that Senate House should itself be included within the court order.

The Order

38. The Order itself will be promptly uploaded to the injunction webpage, where it can be viewed. There are directions in the Order for uploading of materials. The Defendants in the Order are simply "Persons Unknown". The two prohibitions are that until 23:00 on

Saturday 1 March 2025, the Defendants must not, without the consent of the Claimant: (1) enter, occupy or remain upon the Land; or (2) erect or place any structure (including, for example, tents or other sleeping equipment) on the Land. The Land is Senate House and Senate House Yard. The return date for further consideration of the case will be the first available date after 17 March 2025. The parties will now need to liaise and provide a prompt time estimate. As I mentioned at the hearing, consideration should be given to a possible hybrid hearing which may serve to allow remote observation by those interested or affected unable readily to attend in person in London.