

**Amended pursuant to the Order of Mrs Justice Collins Rice dated 6<sup>th</sup> March 2023  
in accordance with CPR Part 40.12 (slip rule)**

**Claim No: QB-2018-004437**

**IN THE HIGH COURT OF JUSTICE**

**KING'S BENCH DIVISION**

**Before Rowena Collins-Rice (sitting as a Deputy Judge of the High Court)**



**B E T W E E N**

- (1) TEIGHMORE LIMITED**
- (2) LBQ FIELDEN LIMITED**

and

Claimants

**(±) PERSON OR PERSONS UNKNOWN ENTERING IN  
OR REMAINING AT THE SHARD OR SHARD PLACE  
INCLUDING IN THE AIRSPACE IMMEDIATELY  
AROUND THE SHARD OR SHARD PLACE WITHOUT  
THE CLAIMANTS' LICENCE OR CONSENT**

Defendants

---

**ORDER FOR AN INJUNCTION**

---

**PENAL NOTICE**

**IF YOU, THE DEFENDANTS, ~~DISOBEYS~~ DISOBEY THIS ORDER YOU MAY BE HELD TO BE 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 THE DEFENDANTS OR ANY OF THEM TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.**

**IMPORTANT NOTICE TO THE DEFENDANTS**

**This Order prohibits you from doing certain acts. You should read this Order very carefully. You are advised to consult a solicitor as soon as possible.**

**If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or your assets seized.**

**You have the right to apply to the Court to vary or discharge this order (which is explained below)**

**RECITALS**

UPON the Claimants' application dated 19<sup>th</sup> February 2020 under its Claim for a final injunction

AND UPON HEARING Counsel for the Claimants and the Defendants not appearing

AND UPON READING the witness statements of Stuart Sherbrooke Wortley dated 19<sup>th</sup> and 25<sup>th</sup> February 2020

**IT IS ORDERED THAT:**

1. In respect of the Shard, the ~~Second~~-Defendants be restrained from:
  - (b) without the licence or consent of the First Claimant, entering or remaining in or upon any part of the land shown edged red on Plan 1 appended hereto ("The Shard") including the Airspace of the Shard (as defined below) but excluding the Shard Access Areas (as defined below);
  - (c) entering or remaining in or upon the Shard Access Areas in the event of the licence to enter or remain in the Shared Access Areas having been withdrawn whether orally or in writing by the First Claimant or on its behalf.
2. In respect of Shard Place, the ~~Second~~-Defendants be restrained:
  - a. whilst any hoardings are in place around Shard Place, from entering or remaining in or upon any part of the land shown edged red on Plan 2 appended hereto ("Shard Place") including by climbing or being on the hoardings or any external part of Shard Place without the licence or consent of the Second Claimant;
  - b. once all the hoardings around Shard Place have been removed, from entering or remaining in or upon any part of the land shown edged red on Plan 2 or being in or on any external part of Shard Place,

3. Definitions:

- a. "The Envelope of the Shard" is : (1) all the area contained within the building and enclosed by walls and ceilings; and (2) at the level of the Open Viewing Platform and above, the area encompassed by: (a) a horizontal plane joining the three highest points of the Shard; and (b) the extension of the sloping planes of the Shard up to that horizontal plane.
  - b. The "Open Viewing Platform" is that area open to the elements at the 72th floor.
  - c. The Airspace of the Shard is:
    - (1) all that area within the Envelope of the Shard at the level of the open viewing platform and above; and
    - (2) an area of 3 metres from the Envelope of the Shard measured horizontally from the nearest point of the Envelope of the Shard.
  - d. The "Shared Access Areas" comprise
    - ~~(2)~~ (1) the entrance to the offices at The Shard accessed from Joiner Street including the main reception up to the point of the security barriers;
    - ~~(3)~~ (2) the Viewing Platforms at the 68th, 69th and 72th floors and those parts of The Shard from which access is gained to and from the Viewing Platforms but only whilst standing or sitting on the floors of those viewing platforms and not otherwise climbing or entering into any other part of the Airspace; and
    - ~~(4)~~ (3) the entrances and lifts which are accessed from St Thomas Street and which provide access to and from the restaurants, bars and hotel;
4. Paragraphs 1 and 2 of this Order will remain in force until 26<sup>th</sup> February 2030.

#### **VARIATION OR DISCHARGE OF THIS ORDER**

The Defendants may apply to vary paragraph 4 above upon giving 48 hours' notice in writing to the Claimant's solicitors at Eversheds Sutherland (International) LLP, One Wood Street, London, EC2V 7WS (Ref: Stuart Wortley tel: 020 7919 0969; email: [stuartwortley@eversheds-sutherland.com](mailto:stuartwortley@eversheds-sutherland.com)).

#### **INTERPRETATION OF THIS ORDER**

A Defendant who is ordered not to do something must not do it him/herself or in any other way. He/she must not do it through another acting on his/her behalf or on his/her instructions or with his/her encouragement.

It is a contempt of court for any person notified by this order knowingly to assist or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

## **SERVICE OF THIS ORDER**

Service of this Order may be effected in the manner set out below.

1. ~~Service of this Order may be effected on the First Defendant by sending it to him by First Class Post to 40 Rookery Road, Bristol BS4 2DT~~
2. Service of this Order on the ~~Second~~ Defendants shall be by displaying notice of the Claim, the Proceedings and this Order as soon as reasonably practicable-
  - (a) in a prominent position: (i) within the main reception for the offices of The Shard; (ii) outside the entrance(s) to The Shard; and (iii) in no fewer than five prominent locations around the perimeter of The Shard;
  - (b) whilst the hoardings remain in place around Shard Place, at no fewer than five prominent locations around the perimeter of Shard Place;
  - (c) once the hoardings have been removed from Shard Place, in a prominent position within the reception for Shard Place and outside the entrance(s) to Shard Place.

The said notice shall include a statement that a copy of this Order, the Claim Form, the Claimants' application notice dated 19<sup>th</sup> February 2020 and the Witness Statements of Stuart Sherbrooke Wortley dated 19<sup>th</sup> and 25<sup>th</sup> February 2020 may be viewed:

- (a) at a website the URL of which is specified in the notice;
- (b) at a physical location specified in the notice,

and may be obtained from the Claimants' Solicitor, whose contact details shall be specified in the notice.

## **COSTS**

There shall be no order as to costs ~~for the First and Second of the~~ Defendants on this application.

## **COMMUNICATIONS WITH THE COURT**

- (a) All communications to the Court about this Order should be sent to:
  - King's Bench Division, Royal Courts of Justice, Strand WC2A 2LL.

The offices are open between 10.00 a.m. and 4.30 p.m. Monday to Friday (except Bank Holidays).

- The telephone number is 0203 936 8957

## **SCHEDULE 1**

### **Witness Statements**

The Judge read the following Witness Statement before making this Order:

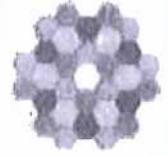
Witness Statements of Stuart Sherbrooke Wortley dated 19<sup>th</sup> and 25<sup>th</sup> February 2020 together with the Exhibits marked "SSW13" to "SSW20 "

## **SCHEDULE 2**

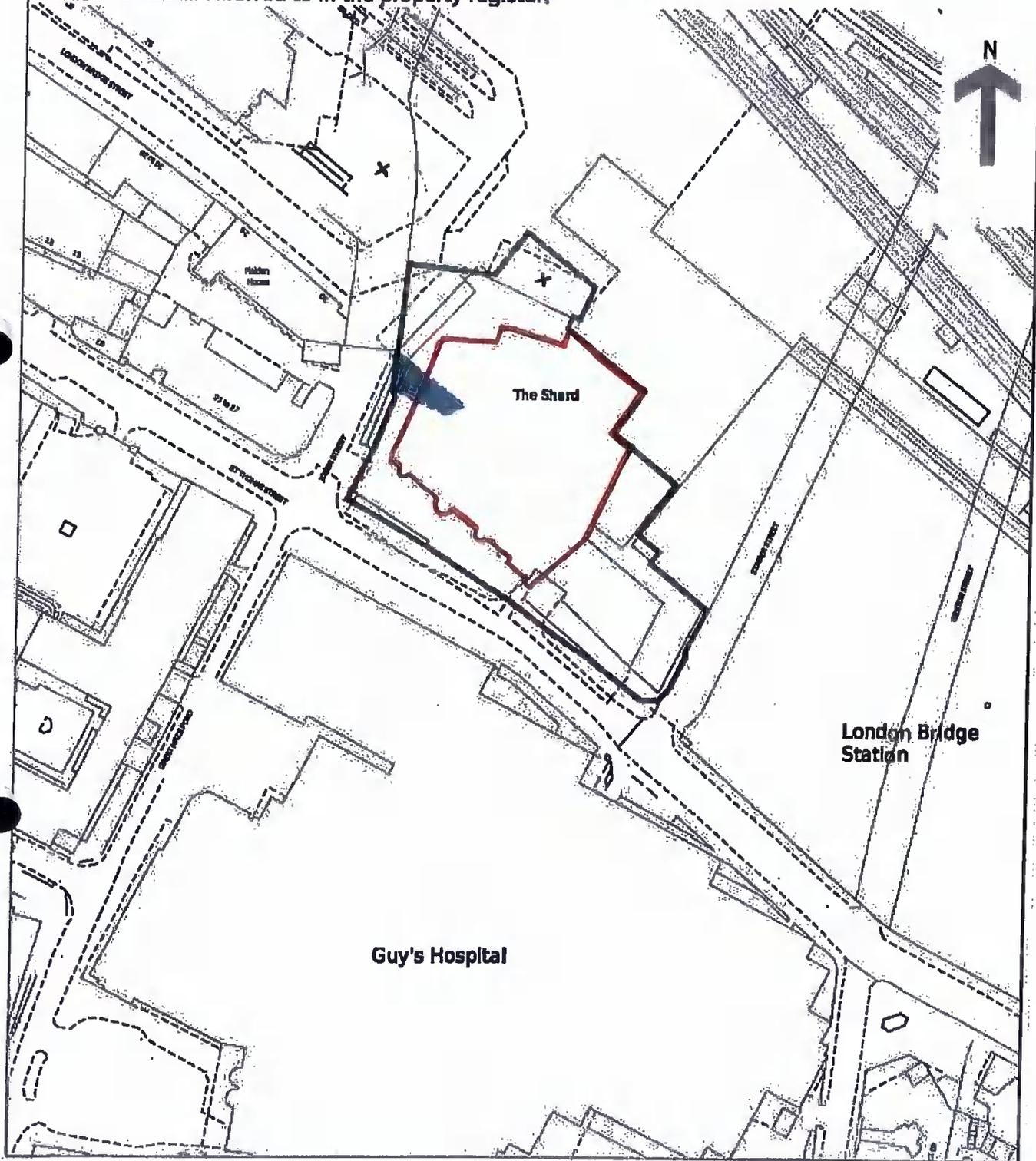
### **Plans**

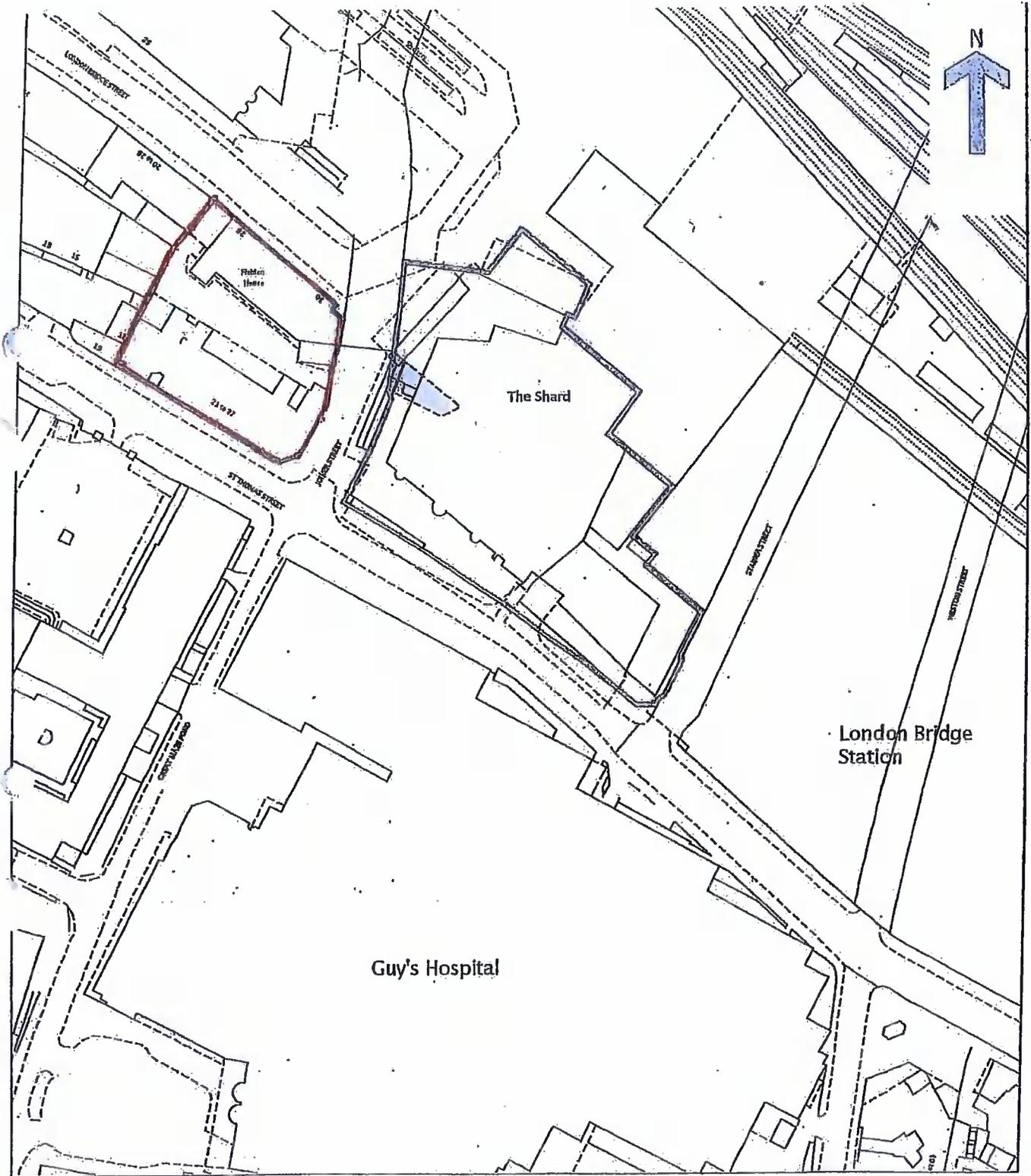
**HM Land Registry**  
**Official copy of**  
**title plan**

Title number **TGL386845**  
Ordnance Survey map reference **TQ3280SE**  
Scale **1:1250**  
Administrative area **Southwark**



© Crown copyright and database rights 2014, Ordnance Survey 100048318. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.  
**The land in this title lies within the area edged red hereon and is more particularly described in the lease or leases referred to in the property register.**





Plan 2