

Version 5 Interim Injunction amended pursuant to the Order of HHJ Kelly made on
16th October 2023.



Claim No. KB-2022-BHM-000221
KB-2022-BHM-000221

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ROYAL COURTS OF JUSTICE

**In the matter of an application for an injunction under s.1, Localism Act 2011, s.222,
Local Government Act 1972, and s.130 of the Highways Act 1980.**

B E T W E E N

BIRMINGHAM CITY COUNCIL

Claimant

and

- (1) AHZI NAGMADIN
(2) JESSICA ELLEN ROBERTS
(4) RASHANI REID
(5) THOMAS WHITTAKER
(6) ARTHUR ROGERS
(7) ABC
(8) PERSONS UNKNOWN WHO PARTICIPATE OR INTEND TO PARTICIPATE IN STREET-CRUISES IN BIRMINGHAM, AS CAR DRIVERS, MOTORCYCLE RIDERS, PASSENGERS AND/OR SPECTATORS
(9) PERSONS UNKNOWN WHO, OR WHO INTEND TO, ORGANISE, PROMOTE OR PUBLICISE STREET CRUISES IN BIRMINGHAM
(10) PERSONS UNKNOWN WHO PARTICIPATE OR INTEND TO PARTICIPATE IN STREET CRUISES IN BIRMINGHAM AS CAR DRIVERS, MOTORCYCLE RIDERS OR PASSENGERS IN MOTOR CARS OR ON MOTORCYCLES
(11) MR MOHAMMED WAJAHAS SHABBIR
(12) ZOE LLOYD
(13) CALLUM BLUNDERFIELD
(14) GURINDER SINGH SAHOTA

Defendants

FURTHER AMENDED INTERIM INJUNCTION ORDER

IF YOU THE WITHIN NAMED PERSONS, INCLUDING PERSONS UNKNOWN, DO NOT COMPLY WITH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND IMPRISONED OR FINED, OR YOUR ASSETS MAY BE SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS ANY OF THE DEFENDANTS 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

On the 20th and 21st days of December, 2022, before The Honourable Mrs Justice Hill, sitting at the Royal Courts of Justice, the Strand, London, WC2A 2LL the Court considered an application for an interim injunction.

UPON hearing Counsel Mr Manning and Ms Crocombe for the Claimant, without notice to the Defendants, but on informal notice having been given to the Defendants;

AND UPON considering an application for an injunction brought by the Claimant pursuant to the above statutory provisions, inviting the Court to exercise its discretion to grant injunctive relief pursuant to s.37(1) Senior Courts Act 1981;

AND UPON the Court being satisfied for the purposes of s.27(3), Police and Justice Act 2006, that there is a significant risk of harm to a person or persons from the conduct prohibited by this Order and that a power of arrest should therefore be granted;

AND UPON the Claimants confirming that this Order is not intended to prohibit lawful motorsport taking place on private land where planning permission has been granted and such activities take place under an approved code or licence from a recognised regulatory body;

AND FURTHER UPON the Court noting the Order of Her Honour Judge Emma Kelly, sitting as a Judge of the High Court, made on 14 December 2022, giving directions and approving service by alternative means, pursuant to CPR r. 6.15 and r. 6.27, in respect of the Claimant's Claim Form, Applications and evidence in support;

AND FURTHER UPON it appearing to the court that there is good reason to authorise service of this Order and Power of Arrest by alternative means pursuant to CPR rr.6.15, 6.27 and 81.4(ii)(c) and (d);

AND on 19th day of May 2023, before the Honourable Mr Justice Ritchie sitting at the High Court of Justice, Birmingham District Registry, Priory Courts 33 Bull Street, Birmingham B4 6DS

UPON the Court conducting a review of the interim injunction and power of arrest granted by Hill J on 22 December 2022 and continued by Freedman J on 13 February 2023

AND UPON the Court considering that further clarification was necessary as to the particular categories of Defendant who are Person Unknown to whom this injunction and power of arrest applies

IT IS ORDERED THAT

Injunction

1. The 1st to 7th (inclusive) and 10th, 11th, 12th, 13th and 14th Defendants are forbidden to participate in a street-cruise within the Claimant's local government area (known as the City of Birmingham) the boundaries of which are delineated in red on a map attached to this Order at Schedule 1.
2. The terms "street-cruise" and "participating in a street-cruise" have the meanings set out in Schedule 2 to this Order.
3. A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1 above, in relation to any of the 1st to 7th (inclusive) and 10th, 11th, 12th, 13th and 14th

Defendants participating in a street-cruise as the driver or rider of, or a passenger in or on, any vehicle to which paragraphs 1 and 2 of Schedule 2 to this Order applies. For the avoidance of doubt, the power of arrest granted by this Order does not apply to any other person participating in a street-cruise within the meaning of Schedule 2 to this Order.

4. This Order and attached Power of Arrest shall come into force at 00.01 on 24 December 2022 and remain in force until the hearing of the claim unless varied or discharged by further Order of the Court.
5. Any person served with a copy of, or affected by, this Order may apply to the Court to vary or discharge it, on 48 hours written notice to the Claimant at the address set out at the foot of this Order.

Service

6. Service of this Further Amended Injunction and Further Amended power of arrest shall be effected in accordance with the order of HHJ Kelly made on 16th October 2023.
7. Costs in the claim.

If you do not fully understand this Order you should go to a solicitor, Legal Advice Centre or Citizens' Advice Bureau.

THE CLAIMANT'S CONTACT DETAILS

Birmingham City Council Legal and Governance

Ref: LSCSY/HM/210929

PO Box 15992

Birmingham B2 2UQ

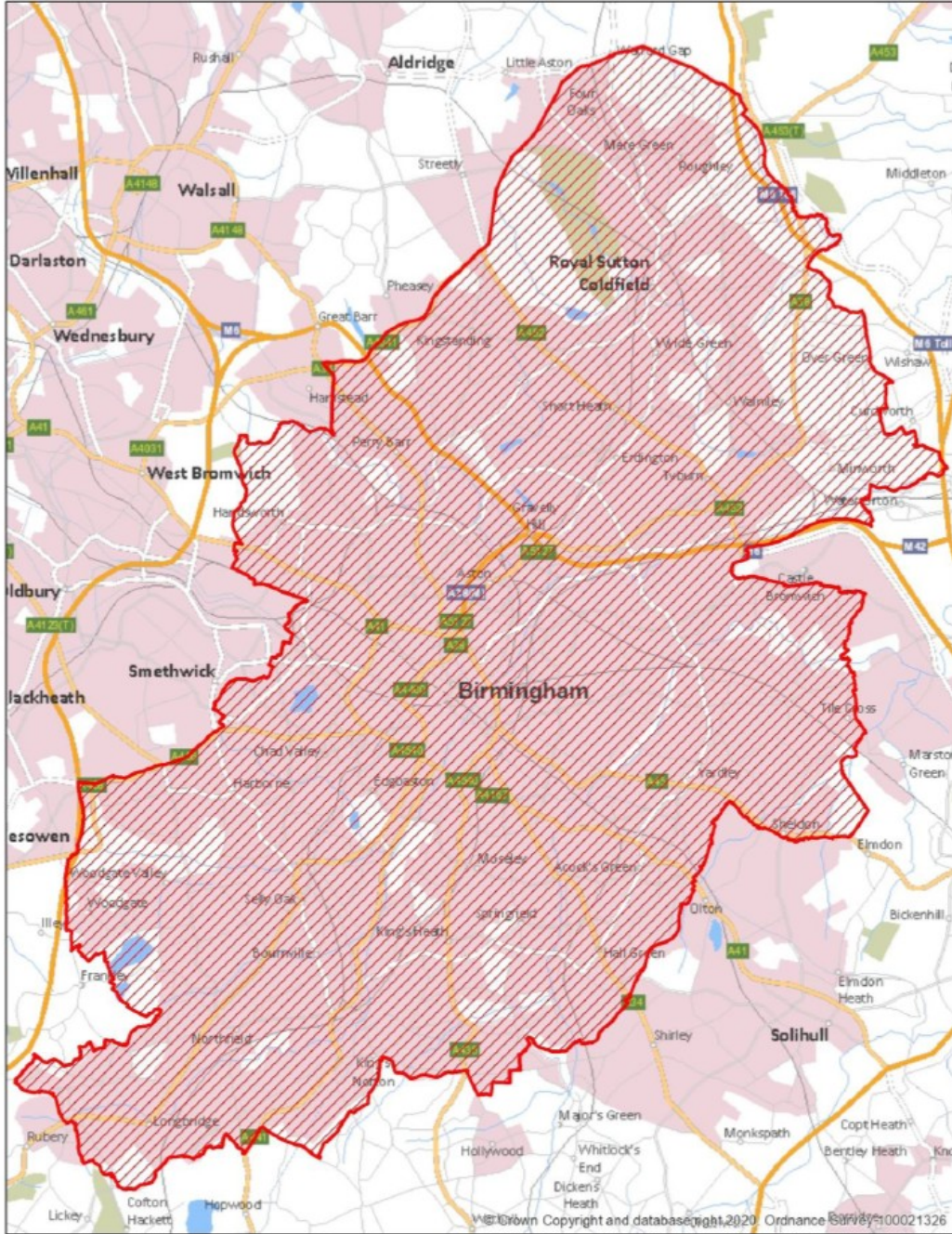
E: HousingLitigationTeam@birmingham.gov.uk

T: 0121 303 2808

DX: MDX 326401 Birmingham 87

SCHEDULE 1

Birmingham Administrative Boundary



The thick red line indicates the Birmingham administrative boundary.



SCHEDULE 2

“Street-Cruise”

1. “Street-Cruise” means a congregation of the drivers of 2 or more motor-vehicles (including motor-cycles) on the public highway or at any place to which the public have access within the Claimant’s local government area (known as the City of Birmingham) as shown delineated in red on the map at Schedule 1, at which any driver, rider or passenger in or on a motor vehicle, performs any of the activities set out at para.2 below, so as, by such conduct, to cause any of the following:

- (i) excessive noise;
- (ii) danger to other road users (including pedestrians);
- (iii) damage or the risk of damage to private property;
- (iv) any nuisance to another person not participating in the car-cruise.

2. The activities referred to at para.1, above, are:

- (i) driving or riding at excessive speed, or otherwise dangerously,
- (ii) driving or riding in convoy;
- (iii) racing against other motor-vehicles;
- (iv) performing stunts in or on motor-vehicles;
- (v) obstructing the highway or any private property.

“Participating in a Street-Cruise”

3. The 1st to 7th (inclusive), 10th, 11th, 12th, 13th and 14th Defendants participate in a street-cruise if they are or any of them is the driver or rider of, or passenger in or on, a motor-vehicle at a street cruise and performs or encourages any other driver, rider or passenger to perform any activity, to which paras.1-2 above apply, and the term “participating in a street-cruise” shall be interpreted accordingly.

SCHEDULE 3

1. Service of this Re-Amended Order and the Re-Amended power of arrest shall be effected by the means ordered by the Court on 16th October 2023 and set out in the Order of HHJ Kelly dated 19th October 2023 from the said hearing.

2. If the Claimant takes enforcement proceedings against any of the 8th, 9th and/or 10th Defendants in respect of this Order, the Claimant shall, if so directed by the Court, serve on that Defendant:
 - (i) a copy of the Claimant's application and all supporting documents relied on to obtain this Order and power of arrest; and
 - (ii) a copy of this Order and power of arrest.

The Claimant shall not, however, be required to (although it may) serve copies of the DVD evidence relied on to obtain this Order, or to divulge to the Defendant served the names or addresses of the witnesses whose statements are served in accordance with this paragraph.

3. The Court will consider whether to join the Defendant to the proceedings as a named Defendant and whether to make any further Order.

