

**IN THE HIGH COURT OF JUSTICE
THE BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
CHANCERY DIVISION
BETWEEN:**

JOCKEY CLUB RACECOURSES LIMITED

Applicant

-and-

- (1) DANIEL FRANK PETER KIDBY**
- (2) PERSONS UNKNOWN INTENTIONALLY OBSTRUCTING THE 7 HORSE RACES ON 2 JUNE 2023 AND 8 HORSE RACES ON 3 JUNE 2023 AT THE LOCATION DESCRIBED BELOW AS THE "EPSOM RACECOURSE"**
- (3) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE "RACE TRACK" EXCEPT AT SPECIFIC "CROSSING POINTS" AND WITH "AUTHORISATION", AS DESCRIBED BELOW**
- (4) PERSONS UNKNOWN ENTERING AND/OR REMAINING ON ANY "CROSSING POINTS" WITHOUT "AUTHORISATION", AS DESCRIBED BELOW**
- (5) PERSONS UNKNOWN INTENTIONALLY CAUSING ANY OBJECT TO ENTER ONTO THE "RACE TRACK" WITHOUT "AUTHORISATION", AS DESCRIBED BELOW**
- (6) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE "PARADE RING" WITHOUT "AUTHORISATION", AS DESCRIBED BELOW**
- (7) PERSONS UNKNOWN ENTERING AND/OR REMAINING ON ANY PART OF THE AREAS DESCRIBED BELOW AS THE "HORSES' ROUTE TO THE PARADE RING" AND/OR THE "HORSES' ROUTE TO THE RACE START", WITHOUT "AUTHORISATION", AS DESCRIBED BELOW**
- (8) PERSONS UNKNOWN INTENTIONALLY ENDANGERING ANY PERSON AT THE LOCATION DESCRIBED BELOW AS THE "EPSOM RACECOURSE"**

Respondents

FIRST WITNESS STATEMENT OF NEVIN TRUESDALE

I, **NEVIN TRUESDALE**, of the Jockey Club Racecourses Limited, Sandown Park Racecourse, Portsmouth Road, Esher, Surrey, England, KT10 9AJ, **WILL SAY** as follows:

1. I am the Group Chief Executive of the Applicant. I have held this position since the end of August 2020.
2. I joined the Applicant in 2013 as Group Finance Director from Centrica, where I was Finance Director for British Gas's Residential Energy division. I previously worked at The AA and Ernst & Young and I am a graduate of the University of Cambridge. I am a qualified Chartered Accountant since 1998 and a Full Member of the Institute of Chartered Accountants in England and Wales.
3. I report to the Board (in the Applicant's case, known as the 'Stewards') and have overall management responsibility for the business of the Applicant, which includes all aspects of the Group's activity including the racecourses operations, gallops, national stud and racing welfare. I am also a non-executive director of Sports United Against Dementia, a charity with senior leaders across the sports industry using their contacts and influence to find a cure and fundraise for dementia.
4. I am duly authorised by the Applicant to make this statement on its behalf and in support of its application for injunctive relief.
5. Unless stated otherwise, the facts and matters set out in this Witness Statement are within my knowledge and are true. Where any facts or matters are not within my own knowledge, the source of the information is identified and those facts and matters are true to the best of my knowledge and belief.
6. There is now produced and shown to me marked exhibit "NT1" a bundle of true copy documents to which I refer in the course of this Witness Statement. Save where stated otherwise, references below to page numbers are to the pages of exhibit "NT1".

The Parties

7. The Jockey Club's (the Applicant's parent company incorporated by Royal Charter) existence dates back to the Eighteenth Century. The Applicant is now the largest commercial horseracing organisation in the United Kingdom. It owns and operates a number of well-known racecourses, as well as owning and exploiting the commercial

rights associated with those courses and the races which they host. It is governed by a Royal Charter and all of its profits are recycled into the sport. The Applicant runs over 340 racing fixtures a year across 15 different racecourses. Queen Elizabeth II was a patron of both the Applicant and the Thoroughbred Breeders' Association.

8. The Applicant is a limited liability company registered in England and Wales with the number 02909409 and whose registered address is Sandown Park Racecourse, Portsmouth Road, Esher, Surrey, England, KT10 9AJ. It has at all material times carried on the business of owning and operating horse racecourses, organising race meetings at such racecourses, owning and exploiting the commercial rights associated with such meetings and racecourses and related activities.
9. The Applicant employs more than 600 permanent staff and more than 3,000 people on an event basis throughout the UK across a diverse range of roles.
10. The known Defendant/Respondent is the co-founder of Animal Rising¹, an animal activist movement based in the United Kingdom ("AR"). It is my understanding that AR is not a corporate entity and that it has no particular hierarchical structure. Rather, AR is a collection of persons who all share a common purpose. I know very little of the other members of AR, or how many there may be, save that: i) the group has large followings on each of its social media accounts (65.5 thousand followers on Instagram, and 23.7 thousand on Twitter; and ii) it has been suggested to the Applicant that the group has over 1,000 active participants².
11. At the time of signing this witness statement, it appears that AR recruits new members via its website, <https://www.animalrising.org/>, where it encourages people to: i) join weekly talks, via Zoom, to learn about the group; ii) attend training courses run by AR, to engage in '*non-violence training*'; and iii) sign-up for its local groups. In respect of the latter, those interested are asked to complete a registration form that asks for, *inter alia*, the person's name, their email address, their mobile phone number and, particularly relevant for the purposes of this application, whether the interested individual would '*like to disrupt the races at Epsom Derby (03/06)*'.³ Further, at the time of writing this, there is a banner at the top of the AR website stating "TAKE ACTION FOR ALL LIFE: DISRUPT THE EPSOM DERBY. JOIN US ON THE TRACKS". Clicking on the link behind the wording "JOIN US ON THE TRACKS" takes one to a form⁴ which states *inter alia* "Join us on the tracks of the Epsom Derby! We'll be disrupting the Epsom Derby to continue the conversation we started at the Grand

¹ <https://www.instagram.com/p/CrJfJV9Klo7/> - page 1 of NT1

² <https://www.dailymail.co.uk/news/article-12106435/Militant-animal-rights-activists-vow-sabotage-Epsom-Derby-target-unpoliceable-racetrack.html> - page 2 of NT1

³ <https://www.animalrising.org/get-involved> pages 3 - 8 of NT1

⁴ https://docs.google.com/forms/d/e/1FAIpQLSfvckRfv8DggBBphqtMuh98Y2X_UKU6_Nwohz9jLS1uWJm1RA/viewform pages 9-11 of NT1

National. Be one of those to make history and achieve meaningful change for all life, join us on the tracks."

12. What is known about AR and the known Respondent is that they are actively seeking to disrupt horseracing. This is abundantly clear from the website and social media per the above and:
 - 12.1 the actions of AR and the known Respondent at Aintree Racecourse (operated by the Applicant) ahead of the 2023 Grand National, which took place on Saturday 15 April 2023 (the "**2023 Grand National**"). I briefly address the incidents that took place at the 2023 Grand National at paragraphs 38 to 41 below, but a more detailed account is provided in the witness statement of Dickon White, the Applicant's Aintree and North-West Regional Director, who manages Aintree Racecourse and who witnessed the actions of AR and the known Respondent first hand;
 - 12.2 the meetings and conversations the Applicant's representatives have had with the known Respondent and members of AR, during which it has been made clear to the Applicant that AR's intention is to disrupt horseracing and to prevent races from going ahead, in particular a forthcoming race at Epsom Downs Racecourse, Tattenham Corner Rd, Epsom KT18 5LQ (the "**Racecourse**"). I briefly address these communications at paragraphs 49 to 51 below, but a more detailed account is provided in the witness statement of Amy Starkey, the Applicant's Regional Director – East, who has had several interactions with the known Respondent and AR; and
 - 12.3 A Mail on Sunday article dated 21 May 2023 (page 2 of NT1), amongst other things, reports that AR will try to break on to the Racetrack in an attempt to delay or cancel the Derby.

The Racecourse and Derby Festival

13. In 1994, the Applicant purchased the Racecourse. The key race in the calendar at the Racecourse is the Derby (also known as the Epsom Derby) which takes place on the first Saturday of June each year (the "**Derby**"). The Derby was first run in 1780 and is widely regarded as the World's most prestigious flat horse race.
14. It is known as the People's Race as it embraces people from all walks of life offering free access to the Derby from the Epsom Downs. Queen Elizabeth II rarely missed a Derby.
15. The Friday before the Derby is known as Ladies Day and features the Oaks, another of Britain's five classic races. Both days are known together as the "**Derby Festival**".

16. This year's Derby Festival will take place between Friday 2 and Saturday 3 June 2023 (the "**2023 Derby Festival**"), with the Derby scheduled to commence at 1:30pm on the second day (the "**2023 Derby**").
17. Approximately 100,000 people attend the Derby, with millions watching around the world including in Japan, Hong Kong and Australia.

The Racecourse – Proprietorship

18. An ownership plan is at page 12 of NT1, which is summarised as:

Land Description	Freehold / Leasehold	Title number
Land being Epsom Racecourse, Epsom Downs (but excluding any roads)	Leasehold	SY645094
Land being Epsom Downs and land lying to the South of Epsom Downs, Epsom	Freehold	SY229932
Land adjoining Golf Cottage, 84 Longdown Lane South, Epsom KT17 4JR	Freehold	SY691867
Land being Derby Stables, Derby Stables Road, Epsom	Freehold	SY640786
Land known as the Paddock, Langley Vale Road, Epsom KT18 5NQ	Freehold	SY251358
Land at Derby Arms Paddock, Downs Road, Epsom	Freehold	SY840946

19. While the Applicant owns the Racecourse, the land within it and around it is managed by the 'Conservators' pursuant to the Epsom and Walton Downs Regulation Act 1984 (the "**1984 Act**") and Epsom and Walton Downs Conservators Byelaws (the "**Byelaws**"). The Conservators were incorporated by the Epsom and Walton Downs Regulation Act 1936 with powers to regulate, preserve and control the Epsom Downs and Walton Downs. There are ten Conservators of which the Applicant holds three places.

The Racecourse – Geography

20. The Racecourse is split into various zones. The racetrack itself is unlike other racetracks as it is a horseshoe shape. The start line for the Derby is at the southwest corner, it then extends eastwards before turning northwards and finally westwards to the final straight in front of the grandstands. The racetrack is approximately 1 mile and 4 furlongs in length (the "**Racetrack**").

21. The area within the horseshoe is referred to as the “**Hill**”. When the Derby Festival is on, the Hill is split into various sections including areas for parking, a funfair, a heliport and various enclosures.
22. Six aerial images are at pages 13 to 18 of NT1. Page 15 of NT1 shows the position of the stables marked at point ‘a’. This is where the horses will start their ‘journey’ on their race day. They will then proceed along the yellow marked route, which is a dedicated ‘horse walk’ to point ‘b’ which is the Parade Ring. All horses entered for a particular race tend to go at the same time albeit in a “train” fashion. Occasionally, if requested by their trainer a horse may come later or earlier than the main bunch. The horses walk this journey, controlled by their handlers (stable staff), which is not always an easy task as the horses are highly strung athletes and are keen to race. The horses walk around the Parade Ring and wait for the jockeys to enter it. Once inside, the jockeys mount their horse and continue to circle in the Parade Ring for normally around 10 – 20 minutes. At page 17 of NT1 the next part of the journey, which is from the Parade Ring to the Racetrack is marked in yellow with point ‘c’ indicating the horse’s entrance to the Racecourse.
23. When the horses leave the Parade Ring they cross over a short area of rubber horsewalk. Most of this pathway has fencing installed on either side. There are gaps in the fencing, such that when the horses are not walking through this area, spectators can pass through. When the horses are brought out, the pathway is closed off entirely by stewards holding up rope. At this point, no spectators are allowed within the horses’ pathway. This is important to protect the spectators from the horses (which are at this point, ready to race), and the horses from the spectators (for example, from contamination risks if spectators try to touch the horses). The horses then go onto the grass “shute” area that is protected by crowd barriers on either side, before entering the Racetrack itself. Aerial photographs of this are at pages 16 and 18 of NT1.
24. Once on the Racetrack the horses canter to the Derby start, which is marked at ‘d’ on the aerial photograph at page 13 of NT1. The aerial photograph at page 14 depicts crossing points in blue. Spectators are only allowed to pass over these crossing points when given special authorisation to do so by stewards or representatives of the Jockey Club, for example, for limited periods between races. Ensuring that no one is on these crossing points other than at carefully prescribed times, is crucial for the safety of all those involved in the event, not least spectators, horses and jockeys.
25. The highest point of the Racetrack is at the top of end of the Racetrack, around the halfway point. The climb from the start of the Derby to the highest point is equivalent to the height of Nelson’s Column, having reached this point the Racetrack then descends steeply around to the finish line. This, coupled with the geography of the Racecourse more generally, means that there are numerous points where it is

impossible to see all of the Racetrack. This presents a particular, additional danger for those intent on coming onto the Racetrack as it may be impossible for them to tell whether the race is underway. For example, if someone was stood on the far side of the grandstand, beyond the winning post, you would not be able to see the start.

26. On 4 June 1913, Emily Davison tragically lost her life at the Derby. She had entered the Racetrack at Tattenham Corner after some horses had already passed. Tattenham Corner is a blind corner, on a camber, and, therefore, of particular danger for those who enter the Racetrack at that point.
27. Unlike other racecourses, it is possible for the public, with no requirement for a ticket, to enter the Hill and other areas to watch the Derby. The Racecourse is notable in this regard and poses a unique set of challenges come the Derby Festival.

Horse Welfare

28. Equine safety is fundamental to everything the Applicant does and to the sport of horse racing. Everyone involved in horse racing loves horses and wants to see them properly looked after.
29. British Racing is one of the world's best regulated animal activities, with more than 6,000 people employed to look after the 15,000 horses in training, providing them with a level of care and a quality of life that is virtually unsurpassed by any other domesticated animal.
30. The Applicant continues to invest in its facilities to make sure that it offers equine participants the best possible experience. This ranges from investments in safe racing surfaces and cushioned horsewalks to state-of-the-art misting fans and washdown areas. Every aspect of care and safety is considered. The racing industry has heavily invested in statistical analysis of falls and fatalities in order that we can understand where the risks are and improve safety. 99.5% of horses that race finish safely.
31. Horse racing is usually only part of the full life of a thoroughbred racehorse. The Applicant supports Retraining of Racehorses (British horseracing's official charity for the welfare of former racehorses). There are currently more than 10,000 horses registered with Retraining of Racehorses as active in other equine disciplines outside of racing, including Polo, Showing, Dressage and Eventing, as well as those horses engaged in hacking and exercising.
32. The British Horseracing Authority (the "**BHA**") is the Government-recognised body responsible for the independent regulation of horseracing and welfare of participants is an important part of its work. In addition to the BHA, the Applicant works with an

independent board (the Horse Welfare Board) that advise and lobby on further improvements to equine welfare, holding the industry to account.

33. None of the fixtures held annually in Britain could take place unless key BHA welfare criteria have been satisfied. From a purely commercial point of view, we would not have a business if safety standards were not being met.
34. In relation to the Derby specifically, as I understand from discussing with Amy Starkey the Managing Director of Applicant, neither I nor Amy (during our combined 28 years of employment with the Applicant) has ever been questioned by the media in relation to the safety of horses at the Derby. It is a flat race and I understand that no horse has died at the Derby since 2006 – 16 runnings. On the day of the Derby, there is a full veterinary team on site, provided by the Racecourse. Further, the BHA also provide their own veterinary team. These teams are present at every point during the horses' journey and remain in close proximity throughout. They provide a high level of veterinary care.

Incidents Involving the Known Respondent and/or AR

2022 Derby

35. The 2022 running of the Derby took place on 2 June 2022 (the “**2022 Derby**”).
36. Ahead of the 2022 Derby, approximately six protestors affiliated to the activist group ‘Animal Rebellion’ evaded the Racecourse’s security and ran on to the Racetrack.⁵ According to Animal Rebellion’s website, the purpose was to ‘*disrupt the race.*’ The group also called for ‘*an end to horseracing*’⁶ (the “**2022 Derby Incident**”).
37. It is my understanding that Animal Rebellion and AR are one and the same organisation, and that Animal Rebellion simply changed its name to AR in or around in April 2023.⁷

Aintree Racecourse

38. The Applicant also owns Aintree Racecourse, which is located on Ormskirk Rd, Aintree, Liverpool L9 5AS (“**Aintree**”). I was at Aintree on Saturday 15 April 2023, where the Grand National was scheduled to commence at 5:15pm (the “**2023 Grand National**”). Shortly prior to the commencement of the race, however, the following incidents occurred:

⁵ <https://www.theguardian.com/world/2022/jun/04/animal-rebellion-protesters-run-on-to-track-before-epsom-derby> pages 19 to 20 of NT1

⁶ <https://animalrebellion.org/protestors-disrupt-epsom-derby-in-a-call-for-an-end-to-animal-exploitation/> pages 21 to 24 of NT1

⁷ <https://plantbasednews.org/news/activism/animal-rebellion-rebrand-rising/> pages 25 to 28 of NT1

- 38.1 approximately 100 protestors affiliated with AR (the “**AR Protestors**”) began scaling the 10ft fence that surrounds Aintree’s perimeter (“the “**Perimeter Fence**”). The AR Protestors used ladders and various other tools in an attempt to gain access to the racecourse. For the avoidance of doubt, the AR Protestors had no legal right to access the Applicant’s property. The police and members of Aintree’s security team were engaged in an ongoing battle with the AR Protestors for a substantial period of time. Despite this, several of the AR Protestors were successful in gaining access to the racecourse and managed to get onto the racetrack (the “**First Unauthorised Access**”); and
- 38.2 a further three AR Protestors were able to gain access to the racetrack via the Embankment Enclosure, which contains one of the main spectator stands at Aintree. It is my understanding that these individuals had purchased tickets for the 2023 Grand National. Prior to the commencement of the race, they had accessed the racetrack by running underneath the fencing that skirts its edge. It is my understanding that these individuals were attempting to reach the second fence, over which the horses jump, in order to glue themselves to the fence (the “**Second Unauthorised Access**”). For the avoidance of doubt, the AR Protestors had no legal right to access the racetrack.
39. As a result of the First and Second Unauthorised Accesses (together the “**Aintree Incidents**”), the start of the 2023 Grand National was delayed. The consequences of the AR Protestors’ actions, and further information on what occurred, are set out in Mr. White’s witness statement that supports this application.
40. I am confident that those involved in the Aintree Incidents were affiliated with AR as:
- 40.1 several of the AR Protestors were wearing AR t-shirts; and
- 40.2 AR has widely publicised its involvement in disrupting the 2023 Grand National.⁸
41. In respect of the known Respondent, AR’s account on Instagram posted a video of the known Respondent on 17 April 2023 with the message: ‘*Hear from Animal Rising co-founder Dan Kidby about his actions on the track at Aintree...*’⁹ In the video, the known Respondent states: “*I was the person in the grey suit who made his way onto the tracks to try and stop the Grand National from happening.*” This suggests that the known Respondent was involved in the Second Unauthorised Access.

Ayr Racecourse

42. On Saturday 22 April 2023, Ayr Racecourse, which is located on Whitletts Rd, Ayr KA8 0JE (“**Ayr Racecourse**”) and is not owned by the Applicant, hosted the

⁸ <https://www.dailymail.co.uk/news/article-11976413/Grand-National-DELAYED-Animal-Rising-protesters-storm-Aintree-course.html> page 29 to 57 of NT1

⁹ <https://www.instagram.com/p/CrJfJV9Klo7/> page 1 of NT1

annual Scottish Grand National. According to reports in the press, protestors affiliated to AR stormed onto the racetrack, without permission, in an attempt to stop the race from happening¹⁰ (the “**Ayr Incident**”).

43. The same day, AR’s account on Instagram posted a video on their actions at Ayr Racecourse with the message: *‘Supporters of Animal Rising have made it onto the track at the Scottish Grand National. They are trying to attach themselves to jumps and gates to remain in position, in an attempt to cancel the big race. Last week at Aintree was just the beginning. The Summer of Animal Rising is upon us.’*¹¹

44. I do not know whether the known Respondent was involved in the Ayr Incident.

Doncaster Racecourse

45. On Saturday 6 May 2023, Doncaster Racecourse, which is located on Bawtry Rd, Doncaster DN2 6BB (“**Doncaster Racecourse**”) and is not owned by the Applicant, hosted a racing fixture. The final race of the day was scheduled to commence at 7:55pm but it was delayed after three protestors were spotted sitting in the middle of the racetrack (the “**Doncaster Incident**”).¹²

46. Later that day, AR’s posted an article on its website titled: *‘Coronation Royal Race Evening Disrupted At Doncaster: Animal Rising Occupy Track.’*¹³

47. I do not know whether the known Respondent was involved in the Doncaster Incident.

The Incidents

48. The 2022 Derby, Aintree, Ayr and Doncaster Incidents show a clear and consistent pattern of behaviour and intent on AR’s part. Further, there has been nothing to suggest that AR’s campaign against racecourses is over. Rather, AR’s website lists three *‘streams of actions... that will continue throughout the summer.’* The second of those ‘streams’ is: *‘Mass trespass onto animal racing events.’*¹⁴

Communications Between the Applicant, the Known Respondent and AR

49. It is my unequivocal view that the known Respondent and AR are seeking to disrupt – and, ultimately, stop – the 2023 Derby. This is based on multiple factors:

¹⁰ <https://www.dailymail.co.uk/news/article-12002363/Animal-protesters-strike-rush-racecourse-bid-delay-Scottish-Grand-National.html> page 58 to 65 of NT1

¹¹ <https://www.instagram.com/p/CrV4WMFKFj0/> page 66 to 67 of NT1

¹² <https://www.mirror.co.uk/sport/horse-racing/animal-rights-protest-doncaster-races-29914141> page 68 to 70 of NT1

¹³ <https://www.animalrising.org/post/coronation-royal-race-evening-disrupted-at-doncaster-animal-rising-occupy-track> page 71 to 73 of NT1

¹⁴ <https://www.animalrising.org/how-we-achieve-change> page 74 of NT1

- 49.1 AR have clearly set out their intentions on their own website. The heading on their landing page states: *'Take action for all life: disrupt the Epsom Derby - join us on the tracks.'* In addition, it says: *'Join us on the tracks of the Epsom Derby! We'll be disrupting the Epsom Derby to continue the conversation we started at the Grand National'*¹⁵; and
- 49.2 as is set out in detail in Ms. Starkey's witness statement, during a meeting on 11 May 2023 between AR, including the known Respondent, and the Applicant's representatives, including Ms. Starkey (the "**11 May Meeting**"), the known Respondent set out AR's clear intent that they would disrupt the 2023 Derby in an attempt to stop the race from happening.
50. As detailed in Ms. Starkey's statement, the Applicant made every effort to dissuade the known Respondent and AR from pursuing such action, including:
- 50.1 offering them the opportunity to have a dedicated position on-site to hold a peaceful protest; and
- 50.2 describing the potential dangers of their proposed disruption, not just to the horses, but to the jockeys and the general public.
51. Notwithstanding this, it is my understanding that the known Respondent and AR remain committed to their plans to disrupt the 2023 Derby.

The Impact of the known Respondent and AR's Actions and Threatened Actions on the Derby and Beyond

52. The impact of the known Respondent and AR's actions and threatened actions are significant and span a number of issues and stakeholders as I set out below.

The Horses and the Jockeys

53. The impact of the threatened action on the horses and jockeys is profound. In this regard I refer the Court to the first witness statement of Simon Knapp, the Senior Veterinary Officer for London Region Races, at the Applicant.

The Breeding Industry

54. It is no exaggeration to say that the Derby defines the breed, it is not just about the racing. It is only 3-year-old colts that race in the Derby and the majority of the leading horses are often retired to stud after that season. If the Derby was cancelled the effect not just on those horses, but on the whole breeding and racing industry would be very

¹⁵ <https://www.animalrising.org/> page 76 to 79 of NT1

significant. The racing industry was concerned with this issue when the COVID-19 pandemic hit.

The Protestors

55. As I have set out above in relation to Ms. Davison, the protestors are putting themselves at significant risk. In addition to the risk of entering the Racetrack there is also the risk of violence to the protestors should sections of the crowd become hostile to the protestors' actions.

The Public

56. Approximately 100,000 people attend the Derby Festival. They attend knowing it is safe and entertaining. Should the race be delayed, cancelled, or its safety threatened by protestors, then there are increased risks relating to crowd control and anti-social behaviour.

Additional Event Costs and Organisation

57. I have seen the witness statement of Mr. White that refers to the additional measures that were put in place at Aintree in respect of the 2023 Grand National in response to the threat from AR. They include additional security personnel and dogs, at the cost of approximately £70,000 plus VAT.
58. Additional security measures that the Applicant is putting in place for the 2023 Derby Festival, will cost around £150,000.
59. In addition to the direct, additional costs of putting on the 2023 Derby Festival, significant organisational and management time has already been (and will continue to be) diverted to operational matters in order to minimise the threat posed by AR. This includes additional discussions with: i) safety personnel; ii) security personnel; iii) the police; iv) the Applicant's staff; v) the Applicant's commercial partners; vi) the media; vii) suppliers to the Racecourse; viii) jockeys, trainers and owners; ix) the Local Authority; x) the Conservators; and xi) the Applicant's legal team.
60. The Applicant has been in constant dialogue with Surrey Police surrounding the 2023 Derby Festival. The Police have indicated their support for this injunctive action.

Wider Impact on the Applicant's Business – Management Time

61. It is not just in relation to the 2023 Derby Festival that the Applicant is having to divert management time away from the normal running of the business of the Applicant. It is wider and includes speaking to all of those listed at paragraph 59 above in relation to

all future events, and the future of horse racing generally. This is having a direct effect on the commerciality of the Applicant.

Wider Impact on the Applicant's Business – Commercial

62. The commercial success and longevity of the Applicant, and horse racing more widely, directly depends on the revenue from sponsors, audiences and broadcast partners and all commercial activity.
63. As set out above, the Applicant invests significantly in equine welfare, which is critical to its reputation and therefore commercial longevity. The actions of AR threaten to damage that reputation.
64. If horse racing is no longer seen as safe and entertaining, then people may no longer pay to watch it, either in person or broadcast. This would reduce gate receipts as well as TV broadcast fees.
65. Further, disruption to events has the potential to cause significant reputational harm to the Applicant and also to racing more widely. Approximately 85,000 people are directly and indirectly employed in horse racing in Britain. The industry contributes approximately £4.1 billion to the economy in the United Kingdom.
66. As a result of the Aintree Incidents and the 11 May Meeting, the Applicant engaged Pinsent Masons LLP (“**PM**”) and Counsel.
67. PM has obtained witness statements from Mr. White and Ms. Starkey, which records their respective experiences of the Aintree Incidents and the various meetings and discussions that have taken place with the known Respondent and AR, including the 11 May Meeting.

Service of Documents

68. The Applicant also seeks an order against persons unknown. As I have already said, other than Daniel Kidby, the Applicant does not know the identities of the individuals who affiliate themselves with AR, or who intend to carry out the specific acts the Applicant seeks to prevent from happening.
69. On this basis, it is not possible for the Applicant personally to serve the relevant documents on the Second to Eighth Defendants (i.e. the Persons Unknown), and the Applicant has made an application for permission to serve those Defendants by alternative means.

70. The Applicant will, before 4pm on Monday 22 May 2023, carry out the following steps in respect of the Claim Form, Application Notice and the Witness Statements on which it relies for this application (“**the Claim Documents**”):
- 70.1 post the Claim Documents on its website and the website for the Derby Festival;
- 70.2 affix copies of the Claim Documents in transparent containers in at least 2 conspicuous locations at each public entrance to the Epsom Racecourse; and
- 70.3 provide digital copies to AR by email.
71. If an order granting an injunction is made by the Court, the Applicant will carry out the same steps in relation to the Order, to bring it to the attention of the Second to Eighth Defendants as Persons Unknown.
72. The Applicant believes that the Claim Documents and Order, if an injunction were granted, would be likely to come to the attention of the individuals who affiliate themselves with AR and/or who intend to carry out the acts the Applicant seeks to injunct, in view of the following:
- 72.1 As noted above, AR has a strong online presence. The Applicant knows that it has a mailing list by which it contacts individuals who are interested in being involved with its protests. The Applicant also knows that AR publicises its plans widely on social media and across traditional media channels. As such, The Applicant considers it very likely that, once it sends the relevant documents to AR by email, that AR will disseminate it widely, reaching those who intend to be involved in the planned Disruption.
- 72.2 The Applicant also considers that individuals intending to take part in protest action are likely to visit the Applicant’s website and/or the Epsom Racecourse as part of their planning of the protest action, in the run up to the race days. As such, the Applicant considers it likely that the relevant documents will come to the attention of the Second to Eighth Defendants in these ways.
- 72.3 Those attending the Epsom Racecourse on the days in question can see the relevant documents affixed to the public entrances. Accordingly, the Applicant considers it likely that the Application and the Order (if granted) will be brought to the attention of the relevant Persons Unknown, before they proceed to commit any of the acts which the Applicant seeks to injunct.
73. In respect of the First Defendant, the Applicant will effect personal service on him in the usual manner, and also intends to notify him of the Application and of any Order granted, by email.

Cross-undertaking

- 74. Should the Court deem it necessary then I can confirm that the Applicant is willing to give a cross-undertaking in damages in respect of any losses which may be suffered by the Respondents should the Court subsequently find that the proposed Order should not have been made.

- 75. Exhibited at page 80 to 118 of NT1 is a copy of the Applicant's most recent accounts filed at Companies House.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed 
NEVIN TRUESDALE

Dated: 22/5/23