

N244

Application notice

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Name of court The High Court of Justice, The Business and Property Courts of England and Wales, Chancery Division		Claim no. BL-2023-000713									
Fee account no. (if applicable)	Help with Fees - Ref. no. (if applicable)										
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Warrant no. (if applicable)											
Claimant's name (including ref.) Jockey Club Racecourses Limited											
Defendant's name (including ref.) (1) Mr Daniel Frank Peter Kidby (2) Persons Unknown entering the area described in the draft Order as the "Race Track" on the day of a "Racing Fixture", except at "Crossing Points" with "Authorisation", as described in the draft Order (3) Persons Unknown entering and/or remaining on any "Crossing Points" without "Authorisation" on the day of a "Racing Fixture", as described in the draft Order (4) Persons Unknown entering the area described in the draft Order as the "Parade Ring" without "Authorisation" on the day of a "Racing Fixture", as described in the draft Order (5) Persons Unknown entering and/or remaining on any part of the areas described in the draft Order as the "Horses' Route to the Parade Ring" and/or the "Horses' Route to the Race Track" without "Authorisation" on the day of a "Racing Fixture", as described in the draft Order (6) Persons Unknown intentionally obstructing the "Horse Races", as described in the draft Order (7) Persons Unknown intentionally causing any object to enter onto and/or remain on the "Race Track" without "Authorisation" on the day of a "Racing Fixture", as described in the draft Order (8) Persons Unknown intentionally endangering any person at the locating described in the draft Order as the "Epsom Racecourse" on the day of a "Racing Fixture" as described in the draft Order (9) Mr Ben Newman											
Date	11 July 2025										

1. What is your name or, if you are a legal representative, the name of your firm?

Pinsent Masons LLP

2. Are you a ☐ Claimant ☐ Defendant ☒ Legal Representative

☐ Other (please specify)

If you are a legal representative whom do you represent?

Claimant

3. What order are you asking the court to make and why?

1. An Order, pursuant to CPR 8.6(1)(b) and 23.7(4)(b), granting permission to the Claimant to rely on the third witness statement of Mr Julian Diaz-Rainey, dated 11 July 2025.
2. For the reasons set out in section 10 below.

4. Have you attached a draft of the order you are applying for?

☒ Yes

☐ No

5. How do you want to have this application dealt with?

☒ at a hearing

☐ without a hearing

☐ at a telephone hearing

6. How long do you think the hearing will

last? Is this time estimate agreed by all parties?

2 Hours

30 Minutes

☐ Yes

☒ No

7. Give details of any fixed trial date or period

N/A

8. What level of Judge does your hearing need?

High Court Judge

9. Who should be served with this application?

Each of the Defendants, including as provided by paragraph 6 of the Order of Sir Anthony Mann of 9 July 2024.

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

10. What information will you be relying on, in support of your application?

☒ the attached witness statement

☐ the statement of case

☒ the evidence set out in the box below

If necessary, please continue on a separate sheet.

1. The purpose of my third witness statement (“**Diaz-Rainey 3**”) is to provide evidence of the steps taken by the Claimant to notify the Respondents of the Claimant’s application for the annual review and continuation of the Injunction in force (the “**Review Application**”), and of the hearing of the Review Application.
2. The Claimant seeks permission to rely on the additional evidence (the “**Additional Application**”) in order to establish that it has complied with the requirement that an applicant for an injunction against ‘newcomers’ must “*take reasonable steps to draw the application to the attention of persons likely to be affected by the injunction sought or with some other genuine and proper interest in the application*” (*Wolverhampton City Council v London Gypsies and Travellers* [2023] UKSC 47; [2024] 2 W.L.R. 45, (“**Wolverhampton**”) at [226]).
3. In issuing the Additional Application, the Claimant has had regard to its duty of full and frank disclosure in these proceedings, and the requirement that the “*evidence in support of the application must therefore err on the side of caution*” (*Wolverhampton* at [219]-[220]).
4. The Claimant respectfully requests the Court’s direction that this Additional Application be heard at the hearing of the Review Application, pursuant to CPR 23.7(4)(b), on the basis that sufficient notice has been given to hear the Additional Application.
5. In particular, Diaz Rainey 3 provides the Court with evidence of the steps taken to notify the Respondents of the application documents in the Review Application, the hearing notice, the hearing bundles, the Claimant’s skeleton argument and the authorities bundle filed for the purpose of the hearing of the Review Application. The latest of these steps was the filing and service of the Claimant’s skeleton argument, together with the authorities bundle. In accordance with §14.42 of the Chancery Guide, the Claimant’s skeleton argument was filed with the Court and served on the Respondents by 10am on the working day before the hearing (11 July 2025). In order to give the Court the fullest picture of the steps taken to notify the Respondents of the Review Application and hearing thereof, my third witness statement, and this Additional Application seeking permission to rely thereupon, were issued as promptly as possible thereafter on 11 July 2025.
6. In accordance with §14.40 of the Chancery Guide, I confirm that the Additional Application will not affect the overall time estimate for, or the format of, the hearing of the Review Application.

Statement of Truth

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.

☐ I **believe** that the facts stated in section 10 (and any continuation sheets) are true.

☒ **The Applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



☐ Applicant

☐ Litigation friend (where applicant is a child or a Protected Party)

☒ Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

11

Month

07

Year

2025

Full name

Julian Diaz-Rainey

Name of applicant's legal representative's firm

Pinsent Masons LLP

If signing on behalf of firm or company give position or office held

Partner

Applicant’s address to which documents should be sent.

Building and street

30 Crown Place

Second line of address

Earl Street

Town or city

London

County (optional)

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Postcode

E	C	2	A	4	E	S
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If applicable

Phone number

+44 (0) 20 7418 7000

Fax number

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DX number

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Your Ref.

JDR\645003.07183

Email

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