

Filed on behalf of the Claimant

Witness statement of Nevin Truesdale

Statement No. 2

Date: 5 April 2024

Exhibits: NT4

**IN THE HIGH COURT OF JUSTICE**

**THE BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES  
BUSINESS LIST (Ch D)**

**BETWEEN:**

**JOCKEY CLUB RACECOURSES LIMITED**

**Claimant**

**-and-**

- (1) DANIEL FRANK PETER KIDBY**
- (2) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE  
“RACE TRACK” ON THE DAY OF A “RACING FIXTURE”, EXCEPT AT  
“CROSSING POINTS” WITH “AUTHORISATION”, AS DESCRIBED BELOW**
- (3) PERSONS UNKNOWN ENTERING AND/OR REMAINING ON ANY “CROSSING  
POINTS” WITHOUT “AUTHORISATION” ON THE DAY OF A “RACING FIXTURE”, AS  
DESCRIBED BELOW**
- (4) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE  
“PARADE RING” WITHOUT “AUTHORISATION” ON THE DAY OF A “RACING FIXTURE”,  
AS DESCRIBED BELOW**
- (5) 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 TRACK” WITHOUT “AUTHORISATION”  
ON THE DAY OF A “RACING FIXTURE”, AS DESCRIBED BELOW**
- (6) PERSONS UNKNOWN INTENTIONALLY OBSTRUCTING THE “HORSE RACES”,  
AS DESCRIBED BELOW**
- (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 BELOW**
- (8) PERSONS UNKNOWN INTENTIONALLY ENDANGERING ANY PERSON AT THE  
LOCATION DESCRIBED BELOW AS THE “EPSOM RACECOURSE” ON THE DAY OF A  
“RACING FIXTURE”, AS DESCRIBED BELOW**

**(9) MR BEN NEWMAN**

**Defendants**

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**SECOND WITNESS STATEMENT OF NEVIN TRUESDALE**

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I, **NEVIN TRUESDALE**, of the Jockey Club Racecourses Limited, 21-27 Lambs Conduit St, London, WC1N 3NL, **WILL SAY** as follows:

1. This is my second witness statement in support of the claim and I am duly authorised by the Claimant to make this statement on its behalf. My first witness statement is dated 22 May 2023<sup>1</sup> and I refer the Court to, and adopt as part of my evidence for the forthcoming hearing, that statement. I also refer the Court to, and adopt as part of my evidence for the forthcoming hearing, my first affidavit dated 1 August 2023<sup>2</sup>. I adopt the defined terms set out in my first witness statement and my first affidavit.
2. 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.
3. There is now produced and shown to me marked exhibit "NT4" 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 "NT4".

**Background**

4. The background to this matter has been set out extensively in:
  - 4.1 my first witness statement<sup>3</sup>;
  - 4.2 the first witness statement of Amy Starkey, Managing Director of the Claimant<sup>4</sup>;
  - 4.3 the first witness statement of Dickon White, Aintree and North-West Regional Director for the Claimant<sup>5</sup>;
  - 4.4 the first witness statement of Simon Knapp, Senior Veterinary Surgeon for London Region Races at the Claimant<sup>6</sup>;

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<sup>1</sup> Pages 1-133 of NT4

<sup>2</sup> Pages 134-346 of NT4

<sup>3</sup> Pages 1-133 of NT4

<sup>4</sup> Pages 347-371 of NT4

<sup>5</sup> Pages 372-405 of NT4

- 4.5 the first witness statement of Julian Diaz-Rainey of the Claimant's solicitor<sup>7</sup>; and
- 4.6 my first affidavit<sup>8</sup>;
5. In summary, the Claimant owns Epsom Racecourse, which hosts the Epsom Derby Festival, a horse-racing festival set across 2 days each year including the most prestigious race, the Epsom Derby, on the Saturday. In response to a threat from animal rights protesters to disrupt the Derby Festival, as they had done at the previous Grand National, the Claimant issued proceedings against the First to Eighth Defendants, applying concurrently for an interim order to prohibit the Derby Festival from being disrupted. The Court granted an order in the terms of the order of Sir Anthony Mann of 26 May 2023 (the "**Order**")<sup>9</sup>.
6. My first affidavit deals with matters following the Order, which can be summarised as follows. The Ninth Defendant was interviewed on BBC Radio Surrey on 2 June 2023 where he confirmed he knew of the Order<sup>10</sup>. Shortly after the start of the Epsom Derby, the Ninth Defendant ran on to the Racetrack near to the start-finish line. It took the efforts of several police officers and stewards to apprehend the Ninth Defendant. I refer the Court to the statements of PC Stevens and PC Hodgkins<sup>11</sup>. The Ninth Defendant was subsequently arrested, charged and found guilty of a public order offence. He was given an 18 week suspended sentence (having been refused bail following his arrest, so having been in prison for around 1 month), ordered to complete 80 hours of unpaid work, and ordered to pay costs. The Claimant subsequently brought a contempt of court application against the Ninth Defendant. He was given a further suspended custodial sentence, gave several undertakings and ordered to pay costs. The Court is referred to the Order of Mr Justice Miles of 11 October 2023 (the "**Committal Order**")<sup>12</sup>.
7. The purpose of this witness statement is to update my evidence to the Court.

### **The Epsom Racecourse**

8. As set out at paragraphs 20 to 24 of my first witness statement, the geography at Epsom Racecourse is different to other racetracks and as a result, it is more vulnerable to trespass<sup>13</sup>. As set out at paragraph 27 of my first witness statement, this is because it is possible for individuals without tickets to view the Epsom Derby

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<sup>6</sup> Pages 406-410 of NT4

<sup>7</sup> Pages 411-436 of NT4

<sup>8</sup> Pages 134-346 of NT4

<sup>9</sup> Pages 437-452 of NT4

<sup>10</sup> Pages 313-314 of NT4

<sup>11</sup> Pages 453-458 of NT4

<sup>12</sup> Pages 459-463 of NT4

<sup>13</sup> Pages 5-6 of NT4

Festival from various points around the racecourse. Aerial photographs of Epsom Racecourse are included in NT1<sup>14</sup>.

9. Further, due to the geography of Epsom Racecourse it is not possible to see the entirety of the racecourse from any ground level point on the racecourse. Due to this, there are several points on the course where protesters can enter the racecourse and will not have visibility of the start line of the racecourse to see whether the race has begun.
10. This creates a greater level of danger and risk for the protesters who decide to enter the racecourse which is unique to Epsom Racecourse.

### **Animal Rights protests**

11. As detailed in my first witness statement at paragraphs 35 to 48<sup>15</sup>, my first affidavit at paragraphs 55 to 58<sup>16</sup>, and the witness statement of Dickon White at paragraphs 19 to 27<sup>17</sup>, animal rights protesters have organised several protests at horse racing events with the aim of causing disruption and attracting media attention to further their cause.
12. Ahead of the 2022 Derby, six protestors affiliated with the protest group Animal Rising (“AR”), at the time known as Animal Rebellion, evaded the Racecourse’s security and ran on to the Racetrack. The First Defendant is the co-founder of AR and the Ninth Defendant is affiliated with the group.
13. In 2023, protesters affiliated with AR planned and instigated protests at the 2023 Grand National, Ayr Racecourse and Doncaster Racecourse. Further, and in the knowledge of the Interim Injunction Order, the Ninth Defendant entered the racecourse at the 2023 Derby, intentionally disrupting the race.
14. This demonstrates a pattern of behaviour by animal rights activists with a particular focus to disrupt horse racing events. I enclose a video featuring Alex Lockwood, a co-founder of AR, who looks back on AR’s ‘achievements’ in 2023<sup>18</sup>. He champions protest action at the 2023 Grand National and the 2023 Derby in spite of the Interim Injunction Order. Mr Lockwood states that the Ninth Defendant’s actions at the 2023 Derby created AR’s “*biggest ever press day*” and helped the group to further its aims and agenda.
15. It is clear therefore that, despite such actions being in many cases criminal and, as with the conduct of the Ninth Defendant in this matter, a contumelious breach of a court order, they have nevertheless been celebrated by animal rights protesters.

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<sup>14</sup> Pages 28-33 of NT4

<sup>15</sup> Pages 8-10 of NT4

<sup>16</sup> Pages 147-148 of NT4

<sup>17</sup> Pages 376-378 of NT4

<sup>18</sup> <https://www.youtube.com/watch?v=ymF75WOcNUs> - page 464 of NT4

16. Similarly, on 6 March 2024, AR published an article on its website entitled 'Grand National Disruption: Social Change Lab Reports Positive Long-Term Societal Change'<sup>19</sup>. This article assessed the impact of AR's action at the 2023 Grand National and claimed that such action heightened support for implementing policy changes to protect animals, including a ban on horse racing.
17. AR's website further champions other disruptive protests such as shutting 'down every McDonald's distribution centre in the country, scal[ing] government buildings and stopp[ing] the supply of dairy to supermarkets'<sup>20</sup>. It appears that disruption is at the core of AR's ideology as a method to achieve media attention and further its agenda.
18. Similarly, on 21 January 2024, AR created a post on Facebook condemning commercial dog racing in the UK and celebrating the closure of Henlow Stadium in Bedfordshire after '*nearly 100 years of cruelty*' in reference to the dog racing that has take place at the stadium. In that post, AR states that in 2023 it demonstrated at '*almost half of the remaining licensed greyhound tracks in the UK*'<sup>21</sup>.
19. In a statement to the press on 4 April 2024, AR stated that '*it will not target this year's race at Aintree ... and that it is suspending its campaign of direct action against racing indefinitely*', although AR's spokesperson, Nathan McGovern stated, '*Never say never*'. Mr McGovern that that the reason AR did not intend to target Aintree '*is that as far as we can see, last year there was a huge public conversation on the back of the Grand National, Epsom et cetera, and it would appear that the public have in large part been convinced that they don't want racing to be part of the fabric of British culture going forward.*'<sup>22</sup>
20. I do not consider that AR's actions have had such an effect. General admission to Cheltenham Gold Cup day was once again sold out this year, and most areas of the Aintree Racecourse are continuing to sell well across all 3 days of the Grand National. Our digital engagement levels as a sport have never been higher with 30 million views of our Cheltenham online videos and very strong engagement in our online sales pipelines. In short, horse racing remains a highly popular and well-attended sport, the second most attended in Britain, across many demographics and socioeconomic groups.
21. Moreover, as set out in my first statement, 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 share a common purpose. I know very little of the other

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<sup>19</sup> <https://www.animalrising.org/post/grand-national-disruption-social-change-lab-reports-positive-long-term-societal-change> - pages 499-501 of NT4

<sup>20</sup> <https://www.animalrising.org/our-history%20-%20pages%20490-491> – pages 490-491 of NT4

<sup>21</sup> Page 492 of NT4

<sup>22</sup> '[We won't be there': Animal Rising will not protest at Grand National this year | Grand National | The Guardian](#) – page 502-504 of NT4

members of AR (beyond the First and Ninth Defendants), how many there may be, or what their intentions are in respect of horse racing. At least, as of last year, it had been suggested that there were 1000 active members. Furthermore, as seen last year in respect of the actions of the Ninth Defendant, individuals affiliated with AR may act alone. I consider that despite AR's statement, therefore, there remains a threat that individual protesters may seek to enter onto the track at the Epsom Racecourse and disrupt the races. Just one individual doing so is sufficient to pose a significant risk to all those in attendance.

22. Furthermore, AR continues to recruit 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 particular, the 'About Us – Who is Animal Rising' section of AR's website states that '*This summer will be the summer of Animal Rising*', and that the organisation's '*campaigns this year are going to be huge*'. AR states that it will be '*freeing animals, occupying farms, and disrupting cruel and outdated animal racing events*'<sup>23</sup>. The group emphasises the need to challenge purported exploitation of animals in various industries, including horse racing. Similarly, under the heading 'How we achieve change', AR's website sets out the organisation's planned protests for summer 2024, which include at point 2 '*Mass trespass onto animal racing events*.' It states, '*As a nation of animal lovers it is about time we put these cruel, outdated practices under the spotlight and bring them to an end. There are more fun ways to spend a weekend than watching animals die, and as a society we will find ways to love animals without harming them*'<sup>24</sup>.
23. In short, I believe that there remains a threat that animal rights protesters, whether or not affiliated with AR, may be inspired by AR's previous actions and ongoing messaging on its website, and seek to disrupt the races at Epsom. As set out above, the nature of the racecourse at Epsom makes it very difficult to secure from those intending to trespass on the tracks. Moreover, the Derby in particular is, of course, one of the best attended, most famous and widely broadcast, horse races in the world and a key target for activist groups seeking to attract media attention.

### **Wider protest action at Sporting Events**

24. Further to the above, I believe that there remains a threat that other activists, not only those purportedly driven by animal rights concerns, will disrupt the races.
25. Just Stop Oil ("JSO") is an environmentalist activist group that says it wants the UK government to commit to ending new fossil fuel licensing and production.

<sup>23</sup> <https://www.animalrising.org/who-are-animal-rising> - pages 493-496 of NT4

<sup>24</sup> <https://www.animalrising.org/how-we-achieve-change> - pages 497-498 of NT4

26. In 2023, JSO activists carried out a number of disruptive protests at high profile sporting events, presumably with the aim of attracting more attention to its cause. These included: throwing confetti and jigsaw puzzle pieces and/or orange paint and powder at Wimbledon, the Gallagher Rugby Premiership, the Open Championship, the Ashes and the World Snooker Championship<sup>25</sup>.
27. Extinction Rebellion, an international activist organisation that protests about climate and environmental issues published an article on 1 January 2024 which promised *“escalating actions and tactics throughout the course of the year”*<sup>26</sup>.
28. There is a clear recent history of activist organisations targeting high profile sporting events to seek to attract media attention and further their agenda through disruptive activities. As can be seen from the examples above, the actions taken and sporting events targeted are often not linked in any direct way with the protesters’ purported cause; protesters have targeted a range of high profile sporting events merely to attract attention.
29. As noted in a Reuters article from 21 December 2023<sup>27</sup>, *‘Sport continues to be a catalyst for protest despite misgivings.... sporting platforms have turned into lightning rods for social activism...Be it athletes or spectators, disobedience or disruption has been the order of the day as they attempt to transcend the boundaries of the arena and convey their views to millions of people worldwide.’*
30. On this basis, the Claimant continues to be very concerned that the summer of 2024 will see a repeat of the numerous protests that occurred in summer 2023. As set out above, the Epsom Racecourse is particularly vulnerable to trespass and disruption, and absent an injunction, I believe that there is a very real and immediate threat to the safe and smooth operation of the world-famous races hosted there.

### **The Impact of Trespass and Disruption**

31. As detailed in my First Witness Statement, the disruptive actions of protesters at the Epsom Racecourse have significant and wide-ranging deleterious effects on the following groups.

#### *The Horses and the Jockeys*

32. I refer the Court to the first witness statement of Simon Knapp, the Claimant’s Senior Veterinary Officer for London Region Races, for a detailed assessment of the impact of the threatened action on the horses and jockeys. As detailed in paragraph 15 of that

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<sup>25</sup> Pages 465-480 of NT4

<sup>26</sup> <https://extinctionrebellion.uk/2024/01/01/2024-now-we-step-it-up/> - pages 481-486 of NT4

<sup>27</sup> <https://www.reuters.com/sports/sport-continues-be-catalyst-protest-despite-misgivings-2023-12-21/> - pages 487-489 of NT4

statement, Mr Knapp concludes that any disruption to racing events presents significant and serious risks to everyone involved, particularly the horses' safety and wellbeing<sup>28</sup>.

#### *The Protestors*

33. Protesters at race meetings often put themselves, and as a result also police and security personnel, 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. There is clear and obvious risk to those security and police staff seeking to apprehend any protestors. I refer, for example, to the statement of PC Hodgkinson, who apprehended the Ninth Defendant and who says that he was in genuine fear for his safety and was scared he was going to be seriously injured<sup>29</sup>. PC Stevens also stated he was concerned for the safety of individuals who were dealing with the Ninth Defendant and the high-risk situation that the Ninth Defendant had caused<sup>30</sup>.

#### *The Public*

34. Should a race be delayed, cancelled, or its safety threatened by protestors, this creates increased risks relating to crowd control and anti-social behaviour.

#### *Additional Event Costs and Organisation*

35. As a result of the threats of trespass and disruption, and the acts of the Ninth Defendant at last year's Derby, the Claimant has had to divert management time away from the normal running of its business at significant cost and detriment to the Claimant. The costs of the additional security measures at the 2023 Grand National and the 2023 Derby are detailed in my First Witness Statement<sup>31</sup>.
36. Due to the remaining threat, we anticipate that additional security measures will again be required at the 2024 Epsom Festival, at further significant cost to the Claimant.
37. As noted in my First Witness Statement, Surrey Police indicated its support for the interim injunction application, and the Claimant was in constant dialogue with Surrey Police surrounding the 2023 Derby Festival. As noted in my First Affidavit, Surrey Police had a significantly increased presence at the Derby Festival in 2023 and carried out a significant operation prior to the festival. Such policing, together with the Claimant's own increased security measures were insufficient, however, to prevent the disruption which occurred. The Claimant remains in close contact with Surrey Police

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<sup>28</sup> Page 410 of NT4

<sup>29</sup> Pages 456-458 of NT4

<sup>30</sup> Pages 453-455 of NT4

<sup>31</sup> Page 12 of NT4

regarding the threat of disruption and understands that Surrey Police continues to monitor the situation closely.

**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: 5 April 2024