

IN THE HIGH COURT OF JUSTICE

Claim No: KB-2025-CDF-000046

KING’S BENCH DIVISION

CARDIFF DISTRICT REGISTRY

B E T W E E N : -

CARDIFF UNIVERSITY

Claimant

- and -

**(1) PERSONS UNKNOWN OCCUPYING LAND (AS SHOWN FOR
IDENTIFICATION EDGED RED ON THE ATTACHED PLAN 1)
WITHOUT THE CONSENT OF THE CLAIMANT**

**(2) PERSONS UNKNOWN WHO FOR THE PURPOSE OF PROTEST (i) ENTER,
OCCUPY OR REMAIN UPON; (ii) BLOCK, OBSTRUCT OR INTERFERE
WITH ACCESS TO; OR (iii) ERECT ANY STRUCTURE (INCLUDING TENTS,
GAZEBOS OR SLEEPING EQUIPMENT), ON THE SITES (AS SHOWN FOR
IDENTIFICATION EDGED BLUE ON THE ATTACHED PLAN 2)
WITHOUT THE CONSENT OF THE CLAIMANT**

Defendants

- and -

EUROPEAN LEGAL SUPPORT CENTRE

Intervener

**SKELETON ARGUMENT
ON BEHALF OF THE CLAIMANT**

Review Hearing: 10.30am on 21 July 2026

I. INTRODUCTION

- 1.1 This Skeleton Argument is filed on behalf of the Claimant (the “**University**”) for the Review Hearing listed pursuant to paragraph 12 of the Order of Sir Peter Lane dated 13 June 2025 (the “**Order**”) [HB/x/x]¹. By paragraph 2 of the Order, the Court granted precautionary injunctive relief in respect of eleven sites on the University’s main campus (the “**Injunction Land**”), such relief to remain in force until 23:00 on 31 July 2026 (the “**Injunction**”). The possession claim was adjourned generally: Order §1.

¹ References to the Hearing Bundle appear as [HB/x/x]; references to the Authorities Bundle appear as [AB/x/x]

- 1.2 The purpose of this hearing is that identified by the Supreme Court in *Wolverhampton City Council v London Gypsies and Travellers* [2024] AC 983 (“*Wolverhampton*”) at §225 [AB/1/77], namely, to review the Injunction and consider how effective it has been, whether any grounds for its discharge have emerged, whether there is any proper justification for its continuance, and whether any further order ought to be made.
- 1.3 In broad overview, the University’s position is that the Injunction has fundamentally achieved its purpose. The evidence demonstrates a marked reduction in the frequency and severity of incidents of unlawful direct action on the Injunction Land, and improved engagement with the University’s processes under its Code of Practice on Freedom of Speech. In those circumstances, and after careful consideration, the University has decided not to seek an extension of the Injunction beyond its expiry and simply invites the Court to permit the Injunction to remain in force until 31 July 2026: Witness Statement of Professor Wendy Larner (“**Larner 1**”), §§21-27 [HB/5/60].

II. PRE-READING

- 2.1 Time permitting, the Court is invited to read the following by way of pre-reading:
- a. The Order of Sir Peter Lane dated 13 June 2025 [HB/1/3]
 - b. Approved Judgment of Sir Peter Lane [2025] EWHC 3584 [HB/6/63]
 - c. Witness Statement of Professor Wendy Larner dated 6 July 2026 [HB/5/55]
 - d. Sixth Witness Statement of Martin James Edwards dated 1 June 2026 [HB/9/318]
 - e. Certificate of Service of Christopher Bevins dated 7 July 2026 [HB/11/325]
 - f. Witness Statement of Ishtar Golant dated 8 July 2026 [HB/14/412]

III. FACTUAL BACKGROUND

- 3.1 The background to the grant of the Injunction is set out in detail in the judgment of Sir Peter Lane at §§5-44 [HB/6/64-73]. In brief summary, the claim was brought following repeated incidents of unlawful direct action by Persons Unknown. The methods employed by the Defendants included unauthorised occupation of land and buildings belonging to the University, blocking, obstructing or interfering with access

to its buildings and taking over land by setting up tents and structures. The University was unable positively to identify any individual, the protestors having deliberately concealed their identities, but they appeared to be associated with groups including Caerdydd Students for Palestine, which in 2024 and 2025 issued “demands” as part of a campaign directed against the University: Judgment, §7, §45 [**HB/6/65, 73**].

3.2 Between November 2023 and April 2024, the University’s land was subjected to a series of incidents of trespass and nuisance, including disruptive protests at external speaker events (in the course of one of which a security officer was injured) and a “sit-in” protest at the Centre for Student Life. On 14 May 2024, an unauthorised encampment of some 30 tents was established at Horseshoe Drive, persisting for around nine weeks, during which it served as a focal point for external protest marches. This was accompanied by the defacement of University land, the display of an Israeli flag bearing the words “Wipe your feet”, and blockades of the Main Building and the Centre for Student Life. Upon its disbandment on 17 July 2024, two occupants forced access to the roof of the Main Building to raise a flag: Judgment, §§14-18 [**HB/6/66**].

3.3 Direct action continued during the 2024/2025 academic year (including a protest on 14 October 2024 resulting in the suspension of two students, and a masked road blockade outside the Centre for Student Life on 19 February 2025) and escalated in May 2025. On 6 May 2025, ten individuals occupied the Glamorgan Building for some 24 hours, scaling the building to raise a flag from its roof and announcing, “See you at graduation”. On 9 May 2025, a second encampment was established at Horseshoe Drive. The entrances to the Main Building were blockaded on 15 and 16 May 2025, with a “die-in” staged outside the Centre for Student Life on 22 May 2025. A Notice to Vacate served on 16 May 2025 was ignored. The encampment was disbanded only upon service of these proceedings on 30 May 2025, following which protestors again accessed the roof of the Main Building to raise a flag, announcing that the group was more committed than ever: Judgment, §§19-20, 24, 27, 30, 43, 64-65 [**HB/6/68-80**].

3.4 The Court accepted evidence of substantial resulting harm. In particular, the unlawful direct action necessitated the relocation of examinations away from the Main Building, the closure of the Glamorgan Building, the displacement of the 2024 graduation celebration from Horseshoe Drive and the disruption of open days, with attendant

reputational risk, security costs in the region of £200,000, and concern and distress within the University community: Judgment, §§26-29, 44 and 69-70 [HB/6/70-82].

- 3.5 Notwithstanding the disbandment of the 2025 encampment, and having considered the written submissions of the Intervener (“ELSC”) and the witness statement of Professor Whitfield filed on its behalf, Sir Peter Lane was satisfied that there remained a real and imminent risk of future unlawful direct action: Judgment, §66 [HB/6/80]. He held that the injunction sought was a proportionate interference with any Article 10 and 11 rights, lawful protest remaining available through the University’s Code of Practice on Freedom of Speech: Judgment, §§67-79, 84-87 [HB/6/81]. The Injunction was granted until the end of the current academic year, with express provision for review prior to expiry in line with paragraph 217 of *Wolverhampton*: Judgment, §§88-92 [HB/6/85].
- 3.6 The Review Hearing was listed by Notice dated 19 May 2026 [HB/2/18] within the window prescribed by paragraph 12 of the Order. In accordance with paragraph 13 of the Order, the University’s updating evidence was filed and served on 6 July 2026.

IV. SERVICE AND NOTIFICATION

- 4.1 The University has complied with the notification regime prescribed by the Order in respect of the Notice of Review Hearing and its updating evidence. In particular:
- a. On receipt of the Notice of Hearing, the University uploaded a copy to the dedicated webpage and emailed the address associated with the Defendants (cymrustudents4palestine@protonmail.com) on 22 May 2026, confirming where the documents could be found and how hard copies could be obtained: Sixth Witness Statement of Martin Edwards, §§5-6 [HB/9/319] and Exhibit MJE8 [HB/10/321]. The Intervener was served by email on 28 May 2026: §7 [HB/9/319].
 - b. Multiple copies of the Notice of Hearing were affixed at the prescribed prominent locations on the Injunction Land on 29 May 2026: Certificate of Service of Christopher Bevins dated 1 June 2026 [HB/7/165] and Exhibit WR1 [HB/8/167].
 - c. Larner 1 and Exhibit WL1 were uploaded to the University’s webpage, emailed to the above email address and served on the Intervener on 6 July 2026: Witness Statement of Ishtar Golant, §§5-6 [HB/14/413] and Exhibit IG1 [HB/15/415].

d. Multiple bundles of documents, including Larner 1 and Exhibit WL1, were affixed at prominent locations on the Injunction Land on 6 July 2026: Certificate of Service dated 7 July 2026 [**HB/11/325**], Exhibits CB1 and CB2 [**HB/12/327**; **HB/13/331**].

4.2 Effective notification is thus deemed to have taken place in accordance with paragraph 10 of the Order. The Order permitted the Intervener and any named Defendants to file and serve any evidence upon which they seek to rely, and any person claiming to be affected by the Order to apply for leave to be heard, in each case no later than 7 days before the hearing: Order, §§14-15. No such evidence or application has been served.

V. LEGAL FRAMEWORK: THE PURPOSE OF THE REVIEW HEARING

5.1 A newcomer injunction is, in substance, made without notice and operates contra mundum. The Supreme Court in *Wolverhampton* held that the absence of the ordinary adversarial safeguards must be compensated by safeguards built into the order itself, of which temporal limits and review are central: §§167, 217, 225 [**AB/1/64, 75, 77**].

5.2 The review hearing gives all parties an opportunity to make full disclosure to the Court, supported by evidence, as to the effectiveness of the order, whether grounds for its discharge have emerged, whether there is proper justification for its continuance, and whether and on what basis a further order ought to be made: *Wolverhampton* §225.

5.3 The approach to be taken on review is now well settled. In *High Speed Two (HS2) Ltd v Persons Unknown* [2024] EWHC 1277 (KB) at §§32-33 [**AB/2/96**], Ritchie J held that the reviewing Court does not start de novo. Its task is not to query or undermine the findings on which the injunction was granted. Rather, it must understand why the injunction was made and then determine, on the evidence, whether anything material has changed. If nothing material has changed and the risk subsists, the order may be continued provided procedural and legal rigour has been observed. On the other hand, if material matters have changed, the Court must analyse those changes and determine, applying the original thresholds, whether and in what form relief remains justified.

5.4 That approach has been consistently applied: see *Arla Foods Ltd v Persons Unknown* [2024] EWHC 1952 at §128 [**AB/3/140**]; *Transport for London v Persons Unknown*

[2025] EWHC 55 (KB) at §§54-57 (Morris J) [AB/4/156]; *Rochdale MBC v Persons Unknown* [2025] EWHC 1314 (KB) at §§51-52 (Garnham J) [AB/5/183]; and, most recently, *Valero Energy Ltd v Persons Unknown* [2026] EWHC 397 (KB) at §§5-9 (Lambert J, conducting the second annual review of the injunction granted in *Valero Energy Ltd v Persons Unknown* [2024] EWHC 134 (KB)) [AB/6/191].

VI. EVENTS SINCE THE GRANT OF THE INJUNCTION

- 6.1 The University's updating evidence is contained in the witness statement of the Vice-Chancellor of the University, Professor Wendy Larner, dated 6 July 2026 [HB/5/55].
- 6.2 Since the Injunction was granted on 13 June 2025, the frequency and severity of incidents on the Injunction Land have markedly decreased. On each occasion on which protest activity has occurred on the Injunction Land, the protestors have complied upon being informed of the terms of the Injunction: Larner 1, §14 [HB/5/57]. In particular:
- a. On 13 September 2025, an animal rights protest at the Sir Martin Evans Building and a pro-life stall outside the Main Building each relocated from University land promptly on being shown the terms of the Injunction: Larner 1, §14a [HB/5/57];
 - b. On 12 November 2025, Time to Act Cardiff gave advance notice of a proposed protest at the Main Building and was granted consent under the Code of Practice on Freedom of Speech to hold the protest on the Injunction Land, subject to proportionate safeguarding conditions: Larner 1, §14b [HB/5/58]. This demonstrates that the Code operates in practice to facilitate, not prevent, protest;
 - c. On 10 March 2026, students leafleting inside the Centre for Student Life during the Spring Careers Fair moved to public land to continue their activity once shown the Injunction notice, without further incident: Larner 1, §14c [HB/5/58]; and
 - d. On 15 May 2026, a peaceful demonstration organised by Caerdydd Students for Palestine took place on Council-owned land at Park Place, its own publicity acknowledging the Injunction and choice of location: Larner 1, §14d [HB/5/58].
- 6.3 Accordingly, the Injunction has not prevented lawful protest. As envisaged by Sir Peter Lane, it has channelled protest through a process which safeguards the interests of the wider University community, while providing the University's security team with

clear and consistent parameters: Larner 1, §15 [HB/5/58]. South Wales Police confirmed on 3 June 2026 that there has been a de-escalation of incidents since the Injunction has been in force [HB/6/149]. The operational, financial and wellbeing benefits to the University community are articulated in Larner 1, §§16-20 [HB/5/59].

- 6.4 In advance of the Injunction coming to the end of its term on 31 July 2026, the University has developed and updated a suite of policies and guidance, including Version 3.2 of its Code of Practice on Freedom of Speech and an Event and Speaker Booking Procedure. Under this framework, requests are received via an online booking form, assessed for risk, and approved subject to any necessary conditions, with a presumption in favour of consent: Larner 1, §§23-26 [HB/5/60]. The University also intends to publish detailed guidance on expectations regarding legal protest, setting out clearly what constitutes acceptable and unacceptable conduct during protests, including notification requirements, expected behaviours, and the consequences of non-compliance. This was developed with input from the Students' Union and is consistent with approaches taken by other UK universities: Larner 1, §25 [HB/5/60].

VII. SUBMISSIONS

(1) Effectiveness of the Order

- 7.1 On the first question posed in *Wolverhampton*, the evidence admits of only one answer. The Injunction has been effective. It has largely brought to an end the disruptive pattern of encampments, occupations and blockades which the Court found established in June 2025, without inhibiting the lawful exercise of the rights protected by Articles 10 and 11 of the European Convention on Human Rights. The consent granted to Time to Act Cardiff in November 2025 illustrates that the twin objectives identified at the grant stage, protection of the University's property rights and facilitation of lawful protest through the Code of Practice on Freedom of Speech, have been balanced and met.

(2) Grounds for discharge

- 7.2 No application to vary or discharge the Injunction has been made by any person at any point during its currency, notwithstanding the generous liberty to apply provision at

paragraph 4 of the Order [HB/1/6]. No grounds for discharge prior to expiry have emerged, and none is advanced. Whilst the severity and frequency of incidents have decreased since the Injunction was granted, the incidents detailed at paragraph 6.2 above demonstrate that the Injunction has continued to serve an important purpose.

(3) Justification for continuance beyond expiry

7.3 The critical question is whether there remains a compelling need for precautionary relief beyond 31 July 2026. The University has considered that question with care. The Injunction was sought in response to a significant escalation in unlawful conduct and was commensurate to the risk as it then stood. The Executive Board's considered assessment is that that risk has, at this time, been sufficiently mitigated. It is recognised that the composition of the student body has changed and there appears to be materially greater engagement with the University's processes: Larner 1, §21 [HB/5/60].

7.4 In those circumstances, the University considers that protest activity in the coming academic year can be managed proportionately through its own framework, namely the updated Code of Practice on Freedom of Speech and booking procedure, with a presumption in favour of consent; detailed protest guidance developed with input from the Students' Union; and dynamic risk assessments, backed by existing conduct and disciplinary procedures: Larner 1, §§23-26 [HB/5/60]. Those measures are considered apposite, at this juncture, to manage protest and incidents of the kind seen over the past year. They are not, however, suggested to be a substitute for the Court's protection were there to be a return to the unlawful direct action which preceded the Injunction.

(4) Whether any further order ought to be made

7.5 It follows that no further order is sought at this stage, beyond the Injunction remaining in force until its natural expiry. This course gives effect to the principle that a newcomer injunction is an exceptional remedy which should endure no longer than the compelling need which justified it: *Wolverhampton*, §§167 and 225 [AB/1/64, 77].

7.6 For the avoidance of doubt, the University's decision not to seek an extension of the Injunction is without prejudice to its right to apply for further relief should escalated

unlawful activity re-emerge. Sir Peter Lane’s judgment and the evidence in these proceedings would stand as essential background to any such application. The University hopes that this will not be necessary and that the improved picture that has emerged over the last academic year will continue going forward, but reserves the right to apply, if required, to protect the University community: Larner 1, §27 [HB/5/61].

VIII. CONCLUSION

- 8.1 The Injunction was granted to meet a real and imminent risk of unlawful direct action established on compelling evidence. As shown above, it has fundamentally achieved its purpose, in the manner that the Supreme Court in *Wolverhampton* contemplated such orders should, and the University is grateful for the Court’s assistance. The Court is invited to permit the Injunction to remain in force until its expiry on 31 July 2026.

MICHELLE CANEY

Counsel for the Claimant

15 July 2026

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Claim No: KB-2025-CDF-000046

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**SKELETON ARGUMENT
ON BEHALF OF THE CLAIMANT**

Review Hearing: 10.30am on 21 July 2026

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