

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION

B E T W E E N :

(1) WM MORRISON SUPERMARKETS LIMITED  
(2) SAFEWAY STORES LIMITED  
(3) WM MORRISON PRODUCE LIMITED

Claimants

- and -

PERSONS UNKNOWN  
[more fully described in the Claim Form]

Defendants

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CLAIMANTS' SKELETON ARGUMENT  
FOR THE 2026 MAY REVIEW HEARING  
Hearing: 13 May 2026 (1 hour)

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*References in this Skeleton Argument:*

- *e.g. "[SB/50]" and "[HB/50]" are references to page numbers in the Supplemental Bundle and Hearing Bundle respectively;*
- *e.g. "[AB/2]" are references to page numbers in the Authorities Bundle.*

**Suggested Pre-Reading: (Time Estimate: 1 hour)**

- Re-Amended Claim Form [SB/3-7];
- The Claimant's skeleton argument for the return date hearing before HHJ Tindall dated 28 January 2025 ("**the January 2025 Skeleton**") [appended hereto]
- The Claimants' skeleton argument for the 2025 May Review Hearing dated 7 May 2025 ("**the May 2025 Skeleton**") [appended hereto]
- Sealed Order of Lavender J dated 12 May 2025 ("**the Lavender J Order**"<sup>1</sup>) [SB/309]

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<sup>1</sup> Lavender J was incorrectly referred to in Todd 7 as "HHJ Lavender". The Claimants apologise to Lavender J for that inadvertent error of address.

- Seventh Witness Statement of Andrew Todd (“**Todd 7**”) [**HB/968**]

## **Introduction**

1. This an annual review hearing which has been listed pursuant to paragraph 7 of the Lavender J Order in respect of the injunctions granted by paragraphs 4-6 of that Order [**SB/309**].
2. The background is set out in the Skeleton Argument for the 2025 May Review Hearing but, in short, is as follows:
3. C1 is a supermarket chain that operates 1,700 retail sites, including supermarkets and convenience stores, across the United Kingdom which are supplied with goods delivered from retail distribution centres (“**RDCs**”). The RDCs also supply goods for the online business of the C1’s group of companies and to wholesale business customers. C2 and C3 are wholly owned subsidiaries of C1. C2 produces and distributes a range of products sold in retail stores operated by C1. C3 purchases produce from third parties, such as farmers, and packs and distributes fresh produce.
4. By the claim, the Claimants sought injunctions to restrain direct action giving rise to trespass and nuisance at eight RDCs and specific parts of the access roads directly leading to the RDCs, as identified at Schedule 2 to the Lavender J Order (the “**Access Roads**”) [**SB/316-328**].
5. The injunctions restrain the Persons Unknown (identified as being persons who carry out the specified unlawful acts act “without the consent of the Claimants in connection with agricultural protests”), from:
  - a. entering, occupying or remaining at any of RDCs without consent in connection with agricultural protests;
  - b. creating, causing or participating in blockades or obstructions on the Access Roads or otherwise impeding, preventing or interfering with the passage the

passage by the Claimants, its agents, servants, employees, licensees, invitees to, from, with or without vehicles, including tractors or other agricultural vehicles and equipment, over and across the Access Roads in connection with agricultural protests.

6. The Lavender J Order contains a recital which expressly confirms that the Order is not intended to prohibit any lawful protest outside the RDCs in so far as any such protest does not obstruct any of the pedestrian and vehicular entrances or exits.
7. At this review hearing, the Claimants seek an order confirming that there is to be no variation of the Lavender J Order save for an amendment to the provision for annual review, so that it takes place in a year's time. Thus, the Lavender J should continue:
  - a. On the same terms subject to a further annual review, and with liberty to apply to set aside or vary the Order.
  - b. On the basis that there continues to be a compelling justification and a sufficient threat which justifies the injunctions.
8. A draft order has been prepared to that effect.

#### **Notification / Service**

9. All documents relating to the proceedings have been served by the methods specified in the Lavender J Order [Todd 7 at [21] **[SB/972]**:
  - a. Uploaded to the Claimants' website on 13 May 2025;
  - b. Sent by email to [info@farmerstoaction.org](mailto:info@farmerstoaction.org) on 14 May 2025; and
  - c. Affixed at each of the eight RDCs between 13 and 15 May 2025.
10. Notice of this review hearing was given by: (a) uploading to the Claimants' website on 14 April 2026; and (b) email to [info@farmerstoaction.org](mailto:info@farmerstoaction.org) on 9 April 2026.
11. The Claimants' solicitors have received no correspondence from any person in relation to the application since the 2025 May Review Hearing. No application has been made by any person to vary or discharge the HHJ Lavender Order.

## Background to the Injunction Orders

12. As set out in the May 2025 Skeleton at [7]–[22] and in the evidence referred to in that Skeleton Argument, the original threat that provoked the claim was a set of demands by the Farmers to Action group which manifested in disruptive protest at one of the RDCs (and at other retail distribution centres not owned by the Claimants) in January 2025. The FTA described itself as “Dedicated to defending Farmers and Citizens across Great Britain” and released a mission statement which made a number of demands, namely fairness in food pricing, national food security and the abolition of changes to inheritance tax and the restoration of agricultural property relief and/or business property relief. The FTA was affiliated with another lobby group known as “Together Declaration” (Todd 1 at [63] and [66] [**HB/110-111**]).
  
13. In terms of the procedural history of this claim, injunctions (on the same terms) have been granted on a number of occasions since January 2025, firstly, at initial hearings, and continued on return dates and on review:
  - a. Collins Rice J Order: 16 January 2025;
  - b. First Fordham J Order: 20 January 2025;
  - c. Second Fordham J Order: 21 January 2025 (amended 24 January 2025);
  - d. HHJ Tindal Order: 29 January 2025;
  - e. Lavender J Order: 12 May 2025 (the 2025 May Review Hearing).

## The Approach on Review

14. The underlying legal framework for the grant and continuation of injunctions against persons unknown is set out in the 2025 Skeleton at [23]–[37], which includes the guidelines set out by Ritchie J in *Valero Energy Ltd v Persons Unknown* [2024] EWHC 1277 (KB) at [57] – [58] [**AB/2/96-97**] (which derive from the judgment of the Supreme Court in *Wolverhampton CC v London Gypsies and Travellers* [2024] 2 WLR 45) (and which are reproduced in the Annex to the May 2025 Skeleton and summarised in the Annex to this Skeleton).

15. The key substantive test remains as set out in **Wolverhampton** at [218] [AB/1/66]: there must be a compelling justification for the order sought; a strong probability that a tort is to be committed; that this will cause real harm; and the threat must be real and imminent.
16. The provision for review is in line with the Supreme Court’s decision in **Wolverhampton** at [225] [AB/1/67] that injunctions of this kind, even if final in character, should be “*reviewed periodically*”.
17. The purpose of the review was said to be to enable the parties to make full and complete disclosure to the court, supported by appropriate evidence, as to (i) how effective the order has been; (ii) whether any reasons or grounds for its discharge have emerged; (iii) whether there is any proper justification for its continuance; and (iv) whether and on what basis a further order ought to be made.
18. The approach to a review has been considered on a number of occasions since:
  - a. Cavanagh J in **TfL v Lee & PUs & Ors** [2023] EWHC 402 at [20] [AB/3/108]: (a renewal):

*“The real issue before me, therefore, is whether the evidence of events that have taken place since [the injunction was granted] provides grounds for declining to extend the injunction on materially identical terms”.*
  - b. Ritchie J in **High Speed Two (HS2) Limited v Persons Unknown** [2024] EWHC 1277 (KB) at [32]–[33] [AB/130] (a renewal application):

*“32. ... on a review of an interim injunction against PUs and named Defendants, this Court is not starting de novo. The Judges who have previously made the interim injunctions have made findings justifying the interim injunctions. It is not the task of the Court on review to query or undermine those. However, it is vital to understand why they were made, to read and assimilate the findings, to understand the sub-strata of the quia timet, the reasons for the fear of unlawful direct action. Then it is necessary to determine, on the evidence, whether anything material has changed. If nothing material has changed, if the risk still exists as before and the claimant remains rightly and justifiably fearful of unlawful attacks, the extension may be granted so long as procedural and legal rigour has been observed and fulfilled.*

33. *On the other hand, if material matters have changed, the Court is required to analyse the changes, based on the evidence before it, and in the full light of the past decisions, to determine anew, whether the scope, details and need for the full interim injunction should be altered. To do so, the original thresholds for granting the interim injunction still apply. On review, the Court is not starting de novo. If nothing material has changed and the risk still exists, the injunction may continue.*”

c. Garnham J in ***Rochdale MBC v Persons Unknown*** [2025] EWHC 1314 at [51] [AB/155] (a renewal application): the correct approach on review is dictated by ***Wolverhampton*** at [225]. It is not a tick-box exercise. The Court should consider the four questions identified by the Supreme Court, exercising judgment in the round.

d. Sweeting J in ***Esso Petroleum Co Ltd v Persons Unknown*** [2025] EWHC 1768 (a review hearing) at [7]–[8] [AB/163]:

*“In cases where the review is uncontested, the primary focus is not to revisit the merits afresh but rather to determine whether the injunction has outlasted the compelling need which led to its initial imposition, in view of any changed circumstances. This approach is consistent with the views expressed by Hill J in *Valero v Persons Unknown* (2025 review) [2025] EWHC 207 (KB) at [20-30], and by Garnham J in *Rochdale MBC v Persons Unknown* [2025] EWHC 1314 (hereafter “*Rochdale*”) at [42-52].*

*8. I agree that this is the practical and proportionate way to approach a review ordered as part of the original grant of relief. Such a review is also an opportunity to make necessary adjustments in the light of experience of the practical operation of the injunction and changing circumstances. The Court should nevertheless be wary of embarking upon fundamental changes to the scope or nature of injunctive relief at a review hearing rather than requiring a further and full application to be made. I also bear in mind that there is no legal presumption of continuance.”*

e. Bourne J in London ***City Airport Ltd v Persons Unknown*** [2025] EWHC 2223 at [11] and [18] [AB/172, 175] (a review hearing): the court *“considered whether, since last year’s injunction orders were made, there has been any material change affecting, diminishing or removing the need for them to be in place.”*

f. Mr Duncan Atkinson KC in ***Gatwick Airport Ltd v Persons Unknown*** [2025] EWHC 2228 at [9], [21] [AB/182, 185]: (a review hearing): *“The central*

*question for the purpose of this review is whether this Court can be satisfied that the circumstances which justified the making of the order remain unchanged so that there remains a compelling need for the order to continue”.*

### **The Lavender J Order**

19. As recited in the Lavender J Order [SB/311], the injunctions were granted upon Lavender J having been satisfied that:
  - a. the Claimants had established that they had a good cause of action in relation to each of the RDCs and the Access Roads, in respect of which they were likely to succeed at trial pursuant to section 12(3) of the Human Rights Act 1998;
  - b. the duty of full and frank disclosure had been complied with;
  - c. there was sufficient evidence of a real and imminent risk of tortious activity and real harm;
  - d. there was no realistic defence to the claim;
  - e. there was a compelling justification for the injunctions sought; and that
  - f. damages would not be an adequate remedy.
  
20. Lavender J was also satisfied that the relevant procedural requirements for the grant of injunctions against “Persons Unknown” had been met and that the terms of the Order were clear and appropriate and that, in the circumstances, that it was just and convenient to grant the injunctions sought.
  
21. The orders of Collins Rice J, Fordham J and HHJ Tindal contain similar recitals and were also granted after a full and careful assessment of the justification for the orders sought, the rights which may be interfered with and the proportionality of that interference. The compelling need for the orders was not disputed.

### **Events since Lavender J Order**

22. What follows is a summary of the events since the 2025 May Review Hearing, as set out in Todd 7.

### FTA disbandment and the continuation of the movement

23. On 14 November 2025, Farmers to Action (“FTA”) formally announced its disbandment [Todd 7 at [22-28]] [SB/972]. However, FTA’s statement also confirms that the decision to disband was on the basis that *“too much energy has gone into FTA itself rather than the fight we urgently need to win: saving Britain’s farms and stopping this Labour government from further ruining the country”*. It goes on to say *“the focus must now return to action - not administration”* and referred to *“forthcoming National Unity events”* organised by *“independent groups within the wider movement”*.
24. As Farmers Weekly reported: *“While FTA’s name will disappear, organisers insist the movement it helped galvanise will continue”* [Todd 7 at [25] [SB/973].
25. Since then, protest activity has indeed continued through decentralised groups coordinating via local networks and encrypted messaging platforms [Todd 7 at [26-28]].

### Ongoing protest activity targeting supermarkets

26. Although there have been no protests or unlawful activity at any of the eight RDCs since the Lavender J Order was made, there have been blockades at competitor distribution centres which are not protected by injunctions [Todd 7 at [29-50] [SB/973-978]]:
  - a. 12 January 2026: Tesco DCs at Peterborough, Doncaster and Hinckley [30-31];
  - b. 22 January 2026: Lidl DCs at Peterborough, Doncaster and Houghton Regis, *“with tractors blocking entrances and halting supply chain operations as deliveries were prevented from entering or leaving the sites”* [34];
  - c. 6 February 2026: Sainsbury’s Swan Valley/Pineham, Northampton;
  - d. 12 February 2026: Sainsbury’s Basingstoke DC.
27. The Sainsbury’s Northampton blockade caused *“widespread disruption as dozens of lorries were unable to make deliveries”* [Todd 7 at [59] [SB/979]].

28. Social media posts and forum threads have continued to call for distribution centre blockades. For example, on 23 January 2025:

*“Covertly and strategically blocking distribution centres in a way such farmers can’t be prosecuted is the way to go if this evil tyranny of inheritance tax and the evil tyranny of immoral and illegal forcing farmers into parasitic assurance scheme which equates to ever declining farm income and ever increasing farm workload for vast majority continues” [35].*

29. See also statements such as *“Supermarkets have had it their way for far too long. Exploiting those who cannot fight back. Well they are fighting back now!”* [39]. Other comments include: *“all supermarkets should feel the farmers protests”* [31] [SB/973] and refer to protestors’ previous blockades at the First Claimant’s RDC (*“We were here... doing a similar job with Morrisons”*) [46]. C1 has been directly tagged (*“@Morrisons”*) Todd 7 at [37], [57] [SB/975, 979]].
30. In addition, London tractor protests took place on 11 February and 3 March 2026 and a so-called FFA *“Phase 2 Campaign”* in Northern Ireland has targeted Tesco stores and other *“major supermarkets”*, continuing into March 2026 [Todd 7 at [50] [SB/977]].
31. Formal letters have been sent by the FFA to major supermarkets, including C1, demanding responses by 1 March 2026 as part of the *“IHT Phase 2 Campaign”* [57].

#### IHT changes remain in force

32. The changes to inheritance tax, which remain a key driver of the protest movement, took effect on 6 April 2026. Despite an increase in the IHT threshold from £1 million to £2.5 million, the fundamental grievance which motivated the original protests therefore remains in place.
33. The IHT judicial review was heard on 17-18 March 2026. As at the date of this Skeleton argument, judgment has not been handed down. In late April 2026, members of the Farming Forum posted on a thread entitled *“Judicial Review – 17<sup>th</sup> and 18<sup>th</sup> March 2026”* enquiring about the outcome. A forum moderator responded

that “*The normal timeline for getting an answer is between 6-8 months*” [Todd 7 at 53-54] [SB/978]].

### **Submissions for the Review Hearing**

34. Applying the principles set out above, it is submitted that, in a case such as this, where the injunctions were granted after full consideration of the ***Wolverhampton*** criterion (as articulated in ***Valero***), the Court on review should determine whether, in the light of the Lavender J Order and having regard to the evidence now before the Court:
  - a. the injunction has outlasted the compelling need which led to its being made in the first place, in view of any material change of circumstances; and
  - b. it is therefore appropriate to bring it to an end or vary its terms.
  
35. There has been no material change in circumstances since the 2025 May Review Hearing which would warrant the discharge or variation of the Lavender J Order.
  - a. No person has applied to vary or discharge the Lavender J Order and no representations have been received in response to service of the Order and the notice of this hearing [Todd 7 at [67] [SB/ 981].
  - b. The disbandment of the FTA has not diminished the threat; rather, the movement has continued through decentralised, independent groups. FTA’s own statement confirmed a shift to “action” instead of administration
  - c. The IHT changes took effect on 6 April 2026 and continue to fuel the protest movement (paragraphs 32-33 above). None of the fundamental grievances motivating the protests have been addressed
  - d. That there has been no unlawful activity at any of the eight RDCs covered by the Lavender J Order is entirely consistent with the findings of previous judges that the injunction operates, and is effective, as a deterrent. The Claimants

adopt the reasoning of Linden J in *Esso Petroleum Company Ltd v Persons Unknown* [2023] EWHC 1837 (KB) at [67] [AB/205]:

*“it appears that the effect of the various injunctions which have been granted in this case and others has been to prevent or deter them from taking the steps prohibited by the orders of the court although, of course, not invariably so. If, therefore, an injunction is refused in the present case the overwhelming likelihood is that protests of the sort which were seen in 2021/2022 will resume.”*

- e. The absence of incidents at the Claimants’ RDCs, contrasted with sustained activity at competitor DCs, demonstrates that the injunction is not merely a precaution but an active shield. Blockades have continued to be carried out at unprotected distribution centres since the Lavender J Order and social media and forum posts have continued to call for blockades and have identified the Claimants specifically as a specific target (paragraph 26-31 above);
- f. The Claimants have also been expressly identified as a target by protesters on social media and in direct correspondence and the series of sustained blockades in January and February 2026 at competitor distribution centres (Tesco, Lidl and Sainsbury’s) which are not protected by injunctions demonstrate that it is the injunction, rather than any diminution in the threat, which has protected the RDCs.
- g. The decentralised nature of the protest movement (with coordination via encrypted messaging and local networks) means the Claimants’ knowledge of planned actions is necessarily limited to what is publicly available (see the 2025 Skeleton at [45]).
- h. The evidence of harm remains the same. The operations of the RDCs are unchanged: see the 2025 Skeleton at [22], including Roberts 1 (food security risk; health and safety risks; fuel vulnerability; loss and damage at Willow Green). Four courts have previously been satisfied that real harm would be caused by direct action at the Sites and the operations at the RDCs are unchanged: they continue to be serviced by HGVs and to supply food to the Claimants’ retail stores. The Sainsbury’s Northampton blockade in February

2026 provides a contemporaneous example of the disruption caused when distribution centres are blockaded without injunctive protection.

36. Given the above, the threat of direct action at distribution centres has not abated and remains real and present and it cannot be said that the injunction has outlasted the compelling need which led to it being made in the first place.
37. Applying the approach of Bourne J in *London City Airport*, there has been no material change removing or seriously diminishing the justification for the injunction. The Claimants invite the Court to continue the Lavender J Order on the same terms, with provision for annual review.
38. The Claimants remain justifiably concerned of an imminent risk of serious harm and continue to require the protection of the injunctions. The injunction has proved an effective deterrent. Its removal would leave the Claimants exposed to the same risk which has materialised at unprotected sites.

#### Full and frank disclosure

39. The specific matters which the Claimants consider need to be brought to the Court's attention in discharge of the continuing duty of full and frank disclosure, have been addressed to some extent above, but set out below for ease of reference:
  - a. There have been no incidents at any of the Claimants' RDCs since the Lavender J Order. Competitor DCs have, however, been targeted during the same period;
  - b. There have been no blockades since mid-February 2026 [Todd 7 at [49 [SB/977]], but the contemporaneous social media evidence suggests that they will not cease: see e.g. *"Supermarkets Lockdown ... FARMERS WE WILL NOT STOP"*, and *"Well done all farmers fighting for your rights and giving a kick to the supermarkets who make billions off us while paying you lot a pittance"* [Todd 7 at [44-46] [SB/976]],

- c. The IHT threshold was increased from £1 million to £2.5 million, but protest activity has continued regardless;
- d. The FTA disbanded on 14 November 2025, but the movement has continued through independent groups;
- e. The Court should note that in the Farming Forum thread referred to at para 33 above, a member posted "*I guess it is the Government and judiciary trying to bury bad news!!*" and then "*Maybe judges who deliberated fear for there own safety [sic]!!*" [Todd 7 at [66]].
- f. No correspondence has been received from any person; no application has been made to vary or discharge the Order.

**MYRIAM STACEY K.C.**  
**LANDMARK CHAMBERS**  
**8 May 2026**

## **ANNEX**

The Valero/Wolverhampton guidelines as to the substantive and procedural requirements for the grant of injunctions against persons unknown are set out in full in the Annex to the May 2025 Skeleton, which the Claimants adopt by reference. Those guidelines were applied by Lavender J at the 2025 May Review Hearing and remain applicable.

### **(A) Substantive requirements**

As set out in the Annex to the May 2025 Skeleton at items (A)(a)–(f), comprising: cause of action; full and frank disclosure; sufficient evidence; defences; compelling justification; and damages not an adequate remedy.

### **(B) Procedural requirements**

As set out in the Annex to the May 2025 Skeleton at items (B)(a)–(h), comprising: identifying the defendants; terms of the injunction; scope; geographic boundaries; temporal limits; service; the right to set aside or vary; and review.