

Contempt application

(other than an application under Part 8) CPR 81.3 and 81.4



BL-2023-000713

An appointment to fix a date for the application has been made for 17 August 2023. This listing appointment will take place via email, however a listing officer will be available to conduct the listing appointment in person at: GROUND FLOOR, THE ROLLS BUILDING, 7 ROLLS BUILDINGS, LONDON, EC4A 1NL if necessary. - If you do not wish to attend, please e-file or e-mail agreed dates of availability to chanceryjudgeslisting@justice.gov.uk in advance of the appointment.

Name of court

High Court of Justice, B&P, Chancery

Claim no.

BL-2023-000713

Claimant's name (including ref.)

Jockey Club Racecourses Limited
JDR\645003.07183

Defendant's name (including ref.)

(1) Daniel Frank Peter Kidby
(2) - (8) Various 'Persons Unknown'

Date

Day

11

Month

08

Year

2023

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

Legal representative of the claimant

3. Who should be served with this application?

First name(s)

Ben

Last name

Newman

4. Please give the service address of any party named in question 3

Building and street



The written evidence of the claimant in support of this application, in the form of an affidavit or affirmation, is attached to this application

If permission is required to make this application, the application for permission (headed 'Application for permission') must be included in this application

To the defendant

If upon determination of this application you are held to be in contempt of court you may be imprisoned or fined, or your assets may be seized

Your rights

You have the right to be legally represented in the contempt proceedings.

You are entitled to a reasonable opportunity to obtain legal representation and to apply for legal aid which may be available without any means test.

You may be entitled to the services of an interpreter.

You are entitled to a reasonable time to prepare for the hearing of the contempt application against you.

You are entitled but not obliged to give written and oral evidence in your defence.

You have the right to remain silent and may not be compelled to answer any question the answer to which may incriminate you.

If you do not attend the hearing, the court may proceed in your absence. Whether or not you attend, the court will only find you in contempt if satisfied beyond reasonable doubt of the facts constituting contempt and that they do constitute contempt.

If the court is satisfied that you have committed a contempt, the court may punish you by a fine, imprisonment, confiscation of assets or other punishment permitted under the law.

If you admit the contempt and wish to apologise to the court, that is likely to reduce the seriousness of any punishment by the court.

The court's findings will be provided in writing as soon as practicable after the hearing.

The court will sit in public, unless and to the extent that the court orders otherwise. Its findings will be made public.

The following information is required to be included in the application pursuant to rule 81.4(2) of the Civil Procedure Rules 1998.

5. Nature of the contempt (for example, breach of an order or undertaking or contempt in the face of the court)

Breach of an order

6. Is the application based on breach of an order?

Yes – **go to question 7**

No – **go to question 10**

7. Date and terms of the order allegedly breached or disobeyed ('the order'). (If there is more than one such order, set out the date and terms of each order.)

The following parts of the Order of Sir Anthony Mann dated 26 May 2023.

Paragraph 2:

"Until judgment or further order, on the day of any Racing Fixture at the Epsom Racecourse (which, for the avoidance of doubt, includes Oaks Day on 2 June 2023 and Derby Day on 3 June 2023), the Respondents must not:

(1) Enter the Race Track, except at authorised Crossing Points; or
(6) Intentionally obstruct the Horse Races."

8. Date of personal service of the order

Day

Month

Year

If the order was not personally served, state the date and terms of any order dispensing with personal service of the order.

The Order of Sir Anthony Mann dated 26 May 2023 sets out the service requirements at paragraph 4 and 5, with which the Claimant has complied.

9. Did the order include a penal notice?

Yes

No

10. Date and the terms of any undertaking allegedly breached ('the undertaking'). (If there is more than one such undertaking set out the date and terms of each undertaking.)

11. Does the claimant, believe that the person who gave the undertaking understood its terms and the consequences of failure to comply with it?

Yes

No

12. Summary of facts alleged to constitute the contempt (set these out very briefly, in chronological order, in numbered points)

1. On 26th May 2023 Sir Anthony Mann made an order in these proceedings (the "Interim Injunction Order").
2. By paragraph 2 of the Interim Injunction Order various persons, including Ben Newman, were prohibited from doing various acts on the day of any Racing Fixture at the Epsom Racecourse including Derby Day on 3 June 2023, and were required not to:
 - (1) Enter the Race Track, except at authorised Crossing Points; or
 - (6) Intentionally obstruct the Horse Races.
3. Paragraphs 3 to 5 of the Interim Injunction Order related to service. The Claimant has complied with the requirements as to service.
4. On 2 June 2023 Mr Newman confirmed in a radio interview that he was aware of the Interim Injunction Order.
5. On the 3 June 2023 Mr Newman entered the Race Track at the Epsom Racecourse shortly after the Epsom Derby Race had begun. He entered at a place that was not an authorised crossing point. He ran onto the track and sought to evade police officers and Race Track marshals.
6. In so doing, Mr. Newman's intention was to obstruct the horse races.
7. Mr Newman was arrested at the scene on suspicion of causing public nuisance.

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 this contempt application are true.

The Claimant believes that the facts stated in this contempt application are true.

Signature for the Statement of Truth



Claimant

Litigation friend

Claimant's legal representative

Date

Day

11

Month

08

Year

2023

Full name

Julian Diaz-Rainey

Name of Claimant's legal representative's firm

Pinsent Masons LLP

Position or office held (if signing on behalf of a company)

Partner

Signature for the Contempt application



- Claimant
- Litigation friend
- Claimant's legal representative

Date

Day Month Year

Full name

Name of Claimant's legal representative's firm

Position or office held (if signing on behalf of a company)

Claimant's address to which documents about this application should be sent

Building and street

3 Hardman Street

Second line of address

Town or city

Manchester

County (optional)

Postcode

Phone number

01612348234

Email address

Fax number

DX number

14490 Manchester 2

Reference number

JDR/IW/645003:07183

Court fee

What you need to pay

The court fee for this application is **£275**

How to pay the court fee

- I attached a **Cheque/Postal order**, made payable to 'HMCTS'
- A debit/credit card payment**
 - I will pay over the phone, please call me on the number below
 - please email me details on how to pay, my email address is

- Prepayment** – If you have already made a payment please note the reference number here

Your reference

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- In person at the court/office**
- I have not included payment because**

- I have applied for Help with Fees online and my reference number is

H	W	F																	
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- I am applying for Help with Fees, see attached form **EX160**
- Other – please explain why

- Payment by account** – for use by legal professionals

Your account number

P	B	A																	
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Your reference (if applicable)

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What if I cannot afford to pay a court fee?

You may not have to pay a fee, or you may get some money off it if you only have a small amount of savings and investments, receive certain benefits or are on a low income. This is sometimes known as 'fee remission.'

You can apply for help with court and tribunal fees online at www.gov.uk/help-with-court-fees or through the 'EX160 Apply for help with fees' form and 'EX160A – How to apply for help with fees' guidance.