



Amended pursuant to the Order of Roth J dated 14 March 2024

Claim Form (CPR Part 8)

In the High Court of Justice, Business and Property
Courts, Business List.



Claim no.	BL-2023-000713	15 Mar 2024
Fee Account no.		
Help with Fees - Ref no. (if applicable)	H W F -	

BL-2023-000713

Claimant

Jockey Club Racecourses Limited
Sandown Park Racecourse
Portsmouth Road
Esher
Surrey
England
KT10 9AJ



Defendant(s)

Please see attached.

Does your claim include any issues under the Human Rights Act 1998? Yes No

Details of claim (see also overleaf)

Please see attached.

Defendant's name and address

The Claimant will effect personal service on the First Defendant at [address redacted] and seeks an order for permission to effect service on the Second to Eighth Defendants by alternative means as set out in the draft Order.

	£
Court fee	
Legal representative's costs	
Issue date	

For further details of the courts www.gov.uk/find-court-tribunal.
When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Claim no.		
-----------	--	--

Details of claim (continued)

Pinsent Masons LLP
30 Crown Place
Earl Street
London
EC2A 4ES

Claimant's or claimant's legal representative's address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.

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 these particulars of claim are true.
- The Claimant believes** that the facts stated in these particulars of claim are true. I am authorised by the claimant to sign this statement.

Signature



- Claimant
- Litigation friend (where claimant is a child or a Protected Party)
- Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day Month Year
15 03 2024

Full name

Julian Diaz-Rainey

Name of claimant's legal representative's firm

Pinsent Masons LLP

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

Partner

IN THE HIGH COURT OF JUSTICE
THE BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
**BUSINESS LIST (ChD) ~~CHANCERY~~
~~DIVISION~~**

Case No. BL-2023-000713

**AMENDED BY PERMISSION OF THE
HONOURABLE MR JUSTICE ROTH
GRANTED ON 14 MARCH 2024**

BETWEEN:

JOCKEY CLUB RACECOURSES LIMITED

Claimant/Applicant

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/Respondents

AMENDED CLAIM FORM

1. For the purpose of this Claim Form:
 - 1.1. The "Act" means the Epsom and Walton Downs Regulation Act 1984.
 - 1.2. The "Byelaws" means the Byelaws made by The Epsom & Walton Downs Conservators on 18 October 2005, by virtue of s. 11 of the Act.

- 1.3. The “**Plan**” means the ~~the~~ aerial photographs of the Epsom Racecourse and the markings thereupon, appended to this Claim Form.
- 1.4. The “**Epsom Racecourse**” means the area where the Claimant holds Racing Fixtures, within the red line marked on the Plan.
- 1.5. “**Racing Fixture**” means an Authorised Meeting within the meaning of s. 14 of the Act, being a race meeting held on up to 16 days in any one year at the Epsom Racecourse, including Oaks Day and Derby Day.
- 1.6. “**Horse Races**” means any and all horse races taking place on the day of a Racing Fixture.
- 1.7. The “**Race Track**” means the area between the crowd barriers on either side of the stretch of land marked with a yellow dotted line, starting at point (C) and ending at point (D) on the Plan.
- 1.8. The “**Crossing Points**” mean the 10 points at which members of the public may cross from one side of the Race Track to another with Authorisation, marked in blue on the Plan.
- 1.9. “**Authorisation**” means authorisation given to any member of the public to be in a particular area at the Epsom Racecourse at a particular time, whether by a steward, police officer, and/or any agent of Jockey Club Racecourses Limited.
- 1.10. The “**Stables**” means the buildings and area where the horses are accommodated before the races, marked at point (A) on the Plan.
- 1.11. The “**Parade Ring**” means the area where horses parade ahead of the races, marked at point (B) on the Plan.
- 1.12. The “**Horse & Jockey Entrance**” means the point at which horses and jockeys enter the Race Track, marked at point (C) on the Plan.
- 1.13. The “**Horses’ Route to the Parade Ring**” means the pathway by which the horses are led from the Stables to the Parade Ring, marked with a yellow dotted line, starting at point (A) and ending at point (B) on the Plan.
- 1.14. The “**Horses’ Route to the Race Track**” means the route which the horses take from the Parade Ring to the Race Track, marked with a yellow dotted line, starting at point (B) and ending at point (C) on the Plan.

1A. The Claimant is the freehold owner of areas of the Epsom Downs, including the land encompassing the Epsom Racecourse. The public is granted rights of access over the land under the Act, but that access is subject to the Claimant’s rights (as “*The Company*”) under the Act, to hold and conduct Racing Fixtures and to control the public’s access over the Epsom Downs in connection with those Racing Fixtures:

- 1A.1. Section 4 of the Act grants the public the “right of access for air and exercise on foot over the Downs”, save that “nothing in this section shall authorise any interference with ... any ... rights conferred upon the Company ... by this Act.”
- 1A.2. Section 14 provides that the Claimant may hold and conduct horse races at Racing Fixtures on the Epsom Downs on up to 16 days in a year.
- 1A.3. Section 17 provides that the Claimant may hold Racing Fixtures “notwithstanding anything contained in this Act or in any byelaws made under this Act”.
- 1A.4. Pursuant to s. 17, the Claimant may:
 - 1A.4.1. On the day of a Racing Fixture, control access over the Downs to a broad area of land encompassing the Epsom Racecourse (“the Relevant Area”) and to the Parade Ring (s. 17(3));
 - 1A.4.2. On all days, exclude members of the public from walking on the Relevant Area except across at least seven crossing places, and on the day of a Racing Fixture, also exclude members of the public from said crossing places (save that in the three days prior to a Racing Fixture, the Applicant must maintain a passage of 1-2 metres across the northern part of the Relevant Area: ss. 17(5)(a), 17(16)).
 - 1A.4.3. On the day of a Racing Fixture, exclude members of the public from the Relevant Area, subject to the payment of a charge as the Applicant sees fit (s. 17(1)(b)).

The Claimant claims:

- 2. An injunction to restrain the Defendants, on the day of any Racing Fixture, from:
 - 2.1. committing acts of trespass and/or interfering with the Claimant’s rights under the Act to hold and conduct Racing Fixtures by:
 - 2.1.1. entering the Race Track, except at authorised Crossing Points;
 - 2.1.2. entering and/or remaining on any Crossing Points without Authorisation;
 - 2.1.3. entering the Parade Ring without Authorisation;
 - 2.1.4. entering and/or remaining on any part of the Horses’ Route to the Parade Ring, without Authorisation;
 - 2.1.5. entering and/or remaining on any part of the Horses’ Route to the Race Track, without Authorisation; ~~and~~
 - ~~2.2. breaching s. 2(2)(e) of the Byelaws by:~~

- 2.2.1. intentionally obstructing the Horse Races;
 - 2.2.2. intentionally causing any object to enter onto and/or remain on the Race Track without Authorisation; and
 - 2.2.3. intentionally endangering any person at the Epsom Racecourse.
3. Further or other relief.
4. Costs.