

IN THE HIGH COURT OF JUSTICE Claim no. **PT-2018-000964** 2020
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
PROPERTY TRUSTS AND PROBATE LIST (ChD)



THE HONOURABLE MR JUSTICE ZACAROLI

PT-2018-000964

MONDAY the 23rd day of NOVEMBER 2020

BETWEEN:

RETTENDON PARISH COUNCIL

Claimant

-and-

(1) MR ROY HART
(2) MRS JACKIE COPSEY
(3) MRS KATHRYN CLARK
(4) MRS PAT PREBBLE
(5) MR JONATHAN HAVARD
(6) MR THOMAS MARSHALL
(7) HER MAJESTY'S ATTORNEY GENERAL *Defendants*

PENAL NOTICE

If you MR ROY HART do not comply with this order you may be held to be in contempt of court and may be imprisoned or fined or have your assets seized.

Any other person who knows of this order and does anything which helps or permits the first to sixth defendants to breach the terms of this order may also be held to be in contempt of court and may be imprisoned, fined or have his or her assets seized.

ORDER

IMPORTANT:—

NOTICE TO THE FIRST DEFENDANT

- (1) This Order prohibits you from doing certain acts and obliges you to do other acts set out in this Order. You should read it all carefully. You are advised to consult a Solicitor as soon as possible. You have a right to ask the Court to vary or discharge this Order.**
- (2) If you disobey this Order you may be found guilty of Contempt of Court and may be sent to prison or fined or your assets may be seized.**

UPON THE APPLICATION of the Claimant by Part 8 Claim Form dated 1 July 2019

UPON THE COURT HAVING HANDED DOWN judgment in the application on 14 August 2020 and having made a declaration as to the identity of the present trustees (“**the Present Trustees**”) of the charities known as the Allotment for the Labouring Poor, charity no. 271479, and the Allotment for Exercise and Recreation, charity no. 271480 (“**the Charities**”) and an order adjourning issues arising consequential upon the judgment on 17 August 2020

AND UPON HEARING Joshua Winfield of counsel for the Claimant and the First Defendant in person and the Second to Seventh Defendants neither appearing nor being formally represented

IT IS ORDERED THAT

- 1 The First Defendant do by 4pm on 27 November 2020 deliver up to the Claimant’s solicitors (for delivery to those of the Present Trustees who do not currently possess them) using the contact details at the end of this Order all documents and information in paper or any electronic, digital or similar form belonging or relating to the Charities which are in the First Defendant’s possession, custody or power, including but not limited to the following (insofar as they are in the First Defendant’s possession, custody or power):

- (1) minutes or other written records of any meetings of any persons acting or purporting to act as trustees of the Charity;
 - (2) copies of the electronic documents lodged with the Charity Commission on or about 3 August 2017 with the following file-names:
 - (a) "upper_bell_fields_charity_declaration_oftrust_29thjune_2017.pdf"
 - (b) "lower_bell_fields_charity_declaration_of_trust_29ihjune_2017.pdf" and
 - (c) "bell_fields_charities_res0luti0n_29.6.17_and_legaLadvice_8.2.16.pdf"
 - (3) bank statements for any bank accounts related to the Charities from 1 May 2019 to the date of delivery up; and
 - (4) any risk assessment conducted by those acting or purporting to act as trustees of the Charities.
- 2 There be no order as to the costs of the preliminary issue.
- 3 The balance of the claim be stayed with liberty to the Present Trustees by 4pm on 23 January 2021 to apply to:
- (1) lift the stay and
 - (2) be substituted as claimants
- but if the Present Trustees do not so apply within the time limit then the balance of the claim do stand dismissed except that:
- (3) there be liberty to the Present Trustees to apply to vary the time limit and
 - (4) for the avoidance of doubt the stay or dismissal of the balance of the claim shall not prevent enforcement of this order or any earlier orders made in this claim.
- 4
- (1) This is an order from which an appeal lies to the Court of Appeal.

(2) Permission to appeal against paragraph 2 is refused.

5 This order shall be served by the Claimant on the Defendants.

AND IT IS DIRECTED THAT:

6 Notice of:

(1) the 14 August 2020 judgment;

(2) the 17 August 2020 order; and

(3) this order

be served on Mr Peter Maloney of Hillview Cottage, East Hanningfield Road, Rettendon CM3 8EN under rule 19.8A(2)(b) of the Civil Procedure Rules 1998.

Service of the order

The court has provided a sealed copy of this order to the serving party:

Tees, Parkview House, Victoria Road South, Chelmsford CM1 1NG,
hello@teeslaw.co.uk, ref: **DBP/CAP/COUNCIL/191555-00001**