

N244

Application notice

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Name of court High Court of Justice Kings Bench Division		Claim no. KB-2024-BHM-000107
Fee account no. (if applicable)	Help with Fees – Ref. no. (if applicable)	
PBA0086069	H W F <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Warrant no. (if applicable)		
Claimant's name (including ref.) The University of Nottingham		
Defendant's name (including ref.) (1) MX JOEL BUTTERWORTH (ALSO KNOWN AS RIVER BUTTERWORTH (THEY/THEM)) (5) "Non Students" PERSONS UNKNOWN (6) "Students" PERSONS UNKNOWN		
Date	3 July 2024	

1. What is your name or, if you are a legal representative, the name of your firm?

Shakespeare Martineau LLP

2. Are you a Claimant Defendant Legal Representative
 Other (please specify)

If you are a legal representative whom do you represent?

The Claimant

3. What order are you asking the court to make and why?

1. An order that the Claimant has permission to rely upon updating witness statements, in the form accompanying this application, at the adjourned summary possession hearing on Friday 5 July 2024.

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with? at a hearing without a hearing
 at a remote hearing

6. How long do you think the hearing will last? Hours Minutes
Is this time estimate agreed by all parties? Yes No

7. Give details of any fixed trial date or period

8. What level of Judge does your hearing need?

9. Who should be served with this application?

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

1. Pursuant to CPR 3.1(2)(m), the Claimant seeks permission to rely upon updating witness evidence, in the form accompanying this application, at the adjourned summary possession hearing on Friday 5 July 2024.
2. The claim for possession relates to an unauthorised occupational encampment set up by the First Defendant and Persons Unknown on land at the Jubilee Campus at the University of Nottingham.
3. The claim for possession was issued on the grounds of trespass on Monday 14 May 2024. In accordance with CPR r. 55.5(1), the claim was listed for a summary possession hearing on Friday 17 May 2024.
4. By two Orders dated 15 May 2024, the Court granted an order abridging time for service of the notice of hearing, claim form, particulars of claim and the witness statement of Jason Carter dated 14 May 2024.
5. In accordance with CPR r. 55.5(2) and the second abridgment Order dated 15 May 2024, the Claimant served the claim form, particulars of claim and witness statement on Persons Unknown on Wednesday 15 May 2024.
6. At the first hearing on 17 May 2024, the Court made various orders which were set out in the Order dated 20 May 2024. These included an order for possession in respect of the land edged red on the plan attached to the order against Persons Unknown who were neither students nor staff of the University, and also various directions for an adjourned hearing. By Order dated 22 May 2024, the time for complying with the directions in the Order dated 20 May 2024 were extended by agreement between the Claimant and First Defendant.
7. In accordance with the varied directions of the Court, the First Defendant filed and served their Defence and witness evidence by 4pm on Wednesday 12 June 2024 and the Claimant filed and served further witness evidence in support of the possession claim by 4pm on Friday 14 June 2024.
8. The adjourned hearing was previously listed to take place on Wednesday 19 June 2024, with a time estimate of 2.5 hours. By Order dated 18 June 2024, the hearing on 19 June 2024 was adjourned, to be re-listed with a longer time estimate of 1 day to allow sufficient time for all arguments to be considered and decided upon.
9. The hearing is now to take place in London on Friday 5 July 2024.
10. Since the date for the Claimant to file and serve any further evidence and the Order dated 18 June 2024, updating developments have occurred which the Claimant seeks permission to adduce further evidence upon.
11. In particular, the University held two Open Days for prospective students on Friday 28 June 2024 and Saturday 29 June 2024. As detailed in the Second Witness Statement of Dr Paul Greatrix dated 2 July 2024, the persons occupying the unauthorised encampment caused significant disruption and disturbance during the Open Days. The encampment has also been responsible for making unauthorised use of the Claimant's property.
12. As these developments occurred since the last direction for the Claimant's evidence (14 June 2024), the Claimant seeks the Court's permission to adduce further evidence at the hearing on Friday 5 July 2024. The evidence has been prepared and served as quickly as the circumstances allowed given the very recent timing. The Claimant respectfully submits that it would be in accordance with the overriding objective and the interests of justice for this evidence to be admitted to ensure that the Court is apprised of the most up-to-date position.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person 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 section 10 (and any continuation sheets) are true.
- The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. **I am authorised** by the applicant to sign this statement.

Signature



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

Date

Day

Month

Year

03

07

2024

Full name

Martin James Edwards

Name of applicant's legal representative's firm

Shakespeare Martineau LLP

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

Partner

Applicant's address to which documents should be sent.

Building and street

Second line of address

Town or city

County (optional)

Postcode

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If applicable

Phone number

Fax phone number

DX number

Your Ref.

Email