

1. Claimant
2. Brendan Casey
3. First
4. BC
5. 22.11.13

CLAIM NO

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
BIRMINGHAM DISTRICT REGISTRY

THE UNIVERSITY OF BIRMINGHAM

Claimant

-and-

(1) SIMON FURSE

(2) HATTIE CRAIG

(3) PERSONS UNKNOWN (INCLUDING STUDENTS OF THE UNIVERSITY OF BIRMINGHAM) ENTERING OR REMAINING UPON THE BUILDINGS KNOWN AS ASTON WEBB BUILDING, EDGBASTON, BIRMINGHAM AT THE UNIVERSITY OF BIRMINGHAM FOR THE PURPOSE OF PROTEST ACTION (WITHOUT THE CONSENT OF THE UNIVERSITY OF BIRMINGHAM)

Defendants

WITNESS STATEMENT OF BRENDAN CASEY

This is the exhibit "BC4" to the Witness Statement of Brendan Casey dated 22 November 2013.

Our Ref: CMP

21 November 2013

To the Occupiers of
The Senate Room and adjoining area
The University of Birmingham
Edgbaston
Birmingham
B15 2TT

Further to my letter yesterday, I again write to confirm that the University has withdrawn permission for you to occupy the premises known as The Senate Room and adjoining area, including teaching space and offices at The University of Birmingham ("the Property") and therefore you are trespassers. You must leave immediately.

The University also has concerns in relation to the Health and Safety and Fire Regulations Compliance aspects of your occupation. You have secured fire doors, with D locks. You have obstructed fire exits, and fire escape staircases. You have removed disabled access to parts of the building. You have prevented access to GEES teaching and research space, and administration offices, so that members of the university cannot go about their lawful business such as teaching. The university views this obstruction as unacceptable and will take action to ensure that those responsible are referred under Regulation 8 for student discipline. In addition this action amounts to the criminal offence of aggravated trespass, and the matter has been referred to the police.

As students of the University you are subject to Regulations 8 relating to Student Conduct and in particular 8.2.1.(g) misuse or unauthorised use of University premises. I should point out that possible sanctions for breach of Student Conduct Regulations range from a reprimand to a requirement that the student withdraw from the University.

Yours faithfully

Mrs C. M. E Pike
Solicitor

DUTY OF CARE – INCREASED FIRE RISK

Your actions in deliberately obstructing and restricting access and egress via the blocked off fire exits will directly affect your safety and the safety of others in case of a fire emergency.

We are currently taking all reasonable steps to reduce these risks but remain concerned about your safety and would encourage you to reinstate the fire exit at the soonest opportunity.

You should also note because if there is a fire emergency it will be required to gain access to the area to aid your escape.

Leslie Wright, Assistant Director of Human Resources (Workplace Wellbeing)

DUTY OF CARE – INCREASED FIRE RISK

Your actions in deliberately obstructing and restricting access and egress via the blocked off fire exits will directly affect your safety and the safety of others in case of a fire emergency.

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Leslie Wright, Assistant Director of Human Resources (Workplace Wellbeing)

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IN THE HIGH COURT OF JUSTICE
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THE UNIVERSITY OF BIRMINGHAM

Claimant

-and-

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Defendants

WITNESS STATEMENT OF BRENDAN CASEY

This is the exhibit "BC5" to the Witness Statement of Brendan Casey dated 22 November 2013.

Our Ref: CMP

21 November 2013

To the Occupiers of
The Senate Room and adjoining area
The University of Birmingham
Edgbaston
Birmingham
B15 2TT

SECOND LETTER

Further to the letter earlier today, the University again confirms that it has withdrawn permission for you to occupy the premises known as The Senate Room and adjoining area, including teaching space and offices at The University of Birmingham ("the Property") and therefore you are trespassers.

You must leave the area by 8am on Friday the 22nd November.

The University reserves the right to exercise all or any of its legal options and remedies if you have not vacated the area by that time.

Yours faithfully

Mrs C. M. E Pike
Solicitor
Director, Legal Services

1. Claimant
2. Brendan Casey
3. First
4. BC
5. 22.11.13

CLAIM NO

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
BIRMINGHAM DISTRICT REGISTRY

THE UNIVERSITY OF BIRMINGHAM

Claimant

-and-

(1) SIMON FURSE

(2) HATTIE CRAIG

(3) PERSONS UNKNOWN (INCLUDING STUDENTS OF THE UNIVERSITY OF BIRMINGHAM) ENTERING OR REMAINING UPON THE BUILDINGS KNOWN AS ASTON WEBB BUILDING, EDGBASTON, BIRMINGHAM AT THE UNIVERSITY OF BIRMINGHAM FOR THE PURPOSE OF PROTEST ACTION (WITHOUT THE CONSENT OF THE UNIVERSITY OF BIRMINGHAM)

Defendants

WITNESS STATEMENT OF BRENDAN CASEY

This is the exhibit "BC6" to the Witness Statement of Brendan Casey dated 22 November 2013.

Protocol of Student Protest between The University of Birmingham and University of Birmingham Guild of Students

Both the University and the Guild appreciate and confirm the rights of individuals to peacefully protest within the law. Our community is diverse and represents different, and at times opposing points of view. Both the University and the Guild recognise these competing views, and within the law, protects everyone's right to freedom of speech.

Whilst recognising that each protest may be viewed individually, both the University and the Guild have agreed this protocol to enable the free expression of views by students within the law but whilst not disrupting, or affecting the health and safety of other students and staff. In particular, the Guild and University require all students to act in accordance with the University's Policy on Harassment and Bullying.

The Guild will support peaceful protests within the framework of this protocol, within the law and in line with Guild policy.

The University recognises peaceful protest and freedom of speech within the University's Freedom of Speech Code of Practice. This Code also sets out the obligations on individuals to inform the University when meetings or gatherings are planned so as to ensure the safety of all members of our community.

The University and the Guild of Students will view the following as matters of serious concern:

1. Any breach of health and safety regulations
2. Intimidation or actions which cause distress to any person
3. Any breach of the University's Code of Practice on Freedom of Speech and Policy on Harassment and Bullying
4. Damage to University or visitors' property
5. Illegal activity of any kind
6. Forced or illegal occupation of an area, including any activity which prevents others from entering the area
7. Upset to other students, staff or significant disruption to other's ability to learn
8. Material disruption to the University's ability to conduct its normal business

No individual has the right to occupy campus and its buildings as this is trespass. The University reserves the right to investigate any breaches of University Regulations. However, whilst not condoning any occupation of University premises, the University will observe basic human rights for those in occupation including the right to toilet breaks, legal advice and the ability to obtain food and water, whilst not increasing the numbers in occupation or causing disruption to other staff and students.

Both the Guild and the University will continue to work together, particularly where there are breaches of health and safety or disruption to students or to educational activities so as to resolve the situation peacefully, and swiftly.

General Form of Judgment or Order

In the High Court of Justice
Chancery Division
Birmingham
District Registry

Claim Number	3BM30590
Date	22 November 2013



THE UNIVERSITY OF BIRMINGHAM	1 st Claimant Ref JEF/MJE/UN4002612
SIMON FURSE	1 st Defendant Ref
HATTIE CRAIG	2 nd Defendant Ref
PERSON UNKNOWN	3 rd Defendant Ref

Before His Honour Judge Purle QC sitting at Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33 Bull Street, Birmingham, B4 6DS.

IT IS ORDERED THAT

Order as asked.

Dated 22 November 2013

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
BIRMINGHAM DISTRICT REGISTRY

CLAIM NO *3bm 30590*

BEFORE HIS HONOUR JUDGE PURLE QC sitting in Birmingham on 22 November 2013 as the designated Chancery Judge of the High Court under section 9 Senior Courts Act 1981

THE UNIVERSITY OF BIRMINGHAM

-and-

(1) SIMON FURSE

(2) HATTIE CRAIG

(3) PERSONS UNKNOWN (INCLUDING STUDENTS OF THE UNIVERSITY OF BIRMINGHAM) ENTERING OR REMAINING UPON THE BUILDINGS KNOWN AS ASTON WEBB BUILDING, EDGBASTON, BIRMINGHAM AT THE UNIVERSITY OF BIRMINGHAM FOR THE PURPOSE OF PROTEST ACTION (WITHOUT THE CONSENT OF THE UNIVERSITY OF BIRMINGHAM)

Defendants



~~draft~~ ORDER

BEFORE HIS HONOUR JUDGE PURLE sitting in Birmingham on 22 November 2013 as a Judge of the High Court

UPON HEARING Counsel for the Claimant

AND UPON READING

1. The documents on the court file being
 - (a) The Claim Form with Particulars of Claim;
 - (b) The Application Notice for the Order dated 22 November 2013;
 - (c) The Application Notice dated 22 November 2013; with draft Order for Possession and an Injunction
 - (d) The witness statement dated 22 November 2013 of Mr Brendan Casey
- 1.2 The Certificate of Reasons for bringing the Possession Claim in the High Court.

IT IS ORDERED:

1. Pursuant to **Civil Procedure Rule 6.1(b)** and/ or **6.15** that service of the Claim Form shall be deemed served at the time of the following acts:

- a. (in the case of the first and/ or second defendants) personal service or
- b. (in the case of all three defendants)
 - i. affixing copies to a post outside Aston Webb Building, in the University of Birmingham, Edgbaston, Birmingham B15 2TT; and
 - ii. affixing copies to the doors and entrance of Blocks A and B of the Aston Webb Building

and such steps shall be good service.

2. Pursuant to **Civil Procedure Rule 6.1(b)** and/ or **6.27** that service of

- a. This Order
- b. The Application Notice dated 22 November 2013 with draft Order for Possession and an Injunction to be heard on 25th November 2013
- c. The witness statement and exhibits dated 22 November 2013 of Mr Gordon Stuart Richards
- d. The Certificate of Reasons for bringing the Possession Claim in the High Court
- e. A Notice of hearing for 25th November 2013

shall be deemed served at the time of the following acts:

- i. (in the case of the first and/ or second defendants) personal service or
- ii. (in the case of all three defendants)
 - 1. affixing copies to a post outside Aston Webb Building
 - 2. affixing copies to the doors and entrance of Blocks A and B of the Aston Webb Building

and such steps shall be good service.

3. Provided that

- a. there is service in the manner or manners set out above by 7pm on Friday 22nd November 2013; and
- b. that it is verified by the completion of a certificate of service

the court abridges the time for service otherwise required by **Civil Procedure Rule 55.5 (2)** for the hearing of the possession claim.

4. Costs be reserved.

Dated 22nd November 2013

Application notice

On completing this form please read for guidance form N244Notes.



Name of court High Court Of Justice Chancery Division Birmingham District Registry	
Claim no.	3BM30590
Warrant no. (if applicable)	
Claimant's name (including ref.)	University of Birmingham MKG/MJE/UN4002612
Defendant's name (including ref.)	(1) Simon Furse (2) Hattie Craig (3) Persons Unknown (including students of the University of Birmingham) entering and remaining upon the buildings known as the Aston Webb Building, Edgbaston, Birmingham B15 2TT for the purpose of protest action (without the consent of the University of Birmingham)
Date	22 November 2013

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

SGH Martineau LLP

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

If you are a solicitor whom do you represent?

the Claimant

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

The Claimant is seeking an injunction order in the form of the attached Order, because the Defendant is already trespassing on the Claimant's Land (as defined in the Order) as part of a protest and there is a substantial risk that further protestors (whose identities are currently unknown) will trespass upon the Claimant's Land in order to participate in such a protest.

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 telephone 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?

High Court Judge

9. Who should be served with this application?

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.

Statement of Truth

The applicant believes that the facts stated in this section (and any continuation sheets) are true.

Signed [Redacted Signature] Dated 22 November 2013
Applicant's Solicitor

Full name JAMES EDWARD ROGER FOWNES

Name of applicant's legal representative's firm SGH Martineau LLP

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

11. Signature and address details

Signed [Redacted Signature] Dated 22 November 2013
Applicants Solicitor

Position or office held Associate Solicitor (for and on behalf of SGH Martineau LLP)
(if signing on behalf of firm or company)

tes

address to which documents about this application should be sent

McCineau LLP
Edmore Square, Birmingham

Postcode

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If applicable

Phone no.	0800 763 1000
Fax no.	0800 763 1001
DX no.	721090 Birmingham 43
Ref no.	JHB/MJE/UN4002612 (CDM 404244-1)

Email address N/A

IN THE HIGH COURT OF JUSTICE

CLAIM NO

3BM30990

CHANCERY DIVISION

BIRMINGHAM DISTRICT REGISTRY

BEFORE HIS HONOUR JUDGE PURLE QC sitting in Birmingham on [25] November 2013 as the designated Chancery Judge of the High Court under section 9 Senior Courts Act 1981

THE UNIVERSITY OF BIRMINGHAM

Claimant

-and-

(1) SIMON FURSE

(2) HATTIE CRAIG

(3) PERSONS UNKNOWN (INCLUDING STUDENTS OF THE UNIVERSITY OF BIRMINGHAM) ENTERING OR REMAINING UPON THE BUILDINGS KNOWN AS ASTON WEBB BUILDING, EDGBASTON, BIRMINGHAM AT THE UNIVERSITY OF BIRMINGHAM FOR THE PURPOSE OF PROTEST ACTION (WITHOUT THE CONSENT OF THE UNIVERSITY OF BIRMINGHAM)

Defendants

ORDER

IMPORTANT:-

PENAL NOTICE

- (1) This Order prohibits you from doing and obliges you to do the 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 any of you may be sent to prison or fined.

AND UPON HEARING Counsel for the Claimant

AND UPON READING

1. The documents on the court file being
 - (a) The Claim Form with Particulars of Claim;
 - (b) The Order dated 22th November 2013;
 - (c) The Application Notice for the Order dated 22 November 2013;
 - (d) The Application Notice dated 22 November 2013; with draft Order for an Injunction
 - (e) The witness statement and exhibits dated 22th November 2011 of Brendan Casey
2. The Certificate of Reasons for bringing the Possession Claim in the High Court

AND UPON the Claimants through its Counsel undertaking that if the Court later finds that this Order has caused loss to the Defendants and decides that the Defendants should be compensated for that loss, the Claimant will comply with any Order the Court may make up to a limit of £25,000.

IT IS ORDERED that:

POSSESSION

1. The Defendants do forthwith give possession of Blocks A and B of the Aston Webb Building, in the University of Birmingham, Edgbaston, Birmingham B15 2TT which building is for identification marked shaded green on Plan A attached.

INJUNCTION

2. The Defendants shall not, without the prior written consent of the Claimant enter or remain upon land comprising the Claimant's campus and buildings at the University of Birmingham as shown edged in red on Plan B annexed hereto for the purpose of any occupational protest action.
3. This Injunction shall remain in force for 12 months from the date hereof.

SERVICE

3. Pursuant to Rule 6.27, service of this Order shall be effected by
 - i. affixing copies to a post outside Aston Webb Building

- ii. affixing copies to the doors of and entrances to Blocks A and B of the Aston Webb Building
 - iii. posting further copies through the letterbox
4. The said documents shall be deemed to be served on the date of such affixation at the Land, such date to be verified by the completion of a certificate of service.

COSTS

5. The first and second defendants are to pay the costs of the claimant of this claim, such costs to be assessed on the standard basis if they are not agreed.

VARIATION OR DISCHARGE OF THIS ORDER

6. A Defendant may apply to the Court at any time to vary or discharge paragraph this Order but if he wishes to do so he must first inform the Claimant's Solicitors in writing at least 12 hours beforehand. *To be used only if this is an Interim not a Final Injunction*

INTERPRETATION OF THIS ORDER

7. In this Order the words "he" "him" or "his" include "she" or "her" and "it" or "its".
8. Where there are two or more Defendants then (unless the contrary appears)
- (a) References to "the Defendant" mean both or all of them;
 - (b) An Order requiring "the Defendant" to do or not to do anything requires each Defendant to do or not to do it;

THE EFFECT OF THIS ORDER

9. A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
11. It is a contempt of court for any person notified of this order knowingly to assist in or permit a breach of this order. Any person doing so may be imprisoned fined or have their assets seized.

COMMUNICATIONS WITH THE COURT

12. All communications to the Court about this Order should be sent to Birmingham Civil Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS quoting the case

number. The office is open between 10 am and 4.30 pm Monday to Friday. The telephone number is 0121 681 4441

Dated November 2013

AN B



UNIVERSITY OF
BIRMINGHAM

THE ESTATES OFFICE
Gandy House Building
South Street Campus
The University of Birmingham
Edgbaston, Birmingham, B15 2TT
Tel: 0121 359 3200

ence form

In the

Claim No.

3BN30590

Claimant

Defendant(s)

I dispute the claimant's claim because:-

Statement of Truth

*(I believe)(The defendant(s) believe(s)) that the facts stated in this defence form (and any continuation sheets) are true.

* I am duly authorised by the defendant(s) to sign this reply form.

signed _____ date _____

*(Defendant(s))(Litigation friend(*where the defendant is a child or a protected party*))(Defendant's solicitor)

**delete as appropriate*

Defendant's date of birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Full name _____

Name of defendant's solicitor's firm _____

position or office held _____

(if signing on behalf of firm or company)

Defendant's or defendant's solicitor's address to which documents should be sent.

Postcode

<i>if applicable</i>	
Ref. no.	
fax no.	
DX no.	
e-mail	
Tel. no.	

1. Claimant
2. Carolyn Pike
3. First
4. CP
5. 25.11.13

CLAIM NO

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
BIRMINGHAM DISTRICT REGISTRY

THE UNIVERSITY OF BIRMINGHAM

Claimant

-and-

(1) SIMON FURSE

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(3) PERSONS UNKNOWN (INCLUDING STUDENTS OF THE UNIVERSITY OF BIRMINGHAM) ENTERING OR REMAINING UPON THE BUILDINGS KNOWN AS ASTON WEBB BUILDING, EDGBASTON, BIRMINGHAM AT THE UNIVERSITY OF BIRMINGHAM FOR THE PURPOSE OF PROTEST ACTION (WITHOUT THE CONSENT OF THE UNIVERSITY OF BIRMINGHAM)

Defendants

WITNESS STATEMENT OF CAROLYN MARY ELIZABETH PIKE

I, CAROLYN MARY ELIZABETH PIKE of the University of Birmingham, Edgbaston, Birmingham B15 2TT will state as follows:-

1. I am the Director of Legal Services for the University of Birmingham (the "University") and am authorised to make this Witness Statement on behalf of the University in support of the University's application for an order for summary possession and supportive injunction, as set out in the Application Notice herein dated 22 November 2013.
2. Insofar as the facts and matters referred to herein are within my own knowledge, they are true and in so far as they not within my own direct knowledge they are true to the best of my information and belief, acquired in the course of acting in my capacity as Director of Legal Services for the University.
3. I wish to update the Court as to developments in connection with this matter since the service of the Court Order in this matter on Friday 22 November 2013.

FRIDAY 22 NOVEMBER 2013

EMAIL EXCHANGES BETWEEN THE UNIVERSITY AND THE PROTESTERS

4. I have attached at my exhibit marked "CP1" three emails exchanged between the parties

FURTHER STUDENT PROTEST

5. During the late afternoon on Friday 22 November 2013, a large group of students entered the Aston Webb Building, the protesters opened the doors, some students left, and a new group entered.
6. During this process, one of the protesters, Simon Furse, allegedly pushed a security guard over and he hurt his back, and he was taken to hospital. I understand that subsequently the security guard was discharged after review.
7. After about half an hour, some of the protesters left, but the remainder decided to continue with the occupation and re-lock the doors in the Aston Webb Building where they are based.

SATURDAY 23 NOVEMBER 2013

8. There was a planned conference in the Guild of Students by NCAFC (National Campaign Against Fees and Cuts). This included students from other Universities as well as our own. In addition, a large group of individuals (*including Simon Furse*) harangued Brendan Casey, the University's Director of Academic Services, whilst he was on campus immediately outside the Aston Webb Building. The protesters filmed the above and posted the footage on Youtube.com which can be viewed at http://www.youtube.com/watch?feature=player_embedded&v=sKnEVovDanQ.
9. At approximately 8pm, a large group of protesters, approximately 20 in number, made their way up Edgbaston Park Road to the home residence of the University's Vice-Chancellor, David Eastwood, which is located at Meadow Croft, Edgbaston Park Road, Edgbaston, Birmingham, halfway between main campus and the University's Halls of Residence. They were observed approaching his residence at approximately 8.20pm. University security staff was in attendance outside his residence. One of the students, Alice Swift, posted a list of the protesters demands on two A3 sheets to the front door of the Vice Chancellor's house and read them aloud. By this point, a group of about 30 protesters were standing behind her, approximately 4-5 metres behind the house. Alice Swift stood on the doorstep and addressed the crowd. The University's security staff requested the protesters to disburse, and after initially refusing to move, they eventually did so and headed back towards campus chanting, "we will be back". The protesters posted their own video of the incident on Youtube.com which can be seen at http://www.youtube.com/watch?v=NTQLSnI07Uw&feature=player_embedded.

10. The protesters are also updating a blog called Defend Education, and are regularly posting updates and videos of the protest. In particular, I have attached a copy of the posting on that blog on Saturday 23 November 2013 at "CP2"

SUNDAY 24 NOVEMBER 2013

11. The protesters have posted various messages on Facebook. Please see below copy extracts from the social networking site, where the protesters are inviting further protest outside the Court building this morning.

" PROTEST OUTSIDE THE COURT!

The University is going to court on Monday to get a possession order to criminalise and force out those in occupation in the Senate Chamber. They are also seeking an injunction to stop all "occupation protest action" anywhere on campus for the next 12 months! This is the same injunction which Amnesty International condemned them for two years ago (<http://www.theguardian.com/education/2011/dec/11/birmingham-university-protest-ban-condemned>). They are also asking two students to pay all of their legal costs, likely to amount to thousands of pounds. If successful, the occupation will be evicted and students will be considered criminals if they engage in any protest that the university considers an "occupation" for the next year.

As the two students named on the injunction, Simon Furse and Hattie Craig will be appearing in court against the university. Join them outside the court at 10am in protest of them evicting them occupation, banning protest on campus and saddling two students with the costs!

Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33 Bull Street, Birmingham, B4 6DS "

12. Further, the protesters have also posted on Facebook inviting other students to protest outside the Aston Webb Building at 2pm on 25 November 2013. This can be found at <https://www.facebook.com/events/176694295859418/>.

13. I believe that the facts stated in this Witness Statement are true.

Signed:



Position: Director of Legal Services
The University of Birmingham

Dated 25 November 2013

1. Claimant
2. Carolyn Pike
3. First
4. CP
5. 25 November 2013

CLAIM NO

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CHANCERY DIVISION
BIRMINGHAM DISTRICT REGISTRY

THE UNIVERSITY OF BIRMINGHAM

Claimant

-and-

PERSONS UNKNOWN (INCLUDING
STUDENTS OF THE UNIVERSITY OF
BIRMINGHAM) ENTERING OR REMAINING
UPON THE BUILDINGS KNOWN AS ASTON
WEBB BUILDING, EDGBASTON,
BIRMINGHAM AT THE UNIVERSITY OF
BIRMINGHAM FOR THE PURPOSE OF
PROTEST ACTION (WITHOUT THE CONSENT
OF THE UNIVERSITY OF BIRMINGHAM)

Defendants

WITNESS STATEMENT OF
CAROLYN MARY ELIZABETH PIKE

SGH Martineau LLP
No 1 Colmore Square,
Birmingham
B4 6AA

REF: MJE/UN4102612

1. Claimant
2. Carolyn Pike
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Defendants

WITNESS STATEMENT OF CAROLYN MARY ELIZABETH PIKE

This is the exhibit "CP1" to the Witness Statement of Carolyn Mary Elizabeth Pike dated 25 November 2013.

From: DefendEducation Birmingham [<mailto:contact@defendededucationbrum.org>]

Sent: 22 November 2013 11:15

To: d.eastwood@bham.ac.uk; l.sanders@bham.ac.uk; a.tickell@bham.ac.uk; a.tickell@bham.ac.uk; l.sanders@bham.ac.uk

Subject: Letter from the Occupation

University Management,

We are writing to you as the group of students that are currently in occupation of the Senate Chamber. We are disappointed that you have chosen not to enter into negotiations on our demands. The decision to ignore these demands is irresponsible. These demands have also been raised by other student organisations on campus, such as the Guild of Students. They are not the demands of an unrepresentative minority, but rather much needed reforms and commonly held beliefs.

We have chosen to take this action because it seems as though you will pay attention to no other forum.

We request that rather than taking one of the nonsensical courses of action such as trying to violently remove us, or paying for an injunction. You simply take the rational approach of negotiating with our demands.

This is a university, it doesn't seem beyond the realms of possibility that you should discuss with students how it should be run...

Repressing the occupation will not make our demands or the campaign go away, we have shown that time and time again. We been forced to call a demonstration at 3pm today because

you refuse to negotiate and are instead trying to intimidate us out.

We suggest you immediately allow access to the occupation, guarantee no victimisation, and send someone to negotiate with us in regards to our other demands.

Please send a response in e-mail to: contact@defendededucationbrum.org

The Occupation of the Senate Chamber,
Defend Education Campaign.

On Fri, Nov 22, 2013 at 7:06 PM, Carolyn Pike <c.m.pike@bham.ac.uk> wrote:

To Hattie Craig

Simon Furse and

Others in unauthorised occupation of the Senate Chamber area

The University has received your email dated 22 November. As we have confirmed in recent correspondence, your occupation of part of the Aston Webb Building is preventing students from continuing their studies, preventing disabled staff and students using the first floor of the building, and poses a Health and Safety risk to yourselves and to other students and staff. In particular locking fire doors and barricading staircases is extremely dangerous. We are also very concerned to see students within the Senate Chamber standing on window ledges, at high level, which were never designed to take the weight of an adult.

As such, the University requires that you cease this occupation without any further delay.

The University does not negotiate in such circumstances as this. However there are a variety of ways in which the legitimate concerns of students can be raised and responded to within the University. In broad terms there is student representation through the Guild of Students, at School, College and University level. At University level this includes elected student representation at Senate (and many of its subcommittees such as APRC and Education Committee), and Guild Officer representation at Strategic Planning and Resources Committee and Council. In total there are over 115 students on University committees to put forward a student's perspective. In addition, the

President of the Guild has regular meetings with the Vice Chancellor, and the Vice President for Education has regular meetings with the Pro Vice Chancellor for Education. It is regrettable that rather than using these democratic and representative mechanisms, you have chosen to engage in an unauthorised occupation. The University encourages all students to make use of these existing lawful opportunities for engagement with the University through the Guild of Students as the representative body.

You may also not be aware that the University and the Guild have recently engaged in a Quinquennial Review process, as required by the Education Act 1994. Some of the recommendations of that joint committee, which of course included students, and which were approved by the University Council in June 2013 were:

Recommendation 3: The monthly meeting between the President and Senior Officers be expanded to include up to two further Sabbatical Officers (depending on the agenda), and that this grouping discuss on a regular basis strategic issues such as the University and Guild's statutory obligations

Recommendation 8: The Pro-Vice-Chancellor (Education) and Guild President complete mapping exercise to clarify and embed student representation across a range of University. This map will then be made available to all students via the University and Guild websites

Recommendation 11: The University Executive Board continue to meet with the Sabbatical Officers on a regular basis.

These and other meetings provide a useful opportunity for matters to be raised and discussed by the student body's elected representatives.

We reiterate that we require you to cease the unauthorised occupation of the building without any further delay. We trust that the University's position is clear.

Yours faithfully

Carolyn Pike

Director of Legal Services

The University of Birmingham

Edgbaston

Birmingham B15 2TT

1. Claimant
2. Carolyn Pike
3. First
4.CP
5. 25.11.13

CLAIM NO

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
BIRMINGHAM DISTRICT REGISTRY

THE UNIVERSITY OF BIRMINGHAM

Claimant

-and-

(1) SIMON FURSE

(2) HATTIE CRAIG

(3) PERSONS UNKNOWN (INCLUDING STUDENTS OF THE UNIVERSITY OF BIRMINGHAM) ENTERING OR REMAINING UPON THE BUILDINGS KNOWN AS ASTON WEBB BUILDING, EDGBASTON, BIRMINGHAM AT THE UNIVERSITY OF BIRMINGHAM FOR THE PURPOSE OF PROTEST ACTION (WITHOUT THE CONSENT OF THE UNIVERSITY OF BIRMINGHAM)

Defendants

WITNESS STATEMENT OF CAROLYN MARY ELIZABETH PIKE

This is the exhibit "CP2" to the Witness Statement of Carolyn Mary Elizabeth Pike dated 25 November 2013.

-----Original Message-----

From: DefendEducation Birmingham [contact@defendededucationbrum.org]

Sent: Friday, November 22, 2013 07:16 PM GMT Standard Time

To: Carolyn Pike

Cc: sabbs@guild.bham.ac.uk

Subject: Re: response from the University

University Management,

We have received your communication via the Guild of Students' Sabbatical Officers. In future we request you contact us directly via our e-mail address.

We do not accept the offer that if we leave you will not apply for a 12 month injunction on protests.

We reject your offer to withdraw the threat of a 12-month injunction if we leave tonight. We do not recognise your right to withdraw our right to protest and will ignore any attempt to do so. By including 'persons unknown' in the injunction you are limiting the ability of all students at the University of Birmingham to peacefully protest, as they could each hypothetically be said 'persons unknown'. As we saw in 2011, with condemnations from many groups including Amnesty International, actions on your part to block our right to freedom of expression and freedom of protest will bring the university into massive disrepute.

We have elected a negotiation committee and are ready to negotiate our exit. The success of these negotiations will rest on your engagement with our reasonable demands, which are written below. We are in occupation in order to achieve these demands, and until we feel these demands have been met with due consideration, and an adequate response, we refuse to leave.

Please keep in mind that if you succeed in securing our exit by the courts this will by no means result in the end of our campaign; we believe we have shown our capacity to organise diverse and multiple actions in short periods of time, and we will continue to do. For the cessation of our activities in the long term we again request that you meet and discuss with our negotiation committee.

Our demands:

Free and open access to the occupation by all students and non-management staff, without victimisation or punishment. Senior management staff should be excluded from entering the occupation so that it can remain a strong and safe organisational space. That David Eastwood and the University of Birmingham should publicly

take back their position that fees should be increased and that bursaries should be cut. Instead, they should lobby the government for fees to be reduced, and bursaries to be increased. That the University of Birmingham make a public statement against the privatisation of student loans and in defence of the public university. The Vice Chancellor should sign up to the Council in Defence of British Universities or the Campaign for the Public University.

That the University's total income per student place from halls should be frozen next year, and that the cheapest fifth of halls should have their prices decreased.

That all staff working for the University of Birmingham- including those employed in house, by external contractors, and the Guild of Students- should be paid a living wage.

That the pay ratio between the lowest paid and the highest paid staff in the university should be reduced to 10:1.

That a body should be set up made up of elected students, academic staff, and support staff. This should have ultimate oversight over the restructuring of departments, the University's investment decisions, and its lobbying positions.

That the University produces a publicly available Ethical Investment and Procurement Policy which is reported on annually with plenty of opportunity of engagement with staff, students and other key stakeholders.

That financial statements of the University's academic departments, and non-academic services should be published so that they can be scrutinised and the University's decisions be properly held to account by the community.

That the Nursing course faces no loss of investment and no redundancies.

That the University should allocate none of its access income to compulsory fee waivers and instead spend it all on Bursaries, or give students the choice.

Defend Education

targets Eastwood and his senior managers is not only legitimate, but strategically important given the decision-making power and symbolic status they have concentrated in their own hands. If they will not listen willingly, we must be prepared to make them listen, and if direct action is the only way of achieving this, then we will use it, again and again and again.

Notice of Return Injunction

In the High Court of Justice Chancery Division Birmingham District Registry	
Claim Number	3BM30590
Date	22 November 2013



THE UNIVERSITY OF BIRMINGHAM	1 st Claimant Ref JEF/MJE/UN4002612
SIMON FURSE	1 st Defendant Ref
HATTIE CRAIG	2 nd Defendant Ref
PERSON UNKNOWN	3 rd Defendant Ref

TAKE NOTICE that the Return Injunction will take place on

25 November 2013 at 10:30 AM before His Honour Judge Purle QC

at Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33 Bull Street, Birmingham, B4 6DS

When you should attend

30 minutes has been allowed for the Return Injunction

Please Note: This case may be released to another Judge, possibly at a different Court



IN THE HIGH COURT OF JUSTICE

CLAIM NO

3 BM 30590

CHANCERY DIVISION

BIRMINGHAM DISTRICT REGISTRY

BEFORE HIS HONOUR JUDGE PURLE QC sitting in Birmingham on 25 November 2013 as the designated Chancery Judge of the High Court under section 9 Senior Courts Act 1981

W.P.

THE UNIVERSITY OF BIRMINGHAM

Claimant

-and-

(1) SIMON FURSE

(2) HATTIE CRAIG

(3) PERSONS UNKNOWN (INCLUDING STUDENTS OF THE UNIVERSITY OF BIRMINGHAM) ENTERING OR REMAINING UPON THE BUILDINGS KNOWN AS ASTON WEBB BUILDING, EDGBASTON, BIRMINGHAM AT THE UNIVERSITY OF BIRMINGHAM FOR THE PURPOSE OF PROTEST ACTION (WITHOUT THE CONSENT OF THE UNIVERSITY OF BIRMINGHAM)

Defendants

ORDER

IMPORTANT:-

PENAL NOTICE

- (1) This Order prohibits you from doing and obliges you to do the 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 any of you may be sent to prison or fined.

AND UPON HEARING Counsel for the Claimant and the First and Second Defendants in person;

AND UPON READING

1. The documents on the court file being
 - (a) The Claim Form with Particulars of Claim;
 - (b) The Order dated 22th November 2013;
 - (c) The Application Notice for the Order dated 22 November 2013;
 - (d) The Application Notice dated 22 November 2013; with draft Order for an Injunction
 - (e) The witness statement and exhibits dated 22th November 2013 of Brendan Casey
2. The Certificate of Reasons for bringing the Possession Claim in the High Court

IT IS ORDERED that:

POSSESSION

1. The Defendants do by 5pm today give possession of the Aston Webb Building, in the University of Birmingham, Edgbaston, Birmingham B15 2TT which building is for identification marked edged in red on Plan A attached, the position of such building being marked on Plan B attached.

INJUNCTION

2. The Defendants shall not, without the prior written consent of the Claimant enter or remain upon land comprising the Claimant's campus and buildings at the University of Birmingham as shown edged in red on Plan B annexed hereto for the purpose of any occupational protest action (by multiple persons) where the Claimant has by letter objected to such action as a breach of this paragraph.

For the avoidance of doubt, this paragraph does not require possession of the Aston Webb Building to be given before 5pm.

3. This Injunction shall remain in force for 12 months from the date hereof.

SERVICE

3. Pursuant to Rule 6.27, service of this Order shall be effected by
 - i. affixing copies to a post outside Aston Webb Building
 - ii. affixing copies to the doors of and gates to Aston Webb Building

4. The said documents shall be deemed to be served on the date of such affixation at the Land, such date to be verified by the completion of a certificate of service.

COSTS

5. There shall be no order as to costs.

INTERPRETATION OF THIS ORDER

7. In this Order the words "he" "him" or "his" include "she" or "her" and "it" or "its".
8. Where there are two or more Defendants then (unless the contrary appears)
- (a) References to "the Defendant" mean both or all of them;
 - (b) An Order requiring "the Defendant" to do or not to do anything requires each Defendant to do or not to do it;

THE EFFECT OF THIS ORDER

9. A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
10. It is a contempt of court for any person notified of this order knowingly to assist in or permit a breach of this order. Any person doing so may be imprisoned fined or have their assets seized.

COMMUNICATIONS WITH THE COURT

11. All communications to the Court about this Order should be sent to Birmingham Civil Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS quoting the case number. The office is open between 10 am and 4.30 pm Monday to Friday. The telephone number is 0121 681 4441

Dated 25th November 2013

25/11/13

PF 86A - Combined Request for a Writ of Fieri Facias, Writ of Possession, Writ of Delivery

**In the High Court of Justice
Chancery Division
Birmingham District Registry
High Court Claim No. ~~3BM9590~~**

3BM 30590



Claimant's name and address

University of Birmingham of Edgbaston, Birmingham, B15 2TT

Name and address for service and payment (if different from above)

Ref. No.

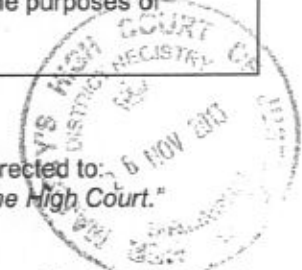
JEF/MJE/UN400.2612

Telephone No.

0800 763 1001

Defendant's name and address

(1) Simon Furse (2) Hattie Craig and (3) Persons Unknown (including students of the University of Birmingham entering or remaining upon buildings known as the Aston Webb Building, Edgbaston, Birmingham, B15 2TT, for the purposes of protest action (without the consent of Birmingham))



Seal a writ of fieri facias / writ of possession / writ of delivery (~~delete as applicable~~) directed to: *an enforcement officer authorised to enforce writs of execution issued from the High Court.*
Alan Smith

against (1) Simon Furse (2) Hattie Craig and (3) Persons Unknown (including students of the University of Birmingham entering or remaining upon buildings known as the Aston Webb Building, Edgbaston, Birmingham, B15 2TT, for the purposes of protest action (without the consent of Birmingham))

on an Order dated 25 November as set out in the Schedule below and attached to this Writ of Possession.

26-11-2013 10:35 001-03-249254
T GUINIVAN
919806 BOOK OR 60.00
CHEQUE 60.00

SCHEDULE

1. Date of Judgment or Order: **25 November 2013**
2. Amount of Judgment or Order £
3. Costs and interest £
4. And interest thereon at per annum from the date of transfer %
5. Possession of (specify address): **Blocks A and B of the Aston Webb Building, Edgbaston, Birmingham, B15 2TT, being the area edged in green on Plan A attached to the Order dated 25 November 2013.**
6. Goods as specified in judgment or order:

Tick if appropriate:

The Judgment in this action has not yet been Registered in the Register of Judgments Orders and Fines. (See Regulations 9 (c) (iii) of the Register of Judgments Orders and Fines Regulations 2005 S I 2005 No. 3595)

Signed

Date: 26 November 2013



IN THE HIGH COURT OF JUSTICE

CLAIM NO

3BM 30590

CHANCERY DIVISION

BIRMINGHAM DISTRICT REGISTRY

BEFORE HIS HONOUR JUDGE PURLE QC sitting in Birmingham on ~~25~~ November 2013 as the designated Chancery Judge of the High Court under section 9 Senior Courts Act 1981

THE UNIVERSITY OF BIRMINGHAM

Claimant

-and-

(1) SIMON FURSE

(2) HATTIE CRAIG

(3) PERSONS UNKNOWN (INCLUDING STUDENTS OF THE UNIVERSITY OF BIRMINGHAM) ENTERING OR REMAINING UPON THE BUILDINGS KNOWN AS ASTON WEBB BUILDING, EDGBASTON, BIRMINGHAM AT THE UNIVERSITY OF BIRMINGHAM FOR THE PURPOSE OF PROTEST ACTION (WITHOUT THE CONSENT OF THE UNIVERSITY OF BIRMINGHAM)

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AND UPON READING

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Dated 25th November 2013

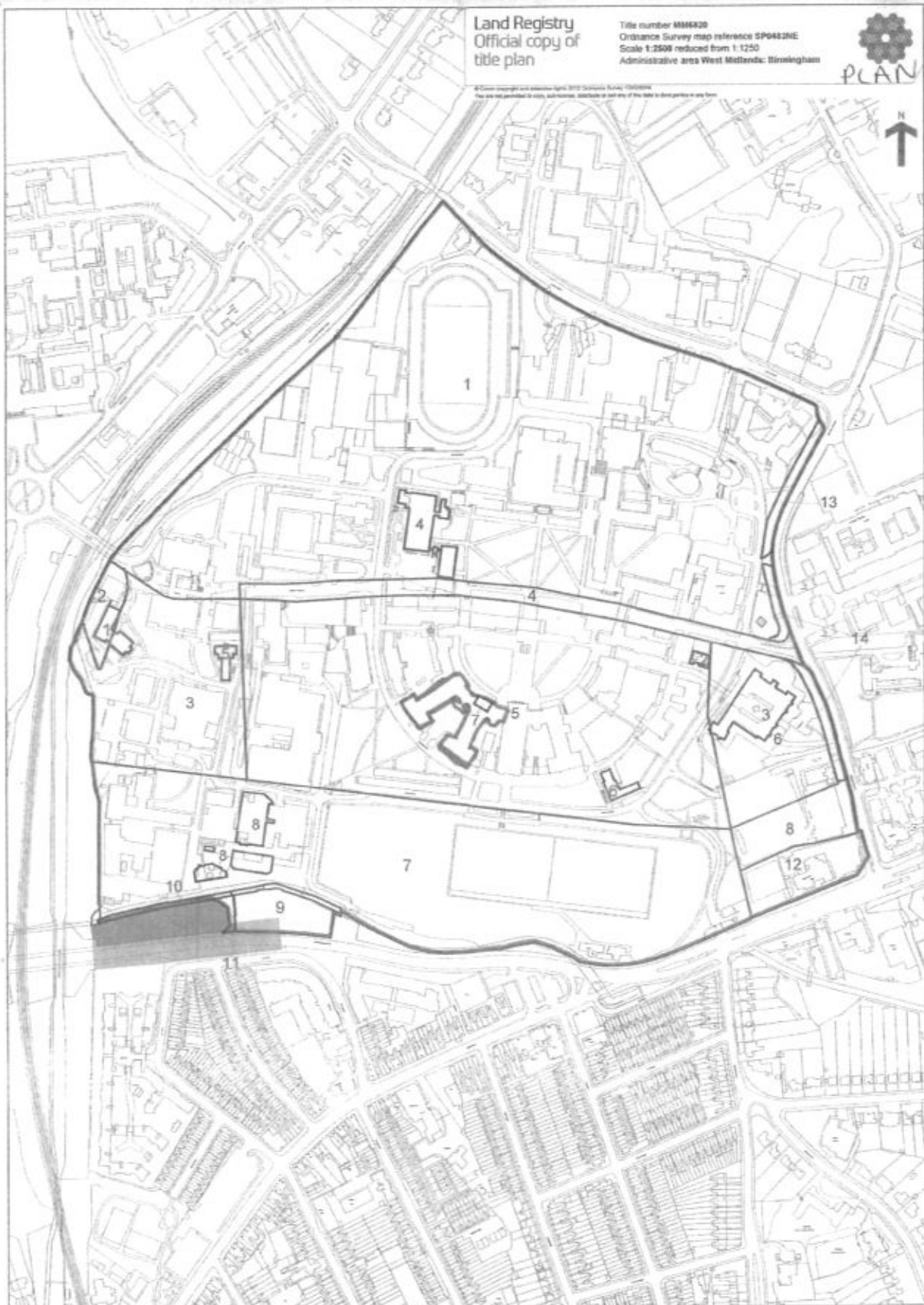
25/11/13

Land Registry
Official copy of
title plan

Title number MM6A29
Ordnance Survey map reference SP0483NE
Scale 1:2500 reduced from 1:1250
Administrative area West Midlands: Birmingham



PLAN "A"



This official copy issued on 11 December 2013 shows the state of this title plan on 17 September 2012 at 10:23:45. It is admissible in evidence to the same extent as the original (s.57 Land Registration Act 2002).
This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.
See Land Registry Public Guide 19 - Title Plans and Boundaries.
This title is dealt with by Land Registry, Coventry Office.

A0 PLAN B



UNIVERSITY OF
BIRMINGHAM

THE ESTATES OFFICE
Riverside Building
South West Campus
100, UNIVERSITY OF BIRMINGHAM
EDGBASTON, BIRMINGHAM B15 2TT
Tel: 0121 414 1000
