

# General Form of Judgment or Order

In the	
Oxford	
County Court	
Claim Number	1AY50200
Date	9 July 2012



BRITISH WATERWAYS BOARD	1 <sup>st</sup> Claimant Ref SEW/191.955
MR MICHAEL MITCHELL	1 <sup>st</sup> Defendant Ref LFF/MIT007/001//

Before His Honour Judge Charles Harris QC sitting at Oxford County Court, St Aldates, Oxford, OX1 1TL.

## IT IS ORDERED THAT

1. See attached approved Order.

Dated 9 July 2012

The court office at Oxford County Court, St Aldates, Oxford, OX1 1TL is open between 10 a.m. and 4 p.m. Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 01865 264200 Fax: 01865 790773

IN THE OXFORD COUNTY COURT

Case No 1AY50200

HIS HONOUR JUDGE CHARLES HARRIS QC

MONDAY 9<sup>th</sup> JULY 2012.

BETWEEN:



CANAL AND RIVER TRUST

Claimant

And

MR MICHAEL MITCHELL

Defendant

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MINUTE OF ORDER

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If you do not obey this order you will be guilty of contempt of court and you may be fined or sent to prison or you may be guilty of a criminal offence for which you may be fined or sent to prison or both

UPON the trial of the action on 9<sup>th</sup> July 2012

AND UPON hearing Leading Counsel for the Claimant and Counsel for the Defendant

AND UPON the Canal and River Trust undertaking not to enforce the terms of this Order on or before Tuesday 9<sup>th</sup> October 2012

BY CONSENT IT IS ORDERED THAT:

1. The name of the Canal and River Trust shall be substituted for that of the British Waterways Board as the Claimant in this action.
2. That re-service of the Claim Form, Amended Defence, Reply & Defence to Counterclaim and any other documents with the name of the Canal and River Trust being substituted for that of the British Waterways Board be dispensed with.
3. It be and is hereby declared that:
  - (a) The Claimant is entitled to remove the craft "Melmar" index number 78718 from the Claimant's property, known as part of the Grand Union Canal, pursuant to its statutory powers under Section 8 of the British Waterways Act 1983 and Section 13 of the British Waterways Act 1971.
4. The Defendant is forbidden (whether by himself or by his agent or otherwise), without the prior written consent of the Claimant (namely in the form of a valid licence), from mooring or securing the craft "Melmar", index number 78718, on or to any part of the Grand Union Canal (including its canal bed, channel, canal bank and towing paths) at Northchurch in the area shaded green on the plan annexed hereto.
5. The Defendant is forbidden (whether by himself or by his agent or otherwise), without the prior written consent of the Claimant (namely in the form of a valid licence), from mooring, navigating or securing the boat Melmar on or to any part of the canal, canal bed, channel, canal banks and towing paths of any parts of the canals and inland waterways controlled by the Claimant as shown coloured blue on the plan attached hereto.
6. The Defendant do pay the Claimant's costs, such costs to be the subject of a detailed assessment if not agreed and not to be enforced without an assessment of the Defendant's means pursuant to section 11 of the Access to Justice Act 1999.
7. There be a detailed assessment of the Defendant's Publicly Funded Costs.
8. Liberty to apply

Dated the 9<sup>th</sup> day of July 2012.

