



THURSDAY 14TH FEBRUARY 2013

IN THE COURT OF APPEAL

ON APPEAL FROM THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
HC07C02340

BEFORE LORD JUSTICE MUMMERY
And LORD JUSTICE JACKSON
LORD JUSTICE LEWISON

BETWEEN

NIGEL PETER MOORE

Claimant/
APPELLANT

- and -

BRITISH WATERWAYS BOARD

Defendant/
RESPONDENT

COURT 70
Appeal No.

A3/2012/0788

ON READING the Appellant's Notice filed on the 3rd April 2012 by the Appellant on appeal from the order of Mr Justice Hildyard dated 16th February 2012

AND ON HEARING Mr Nigel Peter Moore in person and Mr Christopher Stoner QC on behalf of the Respondent

IT IS ORDERED that

- 1) That the appeal be allowed.
- 2) That it be and is hereby declared that the s.8 notices served by the British Waterways Board on or about 21st July 2007 are invalid.
- 3) That paragraphs 4, 5, 6, 11 and 13 of the Order of Mr Justice Hildyard dated 16th February 2012, entered on 22nd May 2012, be set aside.
- 4) That the Respondent pay the Appellant 75% of his costs of the appeal and 75% of his costs of the action in accordance with CPR Part 48.6, such costs to be the subject of a detailed assessment if not agreed.
- 5) That the aforementioned costs shall be set off against those costs the Appellant was ordered to pay to the Respondent pursuant to the Order of Mr Martin Mann QC dated 12th March 2009, as varied by the Court of Appeal by Order dated 5th February 2010.

By the Court



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- and -

BRITISH WATERWAYS BOARD

ORDER

Copies to:

Chancery Division
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Nigel Peter Moore






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Ref: ZJWLEC 191.767

* This order was drawn by Mr D Fallon (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Mr D Fallon, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is 020 7073 4831