

IN THE HIGH COURT OF JUSTICE
THE BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
CHANCERY DIVISION

Case No. [BL-2023-000713]



Sir Anthony Mann, sitting as a Judge of the
High Court
26 May 2023

BETWEEN:

JOCKEY CLUB RACECOURSES LIMITED

Claimant/Applicant

and

- (1) DANIEL FRANK PETER KIDBY
- (2) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE "RACE TRACK" ON THE DAY OF A "RACING FIXTURE", EXCEPT AT "CROSSING POINTS" WITH "AUTHORISATION", AS DESCRIBED BELOW
- (3) PERSONS UNKNOWN ENTERING AND/OR REMAINING ON ANY "CROSSING POINTS" WITHOUT "AUTHORISATION" ON THE DAY OF A "RACING FIXTURE", AS DESCRIBED BELOW
- (4) PERSONS UNKNOWN ENTERING THE AREA DESCRIBED BELOW AS THE "PARADE RING" WITHOUT "AUTHORISATION" ON THE DAY OF A "RACING FIXTURE", AS DESCRIBED BELOW
- (5) PERSONS UNKNOWN ENTERING AND/OR REMAINING ON ANY PART OF THE AREAS DESCRIBED BELOW AS THE "HORSES' ROUTE TO THE PARADE RING" AND/OR THE "HORSES' ROUTE TO THE RACE TRACK" WITHOUT "AUTHORISATION" ON THE DAY OF A "RACING FIXTURE", AS DESCRIBED BELOW
- (6) PERSONS UNKNOWN INTENTIONALLY OBSTRUCTING THE "HORSE RACES", AS DESCRIBED BELOW
- (7) PERSONS UNKNOWN INTENTIONALLY CAUSING ANY OBJECT TO ENTER ONTO AND/OR REMAIN ON THE "RACE TRACK" WITHOUT "AUTHORISATION" ON THE DAY OF A "RACING FIXTURE", AS DESCRIBED BELOW
- (8) PERSONS UNKNOWN INTENTIONALLY ENDANGERING ANY PERSON AT THE LOCATION DESCRIBED BELOW AS THE "EPSOM RACECOURSE" ON THE DAY OF A "RACING FIXTURE", AS DESCRIBED BELOW

 **The Jockey Club**  38 May at 11:45 

On Friday 26th May 2023 The Jockey Club was granted an injunction which prohibits acts intended to disrupt The Derby Festival at Epsom Downs Racecourse on June 2nd and 3rd 2023.

Details of the Injunction can be found below. Anyone acting in breach of the court order could be subject to proceedings for contempt of court, which may lead to a fine and/or imprisonment.

Full details: <https://www.thejockeyclub.co.uk/.../sealed-order-and-plan...>

Website: <https://www.thejockeyclub.co.uk/the-derby.../injunction/>

  376  45  26 

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The Jockey Club

@TheJockeyClub



A High Court Judge has today granted an injunction which prohibits acts intended to disrupt next week's Derby Festival [@Ej18mmR0u500u36](#)

Find out more: bit.ly/Derbyinjunction

4:09 pm · 26 May 2023 · 54.4K Views

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The Jockey Club @TheJockeyClub · 28 May



Updated link: thejockeyclub.co.uk/about-us/media...



Beth Kelly

From: Alexander Richardson (Litigation, Regulatory & Tax)
Sent: 28 May 2023 13:14
To: Daniel Kidby; Iona Wilson
Cc: Julian Diaz-Rainey; Trevor Watkins
Subject: RE: JCR v (1) Daniel Kidby; and (2)-(8) Persons Unknown
Attachments: Sealed Order and Plan Appendixes - 26 May 2023.pdf

Dear Mr. Kidby,

Further to the hearing in the High Court on 26 May 2023, and pursuant to paragraph 5 (3) of the Order of Justice Mann, please find attached a digital copy of the Sealed Order by way of service. We should be grateful if you would bring this to the attention of all members of Animal Rising.

Please acknowledge receipt of this email.

Many thanks,

Alex

Alexander Richardson
Senior Associate

+441612500149

+447799477442

For Pinsent Masons LLP

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From: Daniel Kidby <d.f.p.kidby@outlook.com>
Sent: Thursday, May 25, 2023 10:14 AM
To: Alexander Richardson (Litigation, Regulatory & Tax) <Alexander.Richardson@pinsentmasons.com>; Iona Wilson <Iona.Wilson@pinsentmasons.com>
Cc: Julian Diaz-Rainey <Julian.Diaz-Rainey@pinsentmasons.com>; Trevor Watkins <Trevor.Watkins@pinsentmasons.com>
Subject: [EXTERNAL] Re: JCR v (1) Daniel Kidby; and (2)-(8) Persons Unknown

Hi Iona,

Thank you for your correspondence.

Further to my email yesterday, I have decided not to oppose the application in court.

Best wishes,

Dan

Dan Kidby
Co-Founder Animal Rising (formerly Animal Rebellion)

"The times are urgent, let us slow down" ~ Bayo Akomolafe

"These cows seem as rebellious to their owners as the people are to their kings" ~ Fynes Moryson

From: Alexander Richardson (Litigation, Regulatory & Tax) <Alexander.Richardson@pinsentmasons.com>
Sent: Thursday, May 25, 2023 10:08:29 AM
To: Daniel Kidby <d.f.p.kidby@outlook.com>; Iona Wilson <iona.Wilson@pinsentmasons.com>
Cc: Julian Diaz-Rainey <Julian.Diaz-Rainey@pinsentmasons.com>; Trevor Watkins <Trevor.Watkins@pinsentmasons.com>
Subject: RE: JCR v (1) Daniel Kidby; and (2)-(8) Persons Unknown

Dear Mr. Kidby,

Ahead of tomorrow's Hearing, please find attached our skeleton argument and Authorities Bundle.

Kind regards,

Alex

Alexander Richardson
Senior Associate

+441612500149

+447799477442

For Pinsent Masons LLP

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From: Alexander Richardson (Litigation, Regulatory & Tax)
Sent: Wednesday, May 24, 2023 4:17 PM
To: 'Daniel Kidby' <d.f.p.kidby@outlook.com>; Iona Wilson <iona.Wilson@Pinsentmasons.com>
Cc: Julian Diaz-Rainey <Julian.Diaz-Rainey@pinsentmasons.com>; Trevor Watkins <Trevor.Watkins@pinsentmasons.com>
Subject: RE: JCR v (1) Daniel Kidby; and (2)-(8) Persons Unknown

Dear Mr. Kidby,

Thank you for your email, and for the professional and courteous tone in which it was sent. Thank you also for confirming that you have received the claim documents.

As you might expect, we do not agree with your points on the rule of law. As to the minutes from the meeting, from our client's perspective, they correctly record what was stated from their recollection. If this does not accord with your memory of the meeting, you are of course entitled to make points in this respect in your submissions to the Court.

In this regard:

1. we have been asked to file the Hearing Bundle with the Court this afternoon. We will include your email in the Bundle so the Court has sight of it. We will provide you with a copy of the finalised Bundle later this afternoon, in electronic form;
2. if you have submissions you want to file with the Court, we have been conversing with the following individual at the Court in respect of this matter - susan.woolley@Justice.gov.uk. You may wish to do the same; and
3. we will be filing our skeleton argument with the Court at 10:00am tomorrow morning and will provide you with a copy of the same. We should be grateful if you would send us your submissions at the same time – i.e., by 10:00am.

We encourage you to seek independent legal advice in relation to this case.

We reserve all of our client's rights, howsoever arising.

Kind regards,

Alex

Alexander Richardson
Senior Associate

+441612500149

+447799477442

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From: Daniel Kidby <d.f.p.kidby@outlook.com>

Sent: Wednesday, May 24, 2023 5:27 AM

To: Iona Wilson <iona.Wilson@pinsentmasons.com>

Cc: Julian Diaz-Rainey <Julian.Diaz-Rainey@pinsentmasons.com>; Trevor Watkins

<Trevor.Watkins@pinsentmasons.com>; Alexander Richardson (Litigation, Regulatory & Tax)

<Alexander.Richardson@pinsentmasons.com>; Starkey, Amy <Amy.Starkey@thejockeyclub.co.uk>; Kerri Waters

<kerri_waters@hotmail.com>

Subject: [EXTERNAL] Re: JCR v (1) Daniel Kidby; and (2)-(8) Persons Unknown

Hi there,

Thank you very much for your professional correspondence. I apologise for my delayed response as I've been travelling the last couple of days.

I can confirm that I have received this paperwork and that I do intend to appear in court on Friday 26th May to contest this claim. The primary argument I will make will focus on the appropriateness of using civil law instruments like injunctions when there are ample criminal laws covering our actions, and that the (mis)use of an injunction effectively denies participants their democratic rights to a trial by jury. As legal professionals from a highly regarded a firm as Pinsent Masons, I hope you can see how the increased use of such instruments to repress nonviolent protest, of which this is just one example, represents an erosion of the rule of law. I will be filling my papers and contacting the court this afternoon to make arrangements to be there. I look forward to a respectful exchange.

There is one amendment I'd like to request from Amy Starkey's witness statement in advance of the hearing. I have also cc'd Amy in this email so she can see my request too.

In paragraph 12 it was reported that we communicated that Kerri Waters will be leading the peaceful protest and I (Dan Kidby) would be leading the disruption. However, this was not communicated by us. The only thing we said was that Kerri was going to attend (not lead) the peaceful protest. We did not state what I would be doing on the day and did not say I would be leading the disruption. I accept this was simply a misunderstanding and don't suggest in anyway this was an intentional misrepresentation of the minutes, but I would appreciate it if this amendment could be made. Kerri (cc'd) can verify this is what was communicated.

As we have demonstrated by publicising our plans, having a very open meeting with The Jockey Club and BHA, and me being transparent in my co-founder role, we practice openness and honesty within Animal Rising. That being the case, if I was leading this demonstration, I would gladly say so. But unfortunately, my role in AR tends to be far less exciting than leading and planning actions. I focus on fundraising, dialogue (such as what we have with the jockey club), strategy, embedding nonviolence, and other small bits and bobs. I do also participate in some of our actions, such as the Grand National. My honest position is that I haven't yet decided whether or not I'm participating in the action at Epsom yet. I don't participate in every single action we do as we do too many.

The reason why Kerri and I were the ones to meet with Amy and her colleagues is because we are in the dialogue team and believed it was the right thing to approach you considering the levels of disruption Animal Rising are causing, not because we take a leading role in the demonstrations. I apologise for not making that clear before and causing confusion. I fully understand how, by virtue of the fact that we were at the meeting, and because Amy is naturally unfamiliar with our organising structure, she would have perceived us as the leaders of demonstrations.

Please let me know if you are willing to make this amendment. I am otherwise happy that the minutes are an accurate reflection of the conversation, and I thank Amy for recording them. Though I do note that as a summary some parts/details of the conversation have been omitted, and some parts of the reported minutes are more interpretation than plain reporting "we were able to robustly push back on all points". *If* we have time before Friday we may provide an alternative set of minutes which can act as a supplement to these.

There are other things which I would contest from witness statements, such as the claim in paragraph 32.2 of Dickon White's witness statement that we put the horses, jockeys and ourselves at risk of serious harm, and other claims about the welfare of horses in racing, but I believe the appropriate place for that is in the courtroom.

With care,

Dan

Dan Kidby
Co-Founder Animal Rising (formerly Animal Rebellion)

"The times are urgent, let us slow down" ~ Bayo Akomolafe

"These cows seem as rebellious to their owners as the people are to their kings" ~ Fynes Moryson

From: Iona Wilson <Iona.Wilson@pinsentmasons.com>
Sent: Tuesday, 23 May 2023, 20:47
To: d.f.p.kidby@outlook.com <d.f.p.kidby@outlook.com>
Cc: Julian Diaz-Rainey <Julian.Diaz-Rainey@pinsentmasons.com>; Trevor Watkins <Trevor.Watkins@pinsentmasons.com>; Alexander Richardson (Litigation, Regulatory & Tax) <Alexander.Richardson@pinsentmasons.com>
Subject: RE: JCR v (1) Daniel Kidby; and (2)-(8) Persons Unknown

Dear Mr Kidby,

Further to the below, please find attached a draft copy of the bundle index we intend to file with the Court for the hearing on Friday 26 May 2023. Please let us know if you have any comments by noon tomorrow, 24 May 2023.

Yours sincerely,

Pinsent Masons LLP

From: Iona Wilson
Sent: Monday, May 22, 2023 3:50 PM
To: d.f.p.kidby@outlook.com
Cc: Julian Diaz-Rainey <Julian.Diaz-Rainey@pinsentmasons.com>; Trevor Watkins <Trevor.Watkins@pinsentmasons.com>; Alexander Richardson (Litigation, Regulatory & Tax) <Alexander.Richardson@pinsentmasons.com>
Subject: JCR v (1) Daniel Kidby; and (2)-(8) Persons Unknown

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File(s):

Witness Statement of Amy Starkey and Exhibit - 22 May 2023 (Final) (Signed).pdf
Witness Statement of Dickon White and Exhibit 22 May 2023 (Final) (Signed).pdf
Witness Statement of Nevin Truesdale and Exhibit 22 May 2023 (Final) (Signed).pdf
Endorsed Application Notice N244 21052023(140249495(140259774.1).pdf
Sealed Claim Form and additional sheet 22 May 2023(140252735.1).pdf
Witness Statement of Simon Knapp - 22 May 2023 (Final) (Signed).pdf
n208c-eng Notes for Defendant Part 8 claim.pdf
N210_1122_save AoS.pdf

Dear Mr Kidby

Please find enclosed for your urgent attention:

- i. Sealed Claim Form dated 22 May 2023;
- ii. Sealed Application Notice dated 22 May 2023;
- iii. Witness Statement and Exhibit of Nevin Truesdale dated 22 May 2023;
- iv. Witness Statement and Exhibit of Amy Starkey dated 22 May 2023;
- v. Witness Statement and Exhibit of Dickon White dated 22 May 2023;
- vi. Witness Statement of Simon Knapp dated 22 May 2023; and
- vii. Acknowledgement of Service Documents (Forms N208 and N210).

Please acknowledge receipt of this email.

Yours faithfully,

Pinsent Masons LLP

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Epsom Derby: Jockey Club wins injunction to stop protests

🕒 26 May 2023 | [Horse Racing](#) |

The Epsom Downs racecourse will host the Derby Festival from 2-3 June

The Jockey Club has won a High Court injunction to prevent animal rights protestors disrupting the Derby Festival on 2-3 June.

The Epsom Downs owner says the Animal Rising group has made it "explicitly clear" it intends to breach security.

Last month, animal rights activists **delayed the start of the Grand National** by getting on to the track at Aintree.

Protestors **also tried to disrupt the Scottish Grand National** the following week.

The injunction bans people from entering or throwing objects on the race track, entering the parade ring and any other action that could disrupt proceedings.

Anyone who breaches the injunction could face proceedings for contempt of court.

The festival in Surrey features Grade One races, the Oaks and the Derby.

"Animal Rising have repeatedly made it explicitly clear that they intend to break the law and disrupt The Derby Festival and that left us with no choice but to seek this injunction, having consulted with a number of stakeholders including Surrey Police," The Jockey Club's chief executive, Nevin Truesdale, said.

"We believe everyone should have the right to peaceful protest and have offered Animal Rising an area near the entrance of Epsom Downs Racecourse to express their views in a law-abiding way.

"However, anyone who attempts to disrupt the race or compromise the safety of horses or humans will be dealt with robustly by our security teams and the police."

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Talking Horses

Talking Horses: Jockey Club granted Derby injunction against Animal Rising

High court ruling prevents protesters entering Epsom track after the Grand National was delayed by course invasion



Greg Wood

[@Greg_Wood_](#)

Fri 26 May 2023 16.34 BST

Dan Kidby, one of the founders of the protest group Animal Rising, said on Friday that its members will still attempt to stop the Derby being run at Epsom on 3 June, despite an injunction granted to the Jockey Club at the High Court which could make protesters liable for damages, fines and even imprisonment for causing disruption at the two-day Derby Festival next week.

Activists from Animal Rising caused a 15-minute delay to last month's Grand National at Aintree after a handful of protesters scaled a fence and got onto the track, while the group has also staged actions at Ayr and Doncaster in recent weeks.

Epsom on Derby day, however, is potentially a more obvious target for disruption as the public can watch the race for free from the Hill enclosure in the middle of the

course. There is also little significant fencing around much of the one-and-a-half mile course.

Sir Anthony Mann, who heard the Jockey Club's application on Friday, said as he granted the injunction that he had heard "clear evidence of potential deliberate disruption to the race meeting" by members of Animal Rising, including "announcements of the intention to cause disruption" on the group's website. He also noted that there was "plenty of theoretical scope for protesters who wish to disrupt the meeting to have access to areas of the course where that disruption could take place".

As a result, Mann added, there was "a fear that they will invade areas where horses are or will be, with danger to equine and human life and limb. Horses that participate in the Derby are young and inexperienced, and can be twitchy, nervous and hyped-up before the event. They may react by backing into members of the public or throwing their riders.



📷 Animal rights protesters arrested at the Grand National. Photograph: Tom Jenkins/The Observer

"There is also a potential financial risk if the meeting is disrupted, if there is no race or the race is postponed. It is attended by tens of thousands and broadcast to millions, and its reputation will hardly be enhanced if there is disruption by protesters or anyone else."

Epsom will be required to post notices every 50 metres around the outside of the Derby course - about 50 in all - to warn potential protesters that the injunction is in

place, and forestall any future defence that an individual was unaware of the order.

Nevin Truesdale, the Jockey Club's chief executive, said after Friday's hearing that its "number one priority will always be to ensure that the safety of all our equine and human participants, racegoers, officials and employees is not compromised."

Truesdale added: "We will never tolerate a repeat of the illegal disruption we saw at Aintree on Grand National day and we welcome today's high court ruling, which provides us with an additional layer of security to combat the threat of such dangerous and reckless behaviour.

"I urge Animal Rising to abandon any plans to breach security at [The Derby](#) Festival and respect the legitimate right of the thousands of people who will join us at Epsom Downs and the millions of people watching at home and around the world to enjoy the sport they love uninterrupted."

Kidby, however, who is the only potential protester identified by name in an order that also applies to any "person or persons unknown", said that Animal Rising would not call off its attempt to stop the Epsom Classic.

"Animal Rising remain committed to standing up for horses," Kidby said. "In my view, injunctions are a way for large companies to buy private laws, and an unjust law that is not democratic and denies the right to a jury is not a law.

"We're a non-violent movement and as part of that commitment, we will not be going onto the track when there is any danger to ourselves, to horses or to jockeys. It will be in between races and we've made that explicitly clear throughout, both to the Jockey Club and the general public, and to our supporters."

Scotsman can make trip to Ireland pay

Just one of the 10 runners in the Irish 2,000 Guineas at the Curragh on Saturday has a previous Group One win to its name, but the second, third and fourth horses home in the English equivalent at Newmarket are all in the field to chase what is probably their last chance of a Classic success.

Royal Scotsman, third at Newmarket, was not among the original entries but his connections paid €50,000 (£43,400) for a supplementary entry earlier this week, in the hope that he enjoys more luck in running on the Curragh than he did on the Rowley Mile.

Having clipped heels in the early stages, Royal Scotsman pulled hard and was then short of running room at a vital stage around two furlongs out, before finishing strongly to get within half a length of Hi Royal, the runner-up.

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Donnacha O'Brien's Proud And Regal, who took the Group One Criterium International on heavy ground in October, is an interesting new rival, but the drop back to a mile may not be ideal and with just a little more luck in the run, **Royal Scotsman (3.40)** is a fair bet at around 2-1 to break his Group One duck at the third attempt.

Haydock 1.15 Auld Toon Loon has made steady progress in three runs this season and will not need much more to get a first win on the board here.

Goodwood 1.30 Having made a mockery of his opening mark of 99 with a nine-length win last July, the unbeaten **Francesco Clemente** looks more than ready for Listed company.

Haydock 1.50 The punters may well home in on Carzola as he looks for a four-timer with Frankie Dettori aboard, but **Law Of The Sea** has similar claims after an eye-catching run in the Chester Cup.

Goodwood 2.05 A return to front-running tactics brought the best out of **Dark Thirty** at York last week and he is a fair price to follow up at around 7-1.

Haydock 2.25 James McHenry conceded first run over track and trip last time but still got up to win and a 7lb rise may not be enough to end his streak.

Quick Guide

Greg Wood's Saturday tips

Show

York 2.40 Several runners were in opposition over course and distance at the Dante meeting and **Mondammej** could find the minor improvement he needs off a 2lb lower mark.

Haydock 3.00 Going and trip were both against **Little Big Bear** in the 2,000 Guineas but he should be hard to beat back at six furlongs on better ground.

York 3.15 The return to Group Three company should be enough to get **Mimikyu** back into the winner's enclosure.

Haydock 3.30 Dramatised, last season's lightning-fast Queen Mary winner, gets all the allowances as a three-year-old filly and can make a winning start to the campaign.

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The Jockey Club granted High Court injunction against Animal Rising protesters ahead of Epsom Derby

The injunction has been granted against Animal Rising protestors by The Jockey Club following disruption to the Grand National at Aintree in April; that led to over 100 arrests, with the race delayed by over 10 minutes

🕒 Friday 26 May 2023 16:44, UK



A protester, wearing a pink T-shirt of the Animal Rising group, is stopped by police at Aintree



The Jockey Club has been granted a High Court injunction against Animal Rising protesters who plan to disrupt the Betfred Derby at Epsom next weekend.

The application was lodged by the Jockey Club, who own Epsom Downs alongside many other high-profile tracks, as it felt the organisation had made it "explicitly clear" that they intended to breach security at the Surrey racecourse to stage a disruptive protest.

Word of their plans came after [disruption to the Grand National at Aintree in April](#), when the race was delayed by just over 10 minutes after demonstrators made their way onto the track and had to be removed by police.

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[Epsom officials on alert for possible Derby protests](#)



Police officers respond to Animal Rising activists attempting to invade the racecourse ahead of the Randox Grand National at Ascot

[Officials at the Jockey Club feared the Epsom protest would endanger participants, racegoers and horses](#) - although they state they do not dismiss the right to peaceful protest and have offered Animal Rising an area near the entrance of the racecourse specifically for this purpose on Derby day, June 3.

The injunction granted by High Court judge Sir Anthony Mann prohibits individuals from entering onto the racetrack and carrying out other acts with the intention and/or effect of disrupting the races.

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Such acts include intentionally causing objects to enter the racetrack, entering the parade ring, entering and/or remaining on the horses' route to the parade ring and to the racetrack without authorisation, and intentionally endangering any person at Epsom Downs racecourse during the two-day Derby Festival.

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Individuals acting in breach of the court order could be subject to proceedings for contempt of court, which may lead to a fine and/or imprisonment.

Also See:

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[Epsom officials on alert for possible Animal Rising protests](#)

The Jockey Club's chief executive Nevin Truesdale said: "Our number one priority will always be to ensure that the safety of all our equine and human participants and racegoers, officials and our own employees is not compromised.

"Animal Rising have repeatedly made it explicitly clear that they intend to break the law and disrupt The Derby Festival and that left us with no choice but to seek this injunction, having consulted with a number of stakeholders including Surrey Police.



Protestors on the track at Ayr ahead of the Scottish Grand National

"We will never tolerate a repeat of the illegal disruption we saw at Aintree on Grand National day and we welcome today's High Court ruling, which provides us with an additional layer of security to combat the threat of such dangerous and reckless behaviour.

"We believe everyone should have the right to peaceful protest and have offered Animal Rising an area near the entrance of Epsom Downs racecourse to express their views in a law-abiding way.



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"However, anyone who attempts to disrupt the race or compromise the safety of horses or humans will be dealt with robustly by our security teams and the police.

"As such I now urge Animal Rising to abandon any plans to breach security at The Derby Festival and respect the legitimate right of the thousands of people who will join us at Epsom Downs and the millions of people watching at home and around the world to enjoy the sport they love uninterrupted."



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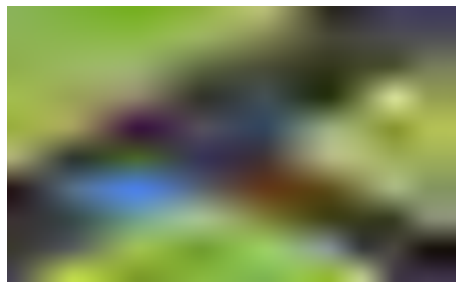
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