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# SCHEDULE 1 RSC ORDER 110 ENVIRONMENTAL CONTROL PROCEEDINGS

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## **Rule 1 Injunctions to prevent environmental harm**

- (1) An injunction under –
- (a) section 187B or 214A of the Town and Country Planning Act 1990<sup>1</sup>;
  - (b) section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>2</sup>; or
  - (c) section 26AA of the Planning (Hazardous Substances) Act 1990<sup>3</sup>
- may be granted against a person whose identity is unknown to the applicant; and in the following provisions of this rule such an injunction against such a person is referred to as ‘an injunction under paragraph (1)’ and the person against whom it is sought is referred to as ‘the defendant’.
- (2) An applicant for an injunction under paragraph (1) shall, in the claim form, describe the defendant by reference to–
- (a) a photograph;
  - (b) a thing belonging to or in the possession of the defendant; or
  - (c) any other evidence,
- with sufficient particularity to enable service to be effected.
- (3) An applicant for an injunction under paragraph (1) shall file in support of the application evidence by witness statement or affidavit–
- (a) verifying that he was unable to ascertain, within the time reasonably available to him, the defendant’s identity;
  - (b) setting out the action taken to ascertain the defendant’s identity; and
  - (c) verifying the means by which the defendant has been described in the application and that the description is the best that the applicant is able to provide.
- (4) Paragraph (2) is without prejudice to the power of the Court to make an order for service by an alternative method or dispensing with service.

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1 1990 c.8.

2 1990 c.9.

3 1990 c.10.(162) 1969 c.46.

