

## Richard Langham

Service on unknown defendants and the status of existing  
injunctions

## Service on unknown defendants

*Cameron v Liverpool Victoria Insurance Co Ltd*

Who can be sued depends on who can be served with proceedings, ie with the claim form.

The whole point of normal service is that it is likely to bring the claim form to the attention of the defendant.

Service by alternative means should only be permitted where the alternative means are likely to have the same effect.

## Service on unknown defendants

### Persons unknown

Category 1 - The squatter who won't give his name: he can be identified.

Category 2 - The hit and run driver who has vanished and will never be identified.

Category 3 - 'Newcomers' – persons unknown who do the specified act before trial – eg stationing caravans on a particular site.

## Service on unknown defendants

### What happens with the claim form?

A Newcomer person unknown who does the specified act becomes a defendant and must be served with the claim form.

If the claimant cannot carry out normal service, it has to get and comply with an order for service by alternative means.

## Service on unknown defendants

### Canada Goose applied to traveller injunctions

Is it necessary to ensure that the claim form remains on the stake for the entire period before the trial?

The authority must presumably deliver the claim form to any caravan which turns up. Is this normal service?

## Service on unknown defendants

### Service of the injunction

CPR81 requires court orders to be served and it is expected that injunctions will be served personally; any alternative means of service must be sanctioned.

Actual knowledge of the injunction is required for enforcement.

The only form of service which will establish actual knowledge is personal service.

## Existing injunctions

Problems – no time limit; made against ‘persons unknown’ without more; inadequate provision for service of the claim form.

The basic position is that, just because an injunction should not have been granted does not mean that it does not have to be obeyed.

Most defective injunctions could be varied. But can an injunction against ‘persons unknown’ without more be breached?

# Thank you for listening

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