

A teal-tinted photograph of a protest. In the foreground, a large white sign is held up by a person, featuring the text "LEGAL GUIDE FOR ACTIVISTS" in bold pink letters. The background shows a crowd of people and a large building with multiple spires, likely a government or institutional building. A blue chain-link graphic is overlaid in the top left corner.

LEGAL GUIDE

FOR ACTIVISTS

Introduction...

This guide is intended to facilitate lawful protests and empower activists with the knowledge you need to stay safe.

- We have included the most common offences you are likely to encounter during protests, but we cannot predict every situation.
- Protest is your legal right; most people participating in protests do not get arrested.
- It is very unusual to be arrested without warning. This guide should help you determine whether those warnings are lawful.
- If you follow this guide, you should avoid being convicted of any of these offences. However, we cannot protect against arrest; the police can and do arrest people for absolutely no reason, whether they are protesting or not. If you are unlawfully arrested, you can take legal action and sue the police.
- We have included the maximum punishment for each offence. Please be aware that this is not the automatic punishment, but rather the worst-case scenario, if you committed the offence in the most severe manner possible, with absolutely no mitigating circumstances or reasonable explanation. First-time offenders typically receive considerably less.

For further information, we recommend: www.greenandblackcross.org



If the police talk to you during a protest:

- There is no requirement to talk to the police before, during, or after a protest. Despite what they may say, if they approach you, they are likely trying to find a way to stop you from carrying out your lawful right to protest. Anything you say is likely to be used against you or those around you, so it is usually best to say nothing at all.
- Do not give police any personal information about yourself or anyone else.
- If the police demand information, threaten to move you, arrest you, or otherwise end your protest, always ask 'Under what power?'. If they don't tell you, then you do not need to comply. If they do, you can refer to this guide for assistance.
- This guide should provide you with the resources you need to confirm whether the police are acting within the law.
- If you see someone being arrested or having a negative interaction with the police, try to film it, and make sure to include the collar numbers of any relevant police officers.



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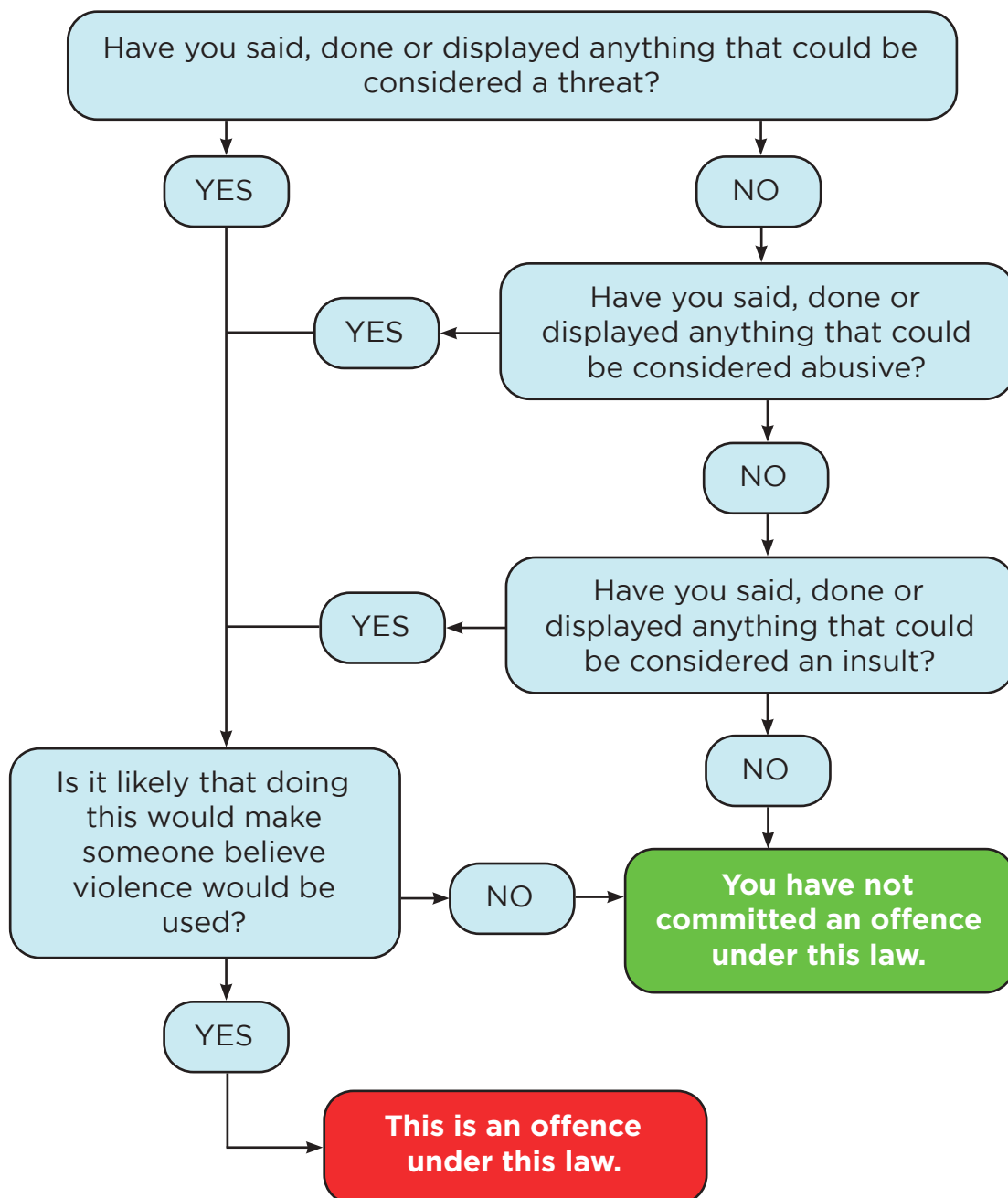
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Conspiracy

If you plan for a crime to happen with one or more other people, it can become a criminal conspiracy. You do not have to carry out the crime yourself; you only need to agree that it should happen.

S.4 Public Order Act 1986

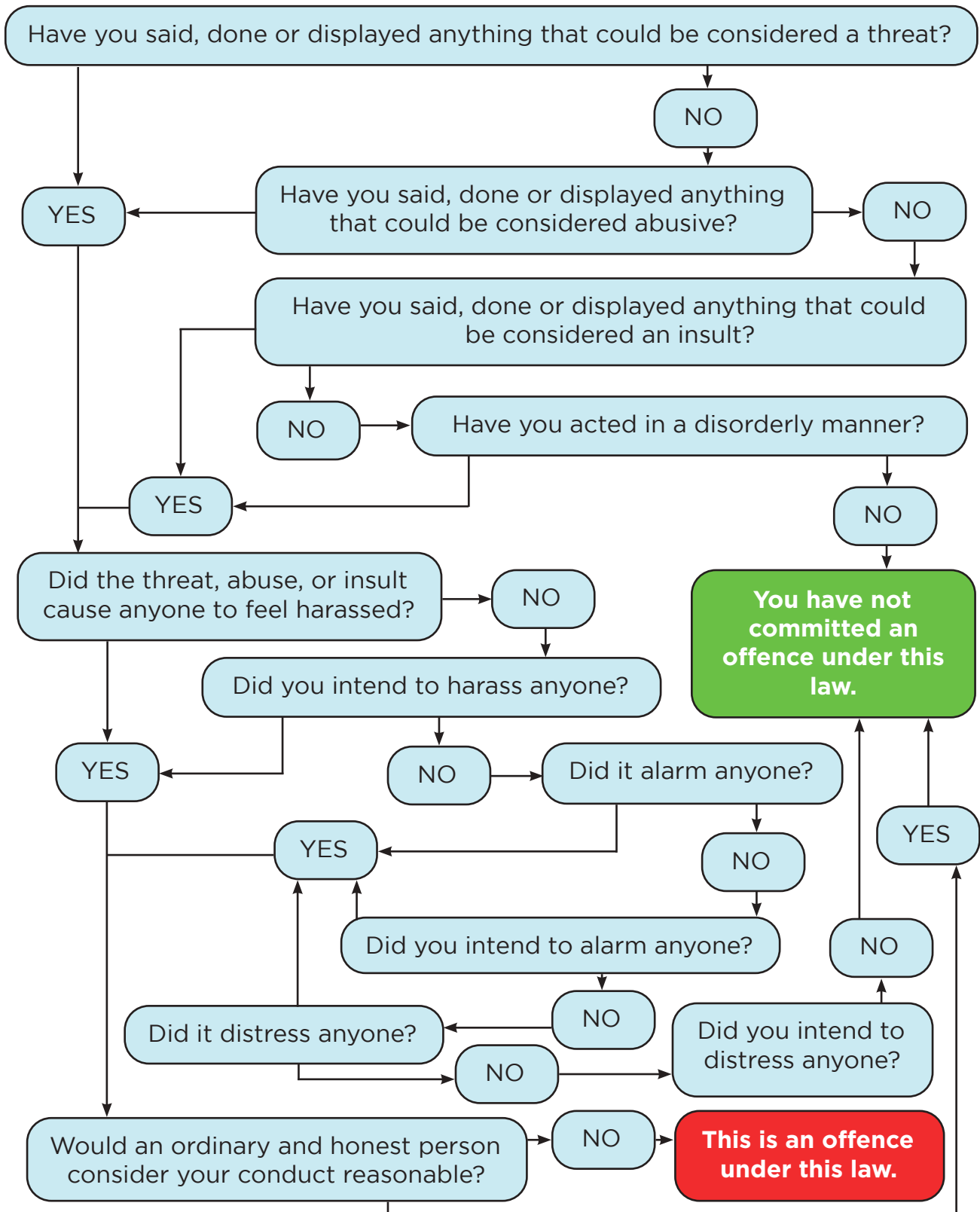
Fear or provocation of violence



MAXIMUM PENALTY:

1 year in prison and/or unlimited fine

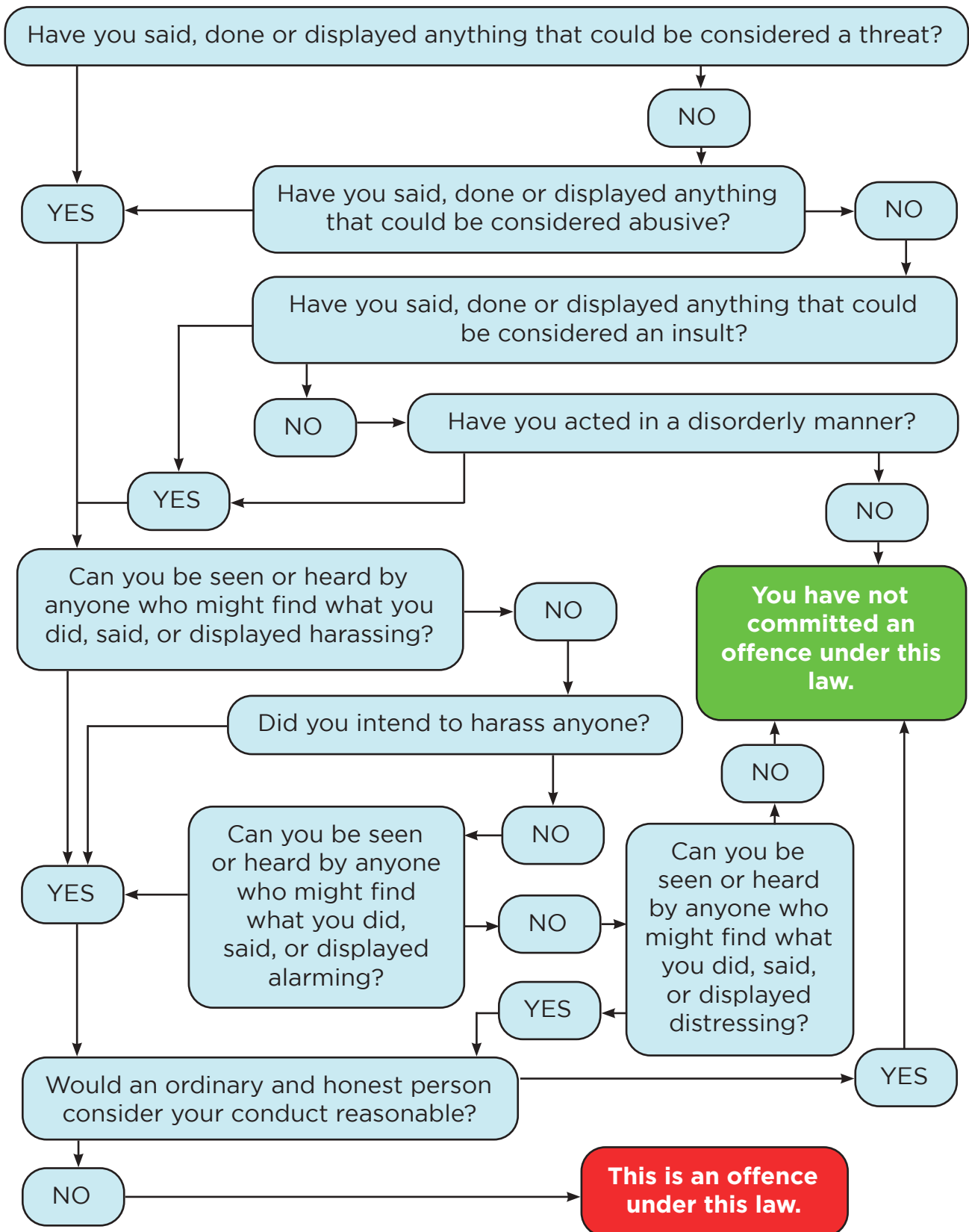
Intentional harassment, alarm or distress



MAXIMUM PENALTY:

1 year in prison and/or unlimited fine

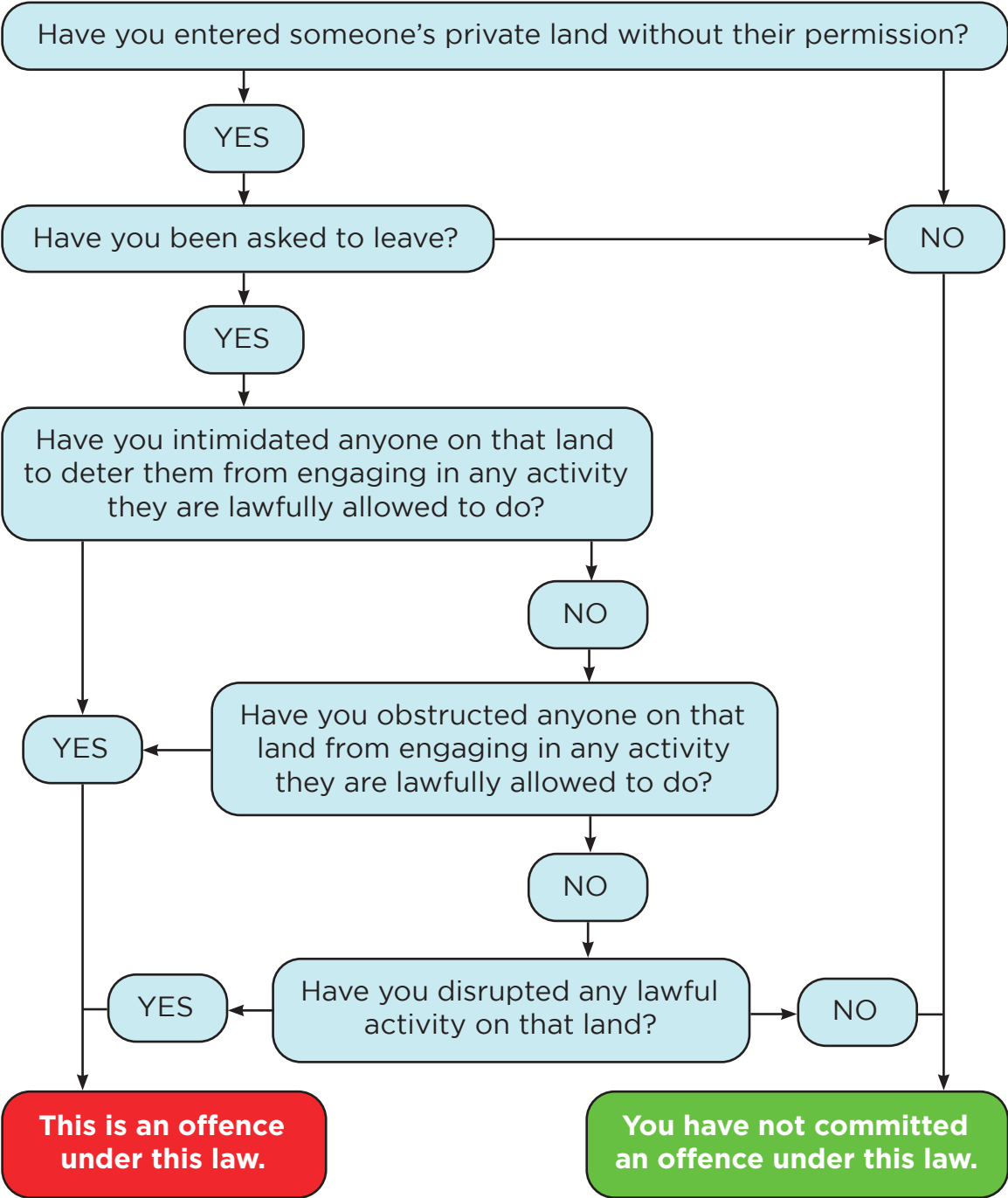
Harassment, alarm or distress



MAXIMUM PENALTY:

£1,000 fine

Aggravated trespass



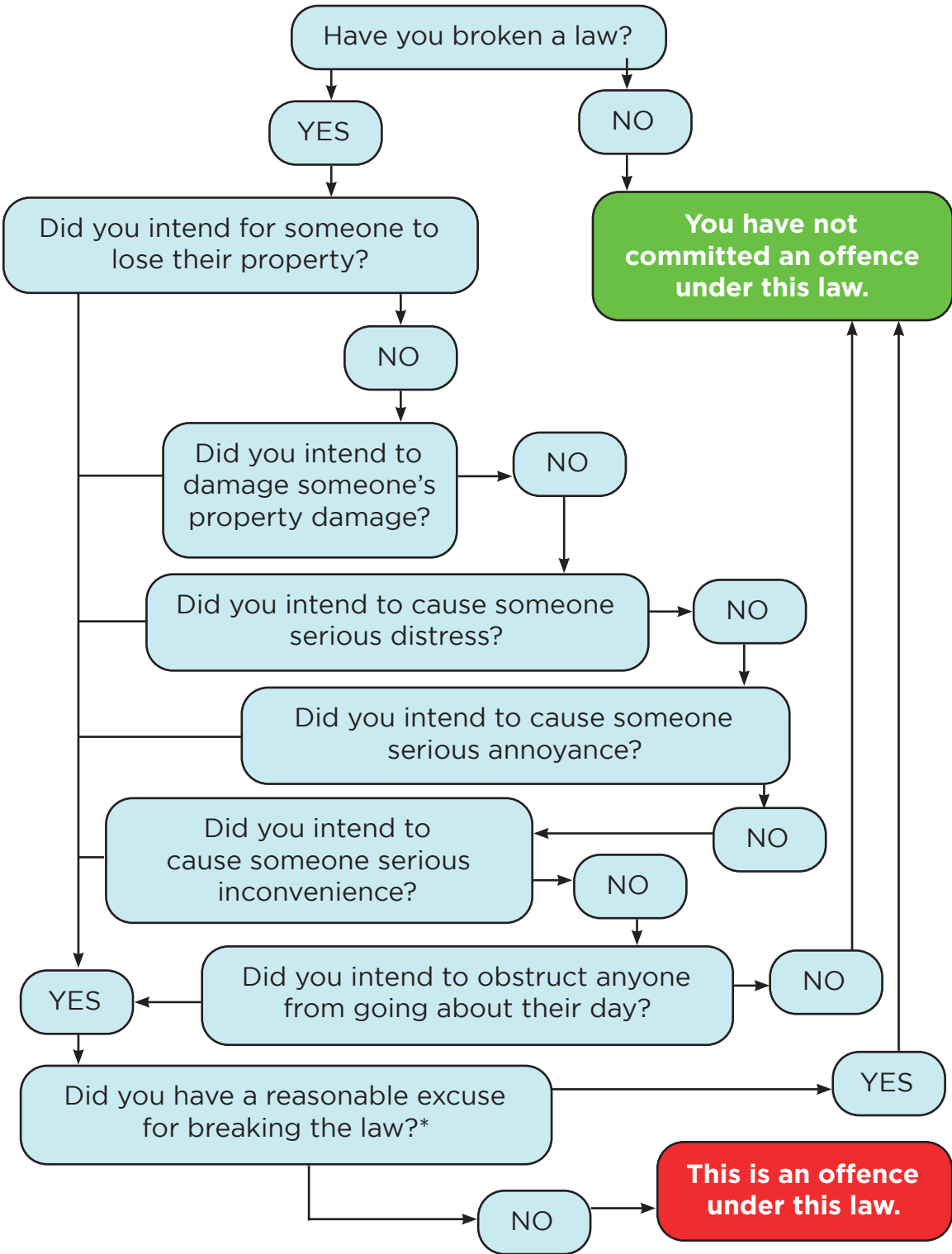
If you are on **private land**, and a police officer **suspects you have or are planning to commit aggravated trespass**, they can **direct you to leave the land** under s69 of the CJPO. **If you fail to do so or return within three months, this is also an offence.**

NOTE: trespass alone (where no one is disrupted from their lawful duty) is a civil offence, and the police do not have the power to assist. The landowner can use what they deem to be reasonable force to remove you.

MAXIMUM PENALTY:

3 months in prison and/or £2,500 fine

Intentionally or recklessly causing public nuisance

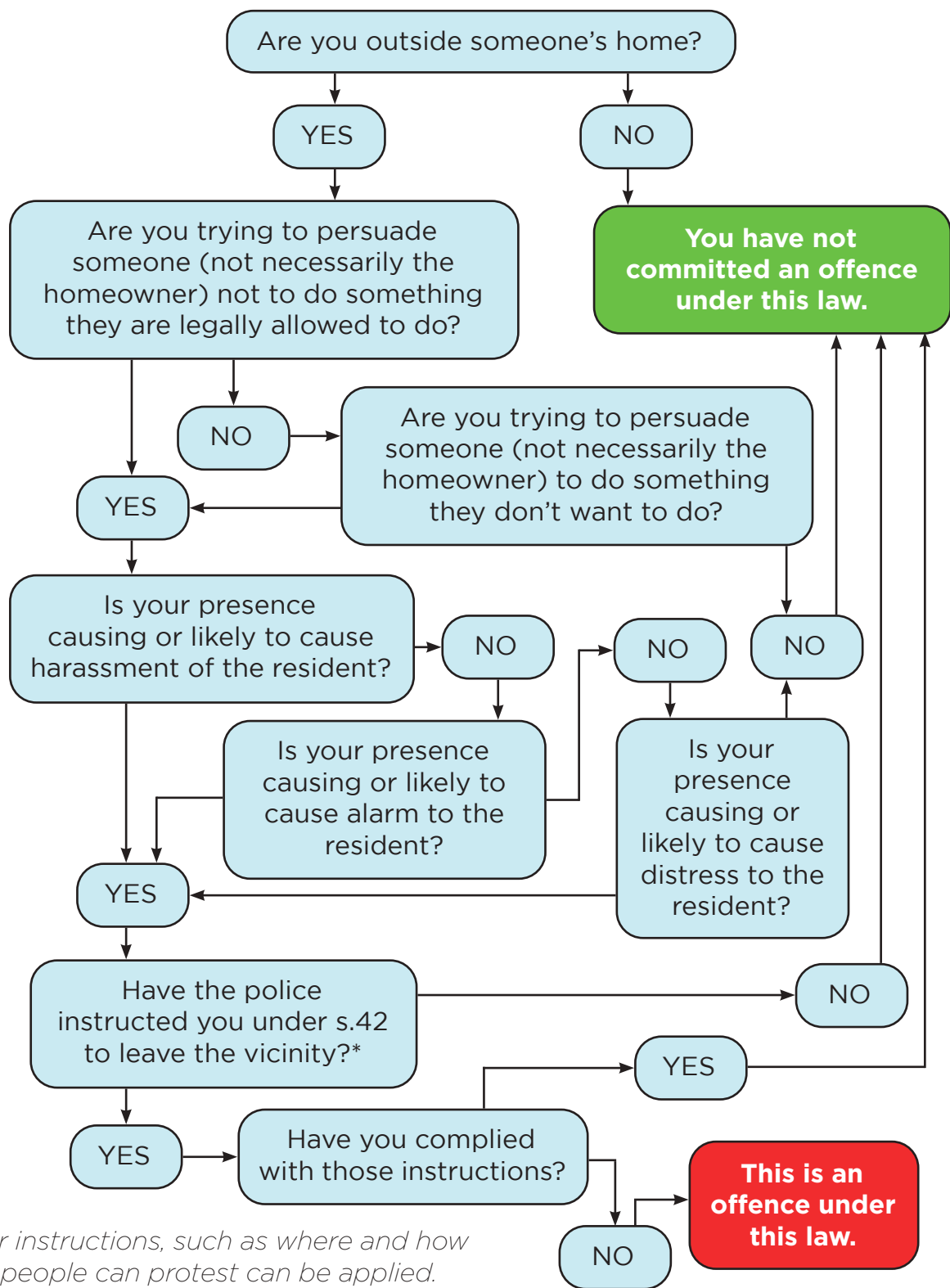


**Your right to protest can be a reasonable excuse.*

MAXIMUM PENALTY:

10 years in prison and/or an unlimited fine

The harassment of a person in their home



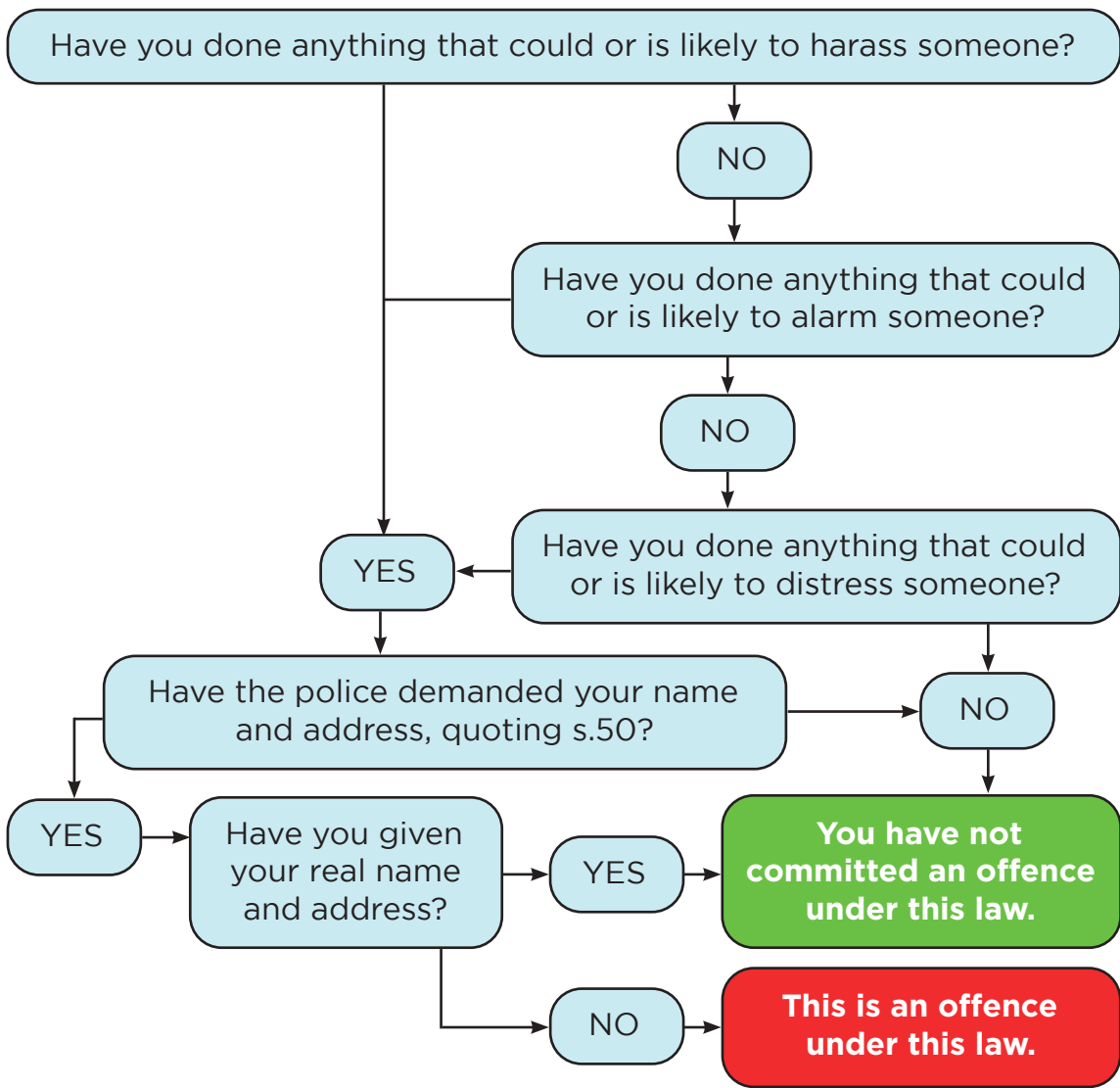
**Other instructions, such as where and how many people can protest can be applied.*

MAXIMUM PENALTY:

1 year in prison and/or £2,500 fine

Engaging in anti-social behaviour

Note: peaceful protest is protected by law, and s.50 should, in almost all cases, not be used against protestors.



MAXIMUM PENALTY:

£1,000 fine



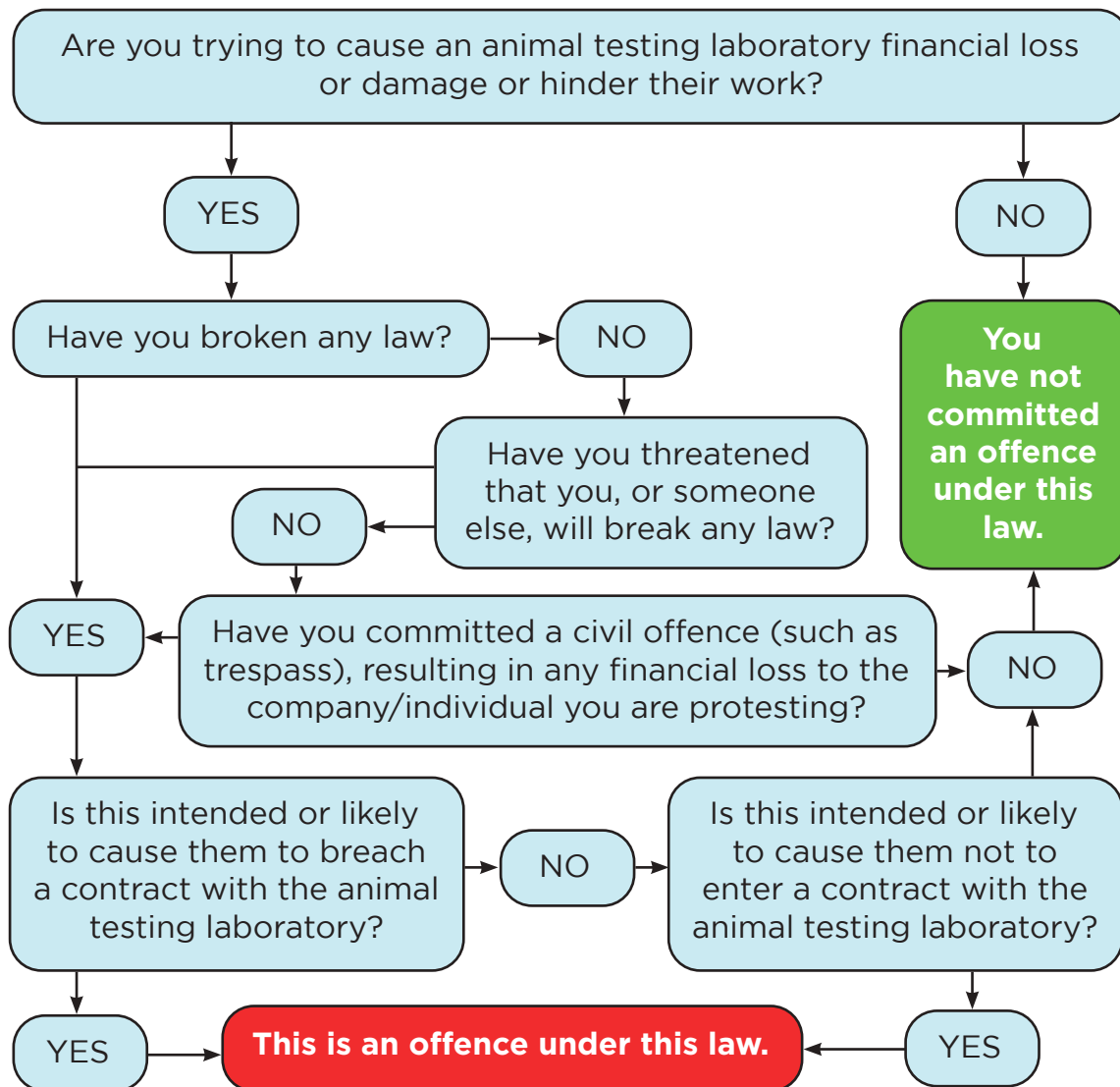
Breach of the Peace

Breach of the peace is not a crime in itself, however, the police can arrest you if they have reasonable grounds to believe a breach of the peace is occurring, or is imminent.

Generally, the bar is pretty high and involves an act or a threat to harm a person or their property, or makes them fear harm is likely. Once the risk of a Breach of the Peace is over, it is normal to be released without charge.

S.145 Serious Organised Crime and Police Act 2005

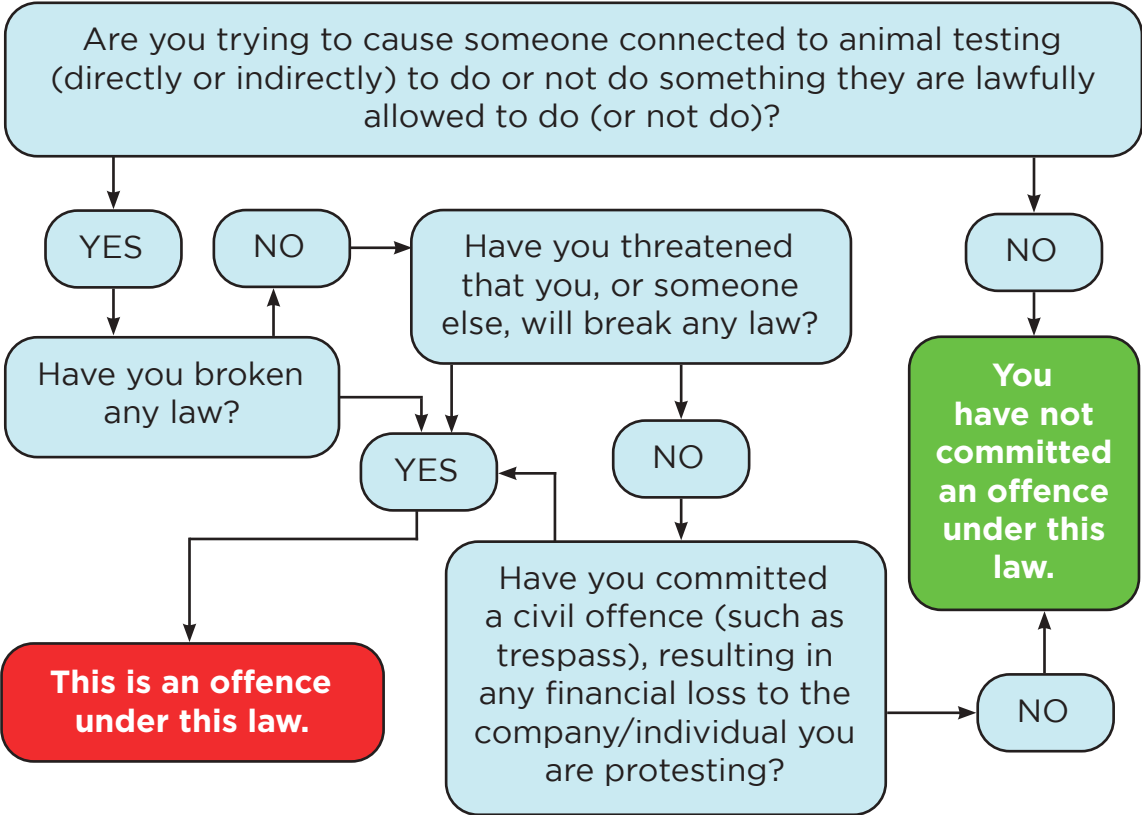
Interference with contractual relationships to harm an animal research organisation



MAXIMUM PENALTY:

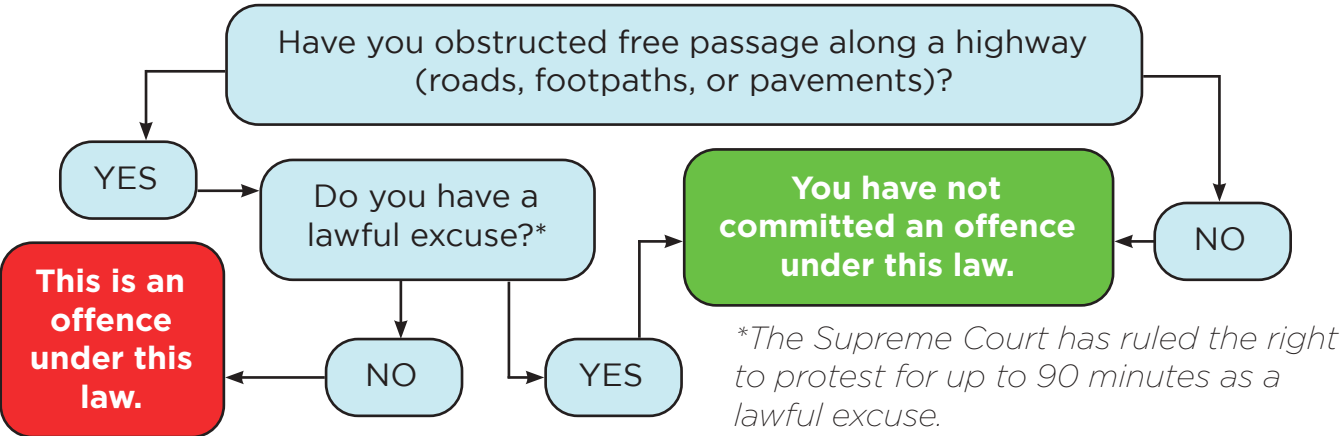
5 years in prison and/or an unlimited fine

Intimidation of persons connected with animal research organisations



MAXIMUM PENALTY:
5 years in prison and/or an unlimited fine

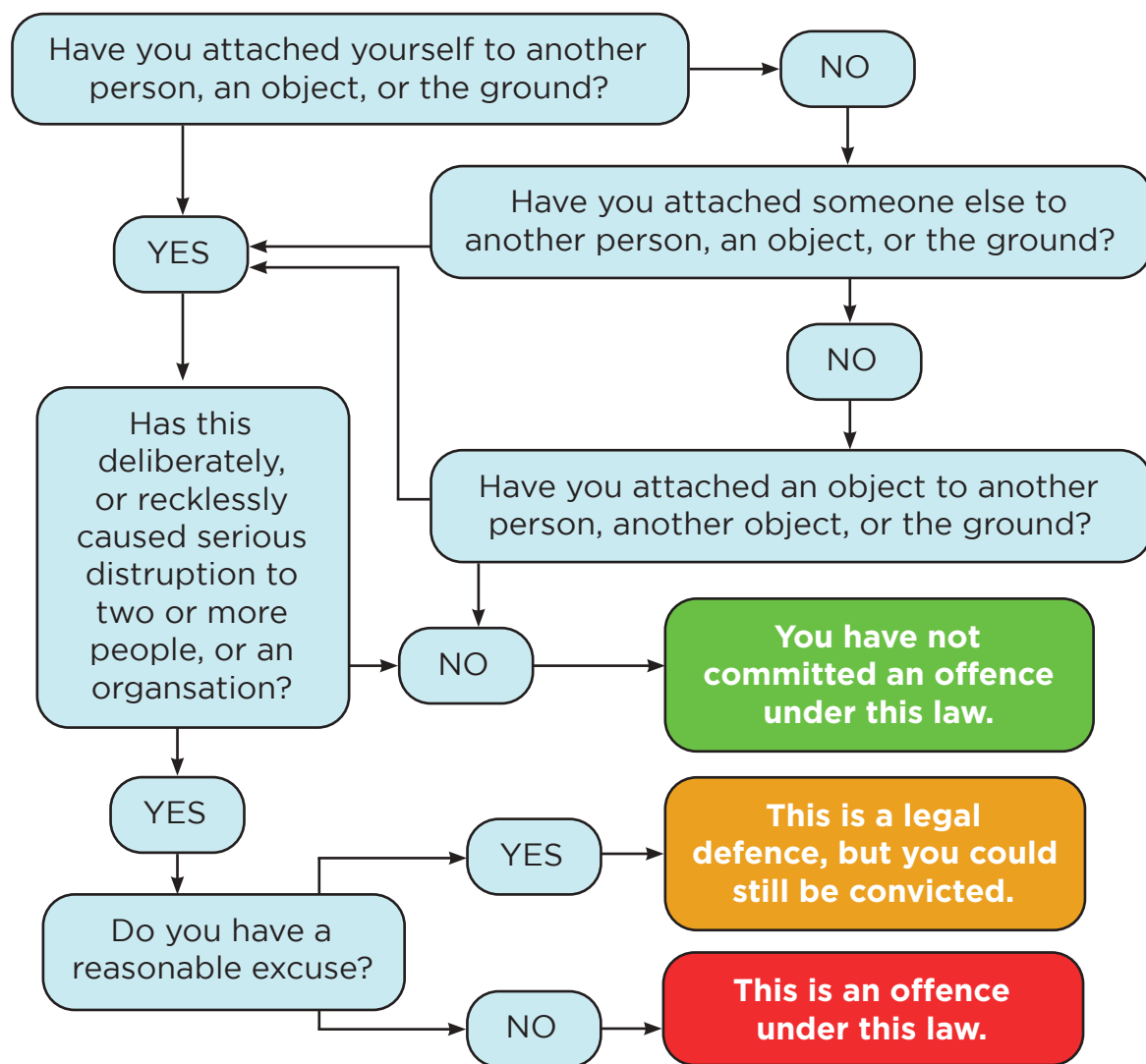
Wilful obstruction of the highway



MAXIMUM PENALTY:
1 year in prison and/or unlimited fine

S.1 Public Order Act 2023

Locking-on



MAXIMUM PENALTY:

6 months in prison and/or £5,000 fine

Criminal Damage

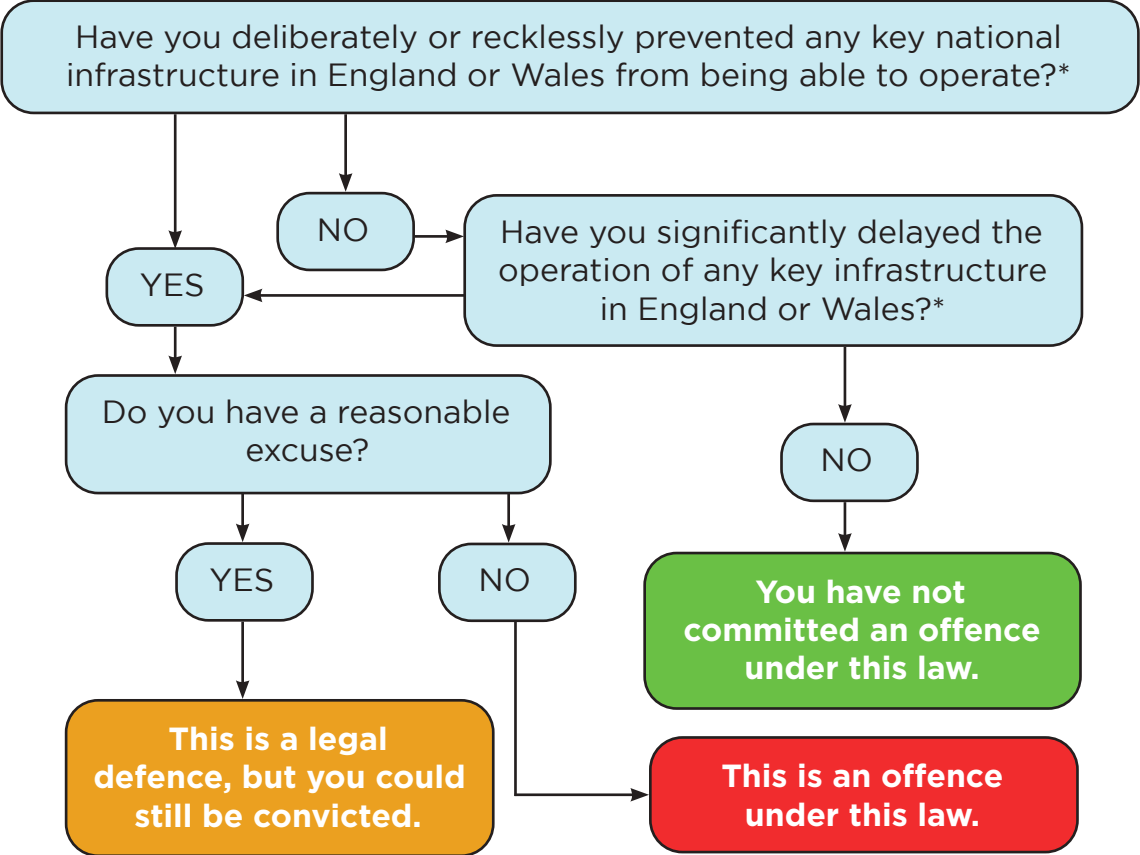
Under s.1-3 of the Criminal Damage Act, it is a crime to recklessly or deliberately cause ANY damage to someone else’s property.

It is also a crime to threaten to damage someone else’s property or to have any item on you that you intend to use to damage someone else’s property. The damage does not need to be permanent.

MAXIMUM PENALTY:

For damage under £5,000, 3 months in prison and £2,500 fine

Interference with key national infrastructure



*"Key national infrastructure" currently means:

Roads, railways/stations, airports/runways, ports/harbours/boats, oil infrastructure, gas infrastructure, electrical infrastructure, or newspaper printers.

MAXIMUM PENALTY:

1 year in prison and/or £2,500 fine



Police Orders

The following laws only apply if a senior police officer has imposed a blanket order on the protest or the area where it occurs.

S.12 Public Order Act 1986

Conditions on public processions

A senior police officer can place a s12 order on a protest march if they think it may lead to serious public disorder, serious damage to property or serious disruption to the life of the community. The 'community' refers to anyone nearby, regardless of whether they live or work locally. Disruption includes impact on an individual or organisation caused by noise from the protest march and physical obstructions to traffic. A s12 can also be applied if the senior police officer believes the protest march intends to intimidate someone into not doing something they have a right to do.

When imposing an S12, the senior police officer may give directions to marchers, including dictating where they can and can't go. Knowingly breaching these instructions is an offence.

S12 orders do not apply to a static protest.

MAXIMUM PENALTY:

1 year in prison and/or £2,500 fine

S.14 Public Order Act 1986

Conditions on public assemblies

A senior police officer can place a s14 order on a static protest if they think it may lead to serious public disorder, serious damage to property or serious disruption to the life of the community. The 'community' refers to anyone nearby, regardless of whether they live or work locally. Disruption includes the impact on an individual or organisation caused by noise from protests and physical obstructions to traffic. A s14 can also be applied if the senior police officer believes the protest intends to intimidate someone into not doing something they have a right to do.

When imposing an S14, the senior police officer may give directions to protestors, including dictating where they can and can't stand. Knowingly breaching these instructions is an offence.

S14 orders do not apply to a moving protest.

MAXIMUM PENALTY:

1 year in prison and/or £2,500 fine

S.60AA Criminal Justice and Public Order Act 1994

Powers to require removal of disguises

If a senior police officer (Inspector or above) believes serious violence may occur, they can impose a s60 order. Under this, s60AA allows them to demand you remove any face covering they reasonably believe is being worn primarily to conceal your identity. They can also seize the face covering. Refusing to comply is a breach of this law.

S60AA only applies where a s60 order is in place and does not apply to masks/coverings worn for any reason other than to hide your identity.

MAXIMUM PENALTY: 1 month in prison and/or £1,000 fine

MAXIMUM PENALTY:

1 month in prison and/or £1,000 fine

S.3 Protection from Harassment Act 1997

Civil Injunctions

Individuals and companies can apply to the High Court for Civil Injunctions. If these are granted, they immediately apply to anyone named on them. They can also apply to unnamed groups of people, but only if those people have been individually served with the injunction or it can be proven they knew it existed. Failure to comply with an injunction becomes a criminal matter.

The person seeking the injunction can also apply for those named on it to become liable for all legal costs. This can run into millions and should always be contested before it is ruled upon.

MAXIMUM PENALTY:

5 years in prison and/or unlimited fine





What to do if you're arrested

Obeying the law doesn't necessarily mean you won't get arrested, but it should prevent you from being convicted of any offences.

- If you are arrested, it's recommended to give your **name, address, and date of birth** while being booked into the police station, **request a solicitor**, and then say nothing else until your lawyer arrives.
- Police interviews are not designed for you to give your side of the story but rather to get you to admit something that can be used against you. It is usually best to **stay silent or say 'no comment'** to every question.
- The police can use force to take your **fingerprints, DNA, and photographs**, so it is usually easiest to comply with these requests.
- If you have not broken any laws and follow this advice, **you should be released after a few hours** (24 is the maximum they can hold you unless they are investigating a very serious crime, but it will usually be much less than that).
- You will either be **released without further action**, released on **police bail** (meaning you will have to come back later for them to decide whether to charge you), or **charged** with an offence and bailed to appear in court on a specific date.
- As soon as the case against you is dropped, it becomes an **'unlawful' arrest**. If you speak with your solicitor, they should be able to advise you on how to sue the police. If you were touched at any point, then the police assaulted you, and this is aggravated if they used handcuffs.

If you do get arrested for any reason, or you need advice from a lawyer, we recommend the following legal firms:

Bindmans - 020 7833 4433

Birds - 0208 874 7433

Birnberg Peirce - 020 7911 0166

Gill McGivern/Credence Law - 01223 852 191

Hodge Jones & Allen - 0330 822 3451

Kellys - 01273 674 898

