

AWE Action

A guide to possible offences

Knowledge is power: Take responsibility for your own actions, read the legal briefing.

If you need legal advice, ring a lawyer.

More detailed information is available at

<http://www.activistslegalproject.org.uk/Offences5.pdf>

and

<http://greenandblackcross.org/node/13>

STOP AND SEARCH

You may be searched on your way to an action.

Searches are often used to gather information about protesters.

You do not have to give your name and address (or any other information), unless you are driving a vehicle, or unless you have been arrested.

Don't be on a database! You do not need to be. Be calm but firm.

Ask for a copy of the search record, and the powers under which you have been searched.

If searches become a problem, we will add full details of police stop and search powers to this briefing. For more details, see <http://greenandblackcross.org/legal/resources/stopandsearch>

What could you be arrested for

Obstruction of the Highway (Highways Act

1980, Section 137). It is an offence to cause "a wilful obstruction of the highway without lawful authority or excuse". If you obstruct the highway you may be arrested. You may be warned first. Or not. If you obstruct an AWE gate, you may be obstructing the highway, depending on whether (a) the cars you are obstructing trail back into the highway; (b) if you are in the part of the gateway designated as highway. At AWE Burghfield, The Meerings is not a public highway, but is often treated as such. **Penalty:** fine

Obstruction/resisting a police officer in the execution of his/her duty (Police Act 1996,

s.89(2)) Offences include a "failure to move when required to do so", or any other act that the police may perceive as obstructing them in their duty to arrest you. Slightly more serious offence. **Penalty:** fine.

Aldermaston By-laws 2007. If you enter Aldermaston, but do not enter the area designated under SOCPA (see below) you still could be arrested for breaking the Aldermaston by-laws. For full details, see <http://www.legislation.gov.uk/ukxi/2007/1066/made> . Similar provisions apply at under the Burghfield By-Laws 2010, see <http://www.legislation.gov.uk/ukxi/2010/249/made>

Criminal Damage Act 1971, s.1(1) If you cause any damage, (cutting a fence, or sometimes, climbing over it, graffiti, painting things etc). **Penalty:** for minor damage - fine and costs. For damage exceeding £10,000, trial at Crown Court. **Penalty** and costs much higher.

Going Equipped to cause criminal damage. Strangely enough this can be a more serious charge than if you had actually done any damage. You can opt for trial at Crown Court; penalties as above.

Serious Organised Crime and Police Act, s.128 (in conjunction with Terrorism Act 2006) Both AWEs are a "designated" nuclear licensed sites. You may be arrested if you enter, or trespass on, a "designated" site. Almost all of AWE Burghfield is covered by SOCPA, see map.

At AWE Aldermaston, in theory, only the area inside the inner fence, [behind the signs saying "Nuclear Licensed site"] shown on the map is covered by SOCPA. If you plan to enter either AWE Aldermaston or Burghfield, please look at these maps.

For map of Aldermaston, see <http://www.legislation.gov.uk/ukxi/2007/1066/made> SOCPA area in pink

For Burghfield, see <http://www.legislation.gov.uk/ukxi/2010/249/made>

For more information, including details of penalties, see Trident Ploughshares Briefing, Trespass on Designated sites, <http://www.tridentploughshares.org/article1405>

Public Order Act 1986, s.14. The senior police officer present can impose conditions on an assembly [demonstration] in a public place if s/he reasonably believes that conditions are necessary to prevent serious public disorder, serious damage to property or serious disruption to the life of the community [they have previously used these powers during blockades]. You may be told to protest in a specific place. Failure to do so may result in arrest, **Penalty:** fine
More likely they will kettle you until they decide that the threat to public order is over. S. 14 has been extensively used at Aldermaston. Although kettles have only been used at Aldermaston once (when there were more than 400 Greenpeace activists present) the police are increasingly using this tactic to prevent legitimate protest.

The maximum penalty for breaching the conditions or breaching the banning order is 3 months imprisonment or a maximum fine of £2,500 for organisers or inciters and a fine of £1,000 for participants. Usually treated more leniently with a fine.

Public Order Act 1986, s.12 and s.13

Public processions (sections 12 and 13)

It is an offence to organise a political march or procession (even 2 or 3 people moving along a route could constitute a procession) without giving the police 7 days notice in writing. Advance notice must be given if the march/ procession is: intended to show support for or opposition to the views or actions of any group; publicise a cause or campaign or mark or commemorate an event. But if you want to keep within the law a last minute phone call to the police might be advisable. Failure of the organiser to notify the police of the march or to change the start time or route without giving further notice is an offence.

The Chief Constable can impose conditions in advance of the march, or the most senior police officer at the march can impose conditions on the day, where he/she reasonably believes there will be serious public disorder, serious property damage or serious disruption to the life of the community (section 12). Conditions can be imposed which restrict the route, the duration, types of banner and the numbers of participants. It is an offence, either as an organiser or as a participant, if you know that a condition has been imposed and you do not comply with it. It is also an offence to incite others not to comply. It is a defence to prove that any failure to comply was beyond your control. A Chief Constable may apply for a banning order under section 13 (rarely used).

.Penalties as above

Breach of the Peace (BoP) is not a criminal offence, but you can be arrested to prevent a BoP. A BoP includes the threat of violence against a person or their property. Even if you are nonviolent, you may be arrested if the police think your actions may cause others to be violent to you. You may be “bound over” to keep the peace. You might just be taken to a police station, and then released without charge when the possible BoP/action is over; other they might take the lazy way out and kettle you. **Penalty:** none (or some time in a police van/cell/kettle).

More on kettles:

When it comes to being let out, of a kettle you may be placed in front of a camera and asked for your personal details. You do not have to give your details.

They may threaten to place you back inside if you refuse to co-operate . Many activists have found that if everyone refuses to give their details, the police can get bored of asking and you're all let out sooner - although this is contrary to what they will tell you.

For more on kettles, see <http://netpol.org/resources/guide-to-kettles/>