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# **Legal Briefing for AWE Burghfield protests in June 2016**

**[This is not a legal document. If you need legal advice, ask a lawyer.](#)**

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

## **STOP AND SEARCH**

You may be searched on your way to an action.

Searches are often used to gather information about protesters, as well as a tactic to pre-empt protest.

You do not have to give your name and address (or any other information), unless you are driving a vehicle, or if 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 gateways at Burghfield, you may also be obstructing the highway, if cars are queueing back into the main road.

The road past the main Burghfield Gate, called The Mearings, is not a public highway, but is often treated as such by the police. However, some people have been acquitted on the grounds that The Mearings is not a public highway.

Penalty: fines of between £25-£50, plus £15 surcharge for victim support and £25-£50 costs have been imposed after recent blockades at Burghfield; others have been given suspended sentences or a conditional discharge. First offenders and non-UK nationals may be offered cautions.

### **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: this is a more serious offence than the above and fines may be higher.

**Serious Organised Crime and Police Act, s.128** (in conjunction with Terrorism Act 2006).

AWE Burghfield is a “designated” nuclear licensed site. You may be arrested under SOCPA if you enter, or trespass on, the “protected area“. Almost all of AWE Burghfield is covered by SOCPA, see shaded area on map at: <http://www.legislation.gov.uk/ukxi/2010/249/made>  
Penalty: no previous arrests or convictions for this at Burghfield, so level of fine hard to estimate.

**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; or they might just kettle you.

Penalty: none (apart from some time in a police van/cell/kettle).

More details on laws and possible offences from the [Activists Legal Project](http://www.activistslegalproject.org.uk/Offences5.pdf) - (www.activistslegalproject.org.uk/Offences5.pdf) and [Green and Black Cross](http://www.greenandblackcross.org/guides/laws) - (www.greenandblackcross.org/guides/laws).

## **Legal Observers**

Legal observers watch and record details of activist interactions with the police/security and activist arrests at demonstrations and actions and pass this information to the Legal Support person/s.

By their presence they help to keep people safe by deterring police misconduct and if there is such an incident they collect information that may be useful in later court proceedings.

A legal observer is not a police liaison or media spokesperson and remains as independent as possible so that they can concentrate on observing what happens.

For details on how to be a Legal Observer see; [Guide for Legal Observers](http://tridentploughshares.org/wp-content/uploads/2016/02/Guide-for-Legal-Observers.pdf) - (http://tridentploughshares.org/wp-content/uploads/2016/02/Guide-for-Legal-Observers.pdf)

## **Legal Support**

People attending an action and risking arrest are advised to arrange Legal Support before their action. If help is needed with this, please email [june@tridentploughshares.org](mailto:june@tridentploughshares.org)

- Legal Support people/person will/can provide legal info - organise legal workshops, prepare and distribute ‘bustcards’

- Staff a phone line (the legal support number) - wait for calls from arrestees at police stations. Get info from police and solicitors to ensure activists are OK and getting the support they need.
- Keep a list of those in custody – Prepare and update a definitive list/chart of who has been arrested and whether they have been released
- Police station support - give support at the police station(s) to arrestees, liaise with solicitors at the police station(s) and meet arrestees on their release from custody.
- Logistics - organise vehicles, drivers, and possibly accommodation to collect and house people released from police custody.

For details on how to set up Legal Support see; [Legal Support](http://tridentploughshares.org/wp-content/uploads/2016/02/Legal-Support.pdf) - (http://tridentploughshares.org/wp-content/uploads/2016/02/Legal-Support.pdf)

## **Non UK Nationals**

Non UK Nationals protesting at AWE Burghfield during the June 2016 month of action are advised to arrange Legal Support in the same way as UK groups, but in addition, remember to let your Legal Support person/s know;

- a) Would you like your consulate notified if you are detained at a police station or on the orders of a court?
- b) Do you need an interpreter at a police station or court?

## **Bust Card**

### **What is a bust card?**

Bust cards are often used to contain basic advice on what to do if arrested.

They can also be useful to get other key messages across – such as what to do if you are stopped and searched, or your rights in relation to police photography.

It is up to you how you want to use your bust card, and what information you want to put on it. The general rule is the simpler the better but keep in mind who it is you are trying to reach.

### **Bust Card & Your Basic Rights**

A bust card provides people who have been arrested with

- useful telephone numbers
- a list of basic detention rights

**Below are two different Bustcards in Pdf which are ready to print and use at AWE Burghfield during June 2016. One is for the TP actions from 4th - 10th June. The other is for use on other dates in June 2016 and is for people who want to fill a Bustcard in with their own details.**

**One A4 sheet of paper will produce 4 bust cards. Print one side (one of the Pdf's below), turn paper over and print the other Pdf on the back of the first. Cut into 4 and book fold each one. Click the images to open full size Pdf's for printing.**

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**[Bustcard for 4th - 10th June TP actions at AWE Burghfield - already completed with relevant phone numbers!](http://tridentploughshares.org/bustcard-completed-for-tp-4th-10th-june-actions-at-awe-burghfield/)** (<http://tridentploughshares.org/bustcard-completed-for-tp-4th-10th-june-actions-at-awe-burghfield/>)

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**[Bustcard for actions at AWE Burghfield on other dates in June 2016 - requiring users to complete with own details](http://tridentploughshares.org/bustcard-for-filling-in-with-own-details/)** (<http://tridentploughshares.org/bustcard-for-filling-in-with-own-details/>)

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You can find some other examples of Bustcards at:

- <http://netpol.org/resources/bust-cards/example-bust-cards/>
- <http://greenandblackcross.org/sites/default/files/GBCbustcard.pdf>

## **Arrest**

A guide to the arrest experience, by the Activists Legal Project is here; [Arrest Process and Your Rights5](http://tridentploughshares.org/wp-content/uploads/2016/02/Arrest-Process-and-Your-Rights5.pdf) - (<http://tridentploughshares.org/wp-content/uploads/2016/02/Arrest-Process-and-Your-Rights5.pdf>)

The defendents guide to arrest, 'No Comment' is here; [No Comment 5th Edition](http://tridentploughshares.org/wp-content/uploads/2016/02/No_Comment_5th_Edition.pdf) - ([http://tridentploughshares.org/wp-content/uploads/2016/02/No\\_Comment\\_5th\\_Edition.pdf](http://tridentploughshares.org/wp-content/uploads/2016/02/No_Comment_5th_Edition.pdf))

## **List of basic detention rights**

You have to give your name and address to the custody officer AT the police station. You do not have to give your date of birth. The only advantage is that you might get released more quickly.

- **You have the right to have a person told of your arrest** – please ask the police to ring your Legal Support to inform them of your situation and welfare.
- **You have a right to free legal advice, under certain circumstances.** \*\*\* Try not to use the duty solicitor.
- **You have the right to REMAIN SILENT.** You can remain silent or say ‘no comment’ to ALL questions before and after arrest and during interviews.
- **You have a right to see a doctor if sick or hurt.**
- **You have the right to read the PACE Code of Practice** about how you should be treated in custody.
- **If you are under 17** you will have to have an appropriate adult if you are interviewed (parent/legal guardian or another responsible adult.)
- **If you are a foreign national,** you can ask for an interpreter, although you may not get one.

## **Remember**

Once you have been arrested, everything you say is evidence – there is no such thing as a friendly chat.

### **\*\*\* Additional information about access to a lawyer**

This does not need to go on the Bust Card, but people need to be informed before the action. If you have been arrested for a imprisonable offence, or if the police want to interview you, then you have a right to speak to a solicitor of your choice, free of charge.

You should contact Bindmans on 0207 833 4433 .Do not use the duty solicitor, unless there is absolutely no other choice. If you are 17 or under you cannot be interviewed without an ‘appropriate adult’ present (parent or legal guardian).

For non-imprisonable offences (including obstruction of the highway and breach of the peace), The police will say you can only ring Criminal Services Direct (this is about as helpful as NHS Direct, so don’t bother). Thames Valley often don’t bother to interview you for these offences, but if you feel you need to talk to a solicitor, ask to ring Bindmans.