

What could I be arrested for?

Here are three potential action scenarios. Read through the scenarios and decide what is the most likely offence you could be arrested for and why:

Scenario 1

You and about fifty others are demonstrating against Hinkley Point nuclear power station. You have created a blockade in the road and traffic cannot pass. You have been asked to move by the police, but you have refused



What offence might you be arrested for?

Obstruction of the highway

What are the three key 'elements' of this offence ie why is it this offence and not another?

1. it's wilful, ie: deliberate

2. you're creating a full or partial obstruction

3. What you're obstructing is the highway – includes most publicly maintained roads, pavement, verges, and some bridleways

What is the maximum penalty £1000 fine

Possible offences

- Aggravated trespass
- Breach section 14 Public Order Act 1986
- Criminal damage
- Criminal trespass – section 128 Serious Organised Crime and Police Act
- Obstruction of the highway

Maximum sentences

- £1000 fine
- Imprisonment for 3 months and £2,500 fine
- Imprisonment for 3 months or £2,500 fine and a compensation order
- Imprisonment for 51 weeks and fine of £5,000

Scenario 2

You are at a blockade outside the Hinkley Point nuclear power station. You have been milling around in front of the main gates talking to the workers. A few of the workers are getting quite heated. You have been told by the police that to prevent a serious public disorder they have just put a condition on your demonstration, under section 14 of the Public Order Act, that you must move away from the main gates and continue the demonstration in a pen across the road. You are considering whether or not you should move.

What could you be arrested for? Breach section 14 Public Order Act 1986

What is the maximum penalty? £1000 fine

Scenario 3

You and your affinity group have spilled paint on yourselves and the roadway in front of Hinkley Point power station, in order to make yourselves harder to move.

What could you be arrested for? Criminal Damage (also Obstruction of the Highway, but that's covered above)

Why is it this offence and not another?

1. The paint on the roadway is criminal damage ie: you damage or intend to damage property, or are reckless as to whether it's damaged

2. You do so without lawful excuse

NB: Criminal Damage includes temporary damage like chalking on pavements



What is the maximum penalty? Imprisonment for 3 months and £2,500 fine (plus compensation order for up to £5,000) *NB:* this assumes trial in the magistrates court for damage of *less than* £5,000. Penalties can be higher in crown court where damage of more than £5000 is tried

Scenario 4

Your affinity group has decided to climb the fence into the power station and try and stage a protest inside rather than outside the perimeter.

What could you be arrested for? Criminal Trespass

What are the key 'elements' this offence?

- 1 It's a designated site (all military and nuclear sites, plus other government sites)
- 2 You're trespassing (ie there without consent)

What is the maximum sentence? Imprisonment for 51 weeks and fine of £5,000

Scenario 5

Your group has climbed the fence and entered the construction site adjacent to the existing power station. You're standing on top of a digger with your banner, chanting and singing.

What offence might you be arrested for? Aggravated trespass

What are the key 'elements' of this offence?

- 1 You're on private land
2. You're there without the consent of the owner (or they've revoked their consent)
3. You're intimidating, disrupting or obstructing a lawful activity (in this case the workings of the digger), or you have the intention to do so

What is the maximum sentence for this offence?

Imprisonment for 3 months and £2,500 fine or both



Some general notes for trainers

This exercise covers some of the more obvious reasons for arrest but by no means all of them, please make that clear. It was prepared by activists and not solicitors. To the best of our knowledge it is accurate.

You may need to reassure people about sentences. These are the maximum sentences and not the sentences that an activist were likely to receive even if they were convicted (which isn't guaranteed). If you'd like to increase your knowledge, or want suggestions of resources that trainees can use to increase theirs, we'd suggest: **The Activists Legal Project** website:

<http://www.activistslegalproject.org.uk>, and especially their:

- **Guide to Possible Offences** <http://www.activistslegalproject.org.uk/Offences5.pdf>
- **The Arrest Process and Your Rights:** <http://www.activistslegalproject.org.uk/Arrest%20Process%20and%20Your%20Rights5.pdf>
- **The Impact of Arrest and Criminal Convictions:** <http://www.activistslegalproject.org.uk/Impact%20of%20Arrest%20and%20Conv.pdf>