

External communications - Palestine Action Proscription

CTP Statement

T/Senior National Coordinator for Counter Terrorism Policing Richard Smith said:

“Proscription is undoubtedly a powerful tool for-preventing, deterring and investigating terrorist activity.

“Once a group is proscribed, that organisation is then outlawed and unable to operate in the UK, and individuals who support or are associated with that group are subject to prosecution for criminal offences.

“Our operational assessment is that proscription of Palestine Action will enhance our ability to disrupt, deconstruct and ultimately prosecute those who are part of the network and are intent on committing acts of terrorism.”

Q&A – Media

This Q&A should be used by CTPHQ to brief journalists who have additional enquiries about the proscription of PAG. The below answers can be used on a reportable basis but not attributed to a named spokesperson. The intention is to ensure accurate reporting of CTP’s position following the announcement by HMG.

General

Q. General questions about PAG?

The below mirrors information used within the Home Office public lines and briefings on this matter. When using these lines or speaking to journalists we should remind them that we cannot go into detail about individual cases that are sub-judice.

- PAG have been active for over four years
- Over the past year, the level of damage caused and use, or threat, of violence employed by PAG has escalated and this is evidenced in police investigations
- Direct action by PAG has been carried out in 34 of 45 police regions in the UK
- PAG members have shown an increasing willingness to perpetrate acts of violence
- Our investigations have revealed a shift in direction towards anarchism, violence and anti-Semitism

Q. Do CTP support this proscription of PAG?

CTP have cooperated with HMG during their decision-making process and have provided relevant material to assist the Home Secretary’s decision based on established legal tests.

Q. What impact will this have operationally on the work of CTP?

We currently assess that proscribing PAG under TACT legislation would have operational benefits. It would allow CTP to disrupt, deconstruct and prosecute PAG as a network.

Additionally, we assess it will provide an effective deterrent against membership of and association with PAG whilst distinguishing the group from the wider, lawful pro-Palestinian movement in the UK.

Q. How many ongoing CTP investigations are there involving members of PAG?

We are unable to comment on the details of live investigations.

There are currently three investigations that have been led by CTP where court proceedings are pending/court dates for hearings or trials have been set.

Q. How challenging will this be to implement?

In the event of any group being proscribed there is a significant amount of work required to embed this decision into operational policing structures and activity which is already underway.

It is vital that UK policing and local forces are aware of the changes to legislation so they can utilise proscription effectively. The Counter Terrorism Policing network's structure and close connectivity with local forces allows for such changes to be communicated efficiently.

Q. Is this an attempt by UK policing and HMG to stop pro-Palestinian protest activity?

Counter Terrorism Policing's Senior National Coordinator Richard Smith said:

"We are acutely aware that the announcement may raise concerns about the right to protest, but we are clear that the proscription of PAG will not impact lawful and legitimate protest."

Additional:

There is a clear line between the lawful Pro-Palestinian movement and criminal activity, and specifically offences committed under the Terrorism Act.

This has been demonstrated recently by the successful prosecution of those who have committed offences under Section 12 and 13 of TACT by supporting and glorifying the proscribed terrorist group, Hamas.

Q. Some will see this as a very draconian legislative measure – what would you say to that?

Proscription is a powerful tool for the police in preventing, deterring and investigating terrorist activity, and has allowed us to take robust action against a range of terrorist groups in recent years.

Once a group is proscribed, that organisation is then outlawed and unable to operate in the UK and individuals who support or are associated with that group are subject to prosecution for criminal offences.

It is vital that a whole range of measures are available to policing to ensure we can protect the public and proscription is just one of those measures that is vital to CTP's work.

Ongoing investigations

Q. What will proscription mean for ongoing investigations?

Proscription is not applied retrospectively.

Q. Has this decision been influenced by the incident at RAF Brize Norton last week?

We cannot comment on live criminal proceedings or any decisions that may be made in connection with that specific case.

Q. Has this decision been influenced by the incident in Bristol last August where criminal proceedings are pending and to be considered with a terrorist connection?

We cannot comment on live criminal proceedings or any decisions that may be made in connection with that specific case.

Q. How many cases involving PAG are currently being submitted to/have been submitted to the CPS with a terrorist connection?

One – the incident at Elbit Systems in Bristol last August.

CTPSE can provide the specific details relating to charges in that case.

Q. What will proscription mean in relation to pending criminal proceedings involving members or alleged members of PAG?

{Most notably trial of those arrested in relation to Elbit Systems attack in Bristol last August}

Proscription is not applied retrospectively.

Q. Will the incident in Bristol last August now be declared as a terrorist incident?

We cannot comment on live criminal proceedings.

Q. What is the latest update on the RAF Brize Norton investigation?

Four charged in connection with terrorism investigation following damage to aircraft. Counter Terrorism Policing South East (CTPSE) has charged four people as part of an investigation into an incident in which damage was caused to aircraft at RAF Brize Norton, Oxfordshire.

Following authorisation from the Crown Prosecution Service (CPS), the following were charged today (2/7) with conspiracy to enter a prohibited place knowingly for a purpose prejudicial to the safety or interests of the United Kingdom, and conspiracy to commit criminal damage, both offences being contrary to section 1(1) of the Criminal Law Act 1977.

- Amy Gardiner-Gibson, aged 29, of no fixed abode
- Daniel Jeronymides-Norie, aged 35, of Friern Barnet Lane, London
- Jony Cink, aged 24, of no fixed abode
- Lewie Chiaramello, aged 22, of Olive Road, London

They were remanded in custody to appear at Westminster Magistrates' Court tomorrow (3/7).

The CPS will be submitting to the court that these offences have a terrorist connection. The charges are in connection with an incident in the early hours of Friday 20 June in which damage totalling around £7m was caused to two aircraft at RAF Brize Norton.

A 41-year-old woman, who was arrested on Thursday (26/6) on suspicion of assisting an offender, was released on bail until 19 September.

A 23-year-old man arrested on Saturday (28/6) was released without charge.

Q. Do you agree with the statement that The MPS Commissioner made about protest activity?

Matters of public order policing are for the Met to comment on.

As we have outlined, CTP have cooperated with HMG during their decision-making process and have provided relevant material to assist the Home Secretary's decision based on established legal tests.

Palestine Action – Proscription

Q&A 23 June 2025

This paper is for Government departments and statutory organisations dealing with counter terrorism. It is intended to help you to respond to any concerns generated in communities as a result of the coverage in the media of the CT issues. It is not intended to provide detailed briefing about Government policies, and explaining these issues to the media is the role of relevant departmental Press Offices.

Background

On 23 June the Home Secretary made a [written ministerial statement](#), stating the Government's intention to proscribe Palestine Action under Section 3 of the Terrorism Act 2000 (TACT), adding them to the list of proscribed organisations.

The order will be laid in Parliament on Monday 30 June. If approved by Parliament, this will come into force on 04 July 2025. It will then be illegal to be a member of, or invite support for, Palestine Action.

The proscription is targeted at the organisation based in the UK only, to ensure the proscription remains proportionate. Groups based overseas that use the name Palestine Action operate independently and are not covered by this order. This decision is specific to Palestine Action and does not affect lawful protest groups and other organisations campaigning on issues around Palestine or the Middle East.

For an organisation to be proscribed, the Home Secretary must reasonably believe that it is concerned in terrorism as defined in section 3 of TACT. If this test is satisfied, she must then decide whether or not to exercise her discretion to proscribe the organisation.

After careful consideration and having taken advice, including from the cross-Government Proscription Review Group, the Home Secretary believes that Palestine Action is concerned in terrorism and that proscription is proportionate in this instance. Proscription is a powerful counter-terrorism tool, and cases are scrutinised carefully to ensure that the decisions taken are lawful, consistent and proportionate.

Since its inception in 2020, Palestine Action has orchestrated a nationwide campaign of direct criminal action against businesses and institutions, including key national infrastructure and defence firms that provide services and supplies to support Ukraine, the North Atlantic Treaty Organisation (NATO), "Five Eyes" allies and the UK defence enterprise. Its activity has increased in frequency and severity since the start of 2024 and its methods have become more aggressive, with its members demonstrating a willingness to use violence against responding individuals. Palestine

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Action has also broadened its targets from the defence industry to include financial firms, charities, universities and government buildings.

In several attacks, Palestine Action has enacted serious damage to property with the aim of progressing its political cause and influencing the Government and the public. This includes attacks at Thales in Glasgow in 2022; and last year at Instro Precision in Kent and Elbit Systems UK in Bristol. Palestine Action has also provided practical advice to assist its members with conducting attacks that have resulted in serious damage to property and promoted its attacks. Its activities meet the threshold set out in the statutory tests established under the Terrorism Act 2000, including the terrorism definition and proscription tests.

The seriousness of these attacks includes the extent and nature of damage caused, including to targets affecting UK national security, and the impact on innocent members of the public fleeing for safety and subjected to violence. Proscription will enable law enforcement to effectively disrupt the escalating actions of this serious group.

Q&A

What is Proscription?

Under the Terrorism Act 2000, the Home Secretary may proscribe an organisation if she reasonably believes it is concerned in terrorism. For the purpose of the Act, this means that it:

- Commits or participates in acts of terrorism.
- Prepares for terrorism.
- Promotes or encourages terrorism (including the unlawful glorification of terrorism); or
- Is otherwise concerned in terrorism.

Proscription makes it a criminal offence to:

- Belong to;
- Invite support for a proscribed organisation or arrange a meeting in support of a proscribed organisation; or
- Wear clothing or carry articles in public which arouse reasonable suspicion that an individual is a member or supporter of the proscribed organisation.

The penalties for proscription offences can be a maximum of 14 years in prison and/or an unlimited fine.



Why have you decided to proscribe Palestine Action now?

- As the Home Secretary made clear, since its inception in 2020 Palestine Action has orchestrated a nationwide campaign of direct criminal action against businesses and institutions.
- Palestine Action's activity has increased in frequency and severity since the start of 2024 and its methods have become more aggressive, with its members demonstrating a willingness to use violence.
- Each proscription decision is made through careful consideration by the Home Secretary and follows advice from the expert cross-government Proscription Review Group.


How can a nonviolent organisation be a terrorist organisation?

- Palestine Action is not non-violent.
- For their roles in coordinated attacks, members of the organisation have been charged with serious offences, including violent disorder, grievous bodily harm with intent and aggravated burglary. The Crown Prosecution Service considers these violent crimes to have a terrorist connection.
- In an attack in Scotland the group threw pyrotechnics and smoke bombs into the area where panicked staff were evacuating for their safety. The Sheriff said on passing sentence in that attack, "throwing pyrotechnics into areas where people are being evacuated could hardly be described as non-violent".

Is this because they threw paint on RAF planes? Surely that's not terrorism.

- The disgraceful attack on Brize Norton is the latest in a long history of unacceptable criminal damage committed by Palestine Action. Counter Terrorism Policing are leading the criminal investigation into this attack. It is important that this process is free from interference and the police are allowed to carry out their important work gathering evidence and working to bring the perpetrators to justice. The Government will not comment further on this incident while the investigation is ongoing.
- Regardless of whether this incident itself amounts to terrorism, the Home Secretary believes that Palestine Action has committed serious damage to property with the aim of progressing its political cause and influencing the Government and the public.
- Palestine Action's attacks, including at Thales in Glasgow in 2022; and last year at Intro Precision in Kent and Elbit Systems UK in Bristol, meet the threshold set out in the statutory tests established under the Terrorism Act 2000, including the terrorism definition and proscription tests. Palestine Action is not a legitimate protest organisation.

What is the impact of proscription?

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- Proscription will play an important role in enabling the police to prevent Palestine Action attacks which affect our national security. Palestine Action would be effectively outlawed and unable to operate in the UK.
 - In addition to the proscription offences, proscription can support other disruptive activity including asset freezes and terrorist financing offences.

Is this a crackdown on protests / freedom of speech?

- The proscription of Palestine Action does not diminish the right to lawfully protest in the UK.
- Lawful protest is a vital part of the UK's vibrant democratic society. It is a long-standing tradition in this country that people are free to gather and demonstrate their views, provided they do so within the law.
- Everyone has the right to express themselves, share ideas and associate without unjustified interference from the Government. These rights are protected by Articles 10 and 11 of the European Convention of Human Rights.
- There may be members and supporters of Palestine Action that have only ever wanted to lawfully protest in support of Palestine. It has never been necessary to join Palestine Action to do so. There are many ways in which people can continue to lawfully express their support for Palestine.

Will every member and supporter of Palestine Action be arrested now?


- The police are operationally independent of government and it would be inappropriate to comment on operational matters.
- Once a group is proscribed, it is a criminal offence to be a member of, or to invite or express support for, that group. These offences apply from the point at which the order comes into force.
- The maximum penalty of 14 years in prison and / or an unlimited fine for being a member of a proscribed organisation reflects its seriousness.

How will the police respond to people protesting the proscription of Palestine Action?

- The police are operationally independent of government, and it would be inappropriate to comment on operational matters.

How will this impact peoples' ability to express solidarity with and support for Palestine? Will it become an offence?

- No. We must not conflate Palestine Action's activity with legitimate pro-Palestinian support. People are free to support Palestinian rights and sovereignty and there are means to do this without being a member or supporter of Palestine Action.

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- Lawful protest is a vital part of the UK's vibrant democratic society. It is a long-standing tradition in this country that people are free to gather and demonstrate their views, provided they do so within the law.
 - The UK's terrorism framework set out in the Terrorism Act 2000 is ideologically neutral. Only in applying this framework neutrally and treating organisations based on the actions they perpetrate in pursuit of their cause can we maintain confidence in it. Palestine Action is not a legitimate protest group and we must not allow it to pass itself off as one.

Will this make it an offence to display the Palestinian flag?

- No. Proscription of Palestine Action should not, and will not, impact those who legitimately support Palestine, or campaign on issues around Palestine or the Middle East, within the bounds of the law.

Will this make it an offence to wear a Palestine Action [badge]?

- Under section 13 of the Terrorism Act 2000, it will be an offence to wear, carry or display any article in a way that arouses reasonable suspicion that the person is a member or support of Palestine Action.
- It will be a matter for the operationally independent police, Crown Prosecution Service and courts to decide if a crime has been committed.

Will groups like Extinction Rebellion and Just Stop Oil be proscribed?

- As a matter of long-standing policy, the Government does not routinely comment on whether or not a group is being considered for proscription.
- Palestine Action has been proscribed because its serious and harmful activities have been assessed to have met the thresholds set out in the statutory tests established under the Terrorism Act 2000, including the definition of terrorism and the proscription tests.
- The right to peaceful protest is a cornerstone of our democracy. Should Parliament vote to proscribe Palestine Action, that right will be unaffected.

What constitutes serious damage to property?

- Considerations of whether damage constitutes "serious damage to property" for the purposes of TACT 2000 section 1(2)(b) are made on a case-by-case basis.

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- A number of factors may be considered to determine whether damage is “serious”. This might include the extent and cost of damage caused and its impact, such as resulting disruption.

How can the Government justify this decision in the face of the atrocities Israel is carrying out in Gaza?

- The decision to proscribe Palestine Action is not related to the Government’s policy towards the ongoing conflict in Israel / Gaza.
- The Government has and will continue to oppose the expansion of Israel’s operations in Gaza, are horrified by civilian deaths, and will call on Israel to abide by its obligations under International Humanitarian Law. We have taken action: cancelling trade talks, sanctioning government ministers, and suspending relevant export licences in September.
- Individuals that wish to lawfully protest or express support for Palestine can continue to do so. There are countless lawful means available to do this without becoming or continuing to be a member or supporter of Palestine Action.
- The police ████████████████████ work tirelessly to investigate threats and to take other steps to ensure the safety of those concerned.


Has the Government made this decision because of lobbying from Jewish civil society organisations?

- A decision to proscribe a group is based on an assessment that an organisation is concerned in terrorism and that proscription is necessary and proportionate.
- The Home Secretary is supported in her decision making by a robust process which involves substantial consultation with operational partners and other Government departments.

Does this risk increasing hostility to the British Jewish community?

- The decision to proscribe Palestine Action is not linked to Israel and Gaza. It is based on Palestine Action’s activities and their activities alone.
- The Police have comprehensive powers to deal with public order offences, and where there is proof of racially or religiously hostility, the perpetrators should expect to face the full force of the law.

What engagement has the Government undertaken with Muslim and Palestinian communities about this decision?

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- The Government has been engaging with members of the British Palestinian diaspora as well with the Head of the Palestinian Mission in the UK in light of ongoing tensions in the Middle East.

What is being done to protect Muslim communities who are also affected by events in the Middle East?

- The Government is aware that events in the Middle East have led to a rise in hate crimes against Muslim communities.
- Up to £29.4 million per year will be made available for protective security at mosques and Muslim faith schools from 2024/25 to 2027/28.
- [If needed] The Protective Security for Mosques Scheme provides protective security measures (such as security personnel services, CCTV, intruder alarms and secure perimeter fencing) to mosques and associated Muslim faith community centres. Protective security measures are also available to Muslim faith schools.
- [If needed] The Government has announced a new fund to provide a comprehensive service to monitor anti-Muslim hatred and support victims.

What is being done to protect Jewish communities who are also affected by events in the Middle East?

- The Government is aware that events in the Middle East have led to a rise in antisemitic hate crimes against Jewish Communities.
- The Community Security Trust will receive funding of £18 million per year through the Jewish Community Protective Security Grant from 2024/25 to 2027/28.
- [If needed] The Jewish Community Protective Security (JCPS) Grant provides protective security measures (such as security personnel services, CCTV and alarm systems) at synagogues, Jewish educational establishments and community sites. The JCPS Grant is managed on behalf of the Home Office by the Community Security Trust.

Will individuals holding pro-Palestinian views be considered by PREVENT?

- Prevent is about stopping people from becoming terrorists or supporting terrorism. Prevent is a vital safety net against the threat posed by terrorism. It is not about suppressing religious expression or restricting debate or free speech. It is about protecting those susceptible to radicalisation.
- Support for Palestine does not equate to an individual being radicalised. Lawful, non-violent protest or activism does not meet the threshold for Prevent referrals.
- A Prevent referral should be submitted if there are concerns that a person may be on a pathway that could lead to terrorism.



- a) Section 11 of the Terrorism Act 2000 creates an offence in relation to the membership of a proscribed organisation.

11(1) A person commits an offence if he belongs or professes to belong to a **proscribed organisation**.

- b) Section 12 of the Terrorism Act 2000 creates offences in relation to the support of proscribed organisations.

12(1) A person commits an offence if -

- (a) he invites support for a **proscribed organisation**, and
(b) the support is not, or is not restricted to, the provision of money or other **property** (within the meaning of **section 15**).

12(1A) A person commits an offence if the person –

- (a) expresses an opinion or belief that is supportive of a proscribed organisation, and
(b) in doing so is reckless as to whether a person to whom the expression is directed will be encouraged to support a proscribed organisation.

12(2) A person commits an offence if he arranges, manages or assists in arranging or managing a meeting which he knows is -

- (a) to support a proscribed organisation,
(b) to further the activities of a proscribed organisation, or
(c) to be addressed by a person who belongs or professes to belong to a proscribed organisation.

12(3) A person commits an offence if he addresses a meeting and the purpose of his address is to encourage support for a proscribed organisation or to further its activities.

12(4) Where a person is charged with an offence under subsection (2)(c) in respect of a private meeting it is a defence for him to prove that he had no reasonable cause to believe that the address mentioned in subsection (2)(c) would support a proscribed organisation or further its activities.

- c) Section 13 of the Terrorism Act 2000 creates offences in relation to the wearing, carrying or displaying of uniforms or other items of clothing or articles of a proscribed organisation or publishing of images of such items.

13(1) A person in a **public place** commits an offence if he -

- (a) wears an item of clothing, or
(b) wears, carries or displays an **article**,
in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a **proscribed organisation**.

13(1A) A person commits an offence if the person publishes an image of -

(a) an item of clothing, or

(b) any other article,

in such a way or in such circumstances as to arouse reasonable suspicion that the person is a member or supporter of a proscribed organisation.

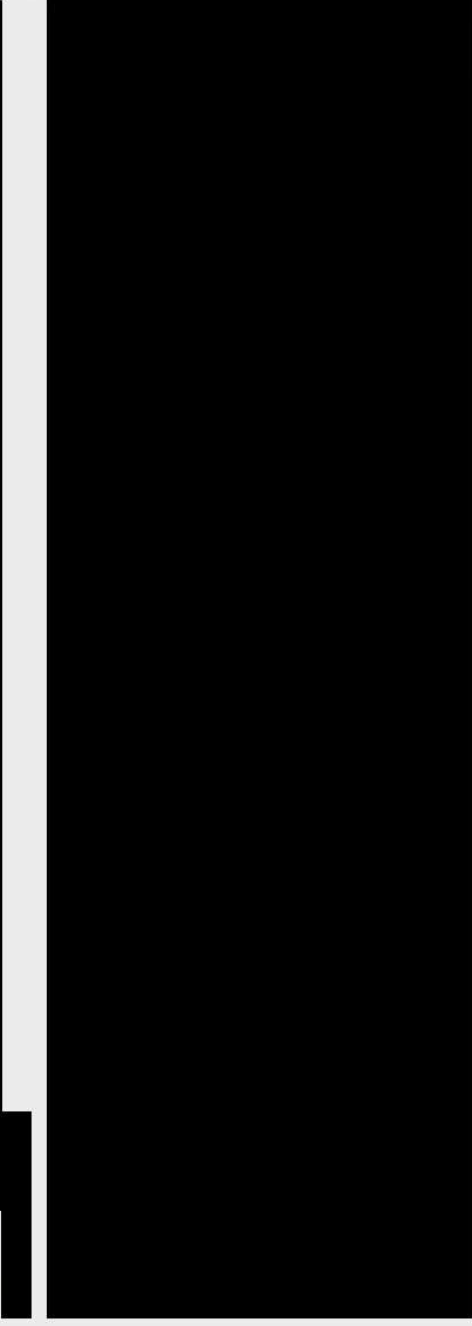
13(1B) In subsection (1A) the reference to an image is a reference to a still or moving image (produced by any means).

Palestine Action (PAG)



Group Overview

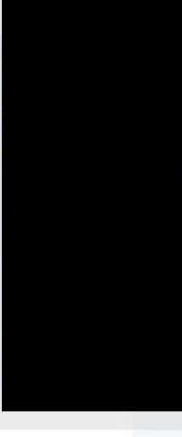
Palestine Action (PAG) is a direct action network, co-founded in the UK on 30 July 2020. PAG's strategy is focused on sustained direct action to disrupt, damage and destroy UK interests it believes are linked to the Israeli defence industry.



Publication



THE UNDERGROUND MANUAL



Proscription

Palestine Action

is a proscribed organisation under the Terrorism Act 2000

Consequently, belonging to, inviting support for or displaying articles in a public place in a way that arouses suspicion of membership or support for Palestine Action is a criminal offence.

Proscription Offences

The following TACT offences apply:

s.11 Terrorism Act 2000 - Membership of a proscribed organisation

- A person commits an offence if they belong to or profess to belong to Palestine Action.

s.12 Terrorism Act 2000 - Supporting a proscribed organisation

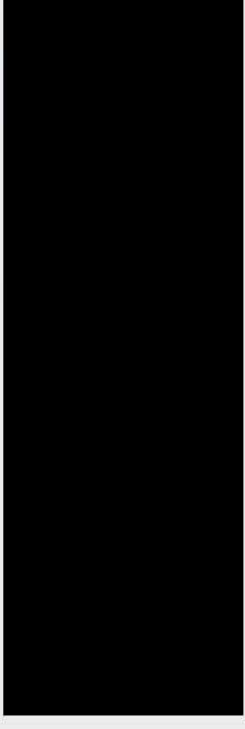
- A person commits an offence if they: invite support for Palestine Action; or express an opinion or belief that is specifically in support of Palestine Action and is reckless as to whether this expression would encourage someone to support Palestine Action.
- A person also commits an offence if they arrange, manage or assist in arranging / managing a meeting, which they know: is to support, further the activities of Palestine Action; or is to be addressed by a person who belongs or professes to belong to Palestine Action.

s.13 Terrorism Act 2000 - Symbols of proscribed organisations / wearing a uniform

- A person commits an offence if in a public place they wear an item of clothing or wears, carries or displays an article in such a way or in such circumstances as to arouse reasonable suspicion that they are a member or supporter of Palestine Action.

Advice

- Should you suspect a TACT offence relating to PAG please contact your local Counter Terrorism Policing (CTP) region.



KEEP ON THE RIGHT SIDE OF THE LAW

The law protects the right to lawful protest, and policing supports your right to legally make your voice heard. However, the law also protects people from racist and religious abuse and from terrorism being promoted.

Whilst the majority of people are complying with these rules, a minority have crossed the line.



To avoid ending up in a police cell...

DON'T use words or images:



That are racist or incite hatred against any faith



That support Palestine Action, Hamas, or any other banned organisation - it is illegal under UK law to support such terrorist organisations.

For further information see

counterterrorism.police.uk/proscription



That celebrate or promote acts of terrorism, such as the killing or kidnap of innocent people.

Do not display this on any material. Bin it immediately



Don't cause fear or be violent, including using flares or fireworks, or using threatening words or aggressive behaviours that could be considered intimidating



Don't deface or damage statues, monuments or other property.



Check with your local police force if legal restrictions are in place for the protest you wish to join or have joined. Don't breach these measures which are there to keep everyone safe.



Please help other protesters to stay on the right side of the law too. If you see behaviour that has crossed the line into criminality, please report it immediately to one of the officers policing the protest.



**COUNTER
TERRORISM
POLICING**

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[REDACTED]

Palestine Action (PA) was designated a Proscribed Organisation by the Home Secretary on the 5th of July 2025. Since proscription, a number of protests in support of Palestine Action have taken place across the UK. [REDACTED]

[REDACTED]

In the Northern Ireland context, since proscription, a number of people have been reported to the PPS for Section 13 offences* as a result of wearing t-shirts with the words 'We are Palestine Action' written on them. There are also a number of on-going investigations in relation to Section 12(1),** where individuals at a public protest were heard chanting 'We are all Palestine Action'.

[REDACTED]

[REDACTED]

2.0 SECTION 12 AND 13 TERRORISM ACT (NI) 2000

The main (but not exclusive) offences being committed by those in support of PA are;

***Section 13 (1) Terrorism Act (NI) 2000**

A person in a public offence commits an offence if he:

- (a) Wears an item of clothing, or
- (b) Wears carries or displays an article

in such a way, or in such circumstances, as to arouse reasonable suspicion that he is a member or supporter of a proscribed organisation.

Importantly Section 13;

- (1) Confers a power of seizure;

Section 13 (4)

[REDACTED]

[REDACTED]



[Redacted]

A Constable may seize an item of clothing, or any other article, if the constable,

- (a) Reasonably suspects it is evidence in relation to an offence under subsection 1 and
 - (b) Is satisfied that it is necessary to seize it in order to prevent the evidence being concealed, lost, altered or destroyed
- (2) Is a strict liability offence. This is an important consideration for Custody Officers when making decisions relating to necessity for detention, particularly with respect to 'securing and preserving evidence' and obtaining evidence by questioning.
- (3) Is a summary offence.

**** Section 13 (1) Terrorism Act (NI) 2000**

A Person commits an offence if he invites support for a proscribed organisation and the support is not, or is not restricted to, the provision of money or other property.

[Redacted]

[Redacted]

[Redacted]

[Redacted]



4.0 TACT vs PACE and ARREST NECESSITY

Where an arrest is necessary, in deciding whether this should be under PACE or TACT legislation, the arresting officer should consider whether they 'reasonably suspect the person to be a terrorist'. If the answer to this is 'yes', and they have committed an offence under Section 40 (includes section 12, **but not** 13 offences) of the Terrorism Act, then Section 41 is the appropriate power of arrest. If this is not the case, then Article 26 of PACE is appropriate.

Necessity criteria for arrest under Art 26 PACE can be accessed here [The Police and Criminal Evidence \(Northern Ireland\) Order 1989](#).

In **Hayes v Chief Constable of Merseyside Police** [2011] EWCA Civ 911, Hughes LJ set out the two-stage test for assessing the necessity of an arrest. What must be shown is (at paragraph [40]):

- (b). that the police officer actually believed that arrest was necessary, and for an Article 26(5) reason; and
- (c). the police officer's decision must be one which, objectively reviewed afterwards according to the information known to him at the time, is held to have been made on reasonable grounds.

'Reasonableness' is considered in terms of what an ordinary person, in possession of the same information, would consider to be reasonable in the circumstances.

Further case law rejected the argument that the requirement for necessity of arrest meant that there must be no feasible or viable alternative or that arrest must in every case be a matter of last resort. Rather, arrest must be believed (on reasonable grounds) to be "*the practical and sensible option*".

Further guidance in applying this can be found in Code G of the PACE Code of Practice which outlines that;

[REDACTED]



[REDACTED]

An officer might decide that a person's name cannot be readily ascertained if they fail or refuse to give it when asked, particularly after being warned that failure or refusal is likely to make their arrest necessary, see Note 2D. Grounds to doubt a name given may arise if the person appears reluctant or hesitant when asked to give their name or to verify the name they have given...

2D A person who is warned that they may be liable to arrest if their real name and address cannot be ascertained, should be given a reasonable opportunity to establish their real name and address before deciding that either or both are unknown and cannot be readily ascertained or that there are reasonable grounds to doubt that a name and address they have given is their real name and address. They should be told why their name is not known and cannot be readily ascertained and (as the case may be) of the grounds for doubting that a name and address they have given is their real name and address, including, for example, the reason why a particular document the person has produced to verify their real name and/or address, is not sufficient.

It should be noted that a person does not have to provide their details in English. If required, full use of translation services should be utilised to determine name and address and confirm identity. It may be helpful to demonstrate proportionality and necessity for arrest if it can be shown that all reasonable steps were taken to fully utilise caution/summons or other out of court disposals but this was not successful.

[REDACTED]