



[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]