

# Legal guidance - going on a protest

Note: Information contained on these pages applies to England and Wales only. Scottish activists should go to SCALP at [scottishactivistlegalproject.co.uk](http://scottishactivistlegalproject.co.uk) for advice.

- [Know Your Rights](#)
- [Five key messages](#)
- [Witnessing an arrest](#)
- [Witnessing a stop and search](#)
- [Bustcards - what they are and what they provide](#)
- [Civil law - injunctions](#)

# Know Your Rights

Where possible our Legal Support team will deliver a Know Your Rights training either in person or via zoom. However as this is not always possible, we have collated key information within the guide below:

<https://informeddissent.info/knowyourrights>

There are 2 main routes to doing Know Your Rights training online:

1. **Training on Rebellion Academy**. This can be taken in your own time and is XR specific. The module goes through the legal information and basic advice about taking part in civil disobedience.
2. Zoom training with **Green and Black Cross**. This is a good option if you want to be able to ask for questions and clarifications, but is not always available.

If you would like to arrange a specific Know Your Rights training session (for example, for your Local or Community Group) please contact Legal Support on [xr-legal@riseup.net](mailto:xr-legal@riseup.net)  
This may not always be possible and is dependent on the teams capacity.

# Five key messages

**No action/protest is ever 100% risk free. So even if you have no intention of being arrested, its important to remember these 5 key messages.**

## No Comment

You do not need to answer police questions, so don't. This is for your own protection and for the protection of others. Furthermore, no one is legally obliged to answer police questions, so your best bet is not to!

The police are trained to gather evidence and so you might accidentally incriminate yourself or someone else. Never identify anyone as an 'organiser', 'co-ordinator' or 'leader' - they might see themselves differently or may not want to be known to the police in this capacity. Instead of trying to decide when it seems 'safe' to answer, just say "no comment" to all questions - during 'informal chats', in the police van and especially in police interviews.

## No Personal Details

You do not have to give personal details at the point of arrest. We recommend not giving your details when inside the police van / car and are being transported to the police station. Sometimes the police will arrest you without grounds and primarily for the purpose of obtaining your personal details. They also sometimes just release activist after driving a few roads away (before reaching the station). In this case, there is usually no record of your arrest and so it is best to keep yourself anonymous at this point

Typically people give their details when being checked in at the custody desk at the police station as this minimises the chance of being arrested and then released without being booked in (example above). It also allows you to be released within the 24hr limit - if you withhold personal details at the police station it's likely you'll be kept in until you can be taken to a magistrates court (on the next working day).

## 'Under What Power?'

If the police ask you to do something, ask them "am I legally obliged to do that?" and if they say something along the lines of "yes", then ask "under what power?" to challenge the police to act lawfully. Police officers rely on you not knowing the law. If you are asked to do something by a police officer, ask them 'under what power?' (i.e. what law they are using and why they are using it). Make a note of what was said and by whom (badge number / shoulder number) as soon as possible afterwards.

Don't let them turn this into a situation where they ask you questions though – just walk away once you have your answer, and remember 'No Comment'!

## No Duty Solicitor

Use a solicitor with protest experience. The “duty solicitor” is the solicitor who is present at the police station. They may come from any firm of solicitors, which means they almost certainly know nothing about protest law (which is quite a specific area of law). You don't have to know the number of your solicitor, but you do need to remember the firm's name so you can give it to the police. They will call your solicitor for you.

See your 'bustcard' or [here](#) for a list of protest experienced solicitors, who are already representing XR rebels and have capacity. Remember that all advice from lawyers at the police station (no matter what firm you use) is free, so call a solicitor who has protest experience, rather than the duty solicitor. If you are eligible for [legal aid](#), it can be difficult to change solicitors once it has been applied for. If there are lots of you arrested, there may be a delay before you get the chance to speak to a solicitor.

Contacts for protest experienced solicitors in your Region or Nation can be found [here](#). If there isn't one near you, it's possible to call the nearest one or a London based one before your action to ask them to cover your area using a local 'agent' (basically someone who the law firm will instruct to represent you at the police station).

## No Caution

Cautions are an admission of guilt. Offering you a caution is a way the police may ask you to admit guilt for an offence without having to charge you. It is an easy win for the police, as they don't have to provide any evidence or convince a court of your guilt. We only ever recommend accepting a caution if your solicitor (not the duty solicitor, but a protest experienced solicitor) advises you to do so. Even then, ask your solicitor why you are an exception to the general rule of 'No Caution' and get them to explain to you the reason behind it.

See <https://informeddissent.info/5-key-messages> for more information.

# Witnessing an arrest

Anyone engaging in Non-Violent Direct Action or other forms of protest can be arrested. It is all at the discretion of police officers who **must have a reasonable suspicion that you are committing, have committed or are going to commit an arrestable offence.**

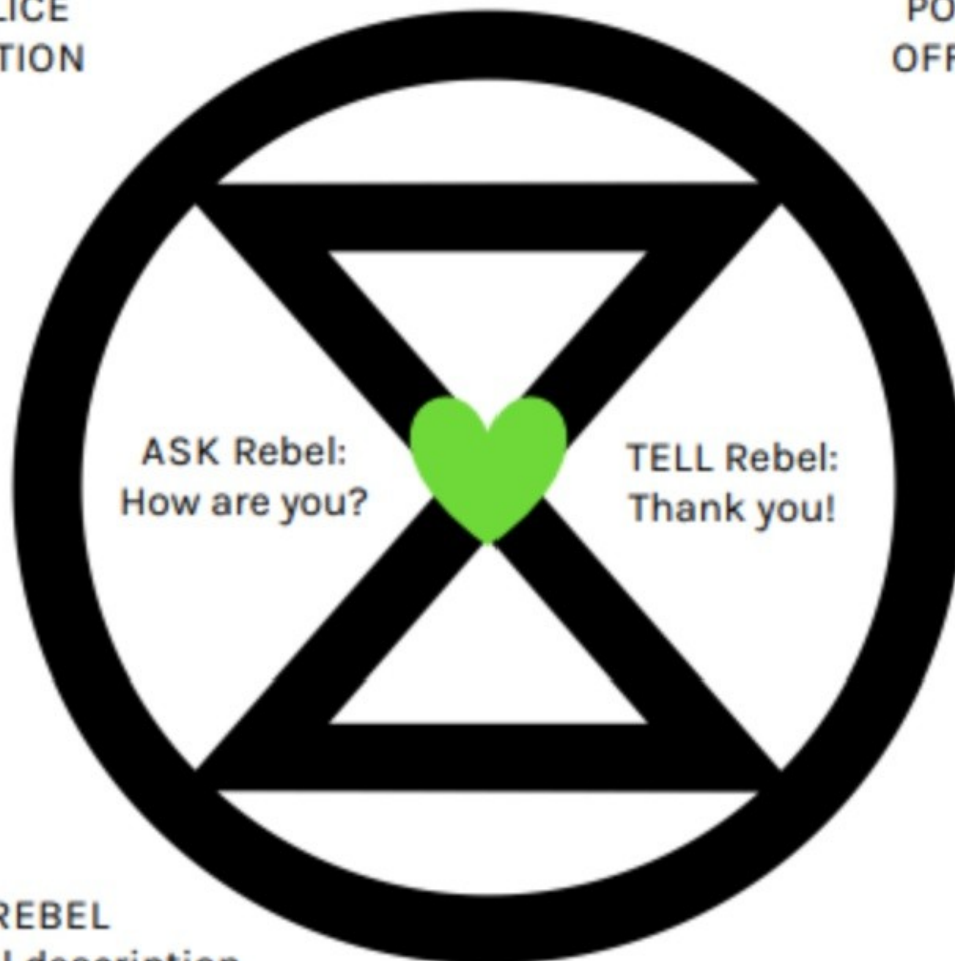
[Read our guide for information on witnessing an arrest](#)

[Download a witnessing arrest card here.](#)

## The 4 KEY DETAILS about an arrest - to log & then report

Destination  
POLICE  
STATION

Arresting  
POLICE  
OFFICER



REBEL  
Physical description  
Group name  
Real name - if safe  
or  
Pseudonym/handle

Arrested  
WHERE  
WHEN

Now please call these details in...  
**Use the CASP BACK OFFICE number 07783 176190**  
[the number is also on the XR Bustcard]



# Witnessing a stop and search

When attending a protest it is important to be prepared to witness, or even be subject to, a stop and search.

- [This page](#) give you details on your rights to witness a stop and search.
- [Download a stop and search card](#) which details what may happen if you are stopped and searched.

# Bustcards - what they are and what they provide

Bustcards are printed cards that provide key information in the event of an arrest at a protest. Printed bustcards are often handed out at protests by stewards or legal observers, however individuals are encouraged to have a copy just in case, particularly if you are considering arrest. Please use the link below to access the latest bustcards, which vary by location.

<https://informedissent.info/bustcard>

If you are organising an action and think you need a specific bustcard, please contact Legal Support on [xr-legal@riseup.net](mailto:xr-legal@riseup.net)

# Civil law - injunctions

Some actions may carry the additional risk of breaching an injunction. For information on injunctions please read the below guide: <https://informeddissent.info/injunctions>