

XR LEGAL STRATEGY DOCUMENTS

LS10: TEMPLATE RESPONSE TO EMAIL QUERIES

BETA version (work in progress). Please collaborate with us!

The XR Legal Support team aims to support and empower rebels to make their own decisions.

We are not a legal team in the traditional sense and most members of the team are not legally qualified. Our primary functions are to work with external lawyers to establish resources and systems to support the rebellion and to give practical support to arrestees before, during and after an action. We cannot give you formal legal advice and you should not treat our responses as legal advice. Most of your questions should be covered within the XR legal briefing and the documents it links to:

[XR Legal Briefing](#)

We receive numerous queries in the form: *“What are the legal implications if I [camp in a park/put up a stage in Parliament Square/block the road with a vehicle etc]?”*

No-one can predict how the authorities will react to a given a situation. Rather than respond to the detail of each query, we will generally just emphasise the underlying principles that should inform your decision-making.

Criminal and civil liability

There are two types of legal liability: criminal and civil. Criminal law provides for the punishment of acts the state considers to be wrong and which it wishes to deter. Civil law provides for compensation where one party has suffered loss or damage as a result of the actions of another.

Usually when people ask about the legal implications of XR actions they are thinking in terms of the criminal law: eg the risk of arrest and prosecution for criminal damage, public nuisance or obstruction of the highway. But it's important to be aware that if any activity causes harm or injury to another person (eg it causes a road traffic accident) then there is also a risk of civil litigation being brought by the injured party.

Criminal liability

If you're asking a question about a particular activity it's probably because you already know it's against the law. You might not know precisely what law you'd be breaking, for example, by camping in Hyde Park, but you've probably got a good idea it's illegal. In theory, you may be breaching a number of different legal provisions, from breach of the park byelaws to trespass or

public nuisance. In reality, the main point is that if you're breaking the law, the police (or other relevant authority) can require you to stop and if you don't stop, arrest you using reasonable force.

As long as you respect the XR principles of dignified, non-violence and do not resist arrest, the likelihood is either that you will not be prosecuted, or that in the event you are prosecuted and found guilty the penalty for a first-time offence will be modest (eg a conditional discharge or a fine). Be aware, however, that, if you are prosecuted, the most significant impact for you may be financial: in addition to a fine and depending on the circumstances there may be a compensation order in relation to any damage you caused (at the court's discretion), legal costs, and potentially loss of income or childcare costs during your court appearances and trial.

Civil liability

If someone is injured as a result of XR activity (for example as a result of crushing in a crowd, or a road traffic accident), or if property is damaged, then the person suffering injury or damage may bring a claim for compensation against those responsible. If the injury is serious then the damages may be very substantial. It's important to be aware that XR activities are not covered by insurance, and are, essentially, uninsurable. The key principle for avoiding civil liability is the obvious one: avoid doing anything that creates a serious risk of harm to another person.

The police and public perceptions of XR

To date the police have generally been respectful of XR's right to protest and have allowed most actions to proceed. Preserving that relationship is in our mutual interest and is dependent on a police perception that XR is adopting a peaceful and responsible approach to its protests, with relatively low risks in terms of public safety.

Consideration should be given to whether any proposed activity might jeopardise that relationship. We have received queries, for example, about the implications of abandoning vehicles, or using vehicles to create road blocks. Because of the association between abandoned vehicles and terrorist activity there is a danger that such actions might be misinterpreted, and lead to a different, more hostile police response.

XR has established lines of communication with the police. It's important those lines of communication are kept open. In the event that some unforeseen emergency arises it's vital that the message is quickly communicated so that appropriate action can be taken. Event organisers should familiarise themselves with contact points for communicating with the police, and ensure that they can be contacted if necessary.

Consideration should also be given to whether any proposed actions might jeopardise the rapid development of the climate emergency movement. The movement is already proving successful beyond expectations. It has radically changed the public and media understanding of the

climate crisis in a matter of months, creating a context in which the urgent political action required is becoming more possible. Parents, teachers, journalists and politicians are expressing their support for the movement in growing numbers. The movement is based on causing disruption in ways that create a dilemma for the authorities, because the activity is essentially peaceful, dignified and proportionate (even if disruptive and unlawful). Any activity which risks compromising those principles should be avoided.