

Important Note: this guide has not been produced by SCALP, and is shared for information purposes only, as the seriousness of counter-terrorism charges is well outlined.

SCALP is working on new Scotland-specific guidance to cover the increased use of counter-terrorism powers in protest situations, which will be published as soon as possible.

The below information is not specific to Scotland, though the Terrorism Act (2000) applies throughout the UK. Key differences exist in the Scottish legal system to what is written here, for more Scotland-specific information, please see our other guides, including the [Guide to Going to Court](#), and our [Guide to Activism, Scottish Law and the Police](#).

In Scotland the The Crown Office and Procurator Fiscal Service (COPFS) decides about and argues prosecutions. Offences under the Terrorism Act would be tried in the Sheriff Court either as a summary case with just a Sheriff or as a solemn case with a Sheriff and jury. The Rehabilitation of Offenders Act (ROA) does not apply in Scotland, disclosure of past convictions to employers and other parties is covered by Disclosure (Scotland) Act 2020, and PVG checks are administered by Disclosure Scotland. What is the same as below is that some convictions under TACT will be indefinitely disclosed, and that arrest or charges that don't lead to conviction can have lifelong implications for things like employment and international travel.

placard legal briefing

Version 1, 28 August 2025

This is not legal advice. Legal advice is fact-specific and fact-sensitive to each particular case, and cannot be given in general terms. However, we hope this provides helpful guidance on broad areas of concern.

This briefing relates specifically to the protest behaviour of holding a placard with the wording "I oppose genocide; I support Palestine Action". Importantly, it only applies to the behaviour of holding a placard with this wording and **not** also making any statements to the police (at the protest or in an interview) or posting on social media, any of which may increase the risk of a more serious charge.

The briefing assumes that the behaviour has happened in the past.

It is a non-exhaustive summary of things that people could have been arrested for/charged with but focussed on the most relevant offences based on the arrests and charges known to us at the time of writing.

This briefing is written on the basis of the position at the date of writing i.e. Palestine Action being a proscribed organisation. For a discussion as to how the judicial review challenging the making of the proscription order could potentially affect people taking action, please see the section headed “Potential Implications of the Judicial Review” below.

The briefing addresses the main policing tactics used to date but please be aware that the police are likely to change their tactics in response to differing action designs and for the element of surprise.

Please read the whole briefing as taking this action has the potential to have a serious impact in a number of areas of life.

Applicable only in England and Wales.

Terrorism Act offences

The vast majority of people holding placards with this wording to date have been arrested. Anyone taking part in this form of action should understand that arrest is likely and should prepare for arrest in advance of taking action.

While there are a number of powers the police could use to manage a mass sit-in of protesters, to date they have not used any of the usual protest offences, e.g. public order offences, but have arrested people on suspicion of offences under the Terrorism Act 2000 (“TACT”).

There are two offences under TACT that are particularly relevant: s.12 and s.13. S.12 is the much more serious offence, with a maximum sentence of 14 years imprisonment and a fine. S.13 is a ‘summary only’ offence (i.e. it can only be tried in the Magistrates Courts), with a maximum penalty of 6 months imprisonment and a fine. The definition of a “terrorist” under s.40 of TACT includes a person who has committed an offence under s.12 (among other offences) but not a person who has committed an offence under s.13.

So far, [67 people have been charged for the DOJ action design](#) and they have all been charged under s.13. Nobody has been charged with s.12 as yet although this is no guarantee that the CPS will decide to treat all action takers in the same way.

Does campaigning for de-proscription of a proscribed organisation amounts to support for the proscribed organisation? Lawyers have advised there is a risk that courts will find this is the case. However, we think there is a risk courts may not treat this action as campaigning for de-proscription for two reasons:

- The placard wording “I support Palestine Action” doesn’t on the face of it call for de-proscription but states support for a proscribed organisation
- A charge under s.13, the offence for which most action takers have been arrested, only requires displaying an article so as to raise reasonable suspicion of support for the proscribed organisation.

It’s important to recognise that the role of the police is to arrest people if they reasonably suspect they have committed an offence. However, they do not decide whether to bring charges and if so, whether to charge for the original offence or something different. This decision is made by the Crown Prosecution Service. It is therefore possible for people arrested under s.13 to be charged under s.12 and vice versa, or to be charged with another offence entirely, or that no charge will be brought. We do not think there is any legal reason why those arrested for s.13 could not be charged under s.12(1A) as the elements of the offence appear to be satisfied.

S. 13 TACT

Over 700 arrests have already been made for placard holding and the vast majority (more than 90%) of these that we are aware of were made under s.13. 67 people have been charged under s.13 at the time of writing.

As the offence under s.13 is a summary offence, an arrest under s.13 does not give police the power to raid a person’s home or a place where they have been staying (unless they are also arrested for another offence which is an indictable offence). However, police could use their powers under terrorism legislation to investigate other offences such as s.12 based on the person’s activities that gave rise to the arrest for s.13, or to justify a search warrant.

S.13 reads as follows:

Uniform [and publication of images]

(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.

This offence does not require the prosecution to provide any evidence of your intent behind your actions, just the fact that a sign or article is shown that shows support for a proscribed organisation is enough to lead to a conviction. As such, while no cases have yet been tried, it seems likely that courts may find that holding a placard reading “I support Palestine Action” does contravene s.13.

S.13 is a strict liability offence which means it does not matter whether you intend to commit the offence or whether there are any mitigating circumstances - if you do the act which is the offence then you can be convicted. It is even possible to commit a strict liability offence by accident (e.g. if you wear a t shirt bearing a group's logo but do not know that the group is a proscribed organisation). In particular, the right to free speech specifically does not apply to the support or invitation of support for proscribed organisations.

The maximum sentence under s.13 is a 6 month prison sentence and an unlimited fine. The most likely outcomes are a fine, a community order (e.g. an unpaid work requirement) or a conditional discharge, depending on the individual and any previous convictions they may have. However, a short prison sentence is a possibility.

S.13 is a summary only offence, meaning it would be dealt with in the magistrates' and thus would be a faster process compared to the Crown Court and with lower costs. The people who have been charged so far have been sent notice of the charge by post informing them when they will need to appear in court.

S. 12 TACT

S.12 is triable either way i.e it can be tried either in the magistrate's court or the Crown Court. The maximum sentence in the magistrate's court is six months' imprisonment and a fine, while the maximum sentence in the Crown Court is 14 years' imprisonment and a fine.

None of the people charged so far have been charged under s.12 although this is still a possibility especially if the CPS feel there is greater evidence for some individuals to support such a charge.

As an either way offence, an arrest under s.12 **does** give the police the power to search the person's home. Police in South Wales and Manchester exercised this power following arrests on 12 July.

S.12(1A) reads:

(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.

Given the placard wording includes the words "I support Palestine Action" it is certainly possible a court could find that this meets the elements of the offence.

The sentencing guideline for s.12 sets out a matrix based on the harm and culpability of the individual's behaviour as assessed by the sentencing judge. For low harm (Category 3) and low culpability (C), the sentencing starting point is a 1 year custodial sentence and the bottom of the category range is a high level community order (ie 150-300 hours of unpaid work).

Harm	Culpability		
	A	B	C
Category 1	Starting point 10 years' custody	Starting point 7 years' custody	Starting point 3 years' custody
	Category range 8 – 13 years' custody	Category range 5 – 9 years' custody	Category range 2 – 5 years' custody
Category 2	Starting point 8 years' custody	Starting point 4 years' custody	Starting point 2 years' custody
	Category range 6 – 9 years' custody	Category range 3 – 7 years' custody	Category range 1 – 3 years' custody
Category 3	Starting point 6 years' custody	Starting point 3 years' custody	Starting point 1 year's custody
	Category range 4 – 7 years' custody	Category range 2– 4 years' custody	Category range High level community order – 2 years' custody

Employment, immigration, insurance and travel considerations

Some activists have been subject to workplace disciplinary procedures (usually for bringing the workplace into disrepute) and professional tribunals in the past, including a few individuals who have been struck off professional registers. Often the employer has learned about the arrest through the press, although employment contracts may require employees to disclose arrests to their employer.

A conviction under s.13 will become spent under the Rehabilitation of Offenders Act according to the sentence that a judge decides. However, it is worth understanding that this does not mean it is wiped off the person's criminal record. All arrests, cautions and convictions remain on the Police National Computer until the person is 100 years old.

Unlike s.13, s.12 is exempt from the Rehabilitation of Offenders Act (ROA) which means that when a person is sentenced under s.12 to a sentence of 4 years or longer, that conviction will never be spent but will have to be disclosed to employers and insurers for the rest of their life. If the sentence is under 4 years then the sentence will eventually become spent.

Convictions which are spent under the ROA do not have to be disclosed for the purposes of insurance and, in most cases, employment. However, enhanced disclosure checks for roles which are exempt from the ROA, e.g. roles working with

vulnerable people, can disclose spent convictions and even arrests which did not lead to a conviction if the police consider this relevant to the role applied for. You can find a detailed guide to DBS checks for roles which are exempt from the ROA [here](#).

When arrests or convictions are disclosed by the DBS, this does not automatically mean that the applicant will not be employed. Hopefully, the applicant has already disclosed them to the potential employer and the employer may decide to go ahead and appoint them in light of all the circumstances. This is often the case for minor protest convictions which raise no concerns that the person is dishonest, violent or abusive. However, a conviction under TACT, even for a summary offence like s.13, is likely to be taken far more seriously by employers and has the potential to have much more serious repercussions for people of working age, particularly for people who work with children.

s.12 is a specified offence under Part 4 of the Counter-terrorism Act 2008. This means that people convicted under s.12 and sentenced to 12 months' imprisonment or longer are subject to [a notification regime](#) requiring them to notify the police of addresses where they stay and travel abroad following their release from prison.

A conviction under s.12

- bars the person from most healthcare professions under professional regulations for the professions;
- is grounds for disqualification as a company director;
- means the person is [disqualified from being a charity trustee or holding a senior position at a charity](#) while their conviction is unspent (and if they are already in such a position they must stand down).

Students may also be subject to DBS checks or asked to self-disclose unspent convictions, and current students considering action may wish to check their terms and conditions and relevant policies.

It is very important to understand that the Rehabilitation of Offenders Act **only applies in England and Wales**. Convictions never become spent for the purpose of other countries' immigration and visa systems. It is highly likely that people with any conviction under the Terrorism Act will never enter the United States again and possible that they will not be able to enter with only an arrest. This is likely to be

the case for the European Union also. However, CASP only has experience in the laws of England and Wales and Scotland, and if people plan to travel elsewhere they need to seek advice from lawyers or immigration services representing the countries to which they plan to travel.

You can find more information about criminal records and the Rehabilitation of Offenders Act on the Unlock website [here](#).

Terrorism Act powers

TACT confers additional powers on the police, e.g. to extend the time kept in police custody prior to charge. Following arrests in Cardiff on 12 July, the time people were held in police custody was extended as people's homes were searched.

SUMMARY

	S.13	S.12
Arrests to date for PA placard holding	Over 700	Fewer than 25
IF ARRESTED		
Can a home raid be authorised?	Not for s.13 alone Could be authorised to investigate another offence under terrorism powers.	Yes
Mode of trial	Summary only (in the magistrate's court)	Either way (triable in the magistrate's court or the Crown Court)
Will arrest be disclosed on standard DBS check	No	No

Will arrest be disclosed on enhanced DBS check	Possibly, at the discretion of the police as to whether it is relevant to the role applied for	Possibly, at the discretion of the police as to whether it is relevant to the role applied for
IF CONVICTED		
Maximum sentence	6 months' imprisonment and fine	14 years' imprisonment and fine
Likely sentence for a first time offender	Conditional discharge, fine or community sentence	Minimum Sentence: Starting point = 12 months custodial. Lowest = High End Community Order
Effect of Rehabilitation of Offenders Act	Becomes spent depending on the actual sentence	If the sentence is non-custodial or under 4 years - becomes spent depending on the actual sentence If the sentence is over 4 years - it is exempt from the Act and will never be spent
Will conviction be disclosed on standard DBS check	Yes until spent - once spent will not be disclosed on a standard check	Depends on the length of the sentence - see above
Will conviction be disclosed on enhanced DBS check	Yes until spent Once spent - possibly, at the discretion of the police as to whether it is relevant to the role applied for	Yes until spent If it does become spent (see above) - possibly, at the discretion of the police as to whether it is relevant to the role applied for
Will conviction prevent employment in certain occupations?	No	Yes

<p>Will conviction affect travel</p>	<p>Will be ineligible for ESTA (US visa waiver scheme)</p> <p>Highly unlikely to get visas to enter US or EU nations.</p>	<p>Will be ineligible for ESTA (US visa waiver scheme)</p> <p>Highly unlikely to get visas to enter US or EU nations.</p>
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