



[2025] EWCA Crim 199

**Roger Hallam and others**

- v -

**Rex**

**PRESS SUMMARY**

**This summary is provided for the benefit of the press and public. It does not form part of the judgment. References in square brackets are to numbered paragraphs of the judgment.**

**Introduction**

1. The 16 appellants were among the defendants sentenced in four cases for offences committed in connection with protests in the period from August to November 2022. The protests were committed in the name of Just Stop Oil about climate change issues. Leave to appeal was granted in all cases.
2. *The Thurrock Tunnels Case*: In August 2022 protesters occupied tunnels under the roads providing access to the industrial estate which includes the Navigator oil terminal in Thurrock, Essex. Their activities caused the roads to be closed. Four appellants, each convicted on 20 March 2024 of conspiracy to cause a public nuisance contrary to s. 1(1) of the Criminal Law Act 1977, appeal against the immediate custodial sentences imposed on them on 6 September 2024 in the Crown Court at Basildon by HHJ Graham, namely:
  - (a) Chris Bennett: 18 months' imprisonment.
  - (b) Dr Larch Maxey: 36 months' imprisonment.
  - (c) Samuel Johnson: 18 months' imprisonment.
  - (d) Joe Howlett: 15 months' imprisonment.
3. *The Sunflowers Case*: On 14 October 2022 two protesters threw soup onto Vincent van Gogh's painting known as "Sunflowers" in the National Gallery. They were each convicted on 24 September 2024 of criminal damage contrary to s. 1(1) of the Criminal Damage Act 1971 and appeal against the immediate custodial sentences imposed on them on 27 September 2024 in the Crown Court at Southwark by HHJ Hehir, namely:
  - (a) Phoebe Plummer: 24 months' imprisonment.
  - (b) Anna Holland: 20 months' imprisonment.

4. ***The M25 Conspiracy Case:*** Between 7 and 10 November 2022 45 protesters were arrested after climbing, or attempting to climb, onto various gantries across the M25 motorway. Five appellants, each of whom was convicted on 11 July 2024 of conspiracy to cause a public nuisance contrary to s. 1(1) of the Criminal Law Act 1977, appeal against the custodial sentences imposed on them on 18 July 2024 in the Crown Court at Southwark by HHJ Hehir, namely:
  - (a) Roger Hallam: 5 years' imprisonment.
  - (b) Daniel Shaw: 4 years' imprisonment.
  - (c) Lucia Whittaker de Abreu: 4 years' imprisonment.
  - (d) Louise Lancaster: 4 years' imprisonment.
  - (e) Cressida Gethin: 4 years' imprisonment.
  
5. ***The M25 Gantry Climbers Case:*** Five appellants were among those who climbed gantries over the M25 on 9 November 2022 as part of the protest organised by the defendants in the M25 Conspiracy case. On the second day of trial, 5 March 2024, they pleaded guilty to causing a public nuisance contrary to s. 78(1) of the Police, Crime, Sentencing and Courts Act 2022 (s.78(1)) (the 2022 Act). They appeal against the custodial sentences imposed on them on 1 August 2024 in the Crown Court at Basildon by HHJ Collery KC, namely:
  - (a) Gaie Delap: 20 months' imprisonment.
  - (b) Paul Sousek: 20 months' imprisonment.
  - (c) Theresa Higginson: 24 months' imprisonment.
  - (d) Paul Bell: 22 months' imprisonment.
  - (e) George Simonson: 24 months' imprisonment.

### **On the Common Issues**

6. The following central principles could be identified:
  - (a) The exercise of sentencing in cases of non-violent protests is to be carried out in accordance with normal sentencing principles, including those contained in ss. 57, 63 and 231(2) of the Sentencing Act 2020. [7]
  - (b) The correct approach to issues that may arise when sentencing in cases of non-violent protests, such as conscientious motivation and deterrence, was considered authoritatively in *R v Trowland* [2023] EWCA Crim 919; [2024] 1 WLR 1164 (*Trowland*), to which there was no challenge. The appellants' conscientious motivation was a factor relevant to sentencing in each case. As stated in *Trowland* (at [55]), conscientious motivation falls most logically to be factored into the assessment of culpability. However, conscientious motivation does not preclude a finding that any appellant's culpability is still high. [7] [26]

- (c) A sentencing judge is not obliged to specify an amount by which they have reduced a custodial term to reflect a defendant's conscientious motivation. As a general proposition, a sentencing judge is not obliged to attribute specific percentage values or figures to individual factors which have been taken into account in the sentencing exercise. [26]
- (d) Articles 10 and 11 of the European Convention for Human Rights (ECHR) were engaged in each of the appellants' cases. Article 10 provides the right to freedom of expression; Article 11 provides the right to peaceful assembly. Sentences must not constitute a disproportionate interference with these rights. The common law and the ECHR are in step. If the common law principles are applied properly, the defendant's ECHR rights should be observed. [7]
- (e) Although the appellants' activities were not at the core of Articles 10 and 11, their acts of trespass or criminal damage were not completely beyond the scope of Articles 10 and 11. Rather, as in *Trowland* (at [74] and [75]), the fact that the appellants' actions involved criminal trespass or criminal damage significantly weakened the protections afforded by Articles 10 and 11. [36] [42]
- (f) References to the sentencing outcomes in different cases are unlikely to be helpful, since each case will turn on its own facts. The sentence imposed in *Trowland* (3 years' imprisonment) is not a benchmark and treating it as such risks undesirable and unwarranted sentence inflation. [7]
- (g) It would not have been appropriate for the sentencing judges to have had regard to the Aarhus Convention or the views of the UN Special Rapporteur. [49]

## Sentences

7. The court considered the specific facts of each appellant's case.
8. The sentences imposed in the M25 Conspiracy Case were quashed and the following sentences substituted:
  - (a) Roger Hallam: 4 years' imprisonment.
  - (b) Daniel Shaw: 3 years' imprisonment.
  - (c) Lucia Whittaker de Abreu: 30 months' imprisonment.
  - (d) Louise Lancaster: 3 years' imprisonment.
  - (e) Cressida Gethin: 30 months' imprisonment.
9. In the M25 Gantry Climbers Case:
  - (a) The sentence imposed on Gaie Delap was quashed and a sentence of 18 months' imprisonment substituted.
  - (b) The appeals by Paul Sousek, Theresa Higginson, Paul Bell and George Simonson were dismissed.
10. In the Thurrock Tunnels Case, the appeals by Chris Bennett, Dr Larch Maxey, Samuel Johnson and Joe Howlett were dismissed.

11. In the Sunflowers Case, the appeals by Phoebe Plummer and Anna Holland were dismissed.

**Important note for the press and the public: this summary is provided to assist in understanding the Court of Appeal's decision. It does not form part of the reasons for the decision. The full judgment ([2025] EWCA Crim 199) is the only authoritative document. The judgment is a public document and is available online at Judgments Archive - Courts and Tribunals/Judiciary: <https://caselaw.nationalarchives.gov.uk/>**