

Judgment: R v Kate Bramfitt, Melissa Carrington, Mary Somerville, Michelle Cadet-Rose, Gregory Sculthorpe, Stephen Simpson, Catherine Hughes And Alexander Thornton

In The Horsham Magistrates Court

District Judge Amanda Kelly

12 June 2025

This trial concerns a Just Stop Oil protest that took place at Gatwick Airport on 29th July 2024. On that day, the first seven defendants admit that they had arranged to protest together in the departure area of the South Terminal of the airport. According to press releases shown to the court during today's trial, the purpose of the protest was to highlight concerns relating to climate change.

At around 8am on the day in question, there is no dispute that the first seven defendants entered the South Terminal and sat down on the ground of what is known as the Central Search Area. They were wearing white Just Stop Oil t-shirts at the time. They were attached to each other and to some heavy plywood orange boxes with Just Stop Oil written on the side of them. They had concealed these heavy boxes in suitcases in order to wheel them into the airport. Their actions resulted in passengers having to step over the boxes until an alternative route was opened up to them. The prosecution say that the defendants' actions did, or were capable of, causing serious disruption to the airport, and that they are guilty of an offence contrary to section 1 of the Public Order Act 2003.

The defendant Alexander Thornton faces a different charge. He is charged with breaching one of Gatwick Airport's byelaws by taking part in a protest that was likely to obstruct or interfere with the proper use of Gatwick Airport or the comfort and convenience or safety of passengers or persons using the airport. It is accepted by the prosecution that Mr Thornton did not attach himself to any object, person or land and that is why he faces a different charge. His involvement is said by the prosecution to consist of filming and photographing the protest on his mobile phone.

As with any criminal trial, the burden of proof rests upon the prosecution to prove that the defendants are guilty. They do not have to prove their innocence. The way that the prosecution does that is by making me sure of their guilt.

I must reach a separate verdict in respect of each defendant. Although the case against each defendant may be very similar, the court must consider the evidence in respect of each defendant separately and decide whether the prosecution has proved its case.

I have heard evidence that several of the defendants are people of good character. By that, I mean that they have no criminal convictions or cautions

recorded against them. Good character may be relevant in two different ways. It may mean that they are less likely to commit the offence charged and they may be more capable of belief. I give myself this good character direction in respect of Melissa Carrington, Mary Somerville, Michelle Cadet-Rose, Gregory Sculthorpe, Stephen Simpson, Catherine Hughes and Alexander Thornton.

Having given myself these directions of law, I turn to my decision and reasons. The importance of protecting the right to peaceful protest has long been recognised in the laws of this country. But the law also recognises that there are limits to that right, and that those limits are to protect the rights and freedoms of others who may be impacted by such protests.

The offence of “locking on”, introduced by section 1 of the Public Order Act 2023, criminalises a particular form of protest where that form of protest causes “serious disruption” to other individuals or organisations. It does not criminalise all situations where protestors have “locked on” to another person, object, or land, but only those that reach the “serious disruption” threshold. In this case, one of the key issues that I must decide is whether the prosecution has made me sure that that this threshold was met by the actions of the defendants at Gatwick Airport on the 29th July 2024.

The question of what may or may not amount to “serious disruption” was explored in the recent case of *R (on the application of the National Council for Civil Liberties) v the Secretary of State for the Home Department* [2025] EWCA Civ 571. I have read and considered that judgement. It makes clear that the definition of serious disruption provided in section 34 of the Public Order Act 2023, namely “more than minor” hindrance, is the definition that Parliament has chosen to enact for the purposes of the new “locking on” offence. The Court of Appeal confirmed that this is so even though, in the view of the Court of Appeal, the phrase “serious disruption” would not ordinarily, in the daily usage of that phrase, include behaviour that merely causes “more than minor” hindrance. As acknowledged by the Court of Appeal, it is open to a democratically elected parliament to provide definitions that may not reflect ordinary daily usage when legislating for particular circumstances. I must therefore consider whether the prosecution has made me sure that the actions of the Just Stop Oil protestors on that day “hindered to more than a minor degree” the passengers or the organisation that is Gatwick Airport.

In seeking to prove this element of the offence, the prosecution relies on CCTV footage taken from the departure area of the airport on the day of the incident. This footage shows the seven defendants entering the Central Search Area wheeling the suitcases containing the orange boxes. Each defendant appears to be attached to one or more of their fellow protestors and/or to one of the four orange boxes that I have referred to. The protestors appear to be calm and peaceful and there is no suggestion from the prosecution that this was anything but the case. During the course of the trial, I viewed photographs and video footage of the relatively sophisticated construction of the boxes which included a metal tube running through them and metal chains that were designed to go around the protestor’s wrist.

The footage confirms that it took the airport authorities around five minutes to open up an alternative route for passengers arriving at the airport. During that five-minute period, passengers can be seen climbing over the orange boxes in order to continue on their way. The witness statement of a police officer confirmed that the boxes were in fact 18cm in depth; 41cm in length and between 31cm and 35cm in height. For most of the passengers, the boxes appeared from the CCTV footage to be around knee height. The footage confirms that passengers of all ages were able to manage to climb over the boxes, including passengers accompanied by children or wheeling suitcases and buggies. In the event that a wheelchair user or other person with limited mobility had arrived at the scene, the footage suggests that they could have readily bypassed the protestors by adjusting the makeshift barrier.

The footage also shows that within around five minutes from the time that the protestors arrived in the terminal, the protestors had been screened from the view of the general public using mobile screens on wheels and that an alternative route for passengers has been opened up. I have not heard any evidence that any passenger was particularly inconvenienced by the protest or hindered in any significant way. This certainly was not a case where the protestors had attached themselves to an aircraft or any other essential infrastructure at the airport. I have also not heard any evidence about the degree of disruption to Gatwick Airport as an organisation other than what I can infer from viewing the footage, namely the need to erect portable screens around the protestors; to divert passengers through an alternative route and to summons the assistance of the police to arrest the protestors. I heard evidence that all of the protestors had been detached from the lock-ons, arrested and taken to police custody by 1pm that same day.

Given these facts, I find that the prosecution has not made me sure that the defendants caused more than minor hindrance to any passenger or passengers. Those passengers who were obstructed by the orange boxes and the defendants either climbed over the boxes, or simply walked a very short distance in order to access an alternative entrance. In my judgement, this level of hindrance was not "more than minor". Similarly, the prosecution has failed to call sufficient evidence to satisfy me that any disruption caused to Gatwick Airport was more than minor. Furthermore, the prosecution has not made me sure that the specific actions of these defendants on the day were capable of causing serious disruption, as defined in section 34. The defendants were a relatively small group of peaceful individuals who were simply sitting on the ground attached to each other and to their four relatively small boxes. Whilst they were clearly obstructing one particular entrance of the departure area, there were other routes and entrances that were not disrupted.

Having concluded that the prosecution has failed to prove this essential element of the offence, I do not need to go on to consider the other elements of the "locking on" offence. I therefore find all seven defendants not guilty of the offence of "locking" on pursuant to section 1 of the Public Order Act 2023.

I turn to consider the position of the defendant Andrew Thornton which is different. The offence that he faces does not require the prosecution to prove that his actions caused serious disruption. He is charged with an offence of organising or taking part in a demonstration that was likely to obstruct or interfere with use of Gatwick Airport, contrary to byelaws 3(17) and 2(3) of the Gatwick Airport – London Byelaws 1996 and section 63 and 64 of the Airports Act 1986. The particulars of the offence allege that he, with others, took part in a demonstration likely to obstruct or interfere with the proper use of Gatwick Airport - London or the comfort and convenience or safety of passengers or persons using the airport.

The sole evidence that the prosecution have called in respect of Mr Thornton is CCTV footage which shows him standing away from the protestors and photographing or filming the protest on his mobile phone. It is clear from the footage that other members of the public are also filming the event. There is no evidence that Mr Thornton was in any other way involved in the protest or interfered with the comfort and safety of others. On the basis of this limited evidence, I find that the prosecution has failed to prove that Mr Thornton did in fact take part in the demonstration. I am not persuaded that merely filming or photographing a protest is sufficient to establish that he took part in the demonstration.

I therefore find that the prosecution has failed to prove the byelaw offence levelled against Mr Thornton and I find that he too is not guilty.

DJ Amanda Kelly
12.06.2025