



Courts and Tribunals Judiciary

REX

v.

Stephen Lennon

Order made pursuant to s.11 Contempt of Court Act 1981 prohibiting publication of the defendant's home address until further order.

1. Stephen Lennon you are charged that on the 28th July 2024 at the Channel Tunnel in the County of Kent wilfully failed to comply with a duty imposed under or by virtue of Schedule 7 of the Terrorism act 2000 in that you failed to provide the PIN access code to your mobile. Contrary to paragraph 18(1)(a) and (2) of Schedule 7 to the Terrorism Act 2000.
2. The Crown bring the case and the burden is on the prosecution to satisfy me, so I am sure of your guilt.
3. The following summary is broadly the unchallenged chronology in this case. At approximately 09.45hrs on 28th July 2024 PC Thorogood was on duty in the police booth at the Channel Tunnel Folkestone together with PS Farmer. A silver Bently Bentayga VRM CP69 VGA drove into outbound lane. You were the driver of the vehicle and handed over your passport for inspection. You were alone in the vehicle.
4. You were asked about questions regarding your travel and ultimately PC Thorogood decided it was appropriate to examine you under the provisions of Schedule 7 of the Terrorism Act 2000. At some point PC Thorogood detained you under Schedule 7. You then recorded a voice note on your mobile phone detailing you had been stopped. You also began to film PC

District Judge (Magistrates' Courts) Sam Goozée
Westminster Magistrates' Court

Thorogood and PC Stride. To prevent this and any loss of evidence PC Thorogood took your arms from behind and PC Stride took the phone from you. You were told to relax and thereafter you were calm and no injuries were caused.

5. You were escorted to an interview room and served with a Notice of Detention which was read out to you verbatim. You signed the notice. Your legal rights were explained, and you were told to provide the PIN code to any electronic devices. You were provided with a copy of the public information leaflet. You and your luggage were searched. The sum of £13370 and €1910 were found in a small bag. The apple Iphone was seized. You stated you had journalistic information on your phone and therefore would not provide your PIN. You requested legal advice. No further questions were made of you at that stage. PS Farmer as the Reviewing Officer conducted his first detention review. He spoke with you and explained his role and your obligations under the legislation. You confirmed you would not be providing your PIN as the phone contained journalistic material which you did not want to be reviewed by the police. You were warned you may be arrested if you persisted in your refusal. You explained you were happy to talk to officers but not provide your phone PIN again stating journalistic material was stored within.
6. PS Farmer conducted a second review. You were engaging in the examination process but still refusing to provide your PIN. Your obligations were explained and warned regarding arrest. You state that even if your solicitor advised you to provide it you would not do so. You then had a private consultation with your solicitor. PC Thorogood spoke on the phone to your solicitor. The officer explained your obligations under Schedule 7 and requirement to provide a PIN. It was explained if you failed to comply you would be committing an offence and the process for how journalistic material would be protected was explained. During the examination you complied with biometrics, photographs and questioning. Thereafter PC Thorogood asked you to provide your PIN and you refused. The examination was concluded, and you were arrested under paragraph 18. You were cautioned and made no reply. You were taken to Folkstone Police Station where your detention was authorised. You were interviewed and bailed to return on 25th October 2024. You answered your bail and were duly charged.

The Law

7. Para 2(1) Schedule 7 Terrorism act 2000 gives the power to an examining officer to question a person at the border *“for the purposes of determining whether he appears to be a person falling within section 40(1)(b)”*, namely is a person who is or has been concerned in the commission, preparation or instigation of acts of terrorism.
8. By para 5(a) Schedule 7, a person questioned under paragraph 2 must give the examination officer any information in his possession which the officer requests.
9. Under para 6 Schedule 7 for the purposes of exercising any power under paragraph 2 and examining officer may stop a person or vehicle or detain a person. Where a person is detained, the provisions of Schedule 8 (detention and review) shall apply.
10. Under para 6A Schedule 7 where a person is questioned under paragraph 2, after the period of one hour the person may not be questioned unless the person has been detained under paragraph 6.
11. Of particular note an examining officer may exercise the powers under para 2 Schedule 7 whether or not he has reasonable grounds for suspecting whether a person falls within section 40(1)(b) [para 2 (4) Schedule 7].
12. It is an offence (i) wilfully to fail to comply with a duty under sch. 7, (ii) wilfully to contravene a prohibition imposed under sch. 7, or (iii) wilfully to obstruct or seek to frustrate a search or examination under sch. 7. The maximum penalty for these summary offences is imprisonment for a term not exceeding three months, a fine not exceeding level 4 on the standard scale, or both (para. 18(2)).
13. In *Beghal v DPP* [2015] UKSC 49, on appeal from the Divisional Court, the Supreme Court confirmed that the TA 2000, sch. 7, did not breach the ECHR, Articles 5, 6 or 8. The Court concluded that sch. 7 makes some intrusion upon Article 8 rights but it is a fair balance

between the rights of individuals and the interests of community at large: it is 'comparatively light' and within the expectations of travellers. It is for the prevention and detection of terrorism, the importance of which 'can scarcely be overstated'. The power of detention falls within Article 5(1)(b) because it is done to secure a legal obligation, the reinforcement of the sch. 7 powers: it is not automatically justified and should be for no longer than needed to complete the process. As to privilege, self-incrimination and Article 6: the wording of sch. 7 excludes privilege against self-incrimination. The powers under sch. 7 would be ineffective if privilege applied. Port questioning and search is not a criminal investigation, so Article 6 has no application because the individual is not a person charged with an offence.

14. In *Miranda v Secretary of State for the Home Department* [2014] EWHC 255 (Admin), the Divisional Court ruled that sch. 7 is not incompatible with Article 10. Subsequently in *R (Miranda) v Secretary of State Home Department* [2016] EWCA Civ 6, the Court of Appeal (Civil Division) ruled that the stop power conferred by sch. 7, para. 2(1), is incompatible with Article 10 in relation to journalistic material, in that it is not subject to adequate safeguards against its arbitrary exercise. The Court distinguished *Beghal*, on the basis that the considerations were 'materially different' as that case did not involve a journalist, or someone carrying journalistic material. A certificate of incompatibility was made and the Court said that it would be for Parliament to establish safeguards; the most obvious form of which could be some judicial or other independent and impartial scrutiny conducted in such a way as to protect the confidentiality in the material. There are now appropriate safeguards contained within the Code of Practice "Examining Officers and Review Officers under Schedule 7 of the Terrorism Act 2000" July 2022. with regard to treatment of protected material.
15. In *R. (CC) v Commr of Police of the Metropolis* [2011] EWHC 3316 (Admin); [2012] 1 W.L.R. 1913, QBD, Collins J held, in relation to para.2(1):

- (a) the power to question could not be used if the predominant purpose was other than that specified;
- (b) the definition of "terrorist" in s.40(1)(b) (§ 25-54) is wide enough to allow for examination not only of whether the individual appears to be a terrorist but also of the way in which or the act by which he so appears;

(c)an officer must be able to ask all questions that he reasonably believes to be needed to enable him or others to reach the necessary determination; further examination may show that the officer's view (one way or the other) at a particular point was wrong; and

(d)where the examining officers suspected, before the commencement of the examination, that the individual (being returned from Somalia) was a terrorist, and where it was apparent that the purpose of their examination was not to discover whether he was a terrorist or how he was a terrorist, but to obtain information—which could not be regarded as tainted by allegations of torture—for the benefit of the security services (having been provided with a series of questions to ask) and which might confirm the propriety of the control order that had been made against him (in advance of his arrival), this was not a proper use of the power.

16. In *R. (Miranda) v Secretary of State for the Home Department (Liberty intervening)* [2016] EWCA Civ 6; [2016] 1 Cr. App. R. 26, in which the claimant was stopped and interviewed at Heathrow Airport under Sch.7 of the Terrorism Act 2000, it was held:

(a)the “true and dominant purpose” (*Southwark Crown Court, ex p. Bowles* (as to which, see § 15A-292)) for stopping the claimant (which can be judged by reference to the state of mind of the examining officers' superior officers: *R. (Pearce) v Metropolitan Police Commr* (as to which, see § 15A-95)) was, on the evidence, to determine whether the claimant (the partner of a journalist who was believed to be carrying “stolen encrypted material, the release or compromise of which would be likely to cause very great damage to security interests and possible loss of life”) appeared to be a “terrorist” (having regard to the definition of “terrorism” in s.1 of the 2000 Act (as to which, see § 25-4)), as permitted by Sch.7. The fact that the stop also promoted the Security Service's different but overlapping purpose (to ascertain the nature of the material which the claimant was carrying and, if on examination it proved to be as was feared, to neutralise the effect of its release, further release or dissemination) did not mean that the power was incompatible with a Sch.7 purpose. In determining whether the true and dominant purpose fell within Sch.7, it was permissible to take account of intelligence supplied by the Security Service to the superior officers of the examining officers where that was a factor in the superior officers' instruction to the examining officers to carry out the stop;

(b)on the facts, the stop involved no violation of art.10 of the ECHR (freedom of expression (§ 16-157)). It was prescribed by law, pursued a legitimate aim and was proportionate, even though those directing the minds of the examining officers were aware that the material carried by the claimant might be journalistic material. When determining the proportionality of a decision taken by the police in the interests of national security, the court should accord a substantial degree of deference to their expertise in assessing the risk to national security and in weighing it against countervailing interests. Further, the greater the potential harm, the greater the weight that should be accorded to community interests.

17. In *Rabbani v DPP* [2018] EWHC 1156 (Admin), an appeal by way of case stated against a conviction for wilfully obstructing a search or examination under Sch.7 to the Terrorism Act 2000, Irwin LJ found that the prosecution were not required to call evidence to establish the legality of the stop. However, an appeal by way of case stated against a conviction for wilfully obstructing or seeking to frustrate a search or examination contrary to the TA 2000, sch. 7, para. 18(1)(c), was unsuccessful in *Cifci v CPS* [2022] EWHC 1676 (Admin), but the Divisional Court made clear that in order to convict for such an offence the court must be sure that the stop was not discriminatory. The Court was able to distinguish *Rabbani v DPP* [2018] EWHC 1156 (Admin) on the basis that there was no evidence from the defence which raised a question of the legality of the stop or raised a concern requiring an answer.

18. At para 31 the court concluded that:

“The powers contained in Schedule 7 are broad and intrusive. The exercise of the power to stop and question a person does not require there to be any suspicion of an offence.....the power represents an interference with an individual’s private life and must be exercised lawfully and proportionately. As a consequence safeguards are necessary in order to ensure compliance with articles 8 and 10 ECHR and provide sufficient safeguards to prevent arbitrary and discriminatory use of the power. Underlying those powers is the fundamental premise that the decision to search or

examine must be lawful. If the decision is not in accordance with the statutory purpose set out in para 2(1) of Schedule 7, it is not lawful. It follows that a person cannot be convicted under para 18(1)(c) of the TA 2000 unless the decision to search or examine is lawful.

A decision to search or examine will not be lawful if it represents unlawful discrimination contrary to the Equality Act 2010. If there is evidence of unlawful discrimination, it is for the Crown to satisfy the court so it is sure there was no unlawful discrimination before a conviction may be imposed.

Section 13 Equality act 2010 provides that a person discriminates against another if, because of a protected characteristic, person A treats person B less favourably than A treats or would treat others.”

19. Protected characteristics include political beliefs. As was identified in *Cifci v CPS* there is a critical difference between legitimate political beliefs or activities and terrorism. The former is a protected characteristic and is fundamentally important. Terrorism is different. It includes the use of serious violence aimed at influencing a government for a political cause. It follows that if the purpose of the stop were simply to ask questions about a person's legitimate political beliefs or activities, rather than anything related to terrorism, the issue of unlawful discrimination should be at the forefront of the court's concerns [para 46].

20. In practical terms it may be impossible to maintain a strict line of demarcation between legitimate political beliefs and terrorism as there is an obvious overlap between these matters. A police officer questioning a person for the purposes of determining whether he is a terrorist will wish to explore the nature and intensity of the person's beliefs and mindset and will not know at the outset of the questioning on which side of the line the person falls. X may have strongly held views ... Those views may be legitimate; they may cross the line into terrorism, the only difference (and it is a critically important one) lies in the means sought to be deployed to bring about the desired objective. It is only at the end of the enquiry that the police officer will be in a position to reach any sort of conclusion within the ambit of the statutory condition. [para 48]

21. The Court concluded (at [43]):

We are satisfied that in approaching the issue of whether this was a lawful stop or unlawful by reason of discrimination, a court must address two questions namely: (i) was the purpose of the stop for the statutory purpose set out in para 2(1) of Sch.7? and (ii) did the appellant's protected characteristics have a significant influence on the decision to stop? These are separate questions, and each must be asked.

22. The Court is able to take account of the Code of Practice but the Court is not bound by it. In terms of selection criteria, the Code of Practice states at para 29:

“Although the selection of a person for examination is not conditional upon the examining officer having grounds to suspect that person of being engaged in terrorism, the decision to select a person for examination must not be arbitrary. An examination officer’s decision to select a person for examination must be informed by the threat from terrorism to the United Kingdom and its interests posed by various terrorist groups, networks and individuals active in and outside of the United Kingdom”.

“It is not appropriate for race, ethnic background, religion and or other “protected characteristics” to be used as criteria for selection except to the extent that they are used in association with considerations that relate to the threat from terrorism”. Considerations that relate to the threat from terrorism include factors such as, but not exclusively:

- *Known and suspected sources of terrorism*
- *Persons, organisations or groups whose current or past involvement in acts or threats of terrorism is known or suspected and supporters or sponsors of such activity who are known or suspected;*
- *Any information on the origins and or locations of terrorist groups*
- *Possible current, emerging and future terrorist activity;*
- *The means of travel that a group or persons involved in terrorist activity could use;*
- *Patterns of travel through specific ports or in the wider vicinity that may be linked to terrorist activity or appear unusual for the intended destination;*

- *Observations of a person's behaviour; and/ or*
- *Referrals made to examining officers by other security, transport or enforcement bodies.*

The evidence

23. As set out in paragraphs 1 – 6 the general chronology of events on the 28th July 2024 at the Channel Tunnel departure point are not in dispute. I am going to focus on the evidence of your initial stop and decision to detain as the central issue in this case is the lawfulness of the stop and subsequent examination. While rehearsing the evidence and submissions I will refer to you as Stephen Lennon rather than “you”.

24. I heard from PC Thorogood. He is accredited counter terrorism officer. He gave general evidence about how he identifies if someone should be stopped under Schedule 7. Checking documents, identifying where they are travelling to, body behaviour, manner of travel and whether they have bought tickets in advance. He explained on the 28th July 2024 he was on duty with PS Farmer. He observed a Bentley, a high-powered vehicle, unusual with a lone driver. He recognised the driver as Stephen Lennon, he had a “belief” it was Stephen Lennon before he stopped him. He spoke to Stephen Lennon, he had concerns over his travel arrangements, travelling a long distance in a vehicle not registered to him. His answers were vague and short and it was a last minute booking to Benidorm in Spain. Suspicious as a long distance in a car which was not his. He pulled Stephen Lennon over for further checks. He used his power under Schedule 7. He took him to examination suite, he said Stephen Lennon took out his phone and tried to send a message and video the officers. He provided a leaflet explaining Schedule 7 and the public information. He read out his rights. Asked to search phone and Stephen Lennon refused to provide PIN citing journalistic material. The rest of the officers evidence dealt with Stephen Lenons arrest and interviews.

25. Under cross examination, PC Thorogood accepted that restraint must be exercised in using powers under Schedule 7. He accepted that under the Codes of Practice the powers must not be used to discriminate and political belief can be a ground of discrimination. The officer accepted that once you start asking questions to decide if someone is a terrorist, that starts the Schedule 7 examination. However, in relation to Mr Lennon the officer could not

remember when he started the examination of Stephen Lennon under Schedule 7. He said it would have been the point he detained him and accepted that must have been at 10.15am as per his statement. The officer confirms that he believed it was Stephen Lennon as he approached his booth. He accepted that the day before he was aware there had been an assembly and it was front page news. He was aware of Stephen Lennon. The CCTV evidence from the port was played. PC Thoroughgood accepted that he did not put the time of Mr Lennon's stop in his statement but accepted the time of the stop was important. He also accepted that the selection criteria for stopping Mr Lennon also did not appear in his first statement. The officer accepted that he directed Stephen Lennon to park his car behind the booth for about 22 minutes but when asked what power he was using, the officer say he did not know at that stage.

26. It was put to PC Thoroughgood that it appears from the CCTV that it took the officer 34 seconds to make the selection. The officer seemed unaware but could not dispute the timings, although he was surprised. The officer said checks needed to be made but again could not specify under what power he was detaining Stephen Lennon at this stage. He accepted that the Schedule 7 powers only start when examination starts and anyone stopped must be notified. The officer seems unaware that Stephen Lennon was left for 22 minutes while checks were being undertaken. He accepted at this point he had not decided to examine Stephen Lennon. When asked when he decided to examine Stephen Lennon PC Thorogood replied after the checks had been made and criteria had been met. However, he accepted that he had not learnt anything from those checks or the partner agencies that affected his decision. He made the decision to detain as it would take more than 1 hour. The officer seemed unaware that over 40 minutes had passed before any decision to detain was made. He agreed none of this was in his initial statement.

27. The officer was shown the video of Stephen Lennon's vehicle next to the booth and Stephen Lennon being handed a piece of paper. The officer was asked if that was the public information leaflet but he could not recall. PC Thorogood was asked about his comment that Stephen Lennon was giving short vague answers. The officer accepted that the only question he can remember asking is where Stephen Lennon was going. He could not recall what other questions he asked Stephen Lennon. When challenged about officer's concerns over Stephen Lennon's travel to Benidorm, he did not know how often he travelled to Benidorm, but then accepted that checks were made on Stephen Lennons passage through the border

and accepted he travels to Benidorm a lot but not through the Channel Tunnel. The officer knew that EDL was no longer prominent. The officer was asked what questions he asked Stephen Lennon that were not just relating to his political views. He could not recall. He interviewed him to the best of his abilities but accepted before his examination he was unaware if Stephen Lennon had ever been linked to terrorism.

28. I also heard from PC Stride. He was on duty on the 28th July 2024 with PC Thorogood and PS Farmer. He gave evidence that he attended the booths at Channel Tunnel having been advised Stephen Lennon had been stopped. He spoke to PS Farmer who asked that he direct the vehicle to search lane 5. He spoke to Mr Lennon to ask about the vehicle to which Stephen Lennon replied “ its my mates vehicle”. He recognised him as Tommy Robinson affiliated to EDL. He did not detain Stephen Lennon. It was Pc Thorogood who detained him. He explained that Stephen Lennon tried to make a recording and requested Stephen Lennon bring his phone. Thereafter he was involved with PC Thorogood in requesting the PIN to his phone. In cross examination he accepted he knew Tommy Robinson from the media. He was unable to recall how long Stephen Lennon was held in his vehicle before being moved. He stated his memory was vague in terms of recalling why Stephen Lennon had been stopped, other than he had bought a ticket on arrival and it was not his vehicle. When challenged about his statement *“I am aware he moves in the spheres of and has links to organisations that have been labelled far-right and or extreme far right”* he stated he could not remember. He was equally vague regarding any information provided by any partner agencies during the stop. When asked about what questions were asked of Stephen Lennon about terrorist activity, PC Stride said he could not recall or remember.

29. Finally, I heard from PS Farmer. He was made aware by PC Thorogood that Stephen Lennon had been stopped under Schedule 7. He knew him via his notoriety. He was responsible for supervising PC Thorogood. He was advised the reason for the stop was due to Stephen Lennon’s behaviour, nervous disposition and in a high value vehicle. He was told by PC Thorogood that he had concerns about Stephen Lennon’s links to far-right. He accepted EDL disbanded in 2014 but the ideology was still present, Stephen Lennon was driving to Benidorm and it did not add up for his profile. He found detention to be necessary. Other checks were conducted but no further information was provided. PS Farmer then described how Stephen Lennon was taken to a detention suite and he was responsible for undertaking the reviews after one hour then every two hours. In cross examination he accepted that he

had not recorded the selection criteria for the stop. He accepted he had some notes but they had been destroyed and now only exist digitally. He accepted he was working in the booth that day and was aware of some interaction with Stephen Lennon. He knew who Stephen Lennon was due to his notoriety. He was questioned about knowing about “islamophobia” and the “continuing ideology” he referred to in chief. He explained this was public knowledge. When asked if he knew that PC Thorogood had only asked questions of Stephen Lennon for 34 seconds, he confirmed he did not ascertain what PC Thorogood had asked. He was asked to explain the delay in the stop and detention. PS Farmer was unable to give any clear evidence about how long Stephen Lennon was held at the booths before being moved to the holding bay or how long the checks took. He was unaware Stephen Lennon had been held at the booth for 22 minutes. He confirmed he was not part of the examination process but undertook the reviews. However during the reviews he accepted that he did not seek representations from Stephen Lennon or ask the examination officers what questions were being put to Stephen Lennon or what topics were being explored although he was aware he would not provide the PIN to his phone.

30. When asked if he knew what questions were being asked regarding terrorism PS Farmer said he did not know what topics were being covered.
31. DC Puxley was called as the OIC and read into evidence the interviews at Folkestone Police Station following Stephen Lennon’s arrest.
32. I have seen a summary of the four interviews conducted under the examination. They summarised Stephen Lennon’s responses for not providing the PIN to the phone and detail that questions were asked of Stephen Lennon about his political and ideological views and EDL and he was asked about the cash. As I have detailed above, none of the officers could specifically recall what questions were asked of Stephen Lennon over and above his political views.
33. Stephen Lennon did not give evidence at the trial. I was not invited to draw any adverse inference from this by the prosecution. I do not do so in light of the issues in the trial and the answers provided in interview by Stephen Lennon at Folkstone Police Station.

Submissions:

34. I am grateful to both Miss Morris for the Prosecution and Mr Williamson KC for their helpful written submissions on the law which were orally expanded upon in closing.
35. The prosecution submit the stop was lawful relying on *Rabbani v. DPP* that the prosecution were not required to call evidence to establish the legality of the stop. There was no challenge to the facts requests were made of Mr Lennon to provide his PIN, that the procedure was explained to him, notices were served and he was warned of the consequences of failure. The Crown submit the stop, albeit not a perfect one, was lawful. PC Thorogood explained the selection criteria was based on the high value nature of the Bentley, the fact it was not registered to Mr Lennon, the fact that he has not pre-booked the journey, evasiveness when questioned and his notoriety. Any questions were directed to Stephen Lennon's far right views and activities and focussed on his current associates. It was a reasonable suspicion for the officers to have that Stephen Lennon may have links to far-right activities and therefore information relevant to terrorism.
36. In summary, Mr Williamson KC submitted on behalf of Stephen Lennon that the exercise of the Schedule 7 powers of examination were not in accordance with the statutory purpose and was therefore unlawful. No questions asked by the officers were exercised for the purposes of determining whether Stephen Lennon appeared to be a terrorist. The reasons advanced for selection for examination do not stand up to scrutiny. Secondly the examination and detention were exercised in respect of a protected characteristic and so unlawful. It is submitted that Stephen Lennon's political beliefs and activities had a significant influence on the decision to exercise Schedule 7 powers. The test is whether the prosecution have proved to the criminal standard that his political beliefs did not have a significant influence on decisions to exercise Schedule 7 powers. Thirdly, the exercise of the powers were not necessary or proportionate and finally the ongoing detention was not being conducted in accordance with the statutory framework, albeit these submissions strictly do not arise for consideration as the detention was unlawful from an earlier stage.

Findings

37. I find it concerning that the officers have no real recollection of questions asked of you. I found this unhelpful and did not assist me in being able to make any proper determination of what was in the mind of the PC Thorogood at the time he made the initial decision to stop you especially after such a short period of time and thereafter the unexplained delays while you were stopped at the booth. His evidence does not assist me in making a finding that the true and dominant purpose for stopping you was in accordance with Schedule 7 and the appropriate selection criteria. The officer also appeared confused about his powers under Schedule 7 and at what point the examination started or when he made a decision to detain you. There appears to be a period of 22 minutes when you were held at the booth in full public view before being directed to holding bay 5 and then a further delay. In total from initial stop, of over 40 minutes before it appears you are being detained.
38. Other than security background checks on you which revealed nothing according to the officers, I find that all three officers seemed fundamentally unclear about what was happening during that period of time. This affects the reliability of their evidence.
39. Albeit, PC Thorogood gave his selection criteria, what I find troubling is that PC Thorogood had already identified you as the driver as you approached his booth and he knew who you were. This gave an impression of an arbitrary stop for who you are and your beliefs rather than the selection criteria. PS Farmer gave evidence that he was told by PC Thorogood that he had concerns about your links to the far-right. He was unaware that PC Thorogood had made his selection after only 34 seconds of questions. I find that PC Thorogood had no recollection of what questions he asked you during examination which did not have links to your political beliefs. These observations are equally applicable to PC Stride's evidence. It does not assist me in finding evidence pointing away from the impression this was an arbitrary stop and therefore not discriminatory.
40. I found PS Farmer's reviews of your detention lacked rigour in terms of maintaining confidence that your continued detention was necessary and proportionate. He never sought representations from you about your continued detention and more concerning he never explored with the examining officers what questions and topics were being covered during the examination, or he had no recollection of what those questions or topics were.

41. Despite the selection criteria being described by PC Thorogood as relating to the car you were travelling in and the vehicle not being registered to you, your lack of a pre-booked journey, your travel plans and evasiveness, I cannot put out of my mind that it was actually what you stood for and your beliefs that acted as a principle reason for the stop and acted as a significant influence on PC Thorogood's thinking and decision making. Those beliefs amounting to a protected characteristic rather for the purposes of determining whether you appear to be a person falling within section 40(1)(b)", namely a person who is or has been concerned in the commission, preparation or instigation of acts of terrorism.
42. That is at the forefront of my concern. None of the officers can satisfy me otherwise due to their inability to recall or expand upon questions they asked you or topics that were covered during the examination process or explain what appears to be a complete lack of expedition between the time of your initial stop and the decision being made to detain you. As I have said earlier, I accept it may be impossible to draw a line between your political beliefs, philosophical beliefs and terrorism as there can be a clear overlap. A police officer wishing to question you for the purpose of determining whether you are a terrorist or have links to terrorism through associates may wish to explore the nature and intensity of those beliefs, your mindset, your associations and an officer will not know initially what side of the line you may fall. They may cross the line into terrorism or links to terrorism within the spirit of the purposes of Schedule 7. However, in this case, based on the evidence, although your political views and interests may be a factor in making a determination under s. 40, the inability for the officers to remember what questions were asked or what topics were covered with any degree of reliability calls into question whether I can be satisfied there is a basis for finding that the stop was actually for the statutory purpose and not driven by knowledge of your political beliefs and therefore discriminatory.
43. The Crown's submission that it was your links to far-right activities and therefore relevant information to terrorism and your connection to those who are potentially involved in prohibited activities and therefore your associations is simply not born out by the evidence from the officers. There is no evidence at all that those questions or topics were explored by the officers as they cannot recall.
44. Significant cash was located in the search but I place no weight on that as that was not known to the officers at the point of the stop and decision to detain.

45. I must address two questions namely: (i) was the purpose of the stop for the statutory purpose set out in para 2(1) of Sch.7? and (ii) did your protected characteristics have a significant influence on the decision to stop? These are separate questions, and each must be asked. If there is evidence of unlawful discrimination, it is for the Crown to satisfy me so I am sure there was no unlawful discrimination before a conviction may be imposed.
46. The answer to the first question is, based on the officer's evidence – I cannot be sure. The answer to the second question is, based on the officers' evidence, I find that a protected characteristic appears to have had a significant influence on PC Thorogood's decision making. As I have found above, I cannot put out of my mind that it was actually what you stood for and your beliefs that acted as a principal reason for the stop and acted as a significant influence on PC Thorogood's thinking and decision making. This is based on his evidence and that of the other officers. I am unsure if the "true and dominant purpose" fell within the powers conferred by Schedule 7.
47. In light of my findings the prosecution has therefore failed to satisfy me so I am sure there was no unlawful discrimination. Based on that, if the decision to stop and examine you was not in accordance with the statutory purpose, it is not lawful and I cannot convict you of an offence under para 18(1)(c).
48. I therefore find you not guilty.