



[2026] EWHC 540 (Admin)

The Director of Public Prosecutions

And

Liam Óg Ó Hannaidh

And

His Majesty's Attorney General

SUMMARY OF THE DECISION OF THE DIVISIONAL COURT, ON 11 MARCH 2026 (Lord Justice Edis and Mr Justice Linden)

1. This is an appeal by case stated against a decision of the Chief Magistrate for England and Wales, Senior District Judge Paul Goldspring (“the judge”). By a written ruling dated 26 September 2025 the judge held that the court had no jurisdiction to try a charge (“the first written charge”) which had been preferred against the respondent in circumstances we will set out below. The written charge was in these terms:-

“On 21 November 2024, in a public place, namely the O2 Forum, Kentish Town, London, displayed an article, namely a flag, in such a way or in such circumstances as to arouse reasonable suspicion that he is a supporter of a proscribed organisation, namely Hizballah, contrary to section 13(1)(b) and (3) of the Terrorism Act 2000.”

Ruling by the Chief Magistrate

2. The judge ruled that the proceedings for the offence had been instituted without the permission of the Attorney General, as required by section 117(2A) of The Terrorism Act 2000 (“TACT”). [3]
3. This meant that the first written charge was invalid and could not be tried. No new charge could be issued and tried because the 6 month time limit for summary only offences established by section 127 of the Magistrates’ Court Act 1980 had expired at the end of 21 May 2025 and no new charge had been issued by that time. [9] and [10]

Procedural background

4. On 20 May 2025 the CPS made a charging decision and provided it to the police, authorising the prosecution of the respondent for the offence stated in the written charge. This constituted the consent of the Director of Public Prosecutions (“DPP”) but lacked the permission of the Attorney General. **[16]**
5. On 21 May 2025 the police issued a written charge and requisition pursuant to the procedure in section 29 of the Criminal Justice Act 2003, and sent it by first-class post to the respondent. **[17]**
6. On 22 May 2025 the Attorney General gave the DPP permission to consent to the prosecution, and on the same day a second written charge and requisition was issued by the police and posted to the respondent. This was in the same terms of the first written charge, and was issued more than 6 months from the time when the offence was allegedly committed. The prosecution later accepted that this second written charge was issued after the expiry of the 6 month time limit and could not be lawfully tried by the court. **[19] and [20]**

Issue on appeal

7. The DPP challenged the Chief Magistrate’s decision on the basis that the point at which proceedings were instituted for the purposes of the Terrorism Act 2000 should be determined under the terms of that Act, and was not governed by section 29 of the Criminal Justice Act 2003. The position under the Terrorism Act had been determined in cases concerning either way offences and indictable only offences, and the same principle should apply to summary offences instituted under section 29 of the 2003 Act by way of written charge sent by post. Such proceedings should be “instituted” for the purposes of the Terrorism Act when the person charged came to court to answer the charge. **[22] and [23]**

Conclusion

8. The court dismiss the appeal, agreeing with the Chief Magistrate that proceedings had been instituted when the first written charge was issued on 21 May. This was invalid as the permission of the Attorney General had not been obtained at that time. It follows

that no written charge was issued within 6 months of the 21 September 2025 and the judge was right to hold that he had no jurisdiction to try any summary only offence alleged to have been committed on that date. [49]

9. The court added:-

“It is a matter of concern that a charge which both the DPP and the Attorney General considered met both parts of the Full Code Test for Crown Prosecutors will never now be determined. There was, they decided, a realistic prospect of conviction and the prosecution was in the public interest. We have not investigated the reasons for this failure nor do we seek to attribute blame. That is not because these circumstances are not worthy of consideration but because they are irrelevant to our decision. [50]

For the purposes of public understanding we should spell out what this means. The respondent has not been tried for his alleged conduct on 21 September 2025 and will not be tried. He has not been convicted, and he has not been acquitted. This decision will be of no benefit to anyone else who finds themselves subject to a written charge alleging an offence contrary to section 13 of TACT, provided that the DPP gives consent to the proceedings against them with the permission of the Attorney General before the written charge is issued, and provided that all that happens within 6 months of the date of the alleged offence.” [52]

References in square brackets are to paragraphs in the judgment.

Important note for the press and the public: this summary is provided to assist in understanding the Divisional Court’s decision. It does not form part of the reasons for the decision. The full judgment ([2026] EWHC 540 (Admin) 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>