



Case No.: 01MP10624254

IN THE CROWN COURT AT SOUTHWARK

1 English Grounds, London, SE1 2HU

27 July 2026

BEFORE HIS HONOUR JUDGE BAUMGARTNER
THE HON. RECORDER OF WESTMINSTER

BETWEEN:

REX

- v -

DANIEL DAY

SENTENCING REMARKS

Jack Guise (instructed by the **Crown Prosecution Service**) for the **Prosecution**
Laura O'Brien (instructed by **Hodge Jones & Allen**) for the **Defendant**

1. Daniel Day, you may remain seated for the moment. You will stand when I come to pass sentence.

Offences

2. On 11 June, following a four-day trial, the jury found you guilty of a single count of public nuisance, contrary to s.78 of the Police, Crime, Sentencing and Courts Act 2022. On conviction, you pleaded guilty to the summary-only offence of trespass on a protected site, contrary to s.128 of the Serious Organised Crime and Police Act 2005. I do not punish you for running the s.78 count to trial, or for the late plea to the s.128 offence; it means that the credit that might otherwise have been available to you, had you pleaded guilty at an earlier stage, is no longer available.

Facts

3. The facts of your offending are that, on 8 March 2025, after mounting the railings of the fencing to the Parliamentary estate along the south pavement of Bridge Street, you climbed the Elizabeth Tower of the Palace of Westminster, becoming a trespasser on a protected site. You said as much in your evidence to the jury.
4. Your intention was to protest against your perceived complicity of HM Government in military action taken by Israel in Gaza, and what you perceived to be state repression

against protest by HM Government. You chose the Elizabeth Tower as a place to protest to send a message directly to the Government, as the Tower forms part of the Palace of Westminster where British politicians meet to reach decisions and debate issues, including the situation in Gaza. It is common knowledge that the Palace has been a Grade I listed building since 1970, and part of a UNESCO World Heritage Site since 1987. So much was evident to you, after the extensive reconnaissance of the site that you had carried out in the month or so leading up to the offence and to which you admitted in evidence.

5. Foolishly, you climbed a fair way up the Tower, far enough to cause very serious harm to you and possibly others if you fell. You waved a Palestine flag. By 09h00 you had climbed to a ledge on a corner where you could sit. By this stage you had taken off your shoes in order to better grip the stonework with your feet. Your feet were bleeding. The crowd below increased. It included pro-Palestine demonstrators. Around noon, some of them obstructed a fire engine attempting to enter the closed Bridge Street. Police had decided to block all pedestrian access to Bridge Street (thus completely closing it), and to push cordons back into Whitehall Street and the Victoria Embankment so that crowds were out of your sight. This meant that Westminster Bridge was effectively unusable, and so the cordon was established on the east (Lambeth) side of the bridge. Pedestrian access to Parliament Square was cut off.
6. You made others aware that you had climbed the Elizabeth Tower when you began broadcasting your protest live on Instagram at or about 13h00. That footage shows Bridge Street closed immediately underneath you and diversions in place on Westminster Bridge. That must have been evident to you, at least by then. Much of it was entirely visible to you. You could see the road blocks. You could see what was happening to the traffic. You knew you had caused this, and you knew that if you came down, the road blocks would be lifted shortly, so allowing the public to go about their business. You were asked to come down. You said that you wouldn't. You launched verbal attacks on police practice over social media, and expressed support for various criminal acts of protest.
7. Despite the presence of a negotiator, you declined to come down, threatening instead to climb higher. You stayed on the Tower for at least 15 hours; the disruption you caused lasted far longer than that.

Antecedents

8. You are 30 years old. You are not unknown to the courts.
9. On 10 June 2024, before the East London Magistrates' Court, you were convicted following trial of failure to remove a disguise when required by a constable on 9 December 2023, contrary to s.60AA(7) of the Criminal Justice and Public Order Act 1994. You were sentenced to a 12 month conditional discharge, and ordered to pay £700 towards costs.
10. On 4 November 2024, before Marylebone Magistrates' Court, you pleaded guilty to wilful obstruction of a highway on 22 June 2024, contrary to s.137(1) of the Highways Act 1980, and to breach of the conditional discharge imposed on 10 June. You were fined £100 for that offence, £100 for the breach, and ordered to pay £200 towards costs.

Guidelines

11. There is no definitive Sentencing Guideline in place for the statutory offences of public nuisance and trespass on a protected site. The General Guideline: Overarching Principles applies.
12. The statutory offence of public nuisance can result in imprisonment for a term not exceeding 10 years, a fine, or both. Trespass on a protected site can result in up to 51 weeks' imprisonment, a standard scale fine (up to level 5), or both.
13. At trial, you accepted trespassing when you climbed over the fence from the pavement outside the Palace of Westminster at 07h19, and remaining there entirely throughout the protest until 00h03 on 9 March 2025, when you finally agreed to climb on to the cherry picker device.
14. This was well-planned offending. You knew precisely what you were doing. You had carried out research on the recent restoration of the Palace's stonework, you had been on a reconnaissance; you were wearing thermal clothing; you were carrying provisions; you were equipped with a mobile phone and a Go-Pro camera that allowed you to make the social media broadcast to which I have already referred.
15. You put the police service and fire service crews who attended in a very difficult position. Any fall from the height you were at could have killed you or anyone trying to help you off the Tower. Effectively they had no choice but to wait for you to agree to come down.
16. The true cost to the public of what you did is unknown. Tours of the Houses of Parliament were cancelled because there were not enough resources to supervise visitors safely. About 2,500 visitors were affected, with an estimated financial loss to the Parliamentary estate of around £67,000. Road closures led to diversions or curtailments of 12 bus routes, affecting around 100,000 passengers over the course of the day. TfL estimates a loss of about £25,000 in fares.
17. What you did in climbing the Elizabeth Tower led to the obstruction of the roads at a busy central London junction, and triggered a diversion of significant resources by the police and emergency services. At least six fire service vehicles attended Bridge Street, along with three ambulances. Police were attending two other demonstrations in central London that day. One of them was a pro-Palestine event. By 12 noon protesters from that event moved towards Parliament Square. Public Order officers had to be redeployed to Parliament Square to reinforce the police presence there. A further reserve of 22 officers were also called away from a priority crime location in Newham, affecting a police operation there. As things dragged on, police initially deployed to Bridge Street had to be relieved so that 44 officers on duty in other boroughs had to be redeployed to relieve officers initially deployed to Bridge Street. This had a direct impact upon their ability to respond promptly to emergency calls.
18. Your culpability for each offence is high. This was deliberate, targeted offending. It involved a high degree of planning. I accept that you acted alone, isolated without the input from and co-ordination with others.

19. You caused serious harm to the wider public within the context of this offending. I accept you caused greater harm than you intended, but the harm you caused must have been reasonably foreseeable. As the offending drew on, by the time the fire service crew arrived with the cherry picker and offered to take you down from the Elizabeth Tower, you had the opportunity to stop causing the public nuisance, but you didn't. You were determined to carry on.
20. You, and others who would do as you did, must understand that you, like everyone else, are subject to the laws of this country. You, and others like you, do not get to decide which laws you will follow and which laws you break, whatever the objective of your offending. If that were to happen, the rule of law would break down. In sentencing you I have considered one of the purposes of sentence is the reduction of crime by deterrence.
21. While your offending does not remove you completely from the scope of Articles 10 and 11, the fact that your expressions of opinion involved trespass and public nuisance significantly weakens the protections afforded by Articles 10 and 11, and so the weight to be attached to those protections when considering proportionality of sentence is lessened. Each case turns on its own facts.

Aggravating factors

22. Your previous recent convictions for unlawful protest aggravate your offending. This offending represents an escalation of those offences. I have taken care not to double count factors I have considered in assessing culpability and harm.

Mitigating factors

23. There are mitigating features: all of your offending has been "protest" related; and you are otherwise of good character, and, judging by the character references offered on your part, of positive good character in many respects.
24. You have been unable to work for the past three years due to a decline in your eyesight. This decline has a substantial impact across many areas of your daily living. You receive £750 per month in Universal Credit.
25. I have had regard to the Pre-Sentence Report that I directed be prepared. The Probation Officer who prepared that report could not properly assess your remorse or your insight into the impact of your offending. You have not offended since. While you acknowledge some of the consequences arising from your actions, you continue to put primary emphasis on the reasons for your protest rather than the harm caused. Probation assessed you as a low risk of reoffending, a low-risk of serious harm, unsuitable for unpaid work, but suitable for a community-based sentence with a Rehabilitation Activity Requirement of 20 days and a Trail Monitoring Requirement for four months.
26. I cannot accept a submission that the starting point should be a non-custodial sentence given the non-violent and conscientious nature of your actions. That argument has been rejected elsewhere. As others have said, there are no bright lines in protest cases; rather, whether or not a custodial sentence is justified turns on the individual facts of the case.

Sentence

27. Daniel Day, stand up.
28. These offences are so serious that only custodial sentences can be justified. I do not consider a community order would fulfil the purposes of sentencing. The least possible sentences I can impose having regard to the seriousness of the offences are:

For the public nuisance count: 13 months' imprisonment; and

For the trespass on a protected site offence: 1 month's imprisonment.
29. These sentences will run consecutive to each other, making a total sentence of 14 months in all. That is the least sentence that I can impose to reflect the overall level of your criminality and properly reflects totality.
30. I have considered whether the sentence is capable of suspension, weighing the factors set out in the Guideline on Imposition of Community and Custodial Sentences. I must consider whether the purposes of sentencing can be achieved other than by an immediate custodial sentence. You appear to have little insight into your offending, or any real remorse for what you did. Those factors point against suspension. However, you have not offended since, there is strong personal mitigation in your favour, and the Probation Service assesses you as suitable for a community-based sentence. Weighing those factors together, I am just persuaded that the sentence can properly be suspended.
31. There will be a suspended sentence order of two years' duration. There will be a custodial term of 14 months' imprisonment which will be suspended for two years. If in the next two years you commit any offence, whether or not it is of the same type for which I am sentencing you today, you will be brought back to court and it is likely that this sentence will be brought into operation either in full or in part.
32. The order will be subject to two requirements.
33. First, for the next 12 months you will be subject to a rehabilitation activity requirement of up to 20 days. That means that you must meet with the officer supervising this requirement as and when required and you must attend and co-operate fully with any activities that are arranged. If you fail to comply with this requirement you will be in breach of this order. That would mean that you will be brought back to court and you will be liable to serve the sentence.
34. Second, for the next four months, you will be subject to an electronic trail monitoring/whereabouts requirement.
35. You will pay the surcharge applicable in your case. I make no order as to costs given your financial circumstances.
36. You may leave the dock.