



JUDICIARY OF
ENGLAND AND WALES

**The Queen (on the application of Brian Hicks and Others)
- and -
Commissioner of Police of the Metropolis**

Queen's Bench Division of the High Court

18 July 2012

SUMMARY TO ASSIST THE MEDIA

This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document.

The High Court (Lord Justice Richards and Mr Justice Openshaw) has today handed down its judgment in which it dismissed the claims brought by Hicks and others against the Metropolitan Police.

Introduction

This is set out in paras 1 – 10 of the judgment

This is the judgment of the court on four linked claims for judicial review concerning the lawfulness of the policing of events at the time of and immediately prior to the Royal Wedding on 29 April 2011. All four claims are brought against the Commissioner of Police of the Metropolis, to whom we will refer simply as “the defendant” even though one of the claims also names Bromley Magistrates’ Court (which issued a relevant search warrant) as a defendant. A central issue is whether the defendant operated a policy, or practice on the ground, of equating intention to protest with intention to cause unlawful disruption and adopted an impermissibly low threshold of tolerance for public protest, resulting in the unlawful arrest of persons who were viewed by his officers as being likely to express anti-monarchist views. The individual claims raise numerous further issues concerning the lawfulness of the actions taken by the defendant’s officers. Those issues engage the law relating to breach of the peace, general principles of public law, specific statutory powers and several articles of the European Convention on Human Rights.

The Hicks claim relates to fifteen named claimants who were arrested at various locations in central London on the day of the Royal Wedding. They break down into four distinct groups by reference to the circumstances of the arrests: Mr Hicks himself (claimant 1), “the Starbucks claimants” (claimants 2-5), “the second zombie claimant” (claimant 6) and “the Charing Cross claimants” (claimants 7-15). They contend that their arrests were unlawful.

The M claim relates to a youth, aged 16 at the material time, who was stopped, searched and arrested in central London and was detained for nine hours before being released without charge.

He complains about the stop and search and the arrest, and also about the taking of his DNA, fingerprints and photographs at the police station and the subsequent refusal to destroy that material.

The Pearce claim relates to two claimants, Hannah Pearce and Shirin Golsirat, who were living at the material time at “squats” in Camberwell Road, London. The claim concerns the lawfulness of searches made at those squats pursuant to search warrants executed on the day before the Royal Wedding. The warrants authorised a search for stolen bicycles, bike parts and computers, but the claimants contend that the purpose for which they were executed was the prevention of disruption of the Royal Wedding.

The Middleton claim relates to two claimants, Theodora Middleton and Dafydd Lewis, who were living at the material time at a site near Heathrow, in west London, known as Sipson Camp and occupied by a number of individuals involved in environmental campaigns. The camp was searched by the police on the day before the Royal Wedding, pursuant to a warrant obtained from Bromley Magistrates’ Court. The claim concerns the lawfulness of the warrant and of the search carried out pursuant to it.

THE POLICING CONTEXT

General Background

This is set out in paras 11-12

As appears from the defendant’s evidence and will be obvious to anyone who watched or read about the event, the policing of the Royal Wedding was a huge operation, involving thousands of officers across London. A large number of members of the Royal Family, foreign royalty and other heads of state would be moving around London on the day of the wedding, and a very large number of citizens, including families and children, were expected to converge on the centre to participate in the day’s celebrations. The defendant was called on to provide security commensurate to the threat level without significantly impacting on the joyous and public nature of the occasion. The policing operation was, moreover, mounted in the violent aftermath of the student demonstrations that had taken place in November and December 2010 and the TUC Day of Action on 26 March 2011. Whilst those protests had been conducted mainly by peaceful groups, there were significant numbers of others who had used the protest marches or demonstrations to commit widespread criminal offences, including acts of criminal damage, violent disorder, affray, threatening behaviour, arson and aggravated trespass. One incident had been a direct attack on the Prince of Wales’s car in central London.

The level of threat from international terrorism at the time was “severe”, meaning that an attack was thought to be highly likely. It was directed that the same level of threat be set for the Royal Wedding. Lesser potential criminality that the police had to be prepared to deal with included orchestrated disorder, individual or collective criminal acts, individual or collective breaches of the peace, and physical disruption of the event itself. Those categories plainly overlap. For example, attempts to disrupt the event might constitute a breach of the peace and also, in this context, the common law offence of causing a public nuisance. Examples of the kind of conduct thought possible were rolling marbles in front of the horses, letting off gas canisters, blocking the ceremonial route, throwing paint across the route, and throwing maggots at those celebrating or participating in the Royal Wedding.

The command structure

This is set out in paras 23-16

The police strategy and briefing documents

This is set out in paras 17-24

The immediate background

This is set out in paras 25-29

The intelligence picture is described in some detail in the defendant's evidence. Commander Broadhurst (Gold) says in his witness statement that intelligence indicating potential disruption of the Royal Wedding began to come in much earlier than in his previous experience. He related much of it directly to the violent protests in late 2010 and early 2011. Whilst at first the intelligence build-up was at a greater volume than normally expected, none of it was sufficiently serious to cause him to change his strategic objectives or his direction as to tactical parameters. The TUC march on 26 March 2011 marked a turning-point. It attracted a relatively small but significant number of activists intent on using it to further their own cause, which led to violence and serious damage. Following this it became clear that the policing operation would need to be substantially increased. The intelligence requirement was strengthened. By 25 April the intelligence and threat update listed 18 potential demonstrations, protests or events directed towards the Royal Wedding, with the apparent intention of disrupting it.

THE FACTS OF THE INDIVIDUAL CASES

The Hicks claim

This is set out in paras 30-33

The first claimant, Brian Hicks, is a 44 year old man with a long-standing involvement in republican politics. He has some previous convictions for minor offences committed when he was much younger but has had no convictions for over 20 years.

His evidence is that on 29 April 2011 he was intending to go via Trafalgar Square (where he was aware that a demonstration was planned to take place) and Soho Square (where other events were planned) to Red Lion Square, to attend the "Not the Royal Wedding" street party organised by the campaign group Republic. At about 9.00 a.m. he was walking down Charing Cross Road when he was stopped by a plain clothes police officer in an unmarked car. That officer was Police Inspector Paul Wakeford. Mr Hicks had seen him in uniform at a number of demonstrations but did not know his name. Inspector Wakeford said "Hello Brian", and he and his colleague escorted Mr Hicks to the side of the road, where he conducted a search under s.1 of PACE on the ground of suspicion of possession of items for use in criminal damage. Nothing of significance was found. Mr Hicks was, however, arrested.

The police account of the arrest and the reasons for it is set out at paras. 32-33.

The Starbucks claim

This is set out in paras 34-45

The Starbucks arrests concern claimants 2-5, namely Hannah Eiseman-Renyard, Ludmila Demtchenko, Erich Schultz and Deborah Scordo-Mackie. They are all of good character, with no previous convictions or cautions and with no previous adverse interaction with the police. None describes himself or herself as particularly anti-monarchist, and their evidence is that none was intending to participate in any form of anti-Royal Wedding demonstration on 29 April.

The Starbucks claimants' account is that they arrived in Soho Square between 10.00 and 11.00 a.m. It was their intention to take part in the "zombie picnic" organised by the campaign group Queer Resistance, which publicises the impact of Government spending cuts on lesbian, gay, bisexual, transgender and queer people. All four claimants were dressed and made up accordingly, in some element of zombie fancy dress. Ms Demtchenko and Mr Schultz are friends and arrived together. They met up at Soho Square with Ms Eiseman-Renyard and Ms Scordo-Mackie, whom they did not previously know. A fifth person, also dressed as a zombie, joined their group. Shortly after meeting up, the group observed a scuffle between some plain clothes police officers and a protester who had been singing protest songs. They then noticed a large number of police officers blocking three of the four routes out of Soho Square. They decided to leave by the unblocked exit as they did not want to encounter any trouble, and to go for a drink together at Starbucks in Oxford Street before going their separate ways.

They had been in Starbucks for a few minutes when police officers entered and asked the claimants to accompany them outside. The claimants were then lined up outside the window of Starbucks and were searched under s.60 of the 1994 Act. Nothing of significance was found. The claimants were co-operative and peaceful throughout. Ms Demtchenko was initially informed that she was free to go, but she decided to wait until the other claimants were also free to leave. A short while later a female officer who had been dealing with them took a call on her radio and stepped away to have a conversation. She returned and informed the claimants that they were going to be arrested. She apologised for this and explained that it had been ordered by someone higher up. The officers told the claimants that it was thought that their costumes suggested that they might cause trouble later in the day. The claimants were told to wait while other officers arrived to arrest them.

After a few minutes a new group of police officers arrived and arrested the claimants, who were placed in handcuffs and, after a short delay, were taken to Belgravia police station. It took about 1 hour 15 minutes to reach the police station. The claimants remained handcuffed throughout the journey. At the police station they were detained until about 3.45 p.m., when they were told that they were being released because the Royal Wedding had ended. No further action was taken against them.

The police evidence concerning the arrests and the reasons for them is set out at paras. 38-44.

The second zombie claim

This is set out in paras 46-53

The second zombie claimant (claimant 6, anonymised as JMC) identifies as "genderqueer" in that she falls outside the generally recognised gender distinctions of male and female: whilst born male, for legal purposes she is female. She has no criminal convictions or cautions and no previous adverse interaction with the police.

JMC's account is that on 29 April 2011 she attended the Queer Resistance zombie picnic in Soho Square with a friend who also identifies as genderqueer. The purpose of their attendance was to demonstrate against the public spending cuts in a social setting. They arrived at about 10.00 a.m., wearing white face paint and fake blood. On arrival they discovered that the planned events did not

appear to be taking place and they were confronted instead with a large police presence and a number of journalists with cameras. They decided to leave, as they anticipated that arrests might take place and they did not wish to be involved.

They left Soho Square and walked towards Piccadilly with the intention of travelling home. As they were walking down Frith Street they passed a number of cameramen who took photographs of them. Because they did not want photographs of themselves to be published, JMC and her friend covered their faces with a scarf and a bandana respectively. As soon as they had passed the photographers they uncovered their faces. Moments later they were approached by a group of officers from the defendant's Territorial Support Group ("TSG") who asked them why they had "masked" their faces. JMC explained why. The officers then said that they would be searched pursuant to s.60 of the 1994 Act. They were asked their names, which they provided, and were then searched.

The officers found on JMC a leaflet for the zombie picnic that she had intended to attend, and also some make-up. She and her friend were told that they were going to be arrested because they were in possession of the leaflet and they had no reason to be in that location at that time. They were detained on the street for about 20 minutes and then in a police van for about 30 minutes. They were told that the officers were waiting for an officer to come from a local police station to arrest them.

After the wait, two police officers attended and arrested them. They were then taken to West End Central police station, where they arrived at about 11.00 a.m. The custody sergeant said to them words along the lines of "You'll be kept in until the kiss on the balcony, then we will let you go". JMC and her friend were both searched in the custody suite. JMC alleges that during the search an assault was committed on her by a female officer cupping her genital area, possibly to ascertain her gender. She and her friend were detained until about 3.00 p.m., when they were released. No further action was taken against them.

The police evidence concerning the arrest and the reasons for it is set out at paras. 51-53.

The Charing Cross claimants

This is set out in paras 54-71

The Charing Cross arrests concern claimants 7-15, namely Wanda Canton, CXH (a 17 year old youth, anonymised accordingly), Edward Maltby, Patrick McCabe, Kieran Miles, James Moulding, Daniel Randall, Daniel Rawnsley and Hannah Thompson. Mr McCabe has one caution for possession of cannabis; all the other claimants are of good character, with no previous convictions, cautions or interaction with the police.

The claimants, together with another man, arrived at Charing Cross station at about 10.30 a.m. on 29 April 2011. Their evidence is that it was initially their intention to attend a republican protest in Trafalgar Square but it became clear that that would not be possible, so they decided instead to attend the "Not the Royal Wedding" street party in Red Lion Square. However, before they left the station forecourt they were approached by officers of British Transport Police ("BTP"), one of whom informed them that "The Met have been going round rounding up people before the wedding to make sure that there's no problems". The officer went on to say that provided the claimants did not cause any trouble they would be alright. Thereafter the claimants were subjected to searches under s.60 of the 1994 Act by BTP officers. They were found to be in possession of placards which read "Democracy now: it is right and fitting to die for one's country" and "Right to

protest/precrime/dawn raids". They were also found to be in possession of a megaphone, a cycling scarf and a helmet which was described by the claimants as a cycling helmet but by the police as a climbing helmet. BTP officers voiced concerns to the claimants that if they were to protest in Trafalgar Square they might be physically assaulted by revellers celebrating the Royal Wedding.

The claimants' evidence is that on conclusion of the search some of them were told that they were free to leave, whilst others were told that they had to wait for an officer from the defendant's force who was coming to speak to them. Shortly thereafter a large number of officers from the TSG surrounded them and held them in containment. They were told that they were being held in order to prevent a breach of the peace. They were then handcuffed and arrested.

Following their arrests they were taken to Sutton police station, where they were held until about 3.30 p.m. Only three of them were formally booked into custody; the rest were detained in the police yard. They remained in handcuffs throughout. One of them (the seventh claimant, Miss Canton) complains that she was not permitted to use the toilet, drink any water or make any phone call to a solicitor or to her mother to let her know where she was. She also complains that she had to stand in the sun handcuffed. On release, the claimants were not given any paperwork. No further action was taken in respect of any of them.

The police evidence concerning the arrests and the reasons for them is set out at paras. 58-70.

The M claim

This is set out in paras 72-84

M is 16 years old and of good character. His evidence is that in the run-up to the Royal Wedding he heard about an alternative gathering that had been organised to take place the same day in Soho Square. He decided to go along to manifest his adverse views about the monarchy. He thought it would be a fun event and a very interesting experience. He decided to take a portable speaker so that he could play some music, and a megaphone so that he could chant some anti-royal slogans, depending on the mood. Between 9.00 and 10.00 a.m. on 29 April he was walking down Soho Street by himself on the way to the gathering. He had his bag on his back and a megaphone over his shoulder. A policeman crossed the road with another officer, stopped him and said he wanted to search him. M said he would agree but wanted to be anonymous. The officer said "fine". According to M, the officer said he had stopped M because of the megaphone but told him he wanted to see the contents of the bag. M emptied the bag onto the pavement and showed the police everything inside it, which included a digital camera and two felt tip marker pens. M told them he had used the pens to make a placard which he had left behind because it was too large to fit in the bag and too cumbersome to carry separately.

While he was explaining this, one of the officers turned away and called someone on his radio. What happened next was that one of the officers handcuffed him and told him he was being arrested on suspicion of going equipped to cause criminal damage. The officers added that he had been arrested because of the felt pens. He offered to give the pens to them so that he could go, but he was told that this was not possible. He had not been asked to identify himself since the time of the search. He was taken to a van, then moved to another van and taken to Harrow Road police station. His handcuffs were taken off only on arrival at the police station.

The police evidence concerning the arrest and the reasons for it is set out at paras. 75-80.

The Pearce claim

This is set out in paras 85-102

The Pearce claimants lived at the material time at squats in Camberwell Road, London: Hannah Pearce at no. 298 (in fact, a unit comprising nos. 294-298), Shirin Golsirat at no. 274. Their complaints relate to searches of those premises on 28 April 2011.

During the search of the squats, a large quantity of computer equipment believed to be stolen was seized. Ms Pearce says in a witness statement that there were numerous bicycles and bike parts on the premises, and PC Anderson refers in his statement to having seen a mountain bike frame that to his mind was very likely to have been stolen, but there is no record of any of those items being seized. Several toothbrushes were seized, presumably for purposes of DNA analysis.

Over 100 flyers for the “Zombie Wedding” at Soho Square and referring *inter alia* to “maggot confetti” (see para [53] above) were observed, and four samples were seized.

Police observed evidence of electricity being abstracted illegally, and the persons present, including the two claimants, were arrested for abstracting electricity.

Following their arrest they were taken to Harrow Road police station (the designated station for Operation Brontide), arriving at about 11.45 a.m. Their detention was authorised. They were interviewed at 5.55 p.m. by officers from Operation Malone and Operation Brontide. At 8.25 p.m. and 8.45 p.m. respectively they were further arrested on suspicion of conspiracy to cause a public nuisance, the basis of the suspicion being the flyers found at the premises. They were then bailed on conditions that prevented them from entering Westminster (and therefore precluded their presence in the area of the Royal Wedding). The electricity provider later decided to make no formal complaint concerning the alleged abstraction of electricity at the premises, and the CPS decided that there was insufficient evidence of a conspiracy to cause a public nuisance. The claimants’ bail was therefore cancelled on 2 June.

The Middleton claim

This is set out in paras 103-119

The claimants, Theodora Middleton and Dafydd Lewis, lived at the material time on a site known as Sipson Camp, near Heathrow. They both complain about a search of the site carried out by the police on 28 April 2011, the day before the Royal Wedding.

Ms Middleton states that she was asleep in her tent, to the back of the site, when she was woken up at about 7.00 a.m. by another resident who told her the police were trying to get onto the site. She got up, dressed and went towards the front of the site, expecting to find the police at the main gates, but they were already on the site: there were about 40 officers, searching through the greenhouses and other areas. As she walked towards the greenhouses she encountered a female officer and asked where her warrant was. Ms Middleton refused to give her name and asked again whether the police had a warrant. She was told she would be allowed to see it “in a bit”, was not told what the warrant was for, but was taken to the front and searched. While she was being searched (during which time she also saw Mr Lewis being searched) she asked again about the warrant and whether there was one. The female officer pointed to a male officer and told her that if she had any questions she should ask him. When asked, the male officer said they were looking for articles to cause criminal damage. Another officer said they were looking for paint or articles to deliver paint. An officer came over with her identification card and asked if it was hers. She replied “no comment”. The officer used the radio to call in her name; she did not know what the result of that check was. A senior officer came over and asked Mr Lewis whether he was the one in charge. Mr Lewis said “no” but the officer handed him a copy of the warrant. Mr Lewis looked at the warrant and then handed

it to Ms Middleton to look at. By this time the police had been on site for about 30 minutes. The officers started to leave the site after about an hour from the time when they first arrived.

Mr Lewis states that he was staying in a cabin near the front gate. At about 7.00 a.m. he heard one of the residents shouting that they were being raided by the police. He quickly put on some clothes and went outside. There were a large number of officers pouring through the front gate, and others coming onto the site from the other side: about 30 officers in total. He approached a male officer and asked whether there was a warrant. The officer pointed to another male officer, who was walking towards one of the greenhouses, and said that he had it. Mr Lewis followed that officer but was grabbed by two officers (to whom he referred as officer 1 and officer 2) as he entered the greenhouse. He said he just wanted to see the warrant and was told he could see it "in a bit".

He states that he again asked Officer 1 to see the warrant. When the officer said he did not have a copy, Mr Lewis asked to see his superior officer. Officer 1 asked Officer 2 to get the sergeant. About 5 minutes later a senior officer came over and told him the warrant would be along in a while. Mr Lewis asked what they were looking for and was told it was items that could be used for criminal damage, specifically paint and ways of delivering paint. Mr Lewis pointed him to the workshop where all the site paint was kept. The police searched the workshop as well as the greenhouses and areas around. After about 30 minutes the senior officer came back and gave him a copy of the warrant, which Mr Lewis read before passing it over to another resident who was standing nearby. They were not shown a copy of the warrant until about 40 minutes after the police entered the site. A few minutes later the police started to leave the site.

The police evidence concerning the search is set out at paras. 112-117.

THE LEGAL FRAMEWORK

Freedom of expression and assembly

This is set out in paras 120-127

Breach of the peace

This is set out in paras 128-139

Other matters

This is set out in paras 140-141

THE ALLEGATION OF AN UNLAWFUL POLICY OR PRACTICE

This is set out in paras 142-154

The contention is that the defendant operated an unlawful policy or practice of pre-emptively arresting those who were viewed by his officers as being likely to express anti-monarchist views, without proper regard for the lawful preconditions for such arrests, and that in consequence he operated an impermissibly low threshold of tolerance for public protest in central London on the day of the Royal Wedding. The approach adopted is submitted to have been contrary to the defendant's

obligation to protect and promote freedom of expression and assembly under arts. 10 and 11, and contrary to his powers and duties to prevent breaches of the peace under the common law.

For the reasons given later in this judgment, we take the view that all the arrests of claimants were justified on their facts. But even if some individual arrests were unlawful, it would not support the existence of an unlawful policy or practice. By the very nature of these cases, they have to be assessed on an individual basis in the light of their particular circumstances. Widespread unlawful arrests with common features might evidence a systematic problem, but the fact that a small number of arrests were found to have been unlawful on their own facts would tell one nothing about policy or practice. For the same reason, the claimants can derive no assistance from the fact that the arrest of Mr Moniz was conceded to have been unlawful.

A further point relied on by the claimants in relation to the arrests is that many of these arrests are said to have been made in response to specific instructions from senior officers, and those instructions are relied on as evidencing the filtering down to the ground of a policy that set the threshold too low. The significance of instructions from senior officers is dealt with later when considering the argument that the defendant unlawfully fettered the discretion of his officers on the ground. It suffices to say here that if the arrests were justified, as we consider them to have been, we do not consider that the involvement of senior officers assists the claimants' case as to an unlawful policy or practice.

Likewise, as again will be apparent from our detailed consideration of the relevant grounds, the circumstances of the searches under challenge in the Pearce and Middleton claims do not in our view support the allegation of an unlawful policy or practice.

For those reasons we find nothing in the various strands of the claimants' case, whether taken individually or cumulatively, to make good the contention that the policing of the Royal Wedding involved an unlawful policy or practice, with an impermissibly low threshold of tolerance for public protest.

We conclude this section by referring to a few passages from the defendant's evidence on this issue. In his witness statement Commander Broadhurst (Gold) expresses his own understanding and approach as follows:

"16. The key distinction is between peaceful protest and peaceful assembly, conducted with respect for the rights of others on the one hand and on the other hand activities intended to deliberately disrupt, frustrate and damage the enjoyment and activities of others by offences of criminal damage, assault, threatening or abusive words or behaviour, obstruction of the highway or other offences and designed to seize public and media attention by the damage and disorder caused and regardless as to whether this is in support of a protect cause or not. This was the distinction between peaceful protest and criminality (whether cloaked as a form of protest or not) which AC Owens and Commander Jones referred to in the press interviews they gave and which I had in my mind as Gold Commander.

...

53. Following the disorder in November and December 2010 and at the TUC March in 2011, there was a huge amount of pressure on me as the Gold Commander to ensure that the Royal Wedding was not disrupted by violent behaviour or disorder. Despite that pressure, there was no policy to prevent

protest on the day of the Royal Wedding. Indeed, we worked with a number of individuals and groups such as MAC, EDL and Mr Gulamhussein, who all wanted to protest at the time of the ceremony outside Westminster Abbey. MAC and EDL withdrew their applications, having spoken to us at length, and Mr Gulamhussein moved his protest outside the security footprint. Other protests were allowed to go ahead in Central London, such as the ones organised at Red Lion Square and Soho Square. The timing of the raids on the various premises described herein were not intended to stop protest, but were taken as a result of my very real fears that some people within those premises were intent on criminally disrupting the wedding.”

The same approach is reflected in the witness statement of Commander Johnson (Bronze 14):

“There was no policy to prevent protest on the day of the Royal Wedding. Our objectives in the police command team – the Gold Strategy, the Silver Plan, my own Bronze 14 area of responsibility – were principally to prevent crime and disorder breaking out which had disfigured protest events in the autumn of 2010 and the spring of 2011. Where peaceful and lawful protest occurred then we did not intervene, but monitored the situation and facilitated this where possible.”

That evidence is clear and categoric. The claimants’ case falls well short of rebutting it.

THE HICKS CLAIM

Ground 1: unlawful policy or practice

This is set out in paras 156-157

Ground 2: no imminent breach of the peace

This is set out in paras 158-170

Ground 3: arrest was disproportionate

This is set out in paras 171-172

Ground 4: fettering of discretion

This is set out in paras 173-177

Ground 5: breach of Convention rights

This is set out in paras 178-192

THE M CLAIM

Ground 1: unlawful policy or practice

This is set out in para 194

Ground 2: unlawful stop and search

This is set out in paras 195-197

Ground 3: unlawful arrest

This is set out in paras 198-208

Ground 4: unlawful taking of DNA, etc.

This is set out in paras 209-216

Ground 5: unlawful retention of DNA, etc.

This is set out in paras 217-226

THE PEARCE CLAIM

Ground 1(a): ulterior motive

This is set out in paras 228-238

Ground 1(b): search for material outside warrants

This is set out in paras 239-247

Grounds 2 and 3: breach of Convention rights

This is set out in paras 248-249

THE MIDDLETON CLAIM

Ground 1: warrant obtained by misleading information etc.

This is set out in paras 251-257

Ground 2: magistrates erred in issuing warrant

This is set out in paras 258-263

Ground 3: breach of ss.15 and 16 of PACE

This is set out in paras 264-268

Ground 4: breach of Convention rights

This is set out in para 269

CONCLUSION

For the reasons given above, all the claims are dismissed.

-ends-