

can either order your re-arrest and sentence you to prison or order that your goods be distrained upon. (But please note earlier remarks under heading **Non-co-operation** about the position of those refusing name and address). At any time during these proceedings you can decide to pay the fine. It can also be paid for you either with or without your consent.

Prison. Prison without the option of a fine or binding over is not likely except in the case of the more serious charges.

PENALTIES FOR LESS SERIOUS OFFENCES

The less serious offences carry maximum fines of between 40/- and £5. However, the magistrate can always order you to be bound over.

PENALTIES FOR MORE SERIOUS OFFENCES

These offences carry heavy maximum penalties of up to several years' imprisonment. If you are charged with one of these offences you should make no statement and ask to contact a solicitor immediately.

In view of the large numbers of people involved we think it unlikely that more serious charges will be pressed except possibly in the case of some of the organisers.

YOUNG PERSONS & JUVENILES

Young persons (17-21 years old) are dealt with in a Magistrates' Court in the same way as adults, but if imprisoned they are segregated from adult prisoners.

Juveniles (under 17 years old) are dealt with by Juvenile Courts. They cannot be imprisoned. A parent or guardian must be present at the court hearing and is responsible for the payment of any fines imposed.

OPEN PRISONS

Faced with thousands of extra prisoners the authorities may decide to send many demonstrators to open prisons to relieve overcrowding. There are many more amenities in open prisons but they provide the Government with an easy means of coping with thousands of political prisoners—by in effect securing the prisoners' co-operation in their own detention.

You may decline to go to an open prison if you wish or explain that you will walk out if sent to one.

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**COMMITTEE
OF 100**



Resistance

9 December, 1961

*Wethersfield
and
Ruislip*

**LEGAL
BRIEFING**

Including notes on
NON-COOPERATION
POLICE & COURT PROCEDURE
OBTAINING LEGAL ADVICE
OFFENCES & PENALTIES
YOUNG PERSONS & JUVENILES
OPEN PRISONS

PLEASE READ CAREFULLY

NON-CO-OPERATION

The Committee recommends as usual that everyone who is in a position to do so refuses to accept bail, refuses to pay fines and refuses to be bound over.

On this occasion the Committee also recommends that thousands of demonstrators refuse to give their names and addresses if arrested.

The effect of this will be :

1. Bail will be refused and the authorities will have to remand demonstrators in custody until the court hearings.
2. After the court hearing those refusing fines (in addition to refusing names and addresses) will have to be imprisoned immediately in a body.

This is most important as in the past the authorities have been able to impose fines, allow time to pay and then arrest one by one in the succeeding weeks and months those refusing to pay. They have also been able to impose disproportionate prison sentences on such individuals without attracting public attention.

The public impact will be far greater and the sentences probably less severe if the Authorities have to deal with thousands of demonstrators all at once.

Note: In theory the authorities could continue to remand in custody without trial those refusing names and addresses until they disclose their identity. This is unlikely, however, and has not happened in the past even in the case of individual demonstrators refusing names and addresses. If the authorities do decide to continue to remand demonstrators, the Committee recommends that demonstrators continue to refuse to give names and addresses for **one week**.

REMEMBER :

- If you decide not to give your name you should not carry any means of identification.
- If you do not intend to pay a fine carry as little money with you as possible. Any that you have can be confiscated and put towards the fine.
- Make the most thorough personal arrangements that you can in preparation for possible imprisonment. The Committee has a Welfare Department but unfortunately it can give only limited help in emergency cases.

ARREST & BAIL

If you are arrested you will be taken to a police station, formally charged, and either released on bail or remanded in custody. The Committee is asking people to refuse bail at this stage if they can.

If you are remanded in custody you must be brought before a magistrate within 24 hours (not counting Sunday). If you are remanded you will be searched, your belongings taken and held until your release.

A prisoner on remand is entitled to :

1. Wear his own clothes.
2. Arrange to have meals, sweets, cigarettes, papers, etc., sent in from outside.
3. Receive a visit and write a letter every day.
4. Apply for bail at any time.
5. Seek legal advice at any time.

LEGAL ADVICE

You have the right to obtain legal advice before you answer any charge. If the Court agrees that you cannot afford a lawyer it can issue you with a certificate which entitles you to free legal advice. It is less likely to do this if the charge is not serious. A Committee lawyer will be available in the case of any serious charges.

CONTACTING FAMILY

The police must inform your family of your arrest if you ask them to do so.

STATEMENTS TO POLICE

You are not obliged to answer any questions the police put to you, but you may make a short reply when charged if you wish. Your reply may be read out at the Court hearing.

PLEA OF GUILTY OR NOT GUILTY

Obviously you will plead Not Guilty to any charge of which you consider yourself innocent.

If you are charged with a serious offence you should refuse to make any statement before obtaining legal advice.

If charged with a minor offence of which you are technically guilty we recommend that you either plead Guilty or refuse to plead. Refusal to plead is taken as a plea of Not Guilty, thus entitling you to cross examine, give evidence and call witnesses. Whichever way you plead you will have an opportunity of making an unsworn statement.

COURT HEARING

For all the less serious charges listed below you can be convicted at a Magistrates' Court. Normally the maximum sentence that a Magistrates' Court can impose is six months' imprisonment for any one offence. More serious charges have to be referred to a Higher Court. It is unlikely that ordinary demonstrators will be charged with other than a minor offence.

LESS SERIOUS CHARGES

- (a) Obstruction of the Highway, or Wilful Obstruction.
- (b) Offences under the Metropolitan Police Act, 1839.
- (c) Conduct likely to cause a breach of the peace.
- (d) Obstruction of the police in the execution of their duty.
- (e) Civil Trespass (This is not an offence in itself, but you can be sued by the owners of the property for any damage that you do).

MORE SERIOUS CHARGES

- (a) Conspiracy.
- (b) Affray, Riot & Unlawful Assembly.
- (c) Offences under the Riot Act.
- (d) Offences under the Public Order Act, 1936.
- (e) Offences under the Official Secrets Act.
- (f) Incitement to commit any of these offences.

PENALTIES—GENERAL

Conditional Discharge. The convicted person is discharged but warned that the conviction may be taken into consideration if the offence is repeated.

Bound Over to Keep the Peace. In this case you are asked to sign an undertaking with or without sureties to be of good behaviour within a stated period. The surety does not have to be paid at the time of binding over.

We recommend that you refuse to be bound over. The maximum penalty for this is six months' imprisonment. If you are so imprisoned you can obtain your release at any time by agreeing to sign the required undertaking.

Fines. Normally if you do not pay a fine at once you are as a matter of course given time to pay whether or not you intend to do so. In default of payment the magistrate