

## **Rex v Hallam & ors – sentencing remarks**

1. I have to sentence all 5 of you for the offence of conspiracy intentionally to cause a public nuisance, of which you were each convicted by the jury following a trial which concluded a week ago.
2. The conspiracy in question involved a sophisticated plan to disrupt traffic on the M25 motorway by means of protesters climbing up the gantries over the motorway.
3. And the conspiracy bore fruit. There was disruption on the M25 on four successive days, from 7-10 November 2022. Over 45 protesters climbed or attempted to climb up gantries at various points on the M25. Every sector of this orbital motorway was affected.
4. This disruptive protest action was under the auspices of an organisation, now well-known, called Just Stop Oil, of which you are all committed activists.
5. These protests caused massive disruption. The police and National Highways Ltd, the public body which owns and is responsible for the running of the UK's motorway network, had no choice but to close large sections of the motorway each day, causing long tailbacks.

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6. At trial the jury heard evidence quantifying the huge disruption caused. The total road impact time over the four days was 121 hours and 45 minutes. The total extent of delay to road users is calculated at 50,856 hours and the number of affected vehicles at 708, 523. The total economic cost of the four days of disruption is put at £769,966. Cost incurred by the Metropolitan Police alone [five other forces were involved, given the geography of the M25] was over £1 million.
  
7. And the jury heard evidence of the impact of the protests on ordinary members of the public, who were travelling on the M25 on the days in question and became caught up in the disruption. That included evidence about
  - a. People who missed flights
  - b. People who missed funerals
  - c. School students delayed for their mock exams;
  - d. A child with special needs on his way to school who missed part of the school day and his medication which placed the taxi driver driving him there at risk, as the child could become volatile without his medication;
  - e. Other school students with special educational needs being delayed on their way to school.
  - f. Somebody suffering an aggressive form of cancer, who missed an appointment at a cancer clinic and had to wait 2 months for a further appointment;

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- g. People who were late to work and had to work extra hours without pay to make up the time;
  - h. An HGV driver unable to deliver £5,000 worth of food to a hospital
  - i. Perhaps ironically given the causes you espouse, an individual invited to answer questions at the House of Lords before the All Party Parliamentary Group for Water, who was unable to attend the meeting and incurred wasted expenses.
8. Although thankfully no major road traffic accident occurred, a police motorcyclist who was on duty dealing with the disruption on one of the protest days was knocked off his motorbike. His injuries were thankfully not the most serious [although he did have to take several days off work] but the bike was written off – it was worth £13,000.
9. The crucial evidence presented to the jury at trial came in the form of an audio and video recording of a Zoom meeting, on 2<sup>nd</sup> November 2022, a few days before the protests began.
10. All five of you spoke in that meeting. The audience was activists from just Stop Oil and other groups, who were to take part in the disruption, or were considering doing so.
11. The recording revealed how intricately planned the disruption was, and the level of sophistication involved. The

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Zoom call had been preceded by several others. And it revealed the existence of detailed arrangements for the training of those taking part in the disruption, including an eight-hour climbing training session, resilience training and even the provision of legal advice!

12. The Zoom call recording also reveals how deeply involved in the conspiracy each of you was. You five were the people who spoke on that Zoom call because each of you was a key organiser of what was to come.
13. The Zoom call came to light because Scarlett Howes, a journalist on the Sun newspaper, joined the call, pretending to be somebody interested in participating in the protests. She was able to record the main part of the meeting – she left at the point where participants went into “breakout rooms”, and what she had recorded was passed to the police.
14. It was clear at trial that none of you think very much of the Sun newspaper, or of its proprietor. I make no comment about that, but what I do say is that Ms Howes and her newspaper did entirely the right thing by passing on the evidence she had gathered to the police.
15. Had that not been done, I consider it likely that the disruption would have been even greater than it was.

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16. In summary, your individual contributions to the Zoom call were as follows:

- Roger Hallam. You gave what might be described as quite a lengthy “pep talk” to those on the call, explaining why participation in the planned protests was necessary and justified. But what you said revealed firstly that you were at the very heart of the planning, and secondly just how far the disruption was intended to go: I will come back to that.
- Daniel Shaw. You chaired the meeting, and what you said showed that you were intimately involved in organising the recruitment and training of protesters.
- Louise Lancaster, Lucia Whittaker de Abreu & Cressdia Gethin. Your role was to inspire would-be climbers of the gantries by describing your own previous experience of similar direct-action protest. And in what you said each of you also revealed your familiarity with the detail of what was planned, and your enthusiasm for it.

17. In your cases Roger Hallam and Daniel Shaw, the prosecution were able to prove your involvement in the conspiracy simply by reference to the Zoom call.

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18. In your case Louise Lancaster, Lucia Whittaker de Abreu and Cressida Gethin, the prosecution were able to prove acts done in furtherance of the conspiracy.
19. Lousie Lancaster, you rented accommodation at one of two "safe houses " in South-east London for those who were to climb the gantries. In addition you purchase a considerable amount of specialist equipment for the use of the climbers.
20. Lucia Whittaker de Abreu and Cressida Gethin, you were each arrested on separate days in the vicinity of the M25 [on the 8th and 10<sup>th</sup> November respectively] in circumstances demonstrating that you intended to climb onto a gantry and remain here for as long as you could. You were dressed accordingly, and in possession of climbing equipment.
21. The offending of all five of you is very serious indeed, and as I have previously made clear to you, lengthy custodial sentences must follow. The individual culpability of each of you is very high
22. There is no Definitive Sentencing Guideline for the relatively new statutory offence of causing a public nuisance. But there is nevertheless guidance to which I have regard. There is the General Guideline on the overarching principles of sentencing. I remind myself of the statutory

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purposes of sentencing, now to be found at section 57 of the Sentencing Code.

23. And there is the recent decision of the Court of Appeal Criminal Division in Rex v Trowland & Decker [2023] EWCA Crim 919. That was an appeal against sentence for a substantive offence of causing a public nuisance. It involved protest action very similar to that with which this court is concerned, and which occurred only a month or so before your offending.
24. The two appellants in that case climbed to the top of the Dartford Bridge, which carries the river M25 over the Thames estuary between Kent and Essex. They remained there for some 36 hours, having unfurled a “Just Stop Oil” banner.
25. In that case the CACD conducted a comprehensive review of the relevant domestic and European sentencing jurisprudence, which makes it unnecessary for me to refer to any other cases.
26. The CACD found the sentences of 3 years, and 2 years and 9 months’ imprisonment, imposed on the two appellants following conviction in the Crown Court, to be severe, but not manifestly excessive or disproportionate.

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27. And your position is far more serious than that of the appellants in Trowland & Decker. They were convicted of a substantive offence while you stand convicted of a conspiracy going beyond a single act of protest, however disruptive.
28. And as the Zoom call reveals, what the agreement in your case sought to achieve was disruption far greater than that which was actually caused.
29. As I have said, you Roger Hallam addressed the participants in the Zoom call at some length. During that pep talk, as I have described it, you told the participants that there was :-

*“A really like super significant aspect of this project which takes it away from anything that has happened before and that’s that it has the potential to create gridlock... ..in other words, if we take a section of motorway, a circular motorway, people block gantries at close equidistant spaces around that circle at a certain time of the day, the whole motorway will fill up with cars and then no one will be able to get onto that motorway and it will back up on all the other motorways and all the other A-roads. In other words, it will cause a hundred times more disruption than simply 2 or 3 people doing it, right? And there’s a whole mathematics around it but you have to take it on trust as it were – that’s what they’re saying to us to do.”*



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30. The M25 intersects with no fewer than nine other motorways over its circular course: the M40, M1, A1(M), M11, M20, M26, M23, M3 & M4. It also intersects with a number of major A-roads into and out of London. In addition four of London's airports – Heathrow, Gatwick, Luton and Stansted - lie close to the M25, with many of those travelling through or working at those airports using the M25 to get to and from them.
31. Had the gridlock for which all five of you devoutly hoped come to pass, the consequences would have been catastrophic. Mass road disruption in London & southern England would have had major implications for food supplies and the maintenance of law and order, among other things.
32. If the disruption of 7-10 November had resulted in gridlock, sentences at or near the statutory maximum of 10 years imprisonment would have been called for. That is not the position here, but nevertheless section 63 of the Sentencing Code requires me, in assessing the seriousness of your offending, to have regard not only to the harm you actually caused, but also the harm you *intended* to cause.

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33. I identify the aggravating features of your collective offending as follows:
- (i) The very high level of disruption caused to the public.
  - (ii) The even higher level of disruption intended
  - (iii) The harm risked by the disruption; to users of the M25 through road traffic accidents, and also to members of the emergency services whose duty it was to bring the climbers down from the gantries and to the climbers themselves, whatever safety precautions may have been contemplated by the conspiracy.
  - (iv) The fact that, as you all well knew, anybody climbing on the gantries over the M25 in November 2022 would be in breach of at least one injunction granted in favour of National Highways Ltd by the High Court.
  - (v) The fact that each of you has previously been convicted of one or more offences in relation to direct action protest.

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(vi) That fact that each of you was on bail in respect for at least one other set of proceedings when you committed this offence

34. While readily acknowledging that violence played no part in the conspiracy, I do not regard your status as non-violent direct action protesters as affording you any particular mitigation. As the CACD pointed out in Trowland & Decker Parliament introduced the statutory offence of causing a public nuisance in the context of increasing non-violent protest offending.

35. And while there will be cases where the conscientious motives of protesters may permit a degree of leniency from the courts, this is not one of them. The judgment of the CACD in Trowland & Decker was delivered by Carr LJ [now Carr LCJ]. At paragraph 50, having acknowledged the appropriateness of leniency in some such circumstances, she said this:- *“However, the more disproportionate or extreme the action taken by the protester, the less obvious is the justification for reduced culpability and more lenient sentencing.”*

36. Yours is not an appropriate case for leniency. This was a conspiracy to cause extreme and disproportionate disruption. My attention has been drawn to a number of

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recent cases where lenient sentences were imposed on direct action protesters. None of these cases, whether factually similar or different to this, provide any assistance.

37. Nor do I consider that the delay between arrest and this matter coming to trial affords any of you any appreciable mitigation on the facts of this case.

38. As the CACD also made clear in Trowland & Decker, it is no part of a judge's task to comment on the merits or validity of the particular cause that has led to protest offending.

39. But I think I can fairly observe that there is a general consensus, in both scientific and societal terms, that man-made climate change exists, and that action is required to mitigate its effects and risks.

40. Indeed at trial, and unusually, the prosecution were prepared to place in evidence some brief agreed facts about climate change, by way of context.

41. I acknowledge that at least some of the concerns motivating you are, at least to some extent, shared by many. But the plain fact is that each of you has some time ago crossed the line from concerned campaigner to fanatic. You have appointed yourselves as the sole arbiters of what

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should be done about climate change, bound neither by the principles of democracy nor the rule of law.

42. And your fanaticism makes you entirely heedless of the rights of your fellow citizens. You have taken it upon yourselves to decide that your fellow citizens must suffer disruption and harm, and how much disruption and harm they must suffer, simply so that you may parade your views.
43. Your attitude to the rule of law was manifested during your trial. With the exception of Lucia Whittaker de Abreu, who was represented until close to the end of the trial, you embarked on a calculated campaign to disrupt the proceedings as far as you possibly could.
44. I make it clear that I am sentencing you only for the conspiracy in which you joined in 2022, and not for anything that happened inside or outside this courtroom in 2024.
45. But because your perspective is basically that the criminal law really doesn't matter because of climate change, and because you think the harm caused by breaking the law is justified by reference to your goals, there is a real risk of each of you committing further serious offences in pursuit of your objectives, unless you are deterred from doing so by exemplary sentences in this case.

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46. Such sentences will also hopefully deter others\_who share your outlook from doing as you did.

47. As Carr LCJ said in Trowland and Decker, at paragraph 70:-

*"A court's perception of the strength of the need for deterrence can change over time. Specifically, as is common knowledge, supporters of organisations such as Just Stop Oil have staged increasingly well-orchestrated, disruptive and damaging protests. It can be said that the principle of deterrence is both of particular relevance and importance in the context of a pressing social need to protect the public and to prevent social unrest arising from illegal activity."*

48. I turn now to consider your individual positions.

49. Roger Hallam, you are now 58 years of age, and have a substantial criminal record for offences committed in the context of direct action protest.

50. You were so convicted on two occasions as a young man, in 1987 and 1988.

51. Between 2017 and this year you have amassed a further eleven such convictions, most recently in February 2024 at Isleworth Crown Court, when for an offence of

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conspiracy to cause a public nuisance, you received a suspended sentence order. That involved a plan to disrupt operations at Heathrow Airport by the use of drones. I will cancel the community requirements of that sentence.

52. During your evidence you described yourself to the jury as *“the most influential environmentalist in the country apart from Sir David Attenborough.”*

53. I fear you may have got a bit carried away at that point, but you are clearly a highly influential figure within Just Stop Oil and similarly-minded groups.

54. So far as this conspiracy is concerned you were the theoretician – the ideas man. It is significant that it was you, as opposed to anybody else, who came onto the Zoom call to inspire the troops, and would-be troops.

55. You may have been there to provide the theory, but as the Zoom Call showed you were intimately involved in the practice too.

56. You are in the most serious position of all the defendants, because in my judgment you sat at the very highest level of the conspiracy. You had obtained the mathematical model for motorway disruption to which you referred in the Zoom call, and it was you who was supervising its implementation.

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57. I have listened with care to Ms O'Brien's submissions on your part, and have read the four character references supplied.
58. I am afraid I am unable to detect any real personal mitigation in your case. You are somebody who has chosen to devote his life to disruptive direct action campaigning.
59. In particular, I cannot accept the suggestion that you have now consciously desisted from direct action protest and so present no risk of further offending.
60. Your conduct during the trial, where you and three of your co-defendants set about turning the proceedings themselves into a direct action protest, compels me to reject such a submission. I stress again that your conduct during the trial does not add a single day to your sentence, but it deprives you of any mitigation based on the suggestion that you are a changed man.
61. Daniel Shaw, you are now 38 years of age.
62. You have one previous conviction for causing a public nuisance; the offence was committed in 2021 and you received a community order in 2023. I will revoke that order but will not resentence you for the original offence.



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63. You were up to your neck in the organisation of this conspiracy, and in particular the recruitment and training of protesters. You were happy to recruit and send out others, , to cause what you hoped would be massive disruption, with all the risks involved.
64. For the same reasons as I have indicated in Roger Hallam’s case, your conduct during the trial deprives you of any mitigation based on the potential for rehabilitation in your case.
65. I bear in mind what I have heard about your personal circumstances and in particular your caring responsibilities. I have read with care the character references provided in your case, and which set out the caring position in detail. It is a great pity that by choosing to involve yourself in offending of this seriousness, you have put people close to you [who are innocent of any wrongdoing] in a difficult position. But that cannot deflect me from my duty to pass a sentence which reflects the seriousness of your offending.
66. Lucia Whittaker De Abreu, you are now 35 years of age. You have 3 previous convictions for offences of obstruction during direct action protest. You were fined on each occasion.

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67. I have listened with care to everything said on your behalf by Mr Chada. I bear in mind what I have seen and heard about your health and your caring responsibilities.

68. But that provides little by way of mitigation, given your conscious choice to engage in offending of this seriousness.

69. Louise Lancaster, you are now 58 years of age.

70. You have six previous convictions for offences committed in the course of direct action protest. Most recently you were convicted at Inner London Crown Court in June 2023, and at Lewes Crown Court in November 2023, for separate offences committed in 2021. At Inner London Crown Court you received 5 weeks imprisonment and at Lewes a suspended sentence order. I will cancel the community requirements of that order.

71. In addition this offence was committed during the currency of a short suspended sentence order imposed by the High Court only a month or so before this offending. That suspended sentence order was imposed because you had breached a High Court injunction by climbing a gantry over the M25 in July 2022.

72. Your referred to this in the Zoom call, and this was the reason why your involvement in the conspiracy did not

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extend to going onto a gantry yourself. But your involvement was substantial. As I have already indicated, not only did you provide inspiration and guidance to those who were to follow in your footsteps, but you had a key role in relation to the safe house and the purchase of equipment for the climbers.

73. I take no action in relation to the breach but it is an aggravating feature of your particular offending.

74. You delivered your own mitigation, which was more in the character of a speech about your motivations than the identification of any mitigating features of your case. And in truth there is no real personal mitigation in your case. But to your credit you did acknowledge the harm caused to others by the conspiracy of which you have been convicted.

75. Cressida Gethin, you are now 22 years of age. You have three previous convictions for offences committed during direct action protest. Most recently, in February 2024 at Isleworth Crown Court, you received a suspended sentence order for a substantive offence of public nuisance, relating to protest disruption on the M25. I will cancel the community requirements of that order.

76. Your conviction here also places you in breach of a conditional discharge imposed in September 2022. That is

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a separate aggravating feature, but I am not going to resentence you for the original offence.

77. I have read with care the character references provided to me, and also the material in respect of your health. All of it has been unloaded to the sentencing section of the digital case file.

78. You are by far the youngest of the defendants, but I do not regard your relative youth as providing any mitigation, or entitling you to different treatment from your co-defendants.

79. As the character evidence indicates, and as I learned for myself during the trial, you are a highly intelligent and well-educated young woman. Neither immaturity nor personal disadvantage has driven you to crime – your own conscious choices have.

80. So far as your health is concerned, as you frankly accepted in your skilfully delivered mitigation, it cannot reduce your culpability. I am satisfied that your health issues can be adequately managed in custody.

81. I turn now to ancillary matters.

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82. Pursuant to paragraph 22 of Schedule 16 of the Sentencing Act 2020, I cancel the community requirements of:

- The suspended sentence order imposed on you Roger Hallam at Isleworth Crown Court on 5<sup>th</sup> April 2024.
- The suspended sentence order imposed on you Louise Lancaster at Lewes Crown Court on 10<sup>th</sup> November 2023,
- The Suspended Sentence Order imposed on you Cressida Gethin at Isleworth Crown Court on 3 May 2024.

83. I revoke the community order imposed on you Daniel Shaw on 17 May 2023 at Lewes Crown Court, pursuant to paragraph 25 of Schedule 10 of the Sentencing Act 2020. I do not resentence you for the original offence.

84. I make orders in relation to qualifying curfews, pursuant to section 335 of the Sentencing Code and section 240A of the Criminal Justice Act 2023, in your cases Roger Hallam, Daniel Shaw and Cressida Gethin.

85. Roger Hallam & Daniel Shaw; 70 days [140 / 139 days subject to qualifying curfew respectively].

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86. Cressida Gethin; 44 days [88 days subject to qualifying curfew].
87. Each of you will serve up to half the sentence I am about to impose in custody, and will be on licence and liable to recall for the balance of the sentence. The time you have each spent remanded in custody prior to sentence counts towards the custodial term. There will be deductions in respect of tagged bail as already mentioned in cases of Roger Hallam, Daniel Shaw and Cressida Gethin.
88. I make no orders as to costs, but the statutory surcharge applies and orders can be drawn up in the appropriate amount in each of your cases.
89. There are other trials to follow in respect of the same events in 2022. The sentences I am imposing are not intended to create any sort of fetter or precedent for any future sentencing exercises there may be.
90. A longer sentence is called for in your case Roger Hallam, reflecting my conclusion that you were at the very top of the tree, so far as the conspiracy is concerned.
91. As to you Daniel Shaw, Lucia Whittaker de Abreu, Louise Lancaster and Cressida Gethin, there are various

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differences in your personal circumstances and antecedents.

92. But I have concluded that there are no grounds for differentiating between you four in terms of sentence.

93. In your case Roger Hallam, the sentence is 5 years' imprisonment

94. In your cases Daniel Shaw, Lucia Whittaker de Abreu, Lousie Lancaster and Cressida Gethin, the sentence is 4 years' imprisonment.

HHJ Christopher Hehir

18<sup>th</sup> July 2024