

Faslane 365

Legal Briefing for Vehicle Drivers

This briefing covers some of the specific legal issues for drivers of vehicles during Faslane 365. Check www.faslane365.org/legal for updates

Be aware that immediately before an action there can be a lot of emotions and adrenaline sloshing around, even for support people. Think in advance about how you might cope with this: relaxation/concentration techniques, etc. Make sure to get yourself emotionally settled before setting off and be aware of, and plan for, the need to get adequate rest.

Basic Responsibilities

As the driver of a vehicle on a public road:

- You are responsible for making sure everyone in the vehicle wears seatbelts (where they are fitted).
- It is an offence to use a mobile phone while driving (even if stopped at traffic lights, etc.) unless you have a completely hands-free setup).
- You are required to give the police your name, address and date of birth if asked (this **only applies to the driver**, passengers do not have to provide any information).
- You are required to produce on demand
 - ◆ Driving licence
 - ◆ Insurance certificate for the vehicles¹
 - ◆ MOT certificate (if the vehicle is over three years old)

If you don't have these with you², you may nominate a police station (anywhere in the UK) to take them to. You will be given a form which you must take, with all the documents, to the nominated police station within seven days.

- Several of the roads around Faslane are Clearways, which means you're not supposed to stop. If you're unsure and you stop very briefly then you'll *probably* just be told to move along. However, if you leave a car parked on the verge on a clearway it might be clamped or towed.
- There is no general power to search a vehicle although there are a range of powers which allow them to do so in certain circumstances. If the police want to search the vehicle ask them what power they are acting under and make a note of it. Be clear about whether you are giving them permission or are just complying with a (claimed) requirement and let your legal support team know afterwards.
- The registered owner of a vehicle is required to tell the police who was driving it at a certain time. Otherwise they may be liable themselves. If they tell the police who was driving then the driver rather than the owner would usually be liable.

1 For a hire vehicle the hire company should have provided an insurance certificate — it may be on the invoice.

2 The police are often able to check insurance and MOT on a computer database via their radio, so if you have your driving licence with you and the rest checks out they may not bother making you produce the other documents.

Transporting People to Actions

Usually at Faslane, drivers of vehicles transporting people to and from Faslane are not hassled as long as they obey usual road traffic stuff and don't stop where they shouldn't. Note that the police have powers to direct road traffic and failing to comply with such a direction can be an offence. Make sure the group thinks in advance about what they will do if the police prevent you from stopping where you want to. Also make clear in advance what risks you as the driver are prepared to run and what you're not — and that you expect the group to respect that even in the heat of the moment.

If you stop on the roundabout and people jump out and lock-on then they may be more likely to consider you part of the action and arrest you. If you are arrested then the vehicle will be towed and you will have to pay a release fee (which can be over £150) to get it back.

If they do arrest you then, depending on the circumstances, it could be for stopping where you shouldn't or some other road traffic offence or it could be for aiding and abetting the action itself.

Using Vehicles in Actions

If you use a vehicle as part of an action, for example turning an old vehicle into a lock-on, then you are likely to have the vehicle impounded and probably forfeited. Make sure the vehicle is road standard and has MOT and that you are insured to drive it otherwise the driver will also be charged with driving without insurance/MOT/etc.

Think carefully about how you will get into place. Anything done while driving the vehicle could lead to road traffic charges — even Dangerous Driving or similar if it involves going anywhere the wrong way or too close to police on the gate. The driver should prepare themselves mentally very carefully and everyone should be aware of the amount of adrenaline around immediately before the action and the need to keep the driver calm and focussed.

Once in place you will be told to move very quickly by the police. Usually, failing to comply with such a direction from the police would be an offence (for the driver). If it is not possible to do so (because the vehicle has been disabled in some way) or not safe to do so (e.g. because there are people locked onto the vehicle from outside) then that should be a defence to such a charge. You would still be charged either with Breach of the Peace or under the Roads (Scotland) Act with blocking the road (likely fines are similar for both).

We do not have much experience of people using vehicles as lock-ons, so we are less certain about the possible charges.