

Director of Public Prosecutions (Respondent) v Ziegler and others (Appellants)

Case ID: UKSC 2019/0106

Case summary

Issue

In criminal proceedings arising out of protest activity: (1) is deliberate physically obstructive conduct by protesters capable of constituting a lawful excuse for the purposes of s.137 of the Highways Act 1980?; and (2) what is the test to be applied by an appellate court to an assessment of the decision of the trial court in respect of a statutory defence of 'lawful excuse' when Convention rights are engaged in a criminal matter?

Facts

The Appellants took part in a demonstration protesting the Defence and Security International weapons fair at the Excel Centre. They were charged with obstructing the highway, contrary to section 137 Highways Act 1980. They were acquitted at Trial because their actions fell within the "lawful authority or excuse" defence contained in section 137 Highways Act 1980. The Director for Public Prosecutions appealed successfully by way of case stated to the High Court. The Appellants now appeal to the Supreme Court.

Judgment appealed

[\[2019\] EWHC 71](#)

Parties

Appellant(s)

Ziegler and others

Respondent(s)

Director of Public Prosecutions

Appeal

Justices

Lord Hodge, Lady Arden, Lord Sales, Lord Hamblen, Lord Stephens

Hearing start date

12 January 2021

Hearing finish date

12 January 2021

Watch hearing

12 Jan 2021 [Morning session](#) [Afternoon session](#)

Judgment details

Judgment date

25 June 2021

Neutral citation

[2021] UKSC 23