



LIBERTY

PROTECTING CIVIL LIBERTIES  
PROMOTING HUMAN RIGHTS

# PROTEST

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# YOUR RIGHTS



national union of students

FOR MUCH OF  
OUR HISTORY  
THERE WAS NO  
RIGHT TO PROTEST  
– PROTEST WAS  
SIMPLY TOLERATED



# Introduction

Peaceful protest has a long and noble tradition in this country. It has played a major part in bringing about many important social and political changes – the extension of voting rights, the establishment of the welfare state, the development of union rights. But for much of our history there was no right to protest – protest was simply tolerated.

That changed when the Human Rights Act came into force in 2000. Articles 10 and 11 of the European Convention on Human Rights protect the rights to freedom of expression and freedom of assembly. Laws and the actions or decisions of public bodies which interfere with these rights can now be challenged on the grounds that there is no adequate justification for them or that they are disproportionate in their effects. Articles 10 and 11 may also impose obligations on the police and other public bodies to positively facilitate protest.

In any legal case concerning protest rights, the courts must have regard to the rights to freedom of expression and freedom of assembly protected by Articles 10 and 11. These cases may be challenges to decisions made by the police or another public body that restrict protest rights, or where people are prosecuted for offences said to have been committed during a demonstration. Articles 10 and 11 won't necessarily win the case for protesters, but should at least ensure that the courts subject measures restricting protest rights to robust scrutiny.

The Human Rights Act aside, there is a significant body of law relevant to protesting. This includes criminal offences governing the organisation and conduct of protests, civil law around trespass on private property and criminal offences relating to particular types of trespass. The law governing police powers and ordinary criminal law are also relevant to how protestors and those policing them behave.

The law distinguishes between static and moving protests. In this guide we use “march” to mean a protest in which participants move, usually along a pre-planned route, from A to B – what the Public Order Act 1986 calls a “public procession”. We use “demonstration” to mean a static protest – usually a “public assembly” for the purposes of the Public Order Act. We use “protest” as an umbrella term for both.

We make reference to many offences in this guide and give the maximum penalty that can be imposed on those convicted of them. It should be borne in mind that it is very rare for the maximum penalty for an offence to be imposed by the courts.

# Notification requirements

## Marches

The law on notification requirements for marches is set out in section 11 of the Public Order Act 1986.

The organisers of a march are required to give advance written notice of the march to the local police force. The notice, which can be in the form of a letter, should be given at least a week before the march by being sent recorded delivery or hand delivered to a police station. The notice should set out the date and start time of the proposed march and its route. It must also include the name and address of at least one of the organisers.

Anyone who organises a march and doesn't give the required notice commits an offence for which he/she can be fined up to £1,000. Unless this arises from circumstances beyond his/her control the organiser also commits an offence if the date, start time or route of the march differs from those notified to the police.

The law does, however, recognise that it may not always be possible (or "reasonably practicable" as section 11 puts it) to give the full week's notice to the police or any notice at all, e.g. because the march is an immediate or speedy response to some unexpected event. The organisers should give the police what advance warning they can. This should be done by hand delivering (not posting) a written notice with all the required details to a police station. Of course, someone who doesn't give the full week's notice to the police when it would have been possible to do so risks committing an offence, so it is always best to give the full week's notice (or even longer) if you can.

## Demonstrations

There is no requirement to give the police advance notice of demonstrations.<sup>1</sup> However, many people choose to give the police advance warning so that they are not surprised by the demonstration and can make arrangements to police it.

## Police imposing conditions

Sections 12 and 14 of the Public Order Act 1986 give the police the power to impose conditions on marches and any demonstration that comes within the definition of a "public assembly". A "public assembly" is an assembly of two or

more people in a public place that is wholly or partly open to the air. This can extend to privately owned land that the public generally have access to.

The power to impose conditions in advance can only be exercised by the Chief Constable (or the Metropolitan Police Commissioner or the Commissioner of the City of London Police). This power can be delegated to an Assistant Chief Constable (or Assistant Commissioner). Conditions imposed in advance have to be put in writing. Once a march has started to assemble or a demonstration is under way conditions can be imposed by the most senior police officer present. These can be given orally.

The Chief Constable/senior officer present can only impose conditions if he/she considers that the march/ demonstration may result in serious public disorder, serious damage to property or serious disruption to others or that the purpose of the organisers is to intimidate others into doing or not doing something. The conditions that may be imposed are those that the officer considers necessary to prevent these eventualities. In relation to a march these can include conditions as to its route or a prohibition on entering certain areas. In relation to a demonstration, only conditions as to the demonstration's location, duration and the maximum number of people that can take part can be imposed.

An organiser of a march or demonstration who fails to comply with conditions that he/she knows about commits an offence for which he/she can be fined up to £2,500 or sentenced to up to 3 months' imprisonment. Someone taking part in the march/demonstration who knowingly breaches a condition commits an offence for which he/she could be fined up to £1,000.

## Banning a march

There is a power under section 13 of the Public Order Act 1986 to ban marches outright. A Chief Constable can only decide to do this if he/she has grounds to believe that imposing conditions will not be enough to prevent the march leading to serious public disorder. His/her decision must also to be approved by the local council (unless the march is in London) and, in all cases, the Home Secretary. If a ban comes into force it applies to all marches in the area for the duration of the ban. This power is used very sparingly but has been used recently to prevent EDL marches.

## Negotiating with the police

Once notice has been given of a protest, the police will often want to discuss the arrangements with the organiser(s). It is a good idea to engage with them. The police may want changes to the arrangements, particularly the route or location and may use the threat of imposing conditions to try to get their way. While it may be sensible to agree some alterations, some changes to the route or location may seriously diminish the impact of your protest. Be prepared to stand up to the police and argue why allowing your protest to go ahead as planned will not cause serious disruption to others, for example. Get legal advice if necessary.

Sometimes the police will tell the organisers of a demonstration that they need to get public liability insurance. If you are organising a demonstration it may well be a good idea to get insurance in case someone taking part gets hurt and tries to sue you, but the police have no power to make obtaining public liability insurance a condition of holding a protest. You should be prepared to point this out if necessary.

We have also heard of the police telling demonstration organisers that they need to get a temporary road closure order from the local council – at considerable cost. This is sometimes coupled with a suggestion that the police will not actually police the demonstration themselves. It is open to question whether a local authority can grant a temporary road closure order for the purposes of a demonstration (as opposed to a sporting event, carnival or street festival.) If the police take this line insist on your right to hold your demonstration with support from the police if that is what is necessary. Again get legal advice if the police won't back down.

Decisions made by the police that affect your protest, particularly the imposition of conditions under sections 12 or 14 of the Public Order Act), may be challengeable in the High Court though a procedure called “judicial review”. As the police probably won't impose conditions until the last minute (frequently the day before or the day of the protest) it may be impossible to commence these proceedings and get a decision from the Court before the protest takes place. But proceedings can still be brought after the event and such cases can be useful in establishing precedents that will benefit others.



# Protests on private property

By their nature protests are usually held in public places. A case that Liberty was involved in the 1990s<sup>2</sup> established that there is a right to protest on the “public highway”. The public highway means most roads and usually their accompanying pavements (although parts of some pavements may belong to the buildings they run alongside and so aren’t part of the highway.)

But what about other public spaces that are not part of the highway – squares, parks, or the areas around office blocks? These may be owned by local councils or may be privately owned. Moreover, large parts of our cities and towns, often areas that have been regenerated, are now privately owned; this may include the roadways and pavements. What rights are there to protest in these areas?

## Land owned by local councils and other public bodies

Like any landowners, local councils are in principle entitled to regulate who comes onto their land and the uses such people make of it. But they and other public bodies are required by the Human Rights Act to act compatibly with people’s rights under the European Convention on Human Rights, including the rights to freedom of expression and freedom of assembly protected by Articles 10 and 11. If you are planning a protest on land owned by a council (or other public body), aside from any obligation to notify the police, you ought to check with the council that they have no objection to you going ahead. Councils may have procedures, sometimes reinforced by byelaws, that they require you to follow. If a council (or other public body) is unduly obstructive you should remind them of their obligations under

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Articles 10 and 11, including the positive obligation to facilitate protest. If they refuse to back down you should seek legal advice.

## Privately owned land

Private bodies, whether companies or individuals, are not required by the Human Rights Act to act compatibly with rights protected by the European Convention on Human Rights, so a refusal to allow a protest on privately owned land cannot be challenged directly under the Human Rights Act. With many parts of our cities and towns now in private ownership (e.g. Canary Wharf in London, Liverpool One in Liverpool) this is increasingly a problem.

In the early 2000s Liberty took a case to the European Court of Human Rights on behalf of a community group that was prevented from collecting signatures on a petition in what they and other residents of their town considered their town centre, a shopping mall and its surroundings.<sup>3</sup> The mall had been publicly owned but was sold off several years previously. The mall owners refused to give the community group permission to canvas for signatures in the mall. Before the European Court we argued that the law should recognise some privately owned land as “quasi public”. The community group lost their case but there may be scope for bringing a further challenge. Liberty would be interested in hearing from anyone prevented from protesting on privately owned land.

## Trespass

If you enter or stay on land (including buildings) without the owner's permission you commit trespass. Permission may be implied, (e.g. there is implied permission to go into shops during their opening hours), and/or conditional, (e.g. you may go into a shop for the purpose of shopping but not to protest). Unless it is granted under a contract (and even where it is if the contract provides for this), your permission to be on land or in a building may be withdrawn at any point and once it is you become a trespasser.

Trespass is not on its own a criminal offence. But a landowner can bring court proceedings against a trespasser to claim damages and also has a right to forcibly remove the trespasser. Most landowners and their agents, typically security guards, avoid using force to remove trespassers who refuse to leave. The usual response is to call the police who generally encourage the trespasser to leave. Where the trespasser refuses the police may be able to justify arresting him/her if they suspect



that their continuing presence there may lead to a breach of the peace. There are, however, circumstances where trespass can be criminal:

## Aggravated trespass

Under section 68 of the Criminal Justice and Public Order Act 1994 it is an offence for a person to trespass on land (including buildings) and to intimidate people there into not doing something that they are legally entitled to, or to obstruct or disrupt such activity. Although it was designed to be used against hunt saboteurs, protesters have been arrested and prosecuted for this offence. For example this is the offence with which people who protested and sat down in Fortnum and Mason on the day of the TUC's March for the Alternative (March 2011) were arrested and later charged. The offence is punishable by up to three months' imprisonment or a fine of up to £2,500.

## Trespass on a designated site

Under section 128 of the Serious Organised Crime and Police Act 2006 it is an offence to trespass on a "nuclear" or "designated" site. Nuclear sites include nuclear power stations. Sites that have been designated include the Houses of Parliament, royal palaces and military bases. Sites which have been designated usually have signs up making this clear. The offence of trespassing on a designated site is punishable by up to six months' imprisonment or a fine of up to £5,000.

## Trespassory assembly

Section 14A of the Public Order Act 1986 allows the police with the agreement of the relevant local council and the Home Secretary to designate areas in which any gatherings which involve trespass will be an offence. The designation can only last for up to four days and can only be made if the police believe that people are planning such gatherings and that they may cause serious disruption to others or damage sites or buildings of historical or scientific interest. The offence was created to deal in particular with gatherings at Stonehenge. It is now a little used power. It was a case brought under this provision that established that there is a right to protest on the highway.<sup>4</sup> The offence of organising a trespassory assembly is punishable by up to three months' imprisonment or a fine of up to £2,500 and the offence of taking part in one by a fine of up to £1,000.

# Police powers and tactics

## Stop and account

There is no obligation for anyone stopped by the police to respond to police questions. But under section 50 of the Police Reform Act 2002 it is an offence for someone not to give their name and address to a police officer where the officer has reason to believe that the person is acting or has been acting in an anti-social manner. The police officer should make clear when he/she is relying on this power. It is an offence punishable by a fine of up to £1,000 not to provide the requested details or to give false details.

While there is no justification for applying this power to someone who is peacefully protesting, the protester risks arrest and prosecution if he/she fails to comply with a request.

There is no longer any national requirement for the police to make a record of a stop where they just question someone and do not conduct a search.

## Stop and search

Most police powers to stop and search someone depend on the officer having grounds to suspect that the person he/she proposes to search has certain items on him/her. This may be drugs (search under section 23 of the Misuse of Drugs Act 1973) or stolen articles, weapons or items that could be used to cause damage to property or for use in other offences (search under section 1 of the Police and Criminal Evidence Act 1984.) Under section 60 of the Criminal Justice and Public Order Act 1994 there is a power for the police to search people without any grounds for suspecting them.

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But the power can only be used if such searches have been authorised by a senior police officer (inspector or above.) The officer can only give the authorisation if he/she believes that incidents involving serious violence may take place or that people are carrying weapons or other dangerous instruments in the area covered by the authorisation. An authorisation can also be given where a weapon has been used in an incident involving serious violence and having the authorisation in place will help in finding the weapon. An authorisation can only be given for up to 24 hours, although it can be renewed.

Searches without suspicion can also be authorised under section 47A of the Terrorism Act 2000. An authorisation can only be given by a senior officer where they believe that an act of terrorism will take place and that the authorisation is necessary to prevent it.<sup>5</sup> The authorisation should be limited to what is necessary to achieve these aims.

There are rules that apply to all searches. If the police officer is not in uniform, he/she should provide you with proof that he/she is a police officer. This will usually be by showing you his/her warrant card. Before searching you the officer should give you his/her name and tell you which police station he/she is attached to, should tell you the search power that he/she is acting under and the reason for the search.

The police officer should make a record of the search and should offer you a copy. The officer may ask you your name and address for the purposes of completing the form but you are not obliged to give these details.

In 2008 Kent Police searched everyone going to the Climate Camp at Kingsnorth Power Station. The search power relied on was section 1 of the Police and Criminal Evidence Act 1984. A legal challenge was brought arguing that the police were operating an unlawful blanket search policy.<sup>6</sup> The case was settled after a document came to light that suggested that officers were given instructions to search everyone.

## Arrest

Under section 24 of the Police and Criminal Evidence Act 1984 a police officer can arrest anyone that he/she believes has committed an offence, is committing an offence or is about to commit an offence. He/she also has to consider that the arrest is necessary for one of a number of reasons, including to get the person's name and address, because he/she doubts that the name or address given are correct, to prevent injury or damage to property or to allow for the prompt and effective investigation of an offence.

The police (or an ordinary citizen) can also arrest someone for breach of the peace if that person is committing a breach of the peace, is about to breach the peace or has breached the peace and threatens to do so again – or, in some circumstances, where someone's behaviour is provoking a breach of the peace by someone else. A breach of the peace means an action which harms someone, their property or is likely to do so or puts someone in fear that this may happen. It is not a criminal offence but the police have been known to rely on it in protest situations to detain or remove potential protestors. It is also the legal basis on which the police justify the practice of “kettling” (see below).

The police are allowed to use reasonable force to conduct a search or effect an arrest.

If you think that a police officer has searched or arrested you when he/she wasn't entitled to (or used more force than was reasonable) you should get legal advice. When a court is considering the legality of a search or arrest it will not only consider whether the officer genuinely suspected the person searched or arrested but also whether that suspicion was reasonable.

## Kettling

Kettling, or containment as the police prefer to call it, is a controversial police tactic. It involves the police surrounding or otherwise sealing off protesters who are causing trouble. Often people who haven't been causing trouble get caught up in the kettle. When the police decide to start releasing people, the release will usually be staggered, so that all those held in the kettle are not released together. The release procedure may be used to identify people suspected by the police. We have heard of the police only agreeing to release people from a kettle if they agree to be photographed or have their details taken by the police. It is open to question whether this is legal.

Kettling is controversial because it involves people being detained sometimes for several hours. This is particularly problematic in the case of people who weren't causing trouble. It has been used against school students protesting against increases in tuition fees. Many argue that it is counterproductive: confining people who are already angry will only increase the crowd's hostility.

Kettling first came to prominence on May Day 2001 when the police held a crowd of protesters, and many innocent bystanders, in Oxford Circus in London. Two of the

people held brought a legal challenge to the police's actions.<sup>7</sup> The courts ruled that the police can use kettling to prevent a serious breach of the peace but only as an absolute last resort. They also held that the tactic did not breach Article 5 of the European Convention on Human Rights, which limits the circumstances in which people can be detained. The European Court of Human Rights considered this case in September 2011 and its judgment is awaited.

In the meantime the courts have held that the police were not justified in kettling Climate Camp protesters during the G20 in April 2009. A challenge to the kettling of young people protesting against the increase in tuition fees is pending.

## Other offences to be aware of

### Assault

It is an offence to use violence against another person. (It is also strictly an assault if you cause someone else to think that you are immediately about to use violence against them.) There are various types of assault, depending on the seriousness of the injury caused. They range from common assault,<sup>8</sup> which is punishable by up to six months' imprisonment, to causing grievous bodily harm with intent,<sup>9</sup> for which someone can be given a life sentence.

### Assaulting a police officer in the execution of his/her duty

You commit this offence if you assault a police officer when he/she is performing his/her duty, e.g. conducting a search or arresting someone.<sup>10</sup> The offence is punishable by up to six months in prison.

### Obstructing a police officer

Deliberately obstructing or resisting a police officer when he/she is performing his/her duty is also an offence.<sup>11</sup> This is punishable by imprisonment of up to a month or a fine of up to £1,000.

### Criminal damage

It's an offence to damage or destroy someone else's property. The courts have held that graffiti, even with water soluble paint, cause damage and come within the offence. The courts' maximum powers of punishment depend on the value of the damage. Criminal damage with a value of less than £5,000 is punishable by up to 6 months' imprisonment.

## Harassment, alarm or distress

It is an offence to say things that are threatening, abusive or insulting or to behave in a threatening, abusive, insulting or disorderly manner.<sup>12</sup> It is also an offence to display any sign that is threatening, abusive or insulting. For the offence to be committed there has to be someone present who is likely to be caused harassment, alarm or distress. This person could be a police officer.

There are more serious versions of the offence where the same things are done with the intention of causing someone else harassment, alarm or distress<sup>13</sup> or with the intention of causing someone to think that they are about to be assaulted or to provoke violence from someone else.<sup>14</sup>

The basic version of the offence is punishable by a fine of up to £1,000, while the more serious versions are punishable by up to 6 months' imprisonment or a fine of up to £5,000.

The inclusion of "insulting" words, behaviour or signs within these offences, particularly the basic offence, is controversial; many people question why someone should be criminalised for offending someone else. The police have been known to threaten protesters with arrest because of their chants or the words used on banners or placards. Protesters charged with using insulting words or displaying insulting signs may be able to rely on their right to freedom of expression (contained in the Human Rights Act) to defend the charge.

## Affray, violent disorder and riot

Someone is guilty of affray<sup>15</sup> if he/she uses or threatens violence towards someone else and his behaviour is such that a normal person present at the scene would fear for his/her personal safety. It is punishable by up to 3 years in prison or an unlimited fine.

Violent disorder<sup>16</sup> involves three or more people using or threatening violence where their behaviour, taken together, is such that a normal person present at the scene would fear for his/her personal safety. The offence of violent disorder is punishable by imprisonment of up to 5 years or an unlimited fine.

A riot<sup>17</sup> is where 12 or more people use or threaten violence for a common purpose and their behaviour, taken together, is such that a normal person present at the scene would fear for his/her personal safety. Someone convicted of riot can be sentenced to up to 10 years' imprisonment or given an unlimited fine.



# About NUS

**NUS (National Union of Students)** is a membership organisation which makes a real difference to the lives of students and its member students' unions. We are a confederation of 600 students' unions, amounting to more than 95 per cent of all higher and further education unions in the UK. Through our member students' unions, we represent the interests of more than seven million students.

Our vision is of NUS as a pioneering, innovative and powerful campaigning organisation: the definitive national voice of students. We'll fight barriers to education, and empower students to shape both a quality learning experience and the world around them, supporting influential, democratic and well-resourced students' unions.

To make our vision a reality, we will:

- Promote, defend and extend the rights of students
- Develop and champion strong students' unions

To achieve our vision and mission, we believe three core values are crucial:

**Equality** – We believe there should be equality of opportunity for everyone to participate fully in a society that celebrates diversity.

**Democracy** – Our policies and priorities must be student-led and students' union-focused through building open, transparent and accessible democratic structures that increase performance and strengthen accountability.

**Collectivism** – Students and students' unions are more effective when they organise together locally, nationally and internationally. Unity is our strength.

**For more information about NUS, please visit [nus.org.uk/campaigns](https://nus.org.uk/campaigns)**



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# LIBERTY

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## About Liberty

Liberty is one of the UK's leading human rights organisations. Founded in 1934, we seek to protect civil liberties and promote human rights for everyone, promoting the values of individual human dignity, equal treatment and fairness as the foundations of a democratic society. We depend on the support of our members for all the work we do taking key legal cases, influencing policy at the highest level, raising awareness through the media, and helping thousands of people every year through our free advice services.

## How can you help

For the best part of a century, Liberty has campaigned on an enormous range of issues, from fighting the worst excesses of the War Against Terror, to protecting free speech, peaceful protest and equal rights for all. You might not think about your human rights every day, but life would be very different without them. They mean you cannot be tortured, enslaved, or punished without trial. You can speak freely, protest peacefully and believe what you like. You have the right to a family, to privacy, to an education and to freedom from discrimination. We take these basic freedoms for granted because they are a part of our history.

But they exist today only because people have been prepared to defend them. If you want to help Liberty campaign long into the future, please take action in the following ways:

### **1 Join us! Liberty members achieve extraordinary things.**

By supporting our work and getting involved in our campaigns you can help expose injustice, change public opinion and even stop the Government in its tracks. Students can join for just £1 a month or £12 a year. You will receive our quarterly newsletter and email alerts when it's time to take action and an invitation to Liberty's AGM. **To join, go to: [www.liberty-human-rights.org.uk/support](http://www.liberty-human-rights.org.uk/support) or call the membership team on 020 7378 3663.**

- 2 Visit [www.liberty-human-rights.org.uk/campaigns](http://www.liberty-human-rights.org.uk/campaigns) to find out about our latest campaigns and what you can do to support them.** Why not add your name to our campaigns email list to receive regular updates about our work? You will also find petitions to sign, e-cards to send, template letters for your MP, downloadable materials and much more.
- 3 Visit [www.ilovehumanrights.com](http://www.ilovehumanrights.com) and learn more about the Human Rights Act and how it helps everyone in society.** Use our interactive heart to find out what each article of the Act means and find out how you can support our 'Common Values' campaign.
- 4 Why not ask your friends to join us as members and campaign with Liberty?** Tell people about the issues and what they can do to help – word-of-mouth is vital in creating a culture of rights. Discussions with friends can be a good way to introduce people to our campaigns, but it is always important to check your facts first. You can find detailed information about a wide range of issues on our website.
- 5 Spreading the word about our campaigns on social networking sites is a great way to support our work.**
- Become a fan on Facebook [www.facebook.com/libertyhq](http://www.facebook.com/libertyhq)
  - Follow us on Twitter [www.twitter.com/libertyhq](http://www.twitter.com/libertyhq)
- 6 Liberty is growing, but so is the need for our work.** Fundraising is a fantastic way to get involved with a movement campaigning to protect our civil liberties and promote human rights in the UK. Whether it's a skydive, a marathon, a tea party or a dog-walk, you can use (almost!) any event to raise money. Many of our most committed supporters set their own personal challenges to raise funds for Liberty and have fun along the way! **Please go to [www.liberty-human-rights.org.uk/support/fundraise](http://www.liberty-human-rights.org.uk/support/fundraise) or call 020 7378 3666 for a fundraising pack.**

# Endnotes

<sup>1</sup> At the time of writing the only exception to this rule is demonstrations (including those comprising just one person) within a defined area around Parliament (called the “designated area”). Under section 133 of the Serious Organised Crime and Police Act 2005 at least one of the people intending to take part in a demonstration within the designated area has to give written notice to the police. This has to state when and where the demonstration is to take place, how long it will last, whether it will just comprise the person giving the notice and the name and address of the person giving the notice. Unless it is not reasonably practicable to do so the notice must be given at least a week in advance. In all cases at least 24 hours’ notice needs to be given. It is an offence to organise or take part in a demonstration for which notice has not been given. The Police Reform and Social Responsibility Act 2011, which is currently before Parliament, will repeal these provisions and give the police and council officials new powers to prevent “prohibited activities” (e.g. operating amplified noise equipment or erecting a tent or other sleeping structure) within a much smaller area.

<sup>2</sup> *DPP v Jones and Lloyd*

<sup>3</sup> *Appleby v United Kingdom*, (App no. 44306/98)

<sup>4</sup> See note 2

<sup>5</sup> This search power replaces a much wider power under section 44 of the Terrorism Act 2000. The Government repealed section 44 (by means of a remedial order under section 10 of the Human Rights Act) in response to the ruling of the European Court of Human Rights in the case of *Gillan v the United Kingdom*, which held that the search power under section 44 was incompatible with Article 8 of the European Convention. Section 47A will itself cease to have effect when Parliament passes a replacement provision in the Protection of Freedoms Bill.

<sup>6</sup> *R E, T and Morris v Chief Constable of Kent Police*

<sup>7</sup> *Austin and Saxby v the Commissioner of Police for the Metropolis*

<sup>8</sup> Section 39 of the Criminal Justice Act 1988

<sup>9</sup> Section 18 of the Offences against the Person Act 1861

<sup>10</sup> Section 89(1) of the Police Act 1996

<sup>11</sup> Section 89(2) of the Police Act 1996

<sup>12</sup> Section 5 of the Public Order Act 1986

<sup>13</sup> Section 4A of the Public Order Act 1986

<sup>14</sup> Section 4 of the Public Order Act 1986

<sup>15</sup> Section 3 of the Public Order Act 1986

<sup>16</sup> Section 2 of the Public Order Act 1986

<sup>17</sup> Section 1 of the Public Order Act 1986

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I'M A  
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GRAPHER  
NOT A  
TERROR  
IST!



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