



Big Brother Watch
Chinaworks, London
SE1 7SJ

28th November 2020

Stuart Bell, Chief Superintendent
Metropolitan Police Service

The right to protest:

Dear Stuart Bell,

We understand you are the Gold Commander for policing in London today and will be leading the policing of protests that are planned to take place in the city.

This is an urgent reminder of your duty to uphold the law and enable all citizens to exercise their right to protest safely and lawfully within the boundaries of the current regulations.

As organisations that defend human rights, including the freedom of assembly and expression, we are deeply alarmed by the Metropolitan Police's statement of Friday 27th November that wrongly claimed, "protest is not currently a permitted exemption to the prohibition on gatherings under the current Coronavirus regulations."¹ This is a chilling statement that is wrong in law.

The exemption for political bodies

The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, Regulation 10, Paragraph 6, makes a clear exemption for the organisation of gatherings by "a business, a charitable, benevolent or philanthropic institution, a public body or a political body" so long as the required precautions under Regulation 14 are taken.

For avoidance of doubt, Regulation 2 of the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 defines a 'political body' as "a political campaigning

¹ Statement ahead of proposed protest in central London – Metropolitan Police Service, 27th November 2020: <https://news.met.police.uk/news/statement-ahead-of-proposed-protest-in-central-london-416064>

organisation within the meaning of regulation 2 of the Health and Social Care (Financial Assistance) Regulations 2009” —which is “any person carrying on, or proposing to carry on activities to promote, or oppose, changes in any law applicable in the United Kingdom or elsewhere or any policy of a governmental or public authority”. This clearly encapsulates the protests planned for today, which are campaigning for changes to the law in the UK.

Regulation 9 prohibits participation in outdoor gatherings, except where Regulation 11 exemptions apply. Sub-paragraphs 11(c)(iv) and 11(d) provide an exemption for participation in gatherings in a public outdoor place where Regulation 14 precautions are taken.

Regulation 14 requires that the organiser of a gathering has carried out a risk assessment that would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999, and that the organiser has taken all reasonable measures to limit the risk of transmission of the coronavirus. It is meeting this requirement that currently determines whether a protest is safe and lawful. As such, it is important that police forces facilitate safe and lawful protests that observe Regulation 14.

The policing response

However, we understand that the Metropolitan Police has failed to engage with protest organisers, falsely claiming – including publicly, as outlined above – that political bodies are prohibited from organising any gatherings. This is a chilling misrepresentation of the law that fails to respect both the Coronavirus Regulations currently in place and fundamental freedoms of assembly and expression, protected by Articles 10 and 11 the European Convention on Human Rights and the Human Rights Act.

All state authorities have a duty to uphold and respect the rule of law. It is vitally important, particularly during a pandemic, that the law is clear and accessible to all and not misrepresented by law enforcement.

We urge you to immediately issue a correction to your statements to clarify the exemptions for gatherings organised by political bodies under the Health Protection Regulations that are currently in place.

This incident demonstrates that a clear and explicit exemption to maintain the right to safely protest must be included in the Government’s new “tiered” Coronavirus Regulations.

Given the imminent protests taking place today, we look forward to your urgent response.

Yours sincerely,

Silkie Carlo, director of Big Brother Watch

Gracie Bradley, interim director of Liberty