

**PUBLIC ORDER**

**POLICE POWERS**

**to control**

**DEMONSTRATIONS**

**ASSEMBLIES**

**and**

**MARCHES**



# NOTICE REQUIREMENTS

## s11 POA 1986

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- 6 day advance notice by organisers, for demonstrations for and against views, causes events
- Not applicable to funerals and customary events
- Date, time, route, organiser's address
- Failure an offence



# CONDITIONS ON PUBLIC PROCESSIONS s12 POA 1986

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- By Senior Police Officer s12(2) – (3) in writing
- Reasonable belief – disorder, damage, disruption or intimidation
- Purpose – to prevent the problem
- May specify route
- Failure to comply – offence unless beyond control s12(4) – Fine s12(9)
- Offence applies to all present 12(5)
- Incitement 12(6) – Imprisonment 1 year s12(10)
- Arrest - Uniformed PC for ongoing offence s12(7)



# PROHIBITING PROCESSIONS

## s13 POA 1986

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- ❑ Council ban on procession
- ❑ Duration - 3 months
- ❑ Can be revoked later.

# CONDITIONS ON ASSEMBLIES

## s14 POA 1986

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- ❑ By Senior Police Officer s14(2) – (3) in writing
- ❑ Reasonable belief – disorder, damage, disruption or intimidation
- ❑ Purpose – to prevent the problem
- ❑ May specify location and limit numbers/duration
- ❑ Failure to comply – offence - Fine s14(9)

# CONDITIONS ON ASSEMBLIES

## s14 POA 1986 continued

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- ❑ Defence unless beyond control s14(4)
- ❑ Offence applies to all present 12(5)
- ❑ Incitement 12(6) – Imprisonment 1 year s14(10)
- ❑ Uniformed PC may arrest – while offence on-going s14(7)



# STOP SEARCH / VIOLENCE

## s60 CJPO Act 1994

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- ❑ Criminal Justice & Public Order Act 1994
- ❑ Power to stop / search persons / vehicles
- ❑ For weapons
- ❑ For up to 48 hours



# REMOVAL OF DISGUISES

## s60AA CJPO 1994

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- ❑ Uniformed PC can order removal of
- ❑ Or seizure of, an item
- ❑ Intended to hide a person's identity
- ❑ Authority to do so limited to 24 hours.





# PROHIBITING TRESPASSORY ASSEMBLIES s14A POA 1986

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- ❑ Council ban on TAs where owner does not consent
- ❑ Duration 4 days –
- ❑ Scope 5 mile radius
- ❑ 20 or more people

# TRESPASSORY ASSEMBLIES

## OFFENCES s14B POA 1986

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- ❑ Arrestable offence to
- ❑ organise trespassory assembly

## **STOPPING TRESPASSORY ASSEMBLIES s14C POA 1986**

- ❑ Police can stop people going to a  
Trespassory Assembly
- ❑ Power of arrest – offence to ignore order.

# REMOVING TRESPASSERS

## s61 Criminal Justice & Public Order Act 1994

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- ❑ 2 + persons – intention to reside – trespassing –
- ❑ damage or threats, abuse, insults to occupier or has 6 or more vehicles
- ❑ Original entry may not have been trespass
- ❑ Offence – imprisonment / fine – arrestable
- ❑ Defence – not trespassing – reasonable excuse for not leaving a.s.p.
- ❑ Power to seize vehicles.

# AGGRAVATED TRESPASS s68/69

## CJPO 1994

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- ❑ Trespass –
- ❑ intimidation –
- ❑ obstruction –
- ❑ Disruption
- ❑ Power to evict.



# DISPERSAL OF GROUPS

## Anti-Social Behaviour Act 2003

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- ❑ 2 or more persons –
- ❑ intimidation, harassment, alarm, distress – public place –
- ❑ persistent in a locality
- ❑ significant Anti-Social Behaviour
- ❑ Power to disperse non locals
- ❑ Power to send home unsupervised under 16s. outside 9pm –6am.
- ❑ Arrestable offence – uniformed PC



# PUBLIC NUISANCE

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- ❑ Lowdens v Heaveny
- ❑ Beatty v Lenister
- ❑ Beatty v Gillbanks
- ❑ R v Chief Cont. Devon ex pte CEGB
- ❑ Humphries v Connor
- ❑ O'Kelly v Harvey
- ❑ Wise v Dunning



# BREACH OF PEACE

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- ❑ R v Howell
- ❑ Albert v Lavin
- ❑ S25 PACE 1984
- ❑ S28 Town Police Causes Act 1847
- ❑ shouting and swearing in public

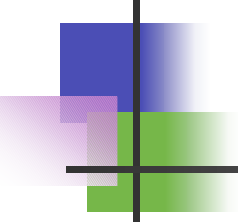


# OBSTRUCTION OF THE HIGHWAYS

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- ❑ S137 Highways Act 1980 - offence
- ❑ Arrowsmith v Jenkins
- ❑ Burden v Rigler
- ❑ R v Dubbins - R v Clark
- ❑ Homer v Cadman
- ❑ Cooper v MPC
- ❑ Hirst v Chief Const' West Yorkshire 1986
- ❑ Hubbard v Pitt - R v Moule





# TUMULTUOUS PETITIONING ACT 1661.

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- ❑ Max 10 people permitted to present a petition.
- ❑ To Queen or Parliament
- ❑ Max 20 people allowed to collect signatures.



# PUBLIC MEETINGS ACT 1908

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- ❑ Offence to disrupt a meeting
- ❑ Offence to incite disruption
- ❑ PC may require name and address
- ❑ Offence to refuse
- ❑ Requires request by organiser for Police to take action



# PUBLIC ORDER ACT 1936.

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- ❑ Offence to wear a uniform = political allegiance
- ❑ Arrestable under s7 POA 1936
- ❑ Usurping role of police s2 – offence
- ❑ O’Moran v DPP
- ❑ Jordan v Burgoyne
- ❑ Brutus v Cozens



# RIOT s1 PUBLIC ORDER ACT 1986

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- ❑ 12 or more persons
- ❑ threaten unlawful violence – common purpose
- ❑ if a reasonable person may be fearful
- ❑ by any one individual
- ❑ no one need actually be in fear
- ❑ Penalty - 10 years



# VIOLENT DISORDER s2 POA 1986

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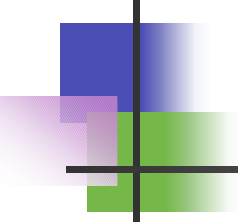
- ❑ 3 or more persons
- ❑ threaten unlawful violence
- ❑ reasonable person may be fearful
- ❑ by any one individual at any time
- ❑ no one need actually be in fear
- ❑ private or public place
- ❑ 5 years



# AFFRAY s3 POA 1986

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- ❑ 1 person
- ❑ threatens unlawful violence
- ❑ reasonable person may be fearful
- ❑ needs actions not merely words
- ❑ no one need actually be in fear
- ❑ public or private place
- ❑ Arrestable
- ❑ Penalty - 3 years



# FEAR / PROVOCATION OF VIOLENCE s4 POA 1986

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- ❑ 1 person
- ❑ threatening abusive insulting words or written words e.g. placards
- ❑ with intent to cause person to fear violence/
- ❑ provoke violent response
- ❑ Public or private place (not placards inside)
- ❑ Arrestable
- ❑ 6 months



# RACIALLY AGGRAVATED PUBLIC ORDER s31 CDA 1998

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- ❑ s4, 4A & 5 POA 1986 + racially aggravated
- ❑ Arrestable if warned and continues
- ❑ But no warning needed under s4????
- ❑ Penalty 6 months same as s4 ???
- ❑ No aggravated penalty?





# RACIALLY AGGRAVATED HARASSMENT s32 CDA 1998

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- ❑ S2 & s4 PHA 1997 + racially / religiously aggravated
- ❑ S2 2 years (6months summary)
- ❑ S4 7 years (6 months summary)

# INTENTIONAL HARASSMENT

## s4A POA 1986

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- ❑ 1 person
- ❑ intent to cause harassment by
- ❑ threatening, abusive words / disorderly behaviour
- ❑ causing harassment alarm or distress
- ❑ Public / private (excluding placards inside)
- ❑ Defence if inside – not realise visible outside
- ❑ Arrestable
- ❑ 6 months



# HARASSMENT s5 POA 1986

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- ❑ 1 person
- ❑ threatening abusive insulting words disorderly behaviour – placards - within hearing or sight
- ❑ public / private place (excluding outsiders if not known outsiders affected)
- ❑ defence – no reason to believe anyone within hearing / reasonable conduct
- ❑ arrestable post warning if continues
- ❑ fine – level 3



# PROHIBITION OF HARASSMENT

## s1 & 2 PHA 1997

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- ❑ Offence to knowingly harass
- ❑ Objective test
- ❑ Defence of lawful authority
- ❑ Fine – or 6 months
- ❑ Civil tort – s3



# PUTTING PEOPLE IN FEAR OF VIOLENCE s4 PHA 1997

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- ❑ Offence to knowingly put another in fear of violence twice.
- ❑ Test – objective
- ❑ Defence – lawful authority



# MENS REA s6 POA 1986

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- ❑ Riot requires awareness that conduct is violent or threatening
- ❑ Violent disorder and affray requires intention to threaten violence or awareness
- ❑ S4 requires intent to be threatening abusive or insulting or awareness
- ❑ S5 – intoxication has no impact on awareness unless involuntary intoxication



# RACIAL HATRED PART III POA 1986

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- ❑ MEANING OF RACIAL HATRED – s17  
POA 1986
- ❑ USE OF WORDS BEHAVIOUR DISPLAY  
WRITTEN MATERIAL s18 POA 1986
- ❑ PUBLISHING DISTRIBUTING WRITTEN  
MATERIAL s19 POA 1986
- ❑ PUBLIC PERFORMANCE OF PLAY s20  
POA 1986



# RACIAL HATRED PART III POA 1986

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- ❑ DISTRIBUTING SHOWING OR PLAYING RECORDING s21 POA 1986
- ❑ BROADCASTING s22 POA 1986
- ❑ POSSESSION RACIALLY INFLAMMATORY MATERIAL s23 POA 1986





# RACIAL OR RELIGIOUS HATRED

## SOC&P BILL 2004/5

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- ❑ The term Racial Hatred to be replaced in Part III POA 1986 by the term RACIAL AND RELIGIOUS HATRED
- ❑ See Schedule 10 SOC&P BILL
- ❑ Key to offence is the likely state of offence caused to victim – more likely to be offended – more likely an offence.