Assemblies & Processions

Offence under sec. 12(5) [processions] or 14(5) [assemblies] of *Public Order Act 1986* if a person "knowingly" breaches conditions, or fails to do so when informed at event.

Where a chief police officer believes a procession planned be controlled, they can apply to local authority to ban it under sec. 13 of *Public Order Act 1986*. Any person organizing [sec. 13(7)] or attending [sec. 13(8)] a banned procession commits an offence.

Under sec. 12(4) [processions] or 14(4) [assemblies] of *Public Order Act 1986* if person organizes an event and "knowingly" breaches conditions, or fails to comply when informed, that is an offence. Under sec. 12(6) [processions] or 14(6) [assemblies] if person incites another to breach police directions, that is an offence also.

Police can change/review directions according to perceived circumstance

Directions changed

No right of assembly on private land without permission of the owner – unless you legally "occupy" the land, in which case eviction proceedings must take place. Also trespass, SOCPA, bylaws and public order/conduct law apply.

Sec. 14A of the *Public Order Act 1986* gives police power to ban 'trespassory assemblies' – anyone organizing or participating in such an event commits an offence under sec. 14B.

Directions changed

Police can change/review directions according to perceived circumstance

Have you complied with police directions?

This is a 'spontaneous procession'

This is a 'pre-planned procession'

Have police banned it?

Has permission been given by police?

Offence under sec. 11(7) of *Public Order Act 1986* if organizer does not inform police if it is "reasonably practicable" to do so.

To *march/walk on private land it must have a* **'legal 'right of way'** *, or you must have permission from the owner – otherwise trespass, SOCPA, byelaws and public conduct laws apply instead.*

If access is permitted

To be an offence a person must "knowingly" attend procession/assembly that has not been consented by police. If then fail to comply with police instruction at event, an offence is committed.

Many "public" spaces, like shopping centres and even whole streets, can be 'private' property, even if owned by a public body. Check before planning action further.

Do you have landowner's permission?

On private land?

This is a 'procession'

This is an 'assembly'

MOVING with a common purpose?

In the 'open air'?

On private land?

Two or more people ?

Public Order legislations does not control "lone" protest – trespass, byelaws, SOCPA, ASBO and other public conduct laws apply.

Public Order law on 'assemblies' only applies to open spaces – otherwise trespass, byelaws, SOCPA, and public conduct laws apply.

Have you complied with police Directions?

Has permission been given by police?

On private land?

Do you have landowner's permission?

This is a 'trespassory assembly'

Don't Know

On Roads & Highways

" Obstruction of the highway" is not merely a matter of 'getting in the way' of people using a road or footpath:

(1) It has to be more than a trivial inconvenience, and you must be deliberately trying to block the road/footpath;

(2) you must have no lawful excuse to cause the obstruction – e.g. as a result of your work or requiring access to neighbouring land. A person with a licence to collect money in the street would have a 'lawful excuse', while others would not.

Public highways are routes maintained by public agencies. While most roads are 'highways', and unsurfaced public rights of way are too, not all 'roads' are highways.

Local councils keep a register of "roads maintained at public expense", as well as the "definitive map" of rights of way.

Access roads in some housing or industrial estates may not be "public", though access may be permitted. In such instances you'll often see a sign stating "not a public right of way" or "private road".

Have you damaged, lit a fire, let off a firework, or marked/ drawn on the highway?

Are you 'in the way', obstructing the road?

Have you put any object on/in the road or path?

Are you on a public highway ?

Are you drunk?

Putting anything on a highway which interrupts travellers is an offence under sec. 161(1) of the *Highways Act 1980*.

Obstructing the highway is an offence under sec. 137 of the *Highways Act 1980*.

Trespass and other similar laws apply

Sec. 131 of the *Highways Act 1980* makes it an offence to damage the highway physically, or by lighting fires, or letting off a firework within 50 feet of the highway.

Sec. 132 of the *Highways Act 1980* makes it an offence to draw/paint or make 'unauthorized marks' on the highway

Being drunk in a public place – especially if you're in charge of a bicycle, vehicle, or even animals – is a simple way to allow the police to use your conduct as an excuse for action:

Sec. 91(1), *Criminal Justice Act 1967*;

Sec. 12, Licensing Act 1872;

and more extensively, see "public space protection orders" under sec. 63 of the *Anti-social Behaviour, Crime and Policing Act 2014*.

Stop and Search Powers

Where a section 60 order is in place, you can be directed to remove face coverings/masks

If you are not arrested, you should be given a record of the search and grounds why it was done – in set out in *PACE Code of Practice A*.

Sec. 44 Terrorism Act 2000 – but only where an order has been made and approved by Home Secretary.

Sec. 1 of Police and Criminal Evidence Act 1984 allows police to stop and search any person, vehicle, or anything which is in or on a vehicle, for stolen or prohibited articles, points and blades, or fireworks, and articles with a person 'going equipped' to steal or cause criminal damage

Sec. 60, *Criminal Justice and Public Order Act 1994*– but only in the geographical area covered by the s.60 order

You do not have to answer any verbal questions for a search – including giving your name, address, or give an account of what you are doing. The search is for weapons, drugs, or stolen property only. If you are asked to remove more than a coat or jumper, you should be taken to a place out of public view and searched by an officer of the same gender.

They must tell you the power they are using, as well as giving their name/ID number, and which police station they are attached to.

Have they told you what power the search is being carried out under?

A police officer asks to search you or for you to remove your face covering

Section 60 CJPOA Authorizations

Section 60 of the Criminal Justice and Public Order Act 1994 allows an officer of the rank of inspector or higher to issue an authorization for up to 24 hours for "section 60" powers. This enables uniformed police (but NOT PCSOs) to search for weapons and other articles which are believed to be related to "actual or potential 'violent disorder'".

Section 60AA allows officers to ask any person wearing a mask or face covering to remove it to enable identification. That power can only be used where a section 60 order is in force.

Pickets, Trade Disputes & 'Animal Rights'

Check – trespass means that you're on private land without permission. Where public rights of way exist, this is not necessarily a defence if your "intent" is to disrupt activities on the land.

Note, "land" does not only include open air, but also buildings, shops, etc. which you might ordinarily have permitted access to – until the owner tells you to leave.

Are you on private land?

Offence under Sect. 68 *Criminal Justice and Public Order Act 1994*.

If you're arrested you will have to prove 'unlawful activity' case in court

Do you have evidence for a court that elements of the operation are not 'lawful'?

Are you stopping operations taking place?

If you have a legitimate right of access trespass laws do not apply – but other public order and harassment laws will. However, using access rights to stop work could still be classed as "aggravated trespass".

Assuming you cannot prove rights of access

Offence under Sect. 69 *Criminal Justice and Public Order Act 1994*.

Where 2 or more people commit aggravated trespass a "senior officer can order them to leave and not return for 3 months.

Refuse to leave and /or return in 3 months?

Did you refused to leave when asked?

Two or more people involved ?

Ordinary civil trespass laws apply

Aggravated Trespass

In this sense, "animal research" means any site with a licence for research on animals under the *Animals (Scientific Procedures) Act 1986*, or anyone supplying such a site.

Involved in animal research ?

Are you picketing a business or an employee?

Offence under Sec. 146 of the *Serious Organised Crime and Police Act 2005* , "Intimidation of persons connected with animal research organisation"

With the intent of harming or shutting down that work?

Or a supplier for animal research ?

Other laws on trespass, harassment, public order etc. apply

Offence under Sec. 145 of the *Serious Organised Crime and Police Act 2005* , "Interference with contractual relationships so as to harm animal research organisation"

With the intent of deterring that supplier?

Are you stopping operations taking place?

Assuming you can prove this

You will need to find a way to demonstrate that your intent was not to "intimidate".

Do you have evidence for a court that elements of the operation are not 'lawful'?

Offence under Sect.241 of *Trade Union and Labour Relations (Consolidation) Act 1992* .

In this sense, picketing with the intent of stopping business operations, or intimidating employees or their relatives in order to dissuade them from working.

If you're arrested you will have to prove 'unlawful activity' case in court

Are you on a public road/land ?

Check – this is critical to what other laws might apply!

Key to chart

Method of action
Defines what it is you want to do/achieve by action

Location of action
Defines where the method of action will take place

Legal terms
The legal jargon used to define an action or event

Decision point
'Decision points' are used to navigate the protestagram. Usually the options are "yes", "no" or "don't know". How you answer determines where you go next – *so it's important to make sure you are certain about the answer!*

Offences
Where action gives rise to a potential breach of the law, this is defined in the 'offence' box.

Information/exceptions
Sometimes there are exceptions to the way the law is interpreted. 'Information' bubbles describe how these exceptions might apply – and what other law you should look at instead.

Warnings
some questions wholly change the legal situation. Where a question cannot be clearly answered, a 'warning' box indicates that you must find out this information before you proceed any further.

Action arguably OK
If you reach this point there should be no problem – although you will need to keep monitoring the situation in case police change their minds/act pre-emptively.

Possible criminal offence likely
If you reach this point it is possible that arrest/police actions are likely to take place for a criminal offence. The preceding 'offence' box will indicate the particular law under which action is likely.

Possible civil offence likely
If you reach this point it is possible that arrest/police actions are likely to take place for a civil offence. The preceding 'offence' box will indicate the particular law under which action is likely.

Fixed Penalty Notice, Penalty Notice for Disorder or Community Protection Notice
Various types of "penalty notice" exist which allow a uniformed PCs, or if authorized, PCSOs, to issue fines for various types of behaviour. You must pay in 21 days, or challenge the order by asking for the offence to be sent for trial – usually in the Magistrate's Court.

Using 'The Protestagram'

The purpose of the Free Range Network's 'Protestagram' is to enable the legal consequences of any planned direct action to be more easily assessed using a flow chart.

Select the method of action, and/or the location of action, and then follow the lines – answering the questions as you go.

THIS CHART IS NOT MEANT TO BE AN ALTERNATIVE TO PROPER LEGAL ADVICE AND RESEARCH – you will still have to undertake that research in detail to prepare your action.

Instead, this chart is intended for you to quickly assess what trouble you might get into, and prepare for those consequences by developing a legal case – ideally well in advance of taking action.

" Anti-social behaviour" (ASB) is a concept that has developed over the last two decades or so, and has spread in its application to many areas of policing policy – especially through the use of local authority orders, administered by PCSOs and other non-police 'enforcement officers'.

The general definition of "anti-social behaviour" is actions which:

Has caused, or is likely to cause, harassment, alarm or distress to any person;

Is capable of causing a nuisance or annoyance to a person in relation to that person's occupation or residential premises; or

Capable of causing housing-related nuisance or annoyance to any person.

The most significant aspect of these laws is that conduct does not have to meet a "criminal" standard, under existing legislation, in order to be criminalized under ASB legislation.

If you are a peaceful protester, genuinely NOT acting in an anti-social manner, you should refuse to give your name and address, even if threatened with arrest. The officer must prove they had reasonable grounds to ask for your name – which would be assessed by the court as part of your case against the charge.

Issuing fixed penalty notices is a way in which authorities can get people's names and addresses, and in certain circumstances take their photograph.

Under sec. 48 of the *Anti-social Behaviour, Crime and Policing Act 2014* it is an offence to breach the notice

Offence under sec. 43 of the *Anti-social Behaviour Act 2003* .

Under sec. 67 of the *Anti-social Behaviour, Crime and Policing Act 2014* it is an offence to breach PSPO.

Under sec. 77 of the *Criminal Justice and Public Order Act 1994* a local authority may give a direction to people camped in vehicles on the highway, or other private land, to leave – refusal is an offence.

Under sec. 61 of the *Criminal Justice and Public Order Act 1994* if a senior police officer on scene believe 2 or more people are residing on the land with common purpose, they can order them to leave – refusing is an offence

Offence under sec. 50 of the *Police Before Act 2002* for a person not to give the real name and address to a uniformed police officer or a PCSO who believe they are acting in an anti-social manner.

Offence under sec. 87 of *Environmental Protection Act 1990* to drop, throw or leave litter

Under sec. *43 of the Anti-social Behaviour, Crime and Policing Act 2014 you may be issued with a "Community Protection Notice' if you repeat the action for which you previously received a written warning. You have 21 days to appeal it.*

Offence under schedule 3A of *Environmental Protection Act 1990* to distribute free literature – which may also be seized

Offence under sec. 32(2) of the *Anti-social Behaviour Act 2003* to refuse order to disperse

Under sec. *30 of the Anti-social Behaviour Act 2003, where an order has been approved by a police area by a senior officer, the police can disperse groups of people believed to be acting in an anti-social manner*

It is an offence under secs. 3 or 34 of the *Road Traffic Act 1988* to use a vehicle in an "anti-social" manner.

Any driver stopped for an offence under sec. 3 or 34 of the RTA for "anti-social behaviour" can have their vehicle seized by the police under sec. 59 of the *Police Reform Act 2002*.

It is an offence under 14B of the *Public Order Act 1986* to organize or attend a banned assembly.

Under sec. *14A of the Public Order Act 1986 a Chief Police Officer believes that a "trespassory assembly" of 20 more more people may be held on private land without consent, they can apply to the local authority to ban it*

Bad luck! *It's entirely down to the officer having a "reasonable belief" that you are being "anti-social"*

Did you refuse to give it?

Did you drop litter?

Have you been asked for your name and address?

Are you being "anti-social"?

Have you received a written warning before?

Is the land "designated" to prevent free literature distribution?

Are you giving out leaflets ?

Is this a regular action or protest in same location?

Are you writing graffiti or fly-posting?

Two or more people involved?

Have you infringed 'detrimental activities' of order?

Is the area covered by a "Public Spaces Protection Order"?

Is the vehicle used to support the action, or is it driven off-road on private land?

Are you using a road vehicle?

Are vehicles on the land without permission ?

Are you camping on public or private land without permission ?

Have you been asked to leave?

Don't Know

Before giving any details to anyone, you should first, establish who they are. Ask to see their identification. You should not give anything more than a name and address unless under a formal caution.

A 'written warning' under the 'Community Protection Notice' system has to be a formal letter, explaining both the faults you are accused of, and specifying what actions you must take to avoid future legal action.

Alternately, both graffiti and fly-posting could be dealt with as "criminal damage" if on a large enough scale.

The local authority should maintain a list of areas covered by litter orders, and all PSPOs and the 'detrimental activities' they prohibit.

In England and Wales all land is "private", and except for rare exceptions you must have the permission of the landowner to camp or you can be removed. See 'Trespass and Occupation'.

START HERE

MODE OF ACTION

In all cases

Location of action

Action on a street or road (not in a vehicle)

Action on land or open space (not a building)

Action inside a building

Action in a "public" space, public park or neighbourhood

Action at a military or government site

March, vigil or outdoor meeting

Confrontational demonstration or action

Mass trespass/ land occupation

Direct action, shutting down a development

Picketing a commercial site

Trespass & Land Occupation

Offence under sec. 144 of the *Sentencing and Punishment of Offenders Act 2012* to enter a residential premises as a trespasser and to remain there against wishes of occupant.

Offence under sec. 7 of the *Criminal Law Act 1977* to enter any premises as a trespasser and to remain there against wishes of occupant.

Offence under sec. 6 of the *Criminal Law Act 1977* to use threats or violence to gain entry to premises.

Or is it a residential property?

Or inside an occupied 'building'?

Were any threats or violence used to gain entry?

Are you using road vehicles on site?

Are you camping on the land?

Is there an existing injunction against trespass on the land?

Are you occupying a site in a way which obstructs "lawful" operations?

Use of road vehicles on private land creates other related offences

Camping or "residing" on private land creates other related offences

Orders are normally made against specific named individuals, organisations, or a definable group of people related to a protest issue.

Have you breached any part of the order?

Offence of "contempt of court" under *Common Law*.

When first asked to leave, you must clearly state your intent to "reside" on the land – and take steps to demonstrate this by creating space to live/sleep.

In occupying the land you should not use threatening or abusive language against anyone who questions you or/and, nor should you damage the property. The moment you do that other laws can apply.

At this point it would appear that you are undertaking a temporary 'trespass' onto open land or in unoccupied non-residential premises

Have you been asked to leave?

Are you intending to stay?

Assuming you cannot prove rights of access

Ordinary civil trespass laws apply

Provided that you are peaceable, and do not damage anything, until you are asked to leave you are able to stay.

If you do not leave the owner can use "reasonable force" to remove you – although that doesn't give them the right to physically assault you

To recover control of the land – assuming you have not caused damage or been offensive, thereby giving the police powers to remove you – the owner must go to the County Court to apply for a 'possession order'.

Only when the order is granted can the landowner use the power of the law to remove occupiers from the land.

If you're not intending to stay, you should leave when asked – you may be directed to leave by a certain route.

If you can be identified, the owner may subsequently sue you for damages, or issue an injunction preventing you from trespassing again.

Whether you are asked to leave by the landowner

Government, Military & Nuclear Sites

Sections 128-131 of the Serious Organised Crime and Police Act 2005 (SOCPA) creates "designated sites" – specially protected sites which have enhanced laws against trespass and access. All national government and royal buildings are covered, along with a range of military sites, intelligence sites, and licensed nuclear sites.

Trespass on these sites is a criminal, not a civil offence. The law also means that while you may be released at the time, you may be subsequently arrested for trespassing on the site under SOCPA.

SOCPA sites are listed on the Home Office web site.

' Right to roam' legislation is suspended at all SOCPA sites.

Is the site a SOCPA "designated site?

Did you enter the site without permission

Is the site covered by other byelaws?

Did you enter the site, or otherwise breach prohibited activities of the byelaws?

Offence under Sec. 128 of *Serious Organised Crime and Police Act 2005.*

Breach of byelaws is usually a civil offence, dealt with on report to the local Magistrate's Court.

Government departments – such as the MoD – and government agencies – such as the Forestry Commission and local authorities – can create their own laws, called 'byelaws', if they are granted the power to do so.

Any site where byelaws exist should be clearly marked with sign posts – or contact the agency concerned to check.

In absence of SOCPA or byelaws, ordinary trespass and other land law applies

' Criminal Damage'

The Criminal Damage Act 1971 does not define "damage" as such, but instead defines it as any act which affects the 'value' of 'property' belonging to 'another person', without 'lawful excuse'.

The damage cause need not be permanent – for example, if you do graffiti with washable paint, it's still "damage" even though it's very simple to reverse the effect.

The "damage" aspect is based upon the loss of value of property, and the likely costs to restore the property back to its original value.

Have you caused "damage" to property?

Do you have a legal justification for causing Damage?

You will have to argue the case in court

Did you threaten to cause damage, but not do it?

Were you found with items to cause damage to property?

Offence under Sec. 3 of *Criminal Damage Act 1971.*

Offence under Sec. 2 *Criminal Damage Act 1971.*

Offence under Sec. 1 of *Criminal Damage Act 1971* .

Is the value of damage less than £300?

Value of the damage more than £5,000?

Trail at Magistrate's court – a fine but prison sentence less likely.

If your case is sent to Crown Court, you'll get a higher fine and possibly a prison sentence

For small value damage you may get a "Penalty Notice for Disorder" (PND)

' Common Purpose'

Are you a large group or an extensive, dispersed network?

Does the campaign involve breaking ANY law?

Are you planning an action which might break the law?

" Common Purpose Principle"

Sec. 93 of The Police Act 1997 and sec. 8 of the Security Services Act 1996 enacted the principle of, 'common purpose', defined as –

" Conduct [which] constitutes one or more offences, and either involves the use of violence, results in substantial financial gain or ('our' emphasis) is conduct by a large number of persons in pursuit of a common purpose "

This means that any minor infraction, if carried out by a large number of people, can be regarded as a 'serious crime'. That allows the police to carry out surveillance, interfere with private property, and the security services can be authorised to carry out extensive and intrusive investigations of individuals.

If the offence is an 'indictable' or 'either-way' offence – that could be sent for trial in a Crown Court – then sec. 1 of the *Criminal Attempts Act 1981* applies. Any person planning and such action – or aiding or supporting it – even if they did not carry it out, could be sent for trial as if they had carried it out. Even if they cannot carry out the crime, by virtue of meaning to do it, those involved can be prosecuted for the attempt.

If two or more people plan to commit a crime, even a minor one, but fail to carry it out, or engage or assist another to carry it out, then they can be tried for 'conspiracy' under sec. 1 of the Criminal Law Act 1977.

From the Camp for Climate Action, to anti-nuclear campaigns, to animal rights, to trade union strikes, there are many examples of where the state has used the "threat" of collective action to launch mass surveillance and, on occasion, mass arrests and trials of protesters.

If you are part of a successful campaign that seeks to push the boundaries of the law, or stand-up for the community or environment against the Government's political and economic objectives, then being targeted under the 'common purpose' law is a mark of how successful you are in pursuit of those aims.

Are you applying pressure to someone to do/not do something outside that person's home?

On two or more occasions have you undertaken action likely to cause a person alarm or distress? – and you were aware it was likely to do so?

Have you regularly watched, followed or contacted the person?

Offence of "harassment" under sec. 2 of the *Protection from Harassment Act 2001* .

Offence of "stalking" under sec. 2 of the *Protection from Harassment Act 2001* .

Has the person got an injunction/order against you, or a group/another person you are connected to, preventing this?

Offence of "contempt of court" under common law.

Is this a one-off event rather than a sustained campaign?

Yes – a single event

No – a sustained campaign

With a 'sustained' campaign the possibility of harassment law is engaged. Even so, individual occurrences could still be dealt with under public order law.

A single event is literally a single event. A 'campaign' is where one or more people take action against the same site, person or organization on more than two occasions.

Violence and Nonviolence

Nonviolence and Action

" Nonviolence" as a position from which to carry out direct action for change makes more sense than the use of violence. Cope your internal dialogue!; it self-evidently does!!

However, it is not enough to be "non-violent". You have to embrace the principle of 'nonviolence' as a core of your outlook on how and why you act. It is an end-point of action in itself, not merely a means to an end.

Nonviolence enables you to handle the provocation to violence inherent in the way authority deals with any form of dissent. Authority seeks to provoke a violent response, because creates the legal basis for the use of their greater power to stifle or discredit any form of dissent.

Remaining nonviolent – which means not only avoiding physical violence, but also not engaging in actions or words which communicate aggression – negates the ability of authority to exert provocation as a form of control – thus enabling action to take place.

The definition of information or articles "useful" for terrorism is completely dependent upon the context. It could be as simple as a road map, or something obvious such as material about terrorist groups or their actions.

Stop & Search

Possessing 'information' is an offence under sec. 58 of the *Terrorism Act 2000* . Possessing 'articles' is an offence under sec. 57.

Causing a person fear or alarm that they might be the subject of violent conduct, or that (in their presence) their property might be damaged – offence of 'breach of the peace' under *Common Law*.

Threatening unlawful violence towards another person, making a person of reasonable firmness fear for their safety – offence of 'affray' under sec. 3 of the *Public Order Act 1986*.

Any act which causes another person to apprehend immediate and unlawful personal violence – offence of 'common assault' under sec. 39 of the *Criminal Justice Act 1988* .

Causing another person bodily harm, affecting health and comfort but not to a significant degree – offence of 'actual bodily harm' (ABH) under sec. 47 of *Offences Against the Person Act 1861*.

An act which maliciously or recklessly inflicts upon another person severe damage to health – offence of 'grievous bodily harm' (GBH) under sec. 20 of the *Offences Against the Person Act 1861*.

Three or more people threaten or use unlawful violence causing a person of reasonable firmness to fear for safety – offence of 'violent disorder' under sec. 57 of the *Public Order Act 1986*.

Are you a "domestic" or "non-violent" extremist?

The fact that you're reading a poster like this means that you could be classed as such by the police/security services.

The label is meaningless; there is no legal definition of the term "extremist" in UK law. It is a pejorative term used by the right-wing of the political/security establishment to marginalize public protest groups.

' Domestic' and 'Non-violent' Extremism

Over the last decade the Government has sought to blur the distinction between what is classed as a 'crime' and what is classed as 'protest', under the general, dismissive banner of 'extremism'.

Recently the Government has been promoting the concept of 'non-violent' extremism. This is the idea that many forms of violent extremism develop from extreme views, many of which are not expressed in violent ways.

There is currently no legal definition of 'extremism'. However, recent Home Office reports appear to make the distinction between protest which breaks the law, and that which doesn't. In essence then, the Government's promised 'extremism' law will make the concept of "common purpose" – where many people commit minor crimes as part of protest action – as the trigger-point for 'extremism' investigations.

Do you have information useful to a terrorist?

Are you a "terrorist"?

Or an item that could be used for terrorism?

Terrorism

In UK law terrorism has a specific meaning, defined in section 1 of the Terrorism Act 2000.

" Terrorism" means the use or threat of action (1) designed to influence the government, or to intimidate the public or a section of the public, (2) the use or threat is made for the purpose of advancing a political, religious, racial or ideological cause, and (3) the action: (a) involves serious violence against a person; (b) involves serious damage to property; (c) endangers a person's life, other than that of the person committing the action; (d) creates a serious risk to the health or safety of the public or a section of the public; or, (e) is designed seriously to interfere with or seriously to disrupt an electronic system.

Note: Even if your grandiose schemes have no chance of success, if your intent was to undertake an act which could be classed as 'terrorism', then you can be convicted of the various offences related to that.

Have you carried out any violent act?

Are you using foul and abusive language or images?

Using 'bad' language, or words which seek to harass, intimidate or alarm, creates the potential for various public order offences.

Public Order & 'Harassment'

Images are as significant as words in this context. Hence words which might imply violence or harm to another on a T-shirt are as legally offensive as an image depicting the same meaning.
For this reason even art, music or theatre could be construed to breach the Public Order Act .

Freedom of Expression

It's important to note that "Freedom of Expression" is not a 'fundamental right' – like freedom from slavery, torture, etc. Therefore you do not have the right to say 'anything' you please if it causes another person fear or distress. The law can moderate.

Depending upon the circumstances, a section 5 offence can be resolved through the issuing of a "Penalty Notice for Disorder' (PND).

Offence under 4A of the *Public Order Act 1986* – "Intentional harassment, alarm or distress"

Offence under 4 of the *Public Order Act 1986* – "Causing fear or provocation of violence"

Offence under 5 of the *Public Order Act 1986* – "Being threatening, abusive or insulting in a way likely to cause harassment, alarm or distress"

Which might make them feel alarmed, harassed, or distressed?

Which might make them fear personal violence will be done to them?

Using spoken or written words, or images?

Which are deliberate abusive towards a person rather than generally insulting?

Are you deliberately trying to provoke, insult, and/ or use bad language?

What constitutes 'threatening', 'abusive' or 'insulting' language is not whether you think it is that – it is whether the person it is directed to, or any other passer by, might think it is.

Just because you' do not find it to be 'bad' language, doesn't mean someone else won't be hurt or offended by it.

Under sec. 42 of the *Criminal Justice and Police Act 2001*, a police officer may direct a person outside another's home, acting in a manner likely to cause harassment, alarm or distress, to leave the vicinity.

It is an offence to refuse to leave.

Under sec. 42A of the *Criminal Justice and Police Act 2001*, is similar to section 40, except that it also covers harassment, alarm or distress to other residents in the area affected by the action.

The other difference is that sec. 42A allows arrest for the action itself, not just the refusal to leave.

Obstructing a Public Officer

Any public official who has legal authority to undertake an action, or any other person assisting them, can technically be obstructed by the public.

A police officer, who can produce a warrant card to prove identity if asked, has a definable legal authority in certain circumstances. PCSOs or local authority enforcement officers also have authority, though less general than a constable – which means their role can be more easily challenged.

Even if they have a certain authority, the ultimate test is did that authority apply in the circumstances. E.g., if the police come on your property without permission, a legal excuse, or a warrant, you can ask them to leave – because they do not have the right to be there.

In any likely confrontational situation you must check what the rights of the various kinds of 'public officer' you will meet are, and check what their powers are in that circumstance. You can then challenge the exercise of those powers if they act inappropriately.

A public officer enforcing lawful powers?

Are you wilfully preventing them doing something they have authority to do?

Did you physically assault the officer?

Were they trying to make an arrest?

Offence under sec. 89(2) of the *Police Act 1996* to wilfully obstruct an officer in the execution of their lawful duty. Offence under sec. 1 of the *Emergency Workers (Obstruction) Act 2006* to obstruct any other emergency service worker.

Offence under sec. 89(1) of the *Police Act 1996* to assault an officer in the execution of their lawful duty.

Offence under sec.38 of *Offences Against the Person Act 1861* to assault any person in an attempt to resist or prevent the lawful apprehension of themselves or any other person.

' The Protestagram'

draft version 1, August 2017
Created by the Free Range Activism Network
http://www.fraw.org.uk/frn/law/index.shtml

CC BY NC SA

Note: This infographic is valid only for the laws of applying in ***England and Wales*** *. It is not intended to be a source of definitive legal guidance. Instead it outlines issues and laws which you should seek to study in more detail before planning/carrying out any direct action.*