

Giving your details

You only need to provide your details if:

1. You are the **driver** of a vehicle and have been stopped
2. You have been **arrested** (except if you have been arrested to prevent a breach of the peace)
3. The officer has **reasonable grounds** to suspect you of an offence (and wants to report you for summons or issue a fixed penalty notice). If you do not give your details, you may be arrested instead. By not giving your details, you do not get yourself into any more 'trouble'.
4. If the officer reasonably believes you have committed **anti social behaviour**

You do not have to provide your details under any other circumstances.

Use this space to record the name and number of a trusted friend or solicitor.

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Pocket Guide to Your Rights

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When dealing with the police on protests

**VIDEO EVERYTHING and
QUESTION EVERYTHING**

Section 1 PACE Searches (continued)

Prohibited articles are

Offensive weapons

Articles made or adapted or intended for use in

- Burglary
- Theft
- Fraud
- Criminal damage

Section 60 Criminal Justice Act 1994

If an Inspector or above reasonably believes **serious violence** may take place, or that persons are carrying offensive weapons in a locality, he can authorise a **Section 60 notice**. This applies only in a specified locality, and for a period of up to 24 hours.

If a S60 notice is in place, **anyone in that locality can be searched for offensive weapons**. No suspicion is needed against individual people. Vehicles and passengers can also be searched.

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Fixed Penalty Notices (FPN)

Provide the police with an opportunity to punish you immediately rather than using the courts. If you are given a FPN you do not have to pay it. You can take legal advice and challenge it through the courts.

The Human Rights Act 1998

Provides protection against but does not override other legislation. Other laws must be interpreted in line with this, i.e. your human rights must be taken into account, particularly if you are engaging in political activities.

Article 10: Freedom of Expression. Includes the right to hold opinions and to receive and impart information and ideas without interference by public authority.

Article 11: Freedom of Assembly and Association.

These are **qualified rights**, which means they *can* be interfered with in the interests of maintaining public safety and preventing crime and disorder. However, **any interference must be necessary and proportionate.**

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Unlawful Arrest

This comes down to what is in the officer's mind when he/she arrests you. They must have **reasonable suspicion** that (a) an offence has been committed and (b) that it was you who did it. If an officer **reasonably suspects** you of an offence they can:

- Demand your details (name and address) to report you for summons
- Demand your details to issue you with a fixed penalty notice
- Arrest you

If you refuse your details (for example because you do not believe they have reasonable suspicion) then you may be arrested. By refusing your details and being arrested, you do not commit a further offence.

If the arrest turns out to be unlawful, you may be able to take civil action against the police.

Alarm, harassment and distress:

These have strong meanings, and don't simply mean that someone is a bit upset or annoyed. Dictionary definitions apply.

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(Stop and search continued)

Removing masks and disguises

Where a section 60 authorisation is in force, police officers can make you remove clothing/masks if they **reasonably believe** these are being worn to conceal your identity.

They can also seize any such items that they **reasonably believe** may be used to conceal your identity.

Section 47 A-C Terrorism Act 2000

Police may search anyone they reasonably suspect to be a terrorist for evidence that he is a terrorist if an authorisation is in place (*NB. this may be altered in late 2011*).

You do not have to provide your details if you are stopped and searched under any of these laws.

The officer must provide you with a record of the search.

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Section 5 Public Order Act 1986

" A person is guilty of an offence if he –
a) **uses threatening, abusive or insulting words or behaviour, or disorderly behaviour,** or
b) displays any writing, sign or other visual representation which is **threatening, abusive or insulting,**

within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby."

If your behaviour/placards/banners are not threatening, abusive or insulting, and you are not disorderly, you are not committing this offence.

Section 4A Public Order Act

Similar to section 5, but more serious. A person is guilty of an offence if he

a) **uses threatening, abusive or insulting words or behaviour, or disorderly behaviour,** or
b) displays any writing, sign or other visual representation which is **threatening, abusive or insulting,**

with the **intention** of causing alarm harassment or distress, and **if someone is actually caused alarm harassment or distress.**

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Breach of the Peace

A BOP is **violence** or the threat of violence.

Making noise (such as playing a drum, blowing a whistle) is not a breach of the peace.

Conduct likely to cause a BOP is when the natural consequence of your actions is to provoke others to violence; such behaviour allows the police to arrest you to prevent a BOP. However, if you are arrested to prevent a BOP, you cannot be charged, so you **do not have to give your details.** You should be released once the threat of the BOP is over.

Being searched

Section 1 PACE (Police and Criminal Evidence Act 1984)

You can only be searched if the officer has **reasonable grounds** to suspect that **you** may be carrying stolen or prohibited articles, or articles with a sharp point or blade. They must have some sort of evidence about **you.** They can also search vehicles under this section, but again need to have reasonable suspicion.

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SOCPA (Continued)

Lawful, peaceful, non-trespassing protests against AROs and their associated companies are perfectly legal. But, if civil wrongs or minor criminal offences are carried out, they become criminal offences or more serious criminal offences.

Boycotts against AROs and associated companies are legal.

Section 146 Serious Organised Crime and Police Act 2005

An offence is committed if a person **threatens to do a criminal or tortious act** against someone who is involved or associated with an ARO.

The threat must be made with the intention of persuading the person not to do something they are allowed to do, or persuading them to do something they don't have to do (i.e. if you are making a protest).

The threat must be made because of the person's involvement with the ARO.

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Section 14 Public Order Act

The most senior police officer can impose conditions **if he/she reasonably believes** that an assembly of 2 or more people:

- May result in **serious public disorder, serious damage** to property or **serious disruption** to the life of the community OR
- The purpose of the assembly is to **intimidate** others

The conditions imposed can only include:

- The **location** of the assembly
- The maximum **duration** of the assembly
- The maximum **number of people** who can attend

The conditions must be necessary to prevent the disorder/damage/disruption/intimidation.

If the S14 notice is imposed in advance, it must be in writing and must be authorised by the chief officer of police.

If S14 conditions are lawfully in place, it is an offence not to comply with them.

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Injunctions

Sections 3 and 3A Protection from Harassment Act 1997

Companies can take injunctions out against protestors to prevent harassment. An injunction usually defines an **exclusion zone** around the company's premises. Within the exclusion zone, it may **designate a protest area** and dictate **when** protests can take place, **how many people** can attend and whether megaphones can be used. It may also require that protestors **give notice to the police**, and prevent contact with 'protected persons'. It is unlawful to enter the exclusion zone except to demonstrate within the designated area. Outside the exclusion zone, your normal rights apply; you can hold lawful demonstrations when and where you wish, unless they are directed towards protected persons. If you have reason to believe a company has an injunction (for example you are an activist who regularly takes part in this campaign), or if you have been served with an injunction, it is **your responsibility** to find out the terms of it.

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Obstruction of the Highway

Section 137, Highways Act 1980

An offence is committed if a person, "**without lawful authority or excuse**, in any way wilfully obstructs the free passage along a highway".

A **lawful authority** to obstruct the highway may consist of a **permit** from the local authority. But, you do not have to have a permit if you have a lawful **excuse**.

A **lawful excuse** means that you are making **reasonable use** of the highway.

Reasonableness is determined by all the relevant factors including the size, location, duration and purpose of the obstruction, and whether the obstruction causes an actual rather than a potential obstruction. That you are exercising your Article 10 rights (freedom of expression) should also be taken into account.

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Home Demonstrations

Sections 42 and 42A Criminal Justice and Police Act 2001 (CJPA) (as amended by SOCPA, 2005)

S42A: It is an offence to hold a demonstration near to someone's dwelling (whether or not it is directed at the resident of that dwelling) if the demonstration is **intended to, or you know it is likely to, cause alarm, harassment or distress.**

S42: If the demo is likely to cause alarm, harassment or distress to a resident, police can put conditions which control the demo's location and duration and who can be there. They can also direct you to leave.

Anti Social Behaviour

Behaviour likely to cause alarm, harassment or distress. Not a criminal offence itself.

Peaceful protest is not anti social behaviour; even if you are wearing costumes and/or making noise. If the police have reason to believe you have/are committing ASB they can demand your details (**under Section 50 of the Police Reform Act 2002**). Failure to give your details is an offence and you can be arrested.

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SOCPA: Anti-vivisection demonstrations

Section 145 Serious Organised Crime and Police Act 2005

An offence is committed if, **with the intention of harming an animal research organisation (ARO)**, a person **does or threatens to do an act** in order to **interfere with a contractual relationship** between the ARO and another company.

The **act** (either carried out or just threatened) can be a **criminal act** or a **tortious act**. A tortious act is a civil wrong: so for example trespass (usually a civil offence) becomes a serious criminal offence if it occurs in relation to interfering with a contract between an ARO and another company.

Interfering with a contractual relationship means, for example, trying to persuade a supplier not to sell their equipment to an ARO. An **ARO** includes all sorts of organisations including commercial testing labs, universities, and hospitals.

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Aggravated Trespass

Section 68 Criminal Justice and Public Order Act 1994

An offence is committed if a person **trespasses** on land and **does an act** which is **intended to:**

- **Intimidate** other persons so as to deter them from engaging in a **lawful activity**, or
- **Obstructing a lawful activity**, or
- **Disrupting a lawful activity**

The land you are trespassing on does not have to be the same land where the activity takes place; it can be adjoining land. Aggravated trespass can be committed on footpaths and bridleways, but not on a road.

Aggravated trespass can be committed inside and outside.

Section 69: If the senior officer at the scene reasonably believes that a person has committed or intends to commit aggravated trespass, he can order them to leave the land. If the person does not leave the land, or if they return to the land within 3 months, then they commit an offence.

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Harassment

Sections 1 and 1A, Protection from Harassment Act 1997

A person commits an offence if they pursue a course of conduct which amounts to harassment of a person or group of people (e.g. a company).

A course of conduct is something done on 2 or more occasions, and (in the case of a group of people) it doesn't have to be directed at the same person more than once.

Peaceful protest and polite communication are **not** harassment.

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