

## How to protest within the law

**You may have heard about new laws and new police powers that restrict your right to protest. You may have concerns about how these affect your ability to use public protest in your campaigns.**

**Here are some essential information and practical tips for effective peaceful protest:**

**Peaceful protest** is not extreme or unlawful; it is a vital part of a democratic society and has a long and respected tradition in this country. Many of the rights and freedoms we enjoy today were gained because people were prepared to go out on the streets and protest – ranging from women's right to vote, the rights of gay and lesbian people, and workers' rights to be part of a trade union.

**Peaceful protest** can be an effective campaigning tool. A well-organised peaceful protest is a powerful way of raising the profile of your campaign, and because it is so visible it can be great for building networks and alliances by bringing your campaign to the attention of others who may share your views and concerns. This guide will hopefully help you gain the self-confidence to exercise that right with much more confidence and effectiveness.

In recent years, the Government has introduced new criminal laws to deal with a whole range of threats, from terrorism to anti-social behaviour, and from animal rights extremists to stalkers. While these problems are real and the Government is entitled to legislate to protect the public from them and give the police the appropriate tools to do their jobs, these new laws do also give sweeping powers to the police that are not always used in the way Parliament intended. The upshot is that the space for public protest has been restricted, and there is a feeling that public protest is somehow a suspect or extreme activity.

## What the new criminal laws mean for you and your local group

**Organising a protest** - Tell the police if you are organising a protest. The key message from police and local authorities to protesters is always **'let us know'**.

Protests are most likely to avoid confrontation with local residents or workers, or the involvement of police, if organisers:

- notify the police in advance of their plans for the protest
- advise them of expected numbers
- apply for a permit if one is required or requested

If you are organising a march, you are legally required to notify the police six days in advance or as soon as it is reasonably practical to do so. **If you are organising a protest rally that will not involve a march, you are not obliged to notify the police**, but you may still want to let them know.

This courtesy allows local authorities to prepare for the gathering, to divert traffic if necessary to ensure the safety of the protesters, and to alert local residents to the disruption they're likely to face.

You still have the right to protest, but the new laws mean that the police have more excuses to make protest difficult and it is easier for companies to try to prevent you from protesting. There are golden rules to bear in mind in all your campaigns that involve peaceful protest:

**Bring people with you-** Make sure you are agreed on what you are there for, and that everyone feels that they are part of the protest– a genuinely united group is much more powerful than a group that feels they have been brought there by one or two leaders.

**Do not behave antagonistically** - In dealing with the police, company employees or members of the public, stay calm and seek to reason. If told to do something, ask why, politely – even if the other person is not being polite.

**Assert your right to protest** - Remember that you have a right to protest, and you are following a noble tradition with distinguished predecessors.

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## The right to protest - essential points

### **1. You have a right to assemble on the public highway**

If you want to gather together and demonstrate about an issue, you do not need permission from police, from the council or anyone else. Provided you do not completely block off the public highway, and you act peacefully and without any threats of violence, you will generally not be committing any crime.

The police cannot prohibit an assembly, and **you do not need to give notice** (except to assembly around Parliament). The police can impose conditions, but only if they reasonably believe that the conditions are necessary to prevent “serious public disorder, serious damage to property or serious disruption to the life of the community”. The conditions may only be as to the place of assembly, the maximum duration and the maximum number of people.

If the police impose very strict conditions, it may amount in effect to a prohibition and an unlawful interference with your right to protest: for example, if they say the demonstration must be 500 metres away, with a maximum number of three people and only for five minutes. Try to negotiate less strict conditions. If you still feel that the police acted unlawfully, you may be able to sue the police under the Human Rights Act. The Human Rights Act protects freedom of expression and freedom of assembly – these form the basis for your right to gather with others and protest.

The act forbids governments and other public bodies (including police) from violating these rights. However, it does allow for some limitations on these rights in order to prevent unrest, violence and crime, and for the protection of the rights and freedoms of others.

The police work to balance the right to protest with the right of other people to go about their lives safely and freely.

### **2. Trespass is not (normally) a criminal offence**

Your right to assemble is only on the public highway. If you assemble on private land without permission, you will probably be committing trespass. Generally, this is not a criminal offence. You can be sued for damages (very unlikely) or you can be asked to leave and be forcefully removed if you refuse. But you will not be committing any crime, and so should not be arrested.



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There are certain circumstances in which trespassing can amount to an offence. The most important for the purposes of this briefing is aggravated trespass. If you trespass on land and you do something which is intended to intimidate, disrupt or obstruct someone engaged in a lawful activity, you will be guilty of this offence. So if you enter a shop forecourt to stop Lorries from entering or leaving or you intimidate customers into not shopping, you may be convicted. The police can arrest you if they reasonably suspect you of committing aggravated trespass.

### **3. When protest becomes harassment**

When you think of harassment laws, you think of stalkers and sex pests. But these laws are also being used by companies to try to stop protesters.

#### **There are three types of situation when protest can become harassment:**

- a.** A course of conduct (two or more incidents) against one person, or a group of people (but not a company), that amounts to harassment. Harassment is not defined but can include conduct that causes alarm or distress. Shouting of words or holding up placards can be harassment.
- b.** One incident where two or more people are harassed, and the intention is to persuade someone not to do something they are entitled to do or force them to do something they are entitled not to do.
- c.** One incident where someone is harassed in the vicinity of any dwelling, with the intention to persuade someone not to do something or to force them to do something.

Although many types of public protest can fall within the definitions above, you will not be committing any offence if your conduct is reasonable – and because you have a right to peaceful protest, if you are peacefully protesting, there is a strong argument that your conduct is reasonable.

In addition to the criminal offence, companies against whom you are protesting can apply for an injunction to stop you. An injunction is a civil remedy, but there are criminal penalties for breaching it. Companies have been known to apply for very broad injunctions which can in effect prevent you from protesting altogether. In that case, the protesters should contest the injunction application in court – the court should not grant injunctions that disproportionately restrict your right to protest.

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## Police powers

Police have a duty to provide protection and assistance for peaceful protests, but they must balance that with an obligation to preserve the peace, uphold the law and prevent crime. Individual chief police officers decide how to handle each protest in their area.

Violent activity cannot be regarded as a legitimate form of protest, and the police have the legal right to arrest and charge those who commit acts of violence during protests.

Police have many legal powers that can be used to prevent violence or unrest associated with protest. They can, for example, impose limitations on the route of the march, or the location and duration of a rally.

### **They will only do that in order to prevent:**

- riots or other serious public disorder
- damage to property
- serious disruption to the life of the community

Police might also conduct 'stop and search' operations around a protest, but they must do so for a specific reason. Because of this, if they stop and search you, they must always specify on what legal grounds they are doing it. Anti-social behaviour rules and dispersal orders can also be used to break up violent or unlawful protests.

A sit-down protest or a blockade – even a peaceful one – can be stopped if it blocks road traffic or public walkways. Any racist chants or threats of violence – even in an otherwise peaceful protest – are not acceptable, and those involved could be arrested and charged.

## Alternatives to public protests

Public demonstrations may be the most high-profile way to express your opinions and organising a petition is an alternative to staging a protest but there are other equally effective methods to make your voice heard.

For example, you could:

- talk with your MP in person at a local surgery in your constituency
- write a letter to MPs and members of the House of Lords
- start or sign a petition and present it to your MP
- start or sign a petition on the Number 10 website
- start a website or blog expressing your views
- get involved in politics yourself – run for office
- join a political party and argue for your cause

Sometimes making your case directly to those who have made decisions with which you disagree can be more effective than protesting. Source: <http://www.foe.co.uk>

## Useful resources for campaigners:

**Friends of the Earth's Rights and Justice Centre** - Provides free or affordable legal advice to groups and campaigners seeking to use the law to protect their environment:

<mailto:legal@foe.co.uk> Tel: 020 7566 1726

**Liberty's Your Rights Guide** - Comprehensive guide to human rights issues, including your right to protest. Can also provide initial legal advice to online or telephone queries: <http://www.yourrights.org.uk>

**Free Beagles Legal Resource for Campaigners** - Information and resources on a variety of legal issues that may affect campaigners:

<http://www.freebeagles.org>

**Law Society** - Information about choosing and using a solicitor on a particular area of law:

<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>

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## Need Help?



*A.R.T is committed to helping the residents of the Rockfield Triangle and the wider Anfield area by addressing the important issues that have blighted the Anfield community for so long.*

*If you have any problems contact A.R.T and we will help as much as we can.*

*We will treat all reports to A.R.T with absolute confidence - and your details will not be*

*passed onto anyone without your permission.*

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