UP AGAINST THE LAW

Animal Rights & The 1986 Public Order Act



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PRINTERS AND PUBLISHERS
FOR THE ANIMAL RIGHTS MOVEMENT

Arc Print was established in November 1985 as an animal rights organisation printing leaflets for local groups and publishing booklets on relevant issues.

This work on Public Order law is our second publication within six months. Work is already at hand to produce further animal rights publications, to do this we desperately need funds to pay for the research and printing costs if you would like to help either send a donation or write for our standing order form and send a regular £2 donation each month. **All cheques to Arc Print, 265 Seven Sisters Road, Finsbury Park, London N4**

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HISTORY OF PUBLIC ORDER IN BRITAIN

The Public Order Law which becomes fully enforceable in April of this year is the culmination of a review of public order law which started in 1979. The law gives the police extensive new powers to control and prevent the right to protest, and when placed alongside the 1984 Police and Criminal Evidence Act, the increased militarization and centralization of police practices, it is a serious and dangerous threat to us all.

HISTORY

To put the new Public Order Law into context it is useful to look at why the government needs to create new powers when there are already a number of laws the authorities could call upon, most of them having been passed in particular periods of political and economic crisis. For example, when the 1936 Public Order Law was introduced the police were directed to control the activities of the British Union of Fascists.

Before that was the 1797 Incitement to Mutiny and Unlawful Oaths Act; the 1817 Seditious Meeting Act; the 1886 Riot Damages Act; and the 1908 Public Meetings Act, all of which have given the police an enormous amount of power to control people if and when they so wish. The 1986 Public Order Bill provided the government with the opportunity to introduce a statutory power to turn back pickets. The police had done this during the 1984-5 miners' strike when those pickets not complying with police orders were arrested and charged with obstruction. However, no doubt impressed by the way in which the police have been able to take this power to themselves, it decided not to adopt such a provision. Where the police came unstuck was not with the power of arrest but with achieving convictions in court. In the course of the coal dispute 137 charges of riot and 509 of Unlawful Assembly were brought, but no miner has been convicted by a jury of these offences. The new Public Order Law attempts to make convictions more easily obtainable whilst at the same time increasing the maximum sentences and fines. The justification put forward by the Chief Constable of Essex, Robert Bunyard, for the new offence of Disorderly Conduct was that officers dealing with

disorderly conduct have to pretend they have powers they do not have. This means even where prosecutions do not take place, the police will be in a position to prevent anyone from doing virtually anything under a LAWFUL threat of arrest.

The role of the police in Britain has always been a political one and public order rather than crime has been the most serious,if episodic, problem which they have had to face. After eight years of the Thatcher Government during which we have seen riots in mainland Britain for the first time in decades, the police are being used as a paramilitary force to control the social consequences of her economic policies.

It has often been stated that during the 1972 coal strike the mass picket at Saltley Coke Depot, Birmingham was a watershed for the state; the strike not only brought down the government it also showed that the police could not enforce the law and were forced into defeat. The Conservative Party revised the situation to ensure this could not happen again. By 1977 the Association of Chief Police Officers (ACPO) were arguing for increased powers as 'the police can no longer prevent public disorder on the streets,' this as E.P. Thompson notes 'was so much historical humbug.....in a broad secular view there has never been a time when public disorder on the streets has been less'.

To many people the present day paramilitary tactics of the police are relatively new, developed over the last few years; this assumption is not true. Before the police force was founded the army were used to quell dissent, and their tactics and behaviour often resulted in brutal massacres which make today's methods look comparatively tame. In 1780 the Gordon riots raged across London and were perhaps the most violent and savagely repressed of all the riots in London's history. The riots were against Parliament's Catholic Relief Act which repealed a number of restrictions placed upon Roman Catholics. Rioting broke out in which Catholic chapels, schools and dwellings were destroyed. After the 7th day the army took control; 285 rioters were killed, 173 were wounded and of 450 arrested 25 were hanged and another 12 imprisoned. In 1819 Manchester, in what is known as the Peterloo massacre, a crowd of 80,000 were attending a peaceful assembly calling for parliamentary reform when the crowd was broken up by army officers, 11 people were killed and 400 wounded; this situation was the norm in the 18th and 19th centuries whenever discontent with the government occurred or when workers fought for better conditions.

Then having learned from an experiment in Ireland whereby a police force had been set up to deal with the troubles over there, Peel established the first and effective permanent police force on the mainland. It was set up as a public order force, its interests were with protecting the interests of the ruling class, as D.Philips states; 'Power lay with the Lord Lieutenant and the JPs who collectively in Quarter Sessions were the local legislative, administrative and judicial authorities for the whole county, in petty sessions they dispensed local and summary justice for their district. They had influence over the county police force through the Quarter Sessions and through the Chief Constable, whom they appointed. They could command bodies of police, troops and special constables in times of emergency; and in the black country, a large number of the JPs were themselves large iron and coal masters, the largest employers and the most powerful economic forces in the region; they could exercise this power to protect their own interests through the normal forces of Law and Order.'

POLITICAL NATURE OF PUBLIC ORDER LAW

Due to the nature of public order law the police can choose to enforce, or not enforce the law as they see fit. Many examples can be quoted to show how they use the law in a discretionary manner. When the 1936 Public Order Act was introduced the police were directed to move against the British Union of Fascists but they allowed Mosely to march through Cable Street, the Jewish quarter of London. This was obviously a provocative action, but one which was allowed and even supported. The police baton charged their way through the people of the East End to allow the fascists right of way.

The police do not like political demonstrations: the ACPO. describes them as 'not part of the normal process of daily life' 'abnormal' and 'self-indulgent.' One officer's solution to the problem of disorder, as stated in a booklet by the Police Federation, is to 'spray them with machine guns' and another states that people attending demonstrations should expect to get hurt and shouldn't 'come whining'. Unfortunately, the general public has few effective ways of voicing their protest other than by demonstrations or picketing, and yet we do not have a 'right' do this. As the Home Secretary in 1980 stated, "There is frequent mention in public debate of the 'right' to demonstrate. In fact....our law does not in terms recognise a specific right to demonstrate." Many people involved in the animal rights movement will have recognised this to be true.

Hunt Saboteurs in particular have felt the force of public order and related law, the most popular charges being Breach of the Peace, either under section 5 of the 1936 Public Order Act or the more easily provable common law. Other arrestable offences used against Hunt Saboteurs include Obstruction of the Highway, Assault, and Criminal Damage. On many occasions Hunt Saboteurs have been subject to mass arrest when no offence has actually taken place, they have either been released on the day without charge or subsequent court cases have resulted in large numbers of acquittals. By then, however, the objectives have been achieved: to incapacitate people on the day, and to create fear of re-arrest following the imposition of strict bail conditions.

When 'convicted' under common law Breach of the Peace it is required that you are bound over to keep the peace for a period of time; if you do not, a fixed amount of money is forfeited and any refusal to be bound over usually results in a prison sentence. It is thus an attempt to prevent what is essentially a lawful activity. The decision to enforce or not enforce the law is an entirely arbitrary decision made by the police depending on public or government pressure. This can be seen where in some police authorities the Hunt Saboteurs are allowed to carry out their activities without police interference and in others the mere arrival at a hunt meet can make you liable to arrest.

Because of the discretionary powers involved in public order enforcement there is the tendency for the police to take the law into their own hands and apply it as they see fit. As they see demonstrations as a nuisance, an inconvenience, and dislike being caught in the middle, they inevitably use the law against those who are protesting. This has been seen to be the case at major events such as the Waterloo Cup and the beginning of the grouse shooting season, where the police treat these events as public order situations and organise the policing in such a way to protect the interests of the coursers or shooters. At a grouse shoot sabotage in 1983 55 Hunt Saboteurs were arrested for 'actions likely to cause a breach of the peace' but not one shooter was arrested. This has been the case at the Waterloo Cup where the police have watched Hunt Saboteurs being beaten up by hare coursers; action is taken against saboteurs but seldom against those coursers causing grievous bodily harm.

When on occasion the police have arrested hunters or hunt supporters, saboteurs have appeared as witnesses

against them, only to find that they themselves end up getting bound over to keep the peace. One of the first times this happened was in the remarkable case of Val Waters, an anti-bloodsports campaigner. In 1977 she had her car damaged and was assaulted by members of the Atherstone Foxhounds, but when she went to court to give evidence, she was herself bound over - and when she refused to accept the bind-over was sent to prison for a month.

ANIMAL RIGHTS

Over the years the selectivity of charges against animal rights people has been shown on many occasions; people arrested in similar situations have been charged with a wide range of offences, differing in their degree of severity. This may appear to be haphazard but the most likely explanation is that the police were looking for charges that fitted the situation, and most of all charges that would guarantee convictions. If we look at February 1982, 60 people were arrested at Stock on 'Conspiracy to Commit Criminal Damage' charges, but only eight went to prison. Following this very expensive court case 70 people were arrested at Wellcome in September 1983,and everyone was charged with 'Breach of the Peace' a very minor charge. Then, in April 1984, 23 people were arrested following the Northern Animal Liberation League's raid at ICI; at first everyone was just charged with Criminal Damage, but after a few weeks' deliberation they were also charged with the archaic law of Unlawful Assembly. It must be noted that the then Home Secretary had unearthed this charge to deal with the miners then on strike. The raid on Unilever in August 1984 resulted in 25 people going to prison after being found guilty of Conspiracy to Cause Criminal Damage charges. Perhaps the most serious charges at the time were those brought against the Wickham 19; Conspiracy to Burgle, Rob, and Assault, and yet after this lengthy court case - and out of 82 offences - there were only seven people convicted of just one offence each.

Up until this time the most effective charges against animal rights campaigners has not been discovered, and it remains to be seen whether the new public order law will rectify this situation. In the review of the public order law in which the proposed changes to the 1936 Act were discussed, animal rights protesters figure significantly in the considerations: 'Another example of marches whose purpose is to coerce is provided by animal rights protesters, who on occasion have marched on furriers shops or food factories with the intention of preventing the employees from

working.....on such occasions there may not be a risk of public disorder but the police may need to impose conditions on the march in order to protect the individual or individuals who are its target.'

The government and police have been considerably embarrassed by the collapse of trials and the enormous numbers of acquittals such as those arising out of the miner's strike, the 1985 hippy convoy and the animal rights movement. They have attributed these failures as deficiencies in the law - not the fact that people were doing nothing wrong - and use this argument in support of the revisions contained in the new Public Order Act. It is claimed that the offences of Riot and Unlawful Assembly are notoriously difficult to prove, despite their existing wide and ambiguous definitions under the common law. The government's answer is to create offences to replace them which are even wider in scope and which will make convictions more likely; the GLC police committee stated 'animal rights protesters engaged in liberating tortured animals and any other group who the police can claim are using, or threatening, unlawful violence will run the risk of being charged with riot or violent disorder and the heavy prison sentences that follow.'

One of the disturbing features of the new law is that it reverses the burden of proof in a criminal trial. Instead of the prosecution having to establish the material elements of an offence, there are now several occasions where a defendant has to prove that his or her behaviour was reasonable if conviction is to be avoided. In conclusion, the public order law is a threat to the way we carry out our campaigns, it criminalizes what were traditionally acceptable forms of protest. It offers the police greater powers of arrest and for more serious offences.

The animal rights movement cannot survive without publicising the cruelties to animals in the hunting field, in laboratories and in factory farms we need to do this to attract more people to the movement, and to bring pressure on those people perpetrating animal abuse. We cannot therefore avoid coming into conflict with the police and their new laws, but we will be in a far better position to deal with them and outmanoeuvre them if we understand the way in which they work. It is vital that we do this if we are not to repeat the mistakes we have made in the past in our dealings with the police and the courts.

WHAT THE LAW MEANS

The Act repeals the existing law concerning riot, unlawful assembly, rout and affray, and replaces it with new offences of Riot, Violent Disorder, and Affray which are easier to prove. It also creates a new offence of causing Fear or Provocation of Violence and/or causing Harassment, Alarm or Distress. This is to deal with incidents in the street and the offence as worded is so vague that any behaviour that a police officer dislikes could be classified as an offence - which could include the distribution of certain leaflets. Hunt Saboteurs are likely to come up against the new offences under sections 4 and 5 of Disorderly Behaviour.

RIOT

Section 1 of the act provides that where 12 or more persons who are present together, 'use or threaten to use unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness to fear for his personal safety, each of the persons using unlawful violence for the common purpose is guilty of riot'.

'Violence' includes actual injury to persons or damage to property as well as threats and attempts - such as throwing a bottle that falls short. There is no need for someone of reasonable firmness to be actually present at the scene, the prosecution have only to show that such a person would have feared for their personal safety if they had been present.

A prosecution for riot can only be brought with the consent of the Director of Public Prosecutions and is heard before a jury in the Crown Court, it causes a maximum penalty of ten years imprisonment and a fine.

VIOLENT DISORDER

Section 2 of the Act creates a new offence in place of Unlawful Assembly. In seriousness it falls between Riot and Affray and is intended to cover group violence; 'where three or more persons who are present together use or threaten unlawful violence and the conduct of them

(taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using or threatening violence is guilty of violent disorder'. Violent disorder is punishable with up to five years imprisonment and a fine.

AFFRAY

Section 3 of the Act provides a new definition of affray; 'a person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.'

The violence must be directed towards people not property and must be more than words alone, a physical threat must be used. There is no need for the police to prove that bystanders were actually put in fear.

Affray is punishable with up to three years imprisonment and a fine.

PROVOKING VIOLENCE

The most commonly used charge in public order situations, section 5 of the 1936 Public Order Act 'using threatening, abusive or insulting words or behaviour with intent to cause a breach of the peace,' has been abolished, but it is resurrected as the new offence of 'Fear or Provocation of Violence' under section 4 of the 1986 Act. The new offence is an extension of the old and now includes behaviour in private as well as public places and applies to victims who fear violence but are not likely to be provoked into violence. Provoking violence is punishable with a maximum penalty of six months imprisonment or a fine of £2,000.

DISORDERLY CONDUCT

Section 5 of the Act creates a new low-level offence penalising threatening, abusive or insulting words or behaviour or disorderly behaviour or the display of any sign or other visible material likely to cause someone 'harrassemment, alarm or distress'.

There is no need for violence to be used or threatened or for anyone to be put in fear. The new offence must be committed in the sight or hearing of someone likely to be caused harassment, alarm or distress, and can be committed in private as well as

public places.

It is a defence to show that the accused had no reason to believe that anyone within sight or hearing was likely to be caused harassment, alarm or distress or that he was inside a house and had no reason to believe that the behaviour would be seen or heard by anyone outside the house, or that the behaviour was reasonable.

A constable may arrest someone for this offence only after he has warned them that he considers their behaviour to be offensive and they continue to behave in such a way. Disorderly conduct carries a penalty of £400.

PROCESSIONS AND ASSEMBLIES

The new powers to control processions and assemblies means that the police can limit the numbers taking part in a protest or demonstration and also ban them from going near a laboratory or the start of a hunt. The police have powers to ban a march if they believe there is the likelihood of serious public disorder. To do that a Chief of Police has to report the matter to the Council who have powers with the consent of the Secretary of State to make an order banning a procession or march.

The Act does not provide a right of appeal against the imposition of conditions over and above any which existed prior to the Act coming into force. There are only three ways, none satisfactory, whereby such conditions can be challenged: by skilful negotiating with the police prior to the protest; through the judicial review procedure and in defending a prosecution for a related offence. There is no way to challenge a police officer's decision at the time, although it would be possible later to seek a court declaration that it was excessive, unnecessary or inappropriate. However, any court hearing would be likely to give the benefit of any doubt to the police.

ADVANCE NOTICE OF PROCESSIONS

Under Section 11 of the Act advance notice of processions in writing must now be given to the police. The notice must specify when the procession is to take place, the route, and the name and address of those organising it. The notice must be delivered not less than 6 days before the date of the procession. In Scotland notice of the procession must be given not less than six days in advance to both the chief executive of the regional or islands authority and the chief constable, by hand or by posting early enough. The local authority can

refuse permission or impose conditions. Anyone ignoring the local authority's decision commits a criminal offence.

The requirement to give advance notice does not apply to marches where 'It is not reasonably practicable to give any advance notice of the procession'. However,it is unlikely the police will deal sympathetically with a spontaneous protest which they believe could have been delayed and organised 'through the proper channels'.

Those who organise demonstrations should give advance notice to the police and give them the details that they require. Such co-operation will make it more difficult for the police then to say that the demonstration or individual actions in that demonstration were unlawful.

CONDITIONS ON MARCHES

Conditions can be imposed on a march in advance, and in this case they will have to be made in writing by the Commissioner of the Police, or one of his deputies or assistants. On the day the most senior officer present has the power to lay down conditions which need not be written, and which may override any previously agreed conditions. In both cases the type of conditions the police choose to impose are unrestricted except that they should appear to the officer as necessary to prevent disorder, damage, disruption or intimidation.

If conditions are imposed on a procession or if a march is banned altogether and the march takes place in breach of either of those orders then those organising the march are committing an offence. A person who knowingly fails to comply with a condition can be fined up to £400 and an organiser or anyone who encourages the conditions to be broken can be fined up to £1,000 and imprisoned for 3 months.

This section could seriously restrict those who wish to organise protests outside a laboratory although Hunt Saboteurs involved in traditional sabbing tactics will not be required to give advance notice of their actions as this section only applies to a march or procession.

ASSEMBLIES

There is no requirement to give advance notice of an assembly to the police. However, under section 14, the police have powers to impose conditions on assemblies

similar to those relating to marches and processions. These powers apply only to assemblies of 20 or more persons gathered together in a public place wholly or partly open to the air. The grounds on which conditions are imposed are the same as those relating to marches, though the conditions themselves are restricted to apply to the location and duration of the protest and the number of participants. The penalties for knowingly failing to comply with a condition, are the same as for the similar offences in connection to marches.

TRESPASS

The act creates a new offence of directing trespassers to leave land and makes it an arrestable offence if they do not do so, or if they re-enter within three months. This action is squarely aimed at the Hippy Convoy of 1985 and 1986. This section only applies if the trespassers intend to reside on the land and so does not apply to demonstrators. The traditional rules relating to civil trespass still remain - the landowner or landowners agent can use reasonable force to evict you.

OTHER LAWS

COMMON LAW BREACH OF THE PEACE

Breach of the peace is not an offence in itself. All police officers however, are under a duty to take reasonable steps to prevent breaches of the peace. A breach of the peace consists of an act done or threatened which either actually harms a person or in his presence their property, or is likely to cause such harm or which puts someone in fear of that such harm may occur.

A police officer can arrest anyone committing a breach of the peace, or to prevent the renewal of a breach of the peace. Thus the police can confiscate banners, disperse groups, redirect processions and silence speakers.

You can be brought before a magistrate court without being charged with an offence, and be bound-over to keep the peace and be of good behaviour. This is not a conviction, but a court requirement backed up by a recognisance (promise) that if you break the requirement, you lose a predetermined sum of money. You may refuse to be bound over but you are then likely to be sent to jail.

OBSTRUCTING A POLICE OFFICER IN THE EXECUTION OF DUTY

Section 51 of the 1964 Police Act creates an offence

covering anyone who restricts and wilfully obstructs a police officer, or anyone assisting him or her in the course of duty. For example, refusing to comply with an instruction given to prevent a breach of the peace, arguing about or trying to prevent another's arrest, physically blocking an officers path, or warning others that the police are coming. The offence carries a maximum of one month imprisonment plus a fine of £400.

All these above offences depend on the attitude of the particular senior officer or constable at the demonstration or at the hunt. If the demonstration is at all times disciplined and peaceful then there is a likelihood that there will be no or little resistance by the police.

If there are arrests those who are arrested should exercise their right of silence only giving their name and address to the police. There are a number of defences to the charges and it has been stated recently by a Judge in the Divisional Court that the right to peaceful demonstration should be protected.

CONTAMINATION OF OR INTERFERENCE WITH GOODS WITH INTENTION OF CAUSING PUBLIC ALARM OR ANXIETY, ETC.

Under Part 5, Section 38 of the Public Order Act it becomes an offence ' to contaminate or interfere with goods, or make it appear that goods have been contaminated or interfered with, or to place goods which have been contaminated or interfered with, or which appear to have been contaminated or interfered with,in a place where goods of that description are consumed, used, sold or otherwise supplied.'

The offence is punishable by a sentence of imprisonment 'not exceeding 10 years or a fine or both'. This new offence clearly has nothing to do with what is traditionally regarded as public order. However, it does relate to sections of the animal rights movement - the charge is specifically tailored to outlaw actions such as the ALF's Mars bars hoax.

Previously the ALF's contamination scares were not specifically illegal and this new offence was tacked on to the Public Order Act to close a loophole in the law.

DEALING WITH THE LAW

Whenever a demonstration or protest takes place there will always be the possibility that an arrest may occur. The bigger the demonstration, and the more powerful the protest, the more likely the police are to use their new powers. It is irresponsible for a group organising a protest not to have made preparations beforehand should an arrest take place. A group planning a campaign which involves any form of protest on the street should ensure that its members understand the law and how to deal with it. The 1986 Public Order Act makes it more difficult for us to organise, protest and publicise the abuse of animals. By taking the law seriously, organising in advance of arrests and challenging the abuses built into the law we can at least make sure that things are no worse than they need be.

THE LEGAL OFFICER

The group's legal officer is responsible for finding a local solicitor who is experienced in defending people for public order and related offences, who has a reputation for hard work, operates the Legal Aid scheme and is prepared to be 'On Call' when you are holding demonstrations.

If you do not already know a good radical solicitor in your area try:

a) National Council for Civil Liberties, 21 Tabard St, London SE1. 01-403 3888, The Scottish Campaign for Civil Liberties, 146 Holland St, Glasgow G2, 041-332 5960 or the Welsh Campaign for Civil and Political Liberties, WCCPL 13 Dogo Street Cardiff, CF1 9JJ, Wales.

b) Hunt Saboteurs Association, P.O. Box 87, Exeter. EX4 3TX

c) Local knowledge: a radical solicitor will almost certainly be known of by anti-deportation campaigners, left wingers either in the Labour Party or outside it, trade unionist involved in industrial disputes, Black or Asian community defence groups, and anyone involved in Irish politics.

Before the start of a campaign the legal officer should ensure that members of the group have read a copy of this booklet (ask your group's solicitor to check that it's still up to date) and that an experienced campaigner or, if possible, the group's solicitor has led a discussion on 'the law, your rights, and problems you might encounter in the forthcoming campaign'.

PREPARATION FOR THE PROTEST

One vital preparation before your protest is the production of a legal briefing sheet. This should be distributed before the start of the protest and should include

a) The aims, intentions and tactics of the day's events.
b) If the protest is being held with police permission and under certain restrictions then these restrictions should be included.
c) What to do if you are arrested or witness the arrest of another protester.
d) The likely and possible charges and penalties which protesters may encounter should they be arrested.
e) Details of the legal back-up provided for the duration of the protest and an emergency phone number where information can be relayed and advice is available should an arrest take place.

If the protest is being held without police permission then the contact phone number should be memorised and not given to the police. (If the police consider the protest to have been held unlawfully then the person operating the contact phone is likely to be suspected of being one of the organisers and therefore would be liable to arrest).

A solicitor should be aware of the demonstration and be in a position to attend the police station if there is any trouble.

THE LEGAL CONTACT

If you are the acting as the legal officer/contact during a demonstration then immediately you are notified of an arrest or series of arrests you should try and ascertain the following facts:

a) How many people have been arrested?
b) What are their names?
c) On what grounds are they being held?
d) How long are they expected to be kept in custody?
e) If they are going to be held in custody when

and at what court will they appear?
f) Do the police intend to oppose bail?
g) Which officer is in charge of the case?
h) Are any of the defendants known to be on bail, probation, parole or do they have previous convictions?
i) Will the police allow vegan food to be taken into the prisoners?
j) The names, addresses and phone numbers of potential witnesses.

Much of this information will be obtained through friends or relatives of the accused, phoning the police station for information or from witnesses at the scene. The information should be passed on to the group's solicitor as soon as possible who will either contact the police station themselves or await a request from the accused to act on their behalf.

Once the defendants are released they should be contacted by the legal officer to exchange details of witnesses and discuss the individual problems of the defendants. A meeting will also have to be arranged to discuss the launch of a defence campaign to finance defendants' costs and ensure that the case is widely publicised amongst supporters.

The job of the legal officer is to make sure that the group is as prepared as possible should arrests take place and to ensure that all the relevant information is available for the defendants and their solicitors. They should ensure that the group knows how to deal with the police, solicitors, witnesses, court costs etc. It is not the job of the legal officer to be a substitute for a solicitor and they should not give amateur 'Legal Advice' to members of the group.

IF YOU ARE ARRESTED

In practice you have few enforceable rights against the police; even evidence illegally obtained can be used against you in Court.

Don't get drawn into conversation with the police. Even apparently innocent remarks can be used against you. Don't rely on any legal advice the police offer you. You do not have to say or write anything, or sign any statement. You have the right to refuse to answer all police questions; it is advisable to tell them your name, address and date of birth, but refuse to answer any other questions.

At the police station you will be taken to the charge room where the custody officer will take down your particulars before you are put in a cell; you will be told to empty your pockets and will be asked to sign for any property taken. You should insist that someone is notified of your arrest. Ask the custody officer to phone your solicitor or the group's legal contact. Insist that a friend or relative is informed of your arrest.

If anything you ask for is refused, ask why and remember the reason given. As soon as possible, make full notes of what has happened and give them to your solicitor.

If arrested for minor offences it is almost certain you will be released the same day, and it is highly unlikely that bail will be refused. The maximum time you can be held before being taken to court is 36 hours.

You may be roughly treated when arrested, particularly by a tactical response or S.P.G. unit. If injured, insist on seeing a police surgeon and demand a reason if the request is denied.

THE DUTY SOLICITOR

Under the duty solicitor scheme you will often find that a solicitor who is completely unknown to you is on call at the police station, they will offer their services to you. If you do not specifically request your chosen solicitor then you could end up with a solicitor who is lazy, who has no experience of public order cases, or is just not very good. You should make it plain to the duty solicitor that;

a) You intend to plead 'Not Guilty'
b) It is your intention not to answer police questions.
c) You want to be represented by the solicitor recommended to you by the group.
d) You wish someone from your group and your chosen solicitor to be contacted straight away.
e) Until such time as your chosen solicitor is available, you want the duty solicitor to protect your interests
f) You want them to tell the police that you don't intend to make a statement and that you have specifically requested a solicitor to be present when you are interviewed.

Always insist that a solicitor is present when you are interviewed by the police. When the interview commences politely inform them that you do not wish to

make a statement and do not intend to answer their questions; after that your only response should be 'No Comment'. Ensure that your solicitor makes notes on your refusal to answer questions.

An interview with the police can take many forms. They may try to be friendly or they may threaten you, either with physical assault or with their ability to 'hold you for as long as we want' (in practice 36 hours is the maximum you can be held without a court order). It is important to remember that the police are not interviewing you for your benefit, their aim is to obtain a statement from you which will lead to your conviction on a criminal charge. When you are interviewed by the police YOU SHOULD REFUSE TO ANSWER THEIR QUESTIONS.

Often when people are arrested on a demonstration they are arrested by a 'snatch squad' and it is not until you are in the police station that any consideration is given to which law you may have broken; by this time individual police officers may have no idea which defendant they arrested. Even if your behaviour has been entirely lawful (and remember that your behaviour may have contravened the law without your knowledge) a statement by you of your innocence a) is unlikely to be believed by the police, b) will remind them of the events surrounding your arrest, and c) indicate your intended defence and so make it easier for the police to prepare the case against you.

Once released you should begin to prepare your defence:

a) immediately make notes of everything that has happened to you
b) speak to the group's legal officer
c) use a recommended lawyer
d) trace as many witnesses as possible, and particularly try to locate any photographs taken at or about the time of the arrest
e) visit the scene of the arrest and familiarise yourself with the road layout, distances etc., draw a plan and take some photographs to illustrate your account of the events. When you come to trial one of the things that will be important is the reliability of your evidence, your ability to show that you know exactly what happened and in what sequence events took place.

WITNESSES

If you are a witness to the arrest of a co-demonstrator then you should:

a) ensure that you don't get arrested as your value as a witness would be undermined
b) notify either a steward or the legal contact that you are a witness to the arrest and tell them the name of the person arrested, the identity numbers of the arresting officers and the time of the arrest
c) make detailed notes as soon as possible on everything you can remember of the incident, and arrange to see the legal officer.

Eventually, although it may be some weeks later, the solicitor representing the defendants will want to take a witness statement; notes that you have made within hours of the incident, (contemporaneous notes) can be used to assist you in court and are more reliable than relying on your memory.

LAUNCHING A DEFENCE CAMPAIGN

A defence campaign attempts to challenge the use of criminal prosecution to deal with protest. The aim is to:
a) support the defendants during their remand, trial and (possible) imprisonment. This includes welfare, expenses, and helping with lawyers and the preparation of the case.
b) highlight the cruelty to animals that inspired the protest and the refusal of the authorities to legislate against that cruelty
c) and show the irony that those who demand justice for animals should find themselves charged with criminal offences.

HELP WITH THE LAW

The defence campaign should help in contacting solicitors and ensuring that defendants get bail; sureties may occasionally be needed and these should be offered by someone without a criminal record.

Once bailed the defendants will have a lot of worries about money, about work, about lawyers, about whether or not they made mistakes in the police station, about what they have been charged with, about witnesses, about possible sentences. The defence campaign needs to find out the answers.

A defence campaign must recommend a solicitor, or in the case of a number of arrests, possibly several 'recommended solicitors'. However, should a solicitor end up behaving without due regard to the defendant's interests then the defence campaign will have to advice

the defendant on how to change solicitor and who to change to.

As soon as possible the defence campaign must hold a meeting of all defendants and potential witnesses. The main point will be to explain what the charges mean 'in law' - that is, what conditions must be satisfied before you can be convicted of the offence - to try and sort out what really happened, and to explore possible lines of defence. It will be important to ensure that the defendants are happy about their lawyers, and explain the process by which they will finally be brought before the courts.

Joint meetings of all lawyers and defendants are important. If individual defendants are represented by different lawyers, they will also probably have private meetings, but it is vital that all defendants, lawyers and defence campaign workers know what is going on.

If the defendants are jointly charged they will probably want to have a joint defence; the advantage being that it allows defendants to reinforce and complement each others' evidence. In terms of coherence and solidarity there are obvious advantages, but there will be circumstances in which people's defences need to be different, or they may wish to plead differently.

It is important that any differences are explored together, both to ensure that individual defences do not contradict each other and so that any conflicts have been fully aired in private and do not come as a shock in the tense atmosphere of the court room.

Occasionally some defendants will want to defend themselves; if they are refused Legal Aid they may have no choice. It is not an easy job: if you defend yourself you are responsible for the cross-examination of prosecution witnesses, for presenting your own evidence and for summing up the case - that is, explaining why you are not guilty 'in law'. Despite this, some people make a good job of defending themselves, and after all it is only the defendant who really understands the facts of the case.

If several people are on trial together then one way of conducting a defence is to have some of the defendants represented by lawyers and others defending themselves. If the evidence against all the defendants is much the same, which is likely if they are on trial together, then the defence 'in law' put forward by the lawyers for represented defendants can be adopted by the

unrepresented. The people who defend themselves will usually get more freedom than lawyers to present the 'political' issues of the case, in this way a co-ordinated defence will present both the legal technical defence, and the political defence.

MONEY

Money is needed for three areas of the defence campaign's work: welfare, legal costs and the political campaign. Even if the defendants are on full Legal Aid, there will still be extra costs associated with the trial, such as fares to court for defendants and witnesses. Essentially, the more money you have, the wider the scope of your activity. You should consider a levy on members to get the defence fund off the ground, but to be efficient you will need a fund-raising officer who concentrates on arranging street collections, jumble sales, disco's, vegetarian evenings, and the promotion of your defence fund.

THE MEDIA CAMPAIGN

In the build-up to the trial, and during it, sympathetic press coverage would be an advantage. The press are not as sympathetic as they once were and sections are now openly hostile. The press officer's job is to:

a) liaise with the fund-raising officer to ensure widespread publication of the defence fund in radical, libertarian and animal rights publications.
b) prepare a detailed background press pack on the particular area of animal abuse which was the cause of the demonstration; the charges brought and the repressive nature of the 'controversial' Public Order Act; the way the charges and trial are hampering the animal rights campaign; and the solidarity actions of the defence campaign, including the dates of public meetings.
c) contact the local papers, radio and TV in advance to discuss the possible coverage of the trial and the issues surrounding it.
d) to be on call at the end of each day of the trial to inform the press of the day's events and to issue an official statement.
e) you should certainly consider holding a press conference, public meeting or solidarity action immediately after the trial where the implications can be assessed and a statement issued to the press.

THE CAMPAIGN

When the government uses the police and courts against demonstrators who are preventing the abuse of animals it is making a clear and political decision. With bloodsports the police mobilise massive resources to prevent small groups of non-violent demonstrators from saving the life of a fox, hare or grouse. Before the passing of the 1986 Public Order Act it was not easy for the police to simply round up Hunt Saboteurs and charge them with a criminal offence. The whole point of the new law is that by creating new offences it makes it easier for the police to arrest protesters, and by using wide definitions as to what is a criminal offence it becomes easier to convict. The government response to a growing anti-bloodsports movement is not to abolish bloodsports, but to criminalize opposition to it.

An example of this would be a group of Hunt Saboteurs who regularly demonstrate against the same hunt; and four weeks into the season the police arrest them for a minor public order offence. At court the police ask the magistrates to impose a condition of bail that the accused should not attend a hunt meet while awaiting trial. Effectively those people on bail cannot continue with their non-violent intervention on behalf of the hunted animal. If they were to be recognised at a hunt meet they risk being summoned back to court and imprisoned.

The launching of a defence campaign in this situation does several things:

a) It ensures that there is some anti-hunt activity in the town, even if it is not direct action in the field
b) It focuses the issues more clearly in the public eye, 'Who is the real criminal, those who kill animals for pleasure, or those who try to save life?'
c) It allows the group to use the specific injustice of the situation to present the general injustice of bloodsports and thereby attract new members so that when the case is finally over the group will be more determined, stronger and better organised than ever.
d) It means that the group is actually finding new ways of opposing bloodsports and building support so that in future the campaign will be less vulnerable should the police arrest large numbers of saboteurs.

CONCLUSION

Since this Government have been in power they have passed three acts of parliament which have directly attacked the rights of Trade Unionists; one of these, the Police and Criminal Evidence Act 1984, has given the police extraordinary new powers of arrest, search and detention. We have seen the police used to prevent Trade Unionists from picketing and demonstrating in the Miners' Strike, in the NGA dispute with Eddie Shah, and most recently at Wapping.

In recent months we have seen the police, supported by the government, raid the offices of the New Statesman newspaper and the BBC in Scotland. There are numerous cases of members of CND and left-wing groups who have had their telephones tapped by the security services.

The police have been given greater weapons and armaments since 1979. The training the police have had in Northern Ireland has now been brought into Britain where some police forces now have rubber bullets and are given modern weapons for use in so-called riots and dangerous public-order situations.

The Chief Constable of Greater Manchester, James Anderton, has made speeches condemning those who defend civil liberties and has attacked the right to demonstrate. He represents a growing philosophy in the police which seems to be more concerned about curbing the right to peaceful protest than dealing with the increase in crime in our cities.

It is in this context that the Public Order Act should be looked at. It is part of an attack on the right to demonstrate and to protest. Demonstrations, hunt sabotage, pickets and protests will all now become subject to new restrictions. The police may choose not to use their new powers immediately, but there is no doubt that should they feel the need they can now successfully criminalize animal rights protests.

There are several possible responses to the new police powers;

"Whether you like it or not it's the law so you have

to go along with it."
If groups adopt this approach then they will also have to be prepared to be refused permission for perfectly reasonable requests to hold demonstrations. It is unlikely that groups who have a record of public order disturbances even when these amount to no more than a sit-down protest will be dealt with sympathetically by the police.

"If everybody breaks the law then the police won't be able to enforce it and it will have to be withdrawn."
Groups adopting this approach may find they have underestimated the determination of this government to implement its policies and the numbers necessary to openly flout the law on a regular basis are beyond the scope of most animal rights groups.

"If they won't let us protest we'll be forced into more militant action."
There can be little doubt that the Public Order Act is an attempt to subdue opposition to government policies and that it is important that the animal rights movement, far from being subdued, actually steps up its campaign - as indeed it needs to do irrespective of the Public Order Act. However, while the formation of direct action cells may be the answer for some individuals, it would be very damaging if we adopted the attitude that if you are not involved in direct action then there is no place for you in the movement.

Ultimately there is no easy answer to the problems faced by animal rights groups attempting to organise effective action against animal abuse. However, what is vital is that the animal rights movement maintains and builds the network of hunt saboteur and local animal rights groups that recruit and educate the public, groups who attempt to effectively challenge animal abuse by the use of lawful campaigning strategies - for these are the very lifeblood of the movement.

Groups who come under pressure from the new law need to appeal to the public for support. Taking the debate about our rights to protest and the facts about animal abuse to the public may not be easy, but if the network of local groups cannot grow despite the Public Order Act then we can be certain we will never be strong enough to achieve our aims.

We should aim however to repeal the Public Order Act 1986 and the Police and Criminal Evidence Act 1984 and put in its place a positive right to demonstrate and take peaceful action. This way we won't have to rely on

the vagaries of the police, sheriffs, magistrates and judges.

THE PUBLIC ORDER ACT 1986

PART 1

NEW OFFENCES

RIOT

Section 1.

(1) Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using unlawful violence for the common purpose is guilty of riot.

(2) It is immaterial whether or not the 12 or more use or threaten unlawful violence simultaneously.

(3) The common purpose may be inferred from conduct.

(4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(5) Riot may be committed in private as well as in public places.

(6) A person guilty of riot is liable on conviction on indictment to imprisonment for a term not exceeding ten years or a fine or both.

VIOLENT DISORDER

Section 2.

(1) Where 3 or more persons who are present together use or threaten unlawful violence and the conduct of then (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using or threatening unlawful violence is guilty of violent disorder.

(2) It is immaterial whether or not the 3 or more use or threaten unlawful violence simultaneously.

(3) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(4) Violent disorder may be committed in private as well as in public places.

(5) A person guilty of violent disorder is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or a fine or both, or on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

AFFRAY

Section 3.

(1) A person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.

(2) Where 2 or more persons use or threaten the unlawful violence, it is the conduct of them taken together that must be considered for the purposes of subsection (1).

(3) For the purpose of this section a threat cannot be made by the use of words alone.

(4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(5) Affray may be committed in private as well as in public places.

(6) A constable may arrest without warrant anyone he reasonably suspects is committing affray.

(7) A person guilty of affray is liable on conviction on indictment to imprisonment for a term not exceeding 3 years or a fine or both, or on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

FEAR OR PROVOCATION OF VIOLENCE

Section 4.

(1) A person is guilty of an offence if he -

(a) uses towards another person threatening, abusive or insulting words or behaviour, or

(b) distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting.

with intent to cause that person to believe that immediate unlawful violence will be used against him or another by any person, or to provoke the immediate use of unlawful violence by that person or another, or whereby that person is likely to believe that such violence will be used or it is likely that such violence will be provoked.

(2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is distributed or displayed, by a person inside a dwelling and the other person is also inside that or another dwelling.

(3) A constable may arrest without warrant anyone he reasonably suspects is committing an offence under this section.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

HARASSMENT, ALARM OR DISTRESS

Section 5.

(1) A person 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 visible representation which is threatening, abusive or insulting,

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

(2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is displayed, by a person inside a dwelling and the other person is also inside that or another dwelling.

(3) It is a defence for the accused to prove -

(a) that he had no reason to believe that there was any person within hearing or sight who was likely to be caused harassment, alarm or distress, or
(b) that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other dwelling, or
(c) that his conduct was reasonable.

(4) A constable may arrest a person without warrant if -

(a) he engages in offensive conduct which the constable warns him to stop, and
(b) he engages in further offensive conduct immediately or shortly after the warning.

(5) In subsection (4) "offensive conduct" means conduct the constable reasonably suspects to constitute an offence under this section, and the conduct mentioned in paragraph (a) and the further conduct need not be of the same nature.

(6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

MENTAL ELEMENT: MISCELLANEOUS

Section 6.

(1) A person is guilty of riot only if he intends to use violence or is aware that his conduct may be violent.

(2) A person is guilty of violent disorder or affray only if he intends to use or threaten violence or is aware that his conduct may be violent or threaten violence.

(3) A person is guilty of an offence under section 4 only if he intends his words or behaviour, or the writing, sign or other visible representation, to be threatening, abusive or insulting, or is aware that it may be threatening, abusive or insulting.

(4) A person is guilty of an offence under section 5 only if he intends his words or behaviour, or the writing, sign or other visible representation, to be threatening, abusive or insulting, or is aware that it may be threatening, abusive or insulting or (as the case may be) he intends his behaviour to be or is aware that it may be

disorderly.

(7) Subsections (1)and(2) do not affect the determination for the purposes of riot or violent disorder of the number of persons who use or threaten violence.

PROCEDURE: MISCELLANEOUS

Section 7.

(1) No prosecution for an offence of riot or incitement to riot may be instituted except by or with the consent of the Director of Public Prosecutions.

(2) For the purposes of the rules against charging more than one offence in the same count or information, each of sections 1 to 5 creates one offence.

(3) If on the trial on indictment of a person charged with violent disorder or affray the jury find him not guilty of the offence charged, they may (without prejudice to section 6(3) of the Criminal Law Act 1967) find him guilty of an offence under section 4.

(4) The Crown Court has the same powers and duties in relation to a person who is by virtue of subsection (3) convicted before it of an offence under section 4 as a magistrates' court would have on convicting him of the offence.

PART TWO

PROCESSIONS AND ASSEMBLIES

ADVANCE NOTICE OF PUBLIC PROCESSIONS

Section 11.

(1) Written notice shall be given in accordance with this section of any proposal to hold a public procession intended -

(a) to demonstrate support for or opposition to the views of actions of any person or body of persons,
(b) to publicise a cause or campaign, or
(c) to mark or commemorate an event,

unless it is not reasonably practicable to give any advanced notice of the procession.

(2) Subsection (1) does not apply where the procession is one commonly or customarily held in the police area (or areas) in which it is proposed to be held or is a funeral procession organised by a funeral director acting in the normal course of his business.

(3) The notice must specify the date when it is intended to hold the procession, the time when it is intended to start it, its proposed route, and the name and address of the person (or of one of the persons) proposing to organise it.

(4) Notice must be delivered to a police station -

(a) in the police area in which it is proposed the procession will start, or
(b) where it is proposed the procession will start in Scotland and cross into England, in the first police area in England on the proposed route.

(5) If delivered not less than 6 clear days before the date when the procession is intended to be held, the notice may be delivered by post by the recorded delivery service; but section 7 of the Interpretation Act 1978 (under which a document sent by post is deemed to have been served when posted and to have been delivered in the ordinary course of post) does not apply.

(6) If not delivered in accordance with subsection (5), the notice must be delivered by hand not less than 6 clear days before the date when the procession is intended to be held or, if that is not reasonably practicable, as soon as delivery is reasonably practicable.

(7) Where a public procession is held, each of the persons organising it is guilty of an offence if -

(a) the requirements of this section as to notice have not been satisfied, or
(b) the date when it is held, the time when it starts, or its route, differs from the date, time or route specified in the notice.

(8) It is a defence for the accused to prove that he did not know of, and neither suspected nor had reason to suspect, the failure to satisfy the requirements or (as the case may be) the difference of date, time or route.

(9) To the extent that an alleged offence turns on a difference of date, time or route, it is a defence for the accused to prove that the difference arose from

circumstances beyond his control or from something done with the agreement of a police officer or by his direction.

(10) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

IMPOSING CONDITIONS ON PUBLIC PROCESSIONS

Section 12.

(1) If the senior police officer, having regard to the time or place at which and the circumstances in which any public procession is being held or is intended to be held and to its route or proposed route, reasonably believes that-

(a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community, or
(b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right to do,

he may give directions imposing on the persons organising or taking part in the procession such conditions as appear to him necessary to prevent such disorder, damage, disruption or intimidation, including conditions as to the route of the procession or prohibiting it from entering any public place specified in the directions.

(2) In subsection (1) "the senior police officer" means -
(a) in relation to a procession being held, or to a procession intended to be held in a case where persons are assembling with a view to taking part in it, the most senior in rank of the police officers present at the scene, and
(b) in relation to a procession intended to be held in a case where paragraph (a) does not apply, the chief officer of police.

(3) A direction given by the chief officer of police by virtue of subsection (2)(b) shall be given in writing.

(4) A person who organises a public procession and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(5) A person who takes part in a public procession and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(6) A person who incites another to commit an offence under subsection (5) is guilty of an offence.

(7) A constable in uniform may arrest without warrant anyone he reasonably suspects is committing an offence under subsection (4), (5) or (6).

(8) A person guilty of an offence under subsection (4) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(9) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) A person guilty of an offence under subsection (6) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both, notwithstanding section 45(3) of the Magistrates' Courts Act 1980 (inciter liable to same penalty as incited).

(11) In Scotland this section applies only in relation to a procession being held, and to a procession intended to be held in a case where persons are assembling with a view to taking part in it.

PROHIBITING PUBLIC PROCESSIONS

Section 13.

(1) If at any time the chief officer of police reasonably believes that, because of particular circumstances existing in any district or part of a district, the powers under section 12 will not be sufficient to prevent the holding of public processions in that district or part from resulting in serious public disorder, he shall apply to the council of the district for an order prohibiting for such period not exceeding 3 months as may be specified in the application the holding of all public processions (or of any class of public procession so specified) in the district or part concerned.

(2) On receiving such an application, a council may with the consent of the Secretary of State make an order

either in the terms of application or with such modifications as may be approved by the Secretary of State.

(3) Subsection (1) does not apply in the City of London or the metropolitan police district.

(4) If at any time the Commissioner of Police for the City of London or the Commissioner of Police for the Metropolis reasonably believes that, because of particular circumstances existing in his police area or part of it, the powers under section 12 will not be sufficient to prevent the holding of public processions in that area or part from resulting in serious public disorder, he may with the consent of the Secretary of State make an order prohibiting for such period not exceeding 3 months as may be specified in the order the holding of all public processions (or of any class of public procession so specified) in the area or part concerned.

(5) An order made under this section may be revoked or varied by a subsequent order made in the same way, that is in accordance with subsections (1) and (2) or subsection (4), as the case may be.

(6) Any order under this section shall, if not made in writing, be recorded in writing as soon as practicable after being made.

(7) A person who organises a public procession the holding of which he knows is prohibited by virtue of an order under this section is guilty of an offence.

(8) A person who takes part in a public procession the holding of which he knows is prohibited by virtue of an order under this section is guilty of an offence.

(9) A person who incites another to commit an offence under subsection (8) is guilty of an offence.

(10) A constable in uniform may arrest without warrant anyone he reasonably suspect is committing an offence under subsection (7), (8) or (9).

(11) A person guilty of an offence under subsection (7) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(12) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding

level 3 on the standard scale.

(13) A person guilty of an offence under subsection (9) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both, notwithstanding section 45(3) of the Magistrates Courts Act 1980.

IMPOSING CONDITIONS ON PUBLIC ASSEMBLIES

Section 14.

(1) If the senior police officer, having regard to the time or place at which and the circumstances in which any public assembly is being held or is intended to be held, reasonably believes that -

(a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community, or
(b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do,

he may give directions imposing on the persons organising or taking part in the assembly such conditions as to the place at which the assembly may be (or continue to be) held, its maximum duration, or the maximum number of persons who may constitute it, as appear to him necessary to prevent such disorder, damage, disruption or intimidation.

(2) In subsection (1)"the senior police officer" means -
(a) in relation to an assembly being held, the most senior in rank of the police officers present at the scene, and
(b) in relation to an assembly intended to be held, the chief officer of police.

(3) A direction given by a chief officer of police by virtue of subsection (2)(b) shall be given in writing.

(4) A person who organises a public assembly and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(5) A person who takes part in a public assembly and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence

for him to prove that the failure arose from circumstances beyond his control.

(6) A person who incites another to commit an offence under subsection (5) is guilty of an offence.

(7) A constable in uniform may arrest without warrant anyone he reasonably suspects is committing an offence under subsection (4),(5) or (6).

(8) A person guilty of an offence under subsection (4) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(9) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) A person guilty of an offence under subsection (6) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both, notwithstanding section 45(3) of the Magistrates' Courts Act 1980.

DELEGATION

Section 15.

(1) The chief officer of police may delegate, to such extent and subject to such conditions as he may specify, any of his functions under sections 12 to 14 to a deputy or assistant chief constable; and references in those sections to the person delegating shall be construed accordingly.

(2) Subsection (1) shall have effect in the City of London and the metropolitan police district as if "a deputy or assistant chief constable" read "an assistant commissioner of police".

INTERPRETATION

Section 16.

In this Part-
"the City of London" means the City as defined for the purposes of the Acts relating to the City of London police;
"the metropolitan police district" means the district as defined in section 76 of the London Government Act 1963;

"public assembly" means an assembly of 20 or more persons in a public place which is wholly or partly open to the air;

"public place" means -

(a) any highway, or in Scotland any road within the meaning of the Roads (Scotland) Act 1984, and

(b) any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

"public procession" means a procession in a public place.

LEGAL INCIDENT REPORT FORM

(Please write in block capitals)

DATE .....

TYPE OF ACTION.....

LOCATION OF ACTION.....

.....

ANIMAL RIGHTS GROUPS INVOLVED.....

NATURE OF INCIDENT.....

.....

.....

NAMES OF PEOPLE INVOLVED.....

.....

NAMES OF WITNESSES.....

.....

TELEPHONE NUMBER TO CONTACT.....

DETAILS OF ACTION TAKEN BY POLICE.....

.....

.....

ALLEGED CHARGES; AS THEY APPEAR ON CHARGE SHEET.....

.....

.....

DATE OF RETURN TO COURT AND LOCATION.....

.....

NAME AND ADDRESS OF LEGAL REPRESENTATIVE.....

.....

PLEASE EXPLAIN CLEARLY WHAT HAPPENED ON REVERSE.

SOURCES

1. Tom Bowden, Beyond the Limits of the Law, Penguin, 1978.

2. GLC Police Monitoring Unit, The Control of Protest - The New Public Order Bill, 1985.

3. GLC Police Monitoring Unit, Public Order Plans - the Threat to Democratic Rights, 1985.

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