

Police, Crime, Sentencing and Courts Bill

Briefing for Peers ahead of Second Reading, September 2021



About us

Quakers in Britain are a faith community committed to peace, equality, truth, simplicity and sustainability. Our national church and charity works for and on behalf of Quakers across England, Scotland and Wales. You can find out more about our work at www.quaker.org.uk.

If you have any questions about this briefing, please contact Grace Da Costa, Public Affairs and Advocacy Manager, Quakers in Britain (graced@quaker.org.uk / 07410 981786).

Our asks

- Raise our concerns, listed below, during the Second Reading debate.
- Contact us if you would be willing to table or support amendments on any of our key issues during Committee and Report Stage.

Overview of our concerns

Quakers in Britain object to bill for three main reasons:

- It strikes at the heart of our human right to freedom of assembly. Quakers put their faith into action by trying to bring about positive change through nonviolent means. Protest is one of the ways in which we do this.
- It will have disproportionately negative effect on groups who are already marginalised in our society, including Black people and Gypsy, Roma and Traveller communities.
- It increases the punitive nature of our policing and criminal justice system by increasing fines, prison sentences and 'stop and search'. We do not believe this makes for a safer or happier society. We encourage Peers to listen to the Criminal Justice Alliance and Liberty on these issues.

Part 3 (public order)

Striking at the heart of the right to freedom of peaceful assembly

The bill aims to amend the police powers in the Public Order Act 1986 so police can impose conditions on protests that are noisy or disruptive, including protests by one person. [Former police chiefs](#), [UN Special Rapporteurs](#), the [Joint Committee on Human Rights](#) and the [European Centre for Not-for-profit Law](#) (ENCL) have all stated that the bill strikes at the essence of the right to freedom of peaceful assembly. The justification and criteria that the government has provided for the restrictions in the bill are not sufficient to fulfil its obligations under international human rights law.

This is why Quakers in Britain oppose part 3 of the bill entirely. We believe it will infringe the right to peaceful protest, which is a fundamental part of putting our faith into action. If we were to highlight particular aspects of part 3 that strike at the heart of this right, it would be:

- The police will have the power to ban an assembly for the first time ever.
- The lowering of the thresholds by which conditions can be imposed on protests. For example the proposal to create a new, noise-related trigger to impose conditions (Clauses 55 and 56). Noise is an important part of protest and there is insufficient justification to impose this limit on the right to freedom of assembly.
- Allowing police to apply any conditions to an assembly – not just location, duration or number of people allowed.
- The creation of a new statutory offence of “intentionally or recklessly causing public nuisance” (Clause 60), which could be used to impose large fines and jail sentences on peaceful protesters.
- The proposals to restrict protest outside parliament (Clause 58). This could prevent people’s voices being heard by key decision-makers.
- The large fines and jail sentences that will be given to the organisers and attendees of protests who stray from conditions imposed, even if they did not know those conditions were in place. This will not only punish those involved, but will deter people from organising and taking part in peaceful protests.
- The proposals to allow the police to impose conditions on one-person protests, which we believe are disproportionate.

Dangerous delegation of authority

We are concerned that the bill allows future Home Secretaries to determine the definition of what constitutes ‘disruption’ and decide whether protests can go ahead or not. We believe this is very dangerous and could contribute to the increasing suppression of dissent. The government has published [draft indicative regulations](#) on this, but they are still very vague, and could be replaced by future governments without primary legislation.

The bill allows the most senior police officer on the scene to set conditions on a protest. This means that junior police officers could potentially be called upon to make crucial decisions about people’s right to freedom of assembly.

Punitive measures

We believe that the punitive measures set out in the bill will lead to the increasing criminalisation of protesters and marginalised groups, and greater strain on the police and criminal justice system. For example, the proposal to introduce a prison sentence of up to 10 years for damaging a memorial statue is disproportionate. As one MP pointed out during the Commons Second Reading, an “angry mob” that throws a statue in a Bristol harbour and then turns around and throws a woman or a

child into water would be penalised more harshly for the first offence than for the second.

Existing laws on protest

Existing legislation is already sufficient to deal with violent and highly disruptive protests. In particular:

- The Public Order Act 1986 allows a senior police officer to impose conditions on public processions and assemblies if they reasonably believe (a) it might result in serious public disorder, serious damage to property or serious disruption to the life of the community, or (b) that the purpose is to intimidate people with a view to compelling them to do/not do something they have a right not to do/to do.
- The Public Order Act establishes an offence for a person who organises a public procession or assembly and knowingly fails to comply with a condition imposed.
- The Public Order Act details three conditions that a senior police officer may impose on persons organising or taking part in a public assembly as appear to them necessary to prevent such disorder, damage, disruption or intimidation. These concern the location of, maximum duration of, and maximum number of persons allowed at, a protest.
- The Highways Act establishes a civil offence for a person who “without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway.”
- Violent acts such as assaulting police officers and members of the public are already illegal.

Part 4 (unauthorised encampments)

The bill introduces measures to create a new offence of trespass by residing on land without consent in or with a vehicle. We are concerned that this will criminalise the way of life of nomadic Gypsy, Roma and Traveller communities, who are already marginalised in our society, and put them at risk of having their homes and all their belongings confiscated. It will criminalise people who are homeless and sleeping in their cars. We are also concerned about the impact this section of the bill may have on protesters who camp on protest sites and people wishing to enjoy the countryside. On these issues we encourage Peers to listen to groups such as: Friends, Families and Travellers; Friends of the Earth; and Shelter.