

The Police, Crime, Sentencing and Courts Bill seeks to expand the powers available to the police in response to non-violent protests. Public outcry over violence against women in the wake of the murder of Sarah Everard has thrust the Bill into the spotlight and a riotous “Kill the Bill” march in Bristol has demonstrated growing levels of opposition.

What implications does the Bill pose for the right to protest?

Tucked away in the Government’s new 300-page [Police, Crime, Sentencing and Courts Bill](#), are various clauses which will have serious implications for the right to protest. The Bill seeks to quietly criminalise “serious annoyance”, increase police powers to restrict protests, and give the Home Secretary discretion over what types of protests are allowed.

It is striking that such an enormous Bill had its second reading less than a week after it was published and [was only allocated two days of debate](#). It appears that the Government had hoped to pass it quickly and without fanfare, but instead the introduction of the Bill coincided with the [fallout from the police response to the Sarah Everard Vigil](#) and ultimately [sparked in Bristol](#) the very thing it sought to limit: protests.

Clauses 54 and 55 of the Bill will amend the Public Order Act 1986 to make it easier for the police to impose conditions on marches and static protests, removing the distinction between the two. Where before, protests would have to, for example, threaten serious public disorder to warrant conditions, under this Bill, the threshold would be lowered so that the police could intervene merely if the protest was noisy enough to cause a person in the vicinity “serious unease”.

Further, the range of conditions that may be imposed would be increased. Where before, in the case of static protests, the police could only impose conditions as to the place, duration and number of persons attending a protest, under this Bill, the police would be able to impose any condition that appeared to them necessary. As Liberty, the prominent civil liberties organisation, points out, this would give the police the power to [ban static protests altogether](#).

This is significant because breaching one of these conditions is a criminal offence, and the Bill also lowers the threshold for committing such an offence, whilst simultaneously increasing the maximum penalty. Where before, someone would have to actually know that the condition had been imposed by the police, under clause 56 of this Bill, they can be prosecuted if they merely ought to have known and end up facing nearly a year in prison.

On criminal offences, the Bill also provides a statutory definition for the offence of public nuisance which currently finds its legal basis in past court judgments. At first glance this appears to be a positive step and follows a recommendation by the Law Commission. However, it is no coincidence that this new definition is found amongst other clauses limiting protest: unlike the current offence, clause 59 of this Bill would make it a crime to cause “serious annoyance” to a section of the public and by contrast to the [Law Commission’s proposal](#), it carries a maximum penalty of ten years in prison.

In addition, the new Bill further extends police powers to cover one-person protests and makes it harder for protests to take place near Parliament. However, one of the most worrying powers created by the Bill gives the Home Secretary control over the definition of “serious disruption to the life of the community” and “serious disruption to the activities of an organisation”, both of which can determine when police powers to limit protest are engaged. This power effectively grants a Government minister the ability to suppress the kinds of protests which they do not like or agree with. In the [debate on the Bill](#), even former Conservative Prime Minister Theresa May tellingly

commented that, “[i]t is tempting when Home Secretary to think that giving powers to the Home Secretary is very reasonable, because we all think we are reasonable, but future Home Secretaries may not be so reasonable.”

And yet, the Government [refers to the Extinction Rebellion protests of 2019](#) and the recent “Kill the Bill” protests in Bristol as justifying these new powers. After all, having been shown in the news the shocking scenes in Bristol of a seemingly beleaguered police force struggling to defend itself against thugs who have set fire to vans and of officers suffering [broken bones](#) and a [punctured lung](#), ought we not to give the police the tools to fight back?

Except that it turns out that the media coverage of the Bristol protests has been [misleading](#), the Avon and Somerset police [quietly admitted that there had not been any broken bones or punctured lungs](#) and the locals in Bristol tell a very different story of [heavy-handed tactics on the part of the police](#). In addition, it has been reported to the Observer that there were [far more injuries sustained by protesters than police officers](#).

The reality is that the police do not need more powers to limit protests, as much as they might like them. Even if all of the protestors in Bristol were being as violent as the media coverage would have us believe, there are already laws in place to deal with that behaviour. The clauses in this Bill about noise, inconvenience and annoyance betray what it is really trying to do: keep those pesky protestors away from where they will have the most impact. Out of sight, out of mind. That way, the Government will not have to worry about how loud the protests are the next time they [authorise police informants to commit torture](#) or [excuse soldiers for historic war crimes](#).

Make no mistake, this is not about law and order, this is about State control and the subtle erosion of freedom of expression. Protests are supposed to be loud and inconvenient; they would not be particularly effective at achieving change otherwise. As [Theresa May puts it](#), “there will be people who will have seen scenes of protests and asked, ‘Why aren’t the Government doing something?’ The answer, in many cases, may simply be that we live in a democratic, free society.” There is a reason that this Bill is opposed by prominent NGOs such as [Liberty](#), [Amnesty International UK](#) and the [Good Law Project](#) – it has no place in a society which claims to respect democracy and human rights.