

Information for Constables

We believe that you are about to arrest people involved in a peaceful protest using the legislation known as the Serious and Organised Crime and Police Act (2005). Our protest is a human right, is necessary in a democratic society and therefore not an offence. The purpose of this leaflet is to advise you on the purpose of the act and of the Human Rights Act (1998) which gives UK citizens the right to assemble and express themselves freely. The map on the reverse of this leaflet clearly defines the area where these rights apply.

1. The purpose of the Section 132 of the Serious Organised Crime and Police Act (2005) is to prevent the following:

- Hindrance to any person wishing to enter or leave the Palace of Westminster,
- Hindrance to the proper operation of Parliament,
- Serious public disorder,
- Serious damage to property
- Disruption to the life of the community,
- A security risk in any part of the designated area,
- Risk to the safety of members of the public (including any taking part in the demonstration).

2. The introduction of the Human Rights Act (1998) guarantees us certain fundamental freedoms that you, as a public authority, have a positive duty to protect, these include:

Article 10: We have the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

Article 11: We have the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

3. The introduction of the Human Rights Act (1998) makes it unlawful for a public authority - you - to act in a way which is incompatible with a Convention right. Your actions must be:

Proportional:

Your action must be fair and achieve a balance between the needs of society and the rights of the individual. You should consider different options capable of achieving the objective and select the least intrusive.

Legal:

Your actions must be supported by legislation or stated cases. You must know your basic police powers well.

Accountable:

Your actions will be open to scrutiny. You should fully record your actions and the options considered. Show what factors influenced your decision, include reasons for not taking action.

Necessary:

Your actions must be 'necessary in a democratic society'. You must be able to justify any infringement of rights.

This guidance is included in your note book: Book 124A

