

# LIBERTY

## **The Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023**

IER Employment Law Update, London, 22 November 2023

Jun Pang, Policy and Campaigns Officer, Liberty

[junp@libertyhumanrights.org.uk](mailto:junp@libertyhumanrights.org.uk)

# LIBERTY

## Concerted attack on the right to protest

*“Where protests flourish, anti-protest legislation follows”*

- Police, Crime, Sentencing and Courts Act 2022 (PCSC Act)
- Public Order Act 2023
- Serious Disruption Regulations 2023

... and more to come?



Photo: Stefan Müller

# LIBERTY

## Police, Crime, Sentencing and Courts Act 2022 (PCSC Act)



Photo: Gerry Popplestone

### Key measures

- 300+ page 'Christmas tree' Bill
- First debated after the shocking police response to the Sarah Everard vigil
- **Other elements:** Criminalisation of trespass and attack on Gypsies and Travellers' protected nomadic way of life, new and expansive police powers (serious violence duty, SVROs)
- Origin of many of the Part 3 (public order) measures - HMICFRS report: *Getting the balance right?*
- Kill the Bill movement and diverse coalition of opposition

# LIBERTY

## PCSC Act

### Anti-protest measures

- **New noise trigger for imposing conditions under sections 12 and section 14 of the Public Order Act 1986**
- New powers to restrict static assemblies
- Lower knowledge threshold for breaching a protest condition
- Higher penalties for breaches of protest conditions

*“An existential threat to protest, so closely entangled are protests with noise”*

*- Professor David Mead*



Photo: Gareth Davies

# LIBERTY

## PCSC Act

*“I would urge the Government to consider carefully the need to walk a fine line between being popular and populist. Our freedoms depend on it.”*

*- Theresa May*

### Anti-protest measures (cont.)

- **New power given to the Secretary of State to ‘clarify’ what constitutes ‘serious disruption to the life of the community’**
- Limiting protests around Parliament
- Statutory offence of public nuisance
- Conditions on one-person protests

# I.LIBERTY

## PCSC Act – key concerns

- **Noise conditions** – strike at the heart of effective protest
- **Lower knowledge threshold and severe criminal penalties** – increase the risks of protesting and create a chilling effect
- **Expanded police powers** – greater burdens of discretion pave the way for greater abuses of power
- **Secretary of State power\*** – could be used to target protests the Home Secretary doesn't like

# LIBERTY

## Public Order Act 2023

### Anti-protest measures

- **'Zombie' bill**
- **Protest stop and search**  
(both suspicion-based and suspicion-less)
- **Serious Disruption Prevention Orders**



Photo: Liberty and Greenpeace

# LIBERTY

## Public Order Act

*“New policing powers risk creating a hostile environment for peaceful protestors”*

*- Joint Committee on Human Rights*

### Anti-protest measures (cont.)

- New protest offences of locking on, interference with key national infrastructure, etc.
- Injunctions – new Secretary of State powers



Photos: Alisdare Hickson



# LIBERTY

## Public Order Act – key concerns



Photo: Alisdare Hickson

- **SDPOs** – extinguish an individual’s right to protest and participate in a political community, weak procedural safeguards, expansion of surveillance
- **Stop and search** – entrench racial disproportionality and make it harder for racialised communities to exercise their rights
- **Broad and vague criminal offences** – target climate protesters and sweep up others into the criminal justice system

# LIBERTY

## Serious Disruption regulations

- Originally Government amendments to the Public Order Bill, which were voted out by the House of Lords
- Subsequently reintroduced as secondary legislation by the Home Secretary using a power in the PCSC Act
- Lowers the threshold for ‘serious disruption to the life of a community’ from ‘significant’ to ‘more than minor’ in the POA 1986



Photo: Alisdare Hickson

# LIBERTY

## What next?



Photo: Number 10



Photo: Alisdare Hickson

**LIBERTY**

**STAND UP TO POWER**