



Protests - Potential offences during protests, demonstrations or campaigns - Annex A

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Introduction

This is the PDF file version of the annex to the Prosecution Guidance on [Offences during Protests, Demonstrations or Campaigns](#).

The annex is also available on the CPS website at [Protests - Potential offences during protests, demonstrations, or campaigns - Annex A](#).

Common protest offences and POA 2023 offences

Breach of conditions and prohibitions on public processions, assemblies, and one-person protests

These offences relate to breaches of conditions or prohibitions imposed by the police and may be committed by an organiser or a participant. In addition to the offences listed below, there are [offences under s13](#) relating to breach of an order prohibiting a public procession and there are offences of inciting another to commit all the participant breach offences.

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
<p>Section 14ZA POA 1986: Breach of a condition on one-person protest</p> <p>Summary only</p> <p>The offence came into force from 28 June 2022</p>	<p>A person commits an offence if they:</p> <ul style="list-style-type: none"> organise or carry on a one-person protest fail to comply with a condition imposed by the police; and fail to comply with the condition, at the time they know or ought to know that the condition has been imposed. <p>From 2 July 2023, the power to impose conditions was extended to the British Transport Police and the Ministry of Defence Police, in relation to specified places.</p>	<p>No: it is a defence to show that the failure arose from circumstances beyond the person's control.</p>	<p>No. However, a conviction depends on the prosecution proving that the police officer had reasonably believed the grounds on which the condition was imposed: see AG's Ref No. 1 of 2022 [2022] EWCA Crim 1259 [47] and James v Director of Public Prosecutions [2015] EWHC 3296 (Admin).</p>	<p>A level 4 fine</p>
<p>Sub-section 12(4) and (5) POA 1986: Failure to comply with a condition imposed on a public procession</p> <p>Summary only</p>	<p>These offences are committed where:</p> <ul style="list-style-type: none"> the person organises (subsection (4)), or takes part in (subsection (5)) a public procession; fails to comply with a condition; and 	<p>No: it is a defence to prove that the failure arose from circumstances beyond the person's control.</p>	<p>No. However, a conviction depends on the prosecution proving that the police officer had reasonably believed the grounds on which the condition was imposed: see AG's Ref No. 1 of 2022 [2022] EWCA Crim 1259 [47] and</p>	<p>Organiser – 6 months' imprisonment, a level 4 fine, or both</p> <p>Participant – Level 4 fine</p>

- knows or ought to know that the condition has been imposed.

See [subsections \(1\) and \(2A\) to \(2E\)](#) for the grounds on which the police may impose conditions on a procession.

The criteria for serious disruption to the life of the community was amended by the [PCSC Act 2022](#). From 28 June 2022, it includes where the procession may result in a significant delay to the supply of a time-sensitive product to consumers of that product or a prolonged disruption of access to any essential goods or essential services, including those listed.

The criteria were further amended by SI, effective from 15 June 2023, to introduce the “more than minor” threshold (delay / disruption), aligning it with the definition of “serious disruption” in the POA 2023. The SI also made a number of other revisions, including: amending the list of examples which may constitute serious disruption to the life of the community, by adding physical disruption that prevents, or hinders to more than a minor degree, the carrying out of day-to-day activities, such as making a journey; and providing that when considering the serious disruption that may result, the police must take into account disruption that may occur regardless of whether the procession is held, including in

[James v Director of Public Prosecutions \[2015\] EWHC 3296 \(Admin\)](#).

	particular normal traffic congestion, and may also take into account the cumulative disruption resulting from other processions or assemblies in the same area.			
<p>Sub-section 14(4) and (5) POA 1986: Failure to comply with a condition imposed on a public assembly</p> <p>Summary only</p>	<p>These offences are committed where the person:</p> <ul style="list-style-type: none"> organises (subsection (4)), or takes part in (subsection (5)) a public assembly; fails to comply with a condition; and knows or ought to know that the condition has been imposed. <p>See:</p> <ul style="list-style-type: none"> Subsections (1) and (2A) to (2E) – for the grounds on which the police may impose conditions on an assembly Section 12 above for revisions to the criteria for serious disruption to the life of the community, made by the PCSC Act 2022 (28 June 2022) and subsequently by SI (15 June 2023). These revisions were also made to section 14. <p>From 2 July 2023, the power to impose conditions was extended to the British Transport Police and the Ministry of Defence Police, in relation to specified places.</p>	No: it is a defence to prove that the failure arose from circumstances beyond the person's control.	No. Although a conviction depends on the prosecution proving that the police officer had reasonably believed the grounds on which the condition was imposed: see AG's Ref No. 1 of 2022 [2022] EWCA Crim 1259 [47] and James v Director of Public Prosecutions [2015] EWHC 3296 (Admin) : see the Case law section for further detail.	<p>Organiser – 6 months' imprisonment, a level 4 fine, or both</p> <p>Participant – Level 4 fine</p>

<p>Sub-section 14B(1) and (2) POA 1986: Offences relating to trespassory assembly</p> <p>Summary only</p>	<p>These offences are committed where:</p> <ul style="list-style-type: none"> the person organises (subsection (1)) or takes part in (subsection (2)), an assembly, the holding of which he knows is prohibited by an order under section 14A. <p>See</p> <ul style="list-style-type: none"> Section 14A for the grounds on which the police may apply to the Secretary of State or the council for an order prohibiting for a specified period the holding of all trespassory assemblies in the relevant area. <p>The offence applies to "land to which the public has no right of access or only a limited right of access". "Limited" is defined as follows: "in relation to a right of access by the public to land, means that their use of it is restricted to use for a particular purpose (as in the case of a highway or road) or is subject to other restrictions."</p> <p>The offence could therefore apply to a trespassory assembly on a highway. As the public have a right to assemble on the highway to protest, a fact-sensitive assessment of proportionately would be required where the trespassory assembly took place on a highway: see DPP v Jones (Margaret) [2006] UKHL 16. However, if such an assembly occurred on a private</p>	<p>No</p>	<p>Yes, in relation to a trespassory assembly on a highway, but this is not applicable in relation to a trespassory assembly on a private road or private land: see the Case law section for further detail.</p>	<p>Organiser – 3 months' imprisonment, a level 4 fine, or both.</p> <p>Participant – Level 3 fine</p>
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	<p>road, or any land to which the public did not have a right to assemble (i.e., private land) to protest, then no fact-sensitive assessment would be required: see DPP v Cuciurean and the ECHR section above.</p> <p>From 2 July 2023, the power to impose conditions was extended to the British Transport Police and the Ministry of Defence Police, in relation to specified places. For the conditions that need to be met see subsections (4A-4C) (BTP) and (4G-4I) (MDP).</p>			
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Aggravated trespass

Trespass is not of itself a criminal offence. However, there are some offences in which trespass is an essential element. Aggravated trespass is one such example and is commonly committed during protest activity.

Another offence that may be committed during protests is trespassory assembly, [s14B Public Order Act 1986](#) – see below.

There are also offences in other legislation, such as: [section 128 Serious Organised Crime and Police Act 2005](#) - Trespassing on a protected site (nuclear and "designated" sites, which are land belonging to the king or the heir to the throne and designated by the SoS in the interests of national security); and [section 9 Criminal Law Act 1977](#): Trespass on premises of a foreign mission.

Prosecutors should refer to the CSP guidance on [Trespass and Nuisance on Land](#) for more detail on offences relating to trespass.

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
Section 68 CJPOA 1994 : Aggravated trespass Summary only	This is committed where a person trespasses on land and it relates to any lawful activity which persons are engaging in or are about to engage in, on that or adjoining land, which is intended by them to have the effect of: <ul style="list-style-type: none"> • intimidating those persons or any of them, so as to deter them or any of them from engaging in that activity; • obstructing that activity; or • disrupting that activity. "Land" does not include a highway: evidence will be required to disprove any assertion that the road upon which the defendant protested was a highway.	No	No, see James v Director of Public Prosecutions [2015] EWHC 3296 (Admin) and DPP v Cuciurean [2022] EWHC 736 (Admin) , in which the court said it is arguable that articles 10 and 11 ECHR are not engaged at all.	3 months' imprisonment, a level 4 fine, or both

	<p>There is no mens rea in respect of the trespass element of the offence: Director of Public Prosecutions v Bailey & Ors [2022] EWHC 3302 (Admin).</p> <p>"Lawful activity": There is no requirement for physical presence (as opposed to being "on" the land in the sense of having a right to possess, occupy or use the land) in the words of the offence: DPP v Highbury Corner Magistrates' Court [2022] EWHC 3207 (Admin); see the Case law section for further detail.</p>			
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Offences of Locking-on and being equipped to lock-on

These summary only offences criminalise the protest tactic of individuals attaching themselves to others, objects, or land.

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
<p>Section 1 POA 2023: Locking-on</p> <p>Summary only</p> <p>This offence is in force from 3 May 2023</p>	<p>This is committed where a person attaches:</p> <ul style="list-style-type: none"> • themselves to another person, to an object or to land • a person to another person, to an object or to land • an object to another object or to land <p>The act must cause, or be capable of causing, serious disruption to two or more individuals or an organisation, in a place other than a dwelling: see the section on "serious disruption" for the definition.</p> <p>The serious disruption element includes the mens rea of intent / recklessness.</p> <p>There is no definition of "attach", so it could include protestors linking arms or legs.</p> <p>A protestor who glues themselves to the road may also commit this offence.</p>	<p>Yes</p>	<p>Yes</p>	<p>6 months' imprisonment, an unlimited fine, or both</p>
<p>Section 2 POA 2023: Being equipped to lock-on</p> <p>Summary only</p>	<p>Person has an object with them in a place other than a dwelling with the intention that it may be used in the course of or in connection with the commission by any</p>	<p>No – However, because of the read across to the s1(1) offence, the statutory defence will apply.</p>	<p>Yes</p>	<p>Unlimited fine</p>

<p>This offence is in force from 3 May 2023</p>	<p>person of an offence under section 1(1) (offence of locking on).</p> <p>Examples of the types of objects that protestors may use to lock-on are glue, bicycle locks, padlocks, handcuffs, chains, bamboo scaffolding, tripods, tubes, pipes and platforms and other rigging for tree sitting.</p>			
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Wilful obstruction of the highway

See [Case law section](#) for further detail.

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
<p>Section 137 HA 1980</p> <p>Summary only</p>	<p>Wilfully obstructs the free passage along the highway.</p> <p>It does not matter whether free passage along the highway has already been temporarily restricted or temporarily prohibited, whether by a constable, a traffic authority or otherwise. So if the police temporarily close a road to manage a protest, it is still possible to commit the offence during this period.</p> <p>Proof is required that the area upon which the protest has occurred is a highway – see Kotegaonakar v Secretary of State for Environment, Food and Rural Affairs [2012] EWHC 1976 (Admin) (at [14] to [22]).</p>	<p>Yes – lawful excuse</p>	<p>Yes– See the Case law section for guidance on DPP v Ziegler [2021] UKSC 23</p>	<p>From 12 May 2022: 6 months' imprisonment, an unlimited fine, or both.</p> <p>Prior to 12 May 2022: Level 3 fine</p>

Obstruction of major transport works

This criminalises behaviour that obstructs or interferes with the construction or maintenance of major transport projects, such as HS2, and applies to airport, harbour, road and rail projects.

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
<p>Section 6 POA 2023: Obstruction of major Transport works</p> <p>Summary only</p> <p>This offence is in force from 2 July 023</p>	<p>This is committed by:</p> <ul style="list-style-type: none"> a. the obstruction of an undertaker or person acting under their authority, in relation to various construction or maintenance of any major transport works; or b. interference with, movement or removal of apparatus belonging to specified persons (undertakers and those authorised by them), relating to construction or maintenance of any major transport works. <p>There is no definition of “obstructs” or “interference”.</p> <p>There is no mens rea for the offence.</p> <p>Subsection (6) defines “major transport works”. The definition is in two parts:</p> <ul style="list-style-type: none"> • (6)(a) Covers transport infrastructure authorised by an Act of Parliament, for example, the High Speed Rail (London – West Midlands) Act 2017 and the High Speed Rail (West 	<p>Yes:</p> <ul style="list-style-type: none"> • reasonable excuse; and • that the act in question was done wholly or mainly in contemplation or furtherance of a trade dispute. <p>The trade dispute defence is intended to cover trade union protests and strike action.</p>	<p>Yes</p>	<p>6 months' imprisonment, a fine or both</p>

	<p>Midlands – Crewe) Act 2021, which provide the legislative authority for the construction of the first and second phases of the HS2 project.</p> <ul style="list-style-type: none">• (6)(b) relates to transport works the construction of which comprises development within subsection (7), that has been granted development consent by an order made under section 114 of the Planning Act 2008 (the 2008 Act). <p>Subsection (7), explains what types of development are within subsection (6)(b):</p> <ol style="list-style-type: none">a. Developments that are, or form part of a nationally significant infrastructure project within any of paragraphs (h) to (l) of section 14(1) of the 2008 Act, namely a highway-related development; an airport-related development; the construction or alteration of harbour facilities; the construction or alteration of a railway; or the construction or alteration of a rail freight interchange.b. Developments that are, or form part of, a project (or proposed			
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	<p>project) in the field of transport to which the Secretary of State has given a direction under section 35(1) of the 2008 Act, for example The new railway works between Bedford and Cambridge (East West Rail Company) – Planning Act 2008 direction.</p> <p>c. Associated developments in relation to developments within paragraphs (a) and (b) above.</p> <p>An undertaker is defined in subsection (8) and depends on whether the major transport works are within subsection (6)(a) or (b).</p>			
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Interference with use or operation of key national infrastructure

This offence covers behaviour that prevents or significantly delays the operation of key national infrastructure, including airports, railways, printing presses and downstream oil and gas infrastructure.

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
<p>Section 7 POA 2023: Interference with use or operation of key national infrastructure</p> <p>Either way</p> <p>This offence is in force from 3 May 2023</p>	<p>It is an offence to:</p> <ul style="list-style-type: none"> do an act that interferes with the use or operation of any key national infrastructure, and intend to do so or be reckless as to this consequence. <p>"Interferes" is defined in subsections (4) and (5): if it prevents the infrastructure from being used or operated to any extent for any of its intended purposes, which include where its use or operation is significantly delayed.</p> <p>Subsection (6) lists the key national infrastructure in scope of the offence, namely: road transport infrastructure; rail infrastructure; air transport infrastructure; harbour infrastructure; downstream oil infrastructure; downstream gas infrastructure; onshore oil and gas exploration and production infrastructure; onshore electricity generation infrastructure; and newspaper printing infrastructure.</p>	<p>Yes:</p> <ol style="list-style-type: none"> reasonable excuse and that the act in question was done wholly or mainly in contemplation or furtherance of a trade dispute. The trade dispute defence is intended to cover trade union protests and strike action. 	<p>Yes</p>	<p>12 months' imprisonment, a fine, or both.</p>

	<p>Section 8 defines these terms. For instance, "road transport infrastructure" includes: (a) "a special road", which includes all motorways, and (b) all A and B roads.</p> <p>Prosecutors should ensure that any infrastructure that is the subject of a charge comes within the relevant definition.</p>			
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Offences relating to tunnelling

These 3 offences criminalise the act of tunnelling, which is sometimes used by protestors on construction projects, such as HS2.

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
<p>Section 3 POA 2023: Causing serious disruption by tunnelling</p> <p>Either way</p> <p>This offence is in force from 2 July 2023</p>	<p>This is committed where a person creates or participates in the creation of a tunnel.</p> <p>The act must cause, or be capable of causing, serious disruption to 2 or more individuals or an organisation, in a place other than a dwelling: see the section on “serious disruption” for the definition.</p> <p>The serious disruption element includes the mens rea of intent / recklessness.</p> <p>“Tunnel” is defined at subsections (5) to (8), which excludes a tunnel in or under a dwelling.</p>	<p>Yes:</p> <ul style="list-style-type: none"> s3(3): reasonable excuse includes authorisation by a person with an interest in the land. A reasonable excuse may include, for example, legitimate roadworks. 	<p>Yes</p>	<p>3 years' imprisonment, an unlimited fine, or both</p>
<p>Section 4 POA 2023: Causing serious disruption by being present in a tunnel</p> <p>Either way</p> <p>This offence is in force from 2 July 2023</p>	<p>This is committed where a person is present in a tunnel that was created for the purposes of, or in connection with, a protest.</p> <p>Their presence must cause, or be capable of causing, serious disruption to 2 or more individuals or an organisation, in a place other than a dwelling: see the section on “serious disruption” for the definition.</p> <p>The serious disruption element includes the mens rea of intent / recklessness.</p>	<p>Yes:</p> <ul style="list-style-type: none"> s4(3): reasonable excuse includes authorisation by a person with an interest in the land. A reasonable excuse may include, for example, legitimate roadworks. 	<p>Yes</p>	<p>3 years' imprisonment, an unlimited fine, or both</p>

	<p>“Tunnel” is defined at subsections (5) to (8), which excludes a tunnel in or under a dwelling.</p>			
<p>Section 5 POA 2023: Being equipped for tunnelling Summary only This offence is in force from 2 July 2023</p>	<p>This is committed by having an object in a place other than a dwelling with the intention that it may be used in the course of or in connection with the commission by any person of a tunnelling offence under ss3 or 4.</p> <p>Although there is no requirement to prove that a s3 or s4 offence has occurred, proof of intention will be required in relation to all of the elements of one of these offences, including “serious disruption” and absence of reasonable excuse.</p> <p>Examples of the types of objects that may apply are: pick-axes, drills, jackhammers, wheel barrows, augers, and equipment to conceal tunnelling activity, shore up a tunnel, or illuminate / ventilate a tunnel.</p>	<p>No:</p> <ul style="list-style-type: none"> • But because of the read across to the ss3 and 4 offences, the statutory defence will apply. 	<p>Yes</p>	<p>6 months' imprisonment, a fine, or both</p>

Causing public nuisance

[Section 78 Police, Crime, Sentencing and Courts Act 2022](#) (PCSCA) abolished the common law offence of public nuisance and created this statutory offence, in force from 28 June 2022. The principle in [R v Rimmington \[2006\] 1 AC 459](#) that applied to common law public nuisance (that it is preferable to use statutory offences as opposed to a common law offence covering the same behaviour, unless there is good reason not to do so) does not restrict the use of the statutory offence of public nuisance.

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
<p>Section 78 PCSCA 2022: Causing public nuisance</p> <p>Either way</p> <p>The offence applies to any relevant act or omission that occurs on or after 28 June 2022</p>	<p>This is committed where a person does an act, or omits to do an act required by any enactment or rule of law, and the act or omission:</p> <ul style="list-style-type: none"> • creates a risk of, or causes, serious harm to the public or a section of the public, or • obstructs the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large, and • the person intends that their act or omission will have one of the above consequences, or is reckless as to whether it will have such a consequence <p>"Serious harm" means:</p> <ul style="list-style-type: none"> • death, personal injury, or disease • loss of, or damage to, property, or 	<p>Yes</p>	<p>Yes</p>	<p>10 years' imprisonment</p>

	<ul style="list-style-type: none">• serious distress, serious annoyance, serious inconvenience, or serious loss of amenity <p>Care should be taken in placing reliance on case law on the common law offence of Public Nuisance. In some circumstances it may still be relevant, such as where the courts have considered what amounts to an act or omission, or how widely spread the effect of a nuisance must be for it to qualify as a public nuisance.</p>			
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Criminal damage

There are also offences of arson, aggravated criminal damage, aggravated arson, and threats to destroy or damage property.

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
<p>Section 1 CDA 1971: Destroying or damaging property Either way</p>	<p>This is committed where a person:</p> <ul style="list-style-type: none"> destroys or damages property belonging to another Demonstrates intent or recklessness as to the destruction or damage <p>See the Case law section for: further detail on ECHR proportionality assessments in criminal damage cases; and the approach to take when the defence of prevention of crime is raised.</p>	<p>Yes</p>	<p>Only in cases of minor or temporary damage to property. Significant damage to property during protest would fall outside the protection of the ECHR. See AG's Ref No. 1 of 2022 [2022] EWCA Crim 1259, endorsed in Reference by the AG for NI [2022] UKSC 32</p>	<p>10 years' imprisonment</p>

Other offences committed during protests

Protests at football matches

Protestors may disrupt matches by entering the field of play and may also attach themselves to goalposts. There is a bespoke offence of Going onto the playing area to cover this activity. However, the CPS guidance on [Football Related Offences and Football Banning Orders](#) indicates that where there is sufficient evidence, it would normally be preferable to charge one of the offences under more general legislation, as the football-specific offences may limit the court's sentencing powers.

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
<p>Section 4 Football (Offences) Act 1991: Going onto the playing area Summary only</p>	<p>This is committed where a person, at a designated football match, goes onto the playing area, or any area adjacent to the playing area to which spectators are not generally admitted.</p> <p>There is no mens rea.</p> <p>Prosecutors should consider alternative offences of Aggravated trespass or Locking-on, where appropriate.</p> <p>A s4 conviction will allow for the imposition of a football banning order (s14A Football Spectators Act 1989), but offences of Aggravated trespass or Locking-on may not, unless the conduct in question includes acts of violence or damage, or threats of them.</p> <p>See also Football related offences Sentencing Guidelines.</p>	<p>Yes – without lawful authority or lawful excuse</p>	<p>Yes</p>	<p>Level 3 fine</p>

Palace of Westminster and Parliament Square

[Part 3 of the Police Reform and Social Responsibility Act 2011](#) is designed to prevent disruptive activities in the vicinity of the Palace of Westminster, and to ensure vehicular access to Parliament (see [Home Office Guidance](#)).

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
Section 143(8) Police Reform and Social Responsibility Act 2011 Summary only	<p>The police may direct a person to cease, or to not start doing, a prohibited activity in the controlled areas of Parliament Square or the Palace of Westminster, such as operating amplified noise equipment, erecting a tent, or obstructing the passage of a vehicle into or out of the Parliamentary Estate.</p> <p>It is an offence to fail without reasonable excuse to comply with a direction from a constable or authorised person to cease, or not to start doing, a prohibited activity.</p>	Yes	Yes	Level 5 fine

Offences under the Public Order Act 1986

CPS guidance on [Public Order Offences](#) provides further detailed guidance on these and other offences, such as affray and violent disorder.

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
<p>Section 5 POA 1986: Harassment, alarm or distress Summary only</p>	<p>This is committed where a person:</p> <ul style="list-style-type: none"> • uses threatening or abusive words or behaviour, or disorderly behaviour, or • displays any writing, sign or other visible representation which is threatening or abusive, within the hearing or sight of a person likely to be caused harassment, alarm, or distress. <p>Offences can occur in a public or private place (but not when confined to a dwelling house).</p> <p>Mens rea:</p> <ul style="list-style-type: none"> • intends words etc to be threatening or abusive, or behaviour to be disorderly; or • aware that the words etc may be threatening or abusive, or behaviour may be disorderly. <p>There is no requirement to cause a person harassment, alarm, or distress.</p> <p>See the Case law section for further detail.</p>	<p>Yes – there are three statutory defences, which include reasonable conduct.</p>	<p>Yes</p>	<p>Level 3 fine</p>

<p>Section 4 POA 1986: Intentional harassment, alarm, or distress Summary only</p>	<p>This is committed where a person:</p> <ul style="list-style-type: none"> • uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or • displays to another any writing, sign or other visible representation which is threatening, abusive or insulting, thereby causing that or another person harassment, alarm, or distress. <p>The offence can occur in a public or private place (but not when confined to a dwelling house).</p> <p>Mens rea: intent to cause a person harassment, alarm, or distress.</p>	<p>Yes – There are two statutory defences, which include reasonable conduct</p>	<p>Yes</p>	<p>6 months' imprisonment, a level 5 fine, or both</p>
<p>Section 4 POA 1986: Fear or provocation of violence Summary only</p>	<p>This is committed where a person:</p> <ul style="list-style-type: none"> • uses towards another person threatening, abusive or insulting words or behaviour, or • distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting. <p>Offences can occur in a public or private place (but not when confined to a dwelling house).</p> <p>There are 2 separate mens rea to be proved:</p>	<p>No</p>	<p>No</p>	<p>6 months' imprisonment, a level 5 fine, or both</p>

	<ul style="list-style-type: none">• s4(1): 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.• s6(3): 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.			
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Outraging public decency

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
<p>Common law offence</p> <p>Either way</p>	<p>It is an offence to do in public any act of a lewd, obscene, or disgusting nature which outrages public decency.</p> <p>The requirement for the behaviour to 'outrage' public decency was said by Lord Simon in <i>Kneller (Publishing, Printing, and Promotions) Ltd v DPP</i> to: "go considerably beyond the susceptibilities of, or even shocking, reasonable people".</p> <p>If conduct falls within the scope of a statutory offence, such as exposure contrary to section 66 of the Sexual Offences Act 2003, it is better practice to charge that offence unless, exceptionally, the offence merits a higher penalty than that available in relation to the statutory offence.</p>	<p>No</p>	<p>No</p>	<p>No maximum</p>

Harassment and stalking offences

Protestors may target individuals via harassment or stalking. For example: employees of organisations that are the subject of protests, such as fossil fuel, arms manufacturing or animal testing companies; or persons accessing or providing services at an abortion clinic. In addition to the 2 offences of harassment detailed below, the [Protection from Harassment Act 1997](#) contains further offences of Stalking, Fear of violence, and Stalking involving fear of violence or serious alarm or distress. CPS guidance on [Stalking or Harassment](#) includes detail on these offences and a list of examples of how the offences may be committed.

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
Sub section 1(1) and 2 PHA 1997 : Harassment Summary only	<p>It is an offence for a person to pursue a course of conduct which amounts to harassment of another and which the person knows, or ought to know, amounts to harassment of another.</p> <p>Course of conduct is a fact-specific assessment. It requires behaviour on more than one occasion, but this need not be the same behaviour on each occasion. Behaviour which begins as a legitimate complaint or inquiry may turn into harassment if unreasonably prolonged or persistent.</p>	<p>Yes – there are three statutory defences, including that the pursuit of the course of conduct was reasonable.</p>	<p>Yes</p> <p>This is a consequence of s1(3)(b) and (c), which both protect the right of free speech and expression: see Huntingdon Life Sciences Ltd v Curtin [1997] 11 WLUK 528; and Bayer Crop Science Ltd [2009] EWHC 3289 (QB).</p>	<p>6 months' imprisonment, a level 5 fine, or both.</p>
Sub section 1(1A) and 2 PHA 1997 : Harassment Summary only	<p>It is an offence for a person to pursue a course of conduct which involves harassment of two or more persons; and which the defendant knows or ought to know involves harassment of those persons; by which he intends to persuade any person (whether or not one of those mentioned above) not to do something that he is entitled or required to do; or to do</p>	<p>Yes – there are three statutory defences, including that the pursuit of the course of conduct was reasonable.</p>	<p>Yes</p> <p>This is a consequence of s1(3)(b) and (c), which both protect the right of free speech and expression: see Huntingdon Life Sciences Ltd v Curtin [1997] 11 WLUK 528;</p>	<p>6 months' imprisonment, a level 5 fine, or both.</p>

	<p>something that he is not under any obligation to do.</p> <p>Course of conduct is a fact-specific assessment. It requires behaviour on more than one occasion, but this need not be the same behaviour on each occasion.</p> <p>Behaviour which begins as a legitimate complaint or inquiry may turn into harassment if unreasonably prolonged or persistent.</p>		<p>and Bayer Crop Science Ltd [2009] EWHC 3289 (QB).</p>	
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Offences relating to Animal research

In addition to these bespoke offences, offences under the [Protection from Harassment Act 1997](#) may be appropriate, where protestors target individuals connected to animal research via harassment or stalking: see above.

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
<p>Section 145 SOCPA 2005: Interference with contractual relationships so as to harm animal research organisation Either way</p>	<p>This is committed where a person (A) does a relevant act (criminal offence / tortious act causing B to suffer loss or damage), or threatens that they or someone else will do a relevant act with the intention of harming an animal research organisation, in circumstances in which that act, or threat, is intended or likely to cause a second person (B) to take any of the following steps:</p> <ul style="list-style-type: none"> • not to perform any contractual obligation owed by B to a third person (C) • to terminate any contract B has with C • not to enter a contract with C <p>DPP consent required.</p>	<p>No reasonable excuse defence.</p> <p>Defence of act done wholly or mainly in contemplation or furtherance of a trade dispute.</p>	<p>No</p>	<p>5 years' imprisonment, a fine, or both</p>
<p>Section 146 SOCPA 2005: Intimidation of persons connected with animal research organisation Either way</p>	<p>This is committed where a person (A) with the intention of causing a second person (B) to abstain from doing something which B is entitled to do (or to do something which B is entitled to abstain from doing) threatens B that A or somebody else will do a relevant act (criminal offence / tortious act causing B</p>	<p>No reasonable excuse defence.</p> <p>Defence of act done wholly or mainly in contemplation or furtherance of a trade dispute.</p>	<p>No</p>	<p>5 years' imprisonment, a fine, or both</p>

	<p>to suffer loss or damage), and does so wholly or mainly because B is a person falling within subsection (2).</p> <p>Subsection (2) contains a list of persons connected with an animal research organisation, such as an employee, officer, customer, or supplier.</p> <p>DPP consent required.</p>			
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Offences relating to airports

There are a number of bespoke statutory offences in the legislation covered below. Consideration may also be given to other offences, such as Locking-on and Interference with use or operation of key national infrastructure under the [POA 2023](#); and the offence of Causing public nuisance under the [PCSCA 2022](#).

Offence	Elements and Evidence	Reasonable or lawful excuse / other statutory defence	ECHR proportionality assessment required	Maximum sentence
Section 21C-21D Aviation Security Act 1982 : Offences relating to security at aerodromes	<p>The following offences may be applicable to protests: Aviation Security Act 1982</p> <p>These offences can be committed on foot or with a vehicle.</p> <p>It must be proved that notices stating that the area concerned was a security restricted area were posted, to be readily seen and read by persons entering the area.</p> <p>With reference to:</p> <ul style="list-style-type: none"> s21D - Unauthorised presence on board aircraft s21E - Offences relating to authorised persons <p>These are: s(1)(a) obstruction of an authorised person; and 2(1)(b) falsely pretending to be an authorised person.</p>	s21C – Yes s21D – Yes s21E – No	s21C – Yes s21D – Yes s21E – No	s21C – Level 5 fine s21D – Level 5 fine s21E(1)(a) – 2 years' imprisonment s21E(1)(b) – Level 5 fine
Section 1 Aviation and Maritime Security Act 1990 : Endangering safety at aerodromes Indictable only	<p>Section 1 contains offences relating to endangering the safety of persons or the safe operation of an aerodrome.</p> <p>AG consent required to prosecute.</p> <p>R v Thacker [2021] EWCA Crim 97: the offence of Intentional disruption of service</p>	No	No	Life imprisonment

	<p>at an aerodrome under s1(2)(b) would only apply to those cases where the use of the "device, substance or weapon" was in itself intrinsically dangerous (here, scaffolding poles, "lock-ons" and builders' foam did not come within the statutory wording). The prosecution also failed to establish a causal link between: the use of the device and the disruption; and the defendants' presence at the airport and the disruption to the services of the airport. Creation of a low risk to safety is not sufficient; here the defendants' conduct did not endanger the safe operation of the airport.</p> <p>Since Thacker a number of new offences have been enacted, which, depending on the type and level of disruption or interference involved, may be appropriate to charge in a Thacker type scenario: offences of Locking-on and Interference with use or operation of key national infrastructure under the POA 2023; and the offence of Causing public nuisance under the PCSCA 2022.</p>			
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