

SERIOUS ORGANISED CRIME AND POLICE ACT 2005

EXPLANATORY NOTES

BACKGROUND

Part 4: Public order and conduct in public places etc.

Harassment

45. In July 2004 the Government published its strategy for countering animal rights extremists – ‘Animal Welfare: Human Rights - Protecting People from Animal Rights Extremists’. The Government is committed to protecting those who work in the biomedical research sector from animal rights extremists who have used violence, intimidation and harassment in an attempt to prevent those working in the sector going about their lawful business. The Government has made several changes to the law in recent years to strengthen the protection it affords against animal rights extremists. The Criminal Justice and Police Act 2001 gave the police a new power to direct protesters away from homes, where such protests may cause harassment, alarm or distress. More recently, the Anti-social Behaviour Act 2003 amended the definition of a public assembly in the Public Order Act 1986 so that an assembly may consist of ‘a gathering of 2 or more persons’ as opposed to the previous definition of 20 or more persons’. The 2003 Act also extended the offence of aggravated trespass to cover trespass in buildings. The position paper set out three additional measures to counter the extremists; these are set out in sections 125 to 127.

Trespass on designated sites

46. In recent years there have been a number of breaches of security at the residences of Her Majesty.
47. Following the incident at Windsor Castle on 21 June 2003 an inquiry was conducted by Commander Frank Armstrong of the City of London Police. Commander Armstrong reported in August 2003 (a summary of his report is available from the Metropolitan Police Service Press Office on 020 7230 2818). His first recommendation was as follows:
- ““There have been a number of intrusions into Royal premises in recent years, which have resulted in no formal prosecution. Consideration should be given to creating new legislation with a specific offence of trespassing into secure specified (Royal/Government) premises, as there is currently no deterrent.”
48. This recommendation was reinforced by the Report of the Security Commission of May 2004 (Cm 6177), following Ryan Parry’s activities at Buckingham Palace.

Demonstrations in the vicinity of Parliament

49. In November 2003 the House of Commons Select Committee on Procedure published a report on Sessional Orders and procedures (Third Report, Session 2002/3, HC

855). Amongst other things, the Report considered the issue of access to Parliament and demonstrations in Parliament Square. The Committee made the following recommendation:

““We therefore recommend that the Government should introduce appropriate legislation to prohibit long-term demonstrations and to ensure that the laws about access are adequate and enforceable. We also expect the appropriate authorities to explore fully the possibility of using existing legislation to control the use of loud-hailers and other amplification equipment; failing that, the Government should consider legislation on this subject.”

50. The Committee published the Government’s response to the Committee’s Report in May 2004 (Second Special report, 2003/4 Session, HC 613). In response to the recommendation above the Government said:

“The Government's first principle is that the right of free expression under Article 10 of the European Convention on Human Rights should be protected. It **accepts** that access to Parliament must be maintained, the working environment of Parliament safeguarded and the right of people working in Parliament not to be subject to anti-social behaviour. The Government does, however, note with interest the Mayor of London *World Squares for All* proposals for Parliament Square and looks forward to the conclusions of the Steering Group.

The Home Office will, however, undertake a consultation exercise on developing police powers and making sure that the police are empowered to act effectively and proportionately, including using their existing powers, taking into account advice from the Police and Security Service on security implications for the Palace of Westminster as a result of their current review.”

51. The Government duly sought views (in the police powers consultation paper) on the effectiveness of existing legislation to control demonstrations in Parliament Square and whether extending the power to impose conditions on all demonstrations in the vicinity of Parliament would be desirable.
52. The Procedure Committee’s report and the Government's response were debated in the House of Commons on 3 November 2004 (Hansard col. 370-423).