36 Restrictions

(1) A constable may not give a direction under section 35 to a person who appears to the constable to be under the age of 10.

(2) A constable may not give a direction under section 35 that prevents the person to whom it is given having access to a place where the person lives.

(3) A constable may not give a direction under section 35 that prevents the person to whom it is given attending at a place which the person is—
   (a) required to attend for the purposes of the person’s employment, or a contract of services to which the person is a party,
   (b) required to attend by an obligation imposed by or under an enactment or by the order of a court or tribunal, or
   (c) expected to attend for the purposes of education or training or for the purposes of receiving medical treatment,
      at a time when the person is required or expected (as the case may be) to attend there.

(4) A constable may not give a direction to a person under section 35 if the person is one of a group of persons who are—
   (a) engaged in conduct that is lawful under section 220 of the Trade Union and Labour Relations (Consolidation) Act 1992 (peaceful picketing), or
   (b) taking part in a public procession of the kind mentioned in subsection (1) of section 11 of the Public Order Act 1986 in respect of which—
       (i) written notice has been given in accordance with that section, or
(ii) written notice is not required to be given as provided by subsections (1) and (2) of that section.

(5) In deciding whether to give a direction under section 35 a constable must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.

“Convention” has the meaning given by section 21(1) of the Human Rights Act 1998.