

GCE

LAW:

Restrictions, including those restrictions permitted by the European Convention on Human Rights

Public order offences

SUGGESTED IDEAS FOR
TEACHING/LEARNING



SUGGESTED IDEAS FOR TEACHING AND LEARNING

Teacher /Lecturer:	
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Course:	A Level LAW
Topic:	Restrictions, including those restrictions permitted by the European Convention on Human Rights
Session:	Public order offences

Unit:	A Level Units 3 and 4
Ref. to specification:	Human Rights Law
Suggested time allocation:	4-6 hours

Aims & Objectives: At the end of these sessions the student will be able to:

- Explain & Apply the main provisions of the Public Order Act 1986
- Explain & Apply the main provisions of the Criminal Justice & Public Order Act 1994
- Explain the restrictions to protest in SOCPA 2005
- Explain & Apply Breach of the peace with current relevant cases
- Explain & Apply obstruction of the highway laws and other public order laws where relevant

Main Teaching and Learning Activities

Teacher/Lecturer Activities:

- Introduce topic, PowerPoint presentation can be used to introduce the topic, state the objectives and for the topic area.
- Ask the students if they have ever been on a march / protest, can they think of any famous demonstrations? Discuss with them which Articles of the ECHR allow the right to protest and freedom of expression (Arts 10 & 11)
- Go through sections 11,12 & 13 of the Public Order Act 1986 (marches/processions) Put students into groups and use past paper scenario questions to test levels of understanding of these sections
- Explain sections 14 and 16 numbers required to constitute a meeting, used to be 20 under section 16 now 2 as amended by the Anti Social Behaviour Act 2003, and section 14 of Public Order Act – police power to impose conditions on meetings
- Explain the amendments to the Public Order Act by the Criminal Justice & Public Order Act 1994, particularly Section 14 A – DPP v Jones (1999) and sections 61,63,68,69
- If lesson spread over more than 1 session ask students to research Brian Haw and his protest outside Parliament
- Discuss with the students the case of Brian Haw and the restrictions to protest within 1km of Parliament brought in by the Serious Organized Crime and Police Act 2005
- Put students into small groups and with the use of past paper scenario questions explain and discuss sections 1 – 5 of the Public Order Act 1986, with particular reference to sections 4 & 5 and the mens rea requirement under section 6 and the cases of Orum, Fiddler & Clarke. Facilitate groups work ask students to apply sections 1 – 5 to see if any of these sections have been broken in the scenario questions.

- Explain breach of the peace with reference to cases such as Moy, Foss, Steel and particularly Bibby, Redmond- Bate, Laporte & Austin
- Discuss obstruction of the highway and obstruction of the police, and private law remedies such as nuisance and the case of Hubbard v Pitt
- Explain Incitement to racial hatred and religious hatred

Student Activities:

- Students as a whole group to discuss whether they have been on a march or demonstration, and if they can think of any famous demonstrations? Discussion within the group of the Articles of the ECHR which allow the right to protest and freedom of expression; should these be respected at all times?
- Students in small groups to identify what an organizer of a march should do prior to the event and to think of the triggers that allow the police to impose conditions on marches and meetings
- For homework, or in lesson time, depending on access to library / computers, students to research the case of Brian Haw and to discuss their findings in class and the implications of SOCPA on protesting
- In small groups apply sections 1 – 5 of the POA 1986 to a scenario question and feedback answers to class

Suggested links / resources:

- PowerPoint
- Past paper scenario questions
- Internet
- Cases
- Handout

Assessment

During the lesson	Group exercises and direct questioning illustrate how well the students have understood Public Order
Subsequent to lesson	Homework – past paper question on Public Order Research the case of Brian Haw and SOCPA 2005

TOPIC: Public Order

Questions:		Expected answers:
1.	Do we have an absolute right to protest even if we offend others?	We have a right to peaceful protest under the ECHR, Article 11, but it is not an absolute right
2.	What famous demonstrations / protests can you think of?	<p><u>Examples include:</u></p> <p>Miners Strike Poll Tax demonstrations Countryside Alliance – Pro –Fox Hunting Anti – Iraq war May Day demonstrations – Anti capitalist</p> <p><u>Other countries include:</u></p> <p>China – Tiananmen Square Anti Vietnam War Anti Iraq war Etc</p>
3.	What do think an organizer of a march would need to do before the event?	Give notice to the police, 6 days notice – organizers name and address, date, time of event, proposed route etc
4.	When do you think the police can impose conditions on marches and meetings?	<p>Before and during – if police have reasonable belief that one or more of the 4 triggers may be caused by the procession / meeting</p> <p>The 4 triggers are:</p> <ul style="list-style-type: none"> • Serious public disorder • Serious damage to property • Serious disruption to the life of the community • A belief in intimidation or coercion
5.	Do you think SOCPA limits freedom of expression / right to protest?	Students to discuss their findings from their research and their own personal opinions