



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David



Public Order



Public Order Act 1986

S1 Riot

S2 Violent
Disorder

S3 Affray

S4 Intentional
fear of
provocation of
violence

S4a Intentional
Harassment,
Alarm or Distress

S5 Disorderly
Conduct

Breach of the Peace
Common Law Offence
Breach Queen's Peace



Breach of the Peace



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Breach of the Peace

'A breach of the peace is committed whenever harm is done, or is likely to be done to a person, or



in his presence to his property, or



whenever a person is in fear of being harmed through an assault, affray, riot or other disturbance'



Breach of the Peace

A constable or any other person may arrest without warrant any person when:

a. BOP **is** committed in their presence or,

b. Person making arrest believes BOP **will be** committed in immediate future

c. BOP **has** been committed & it is reasonably believed that a renewal of it is threatened



Power to Enter Premises

A police officer may **enter & remain** on any premises, public or private, to deal with or prevent a BOP

The right of entry is **not absolute** but it must be weighed against the degree of disturbance which is threatened

An officer **must not remain** on private premises once the breach has finished (assuming it is not likely to re-occur)



Section 5 Public Order Act 1986



Uses threatening or abusive words or behaviour



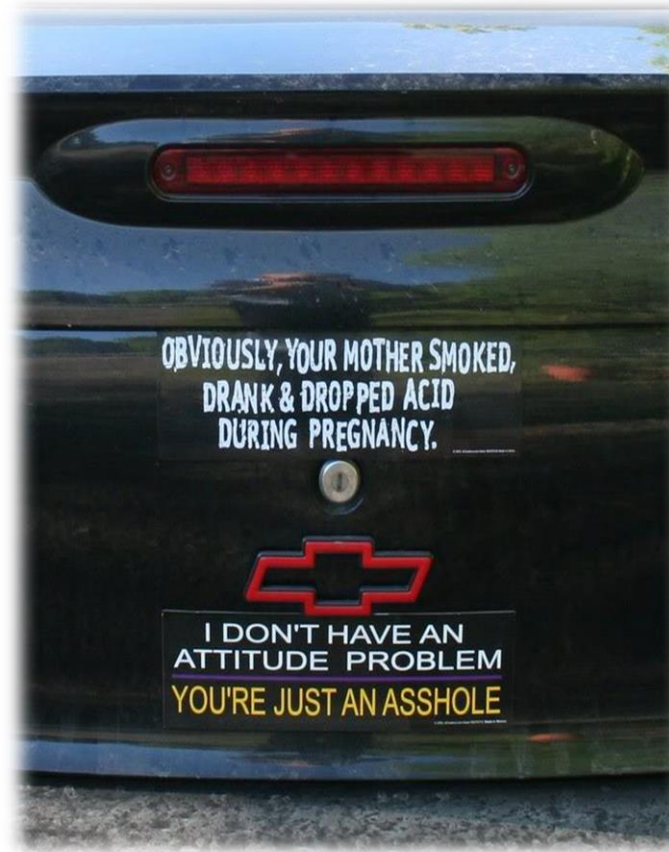
or disorderly behavior within the hearing or sight of a person OR



likely to be caused harassment, alarm or distress

Section 5 POA 1986

Displays any writing,
sign or other visible
representation which is
threatening or abusive
in the sight of a person
likely to be caused
harassment, alarm or
distress



Section 5 POA 1986

This can be committed in public or private



except



Where the words or behavior are used, or the writing, sign or other visible representation is displayed by a person inside a dwelling & the other person is also inside that or another dwelling



Defences to Section 5



Could not
be heard



Inside a
dwelling



Reasonable
conduct

Section 4A POA 1986

A person is guilty of an offence, if with **intent** to cause a person harassment, alarm or distress, he:

uses threatening, abusive or **insulting** words or behaviour or disorderly behaviour OR

displays any writing, sign or other visible representation which is threatening, abusive or insulting

thereby **causing** that or another person harassment, alarm or distress



Section 4A POA 1986

This offence can be committed in public or private



except



Where the words or behavior are used, or the writing, sign or other visible representation is displayed by a person inside a dwelling & the other person is also inside that or another dwelling



Defences to Section 4A



Inside a
dwelling



Reasonable
conduct



Points to Prove

These are the elements of the **definition** that must **each be proven** in order for the offence to be **fulfilled**

S5 POA 1986

Public place (or private but not between 2 dwellings)

Display/use threatening or abusive words

Behaviour: disorderly behavior

Within sight/hearing of person likely to be caused H.A.D

S4A POA 1986

Public place (or private but not between 2 dwellings)

Display/use threatening or abusive words or insulting words

Behaviour: disorderly behaviour

Intention to cause that or another person H.A.D

Causes someone H.A.D (must have a complainant)



Section 4 Public Order Act 1986

Uses towards another person threatening, abusive or insulting words or behavior OR



Distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting



with *intent* to cause.....



S4 POA 1986



That person to believe that **immediate** unlawful **violence** will be used against him or another by any person OR

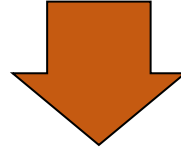
to provoke the immediate use of unlawful violence by that person or another OR

whereby that person is **likely** to believe that such violence will be used or it is likely that such violence will be provoked



S4 POA 1986

This offence can be committed in public or private except



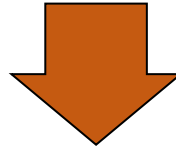
where the words or behaviour are used or the writing, sign or other visible representation is displayed by a person inside a dwelling & the other person is also inside that or another dwelling

There is a power of entry to premises under S17 of PACE in order to arrest



Section 3 POA 1986 'Affray'

A person is guilty of affray if he uses or threatens unlawful **violence** towards another &



His conduct is such as would cause a **person of reasonable firmness** present at the scene to fear for his personal safety



Section 2 POA 1986 'Violent Disorder'

Where **3 or more persons** who are present together use or threatens unlawful **violence**

And the conduct of them (taken together)

is such as would cause **a person of reasonable firmness** present at the scene to fear for their personal safety



Section 1 POA 1986 'Riot'

Where 12 or more persons who are present together use or threatens unlawful violence for a common purpose

And the conduct of them (taken together)

is such as would cause a person of reasonable firmness present at the scene to fear for their personal safety



The Difference

Riot

Large fight
between two rival
football gangs

Violent Disorder

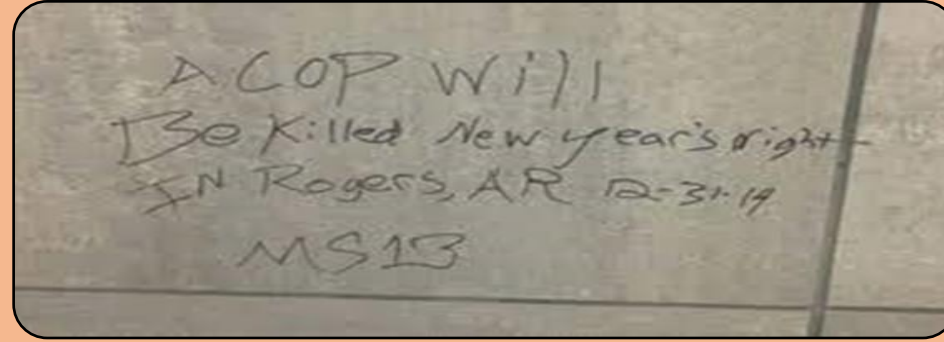
Smaller fight in a
pub between two
families

Affray

Two people
fighting in a beer
garden in view of
children



S16 OAP Act 1861....Threats to Kill



A COP will
I so killed New Year's right
IN Rogers, AR 12-31-19
MS13

A person who without lawful excuse makes to another a threat, intending that the other would fear it would be carried out, to kill that other or a third person shall be guilty of an offence





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In which of the following cases will a Police Officer have a power to arrest for breach of the peace?

- (i) He has reasonable suspicion that a breach of the peace has been committed.
 - (ii) A breach of the peace has been committed in the Officer's presence.
 - (iii) He believes that a breach of the peace will be committed in the immediate future.
- (a) All
 - (b) (i) and (ii) only
 - (c) (ii) and (iii)
 - (d) (ii) only



A person is guilty of an offence of Section 5 POA 1986, if they:

- (a) use threatening or abusive words or behaviour, or disorderly behaviour, or display any writing, sign or other visible representation which is threatening, or abusive within the sight or hearing of a person likely to be caused harassment, alarm or distress thereby.
- (b) use abusive words or behaviour, or disorderly behaviour, or display any writing, sign or other visible representation which is threatening, or abusive within the sight or hearing of a person likely to be caused harassment, alarm or distress thereby.
- (c) use threatening or abusive words or behaviour, or display any writing, sign or other visible representation Within the sight or hearing of a person likely to be caused harassment, alarm or distress thereby.
- (d) use disorderly behaviour, or which is threatening, or abusive within the sight or hearing of a person likely to be caused alarm or distress thereby.



REARDON places posters of a racist nature in the front window of his house, which is situated in a private road. The house is not overlooked and is in a secluded area of the road. In relation to Section 4a of the Public Order Act 1986, what statements (on this information alone) would be true?

- (a) At least one person would have to be caused alarm, harassment or distress as a result of the threatening, abusive or insulting nature of the posters
- (b) It doesn't matter whether anyone is caused alarm, harassment or distress, only that REARDON intends this
- (c) A constable could arrest REARDON if he was found committing this offence but only after he failed to remove the posters after being first warned
- (d) No offence has been committed, a private road is not a public place



Under Common Law, who may make an arrest for a breach of the peace and where may they make it?

- A. Only a Police Officer may arrest for a breach of the peace and only in a public place
- B. Only a Police Officer may arrest for a breach of the peace, either in a public or private place
- C. Any person may arrest for a breach of the peace but only in a public place
- D. Any person may arrest for a breach of the peace, either in a public or private place



You are called to a neighbour dispute and on arrival in the street see QUENTIN walking up and down the pavement carrying a poster stating that his neighbour DAWSON is a child molester.

What has to be proved for QUENTIN to commit the offence of causing intentional harassment, alarm or distress under Sec 4A Public Order Act 1986?

- A. That he intended to cause DAWSON harassment, alarm or distress
- B. That DAWSON was actually caused harassment, alarm or distress whether QUENTIN intended it or not
- C. That he intended to cause harassment, alarm or distress and DAWSON was actually caused it
- D. That DAWSON was not actually caused harassment, alarm or distress although QUENTIN intended this or was reckless as to whether harassment, alarm or distress was caused.



SPARROW uses threatening language towards DIXON with the intention of causing him to fear unlawful violence. DIXON is not threatened by this behaviour. DIXON is in a dwelling and SPARROW wishes to enter.

In relation to Section 4 of the Public Order Act 1986, which of the following is correct?

- A.SPARROW has committed the offence regardless of whether DIXON feels threatened.
- B.SPARROW has committed the offence, but only if someone else witnesses the behaviour.
- C.SPARROW has not committed the offence, because DIXON was not actually threatened.
- D.SPARROW has not committed the offence, because DIXON was inside the dwelling.



