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Police, Crime, Sentencing and Courts Bill 2021: A Briefing for Trade Unionists



This briefing has been compiled by the [Stop the Police Bill](#) organising group – a network of trade unionists, MPs, climate activists, anti-racist groups and lawyers committed to campaigning against the Police, Crime, Sentencing and Courts Bill

What is the Police, Crime, Sentencing and Courts Bill and why does it matter?

The right to protest is a fundamental liberty in a democracy. Such actions have historically resulted in important social reforms, including the right to vote, equal pay and the right to form, and to belong to, a trade union.

The [Police, Crime Sentencing and Courts Bill \(PCSC Bill\)](#) is a new set of proposed laws that would drastically limit the right to protest and campaign for a more progressive society. The Bill is going through Parliament at the moment and, if passed, will apply in England and Wales. Some of the measures will also apply in Scotland.

The proposals include:

- Allowing the police to impose conditions on a protest, where they believe that the noise generated by the protest may cause serious disruption to an organisation’s activities, or cause people in the area to experience “serious unease”. The conditions could include any that the police decide is “necessary” to prevent “disorder, damage, disruption, impact or intimidation” – which could in effect allow the police to ban protests altogether.
- Giving sweeping new powers to the Home Secretary to decide what the terms “serious disruption to the life of the community” and “serious disruption to the activities of an organisation” mean, and to give examples of protests that should be subject to conditions. This would make it easier for the Government to target groups it does not like, such as striking workers picketing outside their workplace, or trade unionists protesting against Government cuts.
- Increasing the maximum fine for breaching conditions from £1,000 to £2,500. There would be no need to show that the person charged

actually knew that the conditions were in place - which would have the effect of criminalising people who unwittingly breach conditions. The maximum sentence for the protest organiser would be increased from 3 months to a staggering 11 months imprisonment, plus a £2,500 fine.

- Creating a broad statutory offence of causing a public nuisance, which would include obstructing the public or a section of the public in the exercise of their rights, or causing them “serious harm”. The Bill expands the definition of “serious harm” beyond any common sense understanding of the term: it includes causing someone to suffer, or putting them at risk of suffering, “serious annoyance”, “serious inconvenience” or “serious loss of amenity”. This new offence - punishable to up to ten years in prison – would replace the common law offence of public nuisance, which was historically used to target picketing and has more recently been used to criminalise peaceful anti-fracking protesters.
- Creating a new criminal offence of trespass – currently a civil matter – which would apply to someone “residing” on land (even temporarily) “in or with a vehicle”. This offence, supported by new powers to enable police to “seize any relevant property”, could be used to target pickets and workplace occupations where they take place on the employer’s property or that of a private landowner. They would also represent a direct attack on the way of life of Gypsy, Roma and Traveller (GRT) communities - among the most persecuted and marginalised groups in the UK.
- Imposing new restrictions on the right to protest around Parliament.

The Bill is currently in Committee Stage, where there is a close examination of each clause of the Bill. Once the Committee Stage is finished, the Bill will return to the House of Commons for its Report Stage, where the Bill can be debated and new amendments proposed. There will then be a final vote in the Commons for the Bill’s Third Reading. This is expected in June or July.

Why has the Government introduced the Bill now?

The Government claims that the new powers are necessary to respond to the “highly disruptive” and “dangerous” protests that have taken place in

recent years, citing as examples the Extinction Rebellion protests in 2019 and the Black Lives Matter (BLM) protests of 2020. In doing so the Government is attempting to pit protesters against what it describes as the “hardworking majority seeking to go about their everyday lives”. This justification echoes that used by the Thatcher Government in the aftermath of the 1984-5 Miners’ Strike, when it introduced the Public Order Bill – which eventually became Public Order Act 1986. Then, as now, the Government claimed that existing law was “outdated”, and attempted to portray trade unionists as a violent “enemy within” who acted against the interests of the wider community. And then, as now, despite mass arrests, conviction rates were often low as pickets and protesters worked collectively to challenge attempts to criminalise their activities.

It is important to view this Bill in its broader context: it is part of a disturbing pattern of Government attempts to limit opposition and legitimise state suppression of progressive movements. The [Trade Union Act 2016](#) severely undermined the right to strike by subjecting trade union members to unprecedented levels of civil and criminal penalties, regulations and technical monitoring requirements. The [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021](#) – the so-called ‘Spycops Act’ – allows the police and the security services to commit crimes against anyone in the UK without fear of facing prosecution. The Act gives a licence to the police and MI5 to infiltrate trade unions and social movements - tactics which the police have admitted led to the [illegal blacklisting](#) of construction workers because of their trade union links.

The reality is that the police already have extensive powers to restrict protest. However, the reach of this Bill goes much further than existing public order law: it seeks to outlaw all forms of effective protest action. Protests are – by their very nature – noisy and disruptive. The momentous BLM protests that swept across the UK last year forced into the spotlight not only police brutality against people of colour, but also the inequalities in health, education, employment and the everyday racism that Black workers experience.

The Government is already signalling a new round of austerity as it attempts to make ordinary people pay for their bungling handling of the pandemic. This Bill is an attempt to make it more difficult for trade unionists and social movements to organise collectively against austerity and campaign for a fairer and more equal society.

It would also give a green light to the violent policing tactics that caused widespread revulsion during the peaceful vigil on Clapham Common, following the tragic death of Sarah Everard. As the police response to the BLM protests has shown, these new powers [would be felt most sharply](#) by Black, brown and racialised protesters who are more likely to face police violence and to be criminalised for their actions.

Lessons from the past: how trade unionists have fought for the right to protest

The PCSC Bill represents a grave threat to our ability to protest and organise. The measures in the Bill amount to an attack on our rights - rights that working-class people have fought for over decades. The 1901 Taff Vale judgement effectively outlawed picketing by making unions liable for any money lost by the employers during strikes. It was reversed following a mass movement of workers, whose actions led to the Trade Disputes Act 1906, providing the foundation for the law on the right to strike in the UK.

In 1971 the Conservative Government introduced the Industrial Relations Act, which sought to control wages and restrict trade union activities. It was defeated by a nationwide ‘Kill the Bill’ campaign, led by trade unionists, which included a series of strikes and mass protests. When the Thatcher Government brought in the hated Poll Tax in 1990, trade unionists played a key role in the national campaign to oppose it, organising in communities and on the streets, eventually securing its repeal. The lessons from the history of the trade union movement are clear: **when we unite and when we organise, we can win.**

What can trade unionists do to stop the Bill?

The ‘Kill the Bill’ protests, which have swept across the country in recent weeks, show real anger and opposition to the Bill. Hundreds of charities, community groups and campaign organisations have [signed a letter](#) to the Home Secretary and Justice Secretary, calling the Bill “an attack on some of the most fundamental rights of citizens”.

Hundreds of thousands of people have [signed petitions](#) to oppose the Bill, and [over 700 legal academics](#) signed an open letter calling for the Bill to be scrapped, describing it as “an existential attack on the right to protest”. A new grassroots coalition including [Sisters Uncut](#), [Black Lives Matter UK](#) and others are signing up organisations to mobilise on the streets to #KillTheBill. It is vital that trade unionists work alongside social

movements to oppose the Bill in its entirety.

What you can do:

- Invite a speaker from the Stop the Police Bill Organising Committee to speak at your next trade union branch meeting
 - Get involved as trade unionists in your local #KillTheBill campaign, and take your trade union banner along to the protests
 - Pass the model motion in your local branch, and email stopthepolicebill@gmail.com to let us know
 - Circulate this briefing document in trade union branch meetings, websites and newsletters
 - Help to build the nationwide #KillTheBill protests on 1 May and when the Bill returns to the House of Commons for a Third Reading
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Model Motion

Defend the Right to Protest – Oppose the new Police Bill

This union branch/branch executive notes:

- That the Tories' new Police, Crime, Sentencing and Courts Bill is an attempt to limit the right to protest in the wake of Covid pandemic.
- That following a decade and more of austerity we are now set to be asked to pay the price for the Covid-19 crisis. Working class communities, women, BAME communities and disabled people have suffered disproportionately.
- The new Policing Bill gives police new powers to stop protests that cause “serious disruption” to an organisation or have a “relevant impact” on people nearby.
- The Bill targets protest noise that could have “a relevant impact on persons in the vicinity of the procession”. Just a couple of complaints by passers-by would be enough.
- A further clause in the Bill criminalises protests causing “serious annoyance” – every employer and every reactionary would seek to use this claim to curb and prevent protest.

This union branch/branch executive further notes:

- That Karen Reissmann, a Manchester mental health nurse, was fined £10,000 by police for organising a socially distanced protest over the insulting 1 percent pay offer to NHS staff.
- The attempt by police to break up a vigil in memory of Sarah Everard on Clapham Common.
- The new Police Bill includes increases stop and search powers that will be also be used to scapegoat minorities and increase racism.
- The Bill includes a new trespass offense that will be used to target Gypsy, Roma and Traveller groups. Instead of providing adequate sites, the government wants to move trespass from a civil law offence to a criminal offence.
- Other clauses against “unauthorised encampments” will mainly be used against Gypsy, Roma and Traveller groups. But they could also hit homeless people making makeshift shelters and protesters.

This union branch/branch executive believes:

- The Police Bill is a serious assault on our right to assembly and protest. Its aim to make protest as ineffective as possible.
- The Tories want the police to have more powers to harass and jail black people and Muslims, target Gypsies and Travellers and to silence protesters.
- The Bill is also a threat to trade union activity through restricting our right to protest and place further limits potentially on our freedom to picket during industrial disputes.

This union branch resolves:

- We oppose any attempt by government to use the COVID-19 crisis to limit the right to protest.
- To campaign against the whole of the Police, Crime, Sentencing and Courts Bill.
- To work with other campaigns – human rights, environmental, anti-racist and all those defending the right to protests – to oppose and defeat this attack on our rights.
- To send this motion to our national executive asking for the union nationally to take up opposition to the Policing Bill.