



HOUSE OF COMMONS
LONDON SW1A 0AA

June 2021

Dear Constituent

Thank you for your email about the Police, Crime, Sentencing and Courts Bill.

I understand your concerns about the proposed new powers to deal better with protests and illegal encampments.

I hope to speak in Monday's debate to raise the concerns of the local traveller community. In regards to peaceful protest, as I have made very clear, freedom of assembly and freedom of expression are vital rights that I wholeheartedly support, and I can reassure you that the Government is clear that the right of an individual to express their opinion and protest is a cornerstone to our democratic society.

The issue at hand relates to the balance between the rights of a protestor and the rights of individuals to go about their daily business. There have been examples where protests have caused unjustifiable disruption and distress to other citizens. For example, some of the scenes we saw from the Extinction Rebellion protests, where ambulances were stopped from reaching hospitals and efforts to prevent the printing of newspapers, were deeply troubling and concerning.

Therefore, the measures in the Bill are not about stopping or clamping down on right to protest but ensuring the police can better manage highly disruptive protests and maintain the balance I have outlined.

You are right to ask how protesters' rights will be protected. It is the case that when using these powers, or existing public order powers, the police must act within the law. Importantly, the police must be able to demonstrate that their use of powers are necessary and proportionate. It is also clear that the police must act compatibly with human rights, in particular Article 10 (freedom of expression) and Article 11 (freedom of association).

I am aware that much has been said regarding the proposed public nuisance offence. As you may be aware, Clause 59 gives effect to recommendations made by the Law Commission in their July 2015 Report on '*Simplification of the Criminal Law: Public Nuisance and Outraging Public Decency*'. The report stated that the common law offence of public nuisance should be replaced by a statutory offence covering any conduct which endangers the life, health, property or comfort of a section of the public or obstructs them in the exercise of their rights. You can find the Law Commission report on this issue at the following link - https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2015/06/lc358_public_nuisance.pdf.

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Importantly, the new statutory offence of public nuisance will cover the same conduct as the existing common law offence of public nuisance.

I fully understand your strong feelings on this issue and you were right to ensure I was made aware of these. While we may not agree, I hope this response has outlined clearly why I am in favour of the changes in the Police, Crime, Sentencing and Courts Bill relating to the management of protests.

Once again, thank you for taking the time to contact me and if I can ever be any further assistance to you then please do not hesitate to contact me again.

Yours Sincerely
Peter Gibson

PETER GIBSON MP