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PROTECTING CIVIL LIBERTIES  
PROMOTING HUMAN RIGHTS

## **Liberty's Report stage briefing on the Police Reform and Social Responsibility Bill in the House of Commons (Part 3, Protest; Part 4, Arrest Warrants)**

**March 2011**

## **About Liberty**

Liberty (The National Council for Civil Liberties) is one of the UK's leading civil liberties and human rights organisations. Liberty works to promote human rights and protect civil liberties through a combination of test case litigation, lobbying, campaigning and research.

## **Liberty Policy**

Liberty provides policy responses to Government consultations on all issues which have implications for human rights and civil liberties. We also submit evidence to Select Committees, Inquiries and other policy fora, and undertake independent, funded research.

Liberty's policy papers are available at

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## Introduction & Summary

If enacted, the Police and Social Responsibility Bill will introduce significant changes to policing and police and prosecutorial powers. Part 1 of the Bill proposes wholesale reform of policing in the United Kingdom with the introduction of directly elected Police and Crime Commissioners. We have detailed our significant concerns about these proposals in our briefing for Second Reading<sup>1</sup> and have drafted substantial amendments to address these concerns in a separate briefing.<sup>2</sup> This briefing proposes amendments for Part 3 of the Bill, relating to protest in Parliament Square, and clause 152 of Part 4, regarding private prosecution.

## PART 3 – PROTEST IN PARLIAMENT SQUARE

### Introduction

Part 3 of the Bill repeals sections 132 to 138 of the *Serious Organised Crime and Police Act 2005* (SOCPA).<sup>3</sup> These notorious sections introduced collectively oppressive restrictions on the right to protest in the vicinity of Parliament. Sections 132 to 134 criminalise unauthorised demonstrations in the vicinity of Parliament and allow limitations to be placed on the place, time, duration, size and noise levels of any demonstration. Liberty has consistently voiced serious concerns about these provisions and the chilling effect that they have on non-violent protests in an area of the United Kingdom which has such significance for our strong democratic tradition of peaceful protest.<sup>4</sup> We therefore greatly welcome the repeal of the sections in this Bill.

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<sup>1</sup> *Liberty's Second Reading Briefing on the Police Reform and Social Responsibility Bill in the House of Commons* (December 2010), available at <http://www.liberty-human-rights.org.uk/pdfs/policy10/police-reform-social-responsibility-bill-briefing-second-reading-commons-dec.pdf>.

<sup>2</sup> *Liberty's Committee stage briefing on Part 1 of the Police Reform and Social Responsibility Bill in the House of Commons (Directly elected Police Commissioners)* (January 2011), available at <http://www.liberty-human-rights.org.uk/pdfs/policy11/police-reform-bill-briefing-committee-stage-commons-part-1-january-2011.pdf>. and *Liberty's Report stage briefing on Part 1 of the Police Reform and Social Responsibility Bill in the House of Commons (Directly elected Police Commissioners)* (March 2011), available at <http://www.liberty-human-rights.org.uk>.

<sup>3</sup> Clause 140.

<sup>4</sup> For comments at the time the provisions were introduced see *Liberty's Second Reading Briefing on the Serious Organised Crime and Police Bill in the House of Lords* (March 2005), available at <http://www.liberty-human-rights.org.uk/pdfs/policy05/soc-2nd-reading-lords.pdf>. More recently see *Liberty's Response to the Home Office's 'Your Freedom' consultation* (October 2010), available at <http://www.liberty-human-rights.org.uk/pdfs/policy10/liberty-s-response-to-the-your-freedom-consultation-october-2010.pdf>.

However the clauses proposed to replace the SOCPA provisions remain unacceptably restrictive of peaceful protest. Clauses 141 to 148, in effect, re-enact a number of similar restrictions found currently under SOCPA, albeit for a more tightly defined area. Clause 141 defines a new ‘controlled area of Parliament Square’ to which these provisions will apply. Clause 142 allows for a constable or ‘authorised officer’ (including employees of the Greater London Authority (GLA) and Westminster City Council), who has reasonable grounds for believing that a person is doing or is about to do a ‘prohibited activity’ in this area, to direct the person to cease doing that activity or not start doing that activity. Clause 142(2) defines what a ‘prohibited activity’ includes, such as operating amplified noise equipment, or erecting or keeping erect any tent or other sleeping structure. A direction can continue for up to 90 days and can be given orally under clause 143. Refusal to obey a direction not to do a prohibited activity constitutes an offence under clause 142(8). Clause 144 gives the constable or authorised officer the power to seize and retain ‘prohibited items’ within the controlled area if it appears that it is being used in the commission of an offence under clause 142. Clause 145 provides for broad court powers upon conviction, including any order it “considers appropriate” to prevent the convicted person from engaging in any prohibited activity within the controlled area of Parliament Square. Clause 146 provides for an authorisation process for the operation of amplified noise equipment in the controlled area.

Our primary concern with any provision impeding the right to peaceful protest is that it undermines a direct means of holding the Government to account. The UK has a long and proud history of peaceful protest and assembly. These rights are integral to our democracy and are intertwined with the fundamental right to free speech. That said, under the *Human Rights Act 1998* (HRA), the right to freedom of assembly and association<sup>5</sup> is a qualified right which can be limited. This means that any interference with it must be proportionate and justified and for a legitimate aim. The intention of these provisions appears to be aesthetic – to ‘clean up’ Parliament Square – rather than to remove a serious threat to public order or prevent criminal behaviour. The particular harm that Government is seeking to address is entirely unclear. Are we to understand that Government has an objection to someone standing in Parliament Square with a sleeping bag – an objection that would apply to anyone who, like the Prime Minister in his youth, wished to sleep outside to secure a

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<sup>5</sup> Protected by Article 11 of the *European Convention on Human Rights* as incorporated into UK law by the *Human Rights Act 1998*.

good vantage point for the Royal Wedding in April? As currently drafted, this is exactly what these broad provisions will allow for.

We celebrate democracy in the UK, and a key part of democracy is about dissent. Sometimes this can be annoying, sometimes it can be a bit noisy, sometimes a bit messy. But these are not justifications for dragging people away from the Square or confiscating their sleeping bags. But this is what this Bill proposes to do. The Government stated in Committee that the small number of peaceful anti-war protesters currently in Parliament Square “*usurp the rights of the majority*”<sup>6</sup> and suggested that restrictions are required to prevent one group of protesters preventing other protesters from demonstrating. Is the Government really proposing to place a permanent, broad and unworkable discretion on police for the sake of removing a handful of non-disruptive protesters opposed to war?

Accordingly the main amendment we propose in **Part A** of this briefing will have the effect that sections 132 to 138 of SOCPA will be repealed, but that there will be no replacement provisions. The Part A amendment we consider necessary to prevent any unnecessary encroachment on the right to peaceful protest in Parliament Square and ensure that the welcome repeal of sections 132 to 138 is given full effect.

If the Part A amendment is unsuccessful, we set out an alternative procedure in **Part B** which would allow for the Met Commissioner to apply to the High Court for an injunction to prevent a protester from undertaking a protest which will seriously disrupt public order, cause harm to public property or restrict the rights of others. This would be a targeted process which would take an overbroad, summary injunction power out of the hands of local authority officials and police constables, replacing it with a more targeted power to seek an injunction where a legitimate harm has been identified in order to prevent it from occurring or causing it to cease.

**Part C** proposes a set of amendments which we consider to be ‘a last resort’ – that is, amendments which could be moved to tighten the provisions in this Part of the Bill if Parts A and B, in the alternative, are not adopted.

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<sup>6</sup> As stated by Mr James Brokenshire MP, Parliamentary Under-Secretary of State for the Home Department, in Public Bill Committee, 15<sup>th</sup> February 2011 at column 610.

## **Part A: Complete removal of restrictions on the right to protest in Parliament Square**

### **Amendment 1**

Clauses **141 to 148**, page **94**, line **32**, leave out clauses 141 to 148.

Clause **140**, page **94**, line **27**, leave out sub-clause 140(2).

### **Effect**

These amendments would ensure that the overly prescriptive sections 132 to 138 of SOCPA are repealed in clause 140(1), but would then leave out the proposed amendments in clauses 141 to 148 which would see an alternative restrictive regime imposed on a more tightly controlled area.

### **Briefing**

As discussed above, undermining the right to peacefully protest in the area of Parliament Square greatly impedes an axiomatic function of democracy. Both Coalition parties made pre-election commitments to restoring the right to peaceful protest which has come under attack in recent years. These amendments do nothing to support that stated aim and indeed do the opposite. They disproportionately target particular protests and protesters, just as the preceding SOCPA provisions did. That the changes specifically target peaceful assembly and protesters already in place in Parliament Square is evidenced by clause 140(2), which as drafted allows for section 14 of the *Public Order Act* to apply to assemblies which have already been started or were being organised at the time the section would come into force.<sup>7</sup>

Where protest is peaceful, then it must be allowed to go on freely, keeping in mind that there is already ample provision to ensure public safety and to prevent serious public disorder in relation to procession and assembly under Part II of the *Public Offences Act 1986*. This amendment would allow for this important right to be restored.

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<sup>7</sup> Section 132(6) of SOCPA currently disapplies section 14 of the POA in relation to Parliament Square.

## **Part B: Alternative to Part A**

### **Amendment 2 – Removal of restriction on protest in Parliament Square**

Clauses **141 to 148**, page **94**, line **32**, leave out clauses 141 to 148.

This amendment would have the effect of repealing section 132 to 139 of SOCPA, for the reasons given above, but would be moved in conjunction with the following amendment, which proposes a more proportionate response to policing individual protest in Parliament Square. The definition of the ‘controlled area of Parliament Square’ in clause 141 would remain as currently drafted.

### **Amendment 3 – Substituted clauses 142 to 148**

Clause **142**, page **95**, line **7**, leave out clauses 142 to 148 and insert

#### **142 Injunctions to prevent a prohibited activity in controlled area of Parliament Square**

(1) The High Court may grant an injunction against a person under this section if

- (a) it is satisfied beyond reasonable doubt that the respondent has engaged in, or is about to engage in, a prohibited activity; and
- (b) the injunction is necessary to stop the person doing a prohibited activity or not to start doing a prohibited activity.

(2) For the purposes of this Part, a ‘prohibited activity’ is an activity

- (a) which may result in serious public disorder or serious damage to property;

or

- (b) where the purpose of the activity is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do.

(3) A person who fails without reasonable excuse to comply with a prohibition in an injunction order under section 143(1) is in breach of the injunction.

#### **143 Injunctions under section 142: content and duration**

(1) A condition included in an injunction ordered by the High Court under section 142(1) may prohibit the person from

(a) being in the controlled area of Parliament Square for the purpose of undertaking a prohibited activity; or

(b) entering the controlled area of Parliament Square for the purpose of undertaking a prohibited activity.

(2) An injunction prohibiting a person from being in or entering the controlled area of Parliament Square continues in force until

(a) the end of such period on which the injunction is made as may be specified by the court making the injunction; or

(b) if no period is specified, the end of the period of seven days beginning with the day on which the injunction is made.

(3) A period specified under subsection (2)(a) may not be longer than seven days.

#### **144 Applications for injunctions under section 142**

(1) An application for an injunction under section 142 may be made by the Commissioner of Police of the Metropolis to the High Court.

(2) Notice of any application under subsection (1) must be served on the respondent in accordance with the rules of the court.

(3) The court must give the respondent an opportunity to make representations in proceedings before it about the making of an injunction.

#### **145 Breach of injunction**

(1) The court may impose a fine not exceeding level 3 on the standard scale where -

(a) an injunction under section 142 is granted against a person and

(b) on an application made by the Commissioner of Police in the Metropolis, the court is satisfied beyond reasonable doubt that the person is in breach of the injunction without reasonable excuse.

(2) For the avoidance of doubt, subsection (1) grants the only powers available to the court where it finds that an injunction under section 142 has been breached.

### **146 Discharge of injunction**

(1) The court may discharge an injunction if an application to discharge the injunction is made.

(2) An application to discharge the injunction may be made by

- (a) Commissioner of Police of the Metropolis who applied for the injunction; or
- (b) the respondent.

(3) Before applying for the discharge of an injunction, the applicant mentioned in subsection (2) must notify the other.

### **Effect**

This amendment would replace the current scheme for imposing summary injunctions and punishments on those believed to be engaged in 'prohibited activity' with an alternative scheme.

The current definition of 'prohibited activity' which includes the possession of tents and sleeping bags is removed. A 'prohibited activity' is redefined to include an activity which may result in serious public disorder or serious damage to property, or where the purpose of the activity is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do.

This is in line with the *Public Order Act*.<sup>8</sup>

With regard to the mechanism, the amendments above replaced the current summary justice mechanism with a judicial application process. Specifically, an application for an injunction will be able to be made by the Met Commissioner to the High Court. The High court may grant an injunction against a person only if it is satisfied beyond reasonable doubt that the person is engaged in, or is about to engage in a prohibited activity and is satisfied that the injunction is necessary. A respondent to the injunction will be prevented from being in or entering the controlled

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<sup>8</sup> See section 14 of the POA.

area of Parliament Square for the purpose of carrying out the prohibited activity. The injunction will cease to have effect at a time prescribed by the High Court or at the end of a seven-day period beginning with the day it is made at the very latest.

Breach of a court-imposed injunction order without reasonable excuse will amount to contempt of court. The maximum penalty that the court may impose if a breach is found will be a fine not exceeding level 3 on the standard scale (which is currently £1,000 under section 37 of the *Criminal Justice Act 1982*). An injunction order will state that breach of the injunction means the respondent is guilty of contempt of court. The amendments also provide those enjoined to apply to have the injunction dismissed.

### **Briefing**

This amendment would put in place a new scheme which would allow for an injunction to be imposed by a court where it is reasonably believed that a prohibited activity is being planned or is taking place in the controlled area of Parliament Square (as defined under suggested clause 142(2)). It will ensure that only activities which pose a serious threat to the public or which will infringe the rights of others will be stopped from occurring. By focussing on an identifiable harm (something the current provisions in the Bill fail to do), this approach is more proportionate and should not unduly penalise peaceful protest. It provides judicial and legal due process safeguards which are wholly absent from the summary punishment scheme currently set out in the Bill. It also aligns much more closely with the model by which restrictions can be placed on public assembly and protest under the POA.

These amendments will put in place a structure targeting protest and public assembly which will result in public harm.<sup>9</sup> As currently drafted, the proposed clauses to replace sections 132 to 138 of SOCPA are open to misuse and abuse, a consequence of extremely broadly drafted provisions targeting all manner of peaceful activity, and placing broad discretion and powers in the hands of police and local authority officers. As noted by Assistant Met Commissioner Lynne Owens giving evidence to the Committee on the protest provisions in the Bill:

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<sup>9</sup> Use of an injunction to prohibit particular activity or restrict movement is contained in other legislation, for example under Part 4 (Injunctions: Gang-related Violence) of the *Policing and Crime Act 2009*.

*My fear about the proposals in the Bill is that they deal with a specific issue...and the question is whether they are well placed for the potential policing of future protests. We would support the repeal of the measures... At the moment, what is proposed in the Bill will leave it up to individual officers to have to exercise the assessment about whether it is proportionate and lawful. Certainly, in the cases that we have had to date, we have been relatively unsuccessful in individual cases in enforcing legislation because of the Human Rights Act 1998. We think there needs to be more thought, and it needs to be enclosed in primary legislation.<sup>10</sup>*

There clearly needs to be greater clarification of these provisions. If there are to be replacement provisions in the Bill at all, there needs to be greater consideration given to a proper structure whereby a court is called upon to determine if there is a threat to public safety, property or the rights of others. The current breadth of these provisions and weak safeguards carry an extremely high – indeed an unnecessarily high – risk that peaceful protesters will be targeted. The provisions are clearly disproportionate and must be removed from this Bill altogether or significantly changed.

### **Part C: Alternative Amendments**

If neither the Part A or B amendments are accepted, we propose here a number of amendments as a ‘last resort’, providing for amendment to what is currently proposed in the Bill.

#### **Amendment 4 – Power to make an order**

Clause **142(1)**, page **95**, line **8**, leave out ‘constable’ and replace with ‘senior police officer’.

Clause **142**, page **95**, line **12**, at end insert

‘(1A) In subsection (1) a “senior police officer” means the most senior in the rank of police officers present at the scene.’

#### ***Consequential amendments:***

Clause **143(2)(a)**, page **96**, line **20**, leave out ‘constable’ and insert ‘senior police officer’.

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<sup>10</sup> Public Bill Committee proceedings, 20<sup>th</sup> January 2011, at column 108.

Clause 143(4), page 96, line 26, leave out 'constable' and insert 'senior police officer'.

Clause 144(1), page 96, line 41, leave out 'constable' and insert 'senior police officer'.

Clause 144(1), page 96, line 43, leave out 'constable' and insert 'senior police officer'.

Clause 144(2), page 96, line 1, leave out 'constable' and insert 'senior police officer'.

Clause 143(2), page 96, line 37, leave out 'constable' and insert 'senior police officer'.

Clause 144(4), page 97, line 6, leave out 'constable' and insert 'senior police officer'.

Clause 144(4), page 97, line 7, leave out 'a constable' and insert 'senior police officer'.

Clause 142(1), page 95, line 8, remove 'or authorised officer'.

Clause 143(2)(a), page 96, line 20, leave out 'or authorised officer'.

Clause 143(4), page 96, line 26, leave out 'or authorised officer'.

Clause 144(1), page 96, line 41, leave out 'or authorised officer'.

Clause 144(1), page 96, line 43, leave out 'or officer'.

Clause 144(4), page 97, line 6, leave out 'or authorised officer'.

Clause 147, page 98, line 34, leave out "authorised officer".

Clause 147, page 98, line 36, leave out sub-clause (2).

### **Effect**

These amendments will have the effect of ensuring that it is only a senior police officer who is able to give a direction under this Part, not a constable or an authorised officer from a relevant authority. This provision will bring this Part into line with the *Public Order Act 1986* which reserves exercise of restrictive powers under Part II to senior police officers.

### **Briefing**

An authorised officer is widely defined under clause 146 to include an employee of a responsible authority, which includes the Greater London Authority (for land comprised in the central garden of Parliament Square) and Westminster City Council (for any other land). The power to make an order under this Part is a broad one requiring the exercise of discretion in potentially difficult circumstances. Great caution ought to be applied to any expansion of on-the-spot powers to issue an order which,

if breached, leads to criminal sanction. As stated in evidence to the Bill Committee by Assistant Met Commissioner Lynne Owens, a broad discretionary power vaguely drafted is extremely difficult for a police officer to exercise in the context of protest where they are obliged to balance the decision to use the power with their human rights obligations.<sup>11</sup> Liberty believes that in this difficult context police officers are the best equipped and the only appropriate individuals to exercise such coercive powers. Leaving these powers open to any number of employees of a relevant authority leaves them open to misuse. This is particularly so given these powers also extend to the use of force to retain a prohibited item, currently allowed for under clause 143(4). The use of force by an authorised officer who is not a police officer and who may have had little or no training in handling sensitive public order situations is dangerously inappropriate.

#### **Amendment 5 – Maximum period of the direction**

Clause **143(2)(b)**, page **96**, line **22**, leave out '90 days' and insert 'seven days'.

Clause **143(3)**, page **96**, line **24**, leave out '90 days' and insert 'seven days'.

#### **Effect**

This amendment ensures that a direction to cease doing a prohibited activity remains in force for seven, rather than 90 days.

#### **Briefing**

An order in force for seven days is sufficient to achieve the stated aim of this provision, which is to prevent the prohibited activity from starting up again. A 90-day limit is unnecessary and excessive.

#### **Amendment 6 – Sanction**

Clause **142(8)**, page **96**, line **12**, leave out '5' and insert '3'.

#### **Effect**

This amendment will have the effect of ensuring that an offence under clause 142(8) will, on summary conviction, attract a fine not exceeding level 3 on the standard scale, which is currently £1,000 under section 37 of the *Criminal Justice Act 1982*

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<sup>11</sup> See Public Bill Committee proceedings on the Police Reform and Social Responsibility Bill, Fourth Sitting, 20<sup>th</sup> January 2011 (Afternoon), at column 108.

(rather than £5,000 under level 5) for breach of a direction issued for the purposes of peaceful protest. Imposing a level 3 fine accords with the *Public Order Act*.

### **Briefing**

Liberty is firmly of the view that imposing a criminal sanction for breach of an order prohibiting the possession of a sleeping bag or tent will have a chilling effect on protest and assembly rights. If there is to be any type of offence the fine must reflect the gravity of the conduct constituting the offence, and a level 5 fine in this context is clearly disproportionate, particularly when the harm which would warrant any sanction is difficult if not impossible to identify.

### **Amendment 7 – Powers of the court**

Clause 145, page 97, line 28, leave out clause 145 and insert

#### **145 Power of court on conviction**

(1) The court may, following the conviction of a person under section 141, make an order requiring the person not to enter the controlled area of Parliament Square for such period as may be specified in the order which may not exceed seven days.

(2) Power of the court to make an order under this section is in addition to the court's power to impose a fine under section 142(8).

### **Effect**

This amendment would remove the power of the court (on conviction) to order forfeiture of a kind used in the commission of the offence (i.e. sleeping bags, tents etc). It would also remove the power of the court (on conviction) to '*make such other order as the court considers appropriate*' for the purpose of preventing the convicted person from engaging in prohibited activity in Parliament Square. It would replace these powers with a power to make an order requiring a person not to enter the controlled area of Parliament Square for a seven day period.

### **Briefing**

This amendment would have the effect of ensuring that the court has a much more tightly defined set of powers when dealing with an individual summarily convicted under clause 142(8). The current powers under proposed clause 145 are extremely

broad, allowing for the forfeiture of any item or *any* such order as the court considers appropriate. This is a dangerously wide, vaguely worded catchall provision. The proposed amendment would still allow an individual to be summarily fined where a direction is breached, and would allow for the court to order that a person not re-enter Parliament Square for a maximum seven day period.

## PART 4, CLAUSE 152 – PRIVATE PROSECUTION

### Amendment 8

Clause 152, page 100, line 17, leave out 'the consent' and insert 'notification'.

#### Effect

This amendment will ensure that a warrant can be issued in a private prosecution only where the DPP has been notified of the application. This is a more targeted approach which will ensure that the right to private prosecution is not undermined. It is a practical amendment which will ensure that the DPP is aware of the private prosecution and the bases for it. This amendment would assuage any perceived fear that the tool of private prosecution will be misused or abused. Ensuring that the DPP is notified of the application should mean that representations about whether an arrest warrant should be issued will be able to be made by the DPP to the Magistrate who is considering issuing the warrant. Allowing for this extra safeguard should entirely remove any fear that the right of private prosecution could be used irresponsibly. It should reassure visitors and government alike that warrants are only issued for private prosecution with just cause.

#### Briefing

Clause 152 of Part 4 of the Bill proposes to amend section 1 of the *Magistrates' Court Act 1980* by adding new restrictions on the issuing of arrest warrants in private prosecutions. Specifically it proposes that where a private individual lays information before a Magistrate relating to certain offences alleged to have been committed outside the UK, the consent of the Director of Public Prosecutions (DPP) will be required before an arrest warrant is issued. The offences relevant here include those which capture the gravest of criminal behaviour including war crimes, crimes against humanity and torture.

Liberty is disappointed that this long-standing and important right may be restricted by the Government, particularly in respect of extremely grave and heinous offences which have historically been so difficult to prosecute. We accordingly support the amendment already proposed to remove this clause from the Bill.<sup>12</sup> This amendment would, at page 100, line 10, **leave out clause 152**.

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<sup>12</sup> See Notice of Amendment given on Monday 28 February 2011, moved by Ann Clwyd MP; Sir Gerald Kaufman MP; Elfyn Llwyd MP; Caroline Lucas MP; Jeremy Corbyn MP; Richard Burden MP; Andrew Love MP; Yasmin Qureshi MP; and John Cryer MP.

In the alternative, we suggest Amendment 6 (above) which we believe addresses the Government's concerns about how the current law is perceived while also protecting the important right of private prosecution. That said, there are already significant checks on this power which we believe provide sufficient protection against abuse in practice. Under current legislation private prosecutors must obtain the approval of a Magistrate, who has the power to refuse to issue a summons or an arrest warrant if he or she is not satisfied that numerous grounds have been set out. At the very least, the alleged offence must form part of UK law and the essential ingredients of the offence must be present. There are also safeguards in the form of diplomatic immunity.<sup>13</sup> No evidence has been presented by either the previous or the current Government that arrest warrants for private prosecutions are issued as a matter of course, nor has it been shown that there is a serious problem with private prosecution which gives rise to a need for the Government's proposed reform.

The amendment we suggest would require the Director of Public Prosecution be *notified* at the point of application for a warrant to a Magistrate, rather than seeking his *consent* to issue a warrant.

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**Sophie Farthing**

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<http://www.publications.parliament.uk/pa/cm201011/cmbills/151/amend/psc1512802a.1507.html>.

<sup>13</sup> See *Liberty's Second Reading Briefing on the Police and Social Responsibility Bill*, *ibid*, at para's 49 to 52.