

Feel free to annoy me: new campaign launched to protect free expression

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The National Secular Society has joined together with religious groups and civil liberties campaigners to launch a new campaign to challenge Government proposals to outlaw "annoying" behaviour.

Less than a year after the Lords voted to protect free speech by removing the word "insulting" from Section 5 of the Public Order Act, the Government is introducing a sweeping new anti-social behaviour law that threatens to undermine a wide range of free expression within the public sphere, and could silence protestors, buskers, street preachers and even carol singers.

As with the campaign to remove the word 'insulting' from Section 5 of the Public Order Act, the National Secular Society is working with the Christian Institute and other civil liberty groups under the 'Reform Clause 1: Feel Free To Annoy Me' banner. The campaign will officially launch at the House of Commons on Wednesday 27 November.

The proposed new law is contained in the [Anti-social Behaviour, Crime and Policing Bill](#). Clause 1 of the bill introduces "Injunctions to Prevent Nuisance and Annoyance" (IPNAs), which seek to suppress anything deemed to be potentially "annoying", however vague the justification. IPNAs will replace Anti-Social Behaviour Orders (ASBOs), which had been introduced under the Labour government.

Whilst in order for an ASBO to be issued, a court has to be satisfied that someone had at least caused or threatened to cause "harassment, alarm or distress" to someone else and that the order was "necessary" to protect the victim, the proposed new law would allow a court to impose sweeping curbs on people's liberty if it thinks they are "capable of causing nuisance or annoyance to any person", and so long as it is "just and convenient" to do so.

The nuisance or annoyance test used for an IPNA is currently used for Anti-Social Behaviour Injunctions (ASBIs), which were introduced in 2003 specifically for a social housing context. Since ASBIs are housing specific, their scope is automatically limited. Within the broader public order context, this would not be the case, and concerns have been expressed that the nuisance or annoyance test encompasses a too-wide range of behaviour, and is too imprecise to allow people to understand what is expected of them. Furthermore, the proposed law includes no defence of 'reasonableness', requires only a civil burden of proof, and would give the police powerful new dispersal powers.

In a [formal legal opinion](#) circulated to peers, former Director of Public Prosecutions and Liberal Democrat peer, Lord Macdonald QC, has described the Government's plans for these new civil injunctions as amounting to "gross state interference" with people's private lives and basic freedoms.

He argues that, "the danger in this Bill is that it potentially empowers State interference against annoying activities in the face of shockingly low safeguards." He notes that, in practice, IPNAs could be used against virtually anyone leading to "serious and unforeseeable interferences in

individual rights, to the greater public detriment."

Stephen Evans, National Secular Society campaigns manager, said: "Clause 1 clearly fails to strike a reasonable balance between protecting the public from anti-social behaviour and protecting essential freedoms. Legislation that criminalises "annoying" behaviour represents a serious threat to public protest and free speech and must not be allowed to pass into law."

Simon Calvert of the [Christian Institute](#), commented: "This law will give massive power to the authorities to seek court orders to silence people guilty of nothing more than breaching political correctness or social etiquette."

Campaign groups such Liberty and Justice have also expressed concern about clause 1 of the bill, as has the Parliament's [Joint Committee on Human Rights](#).

You can follow the campaign on Twitter [@ReformClause1](#) or visit <http://reformclause1.org.uk/>

See also: [Peter Tatchell: Putting up with a degree of annoyance is the price we pay for liberty](#)

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