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Guidance for NFU members taking part in protests or demonstrations

Peaceful protest is lawful, but there are certain limitations on the right to protest that you should be aware of. This briefing aims to give you a brief overview of the law relating to protests, and some guidance on good practice if you are involved in a protest or demonstration. It is not a comprehensive guide to the law, and if you are in doubt about your legal position, you should take independent legal advice.

General points

Lawful protests

Only peaceful protest is lawful. Any protest or demonstration that involves violence is affray, and those involved would be committing a criminal offence. Protests that do not remain peaceful could also be a 'breach of the peace', which is a criminal offence. A breach of the peace may be committed where conduct is genuinely alarming or disturbing to any reasonable person, such as a group of protesters shouting threats of violence.

Do not obstruct or disrupt

It is also important to ensure that the protest is not intimidating so as to deter other people from going about their lawful activities, and to ensure that the protest does not obstruct or disrupt other people from going about their lawful activities. For example, you should not try to deter shoppers from entering a supermarket, or employees from entering their place of work. Protests that do intimidate, or disrupt or obstruct lawful activities could be 'aggravated trespass' which is a criminal offence.

Do not prevent access

It is particularly important not to 'blockade' or obstruct access to either the public highway or to private land. For example, you should not prevent access to a supermarket either for members of the public or for goods in or out of the supermarket.

You should also make sure you do not cause any damage to land or property during the protest.

Be polite, calm and reasonable

In all circumstances, you should treat others – such as the police or the owner of the land – politely. Remain calm and behave reasonably. The more reasonable your behaviour, the less likely you are to put yourself at risk of a prosecution or a civil claim.

Protests on private land

Protesting or demonstrating on private land is trespass. This is not a criminal offence unless it is 'aggravated trespass' (please see above), but you could be sued in civil proceedings by the occupier of the land. Someone can be in occupation of the land even if they do not own it. So for example, a supermarket occupies not just the land on which the store is situated; it could also occupy the car park outside, even if it does not own that land.

If the occupier of the land asks you to move off the land, you should do so. If you refuse, you could be forcibly removed.

Claim for damages

You must make sure that your protest does not prevent the occupier of the site going about their lawful business; if you do so, you could be committing an offence, or you could be subject to a claim for damages.

If you want to tell the occupier of the land in advance about your protest, be aware that they might either call the police in an attempt to prevent you from accessing the land in the first place, or seek an injunction to prevent your protest from taking place.

Protests on the highway or in public spaces

The police cannot prevent you from protesting on the public highway, so long as you do not prevent others from accessing and using the highway, and your protest / demonstration remains peaceful.

Conditions imposed on demonstrations

However, the police can impose conditions on demonstrations that are likely to result in serious public disorder, damage to property, disruption to the life of the community, or on unjustifiably noisy protests that cause harm to others or prevent an organisation from operating. Conditions may alter the times, route, or maximum noise levels of a demonstration. You may commit an offence if you do not comply with the conditions imposed.

Prohibited demonstrations

The police can get powers to prohibit demonstrations in specified areas for limited periods of time. If such a prohibition is in place, it would be an offence to demonstrate in the specified area.

Notifying the police

You do not have to notify the police in advance if you are protesting, except in certain designated places (e.g. Parliament Square), but you do have to notify the police 6 days in advance if you are organising a procession or a march. You cannot protest on a protected site (which is a nuclear site or a designated site – usually land owned by the Crown).

Repeated protests in the same place

If you protest in the same location on two or more occasions, and you cause alarm or distress to others, your protest could be seen as harassment, which is a criminal offence.