

New attacks on civil liberties set to be passed in British parliament

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The Anti-Social Behaviour, Crime and Policing Bill that is currently going through the British parliament contains some of the most drastic attacks on the civil liberties and democratic rights since World War Two.

The Conservative/Liberal-Democrat coalition government claims that the Bill will streamline the raft of public order legislation passed by the previous 1997-2010 Labour government. These included Terrorism Prevention and Investigation Measures Orders, Control Orders; Designated Public Place Orders and Directions to Leave and Dispersal Orders.

The bill is the culmination of the assault on the rights to protest and freedom of assembly implemented over the last 12 years using the pretext of the “war on terror”. It gives sweeping powers to local authorities, police and private security firms to bar citizens from assembling lawfully in public spaces.

The Bill also gives police additional powers, including the criminalisation of any behaviour by any person from the age of 10 years old, who is deemed to potentially cause “nuisance or annoyance” to another person.

A parliamentary briefing paper states that the proposed powers of dispersal to be made available to the authorities “would be much broader powers, which could prohibit a much wider range of behaviour,” adding, “there have been concerns about the breadth of this new power.”

The Bill introduces Public Spaces Protection Orders (PSPOs) to replace the already restrictive Designated Public Spaces Orders. The new orders will be take effect where “activities carried on *or likely to be carried on* in a public place will have or have had a detrimental effect on the quality of life of those in the locality”. [emphasis added]

An order can also include a public highway, and a

local authority applying for one is only required to “consider ... the availability of a reasonably convenient alternative route”.

Once issued, a PSPO can be in place for up to three years. It can also be extended by another three years if the local authority believes an “occurrence or recurrence after that time of the activities identified in the order” may take place “or an increase in the frequency or seriousness of those activities after that time” may occur.

There will also be a large increase in the powers of dispersal available to the police. A clause in the bill makes available to ordinary police constables and police community support officers a general power of dispersal of two or more people for a 48-hour period, if they deem it “necessary to reduce the likelihood of anti-social behaviour, crime or disorder”. What is classed as “anti-social behaviour, crime or disorder” is not defined.

Police are allowed to “specify the time at which a group must disperse, and the route by which they should do so.” Police will be able to disperse and exclude a person or people above the age of 10 years old from a public place for the purpose of removing or reducing the likelihood of members of the public in the locality being “harassed, alarmed or distressed”, or due to the “occurrence in the locality of crime or disorder.”

Police are also able to ask a person being dispersed “to surrender to the constable any item in the person’s possession or control that the constable reasonably believes has been used or is likely to be used in behaviour that harasses, alarms or distresses members of the public”.

The human rights group Liberty has warned that the definition of “locality” is not specified in the bill and “has been interpreted by police to include a very wide

area”. It noted that “people have been excluded from areas as large as Greater Manchester (an area of 493 square miles) or from whole counties like South Yorkshire or West Yorkshire.”

Under the existing Terrorism Act 2000 (Schedule 7) police officers, immigration and customs officers, at any point of entry or exit from the United Kingdom, are able to seize property from individuals including mobile phones, laptops, notebooks and can copy and retain any data they contain. The new Bill will extend the power to “copy anything” to any police officer, not simply those operating at ports, when conducting a search of persons or property.

Of the existing Schedule 7 powers, Gus Hosein of Privacy International said last month, "Seizing and downloading your phone data is the modern equivalent of searching your home and office, searching through family albums and business records alike, and identifying all your friends and family, then keeping this information for years."

The Bill also introduces Injunctions to Prevent Nuisance and Annoyance (IPNAS) to replace Anti-Social Behaviour Orders (ASBO). ASBOs already place strict restrictions on where a named individual may go or with whom he/she may associate. They can be imposed against an individual for conduct causing (or likely to cause) “harassment, alarm or distress”. They are largely used to criminalise the behaviour of young people, with 38 percent of orders issued to 10–17 year olds, despite them comprising only around 13 percent of the population.

The definition of what is “anti-social behaviour” remains both ill-defined and very broad under the Bill. Authorities will be able to impose IPNAS if they believe on the “balance of probabilities” a person has or might engage in behaviour “capable of causing annoyance” to another person. In order to impose an ASBO, authorities have to prove “beyond reasonable doubt” that “anti-social behaviour” had in fact occurred.

There is no limit on how long an IPNAS can be in place for. IPNAS will also replace the Anti-social Behaviour Injunction, which social housing providers currently use.

The Bill reduces the current four separate powers to close premises associated with anti-social behaviour into one power. In addition, the threshold test to carry

this out will be lower.

The Bill also proposes far reaching changes to housing legislation, allowing landlords to speed up evictions, using the anti-social behaviour pretext, without a court being able to prevent it. Powers to evict tenants for behaviour occurred outside of their dwelling are also included.

There is to be a new “mandatory” ground for a landlord to take possession of a property from an “anti-social tenant”. On these grounds, a court will have no discretion to refuse the eviction order as long as the notice requirements and other conditions are met.

Legislation contained in the 1985 and 1988 Housing Acts will be replaced and a new discretionary ground for possession will enable landlords to seek possession of a secure or assured tenant’s property, where the tenant, or a person living with them, “has been convicted of an offence which took place during, and at the scene of, a riot in the United Kingdom.”

This is the state’s response to the 2011 riots in London and other inner cities, where assembly line “justice” was imposed for what were previously considered minor offences. Councils also began the process of evicting whole families on the basis that a person who lived in the property had been involved in the riots.

Further attacks on democratic rights in the bill include weakening remaining safeguards in the UK’s extradition system by removing the automatic right of appeal against extradition orders.

The opposition Labour Party, as the main perpetrator of the attacks on democratic rights over the last decade, has not uttered a word in protest. Rather it has focused any criticism on the introductions of IPNAS as being weaker than the ASBOs because a breach will no longer be a criminal offence.



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