



FREEDOM OF SPEECH & EXTERNAL SPEAKERS POLICY

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1. Purpose

The University values diversity and is committed to the principles of academic freedom and freedom of speech and expression which lie at the heart of its mission. It believes that an atmosphere of tolerance is essential to enable open discussion and to debate a wide variety of ideas, some of which may be controversial.

This Policy is issued in accordance with section 43 of the Education [No 2] Act 1986 for the following purposes:

- To identify the reasonably practicable steps that must be taken to ensure that freedom of speech within the law is secured for all University members and visitors; and
- To specify arrangements for the management of meetings and events on University premises, or off University premises but branded as a University event, which are not an integral part of the day-to-day academic or administrative business of the University.

2. Scope

This policy sets out the rights and obligations inherent in supporting the principles of freedom of speech on University premises and at University branded external events and applies to:

- The University (including its subsidiaries and all bodies or persons with authority to determine any matter relevant to this policy);
- Governors and Employees of the University;
- University students;
- Union of Kingston Students;
- External speakers and visitors;
- Holders of University 'honorary titles';
- University Alumni;
- Any individual or organisation, hiring a venue controlled by the University for an event or meeting.

The University will make all reasonable efforts to make its premises available for external speakers.

This policy will be communicated to all University Members upon joining. It will be posted on the University's internal and external websites.

3. Definitions and Abbreviations

Term	Definition
Chair	the presiding officer at a meeting
Employees	employee, agent, officer or otherwise on behalf of any person, firm or corporation directly or indirectly engaged by the University
Event	any event, meeting, activity or gathering of people formally convened

External Speaker	any speaker from outside the University who is not a Member
Member	University Governors, employees and students
Event Organiser	the person nominated by the organisers of an Event or meeting
Proscribed Organisations	Organisations proscribed by the Home Secretary under the Terrorism Acts 2000 and 2006 for involvement with terrorist activity
Responsible Officer	the person responsible to the Vice-Chancellor for compliance with this policy
Union of Kingston Students	Union of Kingston Students (UKS) (including its societies, clubs, associations and any other organisation over which it exercises control), its employees, agents and representatives
University Premises	any property or venue for which the University is responsible

4. Governance & Review

The Vice-Chancellor is authorised by the Board of Governors to appoint a Responsible Officer to act on his behalf to ensure compliance with this Policy and its review. The University Registrar, or his nominated representative, will hold this role.

5. Responsibilities

Role	Responsibilities
Responsible Officer	Authorisation of Events notifications Maintaining a central record of authorisations Reporting to the Vice-Chancellor
Event Organiser	Obtaining authorisation for an Event (and updating change of circumstances) Ensuring speakers sign the External Speaker Agreement and abide by this Policy
Societies Co-ordinator	Maintaining a central record of Union of Kingston Students Events

6. Related Policies

Information and Security Policy; Data Protection Policy; Equality Objectives 2021-25; HR Disciplinary Procedure; Student Conduct and Behaviour Procedure.

7. Freedom of Speech

The University will seek to ensure no University premises or University branded external event shall be denied to any individual or body of persons on any grounds connected with:

- The beliefs or views of that individual or body; or
- The policy or objectives of that individual or body.

This policy extends to ensuring academic freedom within the law for all University Members without the risk of disciplinary proceedings. No person to whom this policy applies shall take any action to prevent any academic activity because of the views held or expressed within the law by a University Member.

Free speech has limits imposed by law including those governing the protection of national security; health and safety; prevention of crime; charities; human rights; equality and discrimination and the protection of rights and freedoms of others. The University will refuse the holding of an event where it reasonably believes:

- It is likely to incite a breach of the law;
- It is likely to lead to an expression of views which are contrary to the law*;
- It is likely to promote or support an illegal organisation including any Proscribed Organisation; or
- It is in the interests of public safety, the prevention of disorder or crime, or the protection of those persons lawfully on University premises or a University branded external event, that the event does not take place; or
- The views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups where such risk can be effectively mitigated without cancellation of the event.

***Controversial, offensive or distasteful views which are not unlawful would not normally constitute reasonable grounds for refusing an event.**

The University requires External Speakers to abide by the values detailed in the External Speaker Agreement (Annex A). Event organisers are responsible for ensuring speakers at events are aware of this Policy and sign the statement.

8. Procedure for Events on University Premises, or at University branded external events

This Procedure (Annex B) applies to the management of events which are not an integral part of the day-to-day academic or administrative business of the University.

University and/or UKS disciplinary procedures apply to University Members whose actions constitute misconduct independent of this policy.

8.1. The organiser(s) of an event will appoint a single person as Event Organiser, who will be a Union of Kingston Students Officer or University Employee. The Event Organiser will report Events as follows:

- **All UKS events to UKS and the UKS External Speaker Policy will be followed (Annex D).** UKS will decide if the event is **low** or **high** profile. If low profile it will not be referred to the Responsible Officer before the Event. **UKS will maintain an up-to-date record of all events dealt with under its external speakers policy which will be shared with the University.** The University will sample requests determined to be low profile on a regular basis to validate the categorisation.
- **All UKS high profile** events will be referred to the Responsible Officer as detailed below. If UKS wish to refuse an Event due to a 'no-platform' policy, this will be categorised as high profile and referred to the University. The Responsible Officer will liaise with UKS following the procedure below.
- Employee events to the appropriate Dean or directorate head in the first instance (or their nominee) who will decide if the Event is an integral part of the day-to-day academic or administrative purposes of the University. In not an integral part, the Dean/Head of Directorate should report the Event to the Responsible Officer for a decision. The Dean/Head of Directorate should keep a record of requests as per Annex E.

8.2. No less than **10 working days** prior to the Event, the Event Organiser or UKS for high profile events will notify the Responsible Officer and submit the University's External Speaker's Form for approval in the form attached at Annex C. For UKS events the UKS form will be used. Failure to do so may result in the Event being cancelled.

8.3. The Responsible Officer may use whatever resources deemed necessary to assist in making the decision to authorise the Event and may consult with UKS. In addition to the details contained in the External Speakers Form, the following points will be considered:

- If the External Speaker has links with a Proscribed Organisation or feature on HM Treasury's list of organisations subject to government sanctions.
- If the event title or subject matter is likely to be controversial or cause offence and whether the University has run an Event with a similar topic previously.
- The capability and impartiality of the Chair to provide balance and challenge during the Event.
- Whether there are any grounds to suspect that an individual may speak outside the parameters of the law, or express extremist views that risk drawing people into terrorism.
- Potential public order and health and safety concerns.
- Security provisions.
- If attendance is restricted to University Members/alumni only or open to the public.
- Reputational risk.
- Promotional materials available at the Event.
- Has the speaker agreed to abide by the External Speaker Agreement?

The Responsible Officer will retain details of the considerations taken above for any speaker or event deemed to be high profile, for the academic year in question.

8.4. Within **5 working days** of receiving the notice, the Responsible Officer or his nominee, will advise the Event organiser (if staff) or UKS (for high profile student events) if the event is authorised. To ensure compliance with the University's obligations to ensure free speech within the law and mitigate risk, the Responsible Officer may consult with UKS and conditions may be attached to an authorisation, for example:

- Methods of promoting the Event and the provision of promotion material for review (and potentially restricting what is available at the Event);
- Provision of an advance copy of the guest list for review prior to the Event;
- Admittance or non-admittance of members of the public;
- Making the Event ticketed or specifying that attendees must show a valid I.D.;
- Provision of a specified number of suitable stewards;
- Varying the time and location of the Event;
- That the Event is declared 'public' or 'private' (if declared public it will permit a Police presence);
- The University to be responsible for security arrangements (a controlling officer may be appointed for this purpose);
- Presence of specified senior members of the University;
- The refusal or admission of the media to the Event;
- Restricting the broadcasting of the Event (by whatever means);
- The mode of appointment of the Chair;
- The availability of a translator at the Event;
- Restricting the sale of alcohol;
- Presence of staff or students capable of challenging the views expressed.

8.5. The Responsible Officer may impose further conditions if considered necessary after taking into account advice from the police or an authorised authority.

The Event Organiser must advise the Responsible Officer immediately if:

- An approved speaker is replaced.
- There are material changes to the proposed Event.

8.6. The Responsible Officer may discuss security arrangements with the Event Organiser. A contribution to cost may be required and a limit on the number of Events organised if the costs incurred are significant.

The Event Organiser (or nominee) must attend the Event and take all reasonable steps to ensure that:

- nothing in the preparation for, or conduct of, the meeting or activity is likely to breach the law or this Policy.
- The Chair is sufficiently competent to act as a presiding officer.

8.7. When an Event's subject matter could cause offence to an individual or group associated with the protected characteristics defined in the Equality Act 2010 or subsequent legislation (including age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, and sexual orientation), efforts should be made by the Event Organiser to locate a venue which avoids the chance of an unexpected encounter.

8.8. Segregation of any groups entering, attending or leaving the Event will not be allowed. The University permits gender segregation for the purpose of religious worship only.

8.9. The Chair and the Event Organiser have a duty, so far as is reasonably practicable, to ensure both the audience and the speaker act in accordance with the law during the meeting. In case of unlawful conduct, the Chair will give appropriate warnings and if the conduct continues the offending individual(s) will be excluded from the Event.

8.10. University Premises will be left in a clean and tidy condition and free from damage, in default of which the Event Organiser may be liable for the costs incurred in making good. Payment or evidence of ability to pay towards these costs may be required by the Responsible Officer.

8.11. Events booked through KUSCO will be subject to the University's External Speaker Agreement and this Policy.

9. Appeals and Reviews

Appeals against the decision of the Responsible Officer may be made to the Vice-Chancellor (or in his absence, the Deputy Vice-Chancellor or nominee), whose decision shall be final.

The Responsible Officer may withdraw permission for the Event at any time if there are reasonable grounds for believing there is likely to be a breach of the law if the Event goes ahead. The Responsible Officer may take into account the advice of the police or any other authorised body.

The University may review an Event decision if further information emerges about the proposed event which in its view may affect the safe conduct of it.

10. Compliance

Failure to comply with this Policy may result in one or more of the following measures:

- Implementation of the University's disciplinary procedures.
- Suspected or actual breaches of the law will be reported to the police or appropriate authorised body. Any disciplinary proceedings may be stayed pending the outcome of any criminal proceedings.
- The Event Organiser and their associated Society may be banned from arranging future events for a specified period.
- The External Speaker or a visitor may be excluded from University Premises or Events for a specified period.
- Any other measures the University deems appropriate.

Annexes

Annex A: Kingston University External Speaker Agreement

Annex B: Kingston University Events Procedure

Annex C: Kingston University Events Form

Annex D: Union of Kingston Students External Speaker Policy

Annex E: Example record of decisions referred to Dean/Head of Directorate

ANNEX A: KINGSTON UNIVERSITY EXTERNAL SPEAKER AGREEMENT

The University is a secular institution within which we expect a wide diversity of beliefs and values to flourish. The University supports that diversity in accordance with the values expressed in our [Equality Objectives 2021-25](#). The standards of behaviour through which students and staff will maintain these values are set out in the Student Conduct and Behaviour Procedure and University policies.

The University and the Union of Kingston Students do not support or allow segregation and will not approve any activity that imposes it, except when the sole purpose of an activity is religious worship.

The University expects external speakers to act in accordance with the law and not to breach the rights of others. During an event speakers will not:

- Incite hatred, intolerance or violence or any breach of the law;
- Encourage or promote any acts of terrorism or promote individuals, groups or organisations that support terrorism;
- Discriminate against or harass any person or group on the grounds of their sex, sexual orientation, age, disability, gender identity, race, religion or belief, marital status or on the grounds of pregnancy or maternity;
- Defame any person or organisation.

External speakers agree to:

- Comply with the Freedom of Speech, External Speaker and Events Policy;
- Present ideas and opinions in the spirit of academic debate, open to challenge, particularly those which are contentious or potentially offensive;
- Follow the University's instructions relating to security and health and safety.

We expect visitors to the University to show respect for our community and its values. The University and the Union of Kingston Students reserve the right to intervene where we believe an External Speaker has breached this agreement.

The University will take steps it considers appropriate in the event of breach, for example excluding the speaker or organisation from University Premises or events for a specified period. Breaches of the law will be reported to the police.

I agree to adhere to the principles expressed in this agreement and the Freedom of Speech and External Speakers Policy.

Signed _____

Name _____

Date _____

ANNEX B: KINGSTON UNIVERSITY EXTERNAL SPEAKER FLOWCHART OF PROCEDURE

Available for internal staff and students on StaffSpace.

ANNEX C: KINGSTON UNIVERSITY EXTERNAL SPEAKER FORM (NON UKS)

Available for internal staff and students on StaffSpace.

ANNEX D: UKS EXTERNAL SPEAKER POLICY

The Union of Kingston Students (charity number 1173858)

Our External Speaker Policy

As a Students' Union, our Officers, Associations and Student Groups host several hundred events with external speakers every year and they make an important contribution to the liveliness of student life at Kingston University. Our External speaker's policy makes sure that we empower our students to make the most of their educational experiences at University whilst following the charity regulations and other legislation that we're responsible for upholding.

The legal framework within means that all external speakers at Union events on or off campus must be approved by UKS before they can take place or be advertised.

1. An external speaker means anyone who is not a current student or staff member of the Union of Kingston Students, or Kingston University.
2. This policy applies to all events that use the name of the Union of Kingston Students or name of a Students' Union group, network, society, council whether in a KU, Union or external venue.
3. Student Leadership is fundamental to our Union. We are committed to empowering event organisers to make the most of their educational opportunities and skills to explore, debate and challenge issues, included those that may be considered controversial, whilst supporting them in fulfilling their legal responsibilities.
4. Freedom of expression and speech are basic human rights to be protected and are protected by law.
5. Open debates are central to the culture of academic freedom, the development of students' ideas and understanding, and are protected by an Act of Parliament.
6. Student safety and welfare is at the heart of our Unions values, policies and practices.
7. The Union will work with event organisers to ensure we can balance our responsibilities in upholding the freedom to express views with the need to secure freedom from harm for students and communities.
8. Where there is a potential for these rights to come into conflict, the Union is committed to collaboration that will allow the Union to reach sound, evidenced judgements about the person in question and their associated organisation and the likely impact of them taking part in the event. Based on these judgements we do at times require additional support measures known as regulatory steps to be put in place to allow the event to take place legally. On rare occasions, we are required to refuse permission for a speaker to take part in an event, based solely on the grounds that hosting them would be unlawful or contravene the Union's legal obligations. If this is the case, we will explain our reasoning in full and in writing.
9. Any room booking with an external speaker involved must be made no later than 15 working days before the date of the event to give us time to work with event organisers and the University to make the right decision on whether a speaker can be approved and whether any regulatory steps are required as a condition of approval. The 15 days will commence once the Union has all the information requested on the booking form from the

event organiser, regarding the event and external speaker. The Union will however ensure to respond to all external speaker requests as soon as possible and will ensure to get back up to 15 working days before the date of the event so long as the request has been made 15 working days before the date of the event and all the requested information has been provided. If this policy and procedure are not followed in full the Union reserves the right to cancel any event with an external speaker and refer the event organiser for disciplinary investigation.

10. Organisers shall have a right to appeal a decision made in relation to an event no less than 2 working days before the event.

Any complaints about decisions made in relation to the External Speakers should be made under the Unions Complaints Policy.

11. The event organiser is responsible for the activities that take place within their events and ensuring the external speaker agrees to the external speaker's briefing (see appendix) and are aware of their responsibilities to abide by the law and the Union and University's policy including that they:

- Respect the law of the land, and the Union's legal obligations.
- Must not incite violence, or call for breaking of the law
- Must not use incite hatred in contravention of the law, or intimidate or harass attendees on the grounds of protected characteristics.
- Must not glorify or support a proscribed organisation, or incite terrorism.

Our External Speaker Procedure

12. The event organiser asks for approval for an external speaker to take part in an event by completing the form in full. All requests for external speakers are then logged by a dedicated member of staff.

Self-Referral: this enables event organisers to assess the proposed speaker's suitability and refer them for risk assessment if appropriate. It should not prevent or hinder the speaker's attendance but is an important measure in underlining event organisers' responsibility for inviting the external speaker and participating in assessing any risks in the event taking place. An event organiser must self-refer if they answer yes to one or more of the following questions:

- The speaker or topic attracted controversy in the past
- The event or speaker is likely to attract media attention/interest

If an event organiser doesn't self-refer a speaker when one or more of these criteria are met, and it can reasonably be determined that this was wilful on the part of the organiser, UKS reserves the right to refer the event organiser for disciplinary investigation.

13. For any external speaker where the event organiser has not self-referred, a dedicated member of staff will undertake an initial check by reviewing the form and undertaking a Google search of the speaker and the organisation(s) that they are associated with. They will review the information on the booking form and associated Google results and on the basis of those results determine:

a. That the approval of the speaker to take part in the Union event presents no or low risk to our legal obligation, or our Safe Space Policy and Health and Safety responsibilities.

Or

b. That one or more of the criteria have been met for referral for a more detailed review.

Members of staff should be conscientious as to the level of objectivity of a Google result and/or source, noting that certain causes and/or identities that speakers hold may produce more disputed coverage.

The Student Activities team will monitor the external speaker log to support staff in their implementation of this policy and will also undertake random checks of external speaker logs to determine if the process is working effectively.

The criteria that will trigger a referral by the dedicated member of staff in their initial checks are:

- A Google search that returns reports of mainstream media coverage (National, Regional or London) within the last 3 years, or
 - Social media accounts with 10,000+ twitter; Instagram; YouTube; Facebook followers,
- If the dedicated member of staff needs guidance on whether or not to refer on the basis of the search results they will liaise with the Chief Executive or their nominee.

14. Following the referral, the Sabbatical Officers will be informed of this decision whilst the Chief Executive or nominee will undertake a short evaluation of risk relating to the speaker that, wherever relevant, takes representations from the event organiser related to the booking, from any relevant student groups concerned and university officials.

Risks will be identified as low or high in relation to the following categories:

- The Union's requirement to uphold the freedom of speech as per the University's code of practice in relation to the Education (No 2) Act 1986, as set out in our Code of Practice with Kingston University.
- The speaker is linked to a proscribed organisation as defined in the Terrorism Act 2000
- The likelihood of the speaker's presence at the event resulting in attendees being drawn into terrorism.
- The potential for the speaker's presence to cause breach of the peace.
- Any other risk to the wider legal framework in which the Union operates.

15. Secondary to these, the following risks shall be considered:

- The potential for the speaker's presence at the event to cause the Union to be in breach of its Equal Opportunities Statement
- The potential for the speaker's presence to give serious concern for the health and safety of students, staff or members of the public.
- The opportunities and risks to the Union's reputation of the speaker's presence at a Union event.
- The need for the Union to be seen to be and to be independent from party politics as defined in the guidance on campaigning and political activity by charities (CC9)

These will be recorded on the Union log, and provided to event organisers in full and in writing no less than 5 working days before the event.

After the investigation, the Chief Executive or nominee may make one of the following recommendations to the selected Sabbatical Officer (or nominee):

If the Chief Executive and selected Sabbatical Officer regards the event as low risk, then the event will go ahead with no further action required.

If the Chief Executive and selected Sabbatical Officer regards the event as high risk, then there will be a formal conversation with Kingston University's governance manager where UKS will inform the university of the guest speaker being requested and the proposed actions that will be taken.

UKS, KU and any student or student group in question will jointly agree the next steps regarding the event. This can include;

- To permit the external speaker to speak at the event with no further regulatory steps (Default position).
- To permit the external speaker to speak at the event with the implementation of regulatory steps designed to ensure the event remains lawful.
- To not permit the external speaker to speak at the event, where their presence would be unlawful. (Exceptional)

This will be communicated to event organisers in full and in writing no less than 5 working days before the event.

When considering any regulatory steps designed to reduce risk the potential of those steps to cause risk (for example, the sense of oppression felt by having security on the door, or incur bad publicity to the Union) or impact the smooth running of the event should be taken into account.

The Union will also take into consideration any other requirements in order to fulfil its legal requirements, giving precedent to the Union's requirement to uphold the freedom of speech as per the University's code of practice in relation to the Education (No 2) Act 1986. The guiding presumption is that all events should be allowed to proceed, where them proceeding would not contravene law.

Examples

- The event be filmed or recorded
- The event is observed by Union or University or third-party officials.
- The chair to be agreed by the Union and event organiser in advance.
- Attendees to be restricted, for example to KU students only
- Event is ticketed

The presumption is that where regulatory steps may be required, they are implemented so as to mitigate the risk that an event contravenes the law.

In the spirit of student leadership and collaboration, the opportunity should be given to ensure that that organisers and the SU are able to come to mutual agreement on the necessary steps and necessary means of enacting the steps.

For example, the student group may request to arrange for filming or recording of the proceedings of the event independently to fulfil this regulatory step.

Information on all referred speakers will be communicated to the Trustee Board by the Chief Executive in the quarterly report. Any decision related to speakers assessed as high risk will be reported to the Trustee Board. Where members of the Trustee Board disagree with the decision on grounds that the decision places at risk the Union's legal obligations, they should consider whether to meet as a Trustee Board or otherwise use their powers as Trustees to review the decision. This should be considered only in the most exceptional of circumstances, and where the Union's legal obligations are brought into question.

Right of appeal:

When given notice of a decision made on an event and/or regulatory steps, event organisers should be notified of their right to appeal the decision, if they feel that the risks detailed are incorrect, misinformed, or that the steps taken would unduly impact the smooth running of the event.

Appeals should be made no less than 2 working days before the event.

The Union and organisers will endeavour to work together to ensure to the best of their ability that events are able to proceed smoothly.

Any complaints about decisions made in relation to the External Speakers should be made under the Unions Complaints Policy.

Referred Speakers Flow Chart:

Appendix 2 - Glossary of Risk Assessment Terms

Open to those with valid Kingston ID/ student ID/Public

The group understand that those attending will have to show some form of student ID to enter the event. If it's Kingston then it will be only a valid Kingston ID. All students means they have a valid student ID from any institution. If the event is open to the public there will probably be a need for it to be ticketed and for members of the public to book those tickets. Photo ID will be asked for on entry as well so make your attendees know this. If for any reason an event is ticketed and/or any

form of student data is stored, it must not be shared with any entities outside of UKS and must be destroyed within 5 working days following the event.

Larger venue to be found to accommodate larger crowd

If your crowd estimation goes above room capacity then the event may have to move you to another room that can accommodate your numbers. This may be on another campus at another time in order for your event to proceed.

Event to be ticketed using and designated named person from student group to check names in to the event.

Event organiser/hosting student group will set up the tickets. Only those who have booked a ticket will be allowed entry. This may also be in conjunction with a Valid ID if necessary.

KU Security ordered and in attendance to manage capacity and crowds – only students with valid ID allowed to enter / Public ID checks

KU security are there to make sure the event runs safely and smoothly for all involved. They will be assist UKS staff should they need assistance or in the case of any disruption.

If the event is for KU students only, then only KU ID will be accepted. For any other university students, standard Uni ID cards will do. If the event is open to the general public they will have to bring Passport/ Drivers licence or any other photo ID.

Control measures on attendance e.g. KU students only

The Union risk assess events where the external speaker has hit the trigger criteria. Being a Union, we have to action any requests our parent institution might give us with regard to any of the points in this list, for example measure to manage the number of people attending an event, or stipulating an event must only be open to students.

The Union to monitor social media to gauge if any external groups or organisations plan on attending or if threats of violence

Our groups are very active, engaging and vocal on all forms of social media which is fantastic to see. However, there may be occasions where there are undesirable messages exchanged or threats from external parties against our students. The Union and KU will therefore monitor any pages or groups where this can be found and will investigate and act upon any threats or information given to them. Student Group to ensure that the event is chaired / presented / compared and that it is kept on topic

We will ask you to make sure that the event has an experienced person chairing the event, who can move conversation on, stop the topic descending in to something it shouldn't be, cultivate debate and make sure things happen in the parameters of the safe space policy. We will ask you for the name of this person and also how they are connected to you and your groups and if relevant if you have worked with them before.

Proactive & Reactive Comms prepared by both UKS and KU

Both UKS and KU may want to release statements before or after an event and we may prepare these beforehand so we can get them out as quickly as possible. We may ask you for information to help us with this.

Public Order Act 1996

An Act to abolish the common law offences of riot, rout, unlawful assembly and affray and certain statutory offences relating to public order; to create new offences relating to public order; to control public processions and assemblies; to control the stirring up of racial hatred; to provide for the

exclusion of certain offenders from sporting events; to create a new offence relating to the contamination of or interference with goods; to confer power to direct certain trespassers to leave land; to amend section 7 of the Conspiracy and Protection of Property Act 1875, section 1 of the Prevention of Crime Act 1953, Part V of the Criminal Justice (Scotland) Act 1980 and the Sporting Events (Control of Alcohol etc.) Act 1985; to repeal certain obsolete or unnecessary enactments; and for connected purposes.

Breach of the peace

Disturbing the peace, also known as breach of the peace, is a criminal offence that occurs when a person engages in some form of disorderly conduct, such as fighting or threatening to fight in public, causing excessively loud noise, by shouting, playing loud music, or even allowing a dog to bark for prolonged periods.

Affray

A person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.

Article 11 - right to protest

Everyone has the right to freedom of peaceful assembly. This is a right closely linked to the right to freedom of expression. It provides a means for public expression and is one of the foundations of a democratic society. The right applies to protest marches and demonstrations, press conferences, public and private meetings, counterdemonstrations, 'sit-ins', motionless protests etc. The right only applies to peaceful gatherings and does not protect intentionally violent protest. There may be interference with the right to protest if the authorities prevent a demonstration from going ahead; if they halt a demonstration; take steps in advance of a demonstration in order to disrupt it; and store personal information on people because of their involvement in a demonstration. The right to peaceful assembly cannot be interfered with merely because there is disagreement with the views of the protesters or because it is likely to be inconvenient and cause a nuisance or there might be tension and heated exchange between opposing groups. There is a positive obligation on the State to take reasonable steps to facilitate the right to freedom of assembly, and to protect participants in peaceful demonstrations from disruption by others.

ANNEX E: EXAMPLE RECORD OF DECISIONS REFERRED TO DEAN / HEAD OF DIRECTORATE

Available for internal staff and students on StaffSpace. [Click or tap here to enter text.](#)