
ACTIVITY 40

Public protest (allow 45 minutes)**Online**

Please find and read the following article on Westlaw: Fenwick, 'Marginalising human rights: breach of the peace, 'kettling', the Human Rights Act and public protest' (2009), Oct, *Public Law*, pp. 737–765.

To what extent do you agree that it is preferable for the police to rely on their statutory powers to control mass public protest rather than their common law powers of breach of the peace?

COMMENT

Clearly, you will have formed your own opinion based on your reading, but you may find it helpful to consider the following statement which appears in the article:

'The POA powers are clearly overbroad...but at least they were tailored specifically to the control of marches and assemblies; they represent a modern statutory scheme debated by Parliament that directly addresses issues that arise in policing public protest, rather than an imprecise and uncertain common law doctrine that was not developed in that context, but continues to be used in it.'