

ILEX Assignment Two T3 - Freedom under the Law

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Students should take these notes to class having read and précised Part F of the ILEX booklet - Unit 2 - 'General Legal Principles'. Students may also wish to read Chapter 19 of 'GCSE Law' by Jacqueline Martin.

1

Lecture Rules ...

- Freedom of speech does not extend to chatting in class.
- So turn off your phone.
- Raise your hand if you have a question.
- You are free to take notes.

2

Golden Principle

- The **Golden Principle** of English Law is that we can do what we like unless it is prohibited by law.
- So then - Who protects us against the state limiting our freedoms?

3

Proposed new law

- I have a new Law: "The Short Back and Side Bill [2006]" it gives free haircuts on the state by the Scissors Police (it is intent on stopping 'nit flew').
- Does this deny human rights?
- Should a Judge - via a Judicial Review process - be able to stop such a law?

4

Liberty ...

- Detention of an individual denies his freedom - should it be allowed?
- Do we have freedom of speech? (can I be racist, sexist, defame someone?)

See the case of Tolstoy v UK [1995] - do you agree with the outcome?

5

Freedom to protest ...

The Public Order Act [1986] gives police the power to impose conditions on public assemblies where they consider there could be serious public disorder, serious damage to property or serious disruption to the life of the community. In such circumstances they can:

- Dictate the venue of the meeting.
- Dictate its duration.
- Dictate the maximum number that can attend.

6

Freedom to march ...

- While the police cannot ban an assembly - they can ban a march.
- To hold a march/procession the POA 1986 written notice must be given to the police giving the date, time and route.
- The Police can re-route and even blanket-ban marches for up to 3 months - see Kent v Met Police Comm [1981].

7

Raves

- Under the Criminal Justice and Public Order Act [1994] it is an offence to organise and/or attend a 'rave' after being ordered by Police to disperse.

8

POA 1986 consequences

If a meeting goes ahead and does not remain peaceful a number of offences are possible.

- **Affray** (s3) - unlawful violence towards another.
- **Violent disorder** (s2) - 3 or more persons together use or threaten unlawful violence.
- **Riot** (s1) - where 12 or more persons acting together use or threaten unlawful violence.

9

ECHR

- Produce a list of a persons rights under the ECHR.

Note that the ECHR only protects against an abuse of rights by the state (or an arm of the state) - it offers no protection against abuse by private companies.

10

Task 3

Do the Quiz at the back of this section in the ILEX textbook.

- Working with the person next to you plan a bullet point answer to Task 3.
- Be prepared to deliver your plan to the entire class.

11