

Public Order Offences

Please see the Magistrates Court and Crown Court Procedure page for explanation of the “either way” and “indictable” terms.

s5 Public Order Act (Summary)

This is behaving in public in a way that someone present may be caused harassment, alarm or distress by that behaviour. The most common example of this is when a person is swearing and using unpleasant language in the street, is warned by a police officer to stop but carries on.

s4 Public Order Act (Summary)

This is using threatening, abusive or insulting words or behaviour in public, which may result in someone present fearing the use of immediate unlawful violence. This is usually similar to a s5 in that unpleasant language is being used but also includes some sort of threat, for example to generally use physical violence.

s4A Public Order Act (Summary)

This is using threatening, abusive or insulting words or behaviour in public with the intent to cause someone present to fear the use of immediate unlawful violence. For example this would be the behaviour described as a s4 but might include a threat to punch a specific person.

s3 Public Order Act – Affray (Either Way)

This is behaving in such a way that someone present at the scene might fear for their personal safety. This offence usually covers a fight between two or three people where others near by feel that they might somehow get caught up in it and receive injuries themselves.

s2 Public Order Act – Violent Disorder (Either Way)

This is where 3 or more people are acting together in such a way that someone present at the scene might fear for their personal safety. This offence is intended to cover the larger scale, more serious fight that goes on for sometime.

s1 Public Order Act – Riot (Indictable)

This is where 12 or more people are acting together in such a way that someone present at the scene might fear for their personal safety. This is basically a rampage of the likes seen in London and other cities.