4. Obstruction of the Highway

This power is often used to remove demonstrators who are standing outside buildings, sitting down blockading entrances or roads and in many public order situations.

You could be committing this offence if, without lawful authority or excuse, you willfully obstruct the free passage of the highway. The 'highway' includes the road, the pavement, grass verges and private property used as a public thoroughfare.

'Obstruction' includes anything that prevents passing and re-passing along the highway. You do not have to be blocking the whole width of the highway. It does not matter whether free passage along the highway has already been temporarily restricted or prohibited

The obstruction has to be 'wilful' (meaning intentional or deliberate), so you will often be asked to move by the police, sometimes they will do this five times, and if you do not then this could be used as evidence that the obstruction was wilful in court.

The offence is recordable, which means you must give your fingerprints and DNA at the police station if you're arrested for the offence. If you refuse, the police can use reasonable force to make you comply. A record of the arrest will also go on the Police National Computer.

If convicted, the maximum penalty is six months in prison and a fine. First time offenders would be likely to receive about £200, depending on the type of road obstructed and the length of disruption. The increased maximum sentence (including a custodial sentence) was introduced by the Police, Crime, Sentencing and Courts Act 2022. The offence is only triable before a magistrate's court.

Upon conviction, the CPS who prosecute most offences will likely apply for court costs. This is where you have to pay some money to cover the costs they've incurred preparing the case and conducting any hearings. The full schedule of costs that the CPS will try to get is publicly available. In practice, the court doesn't often award the full amount. To see reports of how court costs are used in practice, see a series of recent court reports here.