8. "Anti-Social Behaviour" - Section 50 of Police Reform Act

If a constable in uniform has reason to believe you have been or are involved in anti-social behaviour, the police can demand your details under Section 50. Refusing to give your details is a criminal offence, and you can be arrested.

One exception to the 'no personal details' rule is Section 50 of the Police Reform Act 2002. Under this, the police DO have the power to demand your name and address (but NOT date of birth, nationality or any other details), and arrest you if you do not provide these. This power can only be used if they reasonably believe you have engaged in anti-social behaviour (behaviour likely to cause 'harassment, alarm or distress').

If an officer demands your details under Section 50 you should:

- Ask '*Under what power?'* to clarify they are using s50 Police Reform Act. If possible, record them saying this (and answers to subsequent questions). In some circumstances the police have subsequently denied using s50 powers, claiming that people gave their details voluntarily.
- Ask them to tell you exactly what they believe you have done that constitutes anti-social behaviour. They must have a reasonable belief (not just a suspicion) that you did something likely to cause 'harassment, alarm or distress'. Be clear that this is the definition of antisocial behaviour, sometimes the police don't understand this.
- Your individual right to freedom of assembly is not altered by actions committed by others. A police officer demanding someone's details needs to have a reasonable belief that a protester's individual conduct – rather than the conduct of others – is anti-social behaviour.
- It is not enough for the police to say they believe you are 'going to' engage in anti-social behaviour. S50 powers do not apply to possible future actions – only if a person 'has been acting, or is acting in an anti-social manner'.
- If you choose to give details, only give **name** and **address** (not date of birth, nationality or anything else). It should be noted that giving a false or inaccurate name and address is also an offence under s50.

Challenging misuse of Section 50

A report about the policing of protests by the Police Inspectorate said that widespread use of this power on protests would probably be unlawful. While this is likely to be true, we can't know if there are exceptions until we see a case about it in the higher courts.

Protests involving civil disobedience and direct action are protected by the right to freedom of assembly and should not be treated as anti-social behaviour. You can **resist the misuse of Section 50 powers** by **refusing to give your name** if asked to under s50. This is usually most effective when many protesters refuse together, for example when police attempt to use s50 on a whole kettle. **If this happens in a kettle, you should not give details.**

However, how a police officer should act and what happens in practice is never predictable and s50, like most police powers, is open to abuse. If you refuse to give your details you may be arrested, however this may not happen even if they threaten to do so. Police have also been known to 'de-arrest' after someone has given their details.

A number of people arrested under s50 have taken civil actions against the police for damages (money). **If you are unlawfully arrested for not giving your details, you may be able to claim compensation.** Contact Green & Black Cross on the protest support line 07946 541 511 for independent advice if you want to explore doing this.

*If you are convicted you may be fined, but cannot be imprisoned for breaching section 50. Maximum penalty is a fine of £1,000, however it's extremely unlikely a protester would receive anything near this, especially for first time offenders***. In order to be convicted in court the police will have to provide evidence that they reasonably believed you personally had been engaged in anti-social behaviour.**

Note: Behaviour 'likely to cause harassment, alarm and distress' is a very broad definition, and the courts have allowed the police to extend it to all sorts of behaviour, including (in some circumstances) swearing.

Remember: under any stop and search powers you do NOT have to give any personal details!