



10. Public Nuisance

Public nuisance generally means doing something which creates a risk of serious harm to the public or stops the public from being able to exercise their rights.

The **public** part is important, it can't just affect an individual or a private group, and has to affect the public or a section of it. Examples of public nuisance could be disrupting a major boat race with a huge number of spectators, or stopping an airport from functioning by climbing on a plane.

It bears saying that 'serious annoyance' in the legal text is not intended to just mean some people feeling annoyed; there has to be substantial harm to the public.

This offence is very old, but was brought into statute (the law made by Parliament) by the [Police Crime Sentencing and Courts Act 2022](#). The **PCSC Act reduced the maximum penalty from life imprisonment to 10 years or an unlimited fine or both**. There has been a lot of hype/panic about this offence but mostly because people didn't know there was a common law offence (law based on precedent set by previous court cases) of Public Nuisance in the first place.

It is often the case that there is an increased use of an offence when it has been put into statute. This is partly because there is a preference to use statutory over common law offences. The other reason is the CPS likes trying out new things. This is in fact a long overdue "tidying up" reform and while we may see a spurt of cases it does not make the legal position worse for protesters.

What people actually get for the new offence will depend on the, as yet unwritten, sentencing guidance and the ongoing struggle in the courts on the appropriateness of jailing peaceful protestors. It is an either-way offence, meaning it can be tried in the Magistrates' or Crown Court.