

Public Order Offences

9A **Public Fear, Alarm or Distress**

9B **Racially or Religiously Aggravated Public
Fear, Alarm or Distress**

62A **Violent Disorder**

66 **Other Offences against the State or Public
Order**

9A Public Fear, Alarm or Distress Classification (1 of 1)

Classification 9A excludes harassment offences under 8L.

125/9 (V)	Causing intentional harassment, alarm or distress. <i>Public Order Act 1986 Sec 4A.</i>	125/11 (V)	Fear or provocation of violence. <i>Public Order Act 1986 Sec 4.</i>
		125/12 (S)	Harassment, alarm or distress. <i>Public Order Act 1986 Sec 5.</i>

CLARIFICATION: HARASSMENT, ALARM OR DISTRESS

PUBLIC ORDER ACT 1986 SEC 5

Where an identified victim **other than a police officer** confirms that they have been subject to harassment, alarm or distress (Sec 5), and there is no credible evidence to the contrary, a crime will be recorded. Where police officers find offenders committing this offence and they issue a warning and the behaviour stops and no further action is taken by the officers and there is no specific victim (other than the police officer) the offence should not routinely be recorded as a crime.

Where officers in response to such behaviour implement a local diversionary scheme (e.g. 'red' and 'yellow' card initiative) but no further action is taken and there is no specific victim (other than the police officer) the offence should not routinely be recorded as a crime.

DEFINITION – LEGAL: HARASSMENT, ALARM OR DISTRESS

PUBLIC ORDER ACT 1986 SEC 4

"A person is guilty of an offence if he:

- (a) uses towards another person threatening, abusive or insulting words or behaviour, or
- (b) distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting,

with intent to cause that person to believe that immediate unlawful violence will be used against him or another by any person, or to provoke the immediate use of unlawful violence by that person or another, or whereby that person is likely to believe that such violence will be used or it is likely that such violence will be provoked.

PUBLIC ORDER ACT 1986 SEC 4A

"A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, he:

- (a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or
- (b) displays any writing, sign or other visible representation which is threatening, abusive or insulting,

thereby causing that or another person, harassment, alarm or distress."

PUBLIC ORDER ACT 1986 SEC 5

"A person is guilty of an offence if he:

- (a) uses threatening or abusive words or behaviour, or disorderly behaviour, or
- (b) displays any writing, sign or other visible representation which is threatening or abusive,

within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby."

9A Public Fear, Alarm or Distress Counting Rules (1 of 2)

Classification 9A excludes harassment offences under 8L.

GENERAL RULE: ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.
(Where there is no specific intended victim, count only one crime).

EXAMPLE 1: An elderly person has a group of youths outside her house swearing and shouting. She goes out and asks the youths to move away, but she receives abuse which distresses her and the police are called.

One crime (class 9A).

APPLICATION OF THE RULE

A Police Officer has the right to question anyone when investigating an incident, however that person has no duty to respond and no offence is committed if they fail to do so, indeed the caution before questioning about an offence reminds them that they do not have to say anything. Case law, including DPP v Orum and Southard v DPP should be considered. Some language, whilst unpleasant often forms part of day-to-day speech and the use of swear words or offensive gestures, without any aggravating factors does not constitute a notifiable offence, particularly when the only parties present are members of the Police Force.

Example 1: A report of a disturbance is made via CCTV, which is over upon arrival. Whilst making reasonable enquiries, the investigating officer approaches a bystander, who swears at the officer. The officer advises the person about his language and is again sworn at. The officer is annoyed and/or irritated by the person's behaviour.

This is not a crime, unless accompanied by aggravating factors as the mere use of swear words towards the officer does not constitute a notifiable offence.

Example 2: A report of a disturbance is made via CCTV, which is over upon arrival. Whilst making reasonable enquiries, the investigating officer approaches one of several bystanders, who swears at the officer. The officer advises the person about his language and is again sworn at and there is evidence that other persons present were harassed, alarmed or distressed by the disorderly behaviour or it is **likely** that persons present would be, having regard to the time, place and circumstances of the incident.

*An offence under class 9A may be a consideration. Any aggravating factors or how it was determined that the **likelihood** of harassment, alarm or distress being caused and the description or details of such persons should be recorded in auditable form.*

Example 3: An officer is conducting a lawful search of a person on the street and whilst doing so, is verbally abused by the detainee, but there are no aggravating factors and no other offences revealed.

This is not a notifiable crime, unless accompanied by aggravating factors as the mere use of swear words does not constitute a notifiable offence.

Example 4: An officer is conducting a lawful search of a person on the street and whilst trying to do so, is verbally abused by an associate of the detainee, to the extent where he feels threatened by the language and conduct of the associate and is impeded in the search.

An offence under class 9A may be considered, if the conduct was such that an offence of 'Obstructing a Constable' (non-notifiable) is not the most appropriate offence.

9A Public Fear, Alarm or Distress Counting Rules (2 of 2)

Whether to record: see also General Rules Section A and coverage box on class 8L classification page.

Example 1: Man urinating in a public place. Although apparent that this is what he is doing, he is off a main thoroughfare, his penis is not visible and there are no aggravating factors, irrespective of the fact that passing members of the public may see him if they look in his direction.

This does not constitute an offence under the Public Order Act and should be dealt with in accordance with other relevant legislation.

Principal Crime: see also General Rules Section F

Where an offender is in the possession of an offensive weapon or an article with a blade or point and uses that weapon to make threats then an offence under 10C or 10D should be recorded provided the weapon has not been used in the commission of another notifiable offence.

Example 1: A man confronts youths outside his house swearing and shouting. He asks the youths to move along, but they pull out knuckle dusters and threaten him. The man runs back inside his house and calls the police.

One crime (class 10C).

9B Racially or Religiously Aggravated Public Fear, Alarm or Distress Classification (1 of 2)

Classification 8M excludes offences under 9B.

8/55 (V)	(Racially or religiously aggravated (intentional harassment, alarm or distress. <i>Crime & Disorder Act 1998 Sec 31(1)(b) and (4) as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39.</i>	125/82 (S)	(Racially or religiously aggravated (harassment, alarm or distress. <i>Crime & Disorder Act 1998 Sec31(1)(c) (4) (added to by Anti-terrorism, Crime and Disorder Act 2001 Sec 39).</i>
66/91 (V)	(Racially or religiously aggravated fear or (provocation of violence <i>Crime & Disorder Act 1998 Sec 31(1)(a) (4) (added by Anti-terrorism, Crime and Disorder Act 2001 Sec 39).</i>		

DEFINITION – LEGAL: HARASSMENT, ALARM OR DISTRESS

PUBLIC ORDER ACT 1986 SEC 4, 4A and 5.

See box on class 9A classification page.

DEFINITION – LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED HARASSMENT

CRIME AND DISORDER ACT SECS 31(1) & 32(1) (AS ADDED TO BY ANTI-TERRORISM, CRIME AND SECURITY ACT 2001 SEC 39).

31. (1) "A person is guilty of an offence under this Section if he commits-

- a) an offence under Section 4 of the Public Order Act 1986 (fear or provocation of violence);
- b) an offence under Section 4A of that Act (intentional harassment, alarm or distress); or
- c) an offence under Section 5 of that Act (harassment, alarm or distress),

which is racially or religiously aggravated for the purposes of this Section."

Section 31(1) does not require a course of conduct to exist.

9B Racially or Religiously Aggravated Public Fear, Alarm or Distress Classification (2 of 2) Counting Rule (1 of 1)

DEFINITION – LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED

CRIME & DISORDER ACT 1998 SEC 28 (AS ADDED TO BY ANTI-TERRORISM, CRIME AND SECURITY ACT 2001 SEC 39)

- “(1) An offence is racially or religiously aggravated for the purposes of Sections 29 to 32 if-
- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or
 - (b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of those groups.
 - (2) In subsection (1)(a) above-
"membership", in relation to a racial or religious group, includes association with members of those groups; "presumed" means presumed by the offender.
 - (3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.
 - (4) In this section "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.
 - (5) In this section "religious group" means a group of persons defined by reference to religious belief or lack of religious belief.”

Classification 8M excludes offences under 9B.

**GENERAL RULE: ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.
(WHERE THERE IS NO SPECIFIC INTENDED VICTIM, COUNT ONLY ONE CRIME).**

62A Violent Disorder Classification (1 of 2)

This new offence classification includes the following old classifications:

- 62 **Treason**
- 63 **Treason felony**
- 64 **Riot**
- 65 **Violent Disorder**

62 (S)	Treason. <i>Treason Acts 1351-1814.</i>	64/1 (S)	Riot. <i>Public Order Act 1986 Sec 1.</i>
62 (S)	Attempting to injure or alarm the sovereign. <i>Treason Act 1842 Sec 2.</i>	65 (S)	Violent disorder. <i>Public Order Act 1986 Sec 2.</i>
63 (S)	Treason felony. <i>Treason Felony Act 1848.</i>		

DEFINITION - LEGAL: TREASON

TREASON ACT 1351

“- when a man doth compass or imagine the death of our Lord the King, or of our lady his Queen, or of their eldest son and heir; or if a man do violate the King’s companion, or the King’s eldest daughter unmarried, or the wife of the King’s eldest son and heir; or if a man do levy war against our lord the King in his realm, or be adherent to the King’s enemies in his realm, giving them aid and comfort in the realm, or elsewhere and thereof be provably attainted of open deed by the people of their condition ... and if a man slea the chancellor, treasurer or the King’s justices ... assigned to hear and determine being in their places doing their offices.”

DEFINITION - LEGAL: TREASON FELONY

TREASON FELONY ACT 1848

“If any person whatsoever shall, within the United Kingdom or without, compass, imagine, invent, devise or intend to deprive or depose our most gracious lady the Queen ... from the style, honour, or royal name of the imperial crown of the United Kingdom, or of any other of Her Majesty’s dominions and countries, or to levy war against her Majesty ... within any part of the United Kingdom, or order by force of constraint to compel Her ... to change Her ... measures or counsels, or in order to, put any force or constraint upon, or in order to intimidate or overawe both houses or either house of parliament, or to move or stir any foreigner or stranger with force to invade the United Kingdom, or any other of Her Majesty’s dominions or countries under the obeisance of Her Majesty ... and such compassings, imaginations, inventions, devices or intentions by any overt act or deed, ... ”

LEGISLATION: OTHER TREASON

There are various subsequent Treason Acts: 1695 (three-year limitation period), 1702 (acts to hinder the succession); 1795 (plots to kill, maim, imprison the sovereign, his heirs and successors); 1814 (death penalty). The Treason Act 1842, Section 2, makes it an offence to attempt to injure or alarm the sovereign by, for example, presenting or firing a gun or striking with an offensive weapon, or throwing any substance. The terms of the section are wide.

62A Violent Disorder Classification (2 of 2)

DEFINITION - LEGAL: RIOT

PUBLIC ORDER ACT 1986 SEC 1

- (1) “Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety ...
- (2) It is immaterial whether or not the 12 or more use or threaten unlawful violence simultaneously.
- (3) The common purpose may be inferred from conduct.
- (4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.
- (5) Riot may be committed in private as well as in public places ...”.

DEFINITION - LEGAL: VIOLENT DISORDER

PUBLIC ORDER ACT 1986 SEC 2

- (1) “Where three or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety ...
- (2) It is immaterial whether or not the three or more use or threaten unlawful violence simultaneously.
- (3) No person of reasonable firmness need actually be, or be likely to be, present at the scene.
- (4) Violent disorder may be committed in private as well as in public places ...”.

62A Violent Disorder Counting Rules (1 of 1)

GENERAL RULES:

**TREASON /
TREASON FELONY** **ONE CRIME FOR EACH OFFENDER.**

**RIOT /
VIOLENT DISORDER** **ONE CRIME FOR EACH INCIDENT OF RIOT OR VIOLENT
DISORDER.**

EXAMPLE 1: Fifteen people act in a riotous manner on one occasion.

One crime of violent disorder (class 62A).

EXAMPLE 2: Six people act in a riotous manner on one occasion.

One crime of violent disorder (class 62A).

EXAMPLE 3: Two people act in a riotous manner on one occasion.

One crime of affray (class 66).

EXAMPLE 4: A group of over 12 people act in a riotous manner on three
separate occasions.

Three crimes of violent disorder (class 62A).

APPLICATION OF THE RULE: RIOT AND VIOLENT DISORDER

Injuries in a Riot or Violent Disorder: Where crimes of violence against the person are connected with either a riot or violent disorder, count them in addition to the crime of riot or violent disorder.

Example 1: Two people suffer intentional GBH, and 10 others ABH, in the course of a riot.

One crime of violent disorder (class 62A), two crimes of wounding (class 5D), and 10 crimes of assault with injury (class 8N).

Example 2: Five people suffer intentional GBH, and three ABH, in the course of a violent disorder.

One crime of violent disorder (class 62A), five crimes of wounding (class 5D), and three crimes of assault with injury (class 8N).

Whether to record: see also General Rules Section A.

In the case of a public order incident where on the arrival of the police there is no continuing disorder and no specific intended victim, the incident will not be routinely recorded as a crime.

Reasonable enquiries should be undertaken to identify specific victims and secure any supporting evidence which would enable further police action in terms of arrest or summons. Where enquiries fail to identify any victim or produce supporting evidence the incident will remain as a crime related incident. Where police arrive at a scene and witness disorder, they will deal with the matter appropriately and where notifiable offences are apparent record a crime in accordance with the Home Office Counting Rules.

66 Other offences against the State or public order Classification (1 of 5)

66/1 (S)	Affray. <i>Public Order Act 1986 Sec 3.</i>	Acts intended to stir up racial hatred.
66/2 (S)	Contempt of Court. <i>Common Law.</i>	66/23 (S) Use of words or behaviour or display or written material. <i>Public Order Act 1986 Sec 18.</i> <u>Cannot proceed without consent of Attorney General.</u>
66/3 (S)	Placing or dispatching articles to cause a bomb hoax. <i>Criminal Law Act 1977 Sec 51.</i>	66/24 (S) Publishing or distributing written material. <i>Public Order Act 1986 Sec 19.</i> <u>Cannot proceed without consent of Attorney General.</u>
66/4 (S)	Communicating false information alleging presence of bomb. <i>Criminal Law Act 1977 Sec 51.</i>	66/25 (S) Public performance of play. <i>Public Order Act 1986 Sec 20.</i> <u>Cannot proceed without consent of Attorney General.</u>
66/5 (S)	Admitting football spectators to unlicensed premises. <i>Football Spectators Act 1989 Sec 9.</i>	66/26 (S) Distributing, showing or playing a recording. <i>Public Order Act 1986 Sec 21.</i> <u>Cannot proceed without consent of Attorney General.</u>
66/6 (S)	Threats of attack on United Nations workers. <i>United Nations Personnel Act 1997 Secs 2, 3.</i>	66/27 (S) Broadcasting or including programme in programming service. <i>Public Order Act 1986 Sec 22.</i> <u>Cannot proceed without consent of Attorney General.</u>
66/7 (S)	Triable-either-way offences. <i>Terrorist Asset-Freezing etc. Act 2010 Secs 11-14 or 18 & 32 (1).</i>	66/28 (S) Possession of racially inflammatory material. <i>Public Order Act 1986 Sec 23.</i> <u>Cannot proceed without consent of Attorney General.</u>
66/11 (S)	Prohibition of disclosures – national security. <i>Anti-terrorism, Crime and Security Act 2001 Sec 79(3).</i>	66/29 (S) Unauthorised use of uniforms; falsification of reports, forgery, personation, and false documents. Interfering with officers of the police or members of His Majesty's forces. Duty of giving information as to commission of offences. <i>Official Secrets Act 1920 Sec 1, 3 & 6.</i>
66/12 (S)	Prohibition of disclosures – uranium enrichment technology. <i>Anti-terrorism, Crime and Security Act 2001 Sec 80(3).</i>	66/30 (S) Commit act prejudicial to safety or interest of the State. <i>Official Secrets Act 1911 Sec 1.</i>
66/13 (S)	Failure to disclose knowledge gained in the course of business. <i>Terrorism Act 2000 Sec 21A (added by Anti-terrorism, Crime and Security Act 2001 Sch. 2 Part 3).</i>	66/31 (S) Knowingly harbouring spy. <i>Official Secrets Act 1911 Sec 7.</i>
66/14 (S)	Failure to disclose information about acts of terrorism. <i>Terrorism Act 2000 Sec 38B (as added by Anti-terrorism, Crime and Security Act 2001 Sec 117).</i>	66/32 (S) Serving member/Former member of Security or Intelligence Services disclosing information relating to security or intelligence. Person notified as subject to security or intelligence provisions unlawfully disclosing secret. <i>Official Secrets Act 1989 Sec 1 (1) (a) & (b).</i>
66/15 (S)	Hoaxes involving noxious substances or things. <i>Anti-terrorism, Crime and Security Act 2001 Sec 114.</i>	66/33 (S) Former or current Crown Servant/Government Contractor making damaging disclosure relating to security or intelligence. <i>Official Secrets Act 1989 Sec 1(3).</i>
66/17,18 (S)	Offences relating to notification. <i>Sexual Offences Act 2003 Sec 91.</i>	66/34 (S) Former or current Crown Servant/Government Contractor making damaging disclosure relating to defence matter. <i>Official Secrets Act 1989 Sec 2(1).</i>
66/21 (S)	Committing or conspiring to commit, an act outraging public decency. <i>Common Law.</i>	
66/22 (S)	Public Nuisance. <i>Common Law.</i>	

66 Other offences against the State or public order Classification (2 of 5)

66/35 (S)	Former or current Crown Servant/ Government Contractor making damaging disclosure of confidential matter from Foreign State or relating to international relations. <i>Official Secrets Act 1989 Sec 3(1) (a) & (b).</i>	66/48 (S)	Distributing, showing or playing a recording (Acts intended to stir up religious hatred/sexual hatred). <i>Public Order Act 1986 Sec 29E as added by Racial and Religious Hatred Act 2006.</i> <u>Cannot proceed without consent of Attorney General</u>
66/36 (S)	Former or current Crown Servant/Government Contractor disclosing information resulting in commission of offence/facilitating escape from custody/facilitating act prejudicial to safekeeping of person in custody/ impeding prevention/detection of offence, apprehension/prosecution of suspected offender etc. <i>Official Secrets Act 1989 Sec 4(1).</i>	66/49 (S)	Provider of programme broadcasting or including programme in programme service (Acts intended to stir up religious hatred/sexual hatred). <i>Public Order Act 1986 Sec 29F(1)(2)(a) as added by Racial and Religious Hatred Act 2006.</i> <u>Cannot proceed without consent of Attorney General</u>
66/37 (S)	Making damaging disclosure of protected information or disclosing information gained in contravention of s1 of Official Secrets Act 1911. <i>Official Secrets Act 1989 Sec 5(2) & (6).</i>	66/50 (S)	Producer or director of programme broadcasting or including programme in programme service (Acts intended to stir up religious hatred/sexual hatred). <i>Public Order Act 1986 Sec 29F(1)(2)(b) as added by Racial and Religious Hatred Act 2006.</i> <u>Cannot proceed without consent of Attorney General</u>
66/38 (S)	Breach of a Restraining Order issued on acquittal. <i>Protection from Harassment Act 1997 SS 5A(2) & 5(5) & (6).</i>	66/51 (S)	Person using offending words or behaviour broadcasting or including programme in programme service (Acts intended to stir up religious hatred/sexual hatred). <i>Public Order Act 1986 Sec 29F(1)(2)(c) as added by Racial and Religious Hatred Act 2006.</i> <u>Cannot proceed without consent of Attorney General</u>
66/39 (S)	Breach of non-molestation order. <i>Family Law Act 1996 Sec 42A (added by Domestic Violence, Crime and Victims Act 2004 Sec 1).</i>	66/52 (S)	Possession of inflammatory material (Acts intended to stir up religious hatred/sexual hatred). <i>Public Order Act 1986 Sec 29G as added by Racial and Religious Hatred Act 2006.</i> <u>Cannot proceed without consent of Attorney General</u>
66/42 (S)	Interference with contractual relationships so as to harm animal research organisation. <i>Serious Organised Crime & Police Act 2005 Sec 145</i>	66/53 (S)	Publish/cause another to publish a statement intending to or recklessly encouraging terrorism. <i>Terrorism Act 2006 Sec 1.</i>
66/43 (V)	Intimidation of persons connected with animal research organisations. <i>Serious Organised Crime & Police Act 2005 Sec 146</i>	66/54 (S)	Distribute/circulate a terrorist publication. <i>Terrorism Act 2006 Sec 2(2)(a) & 11.</i>
66/44 (V)	Compelling by threatening to destroy or damage ship or sea platform or property used in navigation. <i>Aviation and Maritime Security Act 1990 Sec 13.</i>	66/55 (S)	Give/sell/lend/offer for sale/offer for loan a terrorist publication. <i>Terrorism Act 2006 Sec 2(2)(b)(c) & 11.</i>
66/45 (S)	Use of words or behaviour or display of written material (Acts intended to stir up religious hatred/sexual hatred). <i>Public Order Act 1986 Sec 29B as added by Racial and Religious Hatred Act 2006.</i> <u>Cannot proceed without consent of Attorney General</u>	66/56 (S)	Provide service re reading/listening to a terrorist publication. <i>Terrorism Act 2006 Sec 2(2)(d) & 11.</i>
66/46 (S)	Publishing or distributing written material (Acts intended to stir up religious hatred/sexual hatred). <i>Public Order Act 1986 Sec 29C as added by Racial and Religious Hatred Act 2006.</i> <u>Cannot proceed without consent of Attorney General</u>	66/57 (S)	Transmit contents of a terrorist publication. <i>Terrorism Act 2006 Sec 2(2)(e) & 11.</i>
66/47 (S)	Public performance of a play (Acts intended to stir up religious hatred/sexual hatred). <i>Public Order Act 1986 Sec 29D as added by Racial and Religious Hatred Act 2006.</i> <u>Cannot proceed without consent of Attorney General</u>	66/58 (S)	Possess terrorist publication with view to distribution/sale/loan/read/listen to/seen etc. <i>Terrorism Act 2006 Sec 2(2)(f) & 11.</i>

66 Other offences against the State or public order Classification (3 of 5)

66/59 (S)	Engaging in conduct, or assisting another, in preparation of committing an act of terrorism <i>Terrorism Act 2006 Sec 5.</i>	66/81 (S)	Make a statement/furnish a document/information which is false in a material particular to obtain a Treasury licence. <i>Terrorism (UN Measures) Order 2006 S.11(5)&13(2).</i>
66/60 (S)	Provide instruction/training for terrorism. <i>Terrorism Act 2006 Sec 6(1)(5).</i>	66/82 (S)	Gives false information or documents or destroys, mutilates, etc. documents. <i>Terrorism (UN Measures) Order 2006 S.13(2) Sch.1 Parts 4(b)(d).</i>
66/61 (S)	Receive instruction/training for terrorism. <i>Terrorism Act 2006 6(2)(5).</i>	66/83 (S)	Notify false information to police in purported compliance with Sec 108, 109, 110 or reg's under Sec 111. <i>Criminal Justice and Immigration Act 2008 Sec 113(3) & (6).</i>
66/62 (S)	Attend any place in UK/elsewhere for instruction /training in terrorism. <i>Terrorism Act 2006 Sec 8.</i>	66/84 (S)	Fail to comply with prohibition/restriction contained in a violent offender order/interim order. <i>Criminal Justice and Immigration Act 2008 Sec 113(1) & (6).</i>
66/64 (S)	Possess radioactive material with intent to use it in commission/ preparation for terrorism. <i>Terrorism Act 2006 Sec 9(1)(b)3.</i>	66/85 (S)	Fail to comply with notification requirements of Sec 108(1). <i>Criminal Justice and Immigration Act 2008 Sec 113(2)(a) & (6).</i>
66/65 (S)	Use radioactive device/material in the course of/in connection with commission/purposes of terrorism. <i>Terrorism Act 2006 Sec 10(1)(3).</i>	66/86 (S)	Fail to comply with requirements re notification of changes under Sec 109(1) or 6(b). <i>Criminal Justice and Immigration Act 2008 Sec 113(2)(a) & (6).</i>
66/66 (S)	In course of/in connection with commission /purposes of terrorism use/damage nuclear facility to cause release/ask of release of radioactive material. <i>Terrorism Act 2006 Sec 10(2)(3).</i>	66/87 (S)	Fail to comply with requirements of periodic notifications under Sec 110(1). <i>Criminal Justice and Immigration Act 2008 Sec 113(2)(a) & (6).</i>
66/67 (S)	Terrorist making demand relating to devices/ materials/facilities. <i>Terrorism Act 2006 Sec 11(1).</i>	66/88 (S)	Fail to permit the taking of fingerprints and/or photographs as required by Sec 112(4). <i>Criminal Justice and Immigration Act 2008 Sec 113(2)(a) & (6).</i>
66/68 (S)	Terrorist making threat to use radioactive device/material. <i>Terrorism Act 2006 Sec 11(2).</i>	66/89 (S)	Making damaging disclosure of information entrusted to other State or organisation. <i>Official Secrets Act 1989 Sec 6(2).</i>
66/69 (S)	Make/possess radioactive device with intent with intent to use it in commission/ preparation for terrorism. <i>Terrorism Act 2006 Sec 9(1)(a)3</i>	66/90 (S)	Fail to comply with any regulation made under Sec 111. <i>Criminal Justice and Immigration Act 2008 Sec 113(2)(b) & (6).</i>
66/77 (S)	Disclose without lawful authority confidential information provided by the Treasury. <i>Terrorism (UN Measures) Order 2006 Sec 6(5) & 13(2).</i>	66/92 (S)	Offences in relation to notification requirements. <i>Counter-Terrorism Act 2008 Sec 54.</i>
66/78 (S)	Not under authority of a licence dealt with funds/economic resources belonging to/owned/held by an Article 7(2) person. <i>Terrorism (UN Measures) Order 2006 Sec 7(3) & 13(1).</i>	66/93 (S)	Breach of foreign travel restriction order. <i>Counter-Terrorism Act 2008 Sch. 5 Para 15.</i>
66/79 (S)	Make funds/economic resources/financial services available directly to/indirectly to/for the benefit of Article 7(2) person. <i>Terrorism (UN Measures) Order 2006 Sec 8(3) & 13(1).</i>	66/94 (S)	Failure to comply with a Serious Crime Prevention Order. <i>Serious Crime Act 2007 Sec 25.</i>
66/80 (S)	Participate in activity object/effect to circumvent Article 7(1)/8(1) prohibition enable/facilitate Article 7/8 offence. <i>Terrorism (UN Measures) Order 2006 Sec 1 .</i>	66/95 (S)	Disclosing information which can be used to gain access to protected information. <i>Official Secrets Act 1989 Sec 8 (6).</i>
		66/96 (S)	Contravene a measure specified in a Terrorism Prevention and Investigation Measures Order. <i>Terrorism Prevention and Investigation Measures Act 2011 S23.</i>

66 Other offences against the State or public order Classification (4 of 5)

66/97 (S)	Breach a forced marriage protection order. <i>Family Law Act 1996 Sec 63A</i> CJS: FL96002	68/4 (S)	Breach a Female Genital Mutilation protection order. Female Genital Mutilation Act 2003 Sec 5A as amended by Serious Crime Act 2015 Sec 73 CJS Code: FG03006
66/98 (S)	Breach of a Criminal behaviour order. <i>Anti-Social Behaviour, Crime and Policing Act 2014 Sec 30 (1)</i>	68/5 (S)	Corrupt/improper exercise of police powers and privileges by a constable. Criminal Justice and Courts Act 2015 Sec 26 (1) & (2). CJS Code: CJ5004
	Record any breach of ASBO record as a breach of a CBO – code 66/98	68/6 (S)	Care provider fail to comply with a remedial / publicity order. <i>Criminal Justice and Courts Act 2015 Sec 23 (7)</i> CJS Code: CJ 15003
66/99 (S)	Triable-either-way offences. <i>Al-Qaida and Taliban (Asset-Freezing) Regulations 2010 Secs 3, 4(2) & (3), 6(a) & (b), 7 (5)(a)(b) & 6. Sch. 1 Part 5(1)(b) & (d)</i>	68/7 (S)	Breach a sexual risk order / risk of sexual harm order etc or fail to comply with requirement under Sec 122 C (4) in relation to a sexual risk order. <i>Sexual Offences Act 2003 Sec 122 H (1) and (3).</i> CJS Code: SX03223 – SX03222
66/99 (S)	Causing disaffection among the police. <i>Police Act 1996 Sec 91.</i> <i>Police Act 1997 Secs 43, 87.</i>	68/8 (S)	Breach SHPO / interim SHPO / SOPO / interim SOPO/ Foreign travel order or fail to comply with a requirement under Sec 103 D (4) in relation to a SHPO. <i>Sexual Offences Act 2003 Act Sec 103I.</i> CJS Code: SX03221 – SX03220
66/99 (S)	Public order offences in relation to terrorism. <i>Terrorism Act 2000 Secs 11, 12, 15-19, 22, 39, 54 and 56-59.</i>	68/9 (S)	Returns to UK in contravention of a temporary exclusion order. <i>Counter Terrorism and Security Act 2015 Sec 10 (1).</i> CJS Code: CT15001
66/99 (S)	Failure to disclose knowledge or suspicion of offences. <i>N Ireland (Emergency Provisions) Act 1991 Sec 54A</i>	68/10 (S)	Fail to comply with obligation after return to the UK imposed under section 9. <i>Counter Terrorism and Security Act 2015 Sec 10 (3)</i> CJS Code: CT15002
66/99 (S)	Public order acts (not elsewhere specified) against Channel Tunnel. <i>Channel Tunnel (Security) Order 1994 Articles 11, 13(8), 14(9), 15(9), 16(8), 23(1)(3), 28, 32(1a).</i>	68/11 (S)	Fail to give permission for a laboratory test on a blood specimen having cause a death. Road Traffic Act 1988 Sec 3A (1) (d) and Schedule 2 to the Road Traffic Offenders Act 1988 CJS Code: RT88579
66/99 (S)	Triable-either-way offences. <i>The Terrorism (United Nations Measures) Order 2006 SI 2657/2006 A., 7, 8, 10.</i>	68/12 (S)	Care provider supply/publish/make available information which was false or misleading in Material respect. Care Act 2014 Sec 92 and 93 (1) CJS Code: CA14002.
66/99 (S)	Eliciting publishing or communicating information about members of armed forces etc. <i>Terrorism Act 2000 Sec 58A(1)(a)&(b).</i>	8/32 (S)	Breach of Anti-Social Behaviour Order Crime and Disorder Act 1988 Sec 1 (10).
66/99 (S)	Prohibition of quasi-military organisations. <i>Public Order Act 1936 Sec 2.</i>	68/13 (S)	Contempt of court by breach of sec 17 of the Criminal Procedure and investigations Act 1996. Criminal Procedure and Investigations Act 1996 Sec 18. CJS Code: 96001
66/99 (S)	Triable-either-way offences. <i>The Terrorism (United Nations Measures) Order 2006 SI 2657/2006 A6, 11, Sch. 1 P4(b)(d).</i>	68/14 (S)	Supply specialist printing equipment knowing it will be used for criminal purposes. <i>Specialist Printing Equipment and Materials (Offences) Act 2015 Sec 1 (1) & 1 (3) (4)</i> CJS Code: SP15001-SP15002
66/99 (S)	Providing false information to obtain S.17 Licence or failing to comply with condition in Licence. Terrorist Asset-Freezing etc Act 2010 Sec 17 (6) or (7) & 32 (2).		
68/1 (S)	Participate in the criminal activities of an organised crime group. Serious Crime Act 2015 Sec 45 (1) & (9) CJS Code: SC15001		
68/2 (S)	Unauthorised act in relation to computer causing / creating risk of serious damage. The Computer Misuse Act 1990 Sec 3ZA (1) (6)		
68/3 (S)	Unauthorised act in relation to a computer causing / creating risk of serious damage to human welfare/ national security. The Computer Misuse Act 1990 Sec 3ZA (1) (7) as amended by the Serious Crime Act 2015 Sec 41 CJS Code: CM90011		

66 Other offences against the State or public order Classification (5 of 5)

DEFINITION - LEGAL: AFFRAY

PUBLIC ORDER ACT 1986 SEC 3

- (1) "A person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.
- (2) Where two or more persons use or threaten the unlawful violence, it is the conduct of them taken together that must be considered for the purposes of subsection (1).
- (3) For the purposes of this Section a threat cannot be made by the use of words alone.
- (4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.
- (5) Affray may be committed in private as well as public places."

DEFINITION - LEGAL: BOMB HOAXES

CRIMINAL LAW ACT 1977 SEC 51

"A person who-

- (a) places any article in any place whatever; or
- (b) dispatches any article by post, rail or any other means whatever of sending things from one place to another,

with the intention (in either case) of inducing in some other person a belief that it is likely to explode or ignite and thereby cause personal injury or damage to property ...".

66 Other offences against the State or public order Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH SPECIFIC, INTENDED VICTIM.

EXAMPLE: A group of offenders send hoax bombs to three individuals.
Three crimes (class 66).

APPLICATION OF THE RULE:

If no specific, intended victim, count one crime for each offender or group of offenders.

Example 1: A group of people are found to be producing racially inflammatory leaflets.

One crime (class 66).

Affray: One crime for each incident of affray. Where crimes of violence against the person are connected with an affray, count the violence against the person offences but not the affray.

Example 1: Two people cause an affray in the course of which:

(i) four people are assaulted.

Four crimes of assault (class 5D or 8N according to injuries sustained).

(ii) no-one is assaulted.

One crime of affray (class 66).

(iii) the two offenders sustain minor injuries, amounting to no more than grazes, scratches, abrasions, minor bruising, swellings, reddening of the skin, superficial cuts, or a 'black eye' during the commission of the affray.

One crime of affray (class 66). Do not count any assault separately. The minor injuries in this case are not considered to constitute a violence against the person offence.

(Note: This applies only where the police come across the incident, or a third party reports it and there has been no separate allegation of assault. Where a 'call for service' has been received alleging an assault, the assault should be recorded, even if the other parties submit counter allegations. Counter allegations of assault should be considered in line with current guidelines for recording these.)

Breach of Criminal Behaviour, Non Molestation Order or Restraining Order: If a person commits offences whilst in breach of a Criminal Behaviour Order, Non Molestation Order or Restraining Order and these offences are distinct from the breach, then count them in addition to the breach. Updated July 2017.

Example 1: A person enters a prohibited area identified in a Criminal Behaviour Order granted against him/her, and causes an affray whilst there.

Two crimes (class 66): one of breach of Criminal Behaviour Order (66/98) and one of affray (66/1).

If the condition of a Criminal Behaviour Order is not to commit a notifiable crime and such a crime is committed, count the notifiable crime but not the breach of the Criminal Behaviour Order.

Example 1: A person burgles a house in breach of a Criminal Behaviour Order.

One crime of burglary - residential (class 28E).

66 Other offences against the State or public order Counting Rules (2 of 2)

Bomb Hoaxes: In the case of bomb hoaxes record the crime based on the location of the offender unless this is unknown or cannot be traced.

Example 1: A person makes a hoax call that a bomb has been placed at a location in force area 'A'. The origin telephone number shows this to be a telephone kiosk located in force area 'B'.

One crime (class 66) recorded by force B location of suspect.

Example 2: A person makes a hoax call to a venue in force area 'A' that a bomb has been placed at that location. The origin telephone number is not logged or cannot be traced.

One crime (class 66) recorded by force A.

Whether to record: see also General Rules Section A.

In the case of a public order incident where on the arrival of the police there is no continuing disorder and no specific intended victim, the incident will not be routinely recorded as a crime.

Reasonable enquiries should be undertaken to identify specific victims and secure any supporting evidence which would enable further police action in terms of arrest or summons. Where enquiries fail to identify any victim or produce supporting evidence the incident will remain as a crime related incident. Where police arrive at a scene and witness disorder, they will deal with the matter appropriately and where notifiable offences are apparent record a crime in accordance with the Home Office Counting Rules.

Example 1: An anonymous caller reports a disturbance outside a public house. On arrival, witnesses report a heated argument having taken place.

(i) No victim of violence (or persons acting on their behalf) can be traced. No other information is available.

Register an incident in accordance with NSIR but do not record the crime.

(ii) Witnesses report that there was a fight, and further investigation locates a victim who confirms actual bodily harm.

One crime of assault - Sec 47 ABH (class 8N).

(iii) Several onlookers report acts threatening violence, and they confirm that they feared for their safety.

One crime of affray (class 66).

(iv) A caller reports being subjected to actual bodily harm in a nightclub. Police identify the 'offender', who makes a counter allegation of ABH. Witnesses saw the fight, but don't know who started it.

One crime of assault - Sec 47 ABH (class 8N). The counter allegation should be considered in accordance with current guidance and, if reported by the victim, a second offence Recorded. As there has been a 'call for service' from a 'victim', recording an affray would not be appropriate.

Example 2: A supermarket receives an anonymous phone call from someone claiming to have poisoned some items of food there. A search reveals no evidence of this.

Record a crime under 99/99 – Threaten or claim to contaminate or interfere with goods with the intention of causing public alarm, anxiety, economic loss, etc. Public Order Act 1986 Sec 38(2).

Maximum Sentence – Public Order Offences										
	Life	14 years	10 years	7 years	5 years	3 years	2 years	6 months	Fine	
	62	66/30	64/1	66/3-4, 7, 11-12, 15, 23- 28, 45- 58	8/32 65	66/1	66/ 5, 29, 31-37, 77, 81- 82, 89, 91, 95,	125/09	125/12	
	63	68/2, 68/5	60-62	78-80	66/8, 13-14, 17-20		8/55,	125/11	68/6	
	66/02,6 21, 22, 44	68/11	68/14		66/38- 43		68/12-13	125/82		
	66/59, 64-69, 66/99*				66/83- 88,90, 92-94, 96, 97, 98					
	68/3				68/1, 68/4, 68/7-10					

*Maximum sentence varies depending on Act used – this represents the maximum sentence in the range.