

1. Record Nr.	UNINA9910785242003321
Autore	Mead David, LLM
Titolo	The new law of peaceful protest : rights and regulation in the Human Rights Act era / David Mead
Pubbl/distr/stampa	Oxford ; Portland, Oregon, : Hart Publishing, 2010
ISBN	1-4725-6074-4 1-282-80650-5 9786612806506 1-84731-576-3
Edizione	[1st ed.]
Descrizione fisica	1 online resource (530 p.)
Disciplina	342.420854
Soggetti	Assembly, Right of - England Assembly, Right of - Wales Demonstrations - Law and legislation - England Demonstrations - Law and legislation - Wales
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index
Nota di contenuto	1: Introduction -- I. Overview -- II. Historical Development of The Right -- III. The Function of Free Speech and Protest -- IV. Protest and Democracy -- V. A Simple Dichotomy: Protest v Direct Action -- VI. Deciding to Engage in Collective Action -- VII. The Socio-Legal Aspect -- VIII. The Role and Behaviour of the Police -- IX. Protest and Protesters at the Start of the New Millenium -- 2: Protecting Human Rights in the Human Rights Act Era -- I. The Right to Protest at Common Law -- II. The European Convention on Human Rights -- III. A Home-Grown Bill of Rights? The Human Rights Act 1998 -- IV. Conclusion: The Likely Influence of the Human Rights Act on Peaceful Protest -- 3: Strasbourg Case Law on the Right to Peaceful Protest -- I. Introduction -- II. A Content Study of Protest Cases -- III. The Scope of the Right to Peaceful Protest -- IV. The Extent of Lawful Interferences with the Right -- V. Conclusions -- 4: The Locus of Protest -- I. Introduction and Overview -- II. Rights of Access Over Land for the Purpose of Protest -- III. Place-Specific Restrictions on Protest -- IV. Police Powers in Relation to Protests on Land -- V. Conclusion -- 5:

Peaceful Persuasion and Communicating Dissent -- I. Overview -- II. Marching, Meeting and Holding Demonstrations: The Statutory Scheme in the Public Order Act 1986 -- III. Showing Support for Causes and Campaigns -- IV. Conclusion -- 6: Taking Direct Action -- I. Introduction and Overview -- II. Direct Action Protesters as Terrorists -- III. Crimes of Violence and Damage -- IV. Aggravated Trespass -- V. Harassment and Intimidation -- VI. Other Criminal Measures to Control Direct Action -- VII. Conclusion -- 7: Preventive Action by the Police -- I. The General Duties of the Police -- II. Stop and Search Powers -- III. Preventing Breaches of the Peace -- IV. Anti-Social Behaviour Orders -- V. Dispersal Orders -- VI. Strasbourg Case Law -- VII. Conclusions -- 8: Private Law Remedies and Proceedings -- I. Introduction -- II. Possible Claims by Private Parties -- III. Conclusions -- 9: Conclusion -- I. A Strasbourg Snapshot: The Right of Peaceful Protest under the ECHR in 2010 -- II. A Domestic Snapshot: The Right of Peaceful Protest in England and Wales in 2010 -- III. The Wider Picture: A Recap of Some Key Themes -- IV. An Agenda for Change -- Appendix I: European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 -- Appendix II: Bringing an Individual Case to Strasbourg: An Overview -- Appendix III: A Summary of Strasbourg Case Law on the Right to Peaceful Protest -- Appendix IV: Human Rights Act 1998, Chapter 42

Sommario/riassunto

The right to demonstrate is considered fundamental to any democratic system of government, yet in recent years it has received little academic attention. However, events following the recent G20 protests in April 2009 make this a particularly timely work. Setting out and explaining in detail the domestic legal framework that surrounds the right of peaceful protest, the book provides the first extensive analysis of the Strasbourg jurisprudence under Articles 10 and 11 of the European Convention on Human Rights, offering a critical look at recent cases such as Ollinger, Vajnai, Bukta, Oya Ataman, Patyi and Ziliberberg, as well as the older cases that form its bedrock. The principles drawn from this case-law are then synthesised into the remainder of the book to see how the right of protest enshrined in the Human Rights Act 1998 now operates. The five central chapters show how the right is defined: the restrictions on the choice of location of a protest; the constraints imposed on peaceful, persuasive protest; the near total intolerance of any form of obstructive or disruptive protest; the scope of preventive action by the police; and the extent to which commercial targets can avail themselves of private law remedies. This contemporary landscape is highlighted by critical analysis of the principles and case law -- including the leading decisions in Laporte, Austin, Jones and Lloyd and Kay. The book also highlights and develops themes that are currently under-theorised or ignored, including the interplay of the public and the private in regulating protest; the pivotal role played by land ownership rules; and the disjuncture between the law in the books and the law in action. While the book will appeal primarily to scholars, students and practitioners of law - as well as to campaigners and interest groups - it also offers political and socio-legal insights, which will be of interest equally to non-specialists
