

KETTLING: WHAT DOES THE LAW SAY?



WHAT IS A KETTLE?

A kettle is where the police surround protestors to keep them in a particular place. Kettles are legal, but they are a form of detention so their use is controlled by law.

WHEN CAN THE POLICE KETTLE ME?

If the police believe that it is a proportionate way of protecting people from injury or property from damage, or preventing serious public disorder or violence.

It should not be used as a tactic to stifle or discourage protest.

IF YOU ARE IN A KETTLE, YOU HAVE A RIGHT TO:

Essential utilities such as toilets and water, if these are necessary and if the police are physically able to provide them.

A release plan allowing vulnerable or distressed people, or those inadvertently caught up in the kettle, to leave.

Be held no longer than is reasonably necessary to prevent a breach of the peace.

HOW ARE PEOPLE RELEASED FROM KETTLES?

Police may release everybody at the same time, or by 'controlled dispersal' where people leave in pairs or small groups by one or more exit points.

WHAT CAN THE POLICE DO DURING KETTLING?

CAN THE POLICE TAKE DOWN MY PERSONAL DETAILS?

The police are not allowed to use the controlled dispersal process as an opportunity to take down the names and addresses of people who have been kettled.

THE POLICE CAN SEARCH YOU WHILST IN A KETTLE IF:

They reasonably suspect you are carrying something unlawful (like a weapon or drugs).

There is a section 60 authorisation in place. This allows police to search anyone

if the police think there is a likelihood of serious violence, or if they suspect you are carrying weapons or 'dangerous instruments'. Section 60 authorisations are often put in place for large scale protests.

The police do have the power to take down names and addresses if they 'reasonably believe' a person has been engaging in anti-social behaviour, under s.50 of the Police Reform Act. Anti-social behaviour is causing harassment, alarm or distress to someone. However this power should not be used in relation to peaceful protest.

CAN THE POLICE TAKE MY PHOTOGRAPH?

The police, like anyone else, can take photographs in a public place.

The police are not allowed to force you to have your photo taken unless you have been arrested for a recordable offence. As long as you have not been arrested, you can cover your face to prevent your face showing in a photograph.

IF YOU ARE ARRESTED IN A KETTLE

Police may have grounds to arrest those held in a kettle if it is necessary to prevent further breaches of the peace, or if there is reasonable suspicion that a person has committed a criminal offence. Anyone arrested during or after being held in a kettle is strongly advised to get legal advice.

DO NOT answer any questions about the offence from the police until you have spoken to a lawyer from our firm. **Call 0808 274 8226** or asked for Hodge Jones & Allen Solicitors.

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