

BIG BROTHER WATCH

**Big Brother Watch
Briefing on Amendment
372 of the Crime and
Policing Bill for
Committee Stage in
the House of Lords**

December 2025

About Big Brother Watch

Big Brother Watch is a civil liberties and privacy campaigning organisation, fighting for a free future. We're determined to reclaim our privacy and defend freedoms at this time of enormous technological change.

We're a fiercely independent, non-partisan and non-profit group who work to roll back the surveillance state and protect rights in Parliament, the media or the courts if we have to. We publish unique investigations and pursue powerful public campaigns. We work relentlessly to inform, amplify and empower the public voice so we can collectively reclaim our privacy, defend our civil liberties and protect freedoms for the future.

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Big Brother Watch briefing on the Crime and Policing Bill for Committee Stage in the House of Lords

Big Brother Watch is concerned that several clauses of the Crime and Policing Bill pose a direct threat to privacy and freedom of expression, particularly the right to protest.

The Crime and Policing Bill would amend the Public Order Act 1986 to impose a duty on the police to consider the so-called 'cumulative disruption' caused by repeat protests in a given area. Amendment 372 would give the police unprecedented powers to restrict or prohibit protests if these are expected to be too disruptive. Not only does this amendment represent a grievous strike at the heart of our democracy, but its overly broad framework would empower the police to routinely curb freedom of expression and assembly as exercised through peaceful protest.

We urge Peers to reject this amendment.

Effect: Rejecting this amendment maintains existing protections of free expression and assembly by preventing the police from using so-called "cumulative disruption" as a reason to pre-emptively restrict peaceful protests. This would prevent a system where the police impose a free speech allowance on different areas, and would prohibit protests once this allowance has been used up.

Briefing:

Currently, the police have a duty to restrict protests if they are expected to cause a 'serious disruption to the life of the community'. Amendment 372 would significantly expand the definition of 'serious disruption' to include so-called 'cumulative disruption' caused by repeated protests in an area. This would allow the police to pre-emptively prohibit peaceful demonstrations if they believe an area has already been the site of too many protests, even if these are organised by different groups and advocate for different issues. Big Brother Watch is deeply concerned that this would create a **first-come-first-served version of free speech**, where areas are given what could be described as a 'protest allowance' and the police would be within their rights to prohibit peaceful assemblies once that allowance has been used up. The amendment opens up the concerning opportunity for citizens to censor each other by strategically 'using up' an area's protest allowance, before an ideologically opposing group has had a chance to protest there themselves.

The freedoms of expression and assembly form the bedrock of any liberal democracy. For centuries, Britons have taken to the street to peacefully advocate for social and political change, and today the freedoms of expression and assembly are protected by Articles 10 and 11 of the Human Rights Act 1998 (HRA). Peacefully causing cumulative disruption is what has made movements like the Suffragettes or anti-apartheid protests effective. Restricting protests simply because they disrupt daily life undermines the very mechanism that gives this form of free expression its power, and particularly denies marginalised communities a vital means to be heard by those who would otherwise ignore them. **It is therefore deeply alarming that Amendment 372 sees the Government re-characterize protest as an inconvenient and easily revocable privilege, rather than an expression of fundamental rights in a free democracy. Not only does this amendment contradict core democratic values, but by failing to clearly define when exactly disruption becomes 'cumulative', amendment 372 creates a dangerously elastic framing that could be easily and arbitrarily abused by the state to repress politically undesirable voices.**

Minister of State at the Home Office Lord Hanson of Flint laid this amendment after an extended period of protests, the most significant of which, in terms of scale and regularity, were marches on the topic of Palestine and the war in Gaza. Regular Saturday marches for Palestinian rights, as well as marches against the Government's decision to proscribe Palestine Action, have been held across the UK consistently, putting significant pressure on the government as well as police resources.¹ Following the murder of two Jewish worshippers in a terrorist attack on a synagogue in Manchester on 2 October, Prime Minister Keir Starmer called for planned pro-Palestine protests to be cancelled or postponed out of sensitivity towards the Jewish community.² Shortly afterwards, Home Secretary Shabana Mahmood announced new legislation allowing the police to consider the cumulative disruption caused by repeat demonstrations,

1 Mitchell, A., Cobham, T., 'Enough is enough; says chief of police federation as 'exhausted' officers arrest 492 at Palestine Action protest.' *The Independent*, 4 October 2025: <https://www.independent.co.uk/news/uk/home-news/palestine-protests-london-police-manchester-attack-b2839355.html>;

Home Affairs Committee, 'Protests causing unsustainable pressure on policing resources Home Affairs Committee warns'. *UK Parliament*, 27 February 2024: <https://committees.parliament.uk/work/8065/policing-of-protests/news/200100/protests-causing-unsustainable-pressure-on-policing-resources-home-affairs-committee-warns/>

2 Starmer, K., 'Respect the grief of British Jews this weekend', *Jewish News*, 3 October 2025: <https://www.jewishnews.co.uk/starmer-calls-for-pro-palestine-protestors-to-respect-the-grief-of-british-jews-this-weekend/>

citing concerns that 'repeated protests can leave sections of our country, particularly religious communities, feeling unsafe'.³

But this is not the first time a government tried to let the police prohibit protests based on cumulative disruption. In February 2023, the House of Lords rejected a Conservative Government amendment to the Public Order Act 2023 that would have allowed police to prohibit protests due to concerns about cumulative disruption. In May 2023, Home Secretary Suella Braverman introduced regulations on 'cumulative disruption' via statutory instrument, which the High Court ruled unlawful a year later. Amendment 372 is unfortunately the latest chapter of a familiar book.

Big Brother Watch is deeply concerned that core elements of the amendment remain open to interpretation, and consequently susceptible to abuse by a future Government.

This amendment would allow the police to reroute protests to a different 'area', but what constitutes an 'area' is left undefined. Whether this refers to moving protestors to another part of a square, or another part of town, or even to remote rural areas is unclear. This leaves open the possibility of the police to relocate protests to areas where a demonstration would have minimal impact. This might include re-routing marches to neighbourhoods where protestors would only be 'preaching to the choir', or relocating sit-ins to remote or otherwise difficult to access locations that would result in decreased attendance and visibility. When organising a protest, the chosen location, particularly one with historical or political significance, forms a central part of the protestors' message. By allowing demonstrations for politically favourable causes to take place at notable sites like Trafalgar Square, and pushing undesirable protests to less prestigious locations, a future Government could abuse amendment 372 to significantly curb peaceful expressions of political dissent.

Similarly, amendment 372 does not specify within which 'timeframe' disruption would have to be repeated to be considered 'cumulative'. Research shows that police forces across the UK apply legal provisions governing freedom of expression inconsistently.⁴ While the police may allow protests in some 'areas'

³ Home Office, 'New police powers to protect communities from disruption caused by protests', *Gov.uk*, 5 October 2025: <https://www.gov.uk/government/news/new-police-powers-to-protect-communities-from-disruption-caused-by-protests>

⁴ Roy, C. 'Britain's police state unmasked: Map reveals shocking numbers clapped in handcuffs over 'offensive' social media posts', *Daily Mail*, 15 November 2025: <https://www.dailymail.co.uk/news/article-15288091/Britains-police-state-unmasked-Map-reveals-shocking-numbers-clapped-handcuffs-offensive-social-media-posts.html>

to take place every day, protests in other 'areas' may only be permitted once per month.

Big Brother Watch is very concerned that the amendment's unclear parameters could easily be abused and create a serious chilling effect on free speech. When it is unclear whether, or under what conditions, demonstrations are permitted, it may be easier not to organise them at all. The right to protest is protected by the HRA, but amendment 372 would inconsistently limit it by binding it to a time and place.

Big Brother Watch recognises that protests can be upsetting to some communities, and may even be experienced as intimidating. But giving the police sweeping powers to restrict peaceful demonstrations is not a solution to addressing illegal hate speech or hate crime, and will not make communities safer. Freedom of speech is not an unlimited right, and the police already have extensive legislation under which they can arrest and charge those who commit hate speech, incite violence, or make serious threats. But amendment 372 opens the door for the state to pre-emptively silence thousands of people at a time based on an arbitrary and potentially elastic framework of 'cumulative disruption'. This is disproportionate, dangerous, and profoundly undemocratic.

We urge the members of the House of Lords to reject amendment 372.