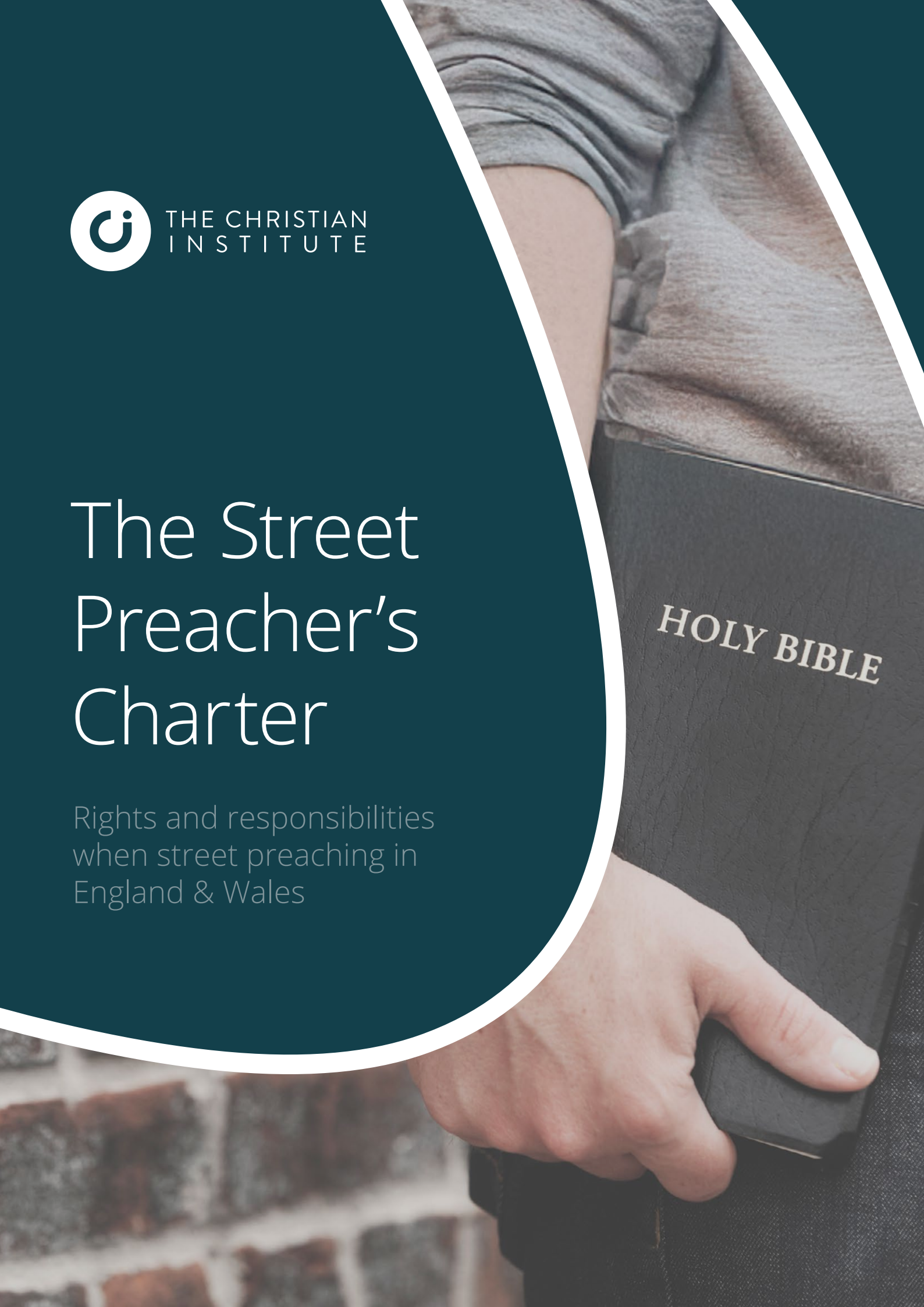
THE CHRISTIAN INSTITUTE

The Street Preacher's Charter

Rights and responsibilities when street preaching in England & Wales



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IMPORTANT

All references to the law are correct at the time of publication. Nothing in this document constitutes legal advice, but rather general guidelines. Specific advice from a lawyer should always be sought in relation to individual circumstances.

Foreword

In this country, there is a long and distinguished tradition of open-air preaching. Figures such as John Bunyan (author of Pilgrim's Progress), John Wesley (the founder of Methodism), and William Booth (the founder of the Salvation Army), have their place in English social and cultural history.

The emergence of free speech in our society was partly forged amid the legal persecution of Christian open-air preachers. Today, both our common law and modern human rights instruments uphold those hard-fought freedoms, and they are routinely used and enjoyed by those of all faiths and none.

If conducted responsibly, street preaching can enhance the vibrancy of our public squares and serve to remind us that we are a society where free speech is valued and different opinions and beliefs are tolerated. But if conducted badly, street preaching can repel the hearer and test toleration to its limits. It may also make life more difficult for sensible preachers and for the authorities as they seek to keep order on our streets and protect the rights and freedoms of all our citizens.

Mindful of this, The Christian Institute has produced this helpful guide for street preachers. It is written in the form of a Charter, a document which enshrines duties and responsibilities alongside reciprocal rights and privileges. It also provides an overview of relevant laws. The purpose is to encourage good practice whilst discouraging behaviour which might give street preaching a bad name.

I am delighted to have been asked to endorse this helpful publication.

Lord Macdonald of River Glaven KC
Former Director of Public Prosecutions

HOLY BIBLE

1 Introduction

In a 1999 ruling Lord Justice Sedley said that freedom of expression includes:

> *not only the inoffensive but the irritating, the contentious, the eccentric, the heretical, the unwelcome and the provocative provided it does not tend to provoke violence.* ***Freedom only to speak inoffensively is not worth having.****[1]

The law in England and Wales enshrines long-standing freedoms to preach the Gospel in public. But rights also carry responsibilities to the wider community. This guide seeks to set out the key principles, backed up by extracts from the law and scenarios, many based on true cases, illustrating how the law operates.

KEY

AN EXTRACT FROM THE LAW

✓ An action or behaviour in keeping with this charter

✗ An action or behaviour not in keeping with this charter

We have sought to avoid scenarios where the interpretation of the law is too dependent on specific circumstances. Individual circumstances are different and should always be evaluated on their own merits. If you are a street preacher needing help on a situation you have encountered, the circumstances may vary slightly from the scenarios listed and therefore require a different response. The Christian Institute is here to help you assess your individual situation. Please contact us for guidance.

*emphasis added

2 What can I say?

The right to preach on the street has been enshrined in English law for centuries. This is reflected in modern legislation such as the Human Rights Act 1998.

THE LAW ALLOWS YOU TO FREELY PREACH THE GOSPEL

Article 9 of the European Convention on Human Rights (ECHR) protects freedom of thought, conscience and religion. Article 10 protects the right to hold opinions and to express them freely without government interference. This includes the right to express views aloud in a public place. These freedoms have been incorporated into the Human Rights Act 1998, making it unlawful for officials to act in a way that is incompatible with Article 9 and 10 rights.

What the law says:

Article 9(1)

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

Article 10(1)

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers...

ARE THERE ANY RESTRICTIONS TO MY FREEDOM OF RELIGIOUS SPEECH?

Yes. You have the right to freedom of speech, but you also have a duty to behave responsibly and to respect other people's rights. However, police should not restrict the freedom of speech of street preachers unless it is necessary and proportionate in order to:

- Protect public safety
- Prevent disorder or crime
- Protect the rights and freedoms of other people

What the law says:

Article 9(2)

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 10(2)

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others...

The requirement that a restriction must be prescribed by law means that police or other authorities must apply other laws in order to restrict these rights. This might be public order or anti-social behaviour law, or because the activities of a street evangelist in a particular location obstruct the highway. They must also do so in a proportionate manner and be mindful that Section 3 of the Human Rights Act 1998 requires that "So far as it is possible to do so" all other laws "must be read and given effect in a way which is compatible with the Convention rights".

3 Where can I preach?

You should always follow four principles:

1. RESPECT PRIVATE PROPERTY

Be aware of other people's private property rights. For example, you must not engage in gospel outreach in privately-owned shopping centres unless you have permission to operate there. Trespass is actionable under law.

2. RESPECT BUSINESSES

Don't set up too near the doorways of shops or other businesses, as this could interfere with their trade.

3. DON'T CAUSE AN OBSTRUCTION

It is an offence under Section 137 of the Highways Act 1980 for a person, without lawful authority or excuse, to wilfully obstruct a highway.[2] An obstruction is "something which permanently or temporarily removes the whole or part of the highway from public use altogether".[3] If you use a display board, it is best placed next to an existing obstruction such as a lamppost.[4]

4. RESPECT THE RIGHT OF COUNCILS TO IMPOSE LAWFUL RESTRICTIONS

Section 6 of this booklet includes details of restrictions which councils sometimes impose, for example where the volume of activity could lead to congestion or otherwise adversely impact the local area. But councils should not use laws specifically intended to regulate street trading to restrict street preaching.[5]

Details of specific local byelaws or restrictions may be found on the relevant council website. If in doubt, contact the council.

4 Public order laws

Section 5 of the Public Order Act 1986

A person is guilty of a criminal offence under Section 5 of the Public Order Act if he uses *threatening or abusive words or behaviour* within the hearing or sight of a person likely to be harassed, alarmed or distressed.

Importantly, this does not mean that a police officer needs proof that someone was harassed, alarmed or distressed. It may be sufficient that there were persons present who a police officer considers are likely to have been harassed, alarmed or distressed. A police officer may be 'alarmed on behalf of the public' even if he has not received any complaint from the public.[6]

> What the law says: Public Order Act 1986 Section 5
>
> 1. *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.*
>
> 2. ...
>
> 3. *It is a defence for the accused to prove - ... c) that his conduct was reasonable.*

In order to breach Section 5, a person needs to act in either a threatening or abusive manner. He also needs to intend his words or behaviour to be threatening or abusive or is aware that it may be threatening or abusive.[7] But threatening or abusive conduct should never characterise genuine Christian preaching or evangelism.

Section 4A of the Public Order Act 1986

A person is guilty of an offence under Section 4A if he uses threatening, abusive or ***insulting*** words or behaviour with ***intent*** to cause harassment, alarm or distress **and** if harassment, alarm or distress is caused.

Section 4A differs from Section 5 in that:

- The use of ***'insulting'*** words may lead to the offence being committed
- There has to be an ***'intent'*** to harass, alarm or distress
- There must be ***'evidence'*** that harassment, alarm or distress has occurred. It cannot just be 'likely' to occur.

According to police guidance, Section 4A is designed to deal with *"more serious, planned and malicious incidents of insulting behaviour"*.[8]

HOLY
BIBLE

You are more likely to be accused of a Section 4A offence in relation to a comment directed to a particular individual. For example, publicly singling out someone in a crowd.

What the law says: Public Order Act 1986 Section 4A

1. *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.

2. ....

3. *It is a defence for the accused to prove- ... b) that his conduct was reasonable.*

Penalties

The more serious nature of Section 4A is reflected in the fact that a breach can carry a prison sentence of up to six months. Breach of Section 5 can only incur a fine.

Offences under both Section 4A and 5 can attract higher penalties if they are deemed to be aggravated by religious hostility, or hostility related to sexual orientation or transgender identity.[9]

Harassment

- A pastor is preaching the Gospel message in a town centre. He comments that God calls all people to repent of sin and believe in Jesus Christ to be saved. Someone in the crowd complains to a police officer that they feel offended. The officer who has been listening takes no action.
- The preacher has conducted himself in a reasonable manner. He has expressed what his faith teaches. There is nothing threatening, abusive or insulting in what he has said. Although a person claims to be offended by the message, there is no right merely not to be offended.

Targeting people in the crowd

A street preacher spots two men in a crowd that are listening to him. They are obviously in a same-sex relationship. With no provocation, he breaks off his message to directly and publicly tell them that their homosexuality is an abomination before God and that they will incur the wrath of God in hell. A lengthy and very public discussion ensues in which both sides become heated. The men are alarmed and call the police who investigate what has happened.

The police may have reasonable grounds for suspecting that an offence has been committed under section 4A of the Public Order Act. The men were alarmed because of the very public and unexpected way in which they were singled out, and the police may infer from the conduct of the preacher that he intended to alarm them.

Section 29B of the Public Order Act – 'stirring up hatred'

It is an offence under Section 29B of the Public Order Act to incite hatred on the grounds of religion or sexual orientation.

What the law says: Public Order Act 1986 Section 29B

1. *A person who uses threatening words or behaviour, or displays any written material which is threatening, is guilty of an offence if he intends thereby to stir up religious hatred, or hatred on the grounds of sexual orientation.*

But these offences have a high threshold. Christians of all people should not use threatening words or engage in threatening behaviour. Nor can it ever be compatible with the teachings of the Bible to stir up hatred against any person or group.

Section 29J makes clear that criticising particular religions or beliefs is lawful, as is urging people to change their religious beliefs.

What the law says: Public Order Act 1986 Section 29J

Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.

HONI SOIT QUI MAL Y PENSE
DIEU ET MON DROIT
The Royal Courts of Justice

Section 29JA protects the right to criticise sexual practices and same-sex marriage.

What the law says: Public Order Act 1986 Section 29JA

1. *In this Part, for the avoidance of doubt, the discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be threatening or intended to stir up hatred.*
2. *In this Part, for the avoidance of doubt, any discussion or criticism of marriage which concerns the sex of the parties to marriage shall not be taken of itself to be threatening or intended to stir up hatred.*

Giving a view on same-sex marriage

✓ A man interrupts a street preacher to ask what he thinks of gay marriage. The street preacher calmly replies that the Bible teaches that marriage can only be between a man and a woman because it is a picture of Christ's love for his Church, and that rejecting what God says to be true is a sin.

✗ The preacher is arrested on suspicion of stirring up hatred on grounds of sexual orientation after a passer-by reports him to the police. This is very unlikely to be a lawful arrest. The police had no grounds for suspecting that the preacher had used threatening words or that he intended to stir up hatred on grounds of sexual orientation. Section 29JA of the Public Order Act 1986 is clear that mere criticism of same-sex marriage is lawful.

Giving a view on other religions

✓ A street preacher quotes Acts 4v12 stating that the only way to be saved is through Jesus Christ. He is the way, the truth and the life and all other 'ways' come from the teaching of false prophets. A man in the crowd accuses the preacher of denigrating Muhammad. A frank discussion ensues in which both men criticise each other's religions.

✓ The police investigate after a member of the public reports the preacher for stirring up hatred. However, after ascertaining what had been said, the police do not pursue the matter. The preacher did nothing contrary to the law. He was not threatening. Section 29J of the Public Order Act is clear that discussion or criticism of particular religions is lawful.

Preaching near abortion centres

Section 9 of the Public Order Act 2023 makes it an offence within the vicinity of an abortion centre ("a safe access zone") to engage in activity to influence a person's decision to access abortion services, or otherwise cause harassment in connection with that decision. A 'safe access zone' is the public space within 150 metres of an abortion centre or any access point to any building or site that contains an abortion service, such as an NHS hospital.

What the law says: Public Order Act 2023 Section 9(1)

It is an offence for a person who is within a safe access zone to do an act with the intent of, or reckless as to whether it has the effect of—

a) influencing any person's decision to access, provide or facilitate the provision of abortion services at an abortion clinic,

b) obstructing or impeding any person accessing, providing, or facilitating the provision of abortion services at an abortion clinic, or

c) causing harassment, alarm or distress to any person in connection with a decision to access, provide, or facilitate the provision of abortion services at an abortion clinic,

where the person mentioned in paragraph (a), (b) or (c) is within the safe access zone for the abortion clinic.

Genuine gospel preaching should not in and of itself fall foul of this law. For example, someone who normally preaches in a market square where gospel preaching has historically been done, should not be accused of breaking Section 9 merely by continuing to preach the Gospel there. However, using preaching as a cover to do that which is prohibited under Section 9 might well lead to an allegation of breaking the law. Ultimately, it will depend on the particular facts and circumstances.

Breach of the Peace

The police may arrest for breach of the peace where a person causes, or appears likely to cause, harm. However, breach of the peace is not a criminal offence and so cannot itself lead to conviction. An arrest for breach of the peace is a means for police to intervene to calm an escalating situation where there is fear of some harm or violence being done. A police officer may take reasonable action, including arrest, to stop a breach of the peace occurring. However, any police action closing down free speech must be necessary and proportionate to meet a pressing social need, such as to prevent disorder, otherwise it might breach Article 10 of the ECHR.

Under English law, a heckler has no right to close down free speech. In one street preacher case in which the High Court ruled that the arrest for breach of the peace was unlawful, Lord Justice Sedley ruled that the question for the police officer was:

> ***whether there was a threat of violence and if so, from whom it was coming. If there was no real threat, no question of intervention for breach of the peace arose. If the appellant and her companions were…being so provocative that someone in the crowd, without behaving wholly unreasonably, might be moved to violence he was entitled to ask them to stop and to arrest them if they would not. If the threat of disorder or violence was coming from passers-by who were taking the opportunity to react so as to cause trouble…then it was they and not the preachers who should be asked to desist and arrested if they would not.***[10]

5 When can a police officer arrest a street preacher?

Apart from arrest for breach of the peace, police may not arrest a street preacher unless they:

- have reasonable grounds for suspecting the person of committing an offence **and**
- they also have reasonable grounds to believe that it is necessary to arrest that person to:
    - Ascertain the name or address of the person in question;
    - Allow a prompt and effective investigation;
    - Prevent hindering any prosecution due to the person disappearing; or
    - Prevent the person causing an unlawful obstruction of the highway.[11]

A wrongful arrest

A street pastor reads from 1 Corinthians 6 which, amongst other things, states that the sexually immoral, adulterers and those who practise homosexuality will not inherit the kingdom of heaven. He also reads from Revelation 21 which refers to the lake of fire.

A bystander informs the police that the preacher said "all gays will burn in hell and no man shall sleep with a man or a woman with a woman". When the officer arrives, the preacher is clearly willing to talk to him. But the officer proceeds immediately to arrest the preacher for breaching Section 5 of the Public Order Act. It is unlikely that the officer has reasonable grounds for suspecting an offence had been committed (even on the basis of the complainant's inaccurate account). The preacher was not threatening or abusive. But even if the officer had reasonable grounds, there was no need to make an arrest in order to investigate the complaint.

Failure to cooperate with the police

A street preacher is reported to the police for acting in an abusive manner. A police officer attends the scene and asks to speak to the preacher to clarify what he has said. The preacher refuses to speak to the officer, saying that he's done nothing wrong. Eventually, the officer asks him for his name and address. The preacher refuses to provide it.

The preacher is arrested so the police can investigate the allegations. Whilst the complainant's report may have been inaccurate, the officer needed to investigate the allegation. The preacher's refusal to cooperate meant that the officer may have had little choice but to make an arrest in order to investigate. In a situation like this, prompt cooperation with the police is advisable.

If you are arrested and are unsure of why, or what information the police hold about you, you can make a 'Subject Access Request' (SAR). Guidance on how to go about making one of these is given by the ICO (Information Commissioner's Office).[12]

POLICE

6 Anti-social behaviour laws

The Anti-social Behaviour, Crime and Policing Act 2014 contains powers which all street preachers should be aware of.

Dispersal Notices

Section 35 of the Act allows a police officer to direct a person to leave an area in certain circumstances. The officer must usually give the direction in writing, and he must believe the recipient of the notice has contributed or is likely to contribute to:

- members of the public being harassed, alarmed or distressed; or
- the occurrence in the locality of crime or disorder;

and that the notice is necessary for the purpose of removing or reducing the likelihood of that event.

Failing without reasonable excuse to comply with such a direction is a criminal offence.

But these powers can only be used in a *specified* area for a limited time and must be authorised by a police officer of at least the rank of inspector. The 2014 Act also states that particular regard must be given to the fundamental freedom of assembly and expression.

> What the law says: Anti-social Behaviour, Crime and Policing Act 2014 Section 34
>
> 3. *In deciding whether to give such an authorisation an officer must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.*

Any authorisation of a dispersal notice must therefore be proportionate to the genuine aim of preventing public disorder or for upholding the rights and freedoms of others, if it is to be compatible with Article 10 and 11 rights.

Section 35 of the 2014 Act states that if an authorisation is in force under Section 34, a constable may direct a person to leave the locality and not return for a specified period (not exceeding 48 hours). This is provided the conditions in Section 35(2) and (3) are met:

> What the law says: Anti-social Behaviour, Crime and Policing Act 2014 Section 35
>
> 2. *The first condition is that the constable has reasonable grounds to suspect that the behaviour of the person in the locality has contributed or is likely to contribute to –*
> *a) members of the public in the locality being harassed, alarmed or distressed, or*
> *b) the occurrence in the locality of crime or disorder.*
>
> 3. *The second condition is that the constable considers that giving a direction to the person is necessary for the purpose of removing or reducing the likelihood of the events mentioned in subsection (2)(a) or (b).*

POLICE

It would be an unlawful use of dispersal powers if officers have no reasonable grounds to suspect the conduct of a preacher has contributed, or is likely to contribute, to members of the public being "harassed, alarmed or distressed" or to the "occurrence in the locality of crime or disorder". An element of crowd interaction, including heckling, is usual in public preaching. Case law is clear that English law does not recognise any 'heckler's veto'.[13] The police should not react merely because people object to the message. The public do not have to remain to listen. Police need to properly investigate the particular circumstances before issuing a dispersal notice.

Preaching outside a cathedral

✗ A street preacher engages in gospel preaching with a loud speaker outside the local Roman Catholic cathedral as parishioners attend mass on a Sunday morning. He preaches how the Lord Jesus died once for all and that the mass is an abomination. The cathedral authorities complain to the police that the preacher can be heard inside the building. The preacher refuses to move following a police officer's request.

✓ The police officer issues a duly authorised dispersal notice in writing with respect to the area near the cathedral and lasting for the duration of the morning. Although what the preacher said is lawful in itself, the timing and volume of the preaching and its proximity to the cathedral means that the police officer is likely to have reasonable grounds to suspect that Roman Catholics attending the service will be alarmed by the preacher and be deterred from entering.

Unlawful dispersal notice

A group of Christians take turns preaching on a street corner.

✗ A police officer informs the preachers that there is a dispersal notice in place and that they must leave the area otherwise they will be arrested. The preachers ask whether the dispersal notice has been authorised by an inspector and note that it is supposed to be issued in writing. It is only at this point that the officer writes a dispersal notice. He cites the reason as "causing annoyance towards members of the public due to complaints".

✓ The preachers withdraw from the area and take advice, which results in them raising a complaint. The police apologise as 'annoying' behaviour does not meet the lawful test for the issue of a dispersal notice. Behaviour "likely to contribute to members of the public being harassed, alarmed or distressed" is required. Furthermore, it appears the notice may not have been authorised.

Public Spaces Protection Orders

Section 59 of the 2014 Act empowered local authorities to make Public Spaces Protection Orders (PSPOs). These are a form of byelaw that attach to particular public areas. PSPOs can prohibit certain activities in a restricted area if:

- Those activities have had, or will have, a detrimental effect on the quality of life of those in the locality; and
- The effect, or likely effect, of those activities is, or is likely to be, of a persistent or continuing nature and such as to make the activities unreasonable.

Street evangelists should take reasonable steps to familiarise themselves with any PSPO which may be in force where they want to operate. This can normally be done by checking the local council website, as councils are required to publicise any PSPO.[14] **Breaching a PSPO "without reasonable excuse" is a criminal offence**, although a Fixed Penalty Notice may be offered instead of a prosecution.

These orders have occasionally been cited in an attempt to stop responsible street evangelism, although we are not aware of any instance where this has actually been successful.

Unlawful use of a PSPO

Church members give out free copies of John's Gospel plus a gospel leaflet near their local town hall prior to Christmas.

Council officials issue the group with Fixed Penalty Notices for breaching a PSPO by "distributing books in a public place without permission". Members have 14 days to pay a £100 fine or face court proceedings. However, the PSPO simply prohibits street entertainment "which causes a nuisance", various anti-social behaviours such as begging, and the distribution of advertising material within the restricted area. The Fixed Penalty Notices are not lawful and breach Section 6 of the Human Rights Act 1998 which states: *"It is unlawful for a public authority to act in a way which is incompatible with a Convention right."*

After correspondence from a solicitor, the council cancels the Fixed Penalty Notices. Giving out free Bibles and gospel leaflets does not constitute advertising or otherwise breach the PSPO.

Community Protection Notice

Under Section 43 of the 2014 Act a person can receive a Community Protection Notice (CPN). The police or a local authority can issue a notice to a person or a body "if satisfied on reasonable grounds" that:

- The conduct of the person or body "is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality", and
- The conduct is unreasonable.

Such a notice can require the person to stop or do certain things. But a notice can only be issued if the person or body in question has first been given a warning. Failure without reasonable excuse to comply with a CPN is a criminal offence, although a Fixed Penalty Notice may be offered instead of a prosecution.

Anti-social behaviour

The 2014 Act includes the power to issue a court order, on application by the police or a local authority, against a specific person banning them from certain conduct or activities if the court is satisfied "on the balance of probabilities" that the person "has engaged or threatens to engage in anti-social behaviour". To our knowledge, there are no reported cases of Christian street evangelists being issued with such an order.[15]

Other byelaws

Some locations are subject to byelaws made under other legislation.[16] They are more common in recreational areas such as parks and beaches, but even then, it is rare to see restrictions on gospel work.

Permission may be required to conduct 'organised' evangelism such as beach or park missions where larger numbers of participants are included. This is *not* asking permission to *preach* but to *operate*.

7 Other considerations

Distribution of literature

The Environmental Protection Act 1990 gives powers to local authorities to ban the distribution without permission of free printed matter in designated public areas.[17] However, that legislation has a clear exception for *free* religious literature.

> What the law says: Environmental Protection Act 1990 Schedule 3A Paragraph 1
>
> 4. *Nothing in this paragraph applies to the distribution of printed matter … (b) where the distribution is for political purposes or for the purposes of a religion or belief.*

This exception ensures that the legislation is compatible with the right to freedom of religious expression under Articles 9 and 10. Nevertheless, rights come with responsibilities. If you distribute gospel leaflets, be alert to the risk of litter caused by the public taking your leaflets and discarding them, and be quick to pick up discarded items.

Restrictions may be imposed on privately owned land such as some shopping centres.

Handing out leaflets at a 'Pride' parade

✓ A group of Christians hand out gospel leaflets at a Pride parade in a town centre. They are courteous and engage with some of the marchers.

✗ A council official tries to move them on, claiming that they are not allowed to give out leaflets as they are in a designated area. However, free religious leaflets may be handed out on public land. The official has got the law wrong.

Amplification

Sometimes the proportionate use of amplification can help enhance a preacher's natural voice, particularly in a noisy setting. But if too loud, amplification can deter passers-by from stopping and prevent drawing in a crowd. It can distort the sound and appear aggressive. Always consider volume levels and respect the surrounding area. Check for PSPOs or other byelaws that may restrict the use of amplification.

Recording

Consider discreetly recording your preaching e.g. on your phone. This can help verify what you have said in the event of an allegation. But be mindful that the use of bodycams and cameras may raise concerns about privacy. Guidance on the use of bodycams and when a licence is needed can be found on the Government website.[18]

Insurance and risk assessment

Prior to preaching, assess safety risks. Be aware of potential hazards e.g. stands that might topple in the wind causing harm to the public. Public liability insurance to cover your activities is strongly advised.

For this reason, it is advantageous to conduct street evangelism in partnership with a church or charity, which are likely to have insurance. Check that your activities are covered under the policy.

HOLY BIBLE

8 Your responsibilities

PREPARATION

- Make yourself accountable. Seek the support and prayers of local churches.
- Consider using a recording device to keep a record of what you preach.
- Pursue regular engagement with a community with whom you have a connection, and seek to build up mutual familiarity and respect.
- Develop good relations with the police, council and shop-keepers.

LOCATION

- Check for byelaws, such as Public Spaces Protection Orders, which might impose restrictions on what can be done in a particular area.
- Check if you are in a 'safe access zone' and consider any implications.
- Keep away from privately owned property, residential areas and from shop frontages.
- Avoid using displays in densely pedestrianised areas.

CONTENT

- If referring to contentious issues such as gender, sexual orientation and sexual ethics, do so with care and in the appropriate context.
- Commend the exclusive claims of Jesus rather than focusing on preaching against other faiths.
- Remember that the freedom to say or do something does not mean that we always should.

STYLE

- Adopt proportionate volume to draw in a crowd. Shouting can make a speaker sound angry.
- Avoid a confrontational or argumentative style. Never single someone out of the crowd to preach at.
- Be friendly and cooperative.
- Respect rightful authority. The Apostle Paul showed respect to those with whom he disagreed.

9 Get in touch if you need help

We are a nondenominational Christian charity that has helped hundreds of Christians with advice on open-air evangelism and the law.

PRAVEEN KUMAR
"When our local council wrongly invoked a Public Spaces Protection Order to fine several of our church members for handing out free copies of John's Gospel, The Christian Institute got involved. Their support and legal assistance were instrumental in causing the council to revoke the penalty notices. Our evangelistic work has since been able to continue."

ANGUS CAMERON was preaching in a city centre when he was falsely accused of using 'homophobic language'. With our help, Angus brought a successful claim for unlawful arrest and a 'non-crime hate incident' record was deleted.

OPEN-AIR MISSION
"We are grateful to the Christian Institute for their helpful advice in defending biblical and winsome evangelism when our workers have been unfairly challenged by police or local authorities. This has happened several times and the Institute has always been willing to help."

DALE MCALPINE has twice been wrongly arrested for street preaching and benefitted from our help.
He says: *"I'm extremely grateful to The Christian Institute for helping me take a stand. I couldn't have done it without them. It's important we have them to defend our religious liberties."*

DR BRIAN ABRAHAM
"I had a query about whether I needed a licence from the local council for my street evangelism project. I needed quick, wise and accurate legal advice. That is what The Christian Institute delivered."

If you believe you have suffered an injustice because of your Christian faith, please get in touch. Please note, we cannot guarantee to fund any particular case.
Telephone: 0191 281 5664 or **email**: LDF@christian.org.uk

References

1. *Redmond-Bate v Director of Public Prosecutions* [1999] EWHC Admin 733, para. 20

2. Under Section 149(2), if there are reasonable grounds to consider a danger is being caused the obstruction can be removed immediately.

3. See *Trevett v Lee* [1955] 1 WLR 113 (CA), cited in *Dymond v Pearce & Ors* [1972] EWCA Civ 7

4. Some local authorities have tried to use Section 115E of the Highways Act 1980 to restrict the use of boards or stands in street preaching. However, Section 115E empowers councils to grant permission to use objects or structures on the highway to generate income, to provide a centre for advice or information, or for the purpose of advertising.

5. For example, a council may regulate street trading under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. However, street preaching would not come within the definition of street trading in paragraph *1(1) "In this Schedule—"street trading" means, subject to sub-paragraph (2) below, the **selling** or exposing or offering **for sale** of **any article** (including a living thing) in a street".*

6. See *DPP v Orum* [1988] 3 All ER 449, [1989] 1 WLR 88.

7. The requirement that there must be an intention for words or behaviour etc to be threatening or abusive or an awareness that they may be in order for Section 5 offence to be committed is set out in Section 6 of the Act.

8. Guidance on the Amendment to Sections 5(1) and 6(4) of the Public Order Act 1986, published by the College of Policing in December 2013, para. 4.3.5

9. See Section 66 Sentencing Act 2020 and Sections 28 to 32 of the Crime and Disorder Act 1998.

10. *Redmond-Bate v Director of Public Prosecutions* [1999] EWHC Admin 733

11. Section 24 of the Police and Criminal Evidence Act 1984.

12. 'Getting copies of your information (SAR),' *Information Commissioner's Office*, 30 March 2025, see https://ico.org.uk/for-the-public/getting-copies-of-your-information-subject-access-request/ as at 9 June 2025

13. *Redmond-Bate v Director of Public Prosecutions* [1999] EWHC Admin 733

14. Section 72 Anti-social Behaviour, Crime and Policing Act 2014 provides that a local authority must publicise any proposed public spaces protection order or variation of it by publishing the text.

15. The court must be satisfied "on the balance of probabilities, that the person has engaged or threatened to engage in anti-social behaviour"; and that it considers it "just and convenient" to grant the injunction to prevent the person from engaging in such behaviour. Unless it relates to a person's behaviour affecting any enjoyment of residential premises, anti-social behaviour is defined as "conduct that has caused, or is likely to cause, harassment, alarm or distress to any person".

16. Note also that Section 70 of the Anti-social Behaviour, Crime and Policing Act 2014 states that "A byelaw that prohibits, by the creation of an offence, an activity regulated by a public spaces protection order … is of no effect in relation to the restricted area during the currency of the order."

17. Environmental Protection Act 1990 Schedule 3A paragraph 1(1) provides that "A person commits an offence if he distributes any free printed matter without the consent of a principal litter authority on any land which is designated by the authority under this Schedule, where the person knows that the land is so designated."

18. 'Check if you need an SIA licence to use a bodycam', *GOV.UK*, 30 March 2025, see https://www.gov.uk/guidance/check-if-you-need-an-sia-licence-to-use-a-bodycam as at 9 June 2025

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