

LAW KNOWLEDGE ORGANISER: HUMAN RIGHTS 1

KEY WORDS AND DEFINITIONS - THE UK, HUMAN RIGHTS AND REFORM

European Convention on Human Rights	Document to guide nations on human rights
Absolute rights	Rights which cannot be breached legally
Limited rights	Can be deviated from but only in a certain way
Qualified rights	Can be removed when necessary and proportionate
European Court of Human Rights	Only court to deal solely with human rights
Human Rights Act 1998	Incorporated human rights into UK law
Section 7	ECHR directly applicable in UK
Section 2	Precedent clause
Section 3	Statutory interpretation clause
Section 4	Declaration of incompatibility
Section 6	Public authorities can be sued for breaches
Section 10	Fast track procedure to change law
Section 19	Statement of compatibility in every new statute
Section 8	Court can grant any remedy appropriate
Repeal of Human Rights Act 1998	Removal of the law
Bill of Rights	Document entrenching human rights into law

KEY WORDS AND DEFINITIONS - ARTICLES OF THE ECHR

Article 5	Right to liberty
Article 6	Right to a fair trial
Article 8	Right to private and family life, home and correspondence
Article 10	Freedom of expression
Article 11	Freedom of assembly and association

ASSESSMENT OBJECTIVES AND SKILLS:

COMPONENT 2: Scenario - follow the specific plan for homicide questions. For all others, take each part of the scenario and define, case/law, apply each part of the definition, case/law and final application.

COMPONENT 3: Essay - fully explain the area of law in the question and then include 3 or 4 points of evaluation.

KEY WORDS AND DEFINITIONS - PUBLIC ORDER

	All sections Public Order Act 1986 unless stated
Section 11	Duties of an organiser for a march
Section 12	Conditions can be put on marches if one of the 4 triggers might result
Section 13	Local Authorities can make a banning order on all marches
Section 16	Defines a meeting/assembly
Section 14	Conditions can be put on meetings if one of the 4 triggers might result
Section 14A-C CJPOA	Local Authorities can make a banning order on all assemblies
Section 61	Police can move trespassers from land where there is damage or threats
Section 63	Police can break up raves of 20 people or more
Section 68	Aggravated trespass
Section 69	Police can direct trespassers to leave
Section 1	Riot - 12 or more people
Section 2	Violent disorder - 3 or more people
Section 3	Affray - Individual uses or threatens violence
Section 4	Threats or behaviour to another person
Section 4A	Intentional harassment, alarm or distress
Section 5	Harassment, alarm or distress
Section 6	Mens rea is required for threats or being abusive
Section 17	Incitement to racial hatred
Sections 18-22	Publication offences
Section 29 RRHA	Religious hatred
Sections 128-138 SOCPA	No freedom to protest within 1km of sensitive sites, including Parliament
Section 137 HA	Wilful obstruction of highway
Section 89 PA	Obstruction of the police

KEY WORDS AND DEFINITIONS - DEFAMATION/ HARASSMENT

Defamation element 1	Statement must be defamatory
Element 2	Statement must refer to claimant
Element 3	Statement must have been published
Element 4	Harm has been caused to the claimant's reputation
6 defences	Truth, honest opinion, public importance, absolute privilege, qualified privilege, offer of amends
Harassment element 1	A course of conduct amounting to harassment
Element 2	Conduct targeted at an individual
Element 3	Knowledge of the harassment
Element 4	Conduct was oppressive and unacceptable
Element 5	Harassment caused the damage

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KEY WORDS AND DEFINITIONS - POLICE POWERS

Section 1	Stop and search
Section 1(6)	Police can seize stolen or prohibited articles
Code A Para 2.2	Reasonable grounds for stop and search is a two stage test
Section 60 CJPOA	Stop and search can be authorised in an area with no reasonable grounds
Section 117	Reasonable force
Section 2	Procedure of stop and search (GOWISELY)
Section 3	Written record
Section 4	Road blocks
Code A	Time to stop and search must be kept to a minimum
Section 8	Search of premises with a warrant
Section 17	Enter premises to make an arrest without a warrant
Section 18	Search of premises after an arrest for an indictable offence
Section 32	Search of premises where the suspect was arrested
Section 19	Evidence can be retained once lawfully seized
Code B	Guidelines for how and when to search premises
Section 24/Section 110 SOCPA	Arrest can be made without a warrant with reasonable grounds
Section 24(5)/Section 110 SOCPA	The reasonable grounds for arrest
Code A	Reasonable suspicion can never be based on personal factors
Code G	Arrest must be justifiable
Section 28	Suspect must be told they are being arrested
Code C	Caution
Section 24A	Police can arrest someone in an indictable offence
Section 32	Police can search an arrested person somewhere other than a police station
Section 30	Suspect must be taken to a police station as soon as possible
Section 36	Custody officer makes decision whether to charge
Section 37	Suspect should be released if no prospect of more evidence being found to charge
Section 38	Custody officer decides whether to grant bail
Section 37/Code C	Custody record must be kept
Section 40	Detention needs to be reviewed after 6 and then every 9 hours
Section 42 CJA	Detention can be up to 36 hours

Section 44	Magistrates can approve up to 96 hours
Section 54	Arrested person can be searched on arrival at police station
Section 25 TA	Terrorism offences suspects can be detained for 14 days currently
Section 55	Intimate searches
Section 65	Search of the mouth is a non-intimate search
Section 62	Intimate searches
Section 63	Non-intimate searches
Section 64	DNA can be extracted
Section 65	Intimate samples can be used to identify a person
Section 61 and 27	Fingerprints can be taken
Section 60	Police interviews must be recorded and kept
Section 56	Suspects can inform someone of their arrest but can be delayed for 36 hours
Section 58	Suspects can inform a solicitor of their arrest but can be delayed for 36 hours
Section 57	Vulnerable suspects must have an appropriate adult with them
Code C	Suspect must be cautioned on arrest and before each interview
Section 76(2)(a)	Confession evidence will be excluded if obtained by oppression
Section 76(8)	Definition of oppression
Section 76(2)(b)	Confession evidence will be excluded if unreliable
Section 78	Any evidence can be excluded if unfair
Section 77	Jury is warned where a confession is made by a mentally ill or disabled person

KEY WORDS AND DEFINITIONS - POLICE COMPLAINTS

Independent Office for Police Complaints	The group in charge of overseeing police complaints
Professional Standards Department	The department of each police force which deals with initial police complaints

KEY WORDS AND DEFINITIONS - CONTEMPT OF COURT

Section 1 CCA	Definition of contempt
Section 2(3)	Criminal cases are active when the first steps have been taken to launch a conviction and civil cases are active when the case is listed for trial
Section 2(2)	Substantial risk of serious prejudice to the case
Section 5	Public interest defence

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KEY WORDS AND DEFINITIONS - OBSCENITY Obscene Publications Act 1959

Section 2(1)	Offence to publish an obscene article for gain or to have one for gain
Section 1(1)	Definition of obscenity
Section 1(2)	Definition of article
Section 1(3)	Definition of publication
Section 2(5)	A defence is to show no reasonable cause to think article was obscene
Section 1(3)(a) 1964	Same defence but for having an obscene article for gain
Section 4(1)	Public good defence
Section 4(1)(a)	Public good defence for other works such as drama
Section 63(1) CJIA	Offence to possess extreme pornography
Section 63(3) CJIA	An image is pornographic if made to sexually arouse
Section 63(5)(a) and 6 CJIA	Extreme pornography explicitly and realistically portrays certain acts and is grossly offensive
Section 65	Three general defences available to the defendant
Section 66	Those who create extreme pornography have a defence

KEY WORDS AND DEFINITIONS - OFFICIAL SECRETS Official Secrets Acts

Section 1 1911	Espionage
Section 2 1911	Complete ban on disclosing or receiving official information by civil servants and Crown servants
Section 1 1989	Members of security services cannot disclose info about the security services
Section 1(3) 1989	Crown servants commit an offence if they disclose info about the security services
Section 1(4) 1989	Damaging means something which would cause damage to the security services
Section 2(4) 1989	Disclosures about defence
Section 2(2) 1989	Definition of a disclosure being damaging
Section 3(2) 1989	Disclosure of international relations
Section 4(2) 1989	Disclosure of info that could lead to a crime
Section 4(3) 1989	Disclosure of info from interception
Section 5 1989	Offence for anyone to disclose information that is protected
Section 6 1989	Disclosure of info from the UK to another state
Section 7 1989	An authorised disclosure gives a defence
Section 8 1989	Possession of a document which, if disclosed, would see them guilty

KEY WORDS AND DEFINITIONS - BREACH OF CONFIDENCE

Breach of confidence	A civil remedy protecting against a disclosure of information which is generally not known
Element 1	Info must have confidence
Element 2	Info given importing obligation of confidence
Element 3	Unauthorised use of that info
Public interest defence	If public need to know outweighs confidentiality, there is a defence to breach the confidence

KEY WORDS AND DEFINITIONS - INTERCEPTION OF COMMUNICATION

	Police Act 1997
Section 93(2)	Bugging can be used for prevention of crime
Section 93(5)	Warrants can be issued in writing or orally
Section 91(1)	An independent commissioner is appointed
Section 96	Independent commissioner must be informed of warrants
Section 97	Some circumstances require approval by independent commissioner
	Regulation of Investigatory Powers Act 2000
Section 1	Offence to unlawfully intercept post or telecommunications
Section 3	Consent can be given for an interception
Section 5	Warrants can be given for an interception
Sections 5-16	Authorisations are covered in these sections
Section 6	Power to issue warrant comes from Home Secretary
Section 5(2)	Warrant only given where Home Sec believes it is necessary for...
Section 5(3)	...certain specified purposes
Section 81(3)	Definition of serious crime
Section 8	Warrant specifies target and addresses
Section 9	Duration is 3 months but can be extended
Section 65	A tribunal to complain about the system
Section 67	Tribunal runs on judicial review principles
Sections 26-48	Covert surveillance
Section 48	Definition of surveillance
Section 26	Identifies three types of surveillance
Sections 28-32	Authorisations are granted using these sections
Sections 28-29	Directed surveillance
Section 32	Intrusive surveillance