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SALT AND LIGHT PAPERS

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A LANDMARK JUDGEMENT

When on 2 October 1997, Alison Redmond-Bate set out for her usual pitch in front of Wakefield Cathedral, she could hardly have imagined that the events to take place in the next few hours would establish for years to come the unambiguous freedom of street preachers across the length and breadth of Great Britain to declare their message.

On this auspicious day, Mrs Redmond-Bate was one of three women preaching from the Cathedral steps, when an unidentified couple complained about them to a uniformed police officer (PC Tennant) on foot patrol.

The officer went to the steps of the Cathedral, where no crowd had gathered, and warned the three women not to stop people. Since they were not doing so, he left. Twenty minutes later he returned to find that a crowd of more than 100 had gathered. Another of the women was now preaching, and some of the crowd were showing hostility towards them. Fearing a breach of the peace, the officer asked the women to stop preaching, and when they refused to do so, arrested them all for breach of the peace.

The appellant was subsequently charged with obstructing a police officer in the execution of his duty. She was convicted, and her appeal to the Crown Court was dismissed. The case was further appealed to the Queen's Bench Division of the High Court, and it was there that Mr Justice Sedley (later Lord Justice Sedley) gave his signal judgement (see below), allowing the appeal and overturning the previous decisions.

On the facts of the case, the Court found that the police officer had no duty to execute and, therefore, that the appellant could not be guilty of obstructing the officer in the execution of that non-existent duty.

The following are the significant extracts from the judgement of Mr Justice Sedley (now Lord Justice Sedley) on 23 July 1999 in the case of Redmond-Bate v DPP:

'Nobody had to stop and listen. If they did so, they were as free to express the view that the preachers should be locked up or silenced as the appellant and her companions were to preach. Free speech 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.

'…our world has seen too many examples of state control of unofficial ideas'

What Speakers' Corner (where the law applies as fully as anywhere else) demonstrates is the tolerance which is both extended by the law to opinion of every kind and expected by the law in the conduct of those who disagree, even strongly, with what they hear. From the condemnation of Socrates to the persecution of modern writers and journalists, our world has seen too many examples of state control of unofficial ideas.

A central purpose of the European Convention on Human Rights has been to set close limits to any such assumed power. We in this country continue to owe a debt to the jury which in 1670 refused to convict the Quakers William Penn and William Mead for preaching ideas which offended against state orthodoxy.

To proceed, as the Crown Court did, from the fact that the three women were preaching about morality, God and the Bible to a reasonable apprehension that violence is going to erupt is both illiberal and illogical. The situation perceived and recounted by PC Tennant did not justify him in apprehending a breach of the peace, much less a breach of the peace for which the three women would be responsible.

The constable was not acting in the execution of his duty when he required the women to stop preaching, and the appellant was therefore not guilty of obstructing him in the execution of his duty when she refused to comply.'

Rod Badams

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