

## DISORDERLY BEHAVIOUR

### Public Order (NI) Order 1987

18. – (1) A person who in any public place uses-  
(a) disorderly behaviour; or  
(b) ...  
shall be guilty of an offence.

#### Maximum Sentence:

*Public Order (NI) Order 1987, Art.18(2)*

*Summary Only: 6 months imprisonment and/or Level 5 fine (£5,000)*

#### Assessment of Offence

*(starting points and ranges based on 1<sup>st</sup> time offender convicted following contest)*

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Shouting and/or causing a disturbance for some minutes.	Fine	Conditional Discharge to Fine
Substantial disturbance caused with violence	Community Order	Community Order to 3 months Custody

#### Examples of Possible Aggravating Factors of Offence

1. Group action
2. Offence committed at school, hospital or other place where vulnerable persons may be present
3. Offence committed on public transport
4. Victim providing public service
5. Time of day
6. Offence motivated by, or demonstrating, hostility to persons on account of their membership of a racial group, religious group, sexual orientation group, disability or presumed disability.\*

#### Examples of Possible Mitigating Factor of Offence

1. Provocation

#### Relevant Cases:

NI Cases:

N/A

English Cases:

R v Stewart [1998] EWCA Crim 751

R v Lamb [2005] EWCA Crim 3000

R v Turnbull [1996] EWCA Crim 258

#### Notes:

1. \*Where a court finds the offence was aggravated by 'hostility' it shall state in open court that the offence was so aggravated (Criminal Justice (No.2)(NI) Order 2004, Article 2)
2. Can be an offence of 'disorder' for the purposes of a 'Regulated Match Banning Order' – Section 44 of the Justice Act (NI) 2011