

## RIOTOUS BEHAVIOUR

### Public Order (NI) Order 1987

18. – (3) A person who in any public place uses riotous behaviour shall be guilty of an offence.

#### Maximum Sentence:

*Public Order (NI) Order 1987, Art.18(4)*

*Summary Only: 12 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>
Verbal disturbance lasting for an extended period of time.	2 months Custody	Community Order to 4 months Custody
Violent disturbance that caused a major disruption to the public or a particular group.	4 months Custody	Community Order to 8 months Custody
Violent disturbance that included the use of petrol bombs, rocks, or other dangerous projectiles and caused a major disruption and safety risk to the public.	6 months Custody	3 - 12 months Custody

#### Examples of Possible Aggravating Factors of Offence

#### Examples of Possible Mitigating Factor of Offence

1. Level of planning and participation by the offender
2. Size of the rioting crowd
3. Role of the offender in starting / inciting the riotous behaviour
4. Length of the incident
5. Offence committed at school, hospital or other place where vulnerable persons may be present
6. Damage to property
7. 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.\*

N/A

#### Relevant Cases:

##### NI Cases:

R v Leiper [2001] NICA 42

R v Shaw and Houston [1989] 8 NIJB 60

R v Blaney & Ors [1989] NI 286

Attorney General's Reference (Nos. 3 and 4 of 1992) [1993] 3 NIJB 110

R v Dean (18 February 1997) (Unreported)

DPP's Ref (Nos. 13, 14 & 15 of 2013)(McKeown & others) [2013] NICA 63

##### English Cases

R v Blackshaw and Others [2011] EWCA Crim 2312

#### 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