

## BREACH OF THE PEACE

### The Public Order (NI) Order 1987

18.- (1) A person who in any public place uses-

- (a) ...
- (b) behaviour whereby a breach of the peace is likely to be occasioned,

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	Community Order	Community Order to 3 months Custody

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
<ol style="list-style-type: none"><li>1. Offence committed at school, hospital or other place where vulnerable persons may be present</li><li>2. Offence committed on a public transport</li><li>3. Group action</li><li>4. Time of day</li><li>5. 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.*</li></ol>	<ol style="list-style-type: none"><li>1. Provocation</li></ol>

#### Relevant Cases:

N/A

#### 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)