

## 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

<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. Level of planning and participation by the offender</li><li>2. Size of the rioting crowd</li><li>3. Role of the offender in starting / inciting the riotous behaviour</li><li>4. Length of the incident</li><li>5. Offence committed at school, hospital or other place where vulnerable persons may be present</li><li>6. Damage to property</li><li>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.*</li></ol>	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 \(18 February 1997\) \(Unreported\)](#)

##### 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)