
Information on the law relating to the distribution of free Christian literature, including two case studies.

Giving out free Christian literature in public places

The law

The Clean Neighbourhoods and Environment Act 2005 (CNEA) gives power to local authorities to control distribution of free literature in places such as town centres. This legislation only applies to England and Wales. The new council powers aim to prevent litter caused by large numbers of handbills handed out by nightclubs and other businesses. Sometimes the Police work with local councils to ensure that the law is enforced.

The CNEA 2005 amends Schedule 3A of the Environmental Protection Act 1990 (EPA). Section 1(1) of Schedule 3A states:

“A person commits an offence if he distributes any free printed matter without the consent of a principal litter authority on any land which is designated by the authority under this Schedule, where the person knows that the land is so designated.”

However, Section 1(4) of Schedule 3A provides a very clear exemption for the distribution of religious or political literature and for charities. It says:

- (4) Nothing in this paragraph applies to the distribution of printed matter-
- a. by or on behalf of a charity within the meaning of the Charities Act 1993, where the printed matter relates to or is intended for the benefit of the charity;

- b. where the distribution is for political purposes or for the purposes of a religion or belief.

The CNEA 2005 cannot be used to impose restrictions on giving out Christian literature in public. Christians can distribute tracts, Bibles and Christian books in their town centres without having to seek permission from the local authority.

Any attempt by a council to limit this activity would appear, in our view, to be an unlawful breach of the right to freedom of speech and freedom of religion, as enshrined in the Human Rights Act 1998.

What to do

If the Police or your local authority attempt to rely on the CNEA 2005 to impose restrictions on handing out Christian literature in the open air on public land, give them a copy of section 1(4). They should be asked for an official apology, in writing. (This helps to ensure it won't happen to other Christians – see Acts 16:37-39.)

They should also be asked to confirm that section 1(4) of Schedule 3 will be brought to the attention of other police officers or council officials so that the mistake will not be repeated.

Case studies

1. Carlisle

In January 2007 an official from Carlisle Council told an evangelist with Open-Air Mission (OAM), that he could not hand out Christian literature in the city centre without their permission. The evangelist had been preaching and handing out tracts in the town centre for three years.

The Council claimed it was exercising powers under the Clean Neighbourhoods and Environment Act 2005.

Open-Air Mission wrote to Carlisle Council enclosing a copy of the religious exemption. They pointed out that religious literature was exempt and asked for confirmation that the evangelist could continue his work.

The Council responded immediately with an unconditional apology. OAM asked for the religious exemptions to be brought to the attention of other council officials.

2. Newcastle

In late 2005 members of at least two churches were stopped by police officers in Newcastle city centre from distributing free literature promoting the Christian faith. In one case the church leader concerned checked with Newcastle City Council Licensing Department. They themselves advised that the police officer was mistaken and was acting outside his powers. The legislation (in force in Newcastle prior to the CNEA) contained an exemption for charity literature which covered the churches.

The Christian Institute wrote to the Police who were very helpful. They immediately accepted that a mistake had been made and emailed all officers responsible for city centre patrols to advise them of the law.



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