

**THE LAW  
IN 60  
SECONDS**  
**A POCKET  
GUIDE TO  
YOUR  
RIGHTS**

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# Introduction

*What would you do if your landlord changed the locks and you could no longer access your home? Would you know the law?*

*Would you know how you legally are able to respond if bailiffs came knocking on your door?*

*If your younger brother called from a police station, could you tell him his rights?*

For many of us the answer to these questions would be ‘no’, forcing us to rely on the goodwill of those exerting their power over us, whether that be the landlord, bailiff or police officer. Not knowing the law might not always be the end of the world – perhaps it just means you lose £10 because you don’t challenge the guy at customer services who says you’re not entitled to a refund. But those small instances add up, building a world where we’re not really in control, where we’re not sure of our rights or our protections. When it comes to

more important interactions such as those involving our jobs, housing or freedom – the consequences can be huge.

Wherever your legal issue lies on the scale of seriousness – this book is here to help.

*The Law in 60 Seconds: A Pocket Guide to Your Rights* is a practical and intuitive guide to your legal rights and entitlements, covering everything from housing and money, to healthcare, travel and shopping, to drugs and alcohol, and protesting. It serves as the ‘lawyer friend’ it would be handy to have on WhatsApp. Treat this book as your trusty companion, contactable at any hour of the day to provide guidance on everyday legal queries.

This book is for anyone and everyone – after all, whenever you leave the house (and even if you don’t), you’re engaging with invisible laws, some that will work in your favour, and others that might not. Sometimes the law protects us, and this book will help you find out how to use it to resolve conflicts, claim your rights and keep yourself safe. Sometimes the law prevents us from doing things, and this book will also help you work out where the boundaries are – and what to do if you end up crossing them.

The genesis of the idea for this book came from a feeling of powerlessness. I was in my early twenties, had not long finished Law School and was soon to start my training to become a barrister (known as pupillage). I was living in London and knife crime was once again dominating the news agenda with stop and search being suggested as the best solution. I felt extremely uneasy at the growing calls for its increased use.

As a Black person, I am around nine times more likely to be stopped and searched by police than a white person. Therefore, I knew any increase in the use of this policing tool (which, particularly when done improperly, can be deeply humiliating and at times traumatising for the recipient) was likely to have a disproportionate effect on me and many of my peers.

Drawing on knowledge I had picked up over the course of my legal education, I decided to record a short video on the topic of stop and search for my friends (and, actually, as a form of revision for myself). While I couldn't stop my friends being stopped and searched, I could make sure they knew their rights if they were. I called the video 'The Law in 60 Seconds' and placed it on YouTube.

The response was overwhelming. People found it useful. They sent it to their friends, siblings and children; they bookmarked the link on their web browsers. Soon the video had amassed its first thousand views. It was featured in mainstream media multiple times. I made videos on other important-to-know legal rights, such as those you have as a tenant, as a consumer, and when at a protest.

It was never the plan to turn *The Law in 60 Seconds* into a book, but the impact that these grainy homemade videos were having on viewers was clear, and, as the number of topics I wanted to cover grew, a book that could offer more in-depth analysis seemed the logical next step. I started *The Law in 60 Seconds* as a 'student' of the law – regularly reading legal updates in preparation for the commencement of my

pupillage. I am now a fully-fledged barrister working daily *within* the law.

As a lawyer typically representing the person/organisation that doesn't hold the balance of power (the tenant as opposed to the landlord, the asylum seeker as opposed to the Home Office, the accused as opposed to the Crown Prosecution Service, etc.), I often find myself wishing I could give my clients something a little more permanent after their appearance in court to help them find their footing in this world. This book contains all of the information I would want to give to a client when saying those fleeting words, 'best of luck moving forward'.

## How to use this book

Phone – check. Keys – check. *The Law in 60 Seconds* – check.

Call it ambitious – but I see no place more appropriate for this book than on your person wherever you go. Maybe you'll have two copies – one for home and one for your bag – a bit like your phone charger. Maybe you'll keep a copy in the glove compartment of your car. This lightweight book enables you to have essential legal information at your fingertips, available at all times.

Pulled over by the police in a traffic stop? You know your rights.

In a taxi and suspect you're being overcharged? This book will give you important pointers.

I would hope for it to be so full of your own personal notes, highlighting, tabs, scuffs and scrapes that you not only are able to speedily access the sections particularly relevant to your own life, but would genuinely be upset if you lost it too.

The book is split into chapters, each covering a different broad topic. Within each one, you'll find information on situations that might occur, important principles to know beforehand and what you can do to tackle any problems that might arise. You will also find sections marked with tick symbols appearing throughout the book. These ticks will provide you with quick nuggets of information; pointing out key hacks, tips, tricks or otherwise useful things I think you ought to know.

I have focused on information that will be most practical for people under 40, who typically may rent (rather than own) their house or flat and who are employed rather than an employer. Nonetheless, much of what is here will be relevant no matter your age or stage in life. In fact, if you're an employer, this book may help you be the great, fair boss that gets the best out of her employees.

I'm not an expert in every area of law and although other experts have reviewed and approved the content, **this book is not legal advice** and in no way seeks to substitute speaking to a lawyer about your personal circumstance. However, it is hoped that, as a first port of call, this book will give you confidence in situations where the power balance feels skewed. If this book helps you walk with your back that bit straighter,

and with a little more swagger in your step, assured in the knowledge that you have the ability to deal with typical day-to-day legal issues that might arise – my mission has been accomplished.

The law detailed in this book is ‘English law’ – in other words, the law covering England and Wales. Notwithstanding this, there may be small regional differences, and some of the practical tips suggested will have greater applicability in one region compared to the other. Therefore, it is always important to double-check how things operate where you live.

Knowledge is power, and I hope you finish this book feeling empowered.

# Preface

## Your Human Rights

As a barrister working in the field of human rights, my goal is to make the law work for ordinary people, not just those who have the money or 'know how' to utilise it to its full effect. Part of this comes from knowing what it is like to feel as if the law is not on your side. One of my earliest childhood memories is of dog faeces being smeared over my grandparents' car on their driveway in weekly, sustained, racist attacks. I was 6 at the time. Despite calls from my parents to the police detailing the devastating effect this racist abuse was having on my grandparents, the racists were not found and my grandparents were left feeling violated in the parameters of their own home. As a family we rallied together, and, led by my grandfather, were able to get press coverage of what was going on. Soon enough, the racist incidents stopped. Nonetheless, from a young age, I remember having an appreciation way beyond my years of what it felt like to be powerless. With this in mind, I seek to empower you

with each and every page of this book, beginning with your human rights.

Human rights are rights that we are all born with, no matter where we're from, what we look like, what we believe, or how we live. They are freedoms and protections that can never be taken away from us. And they're not just nice ideals: they're also defined and protected by law.

So, if there is one section that is important to read in this book – it is this one. It will not only arm you with the knowledge of your inalienable rights, but also provide you with a helpful legal foundation and explain principles and concepts that are relevant in later chapters.

## The Human Rights Act 1998

Following the Second World War, there was a desire to prevent the horrors of that war from ever being repeated. The result was the Universal Declaration of Human Rights. This was a document, set out by the United Nations and agreed by an international community, that defined the fundamental rights and freedoms that every human being in the world should have at a minimum. It was signed into effect in 1948 and is still in place today.

It is from this foundation that the European Convention on Human Rights (ECHR) was created in 1950. This document protects the human rights of people in countries that belong to the Council of Europe – of which the UK is one. (It's important

to note that the Council of Europe is an international human rights organisation, and is *not* the same as the European Union – which, of course, the UK is no longer part of.)

In the UK, our rights are protected by the Human Rights Act 1998. The Act makes most of the rights in the ECHR part of our own UK law. It is important that the UK has its own Act that protects human rights, because it means that any breaches can be dealt with in a UK court. If we didn't have this and we could rely only on the rights as protected by the ECHR, we'd have to go to the European Court of Human Rights – which is all the way in Strasbourg, France.

## Who must follow the Human Rights Act?

The Human Rights Act *must* be followed by public authorities. Public authorities are bodies that provide services or carry out functions that are in the public interest: e.g. the NHS, government departments, local authorities, police departments and the courts, to name a few. They are obliged to ensure that they act in a way that is compatible with your human rights at all times – whether this is when making specific decisions about you, or when making policy or service decisions that may affect many people. Although not strictly speaking public authorities, any private organisation carrying out public functions – such as Network Rail or a utility company – must also act in a manner compatible with your human rights.

## What are your human rights?

The history part of this chapter over, we can turn to the most important question: what actually are your rights under the Human Rights Act? Well, the Human Rights Act contains sixteen rights/freedoms/protections that derive from the ECHR.\* These are as follows:

*Article 2: Right to life*

*Article 3: Freedom from torture and inhuman or degrading treatment or punishment*

*Article 4: Freedom from slavery and forced labour*

*Article 5: Right to liberty and security*

*Article 6: Right to a fair trial*

*Article 7: No punishment without law*

*Article 8: Respect for your private and family life, home and correspondence*

*Article 9: Freedom of thought, conscience and religion*

*Article 10: Freedom of expression*

*Article 11: Freedom of peaceful assembly and association*

*Article 12: Right to marry and start a family*

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\* Articles 1 and 13 of the ECHR, ensuring that states must secure the rights of the Convention in their own jurisdiction (1), and that if someone's rights are violated they are able to access effective remedy, i.e. take their case to court (13), do not feature in the Act; by creating the Human Rights Act, the UK has fulfilled these rights.

*Article 14: Protection from discrimination in respect of these rights and freedoms*

*Protocol 1, Article 1: Right to peaceful enjoyment of your property*

*Protocol 1, Article 2: Right to education*

*Protocol 1, Article 3: Right to participate in free elections*

*Protocol 13, Article 1: Abolition of the death penalty*

A lot of the titles of these articles seem fairly self-explanatory – but of course they hide complexities. To give you more of a sense of what these actually mean in practice, let's have a look at some of them in more detail.

### *Article 2: Right to life*

Article 2 protects your right to life. Public authorities cannot take your life and exceptions are allowed only if the force used was 'absolutely necessary' (such as to protect somebody else's life). Protecting the right to life also means that where someone has died in unexplained circumstances, particularly if they were under the responsibility of the state, there will be an effective and official investigation to ascertain how they died. The state also has a 'positive obligation' to protect you against other individuals who it learns wish to do you harm, for example through effective policing.

### *Article 3: Freedom from torture and inhuman or degrading treatment or punishment*

Article 3 is the right to be free from torture and inhuman or degrading treatment or punishment. Public authorities

cannot inflict this treatment on you. They also have a positive duty to protect you from others who might be treating you in the same way. Therefore, if, for example, a local authority learns that a child is at risk of abuse or neglect from its parent, failure to intervene could amount to a breach of Article 3. Article 3 has implications for everyone in the UK, including those seeking asylum. If the authorities want to remove or deport somebody to another country, they breach Article 3 if they do so with the belief that the person will be tortured (or will receive inhuman or degrading treatment or punishment) upon arrival in that country. An example might be where a person has fled a country over fears they will be killed due to their sexual orientation, and would still be at risk if returned. It would be against the law for the UK to remove that person.

### *Article 5: Right to liberty and security*

Article 5 protects you from arbitrary and unlawful detention. This means that unless there is good reason you must not be imprisoned or detained. Even in situations where you are legally detained (e.g. if you are rightfully arrested), if the police then detain you for longer than they are legally allowed, this could amount to a breach of Article 5. Potential breaches of Article 5 can also occur when it comes to detention in, among other places, mental health hospitals and care homes. If you are arrested, you should be told the reasons for your arrest.

### *Article 6: Right to a fair trial*

Article 6 is the right to a fair trial. This means a public hearing by an impartial court, within a reasonable time. You have this right whether you are a defendant in criminal proceedings, or a decision is being made that will have an impact on your civil rights or obligations. Article 6 states that, in relation to criminal proceedings, everyone charged with a criminal offence is to be presumed innocent until proven guilty. Among other things, it entitles those charged with a criminal offence to free legal representation if they cannot afford it and it is in the interests of justice.

### *Article 8: Respect for your private and family life, home and correspondence*

Article 8 is the right to respect for your private and family life, home and correspondence. This means you can live your life privately and without state interference, apart from in very limited circumstances as set out in the second paragraph of Article 8. The meaning of private life is broad, and includes things such as your right to lead the lifestyle you want, as well as the right to decide who can see and touch your body and your sexual orientation. Your family life includes your right to have family relationships and to live and maintain contact with family. Along with a number of other groups and individuals, unmarried couples can be included within family life. Your right to your home is not the right to housing, but to peacefully enjoy the home you currently live in.

Your correspondence includes your letters, texts and emails. Article 8 also protects you from unjustified surveillance by state authorities such as the police, and creates rigorous rules for situations where the police wish to process your data for technologies such as biometric scanning and facial recognition cameras.

*Article 9: Freedom of thought, conscience and religion*

Article 9 protects your right to freedom of thought, conscience and religion. This includes your right to hold beliefs. These beliefs need not be religious and could include veganism or atheism. You have the right to change your religion or beliefs whenever you please. You also have the right to manifest and practise your religion and beliefs without interference from a public authority, apart from in very limited circumstances as set out in the second paragraph of Article 9.

*Article 14: Protection from discrimination in respect of these rights and freedoms*

Article 14 is protection from discrimination in connection with your other rights in the Convention (as opposed to in all areas of your life). In other words, Article 14 protects you from being discriminated against in enjoying your rights as set out in the Convention. In terms of more general discrimination protection that can apply to other aspects of your life, this is provided for in other legislation, such as the Equality Act 2010.

This selection details the rights most likely to be of use to the typical reader. Other Articles are also important to know, and some of these will be covered in other chapters; for example, Chapter 10, on activism, will touch on freedom of expression (Article 10) – which includes your freedom of speech – as well as freedom of peaceful assembly and association (Article 11). Remember, private individuals and private companies *do not* have to follow the Act – so you can't argue Article 5 because you got stuck in the lift at your local shopping centre. You also couldn't argue Article 8 against Barbara, the annoying neighbour at number 42, who cheekily once read a letter addressed to you but posted through her letter box. Nonetheless, as you will see throughout this book, there are plenty of other laws that exist to help you deal with some of the troubling and on occasion downright odd things that people do in this world. These laws are often long established within English law, having developed slowly and incrementally over hundreds of years.

It's worth emphasising one more time that *all of us* have human rights and we should have them respected. You could be in prison, homeless, an asylum seeker or an 'Average Joe'. No matter the colour of your skin, your language, your size or age, your abilities, your nationality, your sexuality or gender identity, your political or religious beliefs, you benefit from the Human Rights Act 1998.

## Types of rights

Even though we do all have these rights, it is important to be aware that there are situations where a public authority *can* interfere with your human rights.

In order to understand why that's the case, you need to know that there are three categories of rights: absolute, limited and qualified.

**Absolute rights** can never be infringed – no ifs, no buts. Article 3 (your right to freedom from torture and inhuman or degrading treatment or punishment) is an example of an absolute right. No matter the circumstance, or whatever the seeming justification may be, you absolutely have this protection.

**Limited rights** are rights that can be restricted in certain specific situations. Article 5 (your right to liberty and security) is a good example. We understand that despite having this right, prisons still exist. Along with the right, there follows a set of specific limitations to it. Any limitation that is not explicitly stated in the Article cannot be used to infringe upon this right. An excerpt from Article 5 is as follows:

*1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty **save in the following cases and in accordance with a procedure prescribed by law:***

- (a) the lawful detention of a person after conviction by a competent court;*
- (b) the lawful arrest or detention of a person for non-compliance*

- with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;*
- (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;*
  - (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;*
  - (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;*
  - (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.*
- [...]

This excerpt allows us to clearly see the instances where the state can lawfully interfere with this right. Unless for a reason stipulated in the Article, the state cannot infringe upon this right.

**Qualified rights** must strike a balance between your rights as an individual and the rights of other individuals and/or the general public. Any infringement on a qualified right must be ‘necessary in a democratic society’; for example, in the

interests of national security or public safety. Any infringement must also be proportionate – in other words, infringing on the right only as much as is needed, and no more. Article 8 (your right to respect for your private and family life, home and correspondence) is a good example of a qualified right. An excerpt from it is as follows:

[...]

*2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

The ‘interests’ listed above, such as national security and public safety, are known as ‘legitimate aims’. Any infringement on the Article must be designed to promote a specific legitimate aim.

## Taking action under the Human Rights Act

Public bodies, by virtue of being public bodies, should always be alert to issues relating to human rights and have them in mind when making decisions. They risk breaking the law if they do not.

If you ever feel like your human rights have been infringed,

and that you want to do something about it, there are options available to you.

You may consider writing a complaint about the issue to the organisation. A firm complaint letter showing an awareness of your rights may resolve the issue. See Chapter 12 for suggestions on how this can be done as well as other considerations.

If you choose to take legal action, be aware that you usually would need to bring a claim within 1 year of the potential human rights breach. Depending on the type of court action you take, you may have even as little as 3 months. Such an example is a legal process known as ‘judicial review’ where a court will examine the decision or action of a public body and consider whether they acted lawfully.

By knowing your human rights, you have a strong foundational sense of how all of your interactions with public authorities should go. Become familiar with them, they are yours.

While your rights under the Human Rights Act will rear their head occasionally over the course of the book, the primary focus from this point on is arming yourself with your rights in the everyday situations that don’t involve public authorities.