

TRIAL ADAM SMITH-CONNOR

## Court tests abortion and prayer ban in England

LIFE AND BIOETHICS

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Last Thursday, (18 January), the district judge at Poole magistrate's court, postponed, for the second time, the hearing against **Adam Smith-Connor**, accused of praying silently in a buffer zone near an abortion clinic on November 24, 2022. The new hearing will take place over three days on 17, 18 and 19 September, 2024, two years after the alleged offence took place. But, this is not a routine delay in court proceedings. Instead, it is an

indication of the huge importance Bournemouth, Christchurch and Poole (BCP) is giving to this trial. In fact, the motive for the postponement is to gain another day in court.

**We recall that Mr Smith-Connor was fined £100** for having breached a Public Space Protection Order (PSPO) buffer zone, by “praying silently” near an abortion clinic. He had refused to pay the fine because he considered it illegitimate. Initially, the judge had decided that three hours in court was sufficient to resolve the unpaid penalty dispute. But, on the morning of November 16, 2023, at the fixed appointment, the judge postponed the hearing until the January 18 and 19, 2024, in order to have a full day for the hearing and a second on hand should the case go to trial. Now, the prosecution is demanding a third day. A request that has been accepted by Alliance Defending Freedom (ADF) which is defending Mr Smith-Connor. The prosecution argues that more time in court guarantees all the evidence will be heard. But, the disproportionate amount of court time currently being afforded to this inconsequential accusation, makes Mr Smith-Connor’s case particularly curious.

**Firstly, the case appears without fundament.** Bournemouth, Christchurch and Poole (BCP) Council is accusing Adam Smith-Connor from Marchwood in Southampton, of not respecting the controversial buffer zone legislation which outlaws prayer within a circumference of 150 metres of an abortion clinic, last November 2022. Mr Smith-Connor argues he thinks he did respect the law because in an identical situation a week earlier, Bournemouth police officers had told him thinking prayers silently to himself in England was lawful when they questioned him outside BPAS clinic on Ophir Road in Bournemouth. In fact, as [demonstrated in this video](#) they specifically stated he was “not breaking the law” after he explained, “I am praying silently for my son Jacob who died in an abortion”.

**BCP Council, however, contest this interpretation of events** alleging that even if Mr Smith-Connor returned a week later to pray outside the same clinic, now convinced silent prayer did not breach the law, he should have vacated the area immediately when Community Safety Accredited Scheme officers (CSAS), stopped him on 24 November 2022, and informed him he was indeed in breach of the law, ([watch video here](#)) here) simply because they told him to leave.

**The contradictory interpretation and application of buffer zone legislation** by two different sets of law enforcement officers working for the same council, is the crux of this case. And Mr Smith-Connor is not the first to find himself in this predicament. Such that, last September 2023, ex-Home Secretary, Suella Braverman wrote a [letter to the British police force](#) calling for changes to be made to the practice of law

enforcement in order to restore public confidence, at an all time low. "Silent prayer is not, in itself, unlawful", she reminded the police after [Isabel Vaughan-Spruce](#) and [Father Sean Gough](#) cases made international headlines following their arrests for praying silently in a buffer zone in Birmingham. The police should not behave in a way that "undermines their oath of impartiality" or that "holding lawful opinions, even if those opinions may offend others, is not a criminal offence", she also wrote referring specifically to those occasions when the police appeared to side "with one group or another in a currently contentious area of public debate".

**But, the real indicator of the importance BCP Council is giving to this case** is demonstrated by the enormous financial investment it is making to win this case, and despite being on the brink of bankruptcy. According to [an article in the Guardian](#), January 13, "Bournemouth, Christchurch and Poole (BCP) council has accumulated a combined deficit of around £60m". Nonetheless, the council has hired [King's Counsel](#) (KC), an elite group of lawyers and the most expensive barristers in the land, to fight their case at the taxpayer's expense. KCs at their first appointment earn anywhere between £200,000 and £425,000 per year," and the most experienced millions of pounds. A KC, for those unfamiliar with the category, is defined as "a very senior barrister or solicitor advocate who is recognised as an expert and leader in their legal field". Considering the case concerns an unpaid minor fine, Adam Smith-Connor described hiring KCs is like, "BCP council arming itself with a sledgehammer to crack a nut".

**The point of the matter is that last 1 March**, Parliament passed the Public Order Bill which provides for the establishment of buffer zones around all abortion facilities in England and Wales. The law has not yet been implemented, but when it is, cases of this kind could quickly multiply. The recently [approved draft guidelines](#) written to resolve the problems of how to define behaviours considered "influencing and interference" outside abortion clinics are expected to become operative in the near future. Every road that provides access to an abortion clinic in a range of 150 metres will be marked with a warning sign that passers by are entering a buffer zone which forbids abortion related conversations even if they are consensual (that is, without stopping people to give out flyers or otherwise against their will) and prayer: according to criminal law, the penalty for violations incurs a fine that ranges between £100 and £1,000.

**The BCP Council's determination is, therefore, not a monetary issue** because a maximum of £1,000 pounds (the amount requested by the prosecution) is a trifle compared to the council's financial problems. Instead, at stake is the unquestionable

dominion of the abortion industry to stop any form of pro-life support, acts of charity, including prayer within a 150 metres of an abortion facility. If Mr Smith-Connor is found guilty and thought-crime is embedded in criminal law, this landmark case will inform future buffer zone legal disputes, introducing unprecedented draconian restrictions whereby the police can arbitrarily interrogate citizens on what they are thinking or order anyone to leave a public area without justification.