

Rice v Connolly [1966] 2 QB 414

At common law there is no legal duty to provide the police with information or otherwise to assist them with their inquiries. Lord Parker set out three questions to be answered when asking whether there had been an obstruction of an officer in the execution of his duties:

- (1) Was there any obstruction of a constable?
- (2) Was the Constable acting lawfully in the execution of his duty?
- (3) Was the obstruction intended to obstruct the constable in the execution of his duty?

Lord Parker said: 'It is also in my judgment clear that it is part of the obligations and duties of a police constable to take all steps which appear to him necessary for keeping the peace, for preventing crime or for protecting property from criminal injury. There is no exhaustive definition of the powers and obligations of the police, but they are at least those, and they would further include the duty to detect crime and to bring an offender to justice. . . it seems to me quite clear that the defendant was making it more difficult for the police to carry out their duties, and that the police at the time and throughout were acting in accordance with their duties. The only remaining ingredient, and the one upon which in my judgment this case revolves, is whether the obstructing of which the defendant was guilty was a wilful obstruction. 'Wilful' in this context not only in my judgment means 'intentional' but something which is done without lawful excuse, and that is indeed conceded. . . Accordingly, the sole question here is whether the defendant had a lawful excuse for refusing to answer the questions put to him. In my judgment he had. It seems to me quite clear that although every citizen has a moral duty or, if you like, a social duty to assist the police, there is no legal duty to that effect, and indeed the whole basis of the common law is the right of the individual to refuse to answer questions put to him by persons in authority, and to refuse to accompany those in authority to any particular place; short, of course, of arrest.' and 'In my judgment there is all the difference in the world between deliberately telling a false story-something which on no view a citizen has a right to do-and preserving silence or refusing to answer, something which he has every right to do. Accordingly, in my judgment, looked at in that perfectly general way, it was not shown that the refusal of the defendant to answer the questions or to accompany the police officer in the first instance to the police box was an obstruction without lawful excuse. '

*The interpretation and comments made within this document are not to be considered as legal advice.
Reference should always be made to the original case.*