

The Use of Foul Language (Swearing)



When a person swears within the hearing of other people it can often cause offence and can be very upsetting, particularly if children are close by and able to hear the foul language that is being used. Many people are concerned about the prevalent use of foul or offensive language, and this is an issue that forms part of the majority of complaints that we receive regarding anti-social behaviour.

There are two distinct aspects to the issues of swearing. The first is the general use of foul language in day to day life, and the second is where someone uses foul language in an aggressive or intimidating manner towards another person.

1) The general use of foul language

The issue of the general use of foul language is a particularly difficult to resolve in the context of modern society. Swearing is now very common and this type of behaviour, once deemed socially unacceptable, has become the norm for a wide range of people. Sadly, it is now impossible to avoid hearing foul language being used on a daily basis. Many people use expletives openly and frequently in most public places such as shops and pubs, when using public transport and generally in the street. A lot of people will also swear freely within the boundary of their own homes including their garden, and this often means that it is within the hearing of their neighbours. Young people will frequently use foul language, particularly when they are out and about in a group, as a means of fitting in with their peers and it can also sometimes be a form of 'kicking back' against restrictions about swearing at home.

Unless you are willing to walk around with ear plugs in, or not let your children out of the house, you will need to be realistic about the fact that you and your family will frequently hear foul language being used.

In these situations, some people will be comfortable challenging the person who is swearing. Other people will not feel comfortable doing this. The response from the person using the foul language can vary; often people who are swearing are simply not aware of upset it is causing and will be apologetic, but it should also be noted that other people will not appreciate the error of their ways being pointed out to them. Challenging someone has to be a personal choice.

If foul language is used within the hearing of your children then we suggest that you discuss this issue with them as soon as possible so that they understand what is unacceptable within your own family.

2) *Abusive or foul language that is targeted at an individual*

Where a person is deliberately abusive to another, there is an offence of using offensive or threatening words or behaviour; what constitutes 'offensive' is a matter of opinion and will differ person to person. A person guilty of such an offence may be prosecuted under Section 5 of the Public Order Act 1985, which states that a person is guilty of the offence if he '*uses threatening, abusive or insulting words or behaviour, or disorderly behaviour*' '*within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby*'. In order for this piece of legislation to be used an offence must be reported to and dealt with by the Police.

In terms of taking action under the Anti-social Behaviour Act 2003, this Act is limited to legal action against an individual who has been identified as behaving persistently in an anti-social manner. In terms of the use of foul language this means that, realistically, action can only be taken against an individual person who has been identified as deliberately and persistently being verbally abusive directly towards someone over a period of time.