

# Public Order Bill

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office, have been ordered to be published as HL Bill 61—EN.



# Public Order Bill

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[AS BROUGHT FROM THE COMMONS]

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[AS BROUGHT FROM THE COMMONS]

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# B I L L

TO

Make provision for new offences relating to public order; to make provision about stop and search powers; to make provision about the exercise of police functions relating to public order; to make provision about proceedings by the Secretary of State relating to protest-related activities; to make provision about serious disruption prevention orders; and for connected purposes.

**B**E IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART 1

### PUBLIC ORDER

#### *Offences relating to locking on*

#### **1 Offence of locking on**

- (1) A person commits an offence if— 5
- (a) they —
    - (i) attach themselves to another person, to an object or to land,
    - (ii) attach a person to another person, to an object or to land, or
    - (iii) attach an object to another object or to land,
  - (b) that act causes, or is capable of causing, serious disruption to— 10
    - (i) two or more individuals, or
    - (ii) an organisation,in a place other than in a dwelling, and
  - (c) they intend that act to have a consequence mentioned in paragraph (b) or are reckless as to whether it will have such a consequence. 15
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that they had a reasonable excuse for the act mentioned in paragraph (a) of that subsection.

- (3) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both.
- (4) In subsection (3), “the maximum term for summary offences” means –
- (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months; 5
  - (b) if the offence is committed after that time, 51 weeks.
- (5) In this section “dwelling” means –
- (a) a building or structure which is used as a dwelling, or 10
  - (b) a part of a building or structure, if the part is used as a dwelling, and includes any yard, garden, grounds, garage or outhouse belonging to and used with a dwelling.

## 2 Offence of being equipped for locking on

- (1) A person commits an offence if they have an object with them in a place other than a dwelling with the intention that it may be used in the course of or in connection with the commission by any person of an offence under section 1(1) (offence of locking on). 15
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine. 20
- (3) In this section “dwelling” has the same meaning as in section 1.

### *Offences relating to tunnelling*

## 3 Offence of causing serious disruption by tunnelling

- (1) A person commits an offence if –
- (a) they create, or participate in the creation of, a tunnel, 25
  - (b) the creation or existence of the tunnel causes, or is capable of causing, serious disruption to –
    - (i) two or more individuals, or
    - (ii) an organisation,
 in a place other than a dwelling, and 30
  - (c) they intend the creation or existence of the tunnel to have a consequence mentioned in paragraph (b) or are reckless as to whether its creation or existence will have such a consequence.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that they had a reasonable excuse for creating, or participating in the creation of, the tunnel. 35
- (3) Without prejudice to the generality of subsection (2), a person is to be treated as having a reasonable excuse for the purposes of that subsection if the creation



of the tunnel was authorised by a person with an interest in land which entitled them to authorise its creation.

- (4) A person who commits an offence under subsection (1) is liable –
- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, to a fine or to both; 5
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years, to a fine or to both.
- (5) For the purposes of this section –
- (a) “tunnel” means an excavation that extends beneath land, whether or not – 10
    - (i) it is big enough to permit the entry or passage of an individual, or
    - (ii) it leads to a particular destination;
  - (b) an excavation which is created with the intention that it will become or connect with a tunnel is to be treated as a tunnel, whether or not – 15
    - (i) any tunnel with which it is intended to connect has already been created, or
    - (ii) it is big enough to permit the entry or passage of an individual.
- (6) References in this section to the creation of an excavation include –
- (a) the extension or enlargement of an excavation, and 20
  - (b) the alteration of a natural or artificial underground feature.
- (7) This section does not apply in relation to a tunnel if or to the extent that it is in or under a dwelling.
- (8) In this section “dwelling” has the same meaning as in section 1 (offence of locking on). 25

#### **4 Offence of causing serious disruption by being present in a tunnel**

- (1) A person commits an offence if –
- (a) they are present in a tunnel having entered it after the coming into force of this section,
  - (b) their presence in the tunnel causes, or is capable of causing, serious disruption to – 30
    - (i) two or more individuals, or
    - (ii) an organisation,
  - (c) they intend their presence in the tunnel to have a consequence mentioned in paragraph (b) or are reckless as to whether their presence there will have such a consequence. 35
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that they had a reasonable excuse for their presence in the tunnel.
- (3) Without prejudice to the generality of subsection (1), a person (“P”) is to be treated as having a reasonable excuse for the purposes of that subsection if 40

P’s presence in the tunnel was authorised by a person with an interest in land which entitled them to authorise P’s presence there.

- (4) A person who commits an offence under subsection (1) is liable –
- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, to a fine or to both; 5
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years, to a fine or to both.
- (5) For the purposes of this section –
- (a) “tunnel” means an excavation that extends beneath land, whether or not it leads to a particular destination; 10
  - (b) an excavation which is created with the intention that it will become or connect with a tunnel is to be treated as a tunnel, whether or not any tunnel with which it is intended to connect has already been created.
- (6) The reference in subsection (5)(b) to the creation of an excavation includes – 15
- (a) the extension or enlargement of an excavation, and
  - (b) the alteration of a natural or artificial underground feature.
- (7) This section does not apply in relation to a tunnel if or to the extent that it is in or under a dwelling.
- (8) In this section “dwelling” has the same meaning as in section 1 (offence of locking on). 20

## 5 Offence of being equipped for tunnelling etc

- (1) A person commits an offence if they have an object with them in a place other than a dwelling with the intention that it may be used in the course of or in connection with the commission by any person of an offence under section 3(1) or 4(1) (offences relating to tunnelling). 25
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both.
- (3) In subsection (2), “the maximum term for summary offences” means – 30
- (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months;
  - (b) if the offence is committed after that time, 51 weeks.
- (4) In this section “dwelling” has the same meaning as in section 1 (offence of locking on). 35

*Offences involving works and infrastructure*

**6 Obstruction etc of major transport works**

- (1) A person commits an offence if the person—
- (a) obstructs the undertaker or a person acting under the authority of the undertaker— 5
    - (i) in setting out the lines of any major transport works,
    - (ii) in constructing or maintaining any major transport works, or
    - (iii) in taking any steps that are reasonably necessary for the purposes of facilitating, or in connection with, the construction or maintenance of any major transport works, or 10
  - (b) interferes with, moves or removes any apparatus which—
    - (i) relates to the construction or maintenance of any major transport works, and
    - (ii) belongs to a person within subsection (5).
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that— 15
- (a) they had a reasonable excuse for the act mentioned in paragraph (a) or (b) of that subsection, or
  - (b) the act mentioned in paragraph (a) or (b) of that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute. 20
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both.
- (4) In subsection (3) “the maximum term for summary offences” means— 25
- (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months;
  - (b) if the offence is committed after that time, 51 weeks.
- (5) The following persons are within this subsection— 30
- (a) the undertaker;
  - (b) a person acting under the authority of the undertaker;
  - (c) a statutory undertaker;
  - (d) a person acting under the authority of a statutory undertaker.
- (6) In this section “major transport works” means— 35
- (a) works in England and Wales—
    - (i) relating to transport infrastructure, and
    - (ii) the construction of which is authorised directly by an Act of Parliament, or
  - (b) works the construction of which comprises development within subsection (7) that has been granted development consent by an order under section 114 of the Planning Act 2008. 40

- (7) Development is within this subsection if—
- (a) it is or forms part of a nationally significant infrastructure project within any of paragraphs (h) to (l) of section 14(1) of the Planning Act 2008,
  - (b) it is or forms part of a project (or proposed project) in the field of transport in relation to which a direction has been given under section 35(1) of that Act (directions in relation to projects of national significance) by the Secretary of State, or
  - (c) it is associated development in relation to development within paragraph (a) or (b).
- (8) In this section “undertaker”—
- (a) in relation to major transport works within subsection (6)(a), means a person who is authorised by or under the Act (whether as a result of being appointed the nominated undertaker for the purposes of the Act or otherwise) to construct or maintain any of the works;
  - (b) in relation to major transport works within subsection (6)(b), means a person who is constructing or maintaining any of the works (whether as a result of being the undertaker for the purposes of the order granting development consent or otherwise).
- (9) In this section—
- “associated development” has the same meaning as in the Planning Act 2008 (see section 115 of that Act);
  - “development” has the same meaning as in the Planning Act 2008 (see section 32 of that Act);
  - “development consent” has the same meaning as in the Planning Act 2008 (see section 31 of that Act);
  - “England” includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act);
  - “maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;
  - “nationally significant infrastructure project” has the same meaning as in the Planning Act 2008 (see section 14(1) of that Act);
  - “statutory undertaker” means a person who is, or who is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990;
  - “trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that section 218 of that Act is to be read as if—
    - (a) it made provision corresponding to section 244(4) of that Act, and
    - (b) in subsection (5), the definition of worker included any person falling within paragraph (b) of the definition of worker in section 244(5) of that Act;
  - “Wales” includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act).

- (10) In section 14 of the Planning Act 2008 (nationally significant infrastructure projects), after subsection (3) insert –

“(3A) An order under subsection (3)(a) may also amend section 6(7)(a) of the Public Order Act 2022 (obstruction etc of major transport works).”

## 7 Interference with use or operation of key national infrastructure

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- (1) A person commits an offence if –

- (a) they do an act which interferes with the use or operation of any key national infrastructure in England and Wales, and
- (b) they intend that act to interfere with the use or operation of such infrastructure or are reckless as to whether it will do so.

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- (2) It is a defence for a person charged with an offence under subsection (1) to prove that –

- (a) they had a reasonable excuse for the act mentioned in paragraph (a) of that subsection, or
- (b) the act mentioned in paragraph (a) of that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute.

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- (3) A person who commits an offence under subsection (1) is liable –

- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, to a fine or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months, to a fine or to both.

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- (4) For the purposes of subsection (1) a person’s act interferes with the use or operation of key national infrastructure if it prevents the infrastructure from being used or operated to any extent for any of its intended purposes.

- (5) The cases in which infrastructure is prevented from being used or operated for any of its intended purposes include where its use or operation for any of those purposes is significantly delayed.

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- (6) In this section “key national infrastructure” means –

- (a) road transport infrastructure,
- (b) rail infrastructure,
- (c) air transport infrastructure,
- (d) harbour infrastructure,
- (e) downstream oil infrastructure,
- (f) downstream gas infrastructure,
- (g) onshore oil and gas exploration and production infrastructure,
- (h) onshore electricity generation infrastructure, or
- (i) newspaper printing infrastructure.

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Section 8 makes further provision about these kinds of infrastructure.

- (7) The Secretary of State may by regulations made by statutory instrument –

- (a) amend subsection (6) to add a kind of infrastructure or to vary or remove a kind of infrastructure;

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- (b) amend section 8 to add, amend or remove provision about a kind of infrastructure which is in, or is to be added to, subsection (6) or is to be removed from that subsection.
- (8) Regulations under subsection (7) –
- (a) may make different provision for different purposes; 5
- (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.
- (9) A statutory instrument containing regulations under subsection (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 10
- (10) In this section –
- “England” includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act);
- “trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that section 218 of that Act is to be read as if – 15
- (a) it made provision corresponding to section 244(4) of that Act, and
- (b) in subsection (5), the definition of worker included any person falling within paragraph (b) of the definition of worker in section 244(5) of that Act; 20
- “Wales” includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act).

## 8 Key national infrastructure

- (1) This section has effect for the purposes of section 7. 25
- (2) “Road transport infrastructure” means –
- (a) a special road within the meaning of the Highways Act 1980 (see section 329(1) of that Act), or
- (b) a road which, under the system for assigning identification numbers to roads administered by the Secretary of State or the Welsh Ministers, has for the time being been assigned a number prefixed by A or B. 30
- (3) “Rail infrastructure” means infrastructure used for the purposes of railway services within the meaning of Part 1 of the Railways Act 1993 (see section 82 of that Act).
- (4) In the application of section 82 of the Railways Act 1993 for the purposes of subsection (3) “railway” has the wider meaning given in section 81(2) of that Act. 35
- (5) “Air transport infrastructure” means –
- (a) an airport within the meaning of the Airports Act 1986 (see section 82(1) of that Act), or 40
- (b) any infrastructure which –

- (i) does not form part of an airport within the meaning of that Act, and
  - (ii) is used for the provision of air traffic services within the meaning of Part 1 of the Transport Act 2000 (see section 98 of that Act). 5
- (6) “Harbour infrastructure” means a harbour within the meaning of the Harbours Act 1964 (see section 57(1) of that Act) which provides facilities for or in connection with—
  - (a) the embarking or disembarking of passengers who are carried in the course of a business, or 10
  - (b) the loading or unloading of cargo which is carried in the course of a business.
- (7) “Downstream oil infrastructure” means infrastructure used for or in connection with any of the following activities—
  - (a) the refinement or other processing of crude oil or oil feedstocks; 15
  - (b) the storage of crude oil or crude oil-based fuel for onward distribution, other than storage by a person who supplies crude oil-based fuel to the public where the storage is for the purposes of such supply;
  - (c) the loading or unloading of crude oil or crude oil-based fuel for onward distribution, other than unloading to a person who supplies crude oil-based fuel to the public where the unloading is for the purposes of such supply; 20
  - (d) the carriage, by road, rail, sea or inland waterway, of crude oil or crude oil-based fuel for the purposes of onward distribution;
  - (e) the conveyance of crude oil or crude oil-based fuel by means of a pipe-line within the meaning of the Pipe-lines Act 1962 (see section 65 of that Act). 25
- (8) “Downstream gas infrastructure” means infrastructure used for or in connection with any of the following activities—
  - (a) the processing of gas; 30
  - (b) the storage of gas for onward conveyance, other than storage by a person who supplies gas to the public otherwise than by means of a pipe-line where the storage is for the purposes of such supply;
  - (c) the import or export of liquid gas;
  - (d) the carriage, by road or rail, of gas for the purposes of onward distribution; 35
  - (e) the conveyance of gas by means of a pipe-line.
- (9) In subsection (8)—
  - “gas” has the same meaning as in section 12 of the Gas Act 1995;
  - “pipe-line” has the same meaning as in the Pipe-lines Act 1962 (see section 65 of that Act). 40
- (10) “Onshore oil and gas exploration and production infrastructure” means onshore infrastructure used for or in connection with—
  - (a) searching or boring for petroleum, or

- (b) getting petroleum.
- (11) In subsection (10) –  
 “onshore infrastructure” means infrastructure situated on land (excluding land covered by the sea or any tidal waters);  
 “petroleum” has the same meaning as in Part 1 of the Petroleum Act 1998 (see section 1 of that Act). 5
- (12) “Onshore electricity generation infrastructure” means onshore infrastructure –  
 (a) used for or in connection with the generation of electricity for the purpose of giving a supply to any premises or enabling a supply to be so given, and 10  
 (b) which has a total installed capacity equal to or greater than 100 megawatts.
- (13) In subsection (12) –  
 “onshore infrastructure” means infrastructure situated on land (excluding land covered by the sea or any tidal waters); 15  
 “supply”, in relation to electricity, has the same meaning as in Part 1 of the Electricity Act 1989 (see section 4(4) of that Act).
- (14) “Newspaper printing infrastructure” means infrastructure the primary purpose of which is the printing of one or more national or local newspapers.
- (15) In subsection (14) – 20  
 “local newspaper” means a newspaper which is published at least fortnightly and is in circulation in a part of England and Wales;  
 “national newspaper” means a newspaper which is published at least fortnightly and is in circulation in England, in Wales or in both;  
 “newspaper” includes a periodical or magazine. 25

*Interference with access to or provision of abortion services*

**9 Offence of interference with access to or provision of abortion services**

- (1) A person who is within a buffer zone and who interferes with any person’s decision to access, provide, or facilitate the provision of abortion services in that buffer zone is guilty of an offence. 30
- (2) A “buffer zone” means an area which is within a boundary which is 150 metres from any part of an abortion clinic or any access point to any building or site that contains an abortion clinic and is –  
 (a) on or adjacent to a public highway or public right of way,  
 (b) in an open space to which the public has access, 35  
 (c) within the curtilage of an abortion clinic, or  
 (d) in any location that is visible from a public highway, public right of way, open space to which the public have access, or the curtilage of an abortion clinic.
- (3) For the purposes of subsection (1), “interferes with” means – 40



- (a) seeks to influence,
  - (b) persistently, continuously or repeatedly occupies,
  - (c) impedes or threatens,
  - (d) intimidates or harasses,
  - (e) advises or persuades, attempts to advise or persuade, or otherwise expresses opinion, 5
  - (f) informs or attempts to inform about abortion services by any means, including, without limitation, graphic, physical, verbal or written means, or
  - (g) sketches, photographs, records, stores, broadcasts, or transmits images, audio, likenesses or personal data of any person without express consent. 10
- (4) A person guilty of an offence under subsection (1) is liable—
- (a) in the first instance—
    - (i) on summary conviction, to imprisonment for a term not exceeding 6 months, 15
    - (ii) to a fine not exceeding level 5 on the standard scale, or
    - (iii) to both; and
  - (b) on further instances—
    - (i) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both, or 20
    - (ii) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both.
- (5) Nothing in this section applies to—
- (a) anything done in the course of providing, or facilitating the provision of, abortion services in an abortion clinic, 25
  - (b) anything done in the course of providing medical care within a GP practice, hospital or other healthcare facility,
  - (c) the operation of a camera if its coverage of persons accessing or attempting to access an abortion clinic is incidental and the camera or footage is not used for any of the purposes listed in subsection (3), and 30
  - (d) a police officer acting properly in the course of their duties.

*Powers to stop and search*

**10 Powers to stop and search on suspicion** 35

In section 1(8) of the Police and Criminal Evidence Act 1984 (offences in relation to which stop and search power applies)—

- (a) omit the “and” at the end of paragraph (d), and
- (b) after paragraph (e) insert—
  - “(f) an offence under section 137 of the Highways Act 1980 (wilful obstruction) involving activity which causes or 40

- is capable of causing serious disruption to two or more individuals or to an organisation;
- (g) an offence under section 78 of the Police, Crime, Sentencing and Courts Act 2022 (intentionally or recklessly causing public nuisance); 5
  - (h) an offence under section 1 of the Public Order Act 2022 (offence of locking on);
  - (i) an offence under section 3 of that Act (offence of causing serious disruption by tunnelling);
  - (j) an offence under section 4 of that Act (offence of causing serious disruption by being present in a tunnel); 10
  - (k) an offence under section 6 of that Act (obstruction etc of major transport works); and
  - (l) an offence under section 7 of that Act (interference with use or operation of key national infrastructure).” 15

## 11 Powers to stop and search without suspicion

- (1) This section applies if a police officer of or above the rank of inspector reasonably believes—
- (a) that any of the following offences may be committed in any locality within the officer’s police area— 20
    - (i) an offence under section 137 of the Highways Act 1980 (wilful obstruction) involving activity which causes or is capable of causing serious disruption to two or more individuals or to an organisation;
    - (ii) an offence under section 78 of the Police, Crime, Sentencing and Courts Act 2022 (intentionally or recklessly causing public nuisance); 25
    - (iii) an offence under section 1 (offence of locking on);
    - (iv) an offence under section 3 (offence of causing serious disruption by tunnelling); 30
    - (v) an offence under section 4 (offence of causing serious disruption by being present in a tunnel);
    - (vi) an offence under section 6 (obstruction etc of major transport works);
    - (vii) an offence under section 7 (interference with use or operation of key national infrastructure), or 35
  - (b) that persons are carrying prohibited objects in any locality within the officer’s police area.
- (2) In this section “prohibited object” means an object which—
- (a) is made or adapted for use in the course of or in connection with an offence within subsection (1)(a), or 40
  - (b) is intended by the person having it with them for such use by them or by some other person,

- and for the purposes of this section a person carries a prohibited object if they have it in their possession.
- (3) If the further condition in subsection (4) is met, the police officer may give an authorisation that the powers conferred by this section are to be exercisable – 5
- (a) anywhere within a specified locality within the officer’s police area, and
  - (b) for a specified period not exceeding 24 hours.
- (4) The further condition is that the police officer reasonably believes that – 10
- (a) the authorisation is necessary to prevent the commission of offences within subsection (1)(a) or the carrying of prohibited objects (as the case may be),
  - (b) the specified locality is no greater than is necessary to prevent such activity, and
  - (c) the specified period is no longer than is necessary to prevent such activity. 15
- (5) If it appears to a police officer of or above the rank of superintendent that it is necessary to do so to prevent the commission of offences within subsection (1)(a) or the carrying of prohibited objects, the officer may direct that the authorisation is to continue in force for a further period not exceeding 24 hours. 20
- (6) This section confers on any constable in uniform power –
- (a) to stop any person and search them or anything carried by them for a prohibited object;
  - (b) to stop any vehicle and search the vehicle, its driver and any passenger for a prohibited object. 25
- (7) A constable may, in the exercise of the powers conferred by subsection (6), stop any person or vehicle and make any search the constable thinks fit whether or not the constable has any grounds for suspecting that the person or vehicle is carrying a prohibited object. 30
- (8) If in the course of a search under this section a constable discovers an object which the constable has reasonable grounds for suspecting to be a prohibited object, the constable may seize it.
- (9) This section and sections 12 (further provisions about authorisations and directions under this section), 13 (further provisions about searches under this section) and 14 (offence relating to this section) apply (with the necessary modifications) to ships, aircraft and hovercraft as they apply to vehicles. 35
- (10) In this section and the sections mentioned in subsection (9) –
- “specified” means specified in an authorisation under this section;
  - “vehicle” includes a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960. 40

- (11) The powers conferred by this section and the sections mentioned in subsection (9) do not affect any power conferred otherwise than by this section or those sections.

## 12 Further provisions about authorisations and directions under section 11

- (1) If an inspector gives an authorisation under section 11, the inspector must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed. 5
- (2) An authorisation under section 11 must—
- (a) be given in writing signed by the officer giving it,
  - (b) specify the grounds on which it is given, and 10
  - (c) specify the locality in which and the period during which the powers conferred by that section are exercisable.
- (3) A direction under section 11(5) must—
- (a) be given in writing, or
  - (b) where it is not practicable to comply with paragraph (a), be recorded in writing as soon as it is practicable to do so. 15
- (4) References (however expressed) in section 11 or this section to a police officer of or above a particular rank include references to a member of the British Transport Police Force of or above that rank.
- (5) In the application of section 11 to a member of the British Transport Police Force by virtue of subsection (4), references to a locality within the officer's police area are to be read as references to a place in England and Wales of a kind mentioned in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003. 20

## 13 Further provisions about searches under section 11 25

- (1) A person who is searched by a constable under section 11 is entitled to obtain a written statement that the person was searched under the powers conferred by that section.
- (2) Subsection (1) applies only if the person applies for the statement within the period of 12 months beginning with the day on which the person was searched. 30
- (3) Where a vehicle is stopped by a constable under section 11, the driver is entitled to obtain a written statement that the vehicle was stopped under the powers conferred by that section.
- (4) Subsection (3) applies only if the driver applies for the statement within the period of 12 months beginning with the day on which the vehicle was stopped. 35
- (5) Any object seized by a constable under section 11 may be retained in accordance with regulations made by the Secretary of State.

- (6) The Secretary of State may make regulations regulating the retention and safe keeping, and the disposal or destruction in circumstances prescribed in the regulations, of such an object.
- (7) Regulations under this section are to be made by statutory instrument.
- (8) Regulations under this section – 5
  - (a) may make different provision for different purposes;
  - (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament. 10

#### 14 Offence relating to section 11

- (1) A person commits an offence if the person intentionally obstructs a constable in the exercise of the constable’s powers under section 11.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding level 3 on the standard scale or to both. 15
- (3) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (2) to 51 weeks is to be read as a reference to 1 month. 20

#### *Processions, assemblies and one-person protests*

#### 15 Processions, assemblies and one-person protests: delegation of functions

In section 15 of the Public Order Act 1986 (processions, assemblies and one-person protests: delegation of functions), for subsection (2) substitute –

- “(2) Subsection (1) has effect – 25
- (a) in the City of London as if “an assistant chief constable” read “an assistant commissioner of police or a commander”, and
  - (b) in the metropolitan police district as if “an assistant chief constable” read “an assistant commissioner of police, a deputy assistant commissioner of police or a commander”.” 30

#### 16 Assemblies and one-person protests: British Transport Police and MoD Police

- (1) The Public Order Act 1986 is amended as follows.
- (2) In section 14 (imposing conditions on public assemblies) – 35
  - (a) in subsection (2), after paragraph (b) (and on a new line) insert “This is subject to subsections (2ZA) and (2ZB).”,
  - (b) after subsection (2) insert –

“(2ZA) The reference in subsection (2)(a) to a police officer includes –

- 
- (a) a constable of the British Transport Police Force, in relation to a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 in England and Wales;
- (b) a member of the Ministry of Defence Police, in relation to a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies. 5
- (2ZB) The reference in subsection (2)(b) to a chief officer of police includes –
- (a) the chief constable of the British Transport Police Force, in relation to a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 in England and Wales; 10
- (b) the chief constable of the Ministry of Defence Police, in relation to a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies.”, and 15
- (c) in subsection (3) –
- (i) omit “by a chief officer of police”, and
- (ii) after “(2)(b)” insert “or (2ZB)”.
- (3) In section 14ZA (imposing conditions on one-person protests) – 20
- (a) in subsection (5), after paragraph (b) (and on a new line) insert “This is subject to subsections (5A) and (5B).”,
- (b) after subsection (5) insert –
- “(5A) The reference in subsection (5)(a) to a police officer includes –
- (a) a constable of the British Transport Police Force, in relation to a one-person protest – 25
- (i) being held at a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, or
- (ii) intended to be held at a place within sub-paragraph (i) in a case where a person is in that place with a view to carrying on such a protest; 30
- (b) a member of the Ministry of Defence Police, in relation to a one-person protest – 35
- (i) being held at a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, or
- (ii) intended to be held at a place within sub-paragraph (i) in a case where a person is in that place with a view to carrying on such a protest. 40
- (5B) The reference in subsection (5)(b) to a chief officer of police includes –

- (a) the chief constable of the British Transport Police Force, in relation to a one-person protest intended to be held at a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, other than a one-person protest within subsection (5A)(a)(ii); 5
    - (b) the chief constable of the Ministry of Defence Police, in relation to a one-person protest intended to be held at a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, other than a one-person protest within subsection (5A)(b)(ii).”, and 10
  - (c) in subsection (9) –
    - (i) omit “by a chief officer of police”, and
    - (ii) after “(5)(b)” insert “or (5B)”. 15
- (4) In section 14A (prohibiting trespassory assemblies) –
  - (a) after subsection (4) insert – 15
    - “(4A) Subsection (4D) applies if at any time the chief constable of the British Transport Police Force reasonably believes that –
      - (a) an assembly is intended to be held at a place –
        - (i) within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 in England and Wales, and 20
        - (ii) on land to which the public has no right of access or only a limited right of access, and
      - (b) the conditions in subsections (4B) and (4C) are met.
    - (4B) The condition in this subsection is that the assembly is likely – 25
      - (a) to be held without the permission of the occupier of the land, or
      - (b) to conduct itself in such a way as to exceed –
        - (i) the limits of any permission of the occupier, or
        - (ii) the limits of the public’s right of access. 30
    - (4C) The condition in this subsection is that the assembly may result –
      - (a) in serious disruption to the provision of railway services (within the meaning of Part 3 of the Railways and Transport Safety Act 2003) in England and Wales, 35
      - (b) in serious disruption to the life of the community, or
      - (c) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument. 40
    - (4D) Where this subsection applies, the chief constable of the British Transport Police Force may with the consent of the Secretary of State make an order prohibiting for a specified period the holding of all trespassory assemblies in a specified area.

- 
- (4E) An area specified in an order under subsection (4D) must comprise only –
- (a) the place mentioned in subsection (4A)(a), or
  - (b) that place together with any place in England and Wales –
    - (i) within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, or
    - (ii) where an assembly could affect a railway within the meaning of Part 3 of that Act or anything occurring on or in relation to such a railway.
- (4F) Subsection (4I) applies if at any time the chief constable of the Ministry of Defence Police reasonably believes that –
- (a) an assembly is intended to be held at a place –
    - (i) to which section 2(2) of the Ministry of Defence Police Act 1987 applies, and
    - (ii) on land to which the public has no right of access or only a limited right of access, and
  - (b) the conditions in subsections (4G) and (4H) are met.
- (4G) The condition in this subsection is that the assembly is likely –
- (a) to be held without the permission of the occupier of the land, or
  - (b) to conduct itself in such a way as to exceed –
    - (i) the limits of any permission of the occupier, or
    - (ii) the limits of the public’s right of access.
- (4H) The condition in this subsection is that the assembly may result –
- (a) in serious disruption to the use for a defence purpose of –
    - (i) a place within section 2(2)(a) to (c) of the Ministry of Defence Police Act 1987,
    - (ii) a place within section 4(1) of the Atomic Weapons Establishment Act 1991, or
    - (iii) in relation to a time after the coming into force of section 5 of the Defence Reform Act 2014, a place within subsection (1) of that section,
  - (b) in serious disruption to the life of the community, or
  - (c) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument.
- (4I) Where this subsection applies, the chief constable of the Ministry of Defence Police may with the consent of the Secretary of State make an order prohibiting for a specified



period the holding of all trespassory assemblies in a specified area.

- (4J) An area specified in an order under subsection (4I) which is not made in reliance on subsection (4H)(a) must comprise only one or more places to which section 2(2) of the Ministry of Defence Police Act 1987 applies.” 5
  - (b) in subsection (7), for “or subsection (4)” substitute “, subsection (4), subsection (4D) or subsection (4I)”, and
  - (c) in subsection (9), in the definition of “occupier”, for “and (4)” substitute “, (4), (4B) and (4G)”. 10
- (5) In section 15 (delegation), after subsection (2) insert –
- “(3) The chief constable of the British Transport Police Force may delegate, to such extent and subject to such conditions as the chief constable may specify, any of the chief constable’s functions under sections 14 to 14A to an assistant chief constable of that Force; and references in those sections to the person delegating shall be construed accordingly. 15
  - (4) The chief constable of the Ministry of Defence Police may delegate, to such extent and subject to such conditions as the chief constable may specify, any of the chief constable’s functions under sections 14 to 14A to a deputy chief constable or assistant chief constable of that force; and references in those sections to the person delegating shall be construed accordingly.” 20

*Proceedings by the Secretary of State*

**17 Power of Secretary of State to bring proceedings**

- (1) Subsection (4) applies where – 25
  - (a) the Secretary of State reasonably believes that one or more persons are carrying out, or are likely to carry out, activities related to a protest, and
  - (b) the condition in subsection (2) or (3) is met.
- (2) The condition in this subsection is that the Secretary of State reasonably believes that the activities are causing, or are likely to cause, serious disruption to – 30
  - (a) the use or operation of any key national infrastructure in England and Wales, or
  - (b) access to any essential goods, or to any essential service, in England and Wales. 35
- (3) The condition in this subsection is that the Secretary of State reasonably believes that the activities are having, or are likely to have, a serious adverse effect on public safety in England and Wales.

- 
- (4) Where this subsection applies and the Secretary of State considers that it is expedient in the public interest to do so, the Secretary of State may bring civil proceedings relating to the activities in the name of the Secretary of State.
- (5) Before bringing proceedings under subsection (4) in relation to any activities the Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate, having regard to any persons who may also bring civil proceedings in relation to those activities. 5
- (6) The bringing of proceedings by the Secretary of State under subsection (4) in relation to any activities does not affect the ability of any other person to bring civil proceedings in relation to those activities. 10
- (7) The reference in subsection (1)(a) to “activities” does not include a reference to activities carried out or likely to be carried out wholly or mainly in contemplation or furtherance of a trade dispute.
- (8) In this section—
- “key national infrastructure” has the same meaning as in section 7 (key national infrastructure); 15
  - “trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that section 218 of that Act is to be read as if—
    - (a) it made provision corresponding to section 244(4) of that Act, and 20
    - (b) in subsection (5), the definition of worker included any person falling within paragraph (b) of the definition of worker in section 244(5) of that Act.
- 18 Injunctions in Secretary of State proceedings: power of arrest and remand 25**
- (1) This section applies to proceedings brought by the Secretary of State under section 17 (power of Secretary of State to bring proceedings).
- (2) If the court grants an injunction which prohibits conduct which—
- (a) is capable of causing nuisance or annoyance to a person, or
  - (b) is capable of having a serious adverse effect on public safety, 30
- it may, if subsection (3) applies, attach a power of arrest to any provision of the injunction.
- (3) This subsection applies if the Secretary of State applies to the court to attach the power of arrest and the court thinks that—
- (a) the conduct mentioned in subsection (2) consists of or includes the use or threatened use of violence, or 35
  - (b) there is a significant risk of harm to—
    - (i) in the case of conduct mentioned in subsection (2)(a), the person mentioned in that provision, and
    - (ii) in the case of conduct mentioned in subsection (2)(b), the public or a section of the public. 40

- (4) Where a power of arrest is attached to any provision of an injunction under subsection (2), a constable may arrest without warrant a person whom the constable has reasonable cause for suspecting to be in breach of that provision.
- (5) After making an arrest under subsection (4) the constable must as soon as is reasonably practicable inform the Secretary of State. 5
- (6) Where a person is arrested under subsection (4) –
- (a) the person must appear before the court within the period of 24 hours beginning at the time of arrest, and
  - (b) if the matter is not then disposed of forthwith, the court may remand the person. 10
- (7) For the purposes of subsection (6), when calculating the period of 24 hours referred to in paragraph (a) of that subsection, no account is to be taken of Christmas Day, Good Friday or any Sunday.
- (8) The Schedule applies in relation to the power to remand under subsection (6). 15
- (9) If the court has reason to consider that a medical report will be required, the power to remand a person under subsection (6) may be exercised for the purpose of enabling a medical examination and report to be made.
- (10) If such a power is so exercised the adjournment is not to be in force –
- (a) for more than three weeks at a time in a case where the court remands the accused person in custody, or 20
  - (b) for more than four weeks at a time in any other case.
- (11) If there is reason to suspect that a person who has been arrested under subsection (4) is suffering from mental disorder within the meaning of the Mental Health Act 1983 the court is to have the same power to make an order under section 35 of that Act (remand for report on accused's mental condition) as the Crown Court has under that section in the case of an accused person within the meaning of that section. 25
- (12) In this section –
- “harm” includes serious ill-treatment or abuse (whether physical or not); 30
  - “the court” means the High Court or the county court and includes –
    - (a) in relation to the High Court, a judge of that court, and
    - (b) in relation to the county court, a judge of that court.

## PART 2

### SERIOUS DISRUPTION PREVENTION ORDERS 35

#### *Serious disruption prevention orders made on conviction*

#### **19 Serious disruption prevention order made on conviction**

- (1) This section applies where –

- 
- (a) a person aged 18 or over (“P”) is convicted of an offence (“the current offence”) which was committed on or after the day on which this section comes into force, and
- (b) the prosecution applies for a serious disruption prevention order to be made in respect of P. 5
- (2) The court dealing with P in respect of the current offence may make a serious disruption prevention order in respect of P if—
- (a) the court is satisfied on the balance of probabilities that the current offence is a protest-related offence (see section 33 (interpretation)),
- (b) the condition in subsection (3) is met, and 10
- (c) the court considers it necessary to make the order for a purpose mentioned in subsection (5).
- (3) The condition in this subsection is that the court is satisfied on the balance of probabilities that—
- (a) within the relevant period, P has— 15
- (i) committed another protest-related offence for which P was convicted,
- (ii) committed a protest-related breach of an injunction (see section 33 (interpretation)) for which P was found in contempt of court,
- (iii) carried out activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, 20
- (iv) caused or contributed to the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or 25
- (v) caused or contributed to the carrying out by any other person of activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, and
- (b) the current offence and P’s conduct mentioned in paragraph (a)— 30
- (i) relate to different protests, or
- (ii) took place on different days.
- (4) In subsection (3) “the relevant period” means the period of 5 years ending with the day on which P is convicted of the current offence; but P’s conduct may be taken into account for the purposes of this section only if it took place— 35
- (a) on or after the day on which this section comes into force, and
- (b) when P was aged 16 or over.
- (5) The purposes are—
- (a) to prevent P from committing a protest-related offence or a protest-related breach of an injunction; 40
- (b) to prevent P from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales;

- (c) to prevent P from causing or contributing to—
  - (i) the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or
  - (ii) the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales; 5
- (d) to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from—
  - (i) a protest-related offence, 10
  - (ii) a protest-related breach of an injunction, or
  - (iii) activities related to a protest.
- (6) A serious disruption prevention order under this section is an order which, for a purpose mentioned in subsection (5)—
  - (a) requires P to do anything described in the order; 15
  - (b) prohibits P from doing anything described in the order.
- (7) The court may make a serious disruption prevention order in respect of P only if it is made in addition to—
  - (a) a sentence imposed in respect of the current offence, or
  - (b) an order discharging P conditionally. 20
- (8) For the purpose of deciding whether to make a serious disruption prevention order the court may consider evidence led by the prosecution or P.
- (9) It does not matter whether the evidence would have been admissible in the proceedings for the current offence.
- (10) The court may adjourn any proceedings on an application for a serious disruption prevention order even after sentencing P. 25
- (11) If P does not appear for any adjourned proceedings the court may—
  - (a) further adjourn the proceedings,
  - (b) issue a warrant for P's arrest, or
  - (c) hear the proceedings in P's absence. 30
- (12) The court may not act under subsection (11)(b) unless it is satisfied that P has had adequate notice of the time and place of the adjourned proceedings.
- (13) The court may not act under subsection (11)(c) unless it is satisfied that P—
  - (a) has had adequate notice of the time and place of the adjourned proceedings, and 35
  - (b) has been informed that if P does not appear for those proceedings the court may hear the proceedings in P's absence.
- (14) On making a serious disruption prevention order the court must in ordinary language explain to P the effects of the order.
- (15) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken 40

for the purposes of this section to have been committed on the last of those days.

*Serious disruption prevention orders made otherwise than on conviction*

**20 Serious disruption prevention order made otherwise than on conviction**

- (1) A magistrates’ court may make a serious disruption prevention order in respect of a person (“P”) where— 5
- (a) a person within subsection (7) applies by complaint to the court for a serious disruption prevention order to be made in respect of P,
  - (b) P is aged 18 or over when the application is made,
  - (c) the condition in subsection (2) is met, and 10
  - (d) the court considers it necessary to make the order for a purpose mentioned in subsection (4).
- (2) The condition in this subsection is that the court is satisfied on the balance of probabilities that—
- (a) on at least two occasions in the relevant period, P has— 15
    - (i) committed a protest-related offence for which P was convicted,
    - (ii) committed a protest-related breach of an injunction for which P was found in contempt of court,
    - (iii) carried out activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, 20
    - (iv) caused or contributed to the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or
    - (v) caused or contributed to the carrying out by any other person of activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, and 25
  - (b) P’s conduct in relation to each occasion mentioned in paragraph (a)— 30
    - (i) related to a different protest, or
    - (ii) took place on a different day.
- (3) In subsection (2) “the relevant period” means the period of 5 years ending with the day on which the order is made; but P’s conduct may be taken into account for the purposes of this section only if it took place— 35
- (a) on or after the day on which this section comes into force, and
  - (b) when P was aged 16 or over.
- (4) The purposes are—
- (a) to prevent P from committing a protest-related offence or a protest-related breach of an injunction;
  - (b) to prevent P from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales; 40

- (c) to prevent P from causing or contributing to—
  - (i) the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or
  - (ii) the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales; 5
- (d) to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from—
  - (i) a protest-related offence, 10
  - (ii) a protest related-breach of an injunction, or
  - (iii) activities related to a protest.
- (5) A serious disruption prevention order under this section is an order which, for a purpose mentioned in subsection (4)—
  - (a) requires P to do anything described in the order; 15
  - (b) prohibits P from doing anything described in the order.
- (6) On making a serious disruption prevention order the court must in ordinary language explain to P the effects of the order.
- (7) The following persons are within this subsection—
  - (a) a relevant chief officer of police; 20
  - (b) the chief constable of the British Transport Police Force;
  - (c) the chief constable of the Civil Nuclear Constabulary;
  - (d) the chief constable of the Ministry of Defence Police.
- (8) For the purposes of subsection (7)(a) a chief officer of police is a relevant chief officer of police in relation to an application for a serious disruption prevention order in respect of P if—
  - (a) P lives in the chief officer’s police area, or
  - (b) the chief officer believes that P is in, or is intending to come to, the chief officer’s police area. 25
- (9) An application for a serious disruption prevention order made by a chief officer of police for a police area may be made only to a court acting for a local justice area that includes any part of that police area. 30
- (10) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of this section to have been committed on the last of those days. 35
- (11) Section 127 of the Magistrates’ Courts Act 1980 (time limits) does not apply to a complaint under this section.

*Provisions of serious disruption prevention orders***21 Provisions of serious disruption prevention order**

- (1) The only requirements and prohibitions that may be imposed on a person by a serious disruption prevention order are those which the court making the order thinks are necessary for a purpose mentioned in section 19(5) or 20(4) (as the case may be). 5
- (2) The requirements imposed on a person (“P”) by a serious disruption prevention order may, in particular, have the effect of requiring P—
- (a) to present themselves to a particular person at a particular place at, or between, particular times on particular days; 10
  - (b) to remain at a particular place for particular periods;
  - (c) to submit to electronic monitoring of P's compliance with other requirements and prohibitions imposed by the order.
- (3) Sections 22 to 24 make further provision about the inclusion of requirements (including notification requirements) in a serious disruption prevention order. 15
- (4) The prohibitions imposed on a person (“P”) by a serious disruption prevention order may, in particular, have the effect of prohibiting P from—
- (a) being in or entering a particular place or area;
  - (b) being in or entering a particular place or area between particular times on particular days; 20
  - (c) being in or entering a particular place or area between particular times on any day;
  - (d) being with particular persons;
  - (e) participating in particular activities;
  - (f) having particular articles with them; 25
  - (g) using the internet to facilitate or encourage persons to—
    - (i) commit a protest-related offence or a protest-related breach of an injunction, or
    - (ii) carry out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales. 30
- (5) References in this section to a particular place or area or particular persons, activities or articles include a place, area, persons, activities or articles of a particular description.
- (6) A serious disruption prevention order which imposes prohibitions on a person may include exceptions from those prohibitions. 35
- (7) Nothing in this section affects the generality of sections 19(6) and 20(5).
- (8) The requirements or prohibitions which are imposed on a person by a serious disruption prevention order must, so far as practicable, be such as to avoid—
- (a) any conflict with the person's religious beliefs, and 40



- (b) any interference with the times, if any, at which the person normally works or attends any educational establishment.

## 22 Requirements in serious disruption prevention order

- (1) A serious disruption prevention order which imposes on a person (“P”) a requirement, other than a notification requirement under section 24, must specify a person who is to be responsible for supervising compliance with the requirement. 5
- (2) That person may be an individual or an organisation.
- (3) Before including such a requirement, the court must receive evidence about its suitability and enforceability from— 10
  - (a) the individual to be specified under subsection (1), if an individual is to be specified;
  - (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.
- (4) Before including two or more such requirements, the court must consider their compatibility with each other. 15
- (5) Subsections (1) to (4) do not apply in relation to electronic monitoring requirements (see section 23).
- (6) It is the duty of a person specified under subsection (1)—
  - (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the “relevant requirements”); 20
  - (b) to promote P’s compliance with the relevant requirements;
  - (c) if the person considers that P—
    - (i) has complied with all of the relevant requirements, or 25
    - (ii) has failed to comply with a relevant requirement, to inform the appropriate chief officer of police.
- (7) In subsection (6)(c) “the appropriate chief officer of police” means—
  - (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that P lives, or 30
  - (b) if it appears to that person that P lives in more than one police area, whichever of the chief officers of police of those areas the person thinks it is most appropriate to inform.
- (8) Where P is subject to a requirement in a serious disruption prevention order, other than a notification requirement under section 24, P must— 35
  - (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and
  - (b) notify that person of any change of P’s home address.
- (9) The obligations mentioned in subsection (8) have effect as if they were requirements imposed on P by the order. 40

**23 Further provision about electronic monitoring requirements**

- (1) Subsections (2) to (4) apply for the purpose of determining whether a court may impose an electronic monitoring requirement on a person (“P”) in a serious disruption prevention order.
- (2) The requirement may not be imposed in P’s absence. 5
- (3) If there is a person (other than P) without whose co-operation it would be impracticable to secure the monitoring in question, the requirement may not be imposed without that person’s consent.
- (4) The court may impose the requirement only if—
- (a) it has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant area, and 10
  - (b) it is satisfied that the necessary provision can be made under the arrangements currently available.
- (5) In subsection (4)(a) “the relevant area” means—
- (a) the local justice area in which it appears to the court that P resides or will reside, and 15
  - (b) in a case where it is proposed to include in the order—
    - (i) a requirement that P must remain, for specified periods, at a specified place, or
    - (ii) a provision prohibiting P from entering a specified place or area, 20
 the local justice area in which the place or area proposed to be specified is situated.
- “Specified” means specified in the order.
- (6) A serious disruption prevention order that includes an electronic monitoring requirement must specify the person who is to be responsible for the monitoring. 25
- (7) The person specified under subsection (6) must be of a description specified in regulations made by statutory instrument by the Secretary of State.
- (8) Where a serious disruption prevention order imposes an electronic monitoring requirement on a person (“P”), P must (among other things)— 30
- (a) submit, as required from time to time by the person specified under subsection (6), to—
    - (i) being fitted with, or the installation of, any necessary apparatus, and 35
    - (ii) the inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,
  - (b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and
  - (c) take any steps required by the person specified under subsection (6) for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring. 40

These obligations have effect as requirements of the order.

- (9) Regulations under this section may –
- (a) make different provision for different purposes or in relation to different areas;
  - (b) contain supplementary, incidental, consequential, transitional or saving provision. 5

## **24 Notification requirements in serious disruption prevention order**

- (1) A serious disruption prevention order made in respect of a person (“P”) must impose on P the notification requirements in subsections (2) and (4).
- (2) P must be required to notify the information in subsection (3) to the police within the period of 3 days beginning with the day on which the order takes effect. 10
- (3) That information is –
- (a) P’s name on the day that the notification is given and, where P uses one or more other names on that day, each of those names, 15
  - (b) P’s home address on that day, and
  - (c) the address of any other premises at which, on that day, P regularly resides or stays.
- (4) P must be required to notify the information in subsection (5) to the police within the period of 3 days beginning with the day on which P – 20
- (a) uses a name which has not been previously notified to the police in accordance with the order,
  - (b) changes their home address, or
  - (c) decides to live for a period of one month or more at any premises the address of which has not been previously notified to the police in accordance with the order. 25
- (5) That information is –
- (a) in a case within subsection (4)(a), the name which has not previously been notified,
  - (b) in a case within subsection (4)(b), the new home address, and 30
  - (c) in a case within subsection (4)(c), the address of the premises at which P has decided to live.
- (6) A serious disruption prevention order must provide that P gives a notification of the kind mentioned in subsection (2) or (4) by –
- (a) attending at a police station in a police area in which P lives, and 35
  - (b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.

## **25 Duration of serious disruption prevention order**

- (1) A serious disruption prevention order takes effect on the day it is made, subject to subsections (3) and (4). 40

- (2) A serious disruption prevention order must specify the period for which it has effect, which must be a fixed period of not less than 1 week and not more than 2 years.
- (3) Subsection (4) applies in relation to a serious disruption prevention order made in respect of a person (“P”) if – 5
- (a) P has been remanded in or committed to custody by an order of a court,
  - (b) a custodial sentence has been imposed on P or P is serving or otherwise subject to such a sentence, or
  - (c) P is on licence for part of the term of a custodial sentence. 10
- (4) The order may provide that it does not take effect until –
- (a) P is released from custody,
  - (b) P ceases to be subject to a custodial sentence, or
  - (c) P ceases to be on licence.
- (5) A serious disruption prevention order may specify periods for which particular requirements or prohibitions have effect. 15
- (6) But a serious disruption prevention order may not provide for an electronic monitoring requirement to have effect for more than 12 months.
- (7) Subsection (6) is subject to any variation or renewal of the order under section 28. 20
- (8) Where a court makes a serious disruption prevention order in respect of a person and the person is already subject to such an order, the earlier order ceases to have effect.
- (9) In this section “custodial sentence” – 25
- (a) has the same meaning as in the Sentencing Code, and
  - (b) includes a “pre-Code custodial sentence” within the meaning of the Sentencing Code (see section 222 of the Code).

## 26 Other information to be included in serious disruption prevention order

- A serious disruption prevention order made in respect of a person must specify – 30
- (a) the reasons for making the order, and
  - (b) the penalties which may be imposed on the person for breaching the order.

### *Offences*

## 27 Offences relating to a serious disruption prevention order 35

- (1) Where a serious disruption prevention order has effect in respect of a person (“P”), P commits an offence if P –

- (a) fails without reasonable excuse to do anything P is required to do by the order,
  - (b) without reasonable excuse does anything P is prohibited from doing by the order, or
  - (c) notifies to the police, in purported compliance with the order, any information which P knows to be false. 5
- (2) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both.
- (3) In subsection (2) “the maximum term for summary offences” means— 10
- (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months;
  - (b) if the offence is committed after that time, 51 weeks.

*Variation, renewal or discharge of serious disruption prevention orders* 15

## **28 Variation, renewal or discharge of serious disruption prevention order**

- (1) Where a serious disruption prevention order has been made in respect of a person (“P”), a person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging the order.
- (2) Those persons are— 20
- (a) P;
  - (b) the chief officer of police for the police area in which P lives;
  - (c) a chief officer of police who believes that P is in, or is intending to come to, the chief officer’s police area;
  - (d) if the application for the order was made by a chief officer of police other than one within paragraph (b) or (c), the chief officer by whom the application was made; 25
  - (e) the chief officer of police for a police area in which P committed an offence on the basis of which the order was made;
  - (f) where the order was made following an application by a constable within subsection (3), that constable. 30
- (3) Those constables are—
- (a) the chief constable of the British Transport Police Force;
  - (b) the chief constable of the Civil Nuclear Constabulary;
  - (c) the chief constable of the Ministry of Defence Police. 35
- (4) An application under this section must be made—
- (a) where the appropriate court is a magistrates’ court, by complaint;
  - (b) in any other case, in accordance with rules of court.
- (5) Before making a decision on an application under this section, the court must hear— 40

- 
- (a) the person making the application, and  
(b) any other person within subsection (2) who wishes to be heard.
- (6) Subject to subsections (7) to (9), on an application under this section the court may make such order varying, renewing or discharging the serious disruption prevention order as it thinks appropriate. 5
- (7) The court may –  
(a) vary a serious disruption prevention order so as to –  
(i) extend the period for which the order has effect,  
(ii) extend the period for which a requirement or prohibition imposed by the order has effect, or 10  
(iii) impose an additional prohibition or requirement on P, or  
(b) renew a serious disruption prevention order,  
only if it considers that to do so is necessary for a purpose mentioned in subsection (8).
- (8) The purposes are – 15  
(a) to prevent P from committing a protest-related offence or a protest-related breach of an injunction,  
(b) to prevent P from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, 20  
(c) to prevent P from causing or contributing to –  
(i) the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or  
(ii) the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, or 25  
(d) to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from –  
(i) a protest-related offence, 30  
(ii) a protest-related breach of an injunction, or  
(iii) activities related to a protest.
- (9) An order under this section varying or renewing a serious disruption prevention order may not have the effect of extending the period for which an electronic monitoring requirement has effect by more than 12 months at a time. 35
- (10) Sections 21 to 26 (other than section 24(2) and (3)) have effect in relation to –  
(a) the variation of a serious disruption prevention order so as to –  
(i) extend the period for which the order has effect,  
(ii) extend the period for which a requirement or prohibition imposed by the order has effect, or 40  
(iii) impose an additional prohibition or requirement on P, or  
(b) the renewal of a serious disruption prevention order,

as they have effect in relation to the making of such an order.

- (11) On making an order under this section varying or renewing a serious disruption prevention order, the court must in ordinary language explain to P the effects of the serious disruption prevention order (as varied or renewed).
- (12) Section 127 of the Magistrates’ Courts Act 1980 does not apply to a complaint under this section. 5
- (13) In this section “the appropriate court” means –
- (a) where the Crown Court or the Court of Appeal made the order, the Crown Court;
  - (b) where a magistrates’ court made the order and the application is made by P or a constable within subsection (3) – 10
    - (i) that magistrates’ court, or
    - (ii) a magistrates’ court for the area in which P lives;
  - (c) where a magistrates’ court made the order and the application is made by a chief officer of police – 15
    - (i) that magistrates’ court,
    - (ii) a magistrates’ court for the area in which P lives, or
    - (iii) a magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area.

*Appeals* 20

**29 Appeal against serious disruption prevention order**

- (1) Where a serious disruption prevention order is made under section 19 (order on conviction) in respect of a person (“P”), P may appeal against the making of the order as if the order were a sentence passed on P for the offence.
- (2) Where a serious disruption prevention order is made under section 20 (order otherwise than on conviction) in respect of a person (“P”), P may appeal to the appropriate court against the making of the order. 25
- (3) A person who applied under section 20 (order otherwise than on conviction) for a serious disruption prevention order to be imposed in respect of a person may appeal to the appropriate court against a refusal to make the order. 30
- (4) Where an application is made under section 28 for an order varying, renewing or discharging a serious disruption prevention order made in respect of a person (“P”) –
- (a) the person who made the application may appeal to the appropriate court against a refusal to make an order under that section; 35
  - (b) P may appeal to the appropriate court against the making of an order under that section which was made on the application of a person other than P;
  - (c) a person within subsection (2) of that section (other than P) may appeal to the appropriate court against the making of an order under that section which was made on the application of P. 40

- (5) In this section “the appropriate court” means—
- (a) in relation to an appeal under subsection (2), the Crown Court;
  - (b) in relation to an appeal under subsection (3) or (4)—
    - (i) where the application in question was made to a magistrates’ court, the Crown Court; 5
    - (ii) where the application in question was made to the Crown Court, the Court of Appeal.
- (6) On an appeal under this section to the Crown Court, the court may make—
- (a) such orders as may be necessary to give effect to its determination of the appeal, and 10
  - (b) such incidental and consequential orders as appear to it to be appropriate.

*General*

**30 Guidance**

- (1) The Secretary of State may issue guidance to— 15
- (a) chief officers of police,
  - (b) the chief constable of the British Transport Police Force,
  - (c) the chief constable of the Civil Nuclear Constabulary, and
  - (d) the chief constable of the Ministry of Defence Police,
- in relation to serious disruption prevention orders. 20
- (2) The guidance may in particular include—
- (a) guidance about the exercise by chief officers of police and the chief constables mentioned in subsection (1) of their functions under this Part,
  - (b) guidance about identifying persons in respect of whom it may be appropriate for applications for serious disruption prevention orders to be made, and 25
  - (c) guidance about providing assistance to prosecutors in connection with applications for serious disruption prevention orders.
- (3) The Secretary of State may revise any guidance issued under this section. 30
- (4) The Secretary of State must arrange for any guidance issued under this section to be published.
- (5) A chief officer of police or a chief constable mentioned in subsection (1) must have regard to any guidance issued under this section.

**31 Guidance: Parliamentary procedure** 35

- (1) Before issuing guidance under section 30, the Secretary of State must lay a draft of the guidance before Parliament.



- (2) If, within the 40-day period, either House of Parliament resolves not to approve the draft guidance, the guidance may not be issued.
- (3) If no such resolution is made within that period, the Secretary of State may issue the guidance.
- (4) In this section “the 40-day period”, in relation to draft guidance, means the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House on the same day, the later of the days on which it is laid). 5
- (5) In calculating the 40-day period, no account is to be taken of any period during which— 10
  - (a) Parliament is dissolved or prorogued, or
  - (b) both Houses are adjourned for more than 4 days.

### **32 Data from electronic monitoring: code of practice**

- (1) The Secretary of State must issue a code of practice relating to the processing of data gathered in the course of electronic monitoring of individuals under electronic monitoring requirements imposed by serious disruption prevention orders. 15
- (2) A failure to act in accordance with a code issued under this section does not of itself make a person liable to any criminal or civil proceedings.

### **33 Interpretation of Part**

In this Part—

“electronic monitoring requirement” means a requirement of a serious disruption prevention order imposed on a person by virtue of section 21(2)(c) (provisions of serious disruption prevention order);

“home address”, in relation to a person (“P”), means— 25

- (a) the address of P’s sole or main residence, or
- (b) if P has no such residence, the address or location of a place where P can regularly be found and, if there is more than one such place, such one of those places as P may select;

“injunction” means an injunction granted by the High Court, the county court or a youth court; 30

“protest-related breach”, in relation to an injunction, means a breach which is directly related to a protest;

“protest-related offence” means an offence which is directly related to a protest. 35

**34 Consequential amendments**

- (1) In section 3(2) of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions), before paragraph (g) insert—
- “(fi) to have the conduct of applications for orders under section 19(1)(b) of the Public Order Act 2022 (serious disruption prevention orders on conviction);” 5
- (2) In section 379(1) of the Sentencing Code (other behaviour orders etc), after the entry for the Elections Act 2022 insert—
- “Public Order Act  
2022** 10
- |            |                                     |                                                                    |
|------------|-------------------------------------|--------------------------------------------------------------------|
| section 19 | serious disruption prevention order | protest-related offence within the meaning of Part 2 of that Act.” |
|------------|-------------------------------------|--------------------------------------------------------------------|

**PART 3****GENERAL** 15**35 Extent, commencement and short title**

- (1) This Act extends to England and Wales only, subject to subsection (2).
- (2) An amendment made by this Act has the same extent as the provision amended.
- (3) The following provisions come into force on the day on which this Act is passed— 20
- (a) sections 7, 13 and 23, but only for the purposes of making regulations;
- (b) this section.
- (4) Section 16 comes into force at the end of the period of two months beginning with the day on which this Act is passed. 25
- (5) Except as provided by subsections (3) and (4) this Act comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (6) Different days may be appointed for different purposes or areas.
- (7) The Secretary of State may by regulations made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act. 30
- (8) The power to make regulations under subsection (7) includes power to make different provision for different purposes or areas.
- (9) This Act may be cited as the Public Order Act 2022. 35

SCHEDULE

Section 18

INJUNCTIONS IN SECRETARY OF STATE PROCEEDINGS: POWERS TO REMAND

*Introductory*

- 1 (1) This Schedule applies where the court has power to remand a person under subsection (6) of section 18 (injunctions in Secretary of State proceedings: power of arrest and remand). 5
- (2) In this Schedule “the court” has the same meaning as in that section.

*Remand in custody or on bail*

- 2 (1) The court may –
- (a) remand the person in custody, that is, commit the person to custody to be brought before the court at the end of the period of remand or at such earlier time as the court may require, or 10
  - (b) remand the person on bail, in accordance with the following provisions.
- (2) The court may remand the person on bail – 15
- (a) by taking from the person a recognizance, with or without sureties, conditioned as provided in paragraph 3, or
  - (b) by fixing the amount of the recognizances with a view to their being taken subsequently, and in the meantime committing the person to custody as mentioned in sub-paragraph (1)(a). 20
- (3) Where a person is brought before the court after remand, the court may further remand the person.
- 3 (1) Where a person is remanded on bail, the court may direct that the person’s recognizance be conditioned for the person’s appearance – 25
- (a) before that court at the end of the period of remand, or
  - (b) at every time and place to which during the course of the proceedings the hearing may from time to time be adjourned.
- (2) Where a recognizance is conditioned for a person’s appearance as mentioned in sub-paragraph (1)(b), the fixing of any time for the person next to appear is deemed to be a remand. 30
- (3) Nothing in this paragraph affects the power of the court at any subsequent hearing to remand the person afresh.
- 4 (1) The court must not remand a person for a period exceeding eight clear days except that –
- (a) if the court remands the person on bail, it may remand the person for a longer period if the person and the other party consent, and 35
  - (b) if the court adjourns a case under section 18(9) (remand for medical examination and report) the court may remand the person for the period of adjournment.

- (2) Where the court has the power to remand a person in custody it may, if the remand is for a period not exceeding three clear days, commit the person to the custody of a constable.

*Further remand*

- 5 (1) If the court is satisfied that a person who has been remanded is unable by reason of illness or accident to appear or be brought before the court at the expiration of the period for which the person was remanded, the court may, in the person's absence, remand the person for a further time. 5
- (2) The power mentioned in sub-paragraph (1) may, in the case of a person who was remanded on bail, be exercised by enlarging the person's recognizance and those of any sureties for the person to a later time. 10
- (3) Where a person remanded on bail is bound to appear before the court at any time and the court has no power to remand the person under sub-paragraph (1), the court may in the person's absence enlarge the person's recognizance and those of any sureties for the person to a later time. 15
- (4) The enlargement of the person's recognizance is to be deemed to be a further remand.
- (5) Paragraph 4(1) (limit of remand) does not apply to the exercise of the powers conferred by this paragraph. 20

*Postponement and taking recognizance*

- 6 Where under paragraph 2(2)(b) the court fixes the amount in which the principal and their sureties, if any, are to be bound, the recognizance may afterwards be taken by such person as may be prescribed by rules of court, with the same consequences as if it had been entered into before the court. 25

*Requirements imposed on remand on bail*

- 7 The court may when remanding a person on bail under this Schedule require the person to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice. 30



# Public Order Bill

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[AS BROUGHT FROM THE COMMONS]

A

## B I L L

TO

Make provision for new offences relating to public order; to make provision about stop and search powers; to make provision about the exercise of police functions relating to public order; to make provision about proceedings by the Secretary of State relating to protest-related activities; to make provision about serious disruption prevention orders; and for connected purposes.

*Brought from the Commons on 19th October 2022*

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Ordered to be Printed, 19th October 2022.

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