

Public Order Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS CHAKRABARTI

Clause 1, page 1, line 5, at end insert “without reasonable excuse”

Member's explanatory statement

This amendment makes the lack of a reasonable excuse a component part of the offence of locking on, thus placing the burden of proof upon the prosecution.

LORD PADDICK
LORD COAKER
BARONESS CHAKRABARTI

Clause 1, page 1, line 10, leave out “, or is capable of causing,”

Member's explanatory statement

This would limit the offence to an act that causes serious disruption.

LORD COAKER
BARONESS LUDFORD

Clause 1, page 1, line 10, leave out from “is” to “and” in line 13 and insert “likely to cause, serious disruption to the life of the community,”

Member's explanatory statement

This is a probing amendment recommended by the JCHR. This would replace the current threshold of serious disruption to two or more people with a higher threshold based on serious disruption to the life of the community.

LORD PADDICK
LORD COAKER

Clause 1, page 1, line 15, leave out from “(b)” to end

Member's explanatory statement

This limits the new offence to ensure that there must be intent to cause serious disruption.

BARONESS CHAKRABARTI

Clause 1, page 1, line 16, leave out subsection (2)

Member's explanatory statement

This amendment, together with another in the name of Baroness Chakrabarti, makes the lack of a reasonable excuse a component part of the offence of locking on, thus placing the burden of proof upon the prosecution.

BARONESS CHAKRABARTI

Clause 1, page 2, line 2, leave out “to imprisonment for a term not exceeding the maximum term for summary offences,”

Member's explanatory statement

This amendment, with others in the name of Baroness Chakrabarti, reduces the maximum sentence for the proposed new offence of “locking on” to a fine.

LORD PADDICK
LORD COAKER

Clause 1, page 2, line 3, after “fine” insert “not exceeding level 2 on the standard scale”

Member's explanatory statement

A person convicted of an offence of “locking on” may be subjected to a fine. Under Clause 1 there is no limit on the fine that may be imposed. This amendment is to probe the level of fine that a person may be subject to.

BARONESS CHAKRABARTI

Clause 1, page 2, line 3, leave out “or to both”

Member's explanatory statement

This amendment, with others in the name of Baroness Chakrabarti, reduces the maximum sentence for the proposed new offence of “locking on” to a fine.

BARONESS CHAKRABARTI

Clause 1, page 2, line 4, leave out subsection (4)

Member's explanatory statement

This amendment, with others in the name of Baroness Chakrabarti, reduces the maximum sentence for the proposed new offence of “locking on” to a fine.

LORD COAKER
BARONESS LUDFORD

Clause 1, page 2, line 9, leave out subsection (5) and insert –

- “(5) For the purposes of subsection (1)(b), “serious disruption to the life of the community” means a prolonged disruption of access to any essential goods or any essential services, including, in particular, access to –
- (a) the supply of money, food, water, energy or fuel,
 - (b) a system of communication,
 - (c) a place of worship,
 - (d) a transport facility,
 - (e) an educational institution, or
 - (f) a service relating to health.”

Member's explanatory statement

This is a probing amendment recommended by the JCHR. This amendment provides a definition of ‘serious disruption to the life of the community’ as an alternative threshold for the offence under this clause. It also removes the definition for “dwelling” in consequence of an earlier amendment.

BARONESS CHAKRABARTI

Baroness Chakrabarti gives notice of her intention to oppose the Question that Clause 1 stand part of the Bill.

Clause 2

LORD COAKER
LORD PADDICK

Clause 2, page 2, line 16, leave out “may” and insert “will”

Member's explanatory statement

This would narrow the offence of ‘being equipped for locking on’ to objects which are intended for use in a lock on, and not just objects which ‘may’ be used. This is to probe the scope of the offence.

LORD PADDICK
LORD COAKER

Clause 2, page 2, line 17, leave out “or in connection with”

Member's explanatory statement

This is to probe what actions may also be criminalised "in connection with" an offence.

LORD COAKER
LORD PADDICK

Clause 2, page 2, line 17, leave out “or in connection with the commission by any person of”

Member's explanatory statement

This probing amendment would narrow the scope of the offence under this clause.

LORD PADDICK
LORD COAKER

Clause 2, page 2, line 17, leave out “any person” and insert “them”

Member's explanatory statement

Currently the offence of being equipped for locking on does not require the object to be used by the person with the item specifically, but by “any person”. This amendment is intended to limit the offending behaviour to a person who commits the offence of locking on.

LORD PADDICK
LORD COAKER

Clause 2, page 2, line 20, at end insert “not exceeding level 1 on the standard scale”

Member's explanatory statement

A person convicted of an offence of “being equipped for locking on” may be subjected to a fine. Under Clause 2 there is currently no limit on the fine that may be imposed. This amendment is to probe the level of fine that a person may be subject to.

BARONESS CHAKRABARTI

Baroness Chakrabarti gives notice of her intention to oppose the Question that Clause 2 stand part of the Bill.

After Clause 2

BARONESS CHAKRABARTI

After Clause 2, insert the following new Clause—

“Meaning of “serious disruption”

- (1) In this Act, “serious disruption” means disruption causing significant harm to persons, property or the life of the community.
- (2) “Significant harm” must be more than mere inconvenience, irritation or annoyance and of a kind that strictly necessitates interference with the rights and freedoms curtailed by proportionate exercise of a power or prosecution for an offence provided here.”

Member's explanatory statement

This new clause provides a definition of “serious disruption”; a concept referred to in relation to a number of new offences and powers in the Bill.

Clause 3

BARONESS CHAKRABARTI

Clause 3, page 2, line 24, at end insert “without reasonable excuse”

Member's explanatory statement

This amendment and others in the name of Baroness Chakrabarti to this Clause make the lack of a reasonable excuse a component part of the offence of causing serious disruption by tunnelling, thus placing the burden of proof upon the prosecution.

LORD PADDICK
BARONESS CHAKRABARTI

Clause 3, page 2, line 26, leave out “, or is capable of causing,”

Member's explanatory statement

This would limit the offence to an act that causes serious disruption.

LORD PADDICK

Clause 3, page 2, line 32, leave out from “(b)” to end of line 33

Member's explanatory statement

This limits the new offence to ensure that there must be intent to cause serious disruption.

BARONESS CHAKRABARTI

Clause 3, page 2, line 34, leave out subsection (2)

Member's explanatory statement

This amendment and others in the name of Baroness Chakrabarti to this Clause make the lack of a reasonable excuse a component part of the offence of causing serious disruption by tunnelling, thus placing the burden of proof upon the prosecution.

LORD PADDICK

Clause 3, page 3, line 5, after “fine” insert “not exceeding level 2 on the standard scale”

Member's explanatory statement

A person convicted of an offence of causing serious disruption by tunnelling may be subjected to a fine. Under Clause 3 there is no limit on the fine that may be imposed. This amendment is to probe the level of fine that a person may be subject to.

BARONESS CHAKRABARTI

Clause 3, page 3, line 7, leave out “3 years” and insert “1 year”

Member's explanatory statement

This amendment reduces the maximum sentence for the offence of causing serious disruption by tunnelling to one year in prison with or without a fine.

LORD PADDICK

Clause 3, page 3, line 7, after “fine” insert “not exceeding level 2 on the standard scale”

Member's explanatory statement

A person convicted of an offence of causing serious disruption by tunnelling may be subjected to a fine. Under Clause 3 there is no limit on the fine that may be imposed. This amendment is to probe the level of fine that a person may be subject to.

Clause 4

LORD PADDICK

Clause 4, page 3, line 26, at end insert –

“(A1) This section applies to tunnels created through the commission of an offence under section 3 (offence of causing serious disruption by tunnelling).”

Member's explanatory statement

This amendment is intended to probe the wider drafting currently contained in Clause 4 and to ensure its provision only applies in relation to an offence under Clause 3.

BARONESS CHAKRABARTI

Clause 4, page 3, line 27, at end insert “without reasonable excuse”

Member's explanatory statement

This amendment makes the lack of a reasonable excuse a component part of the offence of causing serious disruption by being present in a tunnel, thus placing the burden of proof upon the prosecution.

LORD PADDICK
BARONESS CHAKRABARTI

Clause 4, page 3, line 30, leave out “, or is capable of causing,”

Member's explanatory statement

This would limit the offence to an act that causes serious disruption.

LORD PADDICK

Clause 4, page 3, line 36, leave out from “(b)” to end of line 37

Member's explanatory statement

This limits the new offence to ensure that there must be intent to cause serious disruption.

BARONESS CHAKRABARTI

Clause 4, page 3, line 38, leave out subsection (2)

Member's explanatory statement

This amendment, with others in the name of Baroness Chakrabarti, makes the lack of a reasonable excuse a component part of the offence of causing serious disruption by being present in a tunnel, thus placing the burden of proof upon the prosecution.

BARONESS CHAKRABARTI

Clause 4, page 4, line 4, leave out “to imprisonment for a term not exceeding the general limit in a magistrates’ court,”

Member's explanatory statement

This amendment, together with another in the name of Baroness Chakrabarti, reduces the maximum sentence for causing serious disruption by being present in a tunnel to a fine.

LORD PADDICK

Clause 4, page 4, line 5, after “fine” insert “not exceeding level 2 on the standard scale”

Member's explanatory statement

A person convicted of an offence of causing serious disruption by being present in a tunnel may be subjected to a fine. Under Clause 4 there is no limit on the fine that may be imposed. This amendment is to probe the level of fine that a person may be subject to.

BARONESS CHAKRABARTI

Clause 4, page 4, line 5, leave out “or to both”

Member's explanatory statement

This amendment, and another in the name of Baroness Chakrabarti, reduces the maximum sentence for causing serious disruption by being present in a tunnel to a fine.

BARONESS CHAKRABARTI

Clause 4, page 4, line 6, leave out paragraph (b)

Member's explanatory statement

This amendment, together with another in the name of Baroness Chakrabarti, reduces the maximum sentence for causing serious disruption by being present in a tunnel to a fine.

LORD PADDICK

Clause 4, page 4, line 7, after “fine” insert “not exceeding level 2 on the standard scale”

Member's explanatory statement

A person convicted of an offence of causing serious disruption by being present in a tunnel may be subjected to a fine. Under Clause 4 there is no limit on the fine that may be imposed. This amendment is to probe the level of fine that a person may be subject to.

Clause 5

LORD PADDICK

Clause 5, page 4, line 25, leave out “or in connection with”

Member's explanatory statement

This is to probe what actions may also be criminalised "in connection with" an offence.

LORD PADDICK

Clause 5, page 4, line 25, leave out “any person” and insert “them”

Member's explanatory statement

Currently the offence of being equipped for tunnelling does not require the object to be used by the person with the item specifically, but by “any person”. This amendment is intended to limit the offending behaviour to a person who commits the offence under section 3(1) or 4(1).

LORD PADDICK

Clause 5, page 4, line 29, after “fine” insert “not exceeding level 1 on the standard scale”

Member's explanatory statement

A person convicted of an offence of 'being equipped for tunnelling' may be subjected to a fine. Under Clause 5 there is currently no limit on the fine that may be imposed. This amendment is to probe the level of fine that a person may be subject to.

BARONESS CHAKRABARTI

Baroness Chakrabarti gives notice of her intention to oppose the Question that Clause 5 stand part of the Bill.

Clause 6

LORD PADDICK
LORD COAKER

Clause 6, page 5, line 8, leave out sub-paragraph (iii)

Member's explanatory statement

This amendment seeks to limit the range of acts potentially criminalised by this provision.

LORD COAKER
LORD PADDICK

Clause 6, page 5, line 9, leave out “, or in connection with,”

Member's explanatory statement

This amendment probes what will be considered as being 'in connection with' the construction or maintenance of major transport works.

LORD PADDICK
LORD COAKER

Clause 6, page 5, line 11, leave out paragraph (b)

Member's explanatory statement

This amendment seeks to limit the range of acts potentially criminalised by this provision.

LORD COAKER
BARONESS LUDFORD

Clause 6, page 5, line 14, at end insert –

“and subsection (1A) applies.

(1A) This subsection applies where –

- (a) the act mentioned in subsection (1)(a) or (b) causes, or is likely to cause, significant disruption to setting out the lines of, constructing or maintaining the major transport works affected, and
- (b) the person intends their act –
 - (i) to obstruct the undertaker or person acting under the authority of the undertaker as mentioned in subsection (1)(a) or to interfere with or remove the apparatus as mentioned in subsection (1)(b), and
 - (ii) to have a consequence mentioned in paragraph (a) of this subsection,
 or is reckless as to whether it will have such a consequence.”

Member's explanatory statement

This probing amendment is a JCHR recommendation. It would add a threshold of causing significant disruption to this offence, and introduces an element of intention.

LORD PADDICK
LORD COAKER

Clause 6, page 5, line 23, after “fine” insert “not exceeding level 2 on the standard scale”

Member's explanatory statement

A person convicted of an offence of obstructing major transport works may be subjected to a fine. Under this Clause there is currently no limit on the fine that may be imposed. This amendment is to probe the level of fine that a person may be subject to.

Clause 7

BARONESS CHAKRABARTI

Clause 7, page 7, line 6, at end insert “without reasonable excuse”

Member's explanatory statement

This amendment, together with another in the name of Baroness Chakrabarti, makes the lack of a reasonable excuse a component part of the offence of interference with use or operation of key national infrastructure, thus placing the burden of proof upon the prosecution.

BARONESS CHAKRABARTI

Clause 7, page 7, line 11, leave out subsection (2) and insert –

- “(2) Reasonable excuses include that an act was done wholly or mainly in contemplation or furtherance of, or support for, a trade dispute.”

Member's explanatory statement

This amendment, together with another in the name of Baroness Chakrabarti, makes the lack of a reasonable excuse a component part of the offence of interference with use or operation of key national infrastructure, thus placing the burden of proof upon the prosecution. It also adds support

for a trade dispute to the protected activities of acts wholly or mainly “in contemplation or furtherance of a trade dispute.”

LORD PADDICK
LORD COAKER

Clause 7, page 7, line 21 after “fine” insert “not exceeding level 2 on the standard scale”

Member's explanatory statement

A person convicted of an offence of interference with use or operation of key national infrastructure may be subjected to a fine. Under Clause 7 there is no limit on the fine that may be imposed. This amendment is to probe the level of fine that a person may be subject to.

LORD COAKER
LORD PADDICK

Clause 7, page 7, line 24, leave out first “any” and insert “a significant”

Member's explanatory statement

This probing amendment would narrow the scope of the offence from preventing the use or operation of infrastructure to ‘any’ extent, replacing it with to ‘a significant’ extent. This is to probe the meaning of ‘any extent’.

BARONESS CHAKRABARTI

Clause 7, page 7, line 37, leave out “newspaper printing” and insert “communications”

Member's explanatory statement

This amendment replaces newspaper printing infrastructure with communications infrastructure in the list of key national infrastructure interference with which is to constitute a criminal offence.

BARONESS CHAKRABARTI

Clause 7, page 7, line 39, leave out subsections (7) to (9)

Member's explanatory statement

This amendment removes the Secretary of State’s power to make regulations by statutory instrument amending subsection (6) to add a kind of infrastructure or to vary or remove a kind of infrastructure; or to amend section 8 to re-define any aspect of infrastructure included within the new criminal offence.

Clause 8

BARONESS CHAKRABARTI

Clause 8, page 10, line 18, leave out subsections (14) and (15) and insert—

“(14) “Communications infrastructure” means the foundations of a communications system upon which broadcasting and telecommunication services are operated including those built from copper cable, fibre, or wireless technologies using the radio frequency spectrum, such as microwave and satellite.”

Member's explanatory statement

This amendment defines “communications infrastructure” for the purposes of an earlier amendment in the name of Baroness Chakrabarti to the list of key national infrastructure given special protection by the new criminal offence.

Clause 10LORD PADDICK
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 10 stand part of the Bill.

Clause 11LORD COAKER
LORD PADDICK
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 11 stand part of the Bill.

Clause 12

LORD COAKER

Lord Coaker gives notice of his intention to oppose the Question that Clause 12 stand part of the Bill.

Clause 13

LORD COAKER

Lord Coaker gives notice of his intention to oppose the Question that Clause 13 stand part of the Bill.

Clause 14

LORD COAKER
LORD PADDICK

The above-named Lords give notice of their intention to oppose the Question that Clause 14 stand part of the Bill.

Clause 17

LORD PADDICK

Clause 17, page 19, line 26, leave out “reasonably believes” and insert “has reasonable grounds for suspecting”

Member's explanatory statement

This amendment is intended to raise the threshold for the Secretary of State to bring civil proceedings.

LORD PADDICK

Clause 17, page 19, line 30, leave out “reasonably believes” and insert “has reasonable grounds for suspecting”

Member's explanatory statement

This amendment is intended to raise the threshold for the Secretary of State to bring civil proceedings.

LORD PADDICK

Clause 17, page 19, line 37, leave out “reasonably believes” and insert “has reasonable grounds for suspecting”

Member's explanatory statement

This amendment is intended to raise the threshold for the Secretary of State to bring civil proceedings.

LORD PADDICK

Clause 17, page 20, line 1, leave out subsection (4) and insert –

“(4) The Secretary of State may bring civil proceedings relating to the activities in the name of the Secretary of State only if it is not reasonable or not practicable for a party directly impacted by the activity to bring civil proceedings.”

Member's explanatory statement

This amendment is intended to limit the ability of the Secretary of State to bring civil proceedings to circumstances where there is no viable alternative.

BARONESS CHAKRABARTI

Baroness Chakrabarti gives notice of her intention to oppose the Question that Clause 17 stand part of the Bill.

Clause 18

LORD PADDICK

Clause 18, page 20, line 29, leave out paragraph (a)

Member's explanatory statement

This amendment is intended to ensure that the type of behaviour which can be subjected to an injunction is of sufficient seriousness to warrant an intervention by the Secretary of State.

BARONESS CHAKRABARTI

Baroness Chakrabarti gives notice of her intention to oppose the Question that Clause 18 stand part of the Bill.

Clause 19

LORD PADDICK

Clause 19, page 22, line 8, leave out “on the balance of probabilities” and insert “beyond reasonable doubt”

Member's explanatory statement

This amendment raises the burden of proof for imposing a serious disruption prevention order to the criminal standard.

LORD PADDICK

Clause 19, page 22, line 13, leave out “on the balance of probabilities” and insert “beyond reasonable doubt”

Member's explanatory statement

This amendment raises the burden of proof for imposing a serious disruption prevention order to the criminal standard.

LORD PONSONBY OF SHULBREDE

LORD PADDICK

BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 19 stand part of the Bill.

Clause 20

LORD PADDICK

Clause 20, page 24, line 13, leave out “on the balance of probabilities” and insert “beyond reasonable doubt”

Member's explanatory statement

This amendment raises the burden of proof for imposing a serious disruption prevention order to the criminal standard.

LORD PONSONBY OF SHULBREDE
LORD PADDICK
BARONESS CHAKRABARTI

The above-named Lords give notice of their intention to oppose the Question that Clause 20 stand part of the Bill.

Clause 25

LORD PADDICK

Clause 25, page 30, line 19, leave out “or renewal”

Member's explanatory statement

This amendment, together with others in the name of Lord Paddick, would prevent an existing serious disruption prevention order from being renewed.

Clause 27

LORD PADDICK

Clause 27, page 31, line 9, after “fine” insert “not exceeding level 2 on the standard scale”

Member's explanatory statement

A person convicted of an offence related to a serious disruption prevention order may be subjected to a fine. Under Clause 27 there is currently no limit on the fine that may be imposed. This amendment is to probe the level of fine that a person may be subject to.

Clause 28

LORD PADDICK

Clause 28, page 31, line 19, leave out “, renewing”

Member's explanatory statement

This amendment, together with others in the name of Lord Paddick, would prevent an existing serious disruption prevention order from being renewed.

LORD PADDICK

Clause 28, page 32, line 4, leave out “, renewing”

Member's explanatory statement

This amendment, together with others in the name of Lord Paddick, would prevent an existing serious disruption prevention order from being renewed.

LORD PADDICK

Clause 28, page 32, line 12, leave out paragraph (b)

Member's explanatory statement

This amendment, together with others in the name of Lord Paddick, would prevent an existing serious disruption prevention order from being renewed.

LORD PADDICK

Clause 28, page 32, line 33, leave out “or renewing”

Member's explanatory statement

This amendment, together with others in the name of Lord Paddick, would prevent an existing serious disruption prevention order from being renewed.

LORD PADDICK

Clause 28, page 32, line 43, leave out paragraph (b)

Member's explanatory statement

This amendment, together with others in the name of Lord Paddick, would prevent an existing serious disruption prevention order from being renewed.

LORD PADDICK

Clause 28, page 33, line 2, leave out “or renewing”

Member's explanatory statement

This amendment, together with others in the name of Lord Paddick, would prevent an existing serious disruption prevention order from being renewed.

LORD PADDICK

Clause 28, page 33, line 4, leave out “or renewed”

Member's explanatory statement

This amendment, together with others in the name of Lord Paddick, would prevent an existing serious disruption prevention order from being renewed.

Clause 29

LORD PADDICK

Clause 29, page 33, line 31, leave out “, renewing”

Member's explanatory statement

This amendment, together with others in the name of Lord Paddick, would prevent an existing serious disruption prevention order from being renewed.

Clause 35

LORD PADDICK

Clause 35, page 36, line 28, at end insert “, which may not be before the date of publication of the report set out in subsection (6A).”

Member's explanatory statement

This amendment is consequential on Lord Paddick's amendment to Clause 35, page 36, line 29.

LORD PADDICK

Clause 35, page 36, line 29, at end insert –

- “(6A) Regulations may not be made to bring sections 1 to 8, 15 and 19 to 29 into force (except as provided for under subsection (3)) unless the Secretary of State has published and laid before each House of Parliament a report containing –
- (a) an assessment of the current capability of police services in England and Wales in relation to the provisions of this Act,
 - (b) an assessment of the numbers of police officers who will need to be trained in relation to the provisions of this Act, the number of officers who will be needed to deliver the training and the amount of time that that training will take for each officer,
 - (c) details of how police units will be deployed in relation to the provisions of this Act, including the number of police officers who may be redeployed from other duties, and
 - (d) an assessment by the Secretary of State of the likely impact of the provisions of this Act on the number of police officers who will be moved from their usual duties to public order operations in other places.”

Member's explanatory statement

This amendment would mean that sections 1 to 8, 15 and 19 to 29 of this Act could not come into force until the Government has laid before Parliament a report assessing the current capability of police services to operate the provisions in those sections and the impact on police deployment.

Public Order Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

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