

Public Order Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 6

LORD PADDICK

Clause 6, page 5, line 20, at end insert –

“(2A) For the purposes of subsection (2)(a), in determining whether a person had a reasonable excuse, particular regard must be had to the importance of the right of peaceful protest by virtue of Article 10 and Article 11 of the European Convention on Human Rights.”

Member's explanatory statement

This amendment reflects a recommendation from the Joint Committee on Human Rights and would insert an explicit requirement to have particular regard to the right to peaceful protest when considering whether an individual has a “reasonable excuse” for their actions.

Clause 7

LORD PADDICK

Clause 7, page 7, line 16, at end insert –

“(2A) For the purposes of subsection (2)(a), in determining whether a person had a reasonable excuse, particular regard must be had to the importance of the right of peaceful protest by virtue of Article 10 and Article 11 of the European Convention on Human Rights.”

Member's explanatory statement

This amendment reflects a recommendation from the Joint Committee on Human Rights and would insert an explicit requirement to have particular regard to the right to peaceful protest when considering whether an individual has a “reasonable excuse” for their actions.

Clause 9

BARONESS FOX OF BUCKLEY
BARONESS HOEY

Clause 9, page 10, line 28, after first “who” insert “, without reasonable excuse,”

Member's explanatory statement

This amendment provides for a defence where the person has a reasonable excuse for being within a buffer zone and has access to that defence prior to charge.

BARONESS FOX OF BUCKLEY
BARONESS HOEY

Clause 9, page 10, line 28, after “zone” insert “that has been designated by a local authority under subsection (2A)”

Member's explanatory statement

This amendment seeks to align Clause 9 with Part 3 of the Police, Crime, Sentencing and Courts Act 2022 and should be read in conjunction with the amendment in the name of Baroness Fox of Buckley inserting new subsection (2A).

BARONESS FOX OF BUCKLEY
BARONESS HOEY

Clause 9, page 10, line 28, after second “who” insert “intentionally or recklessly”

Member's explanatory statement

This amendment introduces elements of intention so as to strengthen the burden of proof required to establish an offence.

BARONESS FOX OF BUCKLEY
BARONESS HOEY

Clause 9, page 10, line 39, at end insert –

- “(2A) At the request of the operator of an abortion clinic, a local authority may establish a buffer zone.
- (2B) In determining whether to establish a buffer zone, the local authority must consult –
- (a) the operator of an abortion clinic,
 - (b) owners and occupiers of the land within the proposed buffer zone,
 - (c) the chief police officer, and the local policing body, for the police area that includes the proposed buffer zone,
 - (d) individuals, charities, and organisations impacted by the proposed buffer zone, and
 - (e) such other persons as appropriate.

- (2C) A local authority may establish a buffer zone for a period of up to one year.
- (2D) Following the expiration of a buffer zone, and at the request of the abortion clinic, a local authority may renew the buffer zone for a subsequent one-year period, subject to the consultation set out in paragraph (2B).”

Member's explanatory statement

This amendment seeks to align Clause 9 with Part 3 of the Police, Crime, Sentencing and Courts Act 2022.

BARONESS FOX OF BUCKLEY
BARONESS HOEY

Clause 9, page 11, line 2, leave out paragraph (b)

Member's explanatory statement

This amendment, and others to this clause in the name of Baroness Fox of Buckley, seek to limit the range of acts potentially criminalised by this provision by ensuring the regime creates buffer zones that are necessary and proportionate.

BARONESS FOX OF BUCKLEY
BARONESS HOEY

Clause 9, page 11, line 7, leave out paragraph (f)

Member's explanatory statement

This amendment, and others to this clause in the name of Baroness Fox of Buckley, seek to limit the range of acts potentially criminalised by this provision by ensuring the regime creates buffer zones that are necessary and proportionate.

BARONESS FOX OF BUCKLEY
BARONESS HOEY

Clause 9, page 11, leave out lines 15 to 23 and insert ", to a fine not exceeding level 3 on the standard scale; and

“(b) on further instances, on summary conviction, to imprisonment for a term not exceeding 3 months.”

Member's explanatory statement

This amendment seeks to align Clause 9 with Part 3 of the Police, Crime, Sentencing and Courts Act 2022 and to ensure proportionality in the sentences provided for under this subsection.

LORD FARMER

Leave out Clause 9 and insert the following new Clause –

“Review into certain activities taking place outside abortion clinics in England and Wales

- (1) The Secretary of State must arrange for the carrying out of a review into activities taking place in the vicinity of abortion clinics in England and Wales which could influence any person’s decision to access, provide, or facilitate the provision of abortion services.
- (2) The review must include evidence from and consultation with the following –
 - (a) police forces,
 - (b) abortion providers,
 - (c) local authorities,
 - (d) relevant groups or individuals engaged in relevant activity in the vicinity of abortion clinics, and
 - (e) the public.
- (3) The review must consider the effectiveness of existing relevant powers including, but not limited to, that under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (power to make public spaces protection orders).
- (4) The Secretary of State must publish and lay before each House of Parliament a report on the outcome of the review expeditiously.”

Member's explanatory statement

This amendment replacing Clause 9, together with another in the name of Lord Farmer that comes after it, would give the Secretary of State powers to introduce nationwide buffer zones after a consultation process to determine if there has been significant change in the nature of protest outside abortion clinics since 2018 (when a Home Office Review deemed buffer zones to be disproportionate).

After Clause 9

LORD FARMER

After Clause 9 insert the following new Clause –

“Power to impose restrictions outside abortion clinics

- (1) The Secretary of State may by regulations impose buffer zones outside abortion clinics if satisfied that doing so would be necessary and proportionate in the light of the review under section 9 (Review into certain activities taking place outside abortion clinics in England and Wales).
- (2) Regulations under subsection (1) must be made within a year after a report has been published and laid before each House of Parliament under section 9(4).

- (3) If regulations are not made in accordance with subsection (2), the Secretary of State may by regulations impose buffer zones outside abortion clinics within a year of a further review commissioned by the Secretary of State.
- (4) A review under subsection (3) must follow the requirements set out in subsections 9(2) to (4).
- (5) In subsections (1) and (3) a “buffer zone” means a specific and defined public place with restrictions imposed on it which are necessary and proportionate to maintain public order and prevent anti-social behaviour.
- (6) Regulations under this section may provide that where a buffer zone is imposed –
 - (a) specified activities are prohibited in the buffer zone;
 - (b) specified activities must be done by persons carrying on other specified activities in the buffer zone.
- (7) Regulations under this section are to be made by statutory instrument.
- (8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

See explanatory statement for the amendment in the name of Lord Farmer replacing Clause 9.

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