

Public Order Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD HOPE OF CRAIGHEAD

Clause 1, page 1, line 15, at end insert –

- “(1A) In subsection (1)(b) “serious disruption” means a prolonged disruption of access to places where the individuals or the organisation live or carry on business or to which for urgent reasons they wish to travel, or a significant delay in the delivery of time sensitive products or essential goods and services.”

Member's explanatory statement

This amendment seeks to provide a definition of “serious disruption” that is appropriate to the offence described in clause 1.

LORD HOPE OF CRAIGHEAD

Clause 1, page 1, line 18, at end insert –

- “(2A) The question whether a person had a reasonable excuse for the act mentioned in subsection (1)(a) is to be determined with reference to the immediate interests or intentions of the individual, not any public interest which that person may seek to invoke.”

Member's explanatory statement

This amendment invites the Government to consider the practical implications of a broadly worded reasonable excuse test, and to assess whether in the case of this particular offence it should be limited as proposed.

Clause 3

LORD HOPE OF CRAIGHEAD

Clause 3, page 2, line 33, at end insert –

- “(1A) In subsection (1)(b) “serious disruption” means a significant interruption to any construction or maintenance works or other activities that are being, or are to be,

performed or carried on by the individuals or the organisation on the ground above the tunnel or in its vicinity.”

Member's explanatory statement

This amendment seeks to provide a definition of “serious disruption” that is appropriate to the offence described in clause 3.

LORD HOPE OF CRAIGHEAD

Clause 3, page 2, line 36, at end insert –

“(2A) The question whether a person had a reasonable excuse for creating, or participating in the creation of, the tunnel is to be determined with reference to the immediate interests or intentions of the individual, not any public interest which that person may seek to invoke.”

Member's explanatory statement

This amendment invites the Government to consider the practical implications of a broadly worded reasonable excuse test, and to assess whether in the case of this particular offence it should be limited as proposed.

Clause 4

LORD HOPE OF CRAIGHEAD

Clause 4, page 3, line 37, at end insert –

“(1A) In subsection (1)(b) “serious disruption” means a significant interruption to any construction or maintenance works or other activities that are being or to be performed or carried on by the individuals or the organisation above the tunnel or in its vicinity.”

Member's explanatory statement

This amendment seeks to provide a definition of “serious disruption” that is appropriate to the offence described in clause 4.

LORD HOPE OF CRAIGHEAD

Clause 4, page 3, line 39, at end insert –

“(2A) The question whether a person had a reasonable excuse for their presence in the tunnel is to be determined with reference to the immediate interests or intentions of the individual, not to any public interest which that person may seek to invoke.”

Member's explanatory statement

This amendment invites the Government to consider the practical implications of a broadly worded reasonable excuse test, and to assess whether in the case of this particular offence it should be limited as proposed.

LORD COAKER

Clause 4, page 3, line 39, at end insert –

- “(2A) It is a defence for a person charged with an offence under subsection (1) to prove that the act mentioned in that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute.”

Member's explanatory statement

This would insert a defence for a person who is present in a tunnel and who is undertaking acts wholly or mainly in contemplation or furtherance of a trade dispute. This is to probe situations where all or part of a person's workplace is within a tunnel such as the London Underground.

Clause 6

LORD HOPE OF CRAIGHEAD

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

- “(2A) The question whether a person had a reasonable excuse for the act mentioned in paragraph (a) or (b) of subsection (1) is to be determined with reference to the immediate interests or intentions of the individual, not any public interest which that person may seek to invoke.”

Member's explanatory statement

This amendment invites the Government to consider the practical implications of a broadly worded reasonable excuse test, and to assess whether in the case of this particular offence it should be limited as proposed.

Clause 7

LORD HOPE OF CRAIGHEAD

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

- “(2A) The question whether a person had a reasonable excuse for the act mentioned in paragraph (a) of subsection (1) is to be determined with reference to the immediate interests or intentions of the individual, not any public interest which that person may seek to invoke.”

Member's explanatory statement

This amendment invites the Government to consider the practical implications of a broadly worded reasonable excuse test, and to assess whether in the case of this particular offence it should be limited as proposed.

Clause 8

LORD COAKER
LORD PADDICK

Clause 8, page 8, line 31, leave out “or B”

Member's explanatory statement

This is a probing amendment. It is a recommendation of the JCHR which would narrow the definition of ‘road transport infrastructure’ to focus on major roads.

LORD COAKER
LORD PADDICK

Clause 8, page 8, line 34, after “Act)” insert “, but excludes infrastructure that is not essential for the purposes of transporting goods or passengers by railway”

Member's explanatory statement

This is a probing amendment. It is a recommendation of the JCHR which probes what will be covered by the definition of “rail infrastructure”.

LORD COAKER
LORD PADDICK

Clause 8, page 9, line 5, at end insert –

“(5A) “Air transport infrastructure” excludes infrastructure that is not essential for the purposes of transporting goods or passengers by air.”

Member's explanatory statement

This is a probing amendment from the Joint Committee on Human Rights which probes what will be covered by the definition of “air transport infrastructure”.

LORD COAKER
LORD PADDICK

Clause 8, page 9, line 7, leave out “or in connection with”

Member's explanatory statement

This is one of a group of amendments in the name of Lord Coaker which probe what facilities will be considered to be used ‘in connection with’ infrastructure covered by this clause.

LORD COAKER
LORD PADDICK

Clause 8, page 9, line 13, leave out “or in connection with”

Member's explanatory statement

This is one of a group of amendments in the name of Lord Coaker which probe what facilities will be considered to be used 'in connection with' infrastructure covered by this clause.

LORD COAKER
LORD PADDICK

Clause 8, page 9, line 28, leave out “or in connection with”

Member's explanatory statement

This is one of a group of amendments in the name of Lord Coaker which probe what facilities will be considered to be used 'in connection with' infrastructure covered by this clause.

LORD COAKER
LORD PADDICK

Clause 8, page 9, line 43, leave out “or in connection with”

Member's explanatory statement

This is one of a group of amendments in the name of Lord Coaker which probe what facilities will be considered to be used 'in connection with' infrastructure covered by this clause.

LORD COAKER
LORD PADDICK

Clause 8, page 10, line 8, leave out “or in connection with”

Member's explanatory statement

This is one of a group of amendments in the name of Lord Coaker which probe what facilities will be considered to be used 'in connection with' infrastructure covered by this clause.

Clause 9

BARONESS FOX OF BUCKLEY

Clause 9, page 10, line 31, after first “which” insert “has been designated by a local authority under subsection (2A) and”

Clause 11

BARONESS JONES OF MOULSECOOMB

Clause 11, page 12, line 41, leave out “or” and insert “and”

Member's explanatory statement

This amendment would ensure that an individual could only be stopped and searched where it was clear that the individual intended for such items to be used in the context of a protest.

BARONESS JONES OF MOULSECOOMB

Clause 11, page 13, line 2, at end insert –

“(2A) In this section “prohibited object” does not include –

- (a) food items,
- (b) paper, sellotape, glue, and other items reasonably used in an office workplace,
- (c) a bicycle, helmet, or equipment used to secure the same, or
- (d) musical equipment.”

Member's explanatory statement

This amendment would ensure that members of the public are able to carry ordinary items in public without risk of searches from the police.

After Clause 18

BARONESS JONES OF MOULSECOOMB

After Clause 18, insert the following new Clause –

“Repeal of section 73 of the Police, Crime, Sentencing and Courts Act 2022

In the Police, Crime, Sentencing and Courts Act 2022 omit section 73 (imposing conditions on public processions).”

Member's explanatory statement

This amendment is intended to remove the noise ‘trigger’ that empowers senior police officers to impose conditions on public processions.

BARONESS JONES OF MOULSECOOMB

After Clause 18, insert the following new Clause –

“Repeal of section 74 of the Police, Crime, Sentencing and Courts Act 2022

In the Police, Crime, Sentencing and Courts Act 2022 omit section 74 (imposing conditions on public assemblies).”

Member's explanatory statement

This amendment is intended to remove the noise ‘trigger’ that empowers senior police officers to impose conditions on public assemblies.

BARONESS JONES OF MOULSECOOMB

After Clause 18, insert the following new Clause –

“Repeal of section 75 of the Police, Crime, Sentencing and Courts Act 2022

In the Police, Crime, Sentencing and Courts Act 2022 omit section 75 (offences under sections 12 and 14 of the Public Order Act 1986).”

Member's explanatory statement

This amendment is intended to make the standard of knowledge, required for the offence, higher. The amendment would also reduce the maximum penalties for the offences.

BARONESS JONES OF MOULSECOOMB

After Clause 18, insert the following new Clause –

“Repeal of section 76 of the Police, Crime, Sentencing and Courts Act 2022

In the Police, Crime, Sentencing and Courts Act 2022 omit section 76 (obstruction of vehicular access to Parliament).”

Member's explanatory statement

This amendment is intended to reduce the area around Parliament designated a “controlled area”. The amendment is also intended to remove the restriction on obstructing vehicles from entering or exiting the Parliamentary buildings and grounds.

BARONESS JONES OF MOULSECOOMB

After Clause 18, insert the following new Clause –

“Repeal of section 77 of the Police, Crime, Sentencing and Courts Act 2022

In the Police, Crime, Sentencing and Courts Act 2022 omit section 77 (power to specify other areas as controlled areas).”

Member's explanatory statement

This amendment is intended to restrict the Secretary of State’s power to designate areas as “controlled areas”.

BARONESS JONES OF MOULSECOOMB

After Clause 18, insert the following new Clause –

“Repeal of section 78 of the Police, Crime, Sentencing and Courts Act 2022

In the Police, Crime, Sentencing and Courts Act 2022 omit section 78 (intentionally or recklessly causing public nuisance).”

Member's explanatory statement

This amendment is intended to revert the offence of public nuisance back to the common law, thereby narrowing the definition of public nuisance.

BARONESS JONES OF MOULSECOOMB

After Clause 18, insert the following new Clause –

“Repeal of section 79 of the Police, Crime, Sentencing and Courts Act 2022

In the Police, Crime, Sentencing and Courts Act 2022 omit section 79 (imposing conditions on one-person protests).”

Member's explanatory statement

This amendment is intended to remove the police power to impose conditions on one-person protests.

BARONESS JONES OF MOULSECOOMB

After Clause 18, insert the following new Clause –

“Repeal of section 80 of the Police, Crime, Sentencing and Courts Act 2022

In the Police, Crime, Sentencing and Courts Act 2022 omit section 80 (wilful obstruction of highway).”

Member's explanatory statement

This amendment is intended to return the sentence for this offence to a fine not exceeding level 3 on the standard scale (up to £1,000). At present the maximum sentence is up to 51 weeks in prison or an unlimited fine or both.

Clause 20

BARONESS JONES OF MOULSECOOMB

Clause 20, page 25, line 32, at end insert –

“(9A) An application for a serious disruption prevention order may not be made by a person within subsection (7) for any period during which His Majesty’s Inspectorate of Constabulary and Fire and Rescue Services is monitoring the police force to which they belong through its engage phase of monitoring.”

Member's explanatory statement

This amendment prevents police forces which are subject to special measures by His Majesty’s Inspectorate of Constabulary and Fire Services from using serious disruption prevention orders.

After Clause 34

LORD COAKER
LORD PADDICK

After Clause 34, insert the following new Clause –

“Review of sentencing for protest-related offences

- (1) Within three months of the day on which this Act is passed, the Secretary of State must publish a review into sentencing for public order and protest-related offences.
- (2) “Public order and protest-related offences” include, but are not restricted to, offences for protest-related activity under –
 - (a) the Criminal Damage Act 1971;
 - (b) the Highways Act 1980;
 - (c) the Public Order Act 1986;
 - (d) the Criminal Justice and Public Order Act 1994;
 - (e) the Police, Crime, Sentencing and Courts Act 2022; andoffences charged following breach of an injunction against protest-related activity, granted under the Protection from Harassment Act 1997.
- (3) The review must include –
 - (a) the average sentence given where a person commits a public order or protest-related offence, and
 - (b) the proportion of cases in which the maximum available sentence is given for a public order or protest-related offence.
- (4) The Secretary of State must lay a copy of the review before each House of Parliament.”

LORD COAKER

After Clause 34, insert the following new Clause –

“National monitoring tool

- (1) The Secretary of State must develop a national monitoring tool to monitor the use of or requests for specialist protest police officers across England and Wales.
- (2) Data collected under this section may be used to evaluate capacity and demand for specialist protest officers across England and Wales.”

Member's explanatory statement

This is a probing amendment, to probe demand for and the capacity of specialist protest officers across police forces.

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