

Public Order Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 1st November 2022, as follows –

Clauses 1 to 18
Schedule

Clauses 19 to 35
Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

BARONESS CHAKRABARTI
LORD PADDICK
LORD ANDERSON OF IPSWICH
LORD SKIDELSKY

1 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
LORD SKIDELSKY

2 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

- 3 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
LORD SKIDELSKY

- 4 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 JONES OF MOULSECOOMB

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

“(1A) In this section, “attach” means to connect by mechanical means, and does not include circumstances where persons, objects or land are merely touching, holding or being held, or seated or placed upon each other.”

Member's explanatory statement

This amendment probes the definition of “attach” in the Clause 1 offence of locking on, and whether it includes for example holding hands or sitting down.

LORD HOPE OF CRAIGHEAD

- 6 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.

BARONESS CHAKRABARTI
LORD PADDICK
LORD ANDERSON OF IPSWICH

7 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.

LORD PADDICK
LORD COAKER

8 Clause 1, page 1, line 16, leave out subsection (2) and insert—

“(2) A person does not commit an offence under this section if they had a reasonable excuse for the act mentioned in paragraph (a) of subsection (1).”

Member's explanatory statement

Clause 1(2) provides for a defence where the person has a reasonable excuse for “locking on”. This amendment ensures that a person is able to access that defence prior to charge.

BARONESS JONES OF MOULSECOOMB

9 Clause 1, page 1, line 18, at end insert—

“(2A) It is a defence for a person charged with an offence under subsection (1) that their actions were likely to avoid greater disruption or were otherwise in the public interest.”

Member's explanatory statement

This amendment creates a defence for actions that are in the public interest or which avoid greater disruption.

BARONESS JONES OF MOULSECOOMB

10 Clause 1, page 1, line 18, at end insert—

“(2A) The defence in subsection (2) does not apply to attaching an object to land for the purpose of extracting fossil fuels.”

Member's explanatory statement

This amendment probes whether the offence of locking on applies to serious disruption caused by the fossil fuel industry.

LORD HOPE OF CRAIGHEAD

11 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.

BARONESS CHAKRABARTI

12 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

13 Clause 1, page 2, line 2, leave out “the maximum term for summary offences” and insert “three months”

Member's explanatory statement

This amendment is based on a recommendation from the JCHR to reduce the maximum penalty for the offence.

LORD PADDICK
LORD COAKER

14 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

15 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

- 16 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
LORD ANDERSON OF IPSWICH
THE LORD BISHOP OF ST ALBANS

- 17 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
BARONESS FOX OF BUCKLEY

- 18 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
LORD SKIDELSKY
BARONESS FOX OF BUCKLEY

- 19 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
BARONESS FOX OF BUCKLEY

- 20 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
LORD SKIDELSKY
BARONESS FOX OF BUCKLEY

- 21 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

22 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
LORD PONSONBY OF SHULBREDE
BARONESS BOYCOTT

23 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 for under this Act.”

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
LORD PADDICK

24 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

25 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

26 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.

LORD HOPE OF CRAIGHEAD

27 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.

BARONESS CHAKRABARTI
LORD PADDICK
LORD SKIDELSKY

28 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

29 Clause 3, page 2, line 34, leave out from beginning to “they” in line 35 and insert “A person does not commit an offence under this section if”

Member's explanatory statement

Clause 3(2) provides for a defence, for example, where the person was authorised to create a tunnel. This amendment ensures that a person is able to access that defence prior to charge.

LORD HOPE OF CRAIGHEAD

30 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.

LORD PADDICK

31 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

32 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

33 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

34 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
LORD PADDICK

35 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
BARONESS FOX OF BUCKLEY

36 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
BARONESS FOX OF BUCKLEY

37 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.

LORD HOPE OF CRAIGHEAD

38 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.

BARONESS CHAKRABARTI
LORD PADDICK

39 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.

LORD PADDICK

40 Clause 4, page 3, line 38, leave out from beginning to “they” in line 39 and insert “A person does not commit an offence under this section if”

Member's explanatory statement

Clause 4(2) provides for a defence, for example, where the person was authorised to be present in a tunnel. This amendment ensures that a person is able to access that defence prior to charge.

LORD HOPE OF CRAIGHEAD

41 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
LORD PADDICK

42 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.

BARONESS CHAKRABARTI

- 43 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

- 44 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

- 45 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

- 46 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

- 47 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
BARONESS FOX OF BUCKLEY

48 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
BARONESS FOX OF BUCKLEY

49 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

50 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

51 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

52 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

53 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

54 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

55 Clause 6, page 5, leave out lines 15 and 16 and insert –

“(2) A person does not commit an offence under this section if –”

Member's explanatory statement

Clause 6(2) provides for a defence where a person has a reasonable excuse or where the acts were done wholly or mainly in contemplation or furtherance of a trade dispute. This amendment ensures that a person is able to access the defence prior to charge.

LORD PADDICK

56 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.

LORD HOPE OF CRAIGHEAD

57 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.

LORD PADDICK
LORD COAKER

58 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
LORD PADDICK

59 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.

LORD PADDICK
LORD COAKER
LORD HENDY

60 Clause 7, page 7, leave out lines 11 and 12 and insert—

“(2) A person does not commit an offence under subsection (1) if—”

Member's explanatory statement

Clause 7(2) provides for a defence where a person has a reasonable excuse or where the acts were done wholly or mainly in contemplation or furtherance of a trade dispute. This amendment ensures that a person is able to access that defence prior to charge.

BARONESS CHAKRABARTI
LORD PADDICK

61 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

62 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.

LORD HOPE OF CRAIGHEAD

63 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.

LORD PADDICK
LORD COAKER

64 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
BARONESS FOX OF BUCKLEY

65 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”.

LORD PADDICK

66★ Clause 7, page 7, line 25, leave out “The cases in which”

Member's explanatory statement

This amendment, along with another, is intended to probe the inclusive (as opposed to specific) definition of the cases in which infrastructure is prevented from being used or operated for any of its intended purposes.

LORD PADDICK

67★ Clause 7, page 7, line 26, leave out “include”

Member's explanatory statement

This amendment, along with another, is intended to probe the inclusive (as opposed to specific) definition of the cases in which infrastructure is prevented from being used or operated for any of its intended purposes.

BARONESS CHAKRABARTI

68 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

69 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 8LORD COAKER
LORD PADDICK

70 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

- 71 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

- 72 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

- 73 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

- 74 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

- 75 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

76 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

77 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.

BARONESS CHAKRABARTI

78 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.

LORD PADDICK

79★ Clause 8, page 10, leave out line 25

Member's explanatory statement

This amendment is based on a recommendation from the JCHR. It is intended to probe the extent to which periodicals and magazines are included in the definition of a newspaper.

Clause 9

BARONESS FOX OF BUCKLEY
BARONESS HOEY

80 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

- 81 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

- 82 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

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

BARONESS SUGG
LORD PONSONBY OF SHULBREDE
BARONESS BARKER

- 84★ Clause 9, page 10, line 36, after “clinic” insert “or building or site which contains an abortion clinic”

Member's explanatory statement

This clarifies the existing provisions to ensure that the curtilage of buildings housing abortion clinics is also covered. This would apply, for instance, to hospitals, GP services, and buildings where abortion providers are a tenant.

LORD BEITH
THE LORD BISHOP OF ST ALBANS

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

“(2A) A buffer zone does not include any area wholly occupied by a building which is in regular use as a place of worship.”

Member's explanatory statement

This amendment is to protect freedom of worship and religious debate in any place of worship within 150 metres of an abortion clinic.

BARONESS FOX OF BUCKLEY
BARONESS HOEY

86 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 subsection (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 SUGG
LORD PONSONBY OF SHULBREDE
BARONESS BARKER

87★ Clause 9, page 10, line 40, after “with”, insert “in relation to abortion services”

Member's explanatory statement

This amendment and others in Baroness Sugg's name would clarify and narrow the scope of the definition of “interferes with” to make clear that these actions are only an offence when done with relation to abortion services.

LORD BEITH
BARONESS FOX OF BUCKLEY
BARONESS HOEY
THE LORD BISHOP OF ST ALBANS

88 Clause 9, page 11, line 1, leave out paragraph (a)

Member's explanatory statement

This amendment is to protect freedom of speech.

BARONESS FOX OF BUCKLEY
BARONESS HOEY
THE LORD BISHOP OF ST ALBANS

89 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.

LORD BEITH
BARONESS FOX OF BUCKLEY
BARONESS HOEY
THE LORD BISHOP OF ST ALBANS

90 Clause 9, page 11, line 5, leave out paragraph (e)

Member's explanatory statement

This amendment is to protect freedom of speech.

BARONESS SUGG
LORD PONSONBY OF SHULBREDE
BARONESS BARKER

91★ Clause 9, page 11, line 5, leave out “, or otherwise expresses opinion”

Member's explanatory statement

This amendment and others in Baroness Sugg's name would clarify and narrow the scope of the definition of “interferes with” to make clear that these actions are only an offence when done with relation to abortion services.

BARONESS FOX OF BUCKLEY
BARONESS HOEY
THE LORD BISHOP OF ST ALBANS

92 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 SUGG
LORD PONSONBY OF SHULBREDE
BARONESS BARKER

93★ Clause 9, page 11, line 7, leave out “about abortion services”

Member's explanatory statement

This reference to abortion service is no longer needed given the earlier amendment in Baroness Sugg’s name inserting “in relation to abortion services” into 9(3).

BARONESS FOX OF BUCKLEY
BARONESS HOEY

94 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.

BARONESS SUGG
LORD PONSONBY OF SHULBREDE
BARONESS BARKER

95★ Clause 9, page 11, line 33, at end insert –

- “(e) any person or persons accompanying, with consent, a person or persons accessing, providing or facilitating the provision of, or attempting to access, provide or facilitate the provision of, abortion services.”

Member's explanatory statement

This amendment and others in Baroness Sugg’s name would introduce three additional exemptions to activity within a buffer zone – where it involves somebody accompanying a person with consent; where it occurs, and the person affected is, inside a private dwelling; and where it occurs, and the person affected is, inside a building used as a place of worship.

BARONESS SUGG
LORD PONSONBY OF SHULBREDE
BARONESS BARKER

96★ Clause 9, page 11, line 33, at end insert –

“(e) anything done by a person inside a dwelling where the person affected is also inside that or another dwelling.”

Member's explanatory statement

This amendment and others in Baroness Sugg's name would introduce three additional exemptions to activity within a buffer zone – where it involves somebody accompanying a person with consent; where it occurs, and the person affected is, inside a private dwelling; and where it occurs, and the person affected is, inside a building used as a place of worship. The latter are limited to people within the buildings, and do not include the use of buildings or land to interfere with access to abortion services.

BARONESS SUGG
LORD PONSONBY OF SHULBREDE
BARONESS BARKER

97★ Clause 9, page 11, line 33, at end insert –

“(e) anything done by a person inside a building used as a place of worship where the person affected is also inside that building.”

Member's explanatory statement

This amendment and others in Baroness Sugg's name would introduce three additional exemptions to activity within a buffer zone – where it involves somebody accompanying a person with consent; where it occurs, and the person affected is, inside a private dwelling; and where it occurs, and the person affected is, inside a building used as a place of worship. The latter are limited to people within the buildings, and do not include the use of buildings or land to interfere with access to abortion services.

LORD FARMER
THE LORD BISHOP OF ST ALBANS

98 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
THE LORD BISHOP OF ST ALBANS

99 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 (*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 (*Review into certain activities taking place outside abortion clinics in England and Wales*)(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 section (*Review into certain activities taking place outside abortion clinics in England and Wales*)(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.

Clause 10

LORD 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 11

BARONESS JONES OF MOULSECOOMB

100 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

101 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.

LORD COAKER
LORD PADDICK
BARONESS CHAKRABARTI
LORD ANDERSON OF IPSWICH

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 PADDICK

The above-named Lords give notice of their intention to oppose the Question that Clause 12 stand part of the Bill.

Clause 13

LORD COAKER
LORD PADDICK

The above-named Lords give notice of their 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 16

LORD SHARPE OF EPSOM

102 Clause 16, page 16, line 3, leave out “in England and Wales”

Member's explanatory statement

This amendment and the amendments in the name of Lord Sharpe of Epsom at page 16, line 12, page 17, line 20, page 17, line 35 and page 18, line 4 have the effect that in Clause 16 the amendments to sections 14 and 14A of the Public Order Act 1986 in relation to the British Transport Police apply in relation to Scotland as well as England and Wales.

LORD SHARPE OF EPSOM

103 Clause 16, page 16, line 12, leave out “in England and Wales”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Sharpe of Epsom at page 16, line 3.

LORD SHARPE OF EPSOM

- 104 Clause 16, page 17, line 20, leave out “in England and Wales”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Sharpe of Epsom at page 16, line 3.

LORD SHARPE OF EPSOM

- 105 Clause 16, page 17, line 35, leave out “in England and Wales”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Sharpe of Epsom at page 16, line 3.

LORD BEITH
BARONESS FOX OF BUCKLEY

- 106 Clause 16, page 17, leave out lines 41 to 44

Member's explanatory statement

This amendment aims to prevent excessively wide use of the power to prevent protests on and around railway stations.

LORD SHARPE OF EPSOM

- 107 Clause 16, page 17, line 42, leave out “Secretary of State” and insert “relevant national authority”

Member's explanatory statement

This amendment and the amendment in the name of Lord Sharpe of Epsom at page 18, line 10 have the effect that the consent of the Scottish Ministers is required in order for the chief constable of the British Transport Police to make an order under section 14A(4D) of the Public Order Act 1986 prohibiting trespassory assemblies in an area in Scotland.

LORD SHARPE OF EPSOM

- 108 Clause 16, page 18, line 4, leave out “in England and Wales”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Sharpe of Epsom at page 16, line 3.

LORD SHARPE OF EPSOM

109 Clause 16, page 18, line 10, at end insert –

- “(4EA) In subsection (4D) “the relevant national authority” means –
- (a) in relation to an area in England and Wales, the Secretary of State;
 - (b) in relation to an area in Scotland, the Scottish Ministers.”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Lord Sharpe of Epsom at page 17, line 42.

Clause 17

LORD PADDICK
LORD SKIDELSKY

110 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

111 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

112 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

113 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

114★ Clause 17, page 20, line 7, at end insert –

“(5A) The Secretary of State must publish –

- (a) the reasons for any decision not to consult under subsection (5),
- (b) the results of any consultation under subsection (5),
- (c) any representations made to the Secretary of State as to a proposed exercise of the power to bring proceedings, and
- (d) an assessment of why proceedings should be brought by the Secretary of State at public expense rather than by any other person.”

Member's explanatory statement

This amendment and another at page 20, line 13, require the Secretary of State to publish the reasons for any decision not to consult, the results of any consultation, any representations made to the Secretary of State as to a proposed exercise of the power, an assessment of why other parties should not finance their own proceedings and an annual report including all of the above in relation to the use of this power in the previous year.

BARONESS CHAKRABARTI

115★ Clause 17, page 20, line 13, at end insert –

“(7A) Within the period of one year beginning with the day on which this section comes into force and every year thereafter, the Secretary of State must publish a report on the exercise of this power to bring proceedings.

(7B) This report must set out –

- (a) every consultation under subsection (5),
- (b) every decision not to consult,
- (c) results of consultation,
- (d) representations made to the Secretary of State as to a proposed exercise of the power to bring proceedings, and
- (e) assessments of why proceedings have been brought by the Secretary of State at public expense rather than by any other person.

- (7C) The report must set out a schedule of the costs of bringing proceedings under this section in relation to the preceding year.”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Baroness Chakrabarti at page 20, line 7.

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

- 116 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.

After Clause 18

BARONESS CHAKRABARTI

LORD PADDICK

BARONESS BOYCOTT

- 117 After Clause 18, insert the following new Clause –

“Protection for journalists and others monitoring protests

A constable may not exercise any police power for the principal purpose of preventing a person from observing, recording, or otherwise reporting on the exercise of police powers in relation to –

- (a) a protest-related offence,
- (b) a protest-related breach of an injunction, or
- (c) activities related to a protest.”

Member's explanatory statement

This new Clause would protect journalists, legal observers, academics, and bystanders who monitor or record the police's use of powers related to protests.

BARONESS JONES OF MOULSECOOMB

118 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

119 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

120 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

121 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

122 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

123 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

124 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

125 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.

LORD COAKER
LORD PADDICK

126★ After Clause 18, insert the following new Clause—

“Consolidated public order guidance

- (1) Within three months of the day on which this Act is passed, the College of Policing must, with the approval of the Secretary of State, publish consolidated guidance on public order policing.
- (2) Guidance under this section must consolidate into a single source—
 - (a) the College of Policing’s authorised professional practice for public order, and
 - (b) the National Police Chiefs’ Council and College of Policing’s operational advice for public order policing.
- (3) The Secretary of State must require the College of Policing to annually review its guidance under this section.
- (4) The College of Policing may from time to time revise the whole or part of its guidance under this section.
- (4) The Secretary of State must lay before Parliament any guidance on public order policing issued by the College of Policing, and any revision of such guidance.
- (5) Guidance under this section must include—
 - (a) legal guidance on existing public order legislation and relevant human rights legislation;
 - (b) operational guidance on best practice in public order policing, including how best practice should be shared between police forces;
 - (c) specific operational guidance in addressing techniques for locking on;
 - (d) minimum national training standards for both specialist and non-specialist officers deployed to police protest-related activity;
 - (e) guidance on journalistic freedoms and the right of journalists to cover protests without interference.”

Member's explanatory statement

This amendment probes the need for public order policing guidance to be consolidated into one accessible source and regularly updated, as recommended by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services. It would require guidance to include minimum training standards, clear information on relevant law, and operational guidance on best practice.

LORD COAKER

127★ After Clause 18, insert the following new Clause –

“Repeal of provisions imposing conditions on public processions relating to noise

- (1) Section 12 of the Public Order Act 1986 (imposing conditions on public processions) is amended as follows.
- (2) In subsection (1), omit paragraphs (aa) and (ab).
- (3) Omit subsections (2C) to (2E).”

Member's explanatory statement

This amendment would remove “noise generated by people” as a trigger for public order powers for public processions. This is to probe the use of the power since it was introduced.

Clause 19

LORD PADDICK
LORD SKIDELSKY
BARONESS FOX OF BUCKLEY
THE LORD BISHOP OF ST ALBANS

128 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
BARONESS FOX OF BUCKLEY
THE LORD BISHOP OF ST ALBANS

129 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
LORD ANDERSON OF IPSWICH

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
BARONESS FOX OF BUCKLEY
THE LORD BISHOP OF ST ALBANS

- 130** 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 HENDY

- 131** Clause 20, page 24, line 31, at end insert –
- “(2A) A magistrates’ court may not make a serious disruption prevention order under subsection (1) if reliance is placed on activities under subsection (2)(a)(iii) or (v) and those activities were undertaken wholly or mainly in contemplation or furtherance of a trade dispute.”

Member's explanatory statement

This amendment is intended to strengthen and extend the current protection in Clause 7(2)(b) for acts done in contemplation or furtherance of a trade dispute so as to permit what would otherwise be lawful picketing protected by (and within the limits of) section 220 of the Trade Union and Labour Relations (Consolidation) Act 1992 (peaceful picketing).

BARONESS JONES OF MOULSECOOMB

- 132** 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.

LORD PONSONBY OF SHULBREDE
LORD PADDICK
BARONESS CHAKRABARTI
LORD ANDERSON OF IPSWICH

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

133 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

134 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

135 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

136 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

137 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

138 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

139 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

140 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

141 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

142 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.

After Clause 34

LORD COAKER
LORD PADDICK

143 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

144 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.

LORD COAKER

145★ After Clause 34, insert the following new Clause —

“Review of use of injunctions for protest-related activity

- (1) Within six months of the day on which this Act is passed, the Secretary of State must publish a review of the use of injunctions for protest-related activity.
- (2) The Secretary of State must lay a copy of the review before each House of Parliament.”

Member's explanatory statement

This amendment would require the Secretary of State to review the use of injunctions for protest-related activity. This is to probe how injunctions are used, their effects, how they interact with police powers and responsibilities, and problems facing their use such as securing them within a reasonable timescale.

Clause 35

BARONESS CHAKRABARTI

146 Clause 35, page 36, line 25, at end insert —

- “(4A) No other provisions of this Act may be brought into force until a report by His Majesty’s Chief Inspectorate of Constabulary and Fire Services on improvements to the vetting, recruitment and discipline of specialist protest police officers is laid before and debated in each House of Parliament.”

Member's explanatory statement

This amendment, and another in the name of Baroness Chakrabarti, require parliamentary debate of a report by HMCI on improvements to the vetting, recruitment and discipline of specialist protest police officers before most provisions of the legislation may be brought into force. They further prohibit the bringing into force of the provisions in any police area under HMCI special measures.

BARONESS CHAKRABARTI

147 Clause 35, page 36, line 26, leave out “and (4)” and insert “, (4) and (4A)”

Member's explanatory statement

This amendment, and another in the name of Baroness Chakrabarti, require parliamentary debate of a report by HMCI on improvements to the vetting, recruitment and discipline of specialist protest police officers before most provisions of the legislation may be brought into force. They

further prohibit the bringing into force of the provisions in any police area under HMCI special measures.

LORD PADDICK

- 148 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.

BARONESS CHAKRABARTI

- 149 Clause 35, page 36, line 28, at end insert “, save that provisions may not be brought into force for any area in which the police service is under special measures, the engage phase of monitoring, or other unusual scrutiny and monitoring by His Majesty's Chief Inspectorate of Constabulary and Fire Services.”

Member's explanatory statement

This amendment prohibits the bringing into force of the provisions in any police area under HMCI special measures.

LORD PADDICK
LORD COAKER

- 150 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

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

14 November 2022

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