

Public Order Bill

SECOND 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 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 SUGG
BARONESS BARKER
BARONESS WATKINS OF TAVISTOCK

80A★ Clause 9, page 10, line 28, leave out “buffer” and insert “safe access”

Member's explanatory statement

This change in name clarifies the reason for the zone, and aligns with the description of the zone in Northern Ireland, the proposed description in Scotland, and in other countries.

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 SUGG
BARONESS BARKER
BARONESS WATKINS OF TAVISTOCK

- 82A★ Clause 9, page 10, line 30, leave out “buffer” and insert “safe access”

Member's explanatory statement

This change in name clarifies the reason for the zone, and aligns with the description of the zone in Northern Ireland, the proposed description in Scotland, and in other countries.

BARONESS SUGG
BARONESS BARKER
BARONESS WATKINS OF TAVISTOCK

- 82B★ Clause 9, page 10, line 31, leave out “buffer” and insert “safe access”

Member's explanatory statement

This change in name clarifies the reason for the zone, and aligns with the description of the zone in Northern Ireland, the proposed description in Scotland, and in other countries.

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
BARONESS WATKINS OF TAVISTOCK

- 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
BARONESS WATKINS OF TAVISTOCK

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
BARONESS WATKINS OF TAVISTOCK

- 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
BARONESS WATKINS OF TAVISTOCK

- 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 HAMWEE
BARONESS BARKER
BARONESS SUGG

- 93A★ Clause 9, page 11, line 12, at end insert –

“(3A) For the purposes of this section, “abortion clinic” includes a place where advice or counselling relating to abortions is provided and “abortion services” are to be interpreted accordingly.”

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
BARONESS WATKINS OF TAVISTOCK

- 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
BARONESS WATKINS OF TAVISTOCK

- 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
BARONESS WATKINS OF TAVISTOCK

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
LORD MCCOLL OF DULWICH
LORD MCAVOY

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
LORD MCAVOY

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
LORD SKIDELSKY

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 LORD BISHOP OF MANCHESTER

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

BARONESS JONES OF MOULSECOOMB

- 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

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
LORD PADDICK

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.

Clause 30

LORD ROOKER

Lord Rooker gives notice of his intention to oppose the Question that Clause 30 stand part of the Bill.

Clause 31LORD ROOKER
BARONESS MEACHER

142A Clause 31, page 35, line 1, leave out subsections (2) to (5) and insert –

“(2) Guidance under section 30 may not be issued unless the draft of the guidance has been approved by a resolution of each House of Parliament.”

Member's explanatory statement

Clause 30 contains an example of a power to issue guidance on the exercise of statutory functions. This allows the Secretary of State to influence the exercise of police functions which could affect people who have not committed an offence and which would restrict their liberty backed by criminal penalties. The Delegated Powers and Regulatory Reform Committee has recommended that such guidance should be subject to a high level of Parliamentary scrutiny, namely the affirmative procedure.

After Clause 34LORD 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; and

offences 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
THE LORD BISHOP OF MANCHESTER

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
THE LORD BISHOP OF MANCHESTER

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

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

18 November 2022

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