

# Public Order Bill

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## THIRD 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.**

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**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.*

BARONESS CHAKRABARTI  
BARONESS BOYCOTT

**127A** 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 a protest or 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, which is a revised version of Amendment 117, would protect journalists, legal observers, academics, and bystanders who monitor or record protests or the police's use of powers related to protests.*

**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 31

LORD 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 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; 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

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

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*9 December 2022*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS