

# Public Order Bill

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AMENDMENTS  
TO BE MOVED  
ON REPORT

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**Before Clause 1**

BARONESS CHAKRABARTI  
LORD PADDICK

Before Clause 1, insert the following new Clause—

**“Meaning of “serious disruption”**

- (1) In this Act, “serious disruption” means disruption causing substantial harm to persons, their property or quality of life.
- (2) This harm must be more than mere inconvenience, irritation or annoyance and of a kind that justifies interference with rights and freedoms by the proportionate exercise of a power, or proportionate prosecution and sentencing for an offence provided for under this Act.”

*Member's explanatory statement*

*This new clause defines the concept of “serious disruption” which is the trigger for several new offences and powers in the Bill.*

**Clause 1**

BARONESS CHAKRABARTI  
LORD BROWN OF EATON-UNDER-HEYWOOD

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.*

BARONESS CHAKRABARTI  
LORD BROWN OF EATON-UNDER-HEYWOOD

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.*

BARONESS CHAKRABARTI

Leave out Clause 1

**Clause 2**

BARONESS CHAKRABARTI

Leave out Clause 2

**Clause 3**

BARONESS CHAKRABARTI

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.*

BARONESS CHAKRABARTI

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.*

**Clause 4**

BARONESS CHAKRABARTI

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.*

## BARONESS CHAKRABARTI

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.*

**Clause 7**

## BARONESS CHAKRABARTI

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.*

## BARONESS CHAKRABARTI

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”.*

## BARONESS CHAKRABARTI

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 17**

BARONESS CHAKRABARTI

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,
  - (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

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.*



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*4 January 2023*

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