

Public Order Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 1

LORD HOPE OF CRAIGHEAD
LORD FAULKS

This amendment replaces the amendment in the name of Lord Hope of Craighead to Clause 1, page 1, line 15 published on sheet HL Bill 82(a)

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

“(1A) For the purposes of subsection (1)(b) the act will result in, or will be capable of causing, serious disruption if it prevents or would hinder to more than a minor degree the individuals or the organisation from carrying out their daily activities.”

Member's explanatory statement

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

LORD HOPE OF CRAIGHEAD
LORD FAULKS

This amendment replaces the amendment in the name of Lord Hope of Craighead to Clause 1, page 1, line 18 published on sheet HL Bill 82(a)

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

“(2A) The fact that the person did the act mentioned in paragraph (a) of subsection (1) as part of or in furtherance of a protest on an issue of current debate will not constitute a reasonable excuse for doing that act.”

Member's explanatory statement

This amendment seeks to limit the scope of the reasonable excuse defence, as the ingredients of the offence themselves ensure consistent with case law that its interference with a protester's Convention rights is proportionate.

Clause 3

LORD HOPE OF CRAIGHEAD
LORD FAULKS

This amendment replaces the amendment in the name of Lord Hope of Craighead to Clause 3, page 2, line 33 published on sheet HL Bill 82(a)

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

- “(1A) For the purposes of subsection (1)(b) the creation or existence of the tunnel will result in, or will be capable of causing, serious disruption if it prevents or would hinder to more than a minor degree any construction or maintenance works or other activities that are being, or are to be, performed or carried on by the individuals or the organisation on the ground above the tunnel or in its vicinity.”

Member's explanatory statement

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

LORD HOPE OF CRAIGHEAD
LORD FAULKS

This amendment replaces the amendment in the name of Lord Hope of Craighead to Clause 3, page 2, line 36 published on sheet HL Bill 82(a)

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

- “(2A) The fact that the person did the act mentioned in paragraph (a) of subsection (1) as part of or in furtherance of a protest on an issue of current debate will not constitute a reasonable excuse for doing that act.”

Member's explanatory statement

This amendment seeks to limit the scope of the reasonable excuse defence, as the ingredients of the offence themselves ensure consistent with case law that its interference with a protester's Convention rights is proportionate.

Clause 4

LORD HOPE OF CRAIGHEAD
LORD FAULKS

This amendment replaces the amendment in the name of Lord Hope of Craighead to Clause 4, page 3, line 37 published on sheet HL Bill 82(a)

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

- “(1A) For the purposes of subsection (1)(b) the person's presence in the tunnel will result in, or will be capable of causing, serious disruption if it prevents or would hinder to more than a minor degree 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 above the tunnel or in its vicinity.”

Member's explanatory statement

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

LORD HOPE OF CRAIGHEAD
LORD FAULKS

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

“(2A) The fact that the person was in the tunnel as part of or in furtherance of a protest on an issue of current debate will not constitute a reasonable excuse for their presence there.”

Member's explanatory statement

This amendment seeks to limit the scope of the reasonable excuse defence, as the ingredients of the offence themselves ensure consistent with case law that its interference with a protestor's Convention rights is proportionate.

Clause 6

LORD HOPE OF CRAIGHEAD
LORD FAULKS

This amendment replaces the amendment in the name of Lord Hope of Craighead to Clause 6, page 5, line 20 published on sheet HL Bill 82(a)

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

“(2A) The fact that the person did the act mentioned in paragraph (a) or (b) of subsection (1) as part of or in furtherance of a protest on an issue of current debate will not constitute a reasonable excuse for doing that act.”

Member's explanatory statement

This amendment seeks to limit the scope of the reasonable excuse defence, as the ingredients of the offence themselves ensure consistent with case law that its interference with a protestor's Convention rights is proportionate.

Clause 7

LORD HOPE OF CRAIGHEAD
LORD FAULKS

This amendment replaces the amendment in the name of Lord Hope of Craighead to Clause 7, page 7, line 16 published on sheet HL Bill 82(a)

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

“(2A) The fact that the person did the act mentioned in paragraph (a) of subsection (1) as part of or in furtherance of a protest on an issue of current debate will not constitute a reasonable excuse for doing that act.”

Member's explanatory statement

This amendment seeks to limit the scope of the reasonable excuse defence, as the ingredients of the offence themselves ensure consistent with case law that its interference with a protester's Convention rights is proportionate.

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