

Public Order Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 4

LORD SHARPE OF EPSOM

Clause 4, page 3, line 28, after “a” insert “relevant”

Member's explanatory statement

This amendment and the amendments in the name of Lord Sharpe of Epsom at page 4, line 14 and page 4, line 15 provide that the offence in Clause 4 may be committed only in relation to a tunnel that was created for the purposes of, or in connection with, a protest.

LORD SHARPE OF EPSOM

Clause 4, page 4, line 14, at end insert –

“(5A) In this section “relevant tunnel” means a tunnel that was created for the purposes of, or in connection with, a protest (and it does not matter whether an offence has been committed under section 3 in relation to the creation of the tunnel).”

Member's explanatory statement

See the amendment in the name of Lord Sharpe of Epsom at page 3, line 28.

LORD SHARPE OF EPSOM

Clause 4, page 4, leave out line 15 and insert “References in this section to the creation of an excavation include –”

Member's explanatory statement

See the amendment in the name of Lord Sharpe of Epsom at page 3, line 28.

After Clause 16

LORD SHARPE OF EPSOM

After Clause 16, insert the following new Clause –

“Wilful obstruction of highway

In section 137 of the Highways Act 1980 (penalty for wilful obstruction), after subsection (1) insert –

“(1ZA) Subsection (1ZB) applies where –

- (a) a person wilfully obstructs the free passage along a highway, and
- (b) the obstruction causes or is capable of causing serious disruption to two or more individuals or an organisation.

(1ZB) The fact that the person wilfully obstructed the free passage along the highway as part of or in furtherance of a protest on an issue of current debate does not constitute a lawful excuse for the purposes of subsection (1).

(1ZC) For the purposes of subsection (1ZA) an obstruction causes “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 new Clause amends section 137 of the Highways Act 1980 (penalty for wilful obstruction of the highway) to provide that where a person wilfully obstructs the free passage along a highway and that obstruction causes or is capable of causing serious disruption, the fact that they did so as part of or in furtherance of a protest on an issue of current debate does not constitute a lawful excuse.

LORD SHARPE OF EPSOM

After Clause 16, insert the following new Clause –

“Public nuisance

In section 78 of the Police, Crime, Sentencing and Courts Act 2022 (intentionally or recklessly causing public nuisance), after subsection (3) insert –

“(3A) The fact that a person’s act or omission mentioned in subsection (1)(a) was done as part of or in furtherance of a protest on an issue of current debate does not constitute a reasonable excuse for the act or omission.””

Member's explanatory statement

This new Clause amends section 78 of the Police, Crime, Sentencing and Courts Act 2022 (intentionally or recklessly causing public nuisance) to provide that where an act or omission that causes a public nuisance is done as part of or in furtherance of a protest on an issue of current debate, that does not constitute a reasonable excuse for the act or omission.

After Clause 18

BARONESS CHAKRABARTI
BARONESS BOYCOTT
LORD PADDICK
LORD HOPE OF CRAIGHEAD

This amendment replaces a previous amendment in the name of Baroness Chakrabarti originally printed on sheet HL Bill 82(b)

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 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 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 SHARPE OF EPSOM

Clause 19, page 22, line 33, leave out “5” and insert “3”

Member's explanatory statement

This amendment provides for the “relevant period” in Clause 19 of the Bill (serious disruption prevention orders made on conviction) to be reduced to three years.

Clause 20

LORD SHARPE OF EPSOM

Clause 20, page 24, line 32, leave out “5” and insert “3”

Member's explanatory statement

This amendment provides for the “relevant period” in Clause 20 of the Bill (serious disruption prevention orders made otherwise than on conviction) to be reduced to three years.

Clause 21

LORD SHARPE OF EPSOM

Clause 21, page 26, line 12, leave out paragraph (c)

Member's explanatory statement

This amendment omits the provision in Part 2 of the Bill that provided for a serious disruption prevention order to include a requirement for a person to submit to electronic monitoring of their compliance with such an order.

Clause 22

LORD SHARPE OF EPSOM

Clause 22, page 27, line 17, leave out subsection (5)

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Sharpe of Epsom at page 26, line 12.

Clause 23

LORD SHARPE OF EPSOM

Leave out Clause 23

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Sharpe of Epsom at page 26, line 12.

Clause 25

LORD SHARPE OF EPSOM

Clause 25, page 30, line 17, leave out subsections (6) and (7)

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Sharpe of Epsom at page 26, line 12.

Clause 28

LORD SHARPE OF EPSOM

Clause 28, page 32, line 32, at end insert —

“(8A) The court may not renew a serious disruption prevention order more than once.”

Member's explanatory statement

This amendment provides that a serious disruption prevention order may not be renewed under Clause 28 more than once.

LORD SHARPE OF EPSOM

Clause 28, page 32, line 33, leave out subsection (9)

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Sharpe of Epsom at page 26, line 12.

Clause 32

LORD SHARPE OF EPSOM

Leave out Clause 32

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Sharpe of Epsom at page 26, line 12.

Clause 33

LORD SHARPE OF EPSOM

Clause 33, page 35, leave out lines line 22 to 24

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Sharpe of Epsom at page 26, line 12.

Clause 35

LORD SHARPE OF EPSOM

Clause 35, page 36, line 22, leave out “, 13 and 23” and insert “and 13”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Sharpe of Epsom that leaves out Clause 23.

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