

# Public Order Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

*The amendments have been marshalled in accordance with the Instruction of 11th January 2023, 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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**Before Clause 1**

LORD COAKER  
LORD PADDICK  
BARONESS CHAKRABARTI  
BARONESS JONES OF MOULSECOOMB

**1** Before Clause 1, insert the following new Clause –

**“Meaning of “serious disruption”**

- (1) In this Act, “serious disruption” means disruption causing significant harm to persons, organisations or the life of the community, in particular where –
- (a) it may result in a significant delay to the delivery of a time-sensitive product to consumers of that product, or
  - (b) it may result in a prolonged disruption of access to any essential goods or any essential service, including access to –
    - (i) the supply of money, food, water, energy, or fuel,
    - (ii) a system of communication,
    - (iii) a place of worship,
    - (iv) a transport facility,
    - (v) an educational institution, or
    - (vi) a service relating to health.

- (2) In subsection (1)(a), “time-sensitive product” means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them.”

***Member's explanatory statement***

*This new Clause defines the concept of “serious disruption” for the purposes of this Bill, which is the trigger for several new offences and powers.*

**Clause 1**

BARONESS CHAKRABARTI  
LORD BROWN OF EATON-UNDER-HEYWOOD

- 2 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.*

LORD PADDICK

- 3 Clause 1, page 1, line 10, leave out “, or is capable of causing,”

***Member's explanatory statement***

*This would limit the offence to an act that causes serious disruption.*

LORD PADDICK

- 4 Clause 1, page 1, line 15, leave out from “(b)” to end of line

***Member's explanatory statement***

*This limits the new offence to ensure that there must be intent to cause serious disruption.*

LORD HOPE OF CRAIGHEAD  
LORD FAULKS  
LORD SHARPE OF EPSOM

- 5 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.*

BARONESS CHAKRABARTI  
LORD BROWN OF EATON-UNDER-HEYWOOD

- 6 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.*

LORD PADDICK

- 7 Clause 1, page 1, line 16, leave out subsection (2) and insert –

“(2) A person does not commit an offence under this section if they had a reasonable excuse for the act mentioned in paragraph (a) of subsection (1).”

***Member's explanatory statement***

*Clause 1(2) provides for a defence where the person has a reasonable excuse for “locking on”. This amendment ensures that a person is able to access that defence prior to charge.*

LORD HOPE OF CRAIGHEAD  
LORD FAULKS  
LORD SHARPE OF EPSOM

- 8 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.*

BARONESS CHAKRABARTI  
BARONESS JONES OF MOULSECOOMB  
THE LORD BISHOP OF BRISTOL

- 9 Leave out Clause 1

**Clause 2**

BARONESS CHAKRABARTI  
 BARONESS JONES OF MOULSECOOMB  
 THE LORD BISHOP OF BRISTOL

- 10 Leave out Clause 2

**Clause 3**

BARONESS CHAKRABARTI

- 11 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.*

LORD PADDICK

- 12 Clause 3, page 2, line 26, leave out “, or is capable of causing,”

***Member's explanatory statement***

*This would limit the offence to an act that causes serious disruption.*

LORD PADDICK

- 13 Clause 3, page 2, line 32, leave out from “(b)” to end of line 33

***Member's explanatory statement***

*This limits the new offence to ensure that there must be intent to cause serious disruption.*

LORD HOPE OF CRAIGHEAD  
 LORD FAULKS  
 LORD SHARPE OF EPSOM  
 LORD ANDERSON OF IPSWICH

- 14 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.*

BARONESS CHAKRABARTI

- 15 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.*

LORD PADDICK

- 16 Clause 3, page 2, line 34, leave out from beginning to “they” in line 35 and insert “A person does not commit an offence under this section if”

**Member's explanatory statement**

*Clause 3(2) provides for a defence, for example, where the person was authorised to create a tunnel. This amendment ensures that a person is able to access that defence prior to charge.*

LORD HOPE OF CRAIGHEAD  
LORD FAULKS  
LORD SHARPE OF EPSOM

- 17 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.*

LORD HOPE OF CRAIGHEAD  
LORD FAULKS  
LORD SHARPE OF EPSOM

- 18 Clause 3, page 2, line 37, leave out “Without prejudice to the generality of subsection (2),”

**Member's explanatory statement**

*This amendment is consequential on introduction of the new subsection (2A) in this Clause in the name of Lord Hope of Craighead.*

#### Clause 4

LORD PADDICK

19 Clause 4, page 3, line 26, at end insert –

“(A1) This section applies to tunnels created through the commission of an offence under section 3 (Offence of causing serious disruption by tunnelling).”

***Member's explanatory statement***

*This amendment ensures the offence of causing serious disruption by being present in a tunnel only applies in relation to an offence under Clause 3.*

BARONESS CHAKRABARTI

20 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.*

LORD SHARPE OF EPSOM

21 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 PADDICK

22 Clause 4, page 3, line 30, leave out “, or is capable of causing,”

***Member's explanatory statement***

*This would limit the offence to an act that causes serious disruption.*

LORD PADDICK

23 Clause 4, page 3, line 36, leave out from “(b)” to end of line 37

***Member's explanatory statement***

*This limits the new offence to ensure that there must be intent to cause serious disruption.*

LORD HOPE OF CRAIGHEAD  
LORD FAULKS  
LORD SHARPE OF EPSOM  
LORD ANDERSON OF IPSWICH

24 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.*

BARONESS CHAKRABARTI

25 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.*

LORD PADDICK

26 Clause 4, page 3, line 38, leave out from beginning to “they” in line 39 and insert “A person does not commit an offence under this section if”

***Member's explanatory statement***

*Clause 4(2) provides for a defence, for example, where the person was authorised to be present in a tunnel. This amendment ensures that a person is able to access that defence prior to charge.*

LORD HOPE OF CRAIGHEAD  
LORD FAULKS  
LORD SHARPE OF EPSOM

27 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.*

LORD HOPE OF CRAIGHEAD  
LORD FAULKS  
LORD SHARPE OF EPSOM

- 28 Clause 4, page 3, line 40, leave out “Without prejudice to the generality of subsection (2),”
- Member's explanatory statement*  
This amendment is consequential on introduction of the new subsection (2A) in this Clause in the name of Lord Hope of Craighead.

LORD SHARPE OF EPSOM

- 29 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

- 30 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.

**Clause 5**

LORD PADDICK

- 31 Clause 5, page 4, line 24, leave out “with the intention that it may be used” and insert “for use”
- Member's explanatory statement*  
This amendment is designed to narrow the type of object to one for use in committing an offence rather than an object that may be used to commit an offence.

**Clause 6**

LORD PADDICK

- 32 Clause 6, page 5, leave out lines 15 and 16 and insert –
- “(2) A person does not commit an offence under this section if –”



**Member's explanatory statement**

Clause 6(2) provides for a defence where a person has a reasonable excuse or where the acts were done wholly or mainly in contemplation or furtherance of a trade dispute. This amendment ensures that a person is able to access these defences prior to charge.

LORD HOPE OF CRAIGHEAD  
LORD FAULKS  
LORD SHARPE OF EPSOM

33 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 protester's Convention rights is proportionate.

**Clause 7**

BARONESS CHAKRABARTI

34 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

35 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”.

## LORD PADDICK

36 Clause 7, page 7, leave out lines 11 and 12 and insert—

“(2) A person does not commit an offence under subsection (1) if—”

***Member's explanatory statement***

*Clause 7(2) provides for a defence where a person has a reasonable excuse or where the acts were done wholly or mainly in contemplation or furtherance of a trade dispute. This amendment ensures that a person is able to access these defences prior to charge.*

LORD HOPE OF CRAIGHEAD  
LORD FAULKS  
LORD SHARPE OF EPSOM

37 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.*

## BARONESS CHAKRABARTI

38 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 8**

## LORD PADDICK

39★ Clause 8, page 8, line 34, after “Act)” insert “, but excludes infrastructure that is not essential for the purposes of transporting goods or passengers by railway”

***Member's explanatory statement***

*This amendment is intended to narrow the scope of “rail infrastructure” to exclude protests that do not directly impact the operation of trains.*

## LORD PADDICK

**40★** Clause 8, page 9, line 5, at end insert –

“(5A) “Air transport infrastructure” excludes infrastructure that is not essential for the purposes of transporting goods or passengers by air.”

***Member's explanatory statement***

*This amendment is intended to narrow the scope of “air transport infrastructure” to exclude protests that do not directly impact the operation of planes.*

## Clause 9

## BARONESS MORRISSEY

**41★** Clause 9, page 10, line 37, leave out paragraph (d) and insert –

“(d) in any location that is visible from the curtilage of the abortion clinic.”

***Member's explanatory statement***

*This amendment seeks to protect the rights to privacy and private property, and endeavours to align Clause 9 with the limits of safe access zones legislation in other jurisdictions.*

## BARONESS MORRISSEY

**42★** Clause 9, page 11, line 1, leave out paragraphs (a) to (g) and insert –

- “(a) in relation to a person accessing, attempting to access, or leaving premises at which abortions are provided, besetting, harassing, intimidating, interfering with, threatening, hindering, obstructing or impeding that person by any means;
- (b) subject to subsection (5), communicating by any means in relation to abortions in a manner that is able to be seen or heard by a person accessing, attempting to access, or leaving premises at which abortions are provided and is reasonably likely to cause distress or anxiety;
- (c) interfering with or impeding a footpath, road or vehicle, without reasonable excuse, in relation to premises at which abortions are provided;
- (d) intentionally recording by any means, without reasonable excuse, another person accessing, attempting to access, or leaving premises at which abortions are provided, without that other person's consent; or
- (e) without consent of the other person or without reasonable excuse publishing or distributing a recording of a person accessing, attempting to access, or leaving premises at which abortions are provided, if the recording contains particulars likely to lead to the identification of –
  - (i) that other person; and
  - (ii) that other person as a person accessing premises at which abortions are provided.”

***Member's explanatory statement***

*This amendment seeks to align Clause 9 with a valid safe access zone law from the State of Victoria, Australia and to protect women whilst avoiding undue criminalisation.*

BARONESS MORRISSEY

- 43★** Clause 9, page 11, line 14, leave out paragraphs (a) and (b) and insert “to a fine not exceeding level 5 on the standard scale.”

***Member's explanatory statement***

*This amendment seeks to ensure proportionality in the penalties provided for under this subsection.*

LORD FARMER  
BARONESS FOX OF BUCKLEY  
BARONESS HOEY

- 44** 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) the operators of abortion providers,
  - (b) owners and occupiers of the land within proposed buffer zones,
  - (c) the National Police Chiefs Council,
  - (d) individuals, charities, and organisations impacted by proposed buffer zones,
  - (e) the relevant local authorities,
  - (f) the public, and
  - (g) such other persons or organisations as appropriate.
- (3) The review must consider the effectiveness of existing relevant powers including, but not limited to, the power under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (power to make public spaces protection orders).
- (4) The review must assess the necessity of further legislation in this area, and whether legislating further would be proportionate.
- (5) The Secretary of State must publish and lay before each House of Parliament a report on the outcome of the review before the end of the period of one year beginning with the day on which this section comes into force.”

BARONESS SUGG  
LORD PONSONBY OF SHULBREDE  
LORD HOGAN-HOWE  
BARONESS BARKER

45★ Leave out Clause 9 and insert the following new Clause –

**“Offence of interference with access to or provision of abortion services**

- (1) It is an offence for a person who is within a safe access zone to do an act with the intent of, or reckless as to whether it has the effect of –
  - (a) influencing any person’s decision to access, provide or facilitate the provision of abortion services,
  - (b) obstructing or impeding any person accessing, providing, or facilitating the provision of abortion services, or
  - (c) causing harassment, alarm or distress to any person in connection with a decision to access, provide, or facilitate the provision of abortion services.
- (2) A “safe access zone” means an area which is within a boundary which is 150 metres from any part of an abortion clinic or any access point to any building or site that contains an abortion clinic and is –
  - (a) on or adjacent to a public highway or public right of way,
  - (b) in an open space to which the public has access,
  - (c) within the curtilage of an abortion clinic, or building or site which contains an abortion clinic, or
  - (d) in any location that is visible from a public highway, public right of way, open space to which the public have access, or the curtilage of an abortion clinic.
- (3) No offence is committed under subsection (1) by –
  - (a) a person inside a dwelling where the person affected is also in that or another dwelling, or
  - (b) a person inside a building or site used as a place of worship where the person affected is also in that building or site.
- (4) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) Nothing in this section applies to –
  - (a) anything done in the course of providing, or facilitating the provision of, abortion services in an abortion clinic,
  - (b) anything done in the course of providing medical care within a regulated healthcare facility,
  - (c) 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, or
  - (d) the operation of a camera if its coverage of persons accessing or attempting to access an abortion clinic is incidental.
- (6) In this section –

“abortion clinic” means –

- (a) a place approved for the purposes of section 1 of the Abortion Act 1967 by the Secretary of State under subsection 1(3) of that Act, or
- (b) a hospital identified in a notification to the Chief Medical Officer under subsection 2(1) of the Abortion Act 1967 in the current or previous calendar year, and published identifying it as such, where “current” or “previous” are references to the time at which an alleged offence under subsection 1 of this section takes place;

“abortion services” means any treatment for the termination of pregnancy;

“dwelling” has the same meaning as in section 1 of this Act.”

***Member's explanatory statement***

*This amendment replaces Clause 9 with an updated version following concerns raised at earlier legislative stages in the House of Lords; and in light of the Supreme Court judgment of December 2022 regarding a comparable law in Northern Ireland and the need to ensure compliance with the Human Rights Act 1998.*

**Clause 10**

LORD PADDICK  
BARONESS CHAKRABARTI  
THE LORD BISHOP OF MANCHESTER

46 Leave out Clause 10

**Clause 11**

LORD COAKER  
LORD PADDICK  
BARONESS CHAKRABARTI  
THE LORD BISHOP OF MANCHESTER

47 Leave out Clause 11

**Before Clause 15**

LORD SHARPE OF EPSOM

48 Before Clause 15, insert the following new Clause –

**“Imposing conditions on public processions: serious disruption**

- (1) Section 12 of the Public Order Act 1986 (imposing conditions on public processions) is amended as follows.
- (2) After subsection (2) insert –
  - “(2ZA) In considering for the purposes of subsection (1)(a) whether a public procession in England and Wales may result in serious disruption to the

life of the community, the senior police officer may have regard to the cumulative disruption to the life of the community resulting from –

- (a) the procession,
- (b) any public procession in England and Wales within subsection (2ZB), and
- (c) any public assembly in England and Wales within subsection (2ZE).

(2ZB) A public procession (“Procession A”) is within this subsection if it was held, is being held or is intended to be held in the same area as the area in which the procession mentioned in subsection (2ZA)(a) (“Procession B”) is being held or is intended to be held.

(2ZC) In subsection (2ZB) “area” means such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from Procession A and Procession B.

(2ZD) For the purposes of subsection (2ZB), it does not matter whether or not –

- (a) Procession A and Procession B are organised by the same person,
- (b) any of the same persons take part in Procession A and Procession B,
- (c) Procession A and Procession B are held or are intended to be held at the same time, or
- (d) directions are given under subsection (1) in relation to Procession A.

(2ZE) A public assembly is within this subsection if it was held, is being held or is intended to be held in the same area as the area in which the procession mentioned in subsection (2ZA)(a) is being held or is intended to be held.

(2ZF) In subsection (2ZE) “area” means such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from the assembly and the procession.

(2ZG) For the purposes of subsection (2ZE) it does not matter whether or not –

- (a) the assembly and the procession are organised by the same person,
- (b) any of the same persons take part in the assembly and the procession,
- (c) the assembly and the procession are held or are intended to be held at the same time, or
- (d) directions are given under section 14(1A) (imposing conditions on public assemblies) in relation to the assembly.

(2ZH) In considering for the purposes of subsection (1)(a) whether a public procession in England and Wales may result in serious disruption to the life of the community –

- (a) all disruption to the life of the community –
  - (i) that may result from the procession, or
  - (ii) that may occur regardless of whether the procession is held (including in particular normal traffic congestion),is to be taken into account, and

- (b) “the community” means any group of persons that may be affected by the procession, and it does not matter whether or not all or any of those persons live or work in the vicinity of the procession.”
- (3) In subsection (2A) (examples of serious disruption) –
- (a) before paragraph (a) insert –
- “(za) it may, by way of physical obstruction, result in the prevention of, or a hindrance that is more than minor to, the carrying out of daily activities (including in particular the making of a journey),”
- (b) in paragraph (a), for “a significant delay to” substitute “the prevention of, or a delay that is more than minor to,”, and
- (c) in paragraph (b), for “a prolonged disruption” substitute “the prevention, or a disruption that is more than minor,”.
- (4) After subsection (3) insert –
- “(3A) Subsection (3B) applies where –
- (a) a public procession is being held or is intended to be held in England and Wales,
- (b) it appears to the senior police officer that there is a connection between the procession and –
- (i) one or more other public processions that are being held or that are intended to be held in England and Wales, or
- (ii) one or more public assemblies that are being held or that are intended to be held in England and Wales,
- (c) the senior police officer reasonably believes that one of the conditions in subsection (1)(a) to (b) is met in relation to the procession mentioned in paragraph (a), and
- (d) the senior police officer reasonably believes –
- (i) in relation to a procession mentioned in paragraph (b)(i), that one of the conditions in subsection (1)(a) to (b) is met in relation to the procession, or
- (ii) in relation to an assembly mentioned in paragraph (b)(ii), that one of the conditions in section 14(1)(a) to (b) is met in relation to the assembly.
- (3B) The senior police officer may –
- (a) give directions under subsection (1) in relation to –
- (i) the procession mentioned in subsection (3A)(a), and
- (ii) any procession mentioned in subsection (3A)(b)(i) in relation to which the condition in subsection (3A)(d)(i) is met, and
- (b) give directions under section 14(1A) in relation to any assembly mentioned in subsection (3A)(b)(ii) in relation to which the condition in subsection (3A)(d)(ii) is met.
- (3C) Directions given in accordance with subsection (3B) may impose the same or different conditions in relation to different processions and assemblies.



- (3D) In subsections (3A) and (3B) “the senior police officer” means –
- (a) where the public procession mentioned in subsection (3A)(a) is being held, the police officer responsible for managing the police response to the procession, and
  - (b) where the public procession mentioned in subsection (3A)(a) is intended to be held, the chief officer of police.
- (3E) A direction given by a chief officer of police by virtue of subsection (3D)(b) must be given in writing.””

***Member's explanatory statement***

*This new Clause amends section 12 of the Public Order Act 1986 (imposing conditions on public processions) to make provision about when a public procession in England and Wales may result in serious disruption to the life of the community. The amendments also allow for conditions to be imposed in relation to connected processions and assemblies.*

LORD SHARPE OF EPSOM

49 Before Clause 15, insert the following new Clause –

**“Imposing conditions on public assemblies: serious disruption**

- (1) Section 14 of the Public Order Act 1986 (imposing conditions on public assemblies) is amended as follows.
- (2) In subsection (2) (meaning of senior police officer), for “this section” substitute “subsections (1) and (1A)”.
- (3) Before subsection (2A) insert –
  - “(2ZA) In considering for the purposes of subsection (1)(a) whether a public assembly in England and Wales may result in serious disruption to the life of the community, the senior police officer may have regard to the cumulative disruption to the life of the community resulting from –
    - (a) the assembly,
    - (b) any public assembly in England and Wales within subsection (2ZB), and
    - (c) any public procession in England and Wales within subsection (2ZE).
  - (2ZB) A public assembly (“Assembly A”) is within this subsection if it was held, is being held or is intended to be held in the same area as the area in which the assembly mentioned in subsection (2ZA)(a) (“Assembly B”) is being held or is intended to be held.
  - (2ZC) In subsection (2ZB) “area” means such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from Assembly A and Assembly B.
  - (2ZD) For the purposes of subsection (2ZB), it does not matter whether or not –
    - (a) Assembly A and Assembly B are organised by the same person,

- (b) any of the same persons take part in Assembly A and Assembly B,
  - (c) Assembly A and Assembly B are held or are intended to be held at the same time, or
  - (d) directions are given under subsection (1A) in relation to Assembly A.
- (2ZE) A public procession is within this subsection if it was held, is being held or is intended to be held in the same area as the area in which the assembly mentioned in subsection (2ZA)(a) is being held or is intended to be held.
- (2ZF) In subsection (2ZE) “area” means such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from the procession and the assembly.
- (2ZG) For the purposes of subsection (2ZE) it does not matter whether or not –
- (a) the procession and the assembly are organised by the same person,
  - (b) any of the same persons take part in the procession and the assembly,
  - (c) the procession and the assembly are held or are intended to be held at the same time, or
  - (d) directions are given under section 12(1) (imposing conditions on public processions) in relation to the procession.
- (2ZH) In considering for the purposes of subsection (1)(a) whether a public assembly in England and Wales may result in serious disruption to the life of the community –
- (a) all disruption to the life of the community –
    - (i) that may result from the assembly, or
    - (ii) that may occur regardless of whether the assembly is held (including in particular normal traffic congestion),
 is to be taken into account, and
  - (b) “community” means any group of persons that may be affected by the assembly, and it does not matter whether or not all or any of those persons live or work in the vicinity of the assembly.”
- (4) In subsection (2A) (examples of serious disruption) –
- (a) before paragraph (a) insert –
    - “(za) it may, by way of physical obstruction, result in the prevention of, or a hindrance that is more than minor to, the carrying out of daily activities (including in particular the making of a journey),”
  - (b) in paragraph (a), for “a significant delay to” substitute “the prevention of, or a delay that is more than minor to,”, and
  - (c) in paragraph (b), for “a prolonged disruption” substitute “the prevention, or a disruption that is more than minor,”.

- (5) After subsection (3) insert –
- “(3A) Subsection (3B) applies where –
- (a) a public assembly is being held or is intended to be held in England and Wales,
  - (b) it appears to the senior police officer that there is a connection between the assembly and –
    - (i) one or more other public assemblies that are being held or that are intended to be held in England and Wales, or
    - (ii) one or more public processions that are being held or that are intended to be held in England and Wales,
  - (c) the senior police officer reasonably believes that one of the conditions in subsection (1)(a) to (b) is met in relation to the assembly mentioned in paragraph (a), and
  - (d) the senior police officer reasonably believes –
    - (i) in relation to an assembly mentioned in paragraph (b)(i), that one of the conditions in subsection (1)(a) to (b) is met in relation to the assembly, or
    - (ii) in relation to a procession mentioned in paragraph (b)(ii), that one of the conditions in section 12(1)(a) to (b) is met in relation to the procession.
- (3B) The senior police officer may –
- (a) give directions under subsection (1A) in relation to –
    - (i) the assembly mentioned in subsection (3A)(a), and
    - (ii) any assembly mentioned in subsection (3A)(b)(i) in relation to which the condition in subsection (3A)(d)(i) is met, and
  - (b) give directions under section 12(1) in relation to any procession mentioned in subsection (3A)(b)(ii) in relation to which the condition in subsection (3A)(d)(ii) is met.
- (3C) Directions given in accordance with subsection (3B) may impose the same or different conditions in relation to different assemblies and processions.
- (3D) In subsections (3A) and (3B) “the senior police officer” means –
- (a) where the public assembly mentioned in subsection (3A)(a) is being held, the police officer responsible for managing the police response to the assembly, and
  - (b) where the public assembly mentioned in subsection (3A)(a) is intended to be held, the chief officer of police.
- (3E) A direction given by a chief officer of police by virtue of subsection (3D)(b) must be given in writing.””

***Member's explanatory statement***

*This new Clause amends section 14 of the Public Order Act 1986 (imposing conditions on public assemblies) to make provision about when a public assembly in England and Wales may result in serious disruption to the life of the community. The amendments also allow for conditions to be imposed in relation to connected assemblies and processions.*

**After Clause 16**

LORD SHARPE OF EPSOM

50 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

51 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.*

**Clause 17**

BARONESS CHAKRABARTI

52 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

53 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.*

**After Clause 18**

BARONESS CHAKRABARTI  
BARONESS BOYCOTT  
LORD PADDICK  
LORD HOPE OF CRAIGHEAD

54 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 observe or report on protests or the police's use of powers related to protests.*

LORD SANDHURST

55 After Clause 18, insert the following new Clause—

**“Conduct which does not constitute a lawful excuse**

- (1) This section applies to any offence that makes conduct unlawful unless there is an excuse for it, where the provision defining that offence, or caselaw, specifies either that the excuse must be a lawful excuse or that it must be a reasonable one.
- (2) It is not a lawful or reasonable excuse for the conduct that—
  - (a) it is intended to influence the Government or public opinion by intimidating, provoking, inconveniencing or otherwise harming members of the public by interrupting or disrupting their freedom to carry on a lawful activity, or
  - (b) it is designed to influence the Government or public opinion by subjecting members of the public, or their property, or the property of a public body, to a risk, or increased risk, of loss or damage.
- (3) In this section “conduct” includes any act or omission.
- (4) For the purposes of the Human Rights Act 1998, this section must be treated as necessary in a democratic society for the protection of the rights and freedoms of others.”

*Member's explanatory statement*

*This amendment reverses the decision of the Supreme Court in DPP v Ziegler and others, [2021] UKSC 23, in relation to any offence that has a “no lawful excuse” requirement. It will include the offence of locking on and other offences.*

**Clause 19**

LORD ANDERSON OF IPSWICH  
LORD HOPE OF CRAIGHEAD  
LORD THOMAS OF CWMGIEDD

56 Clause 19, page 22, line 20, leave out sub-paragraphs (iii) to (v)

***Member's explanatory statement***

*This amendment would limit the trigger events for an SDPO to the commission of a protest-related offence and the breach of a protest-related injunction.*

LORD ANDERSON OF IPSWICH  
LORD HOPE OF CRAIGHEAD  
LORD THOMAS OF CWMGIEDD

57 Clause 19, page 22, line 32, at end insert “, and –

have not already been taken into account when imposing a previous serious disruption prevention order in respect of P.”

***Member's explanatory statement***

*This would ensure that a second or subsequent SDPO made in respect of any person is founded on trigger events that have not already been taken into account for the purposes of the imposition of a previous SDPO.*

LORD SHARPE OF EPSOM

58 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.*

LORD PONSONBY OF SHULBREDE  
LORD PADDICK  
LORD ANDERSON OF IPSWICH  
BARONESS CHAKRABARTI

59 Leave out Clause 19

**Clause 20**

LORD ANDERSON OF IPSWICH  
LORD HOPE OF CRAIGHEAD  
LORD THOMAS OF CWMGIEDD

60 Clause 20, page 24, line 19, leave out sub-paragraphs (iii) to (v)

***Member's explanatory statement***

*This amendment would limit the trigger events for an SDPO to the commission of a protest-related offence and the breach of a protest-related injunction.*

LORD ANDERSON OF IPSWICH  
LORD HOPE OF CRAIGHEAD  
LORD THOMAS OF CWMGIEDD

61 Clause 20, page 24, line 31, at end insert “, and –

has not already been taken into account when imposing a previous serious disruption prevention order in respect of P.”

***Member's explanatory statement***

*This would ensure that a second or subsequent SDPO made in respect of any person is founded on trigger events that have not already been taken into account for the purposes of the imposition of a previous SDPO.*

LORD SHARPE OF EPSOM

62 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.*

LORD PONSONBY OF SHULBREDE  
LORD PADDICK  
LORD ANDERSON OF IPSWICH  
BARONESS CHAKRABARTI

63 Leave out Clause 20

**Clause 21**

LORD ANDERSON OF IPSWICH  
LORD HOPE OF CRAIGHEAD  
LORD THOMAS OF CWMGIEDD

64 Clause 21, page 26, line 8, leave out “, in particular,”

***Member's explanatory statement***

*This amendment would limit the requirements that may be imposed by an SDPO to those that are specified in clause 21(2).*



## LORD SHARPE OF EPSOM

65 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

66 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

67 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

68 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

69 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

- 70 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.*

LORD ANDERSON OF IPSWICH  
LORD THOMAS OF CWMGIEDD

- 71 Clause 28, page 32, line 34, leave out from “period” to end of line 36 and insert “of such an order beyond two years from the day on which it was made.”

***Member's explanatory statement***

*This would limit the total maximum duration of any SDPO to two years.*

**Clause 30**

LORD ANDERSON OF IPSWICH  
LORD HOPE OF CRAIGHEAD  
LORD THOMAS OF CWMGIEDD

- 72 Clause 30, page 34, line 25, leave out paragraph (b)

***Member's explanatory statement***

*This amendment would remove the reference to guidance issued by the Secretary of State about identifying persons in respect of whom it may be appropriate for the police to make applications for SDPOs.*

**Clause 32**

LORD SHARPE OF EPSOM

- 73 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

74 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

75 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.*

BARONESS CHAKRABARTI  
THE LORD BISHOP OF MANCHESTER

76 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.*

BARONESS CHAKRABARTI  
THE LORD BISHOP OF MANCHESTER

77 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.*

# Public Order Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*26 January 2023*

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