

Public Order Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office, are published separately as Bill 8—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Priti Patel has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Public Order Bill are compatible with the Convention rights.

Public Order Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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B I L L

TO

Make provision for new offences relating to public order; to make provision about stop and search powers; to make provision about the delegation of police functions relating to public order; to make provision about serious disruption prevention orders; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

PUBLIC ORDER

Offences relating to locking on

1 Offence of locking on

- (1) A person commits an offence if— 5
- (a) they—
 - (i) attach themselves to another person, to an object or to land,
 - (ii) attach a person to another person, to an object or to land, or
 - (iii) attach an object to another object or to land,
 - (b) that act causes, or is capable of causing, serious disruption to— 10
 - (i) two or more individuals, or
 - (ii) an organisation,in a place other than in a dwelling, and
 - (c) they intend that act to have a consequence mentioned in paragraph (b) or are reckless as to whether it will have such a consequence. 15
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that they had a reasonable excuse for the act mentioned in paragraph (a) of that subsection.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both. 20

- (4) In subsection (3), “the maximum term for summary offences” means –
- (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months;
 - (b) if the offence is committed after that time, 51 weeks. 5
- (5) In this section “dwelling” means –
- (a) a building or structure which is used as a dwelling, or
 - (b) a part of a building or structure, if the part is used as a dwelling, and includes any yard, garden, grounds, garage or outhouse belonging to and used with a dwelling. 10

2 Offence of being equipped for locking on

- (1) A person commits an offence if they have an object with them in a place other than a dwelling with the intention that it may be used in the course of or in connection with the commission by any person of an offence under section 1(1) (offence of locking on). 15
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine.
- (3) In this section “dwelling” has the same meaning as in section 1.

Offences involving works and infrastructure

3 Obstruction etc of major transport works 20

- (1) A person commits an offence if the person –
- (a) obstructs the undertaker or a person acting under the authority of the undertaker –
 - (i) in setting out the lines of any major transport works,
 - (ii) in constructing or maintaining any major transport works, or 25
 - (iii) in taking any steps that are reasonably necessary for the purposes of facilitating, or in connection with, the construction or maintenance of any major transport works, or
 - (b) interferes with, moves or removes any apparatus which –
 - (i) relates to the construction or maintenance of any major transport works, and 30
 - (ii) belongs to a person within subsection (5).
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that –
- (a) they had a reasonable excuse for the act mentioned in paragraph (a) or (b) of that subsection, or 35
 - (b) the act mentioned in paragraph (a) or (b) of that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute.

- (3) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both.
- (4) In subsection (3) “the maximum term for summary offences” means—
- (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months; 5
 - (b) if the offence is committed after that time, 51 weeks.
- (5) The following persons are within this subsection—
- (a) the undertaker; 10
 - (b) a person acting under the authority of the undertaker;
 - (c) a statutory undertaker;
 - (d) a person acting under the authority of a statutory undertaker.
- (6) In this section “major transport works” means—
- (a) works in England and Wales— 15
 - (i) relating to transport infrastructure, and
 - (ii) the construction of which is authorised directly by an Act of Parliament, or
 - (b) works the construction of which comprises development within subsection (7) that has been granted development consent by an order under section 114 of the Planning Act 2008. 20
- (7) Development is within this subsection if—
- (a) it is or forms part of a nationally significant infrastructure project within any of paragraphs (h) to (l) of section 14(1) of the Planning Act 2008, 25
 - (b) it is or forms part of a project (or proposed project) in the field of transport in relation to which a direction has been given under section 35(1) of that Act (directions in relation to projects of national significance) by the Secretary of State, or
 - (c) it is associated development in relation to development within paragraph (a) or (b). 30
- (8) In this section “undertaker”—
- (a) in relation to major transport works within subsection (6)(a), means a person who is authorised by or under the Act (whether as a result of being appointed the nominated undertaker for the purposes of the Act or otherwise) to construct or maintain any of the works; 35
 - (b) in relation to major transport works within subsection (6)(b), means a person who is constructing or maintaining any of the works (whether as a result of being the undertaker for the purposes of the order granting development consent or otherwise). 40
- (9) In this section—
- “associated development” has the same meaning as in the Planning Act 2008 (see section 115 of that Act);

- “development” has the same meaning as in the Planning Act 2008 (see section 32 of that Act);
- “development consent” has the same meaning as in the Planning Act 2008 (see section 31 of that Act);
- “England” includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act); 5
- “maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;
- “nationally significant infrastructure project” has the same meaning as in the Planning Act 2008 (see section 14(1) of that Act); 10
- “statutory undertaker” means a person who is, or who is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990;
- “trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that section 218 of that Act is to be read as if – 15
- (a) it made provision corresponding to section 244(4) of that Act, and
 - (b) in subsection (5), the definition of worker included any person falling within paragraph (b) of the definition of worker in section 244(5) of that Act; 20
- “Wales” includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act).
- (10) In section 14 of the Planning Act 2008 (nationally significant infrastructure projects), after subsection (3) insert – 25
- “(3A) An order under subsection (3)(a) may also amend section 3(7)(a) of the Public Order Act 2022 (obstruction etc of major transport works).”

4 Interference with use or operation of key national infrastructure

- (1) A person commits an offence if – 30
 - (a) they do an act which interferes with the use or operation of any key national infrastructure in England and Wales, and
 - (b) they intend that act to interfere with the use or operation of such infrastructure or are reckless as to whether it will do so.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that – 35
 - (a) they had a reasonable excuse for the act mentioned in paragraph (a) of that subsection, or
 - (b) the act mentioned in paragraph (a) of that subsection was done wholly or mainly in contemplation or furtherance of a trade dispute.
- (3) A person who commits an offence under subsection (1) is liable – 40
 - (a) on summary conviction, to imprisonment for term not exceeding the general limit in a magistrates’ court, to a fine or to both;

- (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months, to a fine, or to both.
- (4) For the purposes of subsection (1) a person’s act interferes with the use or operation of key national infrastructure if it prevents the infrastructure from being used or operated to any extent for any of its intended purposes. 5
- (5) The cases in which infrastructure is prevented from being used or operated for any of its intended purposes include where its use or operation for any of those purposes is significantly delayed.
- (6) In this section “key national infrastructure” means— 10
- (a) road transport infrastructure,
 - (b) rail infrastructure,
 - (c) air transport infrastructure,
 - (d) harbour infrastructure,
 - (e) downstream oil infrastructure,
 - (f) downstream gas infrastructure, 15
 - (g) onshore oil and gas exploration and production infrastructure,
 - (h) onshore electricity generation infrastructure, or
 - (i) newspaper printing infrastructure.
- Section 5 makes further provision about these kinds of infrastructure.
- (7) The Secretary of State may by regulations made by statutory instrument— 20
- (a) amend subsection (6) to add a kind of infrastructure or to vary or remove a kind of infrastructure;
 - (b) amend section 5 to add, amend or remove provision about a kind of infrastructure which is in, or is to be added to, subsection (6) or is to be removed from that subsection. 25
- (8) Regulations under subsection (7)—
- (a) may make different provision for different purposes;
 - (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.
- (9) A statutory instrument containing regulations under subsection (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 30
- (10) In this section—
- “England” includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act); 35
 - “trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that section 218 of that Act is to be read as if—
 - (a) it made provision corresponding to section 244(4) of that Act, and 40

- (b) in subsection (5), the definition of worker included any person falling within paragraph (b) of the definition of worker in section 244(5) of that Act;

“Wales” includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see section 322 of that Act).

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5 Key national infrastructure

- (1) This section has effect for the purposes of section 4.
- (2) “Road transport infrastructure” means—
- (a) a special road within the meaning of the Highways Act 1980 (see section 329(1) of that Act), or 10
- (b) a road which, under the system for assigning identification numbers to roads administered by the Secretary of State or the Welsh Ministers, has for the time being been assigned a number prefixed by A or B.
- (3) “Rail infrastructure” means infrastructure used for the purposes of railway services within the meaning of Part 1 of the Railways Act 1993 (see section 82 of that Act). 15
- (4) In the application of section 82 of the Railways Act 1993 for the purposes of subsection (3) “railway” has the wider meaning given in section 81(2) of that Act.
- (5) “Air transport infrastructure” means— 20
- (a) an airport within the meaning of the Airports Act 1986 (see section 82(1) of that Act), or
- (b) any infrastructure which—
- (i) does not form part of an airport within the meaning of that Act, and 25
- (ii) is used for the provision of air traffic services within the meaning of Part 1 of the Transport Act 2000 (see section 98 of that Act).
- (6) “Harbour infrastructure” means a harbour within the meaning of the Harbours Act 1964 (see section 57(1) of that Act) which provides facilities for or in connection with— 30
- (a) the embarking or disembarking of passengers who are carried in the course of a business, or
- (b) the loading or unloading of cargo which is carried in the course of a business. 35
- (7) “Downstream oil infrastructure” means infrastructure used for or in connection with any of the following activities—
- (a) the refinement or other processing of crude oil or oil feedstocks;
- (b) the storage of crude oil or crude oil-based fuel for onward distribution, other than storage by a person who supplies crude oil-based fuel to the public where the storage is for the purposes of such supply; 40

- (c) the loading or unloading of crude oil or crude oil-based fuel for onward distribution, other than unloading to a person who supplies crude oil-based fuel to the public where the unloading is for the purposes of such supply;
 - (d) the carriage, by road, rail, sea or inland waterway, of crude oil or crude oil-based fuel for the purposes of onward distribution; 5
 - (e) the conveyance of crude oil or crude oil-based fuel by means of a pipe-line within the meaning of the Pipe-lines Act 1962 (see section 65 of that Act).
- (8) “Downstream gas infrastructure” means infrastructure used for or in connection with any of the following activities – 10
- (a) the processing of gas;
 - (b) the storage of gas for onward conveyance, other than storage by a person who supplies gas to the public otherwise than by means of a pipe-line where the storage is for the purposes of such supply; 15
 - (c) the import or export of liquid gas;
 - (d) the carriage, by road or rail, of gas for the purposes of onward distribution;
 - (e) the conveyance of gas by means of a pipe-line.
- (9) In subsection (8) – 20
- “gas” has the same meaning as in section 12 of the Gas Act 1995;
 - “pipe-line” has the same meaning as in the Pipe-lines Act 1962 (see section 65 of that Act).
- (10) “Onshore oil and gas exploration and production infrastructure” means onshore infrastructure used for or in connection with – 25
- (a) searching or boring for petroleum, or
 - (b) getting petroleum.
- (11) In subsection (10) –
- “onshore infrastructure” means infrastructure situated on land (excluding land covered by the sea or any tidal waters); 30
 - “petroleum” has the same meaning as in Part 1 of the Petroleum Act 1998 (see section 1 of that Act).
- (12) “Onshore electricity generation infrastructure” means onshore infrastructure –
- (a) used for or in connection with the generation of electricity for the purpose of giving a supply to any premises or enabling a supply to be so given, and 35
 - (b) which has a total installed capacity equal to or greater than 100 megawatts.
- (13) In subsection (12) –
- “onshore infrastructure” means infrastructure situated on land (excluding land covered by the sea or any tidal waters); 40
 - “supply”, in relation to electricity, has the same meaning as in Part 1 of the Electricity Act 1989 (see section 4(4) of that Act).

- (14) “Newspaper printing infrastructure” means infrastructure the primary purpose of which is the printing of one or more national or local newspapers.
- (15) In subsection (14)–
- “local newspaper” means a newspaper which is published at least fortnightly and is in circulation in a part of England and Wales; 5
 - “national newspaper” means a newspaper which is published at least fortnightly and is in circulation in England, in Wales or in both;
 - “newspaper” includes a periodical or magazine.

Powers to stop and search

6 Powers to stop and search on suspicion 10

In section 1(8) of the Police and Criminal Evidence Act 1984 (offences in relation to which stop and search power applies)–

- (a) omit the “and” at the end of paragraph (d), and
- (b) after paragraph (e) insert–
 - “(f) an offence under section 137 of the Highways Act 1980 15
(wilful obstruction) involving activity which causes or is capable of causing serious disruption to two or more individuals or to an organisation;
 - (g) an offence under section 78 of the Police, Crime, Sentencing and Courts Act 2022 (intentionally or 20
recklessly causing public nuisance);
 - (h) an offence under section 1 of the Public Order Act 2022 (offence of locking on);
 - (i) an offence under section 3 of that Act (obstruction etc of major transport works); and 25
 - (j) an offence under section 4 of that Act (interference with use or operation of key national infrastructure).”

7 Powers to stop and search without suspicion

- (1) This section applies if a police officer of or above the rank of inspector reasonably believes– 30
- (a) that any of the following offences may be committed in any locality within the officer’s police area–
 - (i) an offence under section 137 of the Highways Act 1980 (wilful obstruction) involving activity which causes or is capable of causing serious disruption to two or more individuals or to an 35
organisation;
 - (ii) an offence under section 78 of the Police, Crime, Sentencing and Courts Act 2022 (intentionally or recklessly causing public nuisance);
 - (iii) an offence under section 1 (offence of locking on); 40

- (iv) an offence under section 3 (obstruction etc of major transport works);
 - (v) an offence under section 4 (interference with use or operation of key national infrastructure), or
 - (b) that persons are carrying prohibited objects in any locality within the officer’s police area. 5
- (2) In this section “prohibited object” means an object which—
 - (a) is made or adapted for use in the course of or in connection with an offence within subsection (1)(a), or
 - (b) is intended by the person having it with them for such use by them or by some other person, 10and for the purposes of this section a person carries a prohibited object if they have it in their possession.
- (3) If the further condition in subsection (4) is met, the police officer may give an authorisation that the powers conferred by this section are to be exercisable— 15
 - (a) anywhere within a specified locality within the officer’s police area, and
 - (b) for a specified period not exceeding 24 hours.
- (4) The further condition is that the police officer reasonably believes that— 20
 - (a) the authorisation is necessary to prevent the commission of offences within subsection (1)(a) or the carrying of prohibited objects (as the case may be),
 - (b) the specified locality is no greater than is necessary to prevent such activity, and 25
 - (c) the specified period is no longer than is necessary to prevent such activity.
- (5) If it appears to a police officer of or above the rank of superintendent that it is necessary to do so to prevent the commission of offences within subsection (1)(a) or the carrying of prohibited objects, the officer may direct that the authorisation is to continue in force for a further period not exceeding 24 hours. 30
- (6) This section confers on any constable in uniform power—
 - (a) to stop any person and search them or anything carried by them for a prohibited object; 35
 - (b) to stop any vehicle and search the vehicle, its driver and any passenger for a prohibited object.
- (7) A constable may, in the exercise of the powers conferred by subsection (6), stop any person or vehicle and make any search the constable thinks fit whether or not the constable has any grounds for suspecting that the person or vehicle is carrying a prohibited object. 40

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- (8) If in the course of a search under this section a constable discovers an object which the constable has reasonable grounds for suspecting to be a prohibited object, the constable may seize it.
- (9) This section and sections 8 (further provisions about authorisations and directions under this section), 9 (further provisions about searches under this section) and 10 (offence relating to this section) apply (with the necessary modifications) to ships, aircraft and hovercraft as they apply to vehicles. 5
- (10) In this section and the sections mentioned in subsection (9) –
 “specified” means specified in an authorisation under this section;
 “vehicle” includes a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960. 10
- (11) The powers conferred by this section and the sections mentioned in subsection (9) do not affect any power conferred otherwise than by this section or those sections.
- 8 Further provisions about authorisations and directions under section 7 15**
- (1) If an inspector gives an authorisation under section 7, the inspector must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed.
- (2) An authorisation under section 7 must –
 (a) be given in writing signed by the officer giving it, 20
 (b) specify the grounds on which it is given, and
 (c) specify the locality in which and the period during which the powers conferred by that section are exercisable.
- (3) A direction under section 7(5) must –
 (a) be given in writing, or 25
 (b) where it is not practicable to comply with paragraph (a), be recorded in writing as soon as it is practicable to do so.
- (4) References (however expressed) in section 7 or this section to a police officer of or above a particular rank include references to a member of the British Transport Police Force of or above that rank. 30
- (5) In the application of section 7 to a member of the British Transport Police Force by virtue of subsection (4), references to a locality within the officer’s police area are to be read as references to a place in England and Wales of a kind mentioned in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003. 35
- 9 Further provisions about searches under section 7**
- (1) A person who is searched by a constable under section 7 is entitled to obtain a written statement that the person was searched under the powers conferred by that section.

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- (2) Subsection (1) applies only if the person applies for the statement within the period of 12 months beginning with the day on which the person was searched.
 - (3) Where a vehicle is stopped by a constable under section 7, the driver is entitled to obtain a written statement that the vehicle was stopped under the powers conferred by that section. 5
 - (4) Subsection (3) applies only if the driver applies for the statement within the period of 12 months beginning with the day on which the vehicle was stopped.
 - (5) Any object seized by a constable under section 7 may be retained in accordance with regulations made by the Secretary of State. 10
 - (6) The Secretary of State may make regulations regulating the retention and safe keeping, and the disposal or destruction in circumstances prescribed in the regulations, of such an object.
 - (7) Regulations under this section are to be made by statutory instrument.
 - (8) Regulations under this section— 15
 - (a) may make different provision for different purposes;
 - (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.
 - (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament. 20

10 Offence relating to section 7

- (1) A person commits an offence if the person intentionally obstructs a constable in the exercise of the constable’s powers under section 7.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding level 3 on the standard scale or to both. 25
- (3) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (2) to 51 weeks is to be read as a reference to 1 month. 30

Processions, assemblies and one-person protests: delegation of functions

11 Processions, assemblies and one-person protests: delegation of functions

In section 15 of the Public Order Act 1986 (processions, assemblies and one-person protests: delegation of functions), for subsection (2) substitute—

- “(2) Subsection (1) has effect— 35
- (a) in the City of London as if “an assistant chief constable” read “an assistant commissioner of police or a commander”, and

- (b) in the metropolitan police district as if “an assistant chief constable” read “an assistant commissioner of police, a deputy assistant commissioner of police or a commander”.”

PART 2

SERIOUS DISRUPTION PREVENTION ORDERS

5

Serious disruption prevention orders made on conviction

12 Serious disruption prevention order made on conviction

- (1) This section applies where –
- (a) a person aged 18 or over (“P”) is convicted of an offence (“the current offence”) which was committed on or after the day on which this section comes into force, and 10
 - (b) the prosecution applies for a serious disruption prevention order to be made in respect of P.
- (2) The court dealing with P in respect of the current offence may make a serious disruption prevention order in respect of P if – 15
- (a) the court is satisfied on the balance of probabilities that the current offence is a protest-related offence (see section 26 (interpretation)),
 - (b) the condition in subsection (3) is met, and
 - (c) the court considers it necessary to make the order for a purpose mentioned in subsection (5). 20
- (3) The condition in this subsection is that the court is satisfied on the balance of probabilities that –
- (a) within the relevant period, P has –
 - (i) committed another protest-related offence for which P was convicted, 25
 - (ii) committed a protest-related breach of an injunction (see section 26 (interpretation)) for which P was found in contempt of court,
 - (iii) carried out activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, 30
 - (iv) caused or contributed to the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or
 - (v) caused or contributed to the carrying out by any other person of activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, and 35
 - (b) the current offence and P’s conduct mentioned in paragraph (a) –
 - (i) relate to different protests, or
 - (ii) took place on different days. 40

- (4) In subsection (3) “the relevant period” means the period of 5 years ending with the day on which P is convicted of the current offence; but P’s conduct may be taken into account for the purposes of this section only if it took place –
- (a) on or after the day on which this section comes into force, and 5
 - (b) when P was aged 16 or over.
- (5) The purposes are –
- (a) to prevent P from committing a protest-related offence or a protest-related breach of an injunction;
 - (b) to prevent P from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales; 10
 - (c) to prevent P from causing or contributing to –
 - (i) the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or 15
 - (ii) the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales;
 - (d) to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from – 20
 - (i) a protest-related offence,
 - (ii) a protest-related breach of an injunction, or
 - (iii) activities related to a protest.
- (6) A serious disruption prevention order under this section is an order which, 25
- (a) requires P to do anything described in the order;
 - (b) prohibits P from doing anything described in the order.
- (7) The court may make a serious disruption prevention order in respect of P only if it is made in addition to – 30
- (a) a sentence imposed in respect of the current offence, or
 - (b) an order discharging P conditionally.
- (8) For the purpose of deciding whether to make a serious disruption prevention order the court may consider evidence led by the prosecution or P.
- (9) It does not matter whether the evidence would have been admissible in the proceedings for the current offence. 35
- (10) The court may adjourn any proceedings on an application for a serious disruption prevention order even after sentencing P.
- (11) If P does not appear for any adjourned proceedings the court may –
- (a) further adjourn the proceedings, 40
 - (b) issue a warrant for P’s arrest, or
 - (c) hear the proceedings in P’s absence.

- (12) The court may not act under subsection (11)(b) unless it is satisfied that P has had adequate notice of the time and place of the adjourned proceedings.
- (13) The court may not act under subsection (11)(c) unless it is satisfied that P—
- (a) has had adequate notice of the time and place of the adjourned proceedings, and 5
 - (b) has been informed that if P does not appear for those proceedings the court may hear the proceedings in P’s absence.
- (14) On making a serious disruption prevention order the court must in ordinary language explain to P the effects of the order.
- (15) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of this section to have been committed on the last of those days. 10

Serious disruption prevention orders made otherwise than on conviction

13 Serious disruption prevention order made otherwise than on conviction 15

- (1) A magistrates’ court may make a serious disruption prevention order in respect of a person (“P”) where—
- (a) a person within subsection (7) applies by complaint to the court for a serious disruption prevention order to be made in respect of P,
 - (b) P is aged 18 or over when the application is made, 20
 - (c) the condition in subsection (2) is met, and
 - (d) the court considers it necessary to make the order for a purpose mentioned in subsection (4).
- (2) The condition in this subsection is that the court is satisfied on the balance of probabilities that— 25
- (a) on at least two occasions in the relevant period, P has—
 - (i) committed a protest-related offence for which P was convicted,
 - (ii) committed a protest-related breach of an injunction for which P was found in contempt of court,
 - (iii) carried out activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, 30
 - (iv) caused or contributed to the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or 35
 - (v) caused or contributed to the carrying out by any other person of activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, and
 - (b) P’s conduct in relation to each occasion mentioned in paragraph (a)— 40
 - (i) related to a different protest, or

- (ii) took place on a different day.
- (3) In subsection (2) “the relevant period” means the period of 5 years ending with the day on which the order is made; but P’s conduct may be taken into account for the purposes of this section only if it took place—
 - (a) on or after the day on which this section comes into force, and 5
 - (b) when P was aged 16 or over.
- (4) The purposes are—
 - (a) to prevent P from committing a protest-related offence or a protest-related breach of an injunction;
 - (b) to prevent P from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales; 10
 - (c) to prevent P from causing or contributing to—
 - (i) the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or 15
 - (ii) the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales;
 - (d) to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from— 20
 - (i) a protest-related offence,
 - (ii) a protest related-breach of an injunction, or
 - (iii) activities related to a protest.
- (5) A serious disruption prevention order under this section is an order which, 25
 - (a) requires P to do anything described in the order;
 - (b) prohibits P from doing anything described in the order.
- (6) On making a serious disruption prevention order the court must in ordinary language explain to P the effects of the order. 30
- (7) The following persons are within this subsection—
 - (a) a relevant chief officer of police;
 - (b) the chief constable of the British Transport Police Force;
 - (c) the chief constable of the Civil Nuclear Constabulary;
 - (d) the chief constable of the Ministry of Defence Police. 35
- (8) For the purposes of subsection (7)(a) a chief officer of police is a relevant chief officer of police in relation to an application for a serious disruption prevention order in respect of P if—
 - (a) P lives in the chief officer’s police area, or
 - (b) the chief officer believes that P is in, or is intending to come to, the chief officer’s police area. 40

- (9) An application for a serious disruption prevention order made by a chief officer of police for a police area may be made only to a court acting for a local justice area that includes any part of that police area.
- (10) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of this section to have been committed on the last of those days. 5
- (11) Section 127 of the Magistrates' Courts Act 1980 (time limits) does not apply to a complaint under this section.

Provisions of serious disruption prevention orders 10

14 Provisions of serious disruption prevention order

- (1) The only requirements and prohibitions that may be imposed on a person by a serious disruption prevention order are those which the court making the order thinks are necessary for a purpose mentioned in section 12(5) or 13(4) (as the case may be). 15
- (2) The requirements imposed on a person ("P") by a serious disruption prevention order may, in particular, have the effect of requiring P—
- (a) to present themselves to a particular person at a particular place at, or between, particular times on particular days;
 - (b) to remain at a particular place for particular periods; 20
 - (c) to submit to electronic monitoring of P's compliance with other requirements and prohibitions imposed by the order.
- (3) Sections 15 to 17 make further provision about the inclusion of requirements (including notification requirements) in a serious disruption prevention order.
- (4) The prohibitions imposed on a person ("P") by a serious disruption prevention order may, in particular, have the effect of prohibiting P from— 25
- (a) being in or entering a particular place or area;
 - (b) being in or entering a particular place or area between particular times on particular days;
 - (c) being in or entering a particular place or area between particular times on any day; 30
 - (d) being with particular persons;
 - (e) participating in particular activities;
 - (f) having particular articles with them;
 - (g) using the internet to facilitate or encourage persons to— 35
 - (i) commit a protest-related offence or a protest-related breach of an injunction, or
 - (ii) carry out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales. 40

- (5) References in this section to a particular place or area or particular persons, activities or articles include a place, area, persons, activities or articles of a particular description.
- (6) A serious disruption prevention order which imposes prohibitions on a person may include exceptions from those prohibitions. 5
- (7) Nothing in this section affects the generality of sections 12(6) and 13(5).
- (8) The requirements or prohibitions which are imposed on a person by a serious disruption prevention order must, so far as practicable, be such as to avoid –
 - (a) any conflict with the person’s religious beliefs, and
 - (b) any interference with the times, if any, at which the person normally works or attends any educational establishment. 10

15 Requirements in serious disruption prevention order

- (1) A serious disruption prevention order which imposes on a person (“P”) a requirement, other than a notification requirement under section 17, must specify a person who is to be responsible for supervising compliance with the requirement. 15
- (2) That person may be an individual or an organisation.
- (3) Before including such a requirement, the court must receive evidence about its suitability and enforceability from –
 - (a) the individual to be specified under subsection (1), if an individual is to be specified; 20
 - (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.
- (4) Before including two or more such requirements, the court must consider their compatibility with each other. 25
- (5) Subsections (1) to (4) do not apply in relation to electronic monitoring requirements (see section 16).
- (6) It is the duty of a person specified under subsection (1) –
 - (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the “relevant requirements”); 30
 - (b) to promote P’s compliance with the relevant requirements;
 - (c) if the person considers that P –
 - (i) has complied with all of the relevant requirements, or
 - (ii) has failed to comply with a relevant requirement, 35to inform the appropriate chief officer of police.
- (7) In subsection (6)(c) “the appropriate chief officer of police” means –
 - (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that P lives, or

- (b) if it appears to that person that P lives in more than one police area, whichever of the chief officers of police of those areas the person thinks it is most appropriate to inform.
- (8) Where P is subject to a requirement in a serious disruption prevention order, other than a notification requirement under section 17, P must— 5
- (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and
- (b) notify that person of any change of P’s home address.
- (9) The obligations mentioned in subsection (8) have effect as if they were requirements imposed on P by the order. 10

16 Further provision about electronic monitoring requirements

- (1) Subsections (2) to (4) apply for the purpose of determining whether a court may impose an electronic monitoring requirement on a person (“P”) in a serious disruption prevention order. 15
- (2) The requirement may not be imposed in P’s absence.
- (3) If there is a person (other than P) without whose co-operation it would be impracticable to secure the monitoring in question, the requirement may not be imposed without that person’s consent.
- (4) The court may impose the requirement only if— 20
- (a) it has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant area, and
- (b) it is satisfied that the necessary provision can be made under the arrangements currently available.
- (5) In subsection (4)(a) “the relevant area” means— 25
- (a) the local justice area in which it appears to the court that P resides or will reside, and
- (b) in a case where it is proposed to include in the order—
- (i) a requirement that P must remain, for specified periods, at a specified place, or 30
- (ii) a provision prohibiting P from entering a specified place or area,
- the local justice area in which the place or area proposed to be specified is situated.
- “Specified” means specified in the order. 35
- (6) A serious disruption prevention order that includes an electronic monitoring requirement must specify the person who is to be responsible for the monitoring.
- (7) The person specified under subsection (6) must be of a description specified in regulations made by statutory instrument by the Secretary of State. 40

- (8) Where a serious disruption prevention order imposes an electronic monitoring requirement on a person (“P”), P must (among other things) –
- (a) submit, as required from time to time by the person specified under subsection (6), to –
 - (i) being fitted with, or the installation of, any necessary apparatus, and
 - (ii) the inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,
 - (b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and
 - (c) take any steps required by the person specified under subsection (6) for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.

These obligations have effect as requirements of the order.

- (9) Regulations under this section may –
- (a) make different provision for different purposes or in relation to different areas;
 - (b) contain supplementary, incidental, consequential, transitional or saving provision.

17 Notification requirements in serious disruption prevention order

- (1) A serious disruption prevention order made in respect of a person (“P”) must impose on P the notification requirements in subsections (2) and (4).
- (2) P must be required to notify the information in subsection (3) to the police within the period of 3 days beginning with the day on which the order takes effect.
- (3) That information is –
- (a) P’s name on the day that the notification is given and, where P uses one or more other names on that day, each of those names,
 - (b) P’s home address on that day, and
 - (c) the address of any other premises at which, on that day, P regularly resides or stays.
- (4) P must be required to notify the information in subsection (5) to the police within the period of 3 days beginning with the day on which P –
- (a) uses a name which has not been previously notified to the police in accordance with the order,
 - (b) changes their home address, or
 - (c) decides to live for a period of one month or more at any premises the address of which has not been previously notified to the police in accordance with the order.
- (5) That information is –
- (a) in a case within subsection (4)(a), the name which has not previously been notified,

- (b) in a case within subsection (4)(b), the new home address, and
 - (c) in a case within subsection (4)(c), the address of the premises at which P has decided to live.
- (6) A serious disruption prevention order must provide that P gives a notification of the kind mentioned in subsection (2) or (4) by – 5
- (a) attending at a police station in a police area in which P lives, and
 - (b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.

18 Duration of serious disruption prevention order

- (1) A serious disruption prevention order takes effect on the day it is made, subject to subsections (3) and (4). 10
- (2) A serious disruption prevention order must specify the period for which it has effect, which must be a fixed period of not less than 1 week and not more than 2 years.
- (3) Subsection (4) applies in relation to a serious disruption prevention order made in respect of a person (“P”) if – 15
- (a) P has been remanded in or committed to custody by an order of a court,
 - (b) a custodial sentence has been imposed on P or P is serving or otherwise subject to such a sentence, or 20
 - (c) P is on licence for part of the term of a custodial sentence.
- (4) The order may provide that it does not take effect until –
- (a) P is released from custody,
 - (b) P ceases to be subject to a custodial sentence, or
 - (c) P ceases to be on licence. 25
- (5) A serious disruption prevention order may specify periods for which particular requirements or prohibitions have effect.
- (6) But a serious disruption prevention order may not provide for an electronic monitoring requirement to have effect for more than 12 months.
- (7) Subsection (6) is subject to any variation or renewal of the order under section 21. 30
- (8) Where a court makes a serious disruption prevention order in respect of a person and the person is already subject to such an order, the earlier order ceases to have effect.
- (9) In this section “custodial sentence” – 35
- (a) has the same meaning as in the Sentencing Code, and
 - (b) includes a “pre-Code custodial sentence” within the meaning of the Sentencing Code (see section 222 of the Code).

19 Other information to be included in serious disruption prevention order

A serious disruption prevention order made in respect of a person must specify –

- (a) the reasons for making the order, and
- (b) the penalties which may be imposed on the person for breaching the order. 5

Offences

20 Offences relating to a serious disruption prevention order

- (1) Where a serious disruption prevention order has effect in respect of a person (“P”), P commits an offence if P – 10
 - (a) fails without reasonable excuse to do anything P is required to do by the order,
 - (b) without reasonable excuse does anything P is prohibited from doing by the order, or
 - (c) notifies to the police, in purported compliance with the order, any information which P knows to be false. 15
- (2) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both.
- (3) In subsection (2) “the maximum term for summary offences” means – 20
 - (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) comes into force, six months;
 - (b) if the offence is committed after that time, 51 weeks.

Variation, renewal or discharge of serious disruption prevention orders 25

21 Variation, renewal or discharge of serious disruption prevention order

- (1) Where a serious disruption prevention order has been made in respect of a person (“P”), a person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging the order.
- (2) Those persons are – 30
 - (a) P;
 - (b) the chief officer of police for the police area in which P lives;
 - (c) a chief officer of police who believes that P is in, or is intending to come to, the chief officer’s police area;
 - (d) if the application for the order was made by a chief officer of police other than one within paragraph (b) or (c), the chief officer by whom the application was made; 35
 - (e) the chief officer of police for a police area in which P committed an offence on the basis of which the order was made;

- (f) where the order was made following an application by a constable within subsection (3), that constable.
- (3) Those constables are –
- (a) the chief constable of the British Transport Police Force;
 - (b) the chief constable of the Civil Nuclear Constabulary; 5
 - (c) the chief constable of the Ministry of Defence Police.
- (4) An application under this section must be made –
- (a) where the appropriate court is a magistrates’ court, by complaint;
 - (b) in any other case, in accordance with rules of court.
- (5) Before making a decision on an application under this section, the court must hear – 10
- (a) the person making the application, and
 - (b) any other person within subsection (2) who wishes to be heard.
- (6) Subject to subsections (7) to (9), on an application under this section the court may make such order varying, renewing or discharging the serious disruption prevention order as it thinks appropriate. 15
- (7) The court may –
- (a) vary a serious disruption prevention order so as to –
 - (i) extend the period for which the order has effect,
 - (ii) extend the period for which a requirement or prohibition imposed by the order has effect, or 20
 - (iii) impose an additional prohibition or requirement on P, or
 - (b) renew a serious disruption prevention order, only if it considers that to do so is necessary for a purpose mentioned in subsection (8). 25
- (8) The purposes are –
- (a) to prevent P from committing a protest-related offence or a protest-related breach of an injunction,
 - (b) to prevent P from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, 30
 - (c) to prevent P from causing or contributing to –
 - (i) the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or
 - (ii) the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales, or 35
 - (d) to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from – 40
 - (i) a protest-related offence,
 - (ii) a protest-related breach of an injunction, or

- (iii) activities related to a protest.
- (9) An order under this section varying or renewing a serious disruption prevention order may not have the effect of extending the period for which an electronic monitoring requirement has effect by more than 12 months at a time. 5
- (10) Sections 14 to 19 (other than section 17(2) and (3)) have effect in relation to—
 - (a) the variation of a serious disruption prevention order so as to—
 - (i) extend the period for which the order has effect,
 - (ii) extend the period for which a requirement or prohibition imposed by the order has effect, or 10
 - (iii) impose an additional prohibition or requirement on P, or
 - (b) the renewal of a serious disruption prevention order, as they have effect in relation to the making of such an order.
- (11) On making an order under this section varying or renewing a serious disruption prevention order, the court must in ordinary language explain to P the effects of the serious disruption prevention order (as varied or renewed). 15
- (12) Section 127 of the Magistrates’ Courts Act 1980 does not apply to a complaint under this section.
- (13) In this section “the appropriate court” means—
 - (a) where the Crown Court or the Court of Appeal made the order, the Crown Court; 20
 - (b) where a magistrates’ court made the order and the application is made by P or a constable within subsection (3)—
 - (i) that magistrates’ court, or
 - (ii) a magistrates’ court for the area in which P lives; 25
 - (c) where a magistrates’ court made the order and the application is made by a chief officer of police—
 - (i) that magistrates’ court,
 - (ii) a magistrates’ court for the area in which P lives, or
 - (iii) a magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area. 30

Appeals

22 Appeal against serious disruption prevention order

- (1) Where a serious disruption prevention order is made under section 12 (order on conviction) in respect of a person (“P”), P may appeal against the making of the order as if the order were a sentence passed on P for the offence. 35
- (2) Where a serious disruption prevention order is made under section 13 (order otherwise than on conviction) in respect of a person (“P”), P may appeal to the appropriate court against the making of the order.

- (3) A person who applied under section 13 (order otherwise than on conviction) for a serious disruption prevention order to be imposed in respect of a person may appeal to the appropriate court against a refusal to make the order.
- (4) Where an application is made under section 21 for an order varying, renewing or discharging a serious disruption prevention order made in respect of a person (“P”) – 5
- (a) the person who made the application may appeal to the appropriate court against a refusal to make an order under that section;
 - (b) P may appeal to the appropriate court against the making of an order under that section which was made on the application of a person other than P; 10
 - (c) a person within subsection (2) of that section (other than P) may appeal to the appropriate court against the making of an order under that section which was made on the application of P.
- (5) In this section “the appropriate court” means – 15
- (a) in relation to an appeal under subsection (2), the Crown Court;
 - (b) in relation to an appeal under subsection (3) or (4) –
 - (i) where the application in question was made to a magistrates’ court, the Crown Court;
 - (ii) where the application in question was made to the Crown Court, the Court of Appeal. 20
- (6) On an appeal under this section to the Crown Court, the court may make –
- (a) such orders as may be necessary to give effect to its determination of the appeal, and
 - (b) such incidental and consequential orders as appear to it to be appropriate. 25

General

23 Guidance

- (1) The Secretary of State may issue guidance to – 30
- (a) chief officers of police,
 - (b) the chief constable of the British Transport Police Force,
 - (c) the chief constable of the Civil Nuclear Constabulary, and
 - (d) the chief constable of the Ministry of Defence Police,
- in relation to serious disruption prevention orders.
- (2) The guidance may in particular include – 35
- (a) guidance about the exercise by chief officers of police and the chief constables mentioned in subsection (1) of their functions under this Part,
 - (b) guidance about identifying persons in respect of whom it may be appropriate for applications for serious disruption prevention orders to be made, and 40

- (c) guidance about providing assistance to prosecutors in connection with applications for serious disruption prevention orders.
- (3) The Secretary of State may revise any guidance issued under this section.
- (4) The Secretary of State must arrange for any guidance issued under this section to be published. 5
- (5) A chief officer of police or a chief constable mentioned in subsection (1) must have regard to any guidance issued under this section.

24 Guidance: Parliamentary procedure

- (1) Before issuing guidance under section 23, the Secretary of State must lay a draft of the guidance before Parliament. 10
- (2) If, within the 40-day period, either House of Parliament resolves not to approve the draft guidance, the guidance may not be issued.
- (3) If no such resolution is made within that period, the Secretary of State may issue the guidance.
- (4) In this section “the 40-day period”, in relation to draft guidance, means the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House on the same day, the later of the days on which it is laid). 15
- (5) In calculating the 40-day period, no account is to be taken of any period during which— 20
 - (a) Parliament is dissolved or prorogued, or
 - (b) both Houses are adjourned for more than 4 days.

25 Data from electronic monitoring: code of practice

- (1) The Secretary of State must issue a code of practice relating to the processing of data gathered in the course of electronic monitoring of individuals under electronic monitoring requirements imposed by serious disruption prevention orders. 25
- (2) A failure to act in accordance with a code issued under this section does not of itself make a person liable to any criminal or civil proceedings.

26 Interpretation of Part

In this Part—

“electronic monitoring requirement” means a requirement of a serious disruption prevention order imposed on a person by virtue of section 14(2)(c) (provisions of serious disruption prevention order);

“home address”, in relation to a person (“P”), means—

- (a) the address of P’s sole or main residence, or

35

- (b) if P has no such residence, the address or location of a place where P can regularly be found and, if there is more than one such place, such one of those places as P may select;
- “injunction” means an injunction granted by the High Court, the county court or a youth court; 5
- “protest-related breach”, in relation to an injunction, means a breach which is directly related to a protest;
- “protest-related offence” means an offence which is directly related to a protest.
- 27 Consequential amendments** 10
- (1) In section 3(2) of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions), before paragraph (g) insert—
- “(fi) to have the conduct of applications for orders under section 12(1)(b) of the Public Order Act 2022 (serious disruption prevention orders on conviction);” 15
- (2) In section 379 (1) of the Sentencing Code (other behaviour orders etc), after the entry for the Elections Act 2022 insert—
- “Public Order Act
2022**
- | | | | |
|------------|--|--|----|
| section 12 | serious disruption
prevention order | protest-related offence within
the meaning of Part 2 of that
Act.” | 20 |
|------------|--|--|----|
- PART 3**
- GENERAL
- 28 Extent, commencement and short title** 25
- (1) This Act extends to England and Wales only, subject to subsection (2).
- (2) An amendment made by this Act has the same extent as the provision amended.
- (3) The following provisions come into force on the day on which this Act is passed— 30
- (a) sections 4, 9 and 16, but only for the purposes of making regulations;
- (b) this section.
- (4) Except as provided by subsection (3) this Act comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint. 35
- (5) Different days may be appointed for different purposes or areas.

- (6) The Secretary of State may by regulations made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
- (7) The power to make regulations under subsection (6) includes power to make different provision for different purposes or areas.
- (8) This Act may be cited as the Public Order Act 2022.

Public Order Bill

[AS INTRODUCED]

A

B I L L

TO

Make provision for new offences relating to public order; to make provision about stop and search powers; to make provision about the delegation of police functions relating to public order; to make provision about serious disruption prevention orders; and for connected purposes.

*Presented by Secretary Priti Patel
supported by the Prime Minister,
Secretary Dominic Raab,
the Chancellor of the Exchequer,
Secretary Kwasi Kwarteng, Secretary Grant Shapps,
the Attorney General and Kit Malthouse.*

Ordered, by The House of Commons, to be
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