



# Public Order Act 1986

## 1986 CHAPTER 64

### PART I

#### NEW OFFENCES

#### **1 Riot.**

- (1) Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using unlawful violence for the common purpose is guilty of riot.
- (2) It is immaterial whether or not the 12 or more use or threaten unlawful violence simultaneously.
- (3) The common purpose may be inferred from conduct.
- (4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.
- (5) Riot may be committed in private as well as in public places.
- (6) A person guilty of riot is liable on conviction on indictment to imprisonment for a term not exceeding ten years or a fine or both.

#### **2 Violent disorder.**

- (1) Where 3 or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using or threatening unlawful violence is guilty of violent disorder.
- (2) It is immaterial whether or not the 3 or more use or threaten unlawful violence simultaneously.

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*Status: Point in time view as at 17/10/1996.*

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- (3) No person of reasonable firmness need actually be, or be likely to be, present at the scene.
- (4) Violent disorder may be committed in private as well as in public places.
- (5) A person guilty of violent disorder is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or a fine or both, or on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

### **3 Affray.**

- (1) A person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.
- (2) Where 2 or more persons use or threaten the unlawful violence, it is the conduct of them taken together that must be considered for the purposes of subsection (1).
- (3) For the purposes of this section a threat cannot be made by the use of words alone.
- (4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.
- (5) Affray may be committed in private as well as in public places.
- (6) A constable may arrest without warrant anyone he reasonably suspects is committing affray.
- (7) A person guilty of affray is liable on conviction on indictment to imprisonment for a term not exceeding 3 years or a fine or both, or on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

### **4 Fear or provocation of violence.**

- (1) A person is guilty of an offence if he—
  - (a) uses towards another person threatening, abusive or insulting words or behaviour, or
  - (b) distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting,with intent to cause that person to believe that immediate unlawful violence will be used against him or another by any person, or to provoke the immediate use of unlawful violence by that person or another, or whereby that person is likely to believe that such violence will be used or it is likely that such violence will be provoked.
- (2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is distributed or displayed, by a person inside a dwelling and the other person is also inside that or another dwelling.
- (3) A constable may arrest without warrant anyone he reasonably suspects is committing an offence under this section.

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- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both.

**[<sup>F1</sup>4A Intentional harassment, alarm or distress.**

- (1) A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, he—
- (a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or
  - (b) displays any writing, sign or other visible representation which is threatening, abusive or insulting,
- thereby causing that or another person harassment, alarm or distress.
- (2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is displayed, by a person inside a dwelling and the person who is harassed, alarmed or distressed is also inside that or another dwelling.
- (3) It is a defence for the accused to prove—
- (a) that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other dwelling, or
  - (b) that his conduct was reasonable.
- (4) A constable may arrest without warrant anyone he reasonably suspects is committing an offence under this section.
- (5) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both.]

**Textual Amendments**

**F1** S. 4A inserted (3.2.1995) by 1994 c. 33, s. 154; S.I. 1995/127, art. 2, Sch. 1

**5 Harassment, alarm or distress.**

- (1) A person is guilty of an offence if he—
- (a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or
  - (b) displays any writing, sign or other visible representation which is threatening, abusive or insulting,
- within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby.
- (2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is displayed, by a person inside a dwelling and the other person is also inside that or another dwelling.

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- (3) It is a defence for the accused to prove—
- (a) that he had no reason to believe that there was any person within hearing or sight who was likely to be caused harassment, alarm or distress, or
  - (b) that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other dwelling, or
  - (c) that his conduct was reasonable.
- (4) A constable may arrest a person without warrant if—
- (a) he engages in offensive conduct which [F<sup>2</sup>a] constable warns him to stop, and
  - (b) he engages in further offensive conduct immediately or shortly after the warning.
- (5) In subsection (4) “offensive conduct” means conduct the constable reasonably suspects to constitute an offence under this section, and the conduct mentioned in paragraph (a) and the further conduct need not be of the same nature.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Textual Amendments

- F2** S. 5(4)(a): by 1996 c. 59, s. 1 it is provided in s. 5(4)(a) the word "the" shall be amended by being left out the word "a" inserted

## 6 Mental element: miscellaneous.

- (1) A person is guilty of riot only if he intends to use violence or is aware that his conduct may be violent.
- (2) A person is guilty of violent disorder or affray only if he intends to use or threaten violence or is aware that his conduct may be violent or threaten violence.
- (3) A person is guilty of an offence under section 4 only if he intends his words or behaviour, or the writing, sign or other visible representation, to be threatening, abusive or insulting, or is aware that it may be threatening, abusive or insulting.
- (4) A person is guilty of an offence under section 5 only if he intends his words or behaviour, or the writing, sign or other visible representation, to be threatening, abusive or insulting, or is aware that it may be threatening, abusive or insulting or (as the case may be) he intends his behaviour to be or is aware that it may be disorderly.
- (5) For the purposes of this section a person whose awareness is impaired by intoxication shall be taken to be aware of that of which he would be aware if not intoxicated, unless he shows either that his intoxication was not self-induced or that it was caused solely by the taking or administration of a substance in the course of medical treatment.
- (6) In subsection (5) “intoxication” means any intoxication, whether caused by drink, drugs or other means, or by a combination of means.
- (7) Subsections (1) and (2) do not affect the determination for the purposes of riot or violent disorder of the number of persons who use or threaten violence.

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## 7 Procedure: miscellaneous.

- (1) No prosecution for an offence of riot or incitement to riot may be instituted except by or with the consent of the Director of Public Prosecutions.
- (2) For the purposes of the rules against charging more than one offence in the same count or information, each of sections 1 to 5 creates one offence.
- (3) If on the trial on indictment of a person charged with violent disorder or affray the jury find him not guilty of the offence charged, they may (without prejudice to section 6(3) of the <sup>M1</sup>Criminal Law Act 1967) find him guilty of an offence under section 4.
- (4) The Crown Court has the same powers and duties in relation to a person who is by virtue of subsection (3) convicted before it of an offence under section 4 as a magistrates' court would have on convicting him of the offence.

### Modifications etc. (not altering text)

- C1** S. 7(1) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1), 94(1), Sch. 6 para. 13 (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

### Marginal Citations

- M1** 1967 c. 58.

## 8 Interpretation.

In this Part—

“dwelling” means any structure or part of a structure occupied as a person’s home or as other living accommodation (whether the occupation is separate or shared with others) but does not include any part not so occupied, and for this purpose “structure” includes a tent, caravan, vehicle, vessel or other temporary or movable structure;

“violence” means any violent conduct, so that—

- (a) except in the context of affray, it includes violent conduct towards property as well as violent conduct towards persons, and
- (b) it is not restricted to conduct causing or intended to cause injury or damage but includes any other violent conduct (for example, throwing at or towards a person a missile of a kind capable of causing injury which does not hit or falls short).

## 9 Offences abolished.

- (1) The common law offences of riot, rout, unlawful assembly and affray are abolished.
- (2) The offences under the following enactments are abolished—
  - (a) section 1 of the <sup>M2</sup>Tumultuous Petitioning Act 1661 (presentation of petition to monarch or Parliament accompanied by excessive number of persons),
  - (b) section 1 of the <sup>M3</sup>Shipping Offences Act 1793 (interference with operation of vessel by persons riotously assembled),
  - (c) section 23 of the <sup>M4</sup>Seditious Meetings Act 1817 (prohibition of certain meetings within one mile of Westminster Hall when Parliament sitting), and

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- (d) section 5 of the <sup>M5</sup>Public Order Act 1936 (conduct conducive to breach of the peace).

#### Marginal Citations

- M2** 1661 c. 5.  
**M3** 1793 c. 67.  
**M4** 1817 c. 19.  
**M5** 1936 c. 6.

## 10 Construction of other instruments.

- (1) In the <sup>M6</sup>Riot (Damages) Act 1886 <sup>F3</sup> . . . (compensation for riot damage) “riotous” and “riotously” shall be construed in accordance with section 1 above.
- (2) In Schedule 1 to the <sup>M7</sup>Marine Insurance Act 1906 (form and rules for the construction of certain insurance policies) “rioters” in rule 8 and “riot” in rule 10 shall, in the application of the rules to any policy taking effect on or after the coming into force of this section, be construed in accordance with section 1 above unless a different intention appears.
- (3) “Riot” and cognate expressions in any enactment in force before the coming into force of this section (other than the enactments mentioned in subsections (1) and (2) above) shall be construed in accordance with section 1 above if they would have been construed in accordance with the common law offence of riot apart from this Part.
- (4) Subject to subsections (1) to (3) above and unless a different intention appears, nothing in this Part affects the meaning of “riot” or any cognate expression in any enactment in force, or other instrument taking effect, before the coming into force of this section.

#### Textual Amendments

- F3** Words in s. 10(1) repealed (1.1.1996) 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s 312(1), **Sch. 14** para. 1)

#### Marginal Citations

- M6** 1886 c. 38.  
**M7** 1906 c. 41.

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