



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 3

#### PUBLIC ORDER

VALID FROM 28/06/2022

#### *Public processions and public assemblies*

#### **73 Imposing conditions on public processions**

(1) Section 12 of the Public Order Act 1986 (imposing conditions on public processions) is amended as follows.

(2) In subsection (1)—

(a) for the “or” at the end of paragraph (a) substitute—

“(aa) in the case of a procession in England and Wales, the noise generated by persons taking part in the procession may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the procession,

(ab) in the case of a procession in England and Wales—

(i) the noise generated by persons taking part in the procession may have a relevant impact on persons in the vicinity of the procession, and

(ii) that impact may be significant, or”, and

(b) in the words following paragraph (b), after “disruption” insert “, impact”.

(3) After subsection (2) insert—

*Status: Point in time view as at 28/04/2022. This version of this part contains provisions that are not valid for this point in time.*

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“(2A) For the purposes of subsection (1)(a), the cases in which a public procession in England and Wales may result in serious disruption to the life of the community include, 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, in particular, 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.

(2B) In subsection (2A)(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.

(2C) For the purposes of subsection (1)(aa), the cases in which the noise generated by persons taking part in a public procession may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the procession include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.

(2D) For the purposes of subsection (1)(ab)(i), the noise generated by persons taking part in a public procession may have a relevant impact on persons in the vicinity of the procession if—

- (a) it may result in the intimidation or harassment of persons of reasonable firmness with the characteristics of persons likely to be in the vicinity, or
- (b) it may cause such persons to suffer alarm or distress.

(2E) In considering for the purposes of subsection (1)(ab)(ii) whether the noise generated by persons taking part in a public procession may have a significant impact on persons in the vicinity of the procession, the senior police officer must have regard to—

- (a) the likely number of persons of the kind mentioned in paragraph (a) of subsection (2D) who may experience an impact of the kind mentioned in paragraph (a) or (b) of that subsection,
- (b) the likely duration of that impact on such persons, and
- (c) the likely intensity of that impact on such persons.”

(4) After subsection (11) insert—

“(12) The Secretary of State may by regulations amend any of subsections (2A) to (2C) for the purposes of making provision about the meaning for the purposes of this section of—

- (a) serious disruption to the activities of an organisation which are carried on in the vicinity of a public procession, or
- (b) serious disruption to the life of the community.

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(13) Regulations under subsection (12) may, in particular, amend any of those subsections for the purposes of—

- (a) defining any aspect of an expression mentioned in subsection (12) (a) or (b) for the purposes of this section;
- (b) giving examples of cases in which a public procession is or is not to be treated as resulting in—
  - (i) serious disruption to the activities of an organisation which are carried on in the vicinity of the procession, or
  - (ii) serious disruption to the life of the community.

(14) Regulations under subsection (12)—

- (a) are to be made by statutory instrument;
- (b) may apply only in relation to public processions in England and Wales;
- (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part.

(15) A statutory instrument containing regulations under subsection (12) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

(5) The Secretary of State must, before the end of the period of 2 years beginning with the day on which this section comes into force—

- (a) prepare and publish a report on the operation of the amendments to section 12 of the Public Order Act 1986 made by this section, and
- (b) lay the report before Parliament.

#### Commencement Information

- I1** S. 73 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [S. 73\(1\)-\(4\)](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(i\)](#) (as amended by [S.I. 2022/680](#), [reg. 2\(a\)](#))
- I3** [S. 73\(5\)](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(j\)](#) (as amended by [S.I. 2022/680](#), [reg. 2\(b\)](#))

## 74 Imposing conditions on public assemblies

(1) Section 14 of the Public Order Act 1986 (imposing conditions on public assemblies) is amended as follows.

(2) In subsection (1)—

- (a) for “If” substitute “Subsection (1A) applies if”,
- (b) for the “or” at the end of paragraph (a) substitute—
  - “(aa) in the case of an assembly in England and Wales, the noise generated by persons taking part in the assembly may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly,
  - (ab) in the case of an assembly in England and Wales—

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- (i) the noise generated by persons taking part in the assembly may have a relevant impact on persons in the vicinity of the assembly, and
- (ii) that impact may be significant, or”, and

(c) omit the words after paragraph (b).

(3) After subsection (1) insert—

“(1A) The senior police officer may give directions imposing on the persons organising or taking part in the assembly—

- (a) in the case of an assembly in England and Wales, such conditions as appear to the officer necessary to prevent the disorder, damage, disruption, impact or intimidation mentioned in subsection (1);
- (b) in the case of an assembly in Scotland, such conditions as to the place at which the assembly may be (or continue to be) held, its maximum duration, or the maximum number of persons who may constitute it, as appear to the officer necessary to prevent the disorder, damage, disruption or intimidation mentioned in subsection (1)(a) or (b).”

(4) In subsection (2), for “subsection (1)” substitute “this section”.

(5) After subsection (2) insert—

“(2A) For the purposes of subsection (1)(a), the cases in which a public assembly in England and Wales may result in serious disruption to the life of the community include, in particular, where—

- (a) it may result in a significant delay to the supply 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, in particular, 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.

(2B) In subsection (2A)(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.

(2C) For the purposes of subsection (1)(aa), the cases in which the noise generated by persons taking part in a public assembly may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.

(2D) For the purposes of subsection (1)(ab)(i), the noise generated by persons taking part in an assembly may have a relevant impact on persons in the vicinity of the assembly if—

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- (a) it may result in the intimidation or harassment of persons of reasonable firmness with the characteristics of persons likely to be in the vicinity, or
  - (b) it may cause such persons to suffer alarm or distress.
- (2E) In considering for the purposes of subsection (1)(ab)(ii) whether the noise generated by persons taking part in an assembly may have a significant impact on persons in the vicinity of the assembly, the senior police officer must have regard to—
  - (a) the likely number of persons of the kind mentioned in paragraph (a) of subsection (2D) who may experience an impact of the kind mentioned in paragraph (a) or (b) of that subsection,
  - (b) the likely duration of that impact on such persons, and
  - (c) the likely intensity of that impact on such persons.”
- (6) After subsection (10A) (as inserted by section 75(11)) insert—
  - “(11) The Secretary of State may by regulations amend any of subsections (2A) to (2C) for the purposes of making provision about the meaning for the purposes of this section of—
    - (a) serious disruption to the activities of an organisation which are carried on in the vicinity of a public assembly, or
    - (b) serious disruption to the life of the community.
  - (12) Regulations under subsection (11) may, in particular, amend any of those subsections for the purposes of—
    - (a) defining any aspect of an expression mentioned in subsection (11) (a) or (b) for the purposes of this section;
    - (b) giving examples of cases in which a public assembly is or is not to be treated as resulting in—
      - (i) serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly, or
      - (ii) serious disruption to the life of the community.
  - (13) Regulations under subsection (11)—
    - (a) are to be made by statutory instrument;
    - (b) may apply only in relation to public assemblies in England and Wales;
    - (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part.
  - (14) A statutory instrument containing regulations under subsection (11) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (7) The Secretary of State must, before the end of the period of 2 years beginning with the day on which this section comes into force—
  - (a) prepare and publish a report on the operation of the amendments to section 14 of the Public Order Act 1986 made by this section, and
  - (b) lay the report before Parliament.

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### Commencement Information

- 14** S. 74 not in force at Royal Assent, see [s. 208\(1\)](#)  
**15** [S. 74\(1\)-\(6\)](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(i\)](#)  
**16** [S. 74\(7\)](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(j\)](#)

## 75 Offences under sections 12 and 14 of the Public Order Act 1986

- (1) The Public Order Act 1986 is amended as follows.
- (2) Section 12 (imposing conditions on public processions) is amended in accordance with subsections (3) to (6).
- (3) In subsection (4)—
- (a) for “A person” substitute “Subject to subsection (5A), a person”, and
  - (b) omit “knowingly”.
- (4) In subsection (5)—
- (a) for “A person” substitute “Subject to subsection (5A), a person”, and
  - (b) omit “knowingly”.
- (5) After subsection (5) insert—
- “(5A) A person is guilty of an offence under subsection (4) or (5) only if—
- (a) in the case of a public procession in England and Wales, at the time the person fails to comply with the condition the person knows or ought to know that the condition has been imposed;
  - (b) in the case of a public procession in Scotland, the person knowingly fails to comply with the condition.”
- (6) For subsections (8) to (10) substitute—
- “(8) A person guilty of an offence under subsection (4) is liable on summary conviction—
- (a) in the case of a public procession in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both;
  - (b) in the case of a public procession in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.
- (9) A person guilty of an offence under subsection (5) is liable on summary conviction—
- (a) in the case of a public procession in England and Wales, to a fine not exceeding level 4 on the standard scale;
  - (b) in the case of a public procession in Scotland, to a fine not exceeding level 3 on the standard scale.
- (10) A person guilty of an offence under subsection (6) is liable on summary conviction—
- (a) in the case of a public procession in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both;



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- (b) in the case of a public procession in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(10A) 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 references in subsections (8)(a) and to (10)(a) to 51 weeks are to be read as references to 6 months.”

(7) Section 14 (imposing conditions on public assemblies) is amended in accordance with subsections (8) to (11).

(8) In subsection (4)—

- (a) for “A person” substitute “Subject to subsection (5A), a person”, and
- (b) omit “knowingly”.

(9) In subsection (5)—

- (a) for “A person” substitute “Subject to subsection (5A), a person”, and
- (b) omit “knowingly”.

(10) After subsection (5) insert—

“(5A) A person is guilty of an offence under subsection (4) or (5) only if—

- (a) in the case of a public assembly in England and Wales, at the time the person fails to comply with the condition the person knows or ought to know that the condition has been imposed;
- (b) in the case of a public assembly in Scotland, the person knowingly fails to comply with the condition.”

(11) For subsections (8) to (10) substitute—

“(8) A person guilty of an offence under subsection (4) is liable on summary conviction—

- (a) in the case of a public assembly in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both;
- (b) in the case of a public assembly in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(9) A person guilty of an offence under subsection (5) is liable on summary conviction—

- (a) in the case of a public assembly in England and Wales, to a fine not exceeding level 4 on the standard scale;
- (b) in the case of a public assembly in Scotland, to a fine not exceeding level 3 on the standard scale.

(10) A person guilty of an offence under subsection (6) is liable on summary conviction—

- (a) in the case of a public assembly in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both;

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- (b) in the case of a public assembly in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(10A) 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 references in subsections (8)(a) and to (10)(a) to 51 weeks are to be read as references to 6 months.”

- (12) Subsections (6) and (11) apply only in relation to offences committed on or after the day on which this section comes into force.

#### Commencement Information

- I7** S. 75 not in force at Royal Assent, see **s. 208(1)**  
**I8** S. 75 in force at 28.6.2022 by **S.I. 2022/520, reg. 5(i)**

VALID FROM 28/06/2022

### *Palace of Westminster, Parliament Square etc*

#### **76 Obstruction of vehicular access to Parliament**

- (1) Part 3 of the Police Reform and Social Responsibility Act 2011 (Parliament Square etc) is amended as follows.

- (2) In section 142A (other controlled areas in vicinity of the Palace of Westminster)—

- (a) in subsection (1)—

- (i) in paragraph (a), after sub-paragraph (i) insert—

“(ia) Canon Row,  
 (ib) Parliament Street,  
 (ic) Derby Gate,  
 (id) Parliament Square,” and

- (ii) after paragraph (a) insert—

“(aa) so much of the highway in the postal district SW1 known as Victoria Embankment as lies between the highway in that district known as Bridge Street and the highway in that district known as Richmond Terrace,” and

- (b) after subsection (1) insert—

“(1A) A reference to a highway in subsection (1)(a) or (aa) includes any land immediately adjoining that highway and to which the public have or are permitted access.”

- (3) In section 143 (prohibited activities in controlled area of Parliament Square or in Palace of Westminster controlled area)—

- (a) in subsection (2), after paragraph (e) insert—



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“(f) obstructing, by the use of any item or otherwise, the passage of a vehicle of any description into or out of an entrance into or exit from the Parliamentary Estate, where that entrance or exit is within, or adjoins, the Palace of Westminster controlled area.”,

- (b) in subsection (3)(b) for “relevant authority” substitute “relevant person”,
- (c) after subsection (4) insert—

“(4A) In subsection (2)(f) the reference to obstructing the passage of a vehicle includes making the passage of a vehicle more difficult.”,

- (d) in subsection (5)—
  - (i) in the words before paragraph (a), for ““relevant authority”” substitute ““relevant person””,
  - (ii) omit “or” at the end of paragraph (b), and
  - (iii) after paragraph (c) insert—

- “(d) a relevant member of the House of Lords staff, or
- (e) a relevant member of the House of Commons staff”,
- and

- (e) after subsection (5) insert—

“(5A) In subsection (5)—

“relevant member of the House of Lords staff” has the meaning given by section 194(6) of the Employment Rights Act 1996; “relevant member of the House of Commons staff” has the meaning given by section 195(5) of that Act.”

- (4) Subsection (2) does not affect—

- (a) any direction given under section 143(1) of the Police Reform and Social Responsibility Act 2011 before the day on which this section came into force,
- (b) any order made under section 146(1)(b) of that Act before that day, or
- (c) any authorisation given under section 147 of that Act before that day.

- (5) Any such direction, order or authorisation applies in relation to the Palace of Westminster controlled area as defined by section 142A(1) of that Act as it had effect immediately before that day.

#### Commencement Information

**19** S. 76 not in force at Royal Assent, see [s. 208\(1\)](#)

## 77 Power to specify other areas as controlled areas

After section 149 of the Police Reform and Social Responsibility Act 2011 insert—

### “149A Power to specify other areas as controlled areas

- (1) The Secretary of State may by regulations provide for any provision of sections 143 to 148 and 149(3) to apply, with or without modifications, in relation to an area specified in the regulations.

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- (2) An area may be specified in regulations under subsection (1) by description, by reference to a map or plan or in any other way.
- (3) Regulations under subsection (1) may be made only if—
  - (a) either House of Parliament is, or is proposed to be, located somewhere other than the Palace of Westminster as a result of the Parliamentary building works or for any other reason, and
  - (b) as a result of that relocation, or proposed relocation, the Secretary of State considers that it is reasonably necessary for activities which are prohibited in relation to the controlled area of Parliament Square or the Palace of Westminster controlled area to be prohibited in relation to the area specified in the regulations.
- (4) In subsection (3)(a) “the Parliamentary building works” has the meaning given by section 1(1) of the Parliamentary Buildings (Restoration and Renewal) Act 2019.
- (5) The Secretary of State may by regulations make provision for any other enactment, or any instrument made under an enactment, to have effect with modifications in consequence of regulations under subsection (1).”

#### Commencement Information

**110** S. 77 not in force at Royal Assent, see [s. 208\(1\)](#)

VALID FROM 28/06/2022

### *Public nuisance*

#### **78 Intentionally or recklessly causing public nuisance**

- (1) A person commits an offence if—
  - (a) the person—
    - (i) does an act, or
    - (ii) omits to do an act that they are required to do by any enactment or rule of law,
  - (b) the person’s act or omission—
    - (i) creates a risk of, or causes, serious harm to the public or a section of the public, or
    - (ii) obstructs the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large, and
  - (c) the person intends that their act or omission will have a consequence mentioned in paragraph (b) or is reckless as to whether it will have such a consequence.
- (2) In subsection (1)(b)(i) “serious harm” means—
  - (a) death, personal injury or disease,

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- (b) loss of, or damage to, property, or
  - (c) serious distress, serious annoyance, serious inconvenience or serious loss of amenity.
- (3) 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 or omission mentioned in paragraph (a) of that subsection.
- (4) A person guilty of an offence under subsection (1) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years, to a fine or to both.
- (5) In relation to an offence committed before the coming into force of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (increase in magistrates’ court power to impose imprisonment) the reference in subsection (4)(a) to 12 months is to be read as a reference to 6 months.
- (6) The common law offence of public nuisance is abolished.
- (7) Subsections (1) to (6) do not apply in relation to—
- (a) any act or omission which occurred before the coming into force of those subsections, or
  - (b) any act or omission which began before the coming into force of those subsections and continues after their coming into force.
- (8) This section does not affect—
- (a) the liability of any person for an offence other than the common law offence of public nuisance,
  - (b) the civil liability of any person for the tort of public nuisance, or
  - (c) the ability to take any action under any enactment against a person for any act or omission within subsection (1).
- (9) In this section “enactment” includes an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978.

#### Commencement Information

**III** S. 78 not in force at Royal Assent, see [s. 208\(1\)](#)

VALID FROM 28/06/2022

### *One-person protests*

#### **79 Imposing conditions on one-person protests**

- (1) After section 14 of the Public Order Act 1986 insert—

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### **“14ZA Imposing conditions on one-person protests**

- (1) Subsection (2) applies if the senior police officer, having regard to the time or place at which and the circumstances in which any one-person protest in England and Wales is being carried on or is intended to be carried on, reasonably believes—
  - (a) that the noise generated by the person carrying on the protest may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the protest, or
  - (b) that—
    - (i) the noise generated by the person carrying on the protest may have a relevant impact on persons in the vicinity of the protest, and
    - (ii) that impact may be significant.
- (2) The senior police officer may give directions imposing on the person organising or carrying on the protest such conditions as appear to the officer necessary to prevent such disruption or impact.
- (3) Where the one-person protest is moving, or is intended to move, from place to place—
  - (a) the senior police officer must also have regard under subsection (1) to its route or proposed route, and
  - (b) the conditions which may be imposed under subsection (2) include conditions as to the route of the protest or prohibiting the person carrying on the protest from entering any public place specified in the direction while the person is carrying it on.
- (4) In this section “one-person protest” means a protest which, at any one time, is carried on by one person in a public place.
- (5) In this section “the senior police officer” means—
  - (a) in relation to a one-person protest being held or to a one-person protest intended to be held in a case where a person is in a place with a view to carrying on such a protest, the most senior in rank of the police officers present at the scene, and
  - (b) in relation to a one-person protest intended to be held in a case where paragraph (a) does not apply, the chief officer of police.
- (6) For the purposes of subsection (1)(a), the cases in which the noise generated by a person taking part in a one-person protest may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the protest include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.
- (7) For the purposes of subsection (1)(b)(i), the noise generated by a person carrying on a one-person protest may have a relevant impact on persons in the vicinity of the protest if—
  - (a) it may result in the intimidation or harassment of persons of reasonable firmness with the characteristics of persons likely to be in the vicinity, or

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(b) it may cause such persons to suffer alarm or distress.

(8) In considering for the purposes of subsection (1)(b)(ii) whether the noise generated by a person carrying on a one-person protest may have a significant impact on persons in the vicinity of the protest, the senior police officer must have regard to—

- (a) the likely number of persons of the kind mentioned in paragraph (a) of subsection (7) who may experience an impact of the kind mentioned in paragraph (a) or (b) of that subsection,
- (b) the likely duration of that impact on such persons, and
- (c) the likely intensity of that impact on such persons.

(9) A direction given by a chief officer of police by virtue of subsection (5)(b) must be given in writing.

(10) A person (“P”) is guilty of an offence if—

- (a) P organises or carries on a one-person protest,
- (b) P fails to comply with a condition imposed under this section, and
- (c) at the time P fails to comply with the condition, P knows or ought to know that the condition has been imposed.

(11) It is a defence for a person charged with an offence under subsection (10) to prove that the failure arose from circumstances beyond the person’s control.

(12) A person who incites another to commit an offence under subsection (10) is guilty of an offence.

(13) A person guilty of an offence under subsection (10) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(14) A person guilty of an offence under subsection (12) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both.

(15) 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 (14) to 51 weeks is to be read as a reference to 6 months.

(16) The Secretary of State may by regulations amend subsection (6) for the purposes of making provision about the meaning for the purposes of this section of serious disruption to the activities of an organisation which are carried on in the vicinity of a one-person protest.

(17) Regulations under subsection (16) may, in particular, amend that subsection for the purposes of—

- (a) defining any aspect of that expression for the purposes of this section;
- (b) giving examples of cases in which a one-person protest is or is not to be treated as resulting in serious disruption to the activities of an organisation which are carried on in the vicinity of the protest.

(18) Regulations under subsection (16)—

- (a) are to be made by statutory instrument;

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(b) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part.

(19) A statutory instrument containing regulations under subsection (16) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

(2) The Secretary of State must, before the end of the period of 2 years beginning with the day on which this section comes into force—

- (a) prepare and publish a report on the operation of section 14ZA of the Public Order Act 1986, and
- (b) lay the report before Parliament.

#### Commencement Information

**I12** S. 79 not in force at Royal Assent, see [s. 208\(1\)](#)

**I13** S. 79 in force at 28.6.2022 by [S.I. 2022/520, reg. 5\(j\)](#)

### *Wilful obstruction of highway*

#### **80 Wilful obstruction of highway**

(1) Section 137 of the Highways Act 1980 (penalty for wilful obstruction) is amended as follows.

(2) In subsection (1)—

- (a) after “liable to” insert “imprisonment for a term not exceeding 51 weeks or”;
- (b) for “not exceeding level 3 on the standard scale” substitute “or both”.

(3) After subsection (1) insert—

“(1A) 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 (1) to 51 weeks is to be read as a reference to 6 months.

(1B) For the purposes of this section it does not matter whether free passage along the highway in question has already been temporarily restricted or temporarily prohibited (whether by a constable, a traffic authority or otherwise).

(1C) In subsection (1B), “traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984 (see section 121A of that Act).”

#### Commencement Information

**I14** S. 80 not in force at Royal Assent, see [s. 208\(1\)](#)

**I15** S. 80 in force at 12.5.2022 by [S.I. 2022/520, reg. 4\(b\)](#) (with [reg. 8](#))

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PROSPECTIVE

### *Repeal of the Vagrancy Act 1824 etc*

#### **81 Repeal of the Vagrancy Act 1824 etc**

- (1) The Vagrancy Act 1824 is repealed.
- (2) Subsections (3) to (7) contain amendments and repeals in consequence of subsection (1).
- (3) The following are repealed—
  - (a) the Vagrancy Act 1935;
  - (b) section 2(3)(c) of the House to House Collections Act 1939 (licences);
  - (c) section 20 of the Criminal Justice Act 1967 (power of magistrates' court to commit on bail for sentence);
  - (d) in the Criminal Justice Act 1982—
    - (i) section 70 and the italic heading immediately before that section (vagrancy offences), and
    - (ii) paragraph 1 of Schedule 14 and the italic heading immediately before that paragraph (minor and consequential amendments);
  - (e) section 43(5) of the Mental Health Act 1983 (power of magistrates' courts to commit for restriction order);
  - (f) section 26(5) of the Criminal Justice Act 1991 (alteration of certain penalties);
  - (g) in the Criminal Justice Act 2003—
    - (i) paragraphs 1 and 2 of Schedule 25 and the italic heading immediately before those paragraphs (summary offences no longer punishable with imprisonment), and
    - (ii) paragraphs 145 and 146 of Schedule 32 and the italic heading immediately before those paragraphs (amendments relating to sentencing);
  - (h) paragraph 18 of Schedule 8 to the Serious Organised Crime and Police Act 2005 (powers of accredited persons).
- (4) In section 81 of the Public Health Acts Amendment Act 1907 (extending definition of public place and street for certain purposes), omit the words from “shall”, in the first place it occurs, to “public place, and”.
- (5) In section 48(2) of the Forestry Act 1967 (powers of entry and enforcement), omit “or against the Vagrancy Act 1824”.
- (6) In the Police Reform Act 2002—
  - (a) in Schedule 3C (powers of community support officers and community support volunteers)—
    - (i) omit paragraph 3(3)(b),
    - (ii) omit paragraph 7(3),
    - (iii) in paragraph 7(4), omit “or (3)”, and
    - (iv) in paragraph 7(7)(a), omit “or (3)”, and
  - (b) in Schedule 5 (powers exercisable by accredited persons), omit paragraph 2(3)(aa).



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(7) In the Sentencing Code—

- (a) in section 20(1) (committal in certain cases where offender committed in respect of another offence)—
  - (i) at the end of paragraph (e), insert “or”, and
  - (ii) omit paragraph (g) (and the “or” immediately before it), and
- (b) omit section 24(1)(f) (further powers to commit offender to the Crown Court to be dealt with).

(8) The amendments and repeals made by this section do not apply in relation to an offence committed before this section comes into force.

**Commencement Information**

**I16** S. 81 not in force at Royal Assent, see [s. 208\(1\)](#)

*Expedited public spaces protection orders*

**82 Expedited public spaces protection orders**

- (1) The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.
- (2) After section 59 insert—

**“59A Power to make expedited public spaces protection orders**

- (1) A local authority may make an expedited public spaces protection order (an “expedited order”) in relation to a public place within the local authority’s area if satisfied on reasonable grounds that three conditions are met.
- (2) The first condition is that the public place is in the vicinity of—
  - (a) a school in the local authority’s area, or
  - (b) a site in the local authority’s area where, or from which—
    - (i) vaccines are provided to members of the public by, or pursuant to arrangements with, an NHS body, or
    - (ii) test and trace services are provided.

The reference in paragraph (b)(i) to arrangements includes arrangements made by the NHS body in the exercise of functions of another person by virtue of any provision of the National Health Service Act 2006.

- (3) The second condition is that activities carried on, or likely to be carried on, in the public place by one or more individuals in the course of a protest or demonstration have had, or are likely to have, the effect of—
  - (a) harassing or intimidating members of staff or volunteers at the school or site,
  - (b) harassing or intimidating persons using the services of the school or site,
  - (c) impeding the provision of services by staff or volunteers at the school or site, or

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- (d) impeding access by persons seeking to use the services of the school or site.
- (4) The third condition is that the effect or likely effect mentioned in subsection (3)—
- (a) is, or is likely to be, of a persistent or continuing nature,
  - (b) is, or is likely to be, such as to make the activities unreasonable, and
  - (c) justifies the restrictions imposed by the order.
- (5) An expedited order is an order that identifies the public place referred to in subsection (1) (“the restricted area”) and—
- (a) prohibits specified things being done in the restricted area,
  - (b) requires specified things to be done by persons carrying on specified activities in that area, or
  - (c) does both of those things.
- (6) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
- (a) to prevent the harassment, intimidation or impediment referred to in subsection (3) from continuing, occurring or recurring, or
  - (b) to reduce that harassment, intimidation or impediment or to reduce the risk of its continuance, occurrence or recurrence.
- (7) A prohibition or requirement may be framed—
- (a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;
  - (b) so as to apply at all times, or only at specified times, or at all times except those specified;
  - (c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.
- (8) An expedited order must—
- (a) identify the activities referred to in subsection (3);
  - (b) explain the effect of section 63 (where it applies) and section 67;
  - (c) specify the period for which the order has effect.
- (9) An expedited order may not be made in relation to a public place if that place (or any part of it) is or has been the subject of an expedited order (“the earlier order”), unless the period specified in subsection (11) has expired.
- (10) In subsection (9) the second reference to “an expedited order” is to be read as including a reference to a public spaces protection order (made after the day on which this section comes into force) which neither prohibited nor required anything that could not have been prohibited or required by an expedited order.
- (11) The period specified in this subsection is the period of a year beginning with the day on which the earlier order ceased to have effect.
- (12) An expedited order must be published in accordance with regulations made by the Secretary of State.

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- (13) For the purposes of subsection (2), a public place that is coextensive with, includes, or is wholly or partly within, a school or site is regarded as being “in the vicinity of” that school or site.
- (14) In this section references to a “school” are to be read as including a 16 to 19 Academy.
- (15) In this section “test and trace services” means—
  - (a) in relation to England, services of the programme known as NHS Test and Trace;
  - (b) in relation to Wales, services of the programme known as Test, Trace, Protect.”

(3) After section 60 insert—

**“60A Duration of expedited orders**

- (1) An expedited order may not have effect for a period of more than 6 months.
- (2) Subject to subsection (1), the local authority that made an expedited order may, before the time when the order is due to expire, extend the period for which the order has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
  - (a) occurrence or recurrence after that time of the activities identified in the order, or
  - (b) an increase in the frequency or seriousness of those activities after that time.
- (3) Where a local authority has made an expedited order, the authority may, at any time before the order is due to expire, reduce the period for which the order is to have effect if satisfied on reasonable grounds that the reduced period will be sufficient having regard to the degree of risk of an occurrence, recurrence or increase such as is mentioned in subsection (2)(a) or (b).
- (4) An extension or reduction under this section of the period for which an order has effect must be published in accordance with regulations made by the Secretary of State.
- (5) An expedited order may be extended or reduced under this section more than once.”

(4) After section 72 insert—

**“72A Expedited orders: Convention rights and consents**

- (1) A local authority, in deciding—
  - (a) whether to make an expedited order (under section 59A) and if so what it should include,
  - (b) whether to extend or reduce the period for which an expedited order has effect (under section 60A) and if so by how much,
  - (c) whether to vary an expedited order (under section 61) and if so how, or
  - (d) whether to discharge an expedited order (under section 61),

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must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.

- (2) In subsection (1) “Convention” has the meaning given by section 21(1) of the Human Rights Act 1998.
- (3) A local authority must obtain the necessary consents before—
  - (a) making an expedited order,
  - (b) extending or reducing the period for which an expedited order has effect, or
  - (c) varying or discharging an expedited order.
- (4) If the order referred to in subsection (3) was made, or is proposed to be made, in reliance on section 59A(2)(a), “the necessary consents” means the consent of—
  - (a) the chief officer of police for the police area that includes the restricted area, and
  - (b) a person authorised (whether in specific or general terms) by the appropriate authority for the school or 16 to 19 Academy.
- (5) If the order referred to in subsection (3) was made, or is proposed to be made, in reliance on section 59A(2)(b), “the necessary consents” means the consent of—
  - (a) the chief officer of police for the police area that includes the restricted area, and
  - (b) a person authorised by the appropriate NHS authority.
- (6) In this section—
 

“appropriate authority” means—

  - (a) in relation to a school maintained by a local authority, the governing body;
  - (b) in relation to any other school or a 16 to 19 Academy, the proprietor;

“appropriate NHS authority” means—

  - (a) if the order was made, or is proposed to be made, in reliance on sub-paragraph (i) of section 59A(2)(b), the NHS body mentioned in that sub-paragraph;
  - (b) if the order was made, or is proposed to be made, in reliance on sub-paragraph (ii) of section 59A(2)(b) and the site is in England, the UK Health Security Agency;
  - (c) if the order was made, or is proposed to be made, in reliance on that sub-paragraph and the site is in Wales, the Local Health Board for the area in which the site is located.
- (7) In this section “proprietor”, in relation to a school or a 16 to 19 Academy, has the meaning given in section 579(1) of the Education Act 1996.

## **72B Consultation and notifications after making expedited order**

- (1) A local authority must carry out the necessary consultation as soon as reasonably practicable after making an expedited order.

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- (2) In subsection (1) “necessary consultation” means consulting with the following about the terms and effects of the order—
- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
  - (b) whatever community representatives the local authority thinks it appropriate to consult;
  - (c) the owner or occupier of land within the restricted area.
- (3) A local authority must carry out the necessary notification (if any) as soon as reasonably practicable after—
- (a) making an expedited order,
  - (b) extending or reducing the period for which an expedited order has effect, or
  - (c) varying or discharging an expedited order.
- (4) In subsection (3) “necessary notification” means notifying the following of the extension, reduction, variation or discharge—
- (a) the parish council or community council (if any) for the area that includes the restricted area;
  - (b) in the case of an expedited order made by a district council in England, the county council (if any) for the area that includes the restricted area;
  - (c) the owner or occupier of land within the restricted area.
- (5) The requirement to notify the owner or occupier of land within the restricted area—
- (a) does not apply to land that is owned or occupied by the local authority;
  - (b) applies only if, and to the extent that, it is reasonably practicable to notify the owner or occupier of the land.”
- (5) Schedule 7 contains amendments relating to subsections (1) to (4).

#### **Commencement Information**

**I17** S. 82 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(n\)](#)

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