



Public Order Act 2023

2023 CHAPTER 15

PART 2

SERIOUS DISRUPTION PREVENTION ORDERS

Serious disruption prevention orders made on conviction

20 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
 - (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—
 - (a) the court is satisfied on the balance of probabilities that the current offence is a protest-related offence (see section 32 (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).
- (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, or
 - (ii) committed a protest-related breach of an injunction (see section 32 (interpretation)) for which P was found in contempt of court,
 - (b) the current offence and P’s conduct mentioned in paragraph (a)—
 - (i) relate to different protests, or

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- (ii) took place on different days, and
 - (c) P's conduct mentioned in paragraph (a) has not been taken into account when making any previous serious disruption prevention order in respect of P.
- (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
 - (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;
 - (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;
 - (d) to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from—
 - (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, for a purpose mentioned in subsection (5)—
 - (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—
 - (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.
- (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,
 - (b) issue a warrant for P's arrest, or
 - (c) hear the proceedings in P's absence.

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- (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
 - (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.

Serious disruption prevention orders made on application

21 Serious disruption prevention order made on application

- (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,
 - (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—
 - (a) on at least two occasions in the relevant period, P has—
 - (i) committed a protest-related offence for which P was convicted, or
 - (ii) committed a protest-related breach of an injunction for which P was found in contempt of court,
 - (b) P’s conduct in relation to each occasion mentioned in paragraph (a)—
 - (i) related to a different protest, or
 - (ii) took place on a different day, and
 - (c) P’s conduct in relation to each occasion mentioned in paragraph (a) has not been taken into account when making any previous serious disruption prevention order in respect of P.
- (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
 - (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;

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- (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;
 - (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;
 - (d) to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from—
 - (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, for a purpose mentioned in subsection (4)—
- (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.
- (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.
- (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.
- (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.
- (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

22 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 20(5) or 21(4) (as the case may be).
- (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.
- (3) Sections 23 and 24 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—
 - (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;
 - (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—
 - (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.
- (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.
- (7) Nothing in this section affects the generality of sections 20(6) and 21(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.

23 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 24, must specify a person who is to be responsible for supervising compliance with the requirement.

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- (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;
 - (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.
- (5) 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”);
 - (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,
 to inform the appropriate chief officer of police.
- (6) In subsection (5)(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.
- (7) Where P is subject to a requirement in a serious disruption prevention order, other than a notification requirement under section 24, P must—
 - (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.
- (8) The obligations mentioned in subsection (7) have effect as if they were requirements imposed on P by the order.

24 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—
- (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.

25 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).
- (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—
- (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
 - (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.
- (5) A serious disruption prevention order may specify periods for which particular requirements or prohibitions have effect.
- (6) 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.
- (7) In this section “custodial sentence”—
- (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).

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26 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.

Offences

27 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—
 - (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.
- (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—
 - (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

28 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—
 - (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;
 - (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;

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- (b) the chief constable of the Civil Nuclear Constabulary;
 - (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—
 - (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.
- (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
 - (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).
- (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,
 - (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
 - (d) to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from—
 - (i) a protest-related offence,
 - (ii) a protest-related breach of an injunction, or
 - (iii) activities related to a protest.
- (9) The court may not renew a serious disruption prevention order more than once.
- (10) Sections 22 to 26 (other than section 24(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
 - (iii) impose an additional prohibition or requirement on P, or
 - (b) the renewal of a serious disruption prevention order,

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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).
- (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;
 - (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;
 - (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.

Appeals

29 Appeal against serious disruption prevention order

- (1) Where a serious disruption prevention order is made under section 20 (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.
- (2) Where a serious disruption prevention order is made under section 21 (order on application) 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 21 (order on application) 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 28 for an order varying, renewing or discharging a serious disruption prevention order made in respect of a person (“P”)—
 - (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;
 - (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—
 - (a) in relation to an appeal under subsection (2), the Crown Court;
 - (b) in relation to an appeal under subsection (3) or (4)—

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- (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.
- (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.

General

30 Guidance

- (1) The Secretary of State may issue guidance to—
- (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—
- (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
 - (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) A chief officer of police or a chief constable mentioned in subsection (1) must have regard to any guidance issued under this section.

31 Guidance: Parliamentary procedure

- (1) Before issuing guidance under section 30, the Secretary of State must lay a draft of the guidance before Parliament.
- (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).

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- (5) In calculating the 40-day period, no account is to be taken of any period during which—
- (a) Parliament is dissolved or prorogued, or
 - (b) both Houses are adjourned for more than 4 days.

32 Interpretation of Part

In this Part—

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

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

“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.

33 Consequential amendments

- (1) In section 3(2) of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions), before paragraph (g) insert—

“(f) to have the conduct of applications for orders under section 20(1)(b) of the Public Order Act 2023 (serious disruption prevention orders on conviction);”.

- (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 2023

section 20

serious disruption prevention order

protest-related offence within the meaning of Part 2 of that Act.”
