



# 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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*Changes to legislation: There are currently no known outstanding effects for the Public Order Act 2023, Section 20. (See end of Document for details)*

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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.

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**Commencement Information**

- I1** S. 20 not in force at Royal Assent, see [s. 35\(5\)](#)
- I2** S. 20 in force at 5.4.2024 by [S.I. 2024/472](#), [reg. 2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Public Order Act 2023, Section 20.