

## STATUTORY INSTRUMENTS

**2023 No. 655**

# PUBLIC ORDER

## [<sup>X1</sup>The Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023

*Made* - - - - *14th June 2023*

*Coming into force* - - *15th June 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 12(12)(b), (13) and (14) and 14(11)(b), (12) and (13) of the Public Order Act 1986(1).

In accordance with sections 12(15) and 14(14) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

### Editorial Information

**X1** **Editorial note:** These Regulations have been ruled unlawful in the High Court, see the judgment dated 21.5.2024 in the case of [National Council for Civil Liberties, R \(on the application of\) v Secretary of State for the Home Department \[2024\] EWHC 1181 \(Admin\)](#)

### Citation, commencement and extent **E+W+S**

1.—(1) These Regulations may be cited as the Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales and Scotland.

### Editorial Information

**X1** **Editorial note:** These Regulations have been ruled unlawful in the High Court, see the judgment dated 21.5.2024 in the case of [National Council for Civil Liberties, R \(on the application of\) v Secretary of State for the Home Department \[2024\] EWHC 1181 \(Admin\)](#)

(1) [1986 c. 64](#). Sections 73 and 74 of the Police, Crime, Sentencing and Courts Act 2022 ([c. 32](#)) made relevant amendments to sections 12 and 14 of this Act, including inserting subsections (2A) to (2C) and (12) to (15) of section 12, and subsections (2A) to (2C) and (11) to (14) of section 14.

### Commencement Information

**II** Reg. 1 in force at 15.6.2023, see [reg. 1\(2\)](#)

### Amendments to section 12 of the Public Order Act 1986 **E+W+S**

**2.—**(1) Section 12 of the Public Order Act 1986 (imposing conditions on public processions) is amended as follows(2).

(2) In subsection (2A), for the words from “, the cases” to the end substitute—

“—

- (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 it may, by way of physical obstruction, result in—
  - (i) the prevention of, or a hindrance that is more than minor to, the carrying out of day-to-day activities (including in particular the making of a journey),
  - (ii) the prevention of, or a delay that is more than minor to, the delivery of a time-sensitive product to consumers of that product, or
  - (iii) the prevention of, or a disruption that is more than minor to, access to any essential goods or any essential service,
- (b) in considering whether a public procession in England and Wales may result in serious disruption to the life of the community, the senior police officer—
  - (i) must take into account all relevant disruption, and
  - (ii) may take into account any relevant cumulative disruption, and
- (c) “community”, in relation to a public procession in England and Wales, means any group of persons that may be affected by the procession, whether or not all or any of those persons live or work in the vicinity of the procession.”.

(3) In subsection (2B), for “subsection (2A)(a)” substitute—

“subsection (2A) and this subsection—

“access to any essential goods or any essential service” includes, in particular, access to—

- (a) the supply of money, food, water, energy or fuel,
- (b) a system of communication,
- (c) a place of worship,
- (d) a transport facility,
- (e) an educational institution, or
- (f) a service relating to health;

“area”, in relation to a public procession or public assembly, means such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from the procession or assembly;

“relevant cumulative disruption”, in relation to a public procession in England and Wales, means the cumulative disruption to the life of the community resulting from—

- (a) the procession,
- (b) any other public procession in England and Wales that was held, is being held or is intended to be held in the same area as the area in which the procession mentioned in

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(2) See section 16 of the Public Order Act 1986 for the definition of “public procession”.

paragraph (a) is being held or is intended to be held (whether or not directions have been given under subsection (1) in relation to that other procession), and

- (c) any public assembly in England and Wales that was held, is being held or is intended to be held in the same area in which the procession mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under section 14(1A) in relation to that assembly),

and it does not matter whether or not the procession mentioned in paragraph (a) and any procession or assembly within paragraph (b) or (c) are organised by the same person, are attended by any of the same persons or are held or are intended to be held at the same time;

“relevant disruption”, in relation to a public procession in England and Wales, means all disruption to the life of the community—

- (a) that may result from the procession, or
- (b) that may occur regardless of whether the procession is held (including in particular normal traffic congestion);”.

#### Editorial Information

- X1** **Editorial note:** These Regulations have been ruled unlawful in the High Court, see the judgment dated 21.5.2024 in the case of [National Council for Civil Liberties, R \(on the application of\) v Secretary of State for the Home Department \[2024\] EWHC 1181 \(Admin\)](#)

#### Commencement Information

- I2** Reg. 2 in force at 15.6.2023, see [reg. 1\(2\)](#)

### Amendments to section 14 of the Public Order Act 1986 **E+W+S**

**3.—(1)** Section 14 of the Public Order Act 1986 (imposing conditions on public assemblies) is amended as follows<sup>(3)</sup>.

(2) In subsection (2A), for the words from “, the cases” to the end substitute—

“—

- (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 it may, by way of physical obstruction, result in—
  - (i) the prevention of, or a hindrance that is more than minor to, the carrying out of day-to-day activities (including in particular the making of a journey),
  - (ii) the prevention of, or a delay that is more than minor to, the delivery of a time-sensitive product to consumers of that product, or
  - (iii) the prevention of, or a disruption that is more than minor to, access to any essential goods or any essential service,
- (b) in considering whether a public assembly in England and Wales may result in serious disruption to the life of the community, the senior police officer—
  - (i) must take into account all relevant disruption, and
  - (ii) may take into account any relevant cumulative disruption, and

<sup>(3)</sup> See section 16 of the Public Order Act 1986 for the definition of “public assembly”.

- (c) “community”, in relation to a public assembly in England and Wales, means any group of persons that may be affected by the assembly, whether or not all or any of those persons live or work in the vicinity of the assembly.”

(3) In subsection (2B), for “subsection (2A)(a)” substitute—  
“subsection (2A) and this subsection—

“access to any essential goods or any essential service” includes, in particular, access to—

- (a) the supply of money, food, water, energy or fuel,
- (b) a system of communication,
- (c) a place of worship,
- (d) a transport facility,
- (e) an educational institution, or
- (f) a service relating to health;

“area”, in relation to a public assembly or public procession, means such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from the assembly or procession;

“relevant cumulative disruption”, in relation to a public assembly in England and Wales, means the cumulative disruption to the life of the community resulting from—

- (a) the assembly,
- (b) any other public assembly in England and Wales that was held, is being held or is intended to be held in the same area in which the assembly mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under subsection (1A) in relation to that other assembly), and
- (c) any public procession in England and Wales that was held, is being held or is intended to be held in the same area as the area in which the assembly mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under section 12(1) in relation to that procession),

and it does not matter whether or not the assembly mentioned in paragraph (a) and any assembly or procession within paragraph (b) or (c) are organised by the same person, are attended by any of the same persons or are held or are intended to be held at the same time;

“relevant disruption”, in relation to a public assembly in England and Wales, means all disruption to the life of the community—

- (a) that may result from the assembly, or
- (b) that may occur regardless of whether the assembly is held (including in particular normal traffic congestion);”.]

#### Editorial Information

**X1 Editorial note:** These Regulations have been ruled unlawful in the High Court, see the judgment dated 21.5.2024 in the case of [National Council for Civil Liberties, R \(on the application of\) v Secretary of State for the Home Department \[2024\] EWHC 1181 \(Admin\)](#)

#### Commencement Information

**I3** Reg. 3 in force at 15.6.2023, see [reg. 1\(2\)](#)

14th June 2023

*Chris Philp*  
Minister of State  
Home Office

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## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

These Regulations make amendments to provisions in the Public Order Act 1986 (c. 64) (“the Act”) concerning the meaning of the expression “serious disruption to the life of the community”.

Section 12 of the Act gives the police a power to impose conditions on people organising and taking part in public processions. A senior police officer can exercise this power if they reasonably believe that a procession may result in serious disruption to the life of the community. Serious disruption to the life of the community is not defined by the Act but subsection (2A) of section 12 sets out a non-exhaustive list of examples which may constitute serious disruption to the life of the community. Subsection (2B) of section 12 provides a definition of “time-sensitive product” for the purpose of subsection (2A).

Regulation 2 amends subsections (2A) and (2B) of section 12 of the Act by refining the list of examples which may constitute serious disruption to the life of the community. The amendments to these subsections also provide that when considering whether a public procession in England and Wales may result in serious disruption to the life of the community, a senior police officer must take into account the disruption that may occur regardless of whether the procession is held, as well as the disruption that may result from the procession, and may take into account the cumulative disruption that may be caused by more than one public procession or public assembly in the same area. The amendments provide that the term “community” extends to anyone who may be affected by the public procession regardless of whether they live or work in the area.

Section 14 of the Act gives the police a similar power to that in section 12, in relation to public assemblies. Regulation 3 makes the same amendments to section 14 of the Act as regulation 2 makes to section 12.

Although sections 12 and 14 of the Act extend to England and Wales and Scotland, subsections (2A) and (2B) of those sections only apply to processions and assemblies in England and Wales. Similarly, these Regulations extend to England and Wales and Scotland but only apply to processions and assemblies in England and Wales.

An Economic Note in relation to the effect that these Regulations will have on the costs of business, the voluntary sector and the public sector has been prepared. A copy is annexed to the Explanatory Memorandum which is available alongside these Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk). Copies may also be obtained from the Police Powers Unit at the Home Office, 2 Marsham Street, London SW1P 4DF ([mark.williams@homeoffice.gov.uk](mailto:mark.williams@homeoffice.gov.uk)).

**Changes to legislation:**

There are currently no known outstanding effects for the The Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023.