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STATUTORY INSTRUMENTS

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**2023 No. 655**

**The Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023**

**[<sup>XI</sup>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<sup>(1)</sup>.

(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;

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<sup>(1)</sup> See section 16 of the Public Order Act 1986 for the definition of “public procession”.

“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 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);”.]

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**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 \(Admin\)](#)

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**Commencement Information**

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

**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, Section 2.