



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 4

#### COMMUNITY PROTECTION

### CHAPTER 2

#### PUBLIC SPACES PROTECTION ORDERS [<sup>F1</sup>AND EXPEDITED ORDERS]

##### Textual Amendments

- F1** Words in Pt. 4 Ch. 2 heading inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(1), [Sch. 7 para. 2](#); S.I. 2022/520, reg. 5(j)

#### *Public spaces protection orders [<sup>F2</sup>and expedited orders]*

##### Textual Amendments

- F2** Words in s. 59 cross-heading inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(1), [Sch. 7 para. 3](#); S.I. 2022/520, reg. 5(j)

#### **59 Power to make [<sup>F3</sup>public spaces protection] orders**

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is that—

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- (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
  - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- (3) The second condition is that the effect, or likely effect, of the activities—
- (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 notice.
- (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) (“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.
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
- (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
  - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- (6) 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.
- (7) A public spaces protection order must—
- (a) identify the activities referred to in subsection (2);
  - (b) explain the effect of section 63 (where it applies) and section 67;
  - (c) specify the period for which the order has effect.
- (8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.

#### **Textual Amendments**

**F3** Words in s. 59 heading inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 4](#); S.I. 2022/520, reg. 5(j)

#### **Commencement Information**

**I1** S. 59 in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

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## **[<sup>F4</sup>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
  - (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.

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- (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.
- (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.]

#### **Textual Amendments**

- F4** [S. 59A](#) inserted (28.4.2022 for specified purposes, 28.6.2022 in so far as not already in force) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 82(2)**, 208(4)(n); S.I. 2022/520, reg. 5(j)

## **60 Duration of [F5public spaces protection] orders**

- (1) A public spaces protection order may not have effect for a period of more than 3 years, unless extended under this section.
- (2) Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it 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) An extension under this section—
- (a) may not be for a period of more than 3 years;
  - (b) must be published in accordance with regulations made by the Secretary of State.

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(4) A public spaces protection order may be extended under this section more than once.

#### Textual Amendments

**F5** Words in s. 60 heading inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 5](#); S.I. 2022/520, reg. 5(j)

#### Commencement Information

**I2** S. 60 in force at 20.10.2014 by S.I. 2014/2590, [art. 3\(c\)](#)

### [<sup>F6</sup>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.]

#### Textual Amendments

**F6** S. 60A inserted (28.4.2022 for specified purposes, 28.6.2022 in so far as not already in force) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 82\(3\)](#), 208(4)(n); S.I. 2022/520, reg. 5(j)

### 61 Variation and discharge of orders

- (1) Where a public spaces protection order [<sup>F7</sup>or expedited order] is in force, the local authority that made the order may vary it—
  - (a) by increasing or reducing the restricted area;
  - (b) by altering or removing a prohibition or requirement included in the order, or adding a new one.
- (2) A local authority may [<sup>F8</sup>under subsection (1)(a) make a variation to a public spaces protection order] that results in the order applying to an area to which it did not previously apply only if the conditions in section 59(2) and (3) are met as regards activities in that area.

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- [<sup>F9</sup>(2A) A local authority may under subsection (1)(a) make a variation to an expedited order that results in the order applying to an area to which it did not previously apply only if the conditions in section 59A(2) to (4) are met as regards that area.]
- (3) A local authority may make a variation under subsection (1)(b) that makes a prohibition or requirement more extensive, or adds a new one, only if the prohibitions and requirements imposed by the order as varied are ones that section 59(5) [<sup>F10</sup>or 59A(6) (as the case may be)] allows to be imposed.
- (4) A public spaces protection order [<sup>F11</sup>or expedited order] may be discharged by the local authority that made it.
- (5) Where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State.
- (6) Where an order is discharged, a notice identifying the order and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.

#### Textual Amendments

- F7** Words in s. 61(1) inserted (28.6.2022) by *Police, Crime, Sentencing and Courts Act 2022* (c. 32), s. 208(1), **Sch. 7 para. 6(2)**; S.I. 2022/520, reg. 5(j)
- F8** Words in s. 61(2) substituted (28.6.2022) by *Police, Crime, Sentencing and Courts Act 2022* (c. 32), s. 208(1), **Sch. 7 para. 6(3)**; S.I. 2022/520, reg. 5(j)
- F9** S. 61(2A) inserted (28.6.2022) by *Police, Crime, Sentencing and Courts Act 2022* (c. 32), s. 208(1), **Sch. 7 para. 6(4)**; S.I. 2022/520, reg. 5(j)
- F10** Words in s. 61(3) inserted (28.6.2022) by *Police, Crime, Sentencing and Courts Act 2022* (c. 32), s. 208(1), **Sch. 7 para. 6(5)**; S.I. 2022/520, reg. 5(j)
- F11** Words in s. 61(4) inserted (28.6.2022) by *Police, Crime, Sentencing and Courts Act 2022* (c. 32), s. 208(1), **Sch. 7 para. 6(6)**; S.I. 2022/520, reg. 5(j)

#### Commencement Information

- I3** S. 61 in force at 20.10.2014 by S.I. 2014/2590, **art. 3(c)**

### *Prohibition on consuming alcohol*

## 62 Premises etc to which alcohol prohibition does not apply

- (1) A prohibition in a public spaces protection order [<sup>F12</sup>or expedited order] on consuming alcohol does not apply to—
- (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
  - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
  - (c) a place within the curtilage of premises within paragraph (a) or (b);
  - (d) premises which by virtue of Part 5 of the *Licensing Act 2003* may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;

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- (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).
- (2) A prohibition in a public spaces protection order [<sup>F13</sup>or an expedited order] on consuming alcohol does not apply to council-operated licensed premises—
  - (a) when the premises are being used for the supply of alcohol, or
  - (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.
- (3) In this section—
  - “club premises certificate” has the meaning given by section 60 of the Licensing Act 2003;
  - “premises licence” has the meaning given by section 11 of that Act;
  - “supply of alcohol” has the meaning given by section 14 of that Act.
- (4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and—
  - (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
  - (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

#### Textual Amendments

- F12** Words in s. 62(1) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 7\(2\)](#); S.I. 2022/520, reg. 5(j)
- F13** Words in s. 62(2) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 7\(3\)](#); S.I. 2022/520, reg. 5(j)

#### Commencement Information

- I4** S. 62 in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

## 63 Consumption of alcohol in breach of prohibition in order

- (1) This section applies where a constable or an authorised person reasonably believes that a person (P)—
  - (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order [<sup>F14</sup>or an expedited order], or
  - (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the <sup>F15</sup>... order (or authorised by virtue of section 69(1)).

- (2) The constable or authorised person may require P—
  - (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
  - (b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

*Status: Point in time view as at 07/02/2023.*

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- (3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.
- (4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—
  - (a) is asked by P to show evidence of his or her authorisation, and
  - (b) fails to do so.
- (5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.
- (6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### **Textual Amendments**

- F14** Words in s. 63(1)(a) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 8\(a\)](#); S.I. 2022/520, reg. 5(j)
- F15** Words in s. 63(1) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 8\(b\)](#); S.I. 2022/520, reg. 5(j)

#### **Modifications etc. (not altering text)**

- C1** [S. 63](#) extended by 2002 c. 30, Sch. 4 para. 5 (as substituted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 69\(1\)](#), [185\(1\)](#) (with [ss. 21](#), [33](#), [42](#), [58](#), [75](#), [93](#)); S.I. 2014/2590, art. 3(c))

#### **Commencement Information**

- I5** [S. 63](#) in force at 20.10.2014 by S.I. 2014/2590, [art. 3\(c\)](#)

### *Restrictions on public rights of way*

#### **64 Orders restricting public right of way over highway**

- (1) A local authority may not make a public spaces protection order [<sup>F16</sup>or expedited order] that restricts the public right of way over a highway without considering—
    - (a) the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway;
    - (b) the likely effect of making the order on other persons in the locality;
    - (c) in a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.
- [<sup>F17</sup>(1A) Before making a public spaces protection order that restricts the public right of way over a highway, a local authority must take the prior consultation steps (see subsection (2)).
- (1B) A local authority may not make an expedited order that restricts the public right of way over a highway unless it—
    - (a) takes the prior consultation steps before making the order, or



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(b) takes the subsequent consultation steps (see subsection (2A)) as soon as reasonably practicable after making the order.]

- (2) [<sup>F18</sup>To take the “prior consultation steps” in relation to an order means to]—
- (a) notify potentially affected persons of the proposed order,
  - (b) inform those persons how they can see a copy of the proposed order,
  - (c) notify those persons of the period within which they may make representations about the proposed order, and
  - (d) consider any representations made.

In this subsection “potentially affected persons” means occupiers of premises adjacent to or adjoining the highway, and any other persons in the locality who are likely to be affected by the proposed order.

- [<sup>F19</sup>(2A) To take the “subsequent consultation steps” in relation to an expedited order means to—
- (a) notify potentially affected persons of the order,
  - (b) invite those persons to make representations within a specified period about the terms and effects of the order,
  - (c) inform those persons how they can see a copy of the order, and
  - (d) consider any representations made.

The definition of “potentially affected persons” in subsection (2) applies to this subsection as if the reference there to “the proposed order” were to “the order”.]

- (3) Before a local authority makes a public spaces protection order restricting the public right of way over a highway that is also within the area of another local authority, it must consult that other authority if it thinks it appropriate to do so.

- [<sup>F20</sup>(3B) Where a local authority proposes to make an expedited order restricting the public right of way over a highway that is also within the area of another local authority it must, if it thinks appropriate to do so, consult that other authority before, or as soon as reasonably practicable after, making the order.]

- (4) A public spaces protection order [<sup>F21</sup>or expedited order] may not restrict the public right of way over a highway for the occupiers of premises adjoining or adjacent to the highway.
- (5) A public spaces protection order [<sup>F22</sup>or expedited order] may not restrict the public right of way over a highway that is the only or principal means of access to a dwelling.
- (6) In relation to a highway that is the only or principal means of access to premises used for business or recreational purposes, a public spaces protection order [<sup>F23</sup>or expedited order] may not restrict the public right of way over the highway during periods when the premises are normally used for those purposes.
- (7) A public spaces protection order [<sup>F24</sup>or expedited order] that restricts the public right of way over a highway may authorise the installation, operation and maintenance of a barrier or barriers for enforcing the restriction.
- (8) A local authority may install, operate and maintain barriers authorised under subsection (7).

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- (9) A highway over which the public right of way is restricted by a public spaces protection order [<sup>F25</sup>or expedited order] does not cease to be regarded as a highway by reason of the restriction (or by reason of any barrier authorised under subsection (7)).
- (10) In this section—
- “dwelling” means a building or part of a building occupied, or intended to be occupied, as a separate dwelling;
- “highway” has the meaning given by section 328 of the Highways Act 1980.

#### Textual Amendments

- F16** Words in s. 64(1) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 9\(2\)](#); S.I. 2022/520, reg. 5(j)
- F17** S. 64(1A)(1B) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 9\(3\)](#); S.I. 2022/520, reg. 5(j)
- F18** Words in s. 64(2) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 9\(4\)](#); S.I. 2022/520, reg. 5(j)
- F19** S. 64(2A) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 9\(5\)](#); S.I. 2022/520, reg. 5(j)
- F20** S. 64(3B) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 9\(6\)](#); S.I. 2022/520, reg. 5(j)
- F21** Words in s. 64(4) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 9\(7\)](#); S.I. 2022/520, reg. 5(j)
- F22** Words in s. 64(5) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 9\(7\)](#); S.I. 2022/520, reg. 5(j)
- F23** Words in s. 64(6) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 9\(7\)](#); S.I. 2022/520, reg. 5(j)
- F24** Words in s. 64(7) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 9\(7\)](#); S.I. 2022/520, reg. 5(j)
- F25** Words in s. 64(9) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 9\(7\)](#); S.I. 2022/520, reg. 5(j)

#### Commencement Information

- I6** S. 64 in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

## 65 Categories of highway over which public right of way may not be restricted

- (1) A public spaces protection order [<sup>F26</sup>or an expedited order] may not restrict the public right of way over a highway that is—
- (a) a special road;
  - (b) a trunk road;
  - (c) a classified or principal road;
  - (d) a strategic road;
  - (e) a highway in England of a description prescribed by regulations made by the Secretary of State;
  - (f) a highway in Wales of a description prescribed by regulations made by the Welsh Ministers.
- (2) In this section—

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“classified road”, “special road” and “trunk road” have the meaning given by section 329(1) of the Highways Act 1980;

“highway” has the meaning given by section 328 of that Act;

“principal road” has the meaning given by section 12 of that Act (and see section 13 of that Act);

“strategic road” has the meaning given by section 60(4) of the Traffic Management Act 2004.

#### Textual Amendments

**F26** Words in s. 65(1) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 10](#); [S.I. 2022/520](#), reg. 5(j)

#### Commencement Information

**I7** [S. 65](#) in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

### *Validity of orders*

## 66 Challenging the validity of orders

(1) An interested person may apply to the High Court to question the validity of—

- (a) a public spaces protection order [<sup>F27</sup>or an expedited order], or
- (b) a variation of a public spaces protection order [<sup>F27</sup>or an expedited order].

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

(2) The grounds on which an application under this section may be made are—

- (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- (b) that a requirement under this Chapter was not complied with in relation to the order or variation.

(3) An application under this section must be made within the period of 6 weeks beginning with the date on which the order or variation is made.

(4) On an application under this section the High Court may by order suspend the operation of the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied), until the final determination of the proceedings.

(5) If on an application under this section the High Court is satisfied that—

- (a) the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
- (b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under this Chapter,

the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).

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- (6) A public spaces protection order [<sup>F28</sup>or an expedited order], or any of the prohibitions or requirements imposed by the order (or by the order as varied), may be suspended under subsection (4) or quashed under subsection (5)—
- (a) generally, or
  - (b) so far as necessary for the protection of the interests of the applicant.
- (7) An interested person may not challenge the validity of a public spaces protection order [<sup>F29</sup>or an expedited order], or of a variation of [<sup>F30</sup>such an] order, in any legal proceedings (either before or after it is made) except—
- (a) under this section, or
  - (b) under subsection (3) of section 67 (where the interested person is charged with an offence under that section).

#### Textual Amendments

- F27** Words in s. 66(1) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 11\(2\)](#); S.I. 2022/520, reg. 5(j)
- F28** Words in s. 66(6) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 11\(2\)](#); S.I. 2022/520, reg. 5(j)
- F29** Words in s. 66(7) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 11\(3\)\(a\)](#); S.I. 2022/520, reg. 5(j)
- F30** Words in s. 66(7) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 11\(3\)\(b\)](#); S.I. 2022/520, reg. 5(j)

#### Commencement Information

- I8** S. 66 in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

### *Failure to comply with orders*

## 67 Offence of failing to comply with order

- (1) It is an offence for a person without reasonable excuse—
- (a) to do anything that the person is prohibited from doing by a public spaces protection order [<sup>F31</sup>or an expedited order], or
  - (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order [<sup>F31</sup>or an expedited order].
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order [<sup>F32</sup>or expedited order].
- (4) Consuming alcohol in breach of a public spaces protection order [<sup>F33</sup>or an expedited order] is not an offence under this section (but see section 63).

#### Textual Amendments

- F31** Words in s. 67(1) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 12\(2\)](#); S.I. 2022/520, reg. 5(j)

*Status: Point in time view as at 07/02/2023.*

*Changes to legislation: Anti-social Behaviour, Crime and Policing Act 2014, CHAPTER 2 is up to date with all changes known to be in force on or before 12 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**F32** Words in s. 67(3) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 12(3)**; S.I. 2022/520, reg. 5(j)

**F33** Words in s. 67(4) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 12(2)**; S.I. 2022/520, reg. 5(j)

#### **Commencement Information**

**I9** S. 67 in force at 20.10.2014 by S.I. 2014/2590, **art. 3(c)**

## **68 Fixed penalty notices**

- (1) A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 or 67 in relation to a public spaces protection order [<sup>F34</sup>or an expedited order].
- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.
- (3) The local authority specified under subsection (2) must be the one that made the public spaces protection order [<sup>F35</sup>or expedited order].
- (4) Where a person is issued with a notice under this section in respect of an offence—
  - (a) no proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice;
  - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (5) A fixed penalty notice must—
  - (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
  - (b) state the period during which (because of subsection (4)(a)) proceedings will not be taken for the offence;
  - (c) specify the amount of the fixed penalty;
  - (d) state the name and address of the person to whom the fixed penalty may be paid;
  - (e) specify permissible methods of payment.
- (6) An amount specified under subsection (5)(c) must not be more than £100.
- (7) A fixed penalty notice may specify two amounts under subsection (5)(c) and specify that, if the lower of those amounts is paid within a specified period (of less than 14 days), that is the amount of the fixed penalty.
- (8) Whatever other method may be specified under subsection (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under subsection (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (9) Where a letter is sent as mentioned in subsection (8), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (10) In any proceedings, a certificate that—

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- (a) purports to be signed by or on behalf of the chief finance officer of the local authority concerned, and
- (b) states that payment of a fixed penalty was, or was not, received by the dated specified in the certificate,
- is evidence of the facts stated.

(11) In this section—

“authorised person” means a person authorised for the purposes of this section by the local authority that made the order (or authorised by virtue of section 69(2));

“chief finance officer”, in relation to a local authority, means the person with responsibility for the authority's financial affairs.

#### Textual Amendments

**F34** Words in s. 68(1) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 13\(2\)](#); S.I. 2022/520, reg. 5(j)

**F35** Words in s. 68(3) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 13\(3\)](#); S.I. 2022/520, reg. 5(j)

#### Commencement Information

**I10** S. 68 in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

### *Supplemental*

## <sup>F36</sup> 69 Powers of community support officers

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#### Textual Amendments

**F36** S. 69 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 31\(c\)](#); S.I. 2017/1139, reg. 2(k) (as amended by [S.I. 2017/1162](#), reg. 2)

## 70 Byelaws

A byelaw that prohibits, by the creation of an offence, an activity regulated by a public spaces protection order [<sup>F37</sup>or an expedited order] is of no effect in relation to the restricted area during the currency of the order.

#### Textual Amendments

**F37** Words in s. 70 inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 14](#); S.I. 2022/520, reg. 5(j)

#### Commencement Information

**I11** S. 70 in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

*Status: Point in time view as at 07/02/2023.*

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## 71 Bodies other than local authorities with statutory functions in relation to land

- (1) The Secretary of State may by order—
- (a) designate a person or body (other than a local authority) that has power to make byelaws in relation to particular land, and
  - (b) specify land in England to which the power relates.
- (2) This Chapter has effect as if—
- (a) a person or body designated under subsection (1) (a “designated person”) were a local authority, and
  - (b) land specified under that subsection were within its area.

But references in the rest of this section to a local authority are to a local authority that is not a designated person.

- (3) The only prohibitions or requirements that may be imposed in a public spaces protection order [<sup>F38</sup>or an expedited order] made by a designated person are ones that it has power to impose (or would, but for section 70, have power to impose) by making a byelaw in respect of the restricted area.
- (4) A public spaces protection order [<sup>F38</sup>or an expedited order] made by a designated person may not include provision regulating, in relation to a particular public space, an activity that is already regulated in relation to that space by a public spaces protection order [<sup>F38</sup>or an expedited order] made by a local authority.
- (5) Where a public spaces protection order [<sup>F38</sup>or an expedited order] made by a local authority regulates, in relation to a particular public space, an activity that a public spaces protection order [<sup>F38</sup>or an expedited order] made by a designated person already regulates, the order made by the designated person ceases to have that effect.
- (6) If a person or body that may be designated under subsection (1)(a) gives a notice in writing under this subsection, in respect of land in relation to which it has power to make byelaws, to a local authority in whose area the land is situated—
- (a) no part of the land may form, or fall within, the restricted area of any public spaces protection order [<sup>F39</sup>or expedited order] made by the local authority;
  - (b) if any part of the land—
    - (i) forms the restricted area of a public spaces protection order [<sup>F40</sup>, or an expedited order,] already made by the local authority, or
    - (ii) falls within such an area,the order has ceases to have effect (where sub-paragraph (i) applies), or has effect as if the restricted area did not include the land in question (where sub-paragraph (ii) applies).

### Textual Amendments

- F38** Words in s. 71(3)-(5) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 15(2)**; S.I. 2022/520, reg. 5(j)
- F39** Words in s. 71(6)(a) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 15(3)(a)**; S.I. 2022/520, reg. 5(j)
- F40** Words in s. 71(6)(b)(i) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 15(3)(b)**; S.I. 2022/520, reg. 5(j)

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### Commencement Information

**I12** S. 71 in force at 20.10.2014 by S.I. 2014/2590, art. 3(c)

## 72 [F41Public spaces protection orders:] Convention rights, consultation, publicity and notification

- (1) A local authority, in deciding—
  - (a) whether to make a public spaces protection order (under section 59) and if so what it should include,
  - (b) whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,
  - (c) whether to vary a public spaces protection order (under section 61) and if so how, or
  - (d) whether to discharge a public spaces protection order (under section 61),
 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 carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—
  - (a) making a public spaces protection order,
  - (b) extending the period for which a public spaces protection order has effect, or
  - (c) varying or discharging a public spaces protection order.
- (4) In subsection (3)—
 

“the necessary consultation” means consulting with—

  - (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;

“the necessary publicity” means—

  - (a) in the case of a proposed order or variation, publishing the text of it;
  - (b) in the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension, 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 a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area.
- (5) The requirement to consult with the owner or occupier of land within the restricted area—
  - (a) does not apply to land that is owned and occupied by the local authority;



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- (b) applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.
- (6) In the case of a person or body designated under section 71, the necessary consultation also includes consultation with the local authority which (ignoring subsection (2) of that section) is the authority for the area that includes the restricted area.
- (7) In relation to a variation of a public spaces protection order that would increase the restricted area, the restricted area for the purposes of this section is the increased area.

#### Textual Amendments

**F41** Words in s. 72 heading inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 16](#); S.I. 2022/520, reg. 5(j)

#### Commencement Information

**I13** S. 72 in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

### [<sup>F42</sup>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),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—

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“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 subparagraph (i) of section 59A(2)(b), the NHS body mentioned in that subparagraph;
- (b) if the order was made, or is proposed to be made, in reliance on subparagraph (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 subparagraph 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.

#### Textual Amendments

**F42** Ss. 72A, 72B inserted (28.4.2022 for specified purposes, 28.6.2022 in so far as not already in force) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 82(4), 208(4)(n); S.I. 2022/520, reg. 5(j)

### **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.
- (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—

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- (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.]

#### Textual Amendments

**F42** Ss. 72A, 72B inserted (28.4.2022 for specified purposes, 28.6.2022 in so far as not already in force) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 82(4), 208(4)(n); S.I. 2022/520, reg. 5(j)

### 73 Guidance

- (1) The Secretary of State may issue—
  - (a) guidance to local authorities about the exercise of their functions under this Chapter and those of persons authorised by local authorities under section 63 or 68;
  - (b) guidance to chief officers of police about the exercise, by officers under their direction or control, of those officers' functions under this Part.
- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

#### Commencement Information

**I14** S. 73 in force at 20.10.2014 by S.I. 2014/2590, art. 3(c)

### 74 Interpretation of Chapter 2

- (1) In this Chapter—
  - [<sup>F43</sup>“16 to 19 Academy” has the meaning given by section 1B of the Academies Act 2010;]
  - “alcohol” has the meaning given by section 191 of the Licensing Act 2003;
  - “community representative”, in relation to a public spaces protection order that a local authority proposes to make or has made, means any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area;
  - [<sup>F43</sup>“expedited order” has the meaning given by section 59A(1);]
  - “local authority” means—
    - (a) in relation to England, a district council, a county council for an area for which there is no district council, a London borough council, the Common Council of the City of London (in its capacity as a local authority) or the Council of the Isles of Scilly;
    - (b) in relation to Wales, a county council or a county borough council;
  - [<sup>F43</sup>“Local Health Board” means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;]
  - [<sup>F43</sup>“NHS body” has the meaning given in section 275 of the National Health Service Act 2006;]

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“public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

[<sup>F44</sup>“restricted area”—

(a) in relation to a public spaces protection order, has the meaning given by section 59(4);

(b) in relation to an expedited order, has the meaning given by section 59A(5).]

[<sup>F43</sup>“school” has the meaning given by section 4 of the Education Act 1996.]

(2) For the purposes of this Chapter, a public spaces protection order “regulates” an activity if the activity is—

(a) prohibited by virtue of section 59(4)(a), or

(b) subjected to requirements by virtue of section 59(4)(b),

whether or not for all persons and at all times.

[<sup>F45</sup>(3) For the purposes of this Chapter, an expedited order “regulates” an activity if the activity is—

(a) prohibited by virtue of section 59A(5)(a), or

(b) subjected to requirements by virtue of section 59A(5)(b),

whether or not for all persons and at all times.]

#### Textual Amendments

**F43** Words in s. 74(1) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 17\(2\)\(a\)](#); S.I. 2022/520, reg. 5(j)

**F44** Words in s. 74(1) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 17\(2\)\(b\)](#); S.I. 2022/520, reg. 5(j)

**F45** S. 74(3) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 17\(3\)](#); S.I. 2022/520, reg. 5(j)

#### Commencement Information

**I15** S. 74 in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

## 75 Saving and transitional provision

(1) The repeal or amendment by this Act of provisions about any of the orders specified in subsection (2) does not apply in relation to—

(a) an order specified in that subsection made before the commencement day;

(b) anything done in connection with such an order.

(2) The orders are—

(a) a gating order under Part 8A of the Highways Act 1980;

(b) an order under section 13(2) of the Criminal Justice and Police Act 2001 (power of local authority to designate public place for restrictions on alcohol consumption);

(c) a dog control order under Chapter 1 of Part 6 of the Clean Neighbourhoods and Environment Act 2005.

(3) At the end of the period of 3 years beginning with the commencement day—

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**Status:** Point in time view as at 07/02/2023.

**Changes to legislation:** Anti-social Behaviour, Crime and Policing Act 2014, CHAPTER 2 is up to date with all changes known to be in force on or before 12 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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- (a) this Chapter has effect in relation to any order specified in subsection (2) that is still in force as if the provisions of the order were provisions of a public spaces protection order;
- (b) subsection (1) ceases to have effect.

This Part, as it applies by virtue of paragraph (a), has effect with any necessary modifications (and with any modifications specified in an order under section 185(7)).

- (4) In this section “commencement day” means the day on which this Chapter comes into force.

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**Commencement Information**

**I16** S. 75 in force at 20.10.2014 by S.I. 2014/2590, art. 3(c)

**Status:**

Point in time view as at 07/02/2023.

**Changes to legislation:**

Anti-social Behaviour, Crime and Policing Act 2014, CHAPTER 2 is up to date with all changes known to be in force on or before 12 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.